



June 26, 2023

Jodi Schreiber  
Fremont Paving and Redi Mix, Inc.  
839 Mackenzie Ave, PO Box 841  
Canon City, CO 81215

**RE: Two Rivers Pit, Permit No. M-1998-038, Inspection Problem Updated Deadlines**

Dear Ms. Schreiber,

On June 13, 2023 the Division approved the Succession of Operators (SO-1) application which appointed Fremont Paving and Redi Mix, Inc. as the new permittee for the Two Rivers Pit (M-1998-038). On June 26, 2023 the Division of Reclamation, Mining, and Safety (DRMS/Division) adjusted the inspection problem deadlines cited in the March and April 2023 inspection reports for the Two Rivers Pit to allow Fremont Paving and Redi Mix, Inc. time to correct outstanding issues. The updated deadlines are as follows:

1. **INSPECTION TOPIC:** Gen. Compliance With Mine Plan

**PROBLEM:** There are highwalls present in both the Phase 2 and Phase 3 areas of the site. The currently approved mining plan does not allow for the existence of highwalls. Also, the current mine plan allows for 99 acres to be affected at one time. The Division estimates that approximately 112 acres (excluding the access road) are currently affected. The current mine plan needs to be updated and clarified pursuant to C.R.S. 34-32.5-112(1)(c)(VI). The Operator must provide sufficient information to describe or identify how the Operator intends to conduct the operation.

**CORRECTIVE ACTIONS:** The Operator shall submit a Technical Revision, with the required \$216 revision fee, to update and clarify the current approved mine plan to reflect existing and proposed activities by the corrective action date.

**CORRECTIVE ACTION DUE DATE:** 7/26/23

2. **INSPECTION TOPIC:** Off-site Damage

**PROBLEM:** The Operator has affected land within a defined 200 foot buffer zone area without prior approval. This is a problem at this time pursuant to C.R.S. 34-32.5-116(4)(i) for failure to protect areas outside of the affected land from slides or damages occurring during the mining operation.

**CORRECTIVE ACTIONS:** The current Operator or the prospective Successor will be required to back-fill the highwalls that currently exist in the off-site area to the original elevation. Additionally, the current Operator or prospective Successor will be responsible for spreading and seeding topsoil over the 200 foot buffer area that was affected by mining. The current Operator or prospective Successor will have 60 days from the date of this letter to bring this area in compliance. Or, the Operator shall submit a technical revision to revise the buffer zone area as discussed in the body of the report by the corrective action date.

**CORRECTIVE ACTION DUE DATE:** 8/23/23



3. **INSPECTION TOPIC:** Other

**PROBLEM:** An unknown substance was observed in the Phase 2 area. It is unclear how the Operator will handle this material in accordance with Rule 3.1.5.

**CORRECTIVE ACTIONS:** Please provide a written explanation explaining what this material is, how it is used, why it is stored onsite, and how it will be disposed of by the corrective action date.

**CORRECTIVE ACTION DUE DATE:** 7/26/23

4. **INSPECTION TOPIC:** Signs & Markers

**PROBLEM:** Affected area boundary markers were not observed per the requirements of Rule 3.1.12.

**CORRECTIVE ACTIONS:** The boundaries of the affected area must be marked by monuments or other markers that are clearly visible and adequate to delineate such boundaries.

**CORRECTIVE ACTION DUE DATE:** 7/26/23

5. **INSPECTION TOPIC:** Topsoil

**PROBLEM:** The topsoil pile is located in an area not approved to be affected by mining.

Additionally, the topsoil stockpile does not have established vegetation on it and is therefore susceptible to erosion and appears to have been affected by the mining operation. This is a problem for failure to protect the topsoil stockpile from erosion in accordance with Rule 3.1.9(1). Also, this is a problem for failure to minimize disturbance to the stockpiled topsoil from the mining operation in accordance with Rule 3.1.9(3)

**CORRECTIVE ACTIONS:** The Operator shall relocate the stockpile into an area approved for mining and in a location that it will be unaffected by ongoing mining operations, or revise the approved mining plan to reflect the storage of topsoil at this location. Once relocated or repaired, the Operator shall seed the stockpile with the seed mix that was submitted as part of the approved Reclamation Plan. The Operator shall demonstrate compliance by submitting seed tags, a bill of sale or photographs of seeding activities.

**CORRECTIVE ACTION DUE DATE:** 8/23/23

6. **INSPECTION TOPIC:** Backfilling & Grading

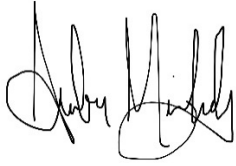
**PROBLEM:** An erosion gully was observed on-site. This is a problem at this time for failure to protect the affected land from erosion pursuant to C.R.S. 34-32.5-116 (4) (j).

**CORRECTIVE ACTIONS:** The operator shall provide photo documentation to the Division verifying the erosion gully has been repaired, and that the site has have been reconstructed and stabilized to prevent erosion damage by the corrective action date.

**CORRECTIVE ACTION DUE DATE:** 9/24/23

If you need additional information or have any questions, please contact me by telephone at **303-866-3567 x8137**, or by email at [amber.michels@state.co.us](mailto:amber.michels@state.co.us).

Sincerely,

A handwritten signature in black ink, appearing to read 'Amber Michels', with a stylized, cursive script.

Amber Michels  
Environmental Protection Specialist

cc: John P. Ary, Fremont Paving and Redi Mix, Inc.  
Jared Ebert, DRMS