



August 8, 2026

Lucas West
Environmental Protection
Specialist 1313 Sherman Street
Room 215
Denver, Colorado 80203
Lucas.west@state.co.us

Subject: Updated Mine Restricted Area Access Control Plan, Permit No. M-1977-170, Butala Gravel Pit, Section 25, T50N, R8E, Chaffee County, Colorado, Cease and Desist Order dated July 7, 2026

Dear Mr. West:

This updated Access Control Plan (the Plan) describes the measures Butala Construction Co. (the "Operator") will implement to improve control of physical access to the Mine Restricted Area (MRA), the associated Buffer Area (BA), and any areas identified as containing contaminated material, and to prevent inadvertent disturbance of those areas. The Plan is intended to work in coordination with the ongoing Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) environmental investigation and to support resolution of the Cease and Desist Order dated July 7, 2026.

I. Physical Access Control

The Operator will install temporary chain link fencing with lockable gates at the following locations:

- At the MRA Access Control Point. This gate allows controlled entry by authorized personnel for environmental investigation, monitoring, and maintenance activities, while preventing unauthorized access to the MRA.
- The east end of the haul road to the north pit. This closure restricts access to the Overburden and Overburden Road Base stockpiles and the majority of the Buffer Area, while the lockable gate allows controlled entry by authorized personnel.

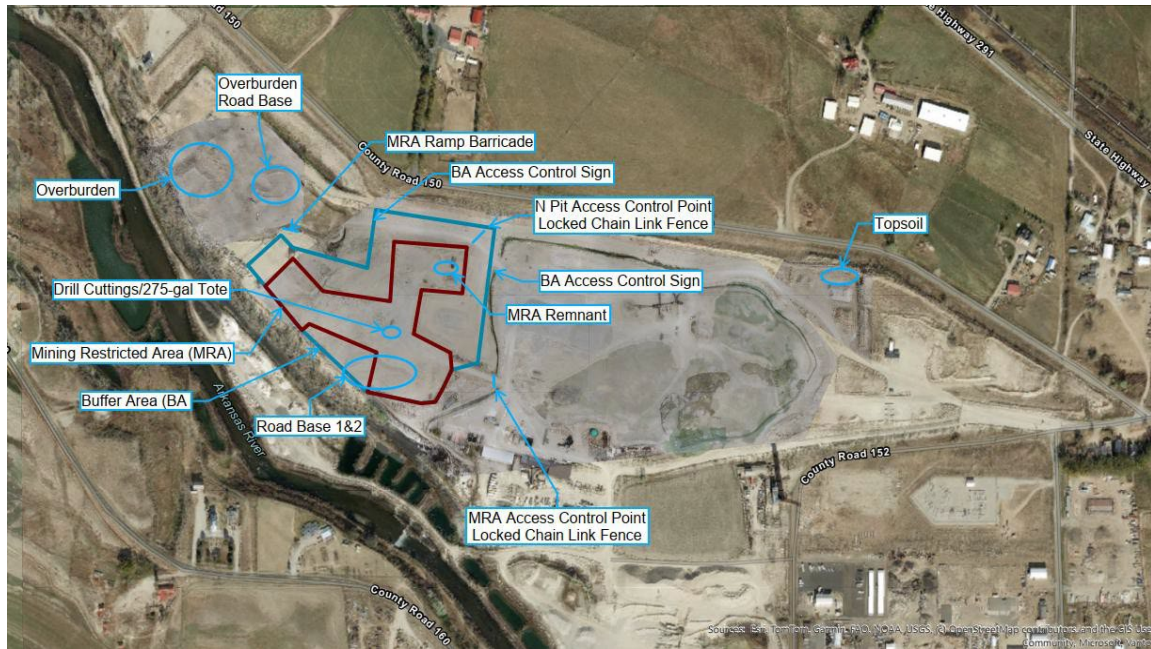
The temporary chain link fencing and gates will be removed, by area, at such time as stockpiles within the area are cleared for processing and sale in accordance with the CERCLA investigation and any known contaminated material is delineated per item no. 3 below. The Access Control Plan will be updated accordingly and submitted to DRMS, EPA & CDPHE for the record.

The Operator will place boulders to barricade access at the following location while access is limited by either gate above:

- Barricade the newly created ramp at the north end of the Butte area with boulders. This closure leaves a single point of vehicle and equipment access onto the MRA (Figure 1) or North Pit, allowing either entry to be controlled through one gated location.

These physical access controls may be reinstalled as needed to control future traffic to MRA and/or North Pit.

Figure I. Control Measures



2. Signage

The Operator will install signage to identify restricted areas and communicate use limitations to all personnel:

- At the foot of the remaining ramp to the MRA and attached to the fencing: a sign reading "ENTERING MINING RESTRICTED AREA — NO DIGGING."
- At each end of the haul road running alongside and below the north side of the MRA and attached to the fencing: signs reading "ENTERING MINING RESTRICTION BUFFER AREA — NO DIGGING."

