

ASPHALT



SPECIALTIES CO.

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April 7, 2023

Ms. Nikie Gagnon
Environmental Protection Specialist
Division of Reclamation, Mining and Safety
Department of Natural Resources
1313 Sherman Street, Room 215
Denver, Colorado 80203

Re: Corrective Action Due Date Extension Request for Problems #1, #2, and #4 Identified During the February 9, 2023 Inspection at ASCI's Speer Mining Resource M-1983-176 & Demonstration that Corrective Action is Complete for Problem #3

Ms. Gagnon:

Asphalt Specialties Co., Inc. (ASCI) respectfully requests a 73-day extension to the current Corrective Action Due Date of April 10, 2023 to **June 22, 2023** for Problem #1, Problem #2, and Problem #4 identified during the February 9, 2023 inspection at the Speer Mining Resource. This date has been selected to correspond with the current decision date for ASCI's Technical Revision No. 5 for the mine.

A mediation hearing between legal representatives for ASCI and Ray Crom is scheduled for Tuesday, April 25th. We requested mediation to move the reclamation process forward as expeditiously as possible. If successful, the mediation should help to resolve access and related issues to allow the reclamation process to move forward (Problems #1 & #4). In addition, ASCI is preparing a redevelopment proposal for the property and will be submitting a pre-application meeting request to Adams County once our preliminary design and engineering work is completed. The redevelopment plan will address how existing structures will be reclaimed (Problem #2).

To demonstrate corrective action is complete for Problem #3, ASCI has attached evidence of aerial photographs with pond surface area calculations to show that ASCI is in compliance with the Office of the State Engineer (SEO). The portion of property owned by Ray Crom within the mine permit boundary is 1.8 acres. After access was denied to Mr. Crom's property, ASCI continued to conduct reclamation activities throughout 2022 on our property (i.e., beyond August 3, 2022 when the estimated pond size was 2.55 acres). Reclamation activities included filling in the pond up to Mr. Crom's property lines. The attached documentation demonstrates that the surface area of exposed groundwater in the pond is less than 2-acres.



Ms. Nikie Gagnon – DRMS
Speer Mining Resource (Permit No. M-1983-176)

April 7, 2023
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Please contact me at 720-322-7055 or GregG@asphaltspecialties.com should you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Greg Geras", with a long horizontal flourish extending to the right.

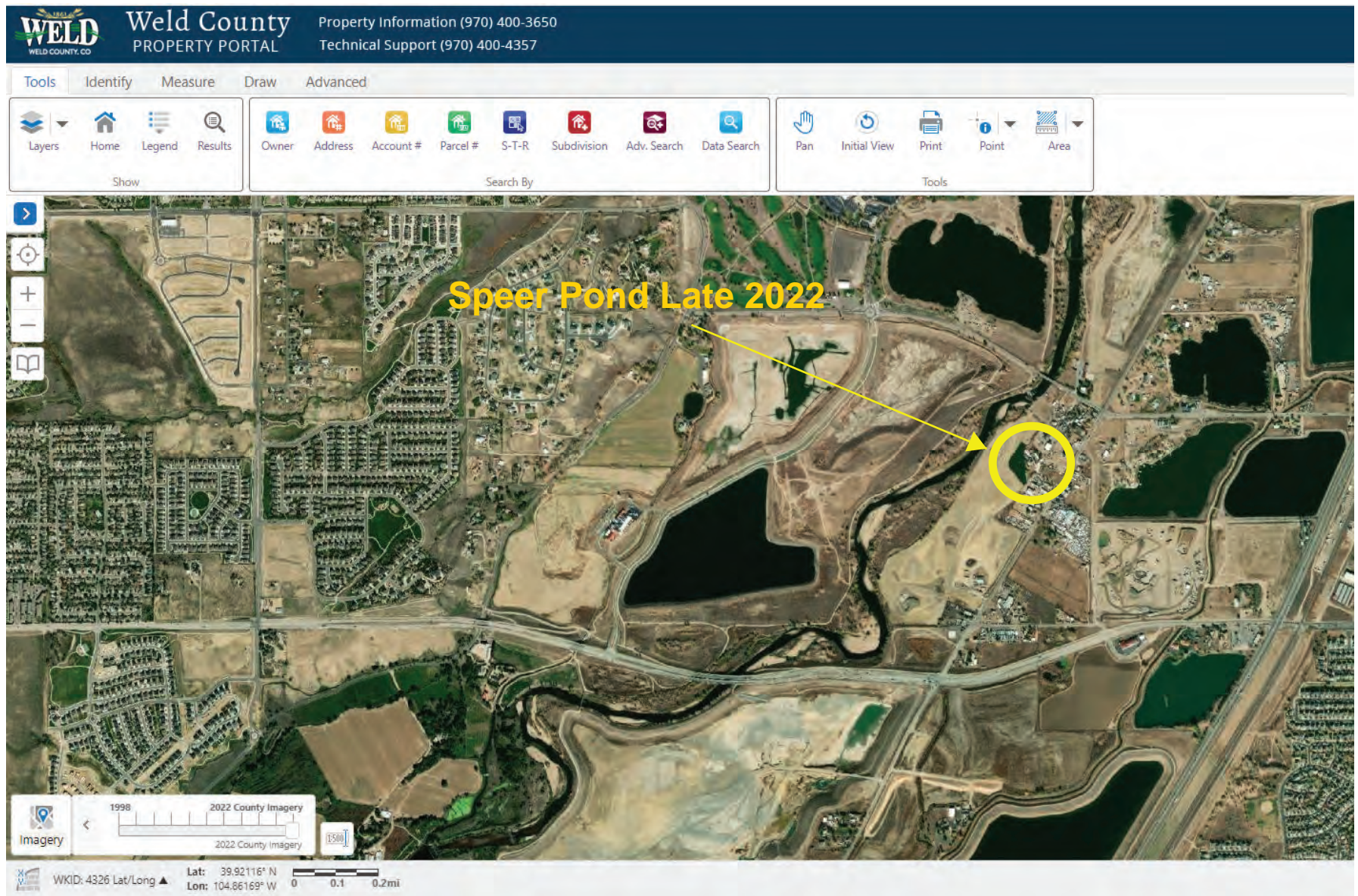
Greg Geras
Land Resource Manager
Asphalt Specialties Co, Inc.

