



STATE OF  
COLORADO

Ebert - DNR, Jared <jared.ebert@state.co.us>

## FOH complaint against AFS

Ebert - DNR, Jared <jared.ebert@state.co.us>  
To: Ben Frei <BFrei@albertfreiansons.com>

Fri, Oct 27, 2017 at 9:36 AM

Ben,

Please see the following complaint, I would like to conduct an inspection of the site next week after I meet with Mr. Russell. I am meeting him at 11:30 next Thursday November 2 on his parents property and would like to inspect the site after our meeting.

Thank you,

Jared

----- Forwarded message -----

From: **Ken Russell** <okie1kenobi@gmail.com>  
Date: Fri, Oct 6, 2017 at 2:03 PM  
Subject: FOH complaint against AFS  
To: jared.ebert@state.co.us

Oct. 6, 2017

Ken L. Russell

Jared Ebert, DRMS,

Parcel Numbers ----- 0157126000013 & 0157126201001

Property address ----- Worthing Pit M-1977-526

I, Ken L. Russell, represent Grace Russell and S.H. Bud Scott, my parents. In filing this as a formal complaint against AFS and Ben Frei with the DRMS concerning the permit listed above.

My parents are both in their upper 80's. They have been selling drinking water on south Brighton Road for the last 36 years. Their 2.5 acres are surrounded on 3 sides by the abandoned aggregate mine listed above. It is currently under the control of Ben Frei.

Many years ago, after 2004, the crusher was put in operation, less than 100 yards from my parent's property. Al Frei Sr. agreed to put a 15-foot berm of his refuse material on our property. With the agreement that it would be removed when the crusher was removed. This berm consists of a large percentage of refuse. Concrete, steel. etc. It is on our septic leach field. Meaning they cannot get a septic permit if they choose to sell the property.

The crusher went out of operation over 5 years ago. It and the loading equipment was removed. The aggregate mining was completed. Al Sr. has since passed away leaving this pit in Ben Frei's control. Absolutely NO reclamation was ever performed on the property surrounding my parents business. And Ben Frei refuses to follow through on the agreement Al Sr. had with my parents. Re: Removing the refuse from their property. I might add that I have contacted Brannan Sand and Gravel. Tried to hire them to remove the berm. I was told it was refuse and could not be mixed with their structural fill. Ben Frei has since Permitted an inert refuse landfill (Parcel Number 1571261012003) north of our property. There is a steady stream of trucks entering and exiting this "pit" on our north fence line. The constant noise and dust from this operation have reduced the water business by half in just 3 years.

I contacted Jennifer Rutter, State Environmental Analyst. After her inspection, she turned the case (violations) over to Eric Gunther (Adams Co. Code Enforcement). He has since told me his inspectors saw no violations of any sort. Including noise. Keep in mind we are in un-incorporated Adams C. and trucks often ride their air brakes at the entrance and down into the pit. I was under the impression that regulations require no more than 55 decibels 25 feet from the fenceline. Mr. Gunther said there was no need to measure these noise levels since Ben Frei's permits were in order.

Please advise me ASAP when you and your inspection team from DRMS can come to the AFS site with a copy of the reclamation permit and document the lack of reclamation and current violations. It would be greatly appreciated. As this has been an ongoing problem.

Adams Co. officials are turning a blind eye to the situation. And Ben Frei is not willing to spend a penny to rectify the problem. During our last meeting, Ben had harsh words with my mother, lost his temper and literally slammed our door in her face.

For as I mentioned earlier. My parents are in their upper 80's and are stuck with a business and property that is unmarketable.

I am enclosing photos in following Emails.

Please contact me if I can be of any assistance or if additional information is needed.

Regards,

Ken L. Russell 303-513-8278

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Jared Ebert

Environmental Protection Specialist III



**COLORADO**  
Division of Reclamation,  
Mining and Safety  
Department of Natural Resources

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