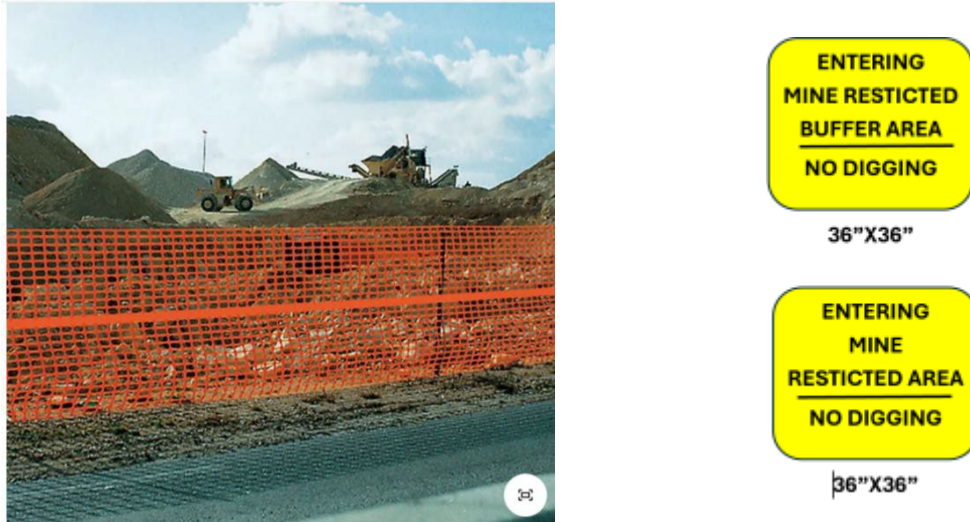
3. Delineation of Contaminated Material

The Operator will visibly mark the perimeter of the following six stockpiles being evaluated under the CERCLA environmental investigation:

- The Topsoil Stockpile outside the northeast corner of the South Pit
- The MRA Excavation Remnant Stockpile at the northeast corner of the MRA
- The Road Base 1 & 2 Stockpile located at the south central edge of the MRA
- A 10 foot by 20-foot area lined with plastic sheeting, located in the central portion of the MRA, that was recently constructed to temporarily store drill cuttings from the ongoing CERCLA investigation.
- A 275-gallon portable tote, located adjacent to the temporary drill cuttings storage area, where groundwater monitoring well development and purge water, as well as decontamination fluids from the ongoing CERCLA investigation, are temporarily stored.

The visual barrier will consist of colored construction/caution fencing at least 36 inches tall (Figure 2).

Figure 2. Example barrier fencing



As additional piles or areas are identified as contaminated, comparable fencing will be installed to delineate them. If the CERCLA evaluation determines that any of these piles are suitable for processing and sale, the fencing will be removed and the material will be processed in accordance with the CERCLA and Division of Reclamation, Mining, and Safety (DRMS) determinations.

4. No-Disturbance Requirements

The MRA, the Buffer Area, and any area identified by the markings described above will be designated NO-DIG AREAS. Marked piles will not be disturbed, and no material will be added to or removed from them.

5. Authorized Personnel and Training

Only Butala employees (fewer than ten) who are trained on the equipment are authorized to dig or move material within the mine. The Operator will conduct additional training for current employees and new hires describing the pile markings and the access and disturbance restrictions applicable to the MRA, Buffer Area, and stockpiles. Creosote recognition, and the required response upon discovery of suspected contaminated material, will be added to the Operator's safety briefings and incorporated into its MSHA training syllabus. Any training will be documented at the completion of each training event.

6. Inspection/Notification

Access control elements (gates, fences, signs, etc.) shall be inspected daily by the mine foreman and continually observed by mine employees for any displacements or damages. Irregularities in control items shall be corrected immediately as directed by the foreman. Spare components shall be kept on hand to avoid excess delays in reestablishing controls. The operator's radio net and morning safety briefings will be used to keep employees informed of the status of access controls under repair or replacement.

If any employee discovers suspected contaminated material, encounters material exhibiting characteristics of creosote or other contamination, or observes that restricted material or a marked pile has been disturbed – whether inadvertently or otherwise – the following notification protocol applies:

- **Stop work.** The employee will immediately cease all activity in the affected area and will not further disturb, add to, or remove the material in question.
- **Internal notification.** The employee will promptly notify the mine foreman, Rick Bousfield, who will verify the "stop work" and notify Charles Kellerman.

- **Agency notification.** Charles Kellerman, in coordination with its environmental consultant and legal counsel, will notify DRMS, US Environmental Protection Agency (EPA), and the Colorado Department of Public Health and Environment (CDPHE) of the discovery within eight (8) hours. Notification will describe the nature and location of the material or disturbance, the activity underway at the time, and the interim measures taken to secure the area.
- **Interim protection.** Pending agency direction, the affected area will be delineated and secured in accordance with the delineation measures described in Section 3 and treated as a no-disturbance area under Section 4.

Please contact the undersigned should you have questions or comments concerning the information presented in this document.

Sincerely,

Charles L Kellerman

Butala Construction Co.

Charles Kellerman, P.E.

c- 720/646-7760

cc: Scott Clark, Clark Hill
Darin Worden, Pinyon Environmental, Inc.
Michael Cunningham, DRMS
Tabetha Lynch, U.S. EPA
Alex Hedgepath, CDPHE