Attachments

Attachment 1 - Speer Pond: Aerial Photos with Surface Area Calculations = Less than 2-acres

Speer Pond: Aerial Photos with Surface Area Calculations = Less than 2-acres

Screenshot from Weld County Property Portal (i.e., source for all images) – Website Scale = 1 : 18,056

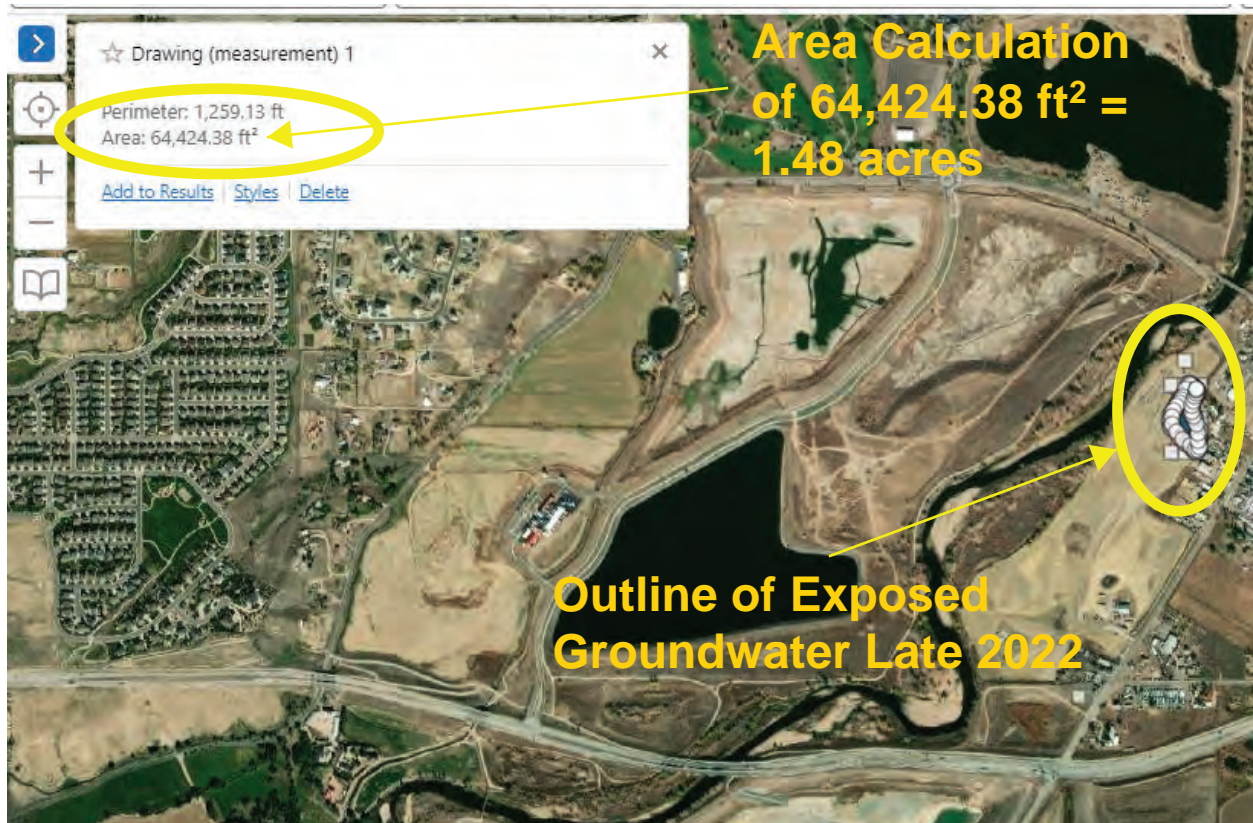


Speer Pond: Aerial Photos with Surface Area Calculations = Less than 2-acres

Website Scale 1 : 18,056 screenshots cropped and expanded to show pond exposed groundwater surface area. Observe shape is significantly smaller than 8/3/2022 Google Earth Image and matches approximate shape on TR-04 map (i.e., pond within 1.8 acres of property owned by Ray Crom).

