



March 25, 2024

Phillip Courtney  
Rocky Mountain Materials and Asphalt, Inc.  
1627 Cole Boulevard, Suite 200  
Lakewood, CO 80401

**RE: South Asphalt Plant – File No. M-2009-004, Response to Inspection Report Dated February 20, 2024**

Mr. Courtney,

On March 13, 2024, the Division received your letter of correspondence sent in regards to Division comments made on a site inspection report dated February 2024. The Division initially requested that the South Asphalt Plant apply for its second period of Temporary Cessation as per Rule 1.13.5(3) and Rule 1.13.8(b). Your letter outlined Rocky Mountain Materials and Asphalt, Inc.'s justification for why a second period of Temporary Cessation at the site was not warranted.

On March 25, 2024, the Division met virtually with site representatives Phil Courtney and Julie Mikulas to discuss the matter. Upon conclusion of this meeting, it was determined that filing for Intermittent Status, as per C.R.S. 34-32.5-103(11)(b), would be the best way to account for the site's infrequent operation, rather than applying for continued Temporary Cessation status. The Operator is reminded that should intermittent status be approved by the Division, the site will be required to operate at least yearly but would be allowed to operate for less than 180 consecutive days per year. Excavation of mining materials or sale of stockpiled material must occur via activity which does not fall under 'Indications of Temporary Cessation' as defined in Rule 1.13.2. If the Operator wishes to pursue Intermittent Status, rather than apply for a second consecutive period of Temporary Cessation, please notify the Division at your earliest convenience of your intent to take the site out of its Temporary Cessation status and to apply for Intermittent status. Please ensure that an appropriate Intermittent Status revision form is completed and filed with the Division. A copy of this form has been included with this letter.

If you require additional information, or have questions or concerns, please feel free to contact me at 720-868-7757 or [hunter.ridley@state.co.us](mailto:hunter.ridley@state.co.us)

Sincerely,  
Hunter C. Ridley

Environmental Protection Specialist  
CC: Russ Means, DRMS





## COLORADO DIVISION OF RECLAMATION, MINING AND SAFETY

1313 Sherman Street, Room 215, Denver, Colorado 80203 Phone (303) 866-3567

### TECHNICAL REVISION (TR) APPLICATION FOR INTERMITTENT STATUS (mining activities occur each year, for less than 180 days each year)

Today's date: \_\_\_\_\_

Permit number: M-\_\_\_\_\_ Site name: \_\_\_\_\_

County: \_\_\_\_\_ TR number: \_\_\_\_\_ (*DRMS use only*)

Permittee making request: \_\_\_\_\_

Operator (if other than permittee): \_\_\_\_\_

Date intermittent status begins: \_\_\_\_\_

Reason mining activities (materials extraction, processing, or hauling) will occur less than 180 days per year:

\_\_\_\_\_

\_\_\_\_\_

Number of affected acres: \_\_\_\_\_

Amount of financial warranty (bond) on deposit with the state: \$ \_\_\_\_\_

Required fees for technical revision by permit type (please mark the correct fee and submit it with this request for a technical revision):

<u>Permit type</u>	<u>Required TR fee</u>	<u>Submitted (mark only one)</u>
110c, 111, 112 construction materials, and 112 quarries	\$216	<input type="checkbox"/>
112 hard rock (not DMO)	\$175	<input type="checkbox"/>
110d, 112d(1, 2 or 3)	\$1,006	<input type="checkbox"/>

**I request intermittent status for the above-referenced permit. This site has reserves remaining to be mined. Mining activities will occur each year for less than 180 days per year.**

**Operator's signature:** \_\_\_\_\_

*Please note:*

1. While in intermittent status, the operator must continue to comply with the Rules and Act, including maintaining the site, and must continue to file an annual report and annual fee when due.
2. If production ceases for 180 days or more, the operator must either file a Notice of Temporary Cessation, or reclaim the site.