

TURNPIKE MINING RESOURCE

DRMS PERMIT NO. M-2004-009

EXPLANATION FOR PARTIAL RELEASE/ACREAGE REDUCTION REQUEST

Per a Mined Land Reclamation Board Order (MV-2012-020) for the Turnpike Mining Resource and based on a Corrective Action from the DRMS as part of that order requiring that a portion of the mined and reclaimed area on this permit be removed from the permit area, this request for partial release (an acreage reduction) is being submitted by the operator, Asphalt Specialties Co., Inc. ("ASCI").

An area of mined and reclaimed land from within the permit area contains a fully-completed waste-water treatment plant ("WWTP") and water-storage reservoir operated by the Town of Erie encompassing 63.55 acres (51.32 ac. for the reservoir and 12.23 ac. for the WWTP). The land within the WWTP has been mined, backfilled and revegetated. The WWTP area is fully enclosed by a 6 ft. high cyclone fence. The area just at the entrance to the WWTP has also been fully landscaped with trees and shrubs. The water-storage reservoir has been completely constructed with no more work required. It has been accepted by the State Engineers Office as a "lined reservoir" according to the 1999 state SEO guidelines with little or no leakage and has also been accepted by the Town of Erie as such. Reclamation around the perimeter of the reservoir remains to be done in the form of final grading, topsoiling and revegetation. Because the WWTP and reservoir operation have no relation with the remaining mining and reclamation on this permit area and are reclaimed, both areas should be removed from the permit per the Board Order and Corrective Action. These areas are shown on the accompanying mine and reclamation plan maps for the north ½ of the Turnpike site (Ex. C-2 sheet 1 and Ex. F sheet 1).

As part of the recently approved amendment for this permit (AM-2), it was noted that there is an area in the northwest portion of the site that has also been fully reclaimed and was part of a former DRMS permit at this location. The Turnpike site covered by the former DRMS/DMG permit was fully released from bonding in January 1996. This location contains a small trout pond created for that purpose and is fully reclaimed with 3:1 to 5:1 side slopes and mature vegetation surrounding the pond in the form of trees, shrubs and grasses. No water augmentation responsibility for the open body (trout pond) of water in this location is required, as the pond is covered by a previous augmentation agreement with the District 6 Water Users Group on the Turnpike site. This area should also not be a part of the permit due to its completed and established reclamation. This area is shown on the accompanying mine and reclamation plan maps for the north ½ of the Turnpike site (Ex. C-2 sheet 1 and Ex. F sheet 1) and encompasses 11.6 acres.

Asphalt Specialties Co., Inc. respectfully requests that these two areas encompassing approximately 75 acres, as shown on the accompanying mine and reclamation plan maps for the north ½ of the Turnpike site, be removed from this permit through this partial release/acreage reduction request. No decrease in bonding is being requested with this action, as the bonding has recently been re-calculated based on the approval of AM-2, and only a decrease in the permit acreage is being requested.