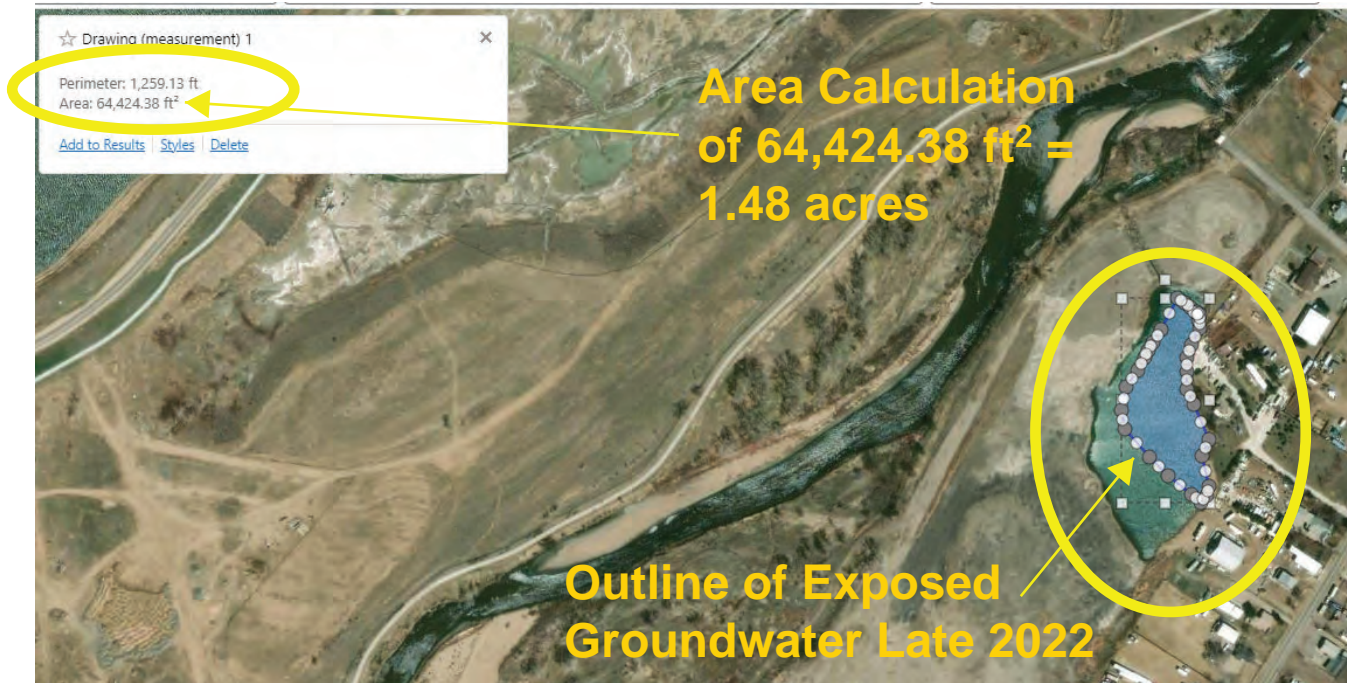


Outline of approximate pond exposed groundwater surface area on website with Area calculation.



Speer Pond: Aerial Photos with Surface Area Calculations = Less than 2-acres

Website Scale 1 : 9,026 image cropped and expanded to show the previous outline of approximate pond exposed groundwater surface area. Observe that the background photograph changes when you zoom in to this scale on the website, but the previous pond outline remains present.



Current approximate exposed groundwater surface area overlain on Scale 1 : 9,026 image taken prior to current backfill.



Conclusion = Exposed Groundwater Surface Area in Pond is less than 2-acres