



STATE OF  
COLORADO

Russell - DNR, Elliott <elliott.russell@state.co.us>

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## up dated photos state pit

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Wendi Kern <wkern63@gmail.com>

Wed, Feb 28, 2018 at 1:44 PM

To: "Russell - DNR, Elliott" <elliott.russell@state.co.us>

February 28, 2018

Elliott Russell

Colorado Division of Mining and Safety

Dear Elliott,

I am sending you updated photos of the state pit. I will have to send a few emails, because I do not know how to include them all in the same email.

The photos that were taken 2-21-2018 were the one's I said I would update. Then I took more on Sunday 2-25-2018. I went by the pit on Sunday and realized that Fremont Paving, it appears are implementing some kind of corrective action prior to you scheduled inspection.

Notice the red highlighted markings on the 2-25-18 photos. From Wednesday the 21 to Sunday the 25.

New flood barriers were being added to the South End of the East/ West berms. It appears there is some concern in regards to the Storm Water Permit, why else would these new measures be implemented if this was not a concern. It also appears, Fremont is implementing corrections in and around the front entrance.

It also appears that there is concern regarding the mining boundary. There has been two large white X markers placed, one just North of the entrance and another just north of the culvert on the south end of the berms next to the fence on the west side. It appears that these will be used for an aerial view over the pit to verify the mine boundary.

I'm sure that you will be verifying all of this on you scheduled inspection.

I would like to state for the record, that the time and inconvenience of having to bring concerns to the Divisions attention regarding Mining Permits, places large burdens on a community in which these mines are located.

That being said if improper conditions continue to exist on mining locations, they could cause many unforeseen problems that might arise in the community surrounding these mines.

Thank you for your attention regarding this matter,

3/16/2018

State.co.us Executive Branch Mail - up dated photos state pit

Wendi Kern

Sent from [Mail](#) for Windows 10



STATE OF  
COLORADO

Russell - DNR, Elliott <elliott.russell@state.co.us>

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**FW:**

**Wendi Kern** <wkern63@gmail.com>

Wed, Feb 28, 2018 at 1:45 PM

To: "Russell - DNR, Elliott" <elliott.russell@state.co.us>

Photo 2-21-2018

Sent from [Mail](#) for Windows 10

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**From:** [Wendi Kern](#)

**Sent:** Wednesday, February 28, 2018 1:03 PM

**To:** [wkern63@gmail.com](#)

**Subject:**



**20180221\_115159.jpg**  
3327K





STATE OF  
COLORADO

Russell - DNR, Elliott <elliott.russell@state.co.us>

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**FW:**

**Wendi Kern** <wkern63@gmail.com>

Wed, Feb 28, 2018 at 1:46 PM

To: "Russell - DNR, Elliott" <elliott.russell@state.co.us>

2-21-2018

Sent from [Mail](#) for Windows 10

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**From:** [Wendi Kern](#)

**Sent:** Wednesday, February 28, 2018 12:49 PM

**To:** [wkern63@gmail.com](#)

**Subject:**



**20180221\_115156.jpg**  
4041K





STATE OF  
COLORADO

Erickson - DNR, Wally <wally.erickson@state.co.us>

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## FW: up dated photos state pit

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Wendi Kern <wkern63@gmail.com>

Wed, Feb 28, 2018 at 7:54 PM

To: "wally.erickson@state.co.us" <wally.erickson@state.co.us>

February, 28, 2018

Wally Erickson

Colorado Division of Mining and Safety

Dear Mr. Erickson,

The email I tried to send to Elliott today came back with an away message.

He is to inspect the State Pit In Pueblo soon. The information in this email is in regards to

that inspection. It seems since, I sent the complaint, that Elliott forwarded to Fremont paving.

Since that time of the letter from Elliott, to Fremont, and his secluded inspection. It appears that Fremont is conducting corrective action regarding the complaint. If there are no problems with the complaint then why are they making, what appears to be corrections? I am having problems forwarding photos from the 21 and 25 of last week, but I do have them. I will probable have to mail hard copies. I will leave this information in your hands to be shared appropriately.

Best Regards,

Wendi Kern

Sent from [Mail](#) for Windows 10

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**Sent:** Wednesday, February 28, 2018 1:44 PM

**To:** [Russell - DNR](#), [Elliott](#)

**Subject:** up dated photos state pit

February 28, 2018

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Colorado Division of Mining and Safety



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Thank you for your attention regarding this matter,

Wendi Kern

Sent from [Mail](#) for Windows 10





STATE OF  
COLORADO

Erickson - DNR, Wally <wally.erickson@state.co.us>

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## state pit Photo 2-25-2018

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Wendi Kern <wkern63@gmail.com>

Wed, Feb 28, 2018 at 7:58 PM

To: "wally.erickson@state.co.us" <wally.erickson@state.co.us>



Sent from [Mail](#) for Windows 10



STATE OF  
COLORADO

Erickson - DNR, Wally <wally.erickson@state.co.us>

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## state pit

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Wendi Kern <wkern63@gmail.com>

Wed, Feb 28, 2018 at 8:04 PM

To: "wally.erickson@state.co.us" <wally.erickson@state.co.us>



Sent from [Mail](#) for Windows 10



Mr. Erickson, I can not send the photos highlighted with the red markings pointing out the new corrections.

But if you look at these photos you can see the new water bumpers that were placed this week.

If there is no concerns regarding the Strom Water Permit, why are they making these corrections

Regards Wendi Kern



STATE OF  
COLORADO

Erickson - DNR, Wally <wally.erickson@state.co.us>

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## photos state pit 2-25-2018

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Wendi Kern <wkern63@gmail.com>

Thu, Mar 1, 2018 at 8:14 AM

To: "wally.erickson@state.co.us" <wally.erickson@state.co.us>



Corrections at front entrance.





New corrections 2-25-2018



This is the original water bumper that was placed last fall. This is how you can tell the new one's that were installed this week.



All new water bumpers as of 2-25-2018

Regards wendi kern

Sent from [Mail](#) for Windows 10

**STATE OF  
COLORADO****Erickson - DNR, Wally** <wally.erickson@state.co.us>

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**state pit 1990-016**

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**Wendi Kern** <wkern63@gmail.com>

Thu, Mar 1, 2018 at 8:26 AM

To: "wally.erickson@state.co.us" &lt;wally.erickson@state.co.us&gt;

Dear Mr. Erickson,

I have enclosed a Boundary Map for the state pit it is my belief that the mining boundary has not changed since the original permit with either the state or the county. It is the north East quadrant that seems to appear that is being mined outside of the permit boundary.

I have also attached a copy of one of Fremont's early permits original under the company of Allrite Paving this company was started by John L. Ary father of John P. Ary current owner/operator. This pit was cited for mining outside of the boundary area. I seems that Fremont would take special consideration to out of boundary mining since they were cited for this more than 24yrs ago. This is state permit M87-079 for your review.

Regards,

Wendi Kern

Sent from [Mail](#) for Windows 10

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**2 attachments****state pit boundary map.pdf**

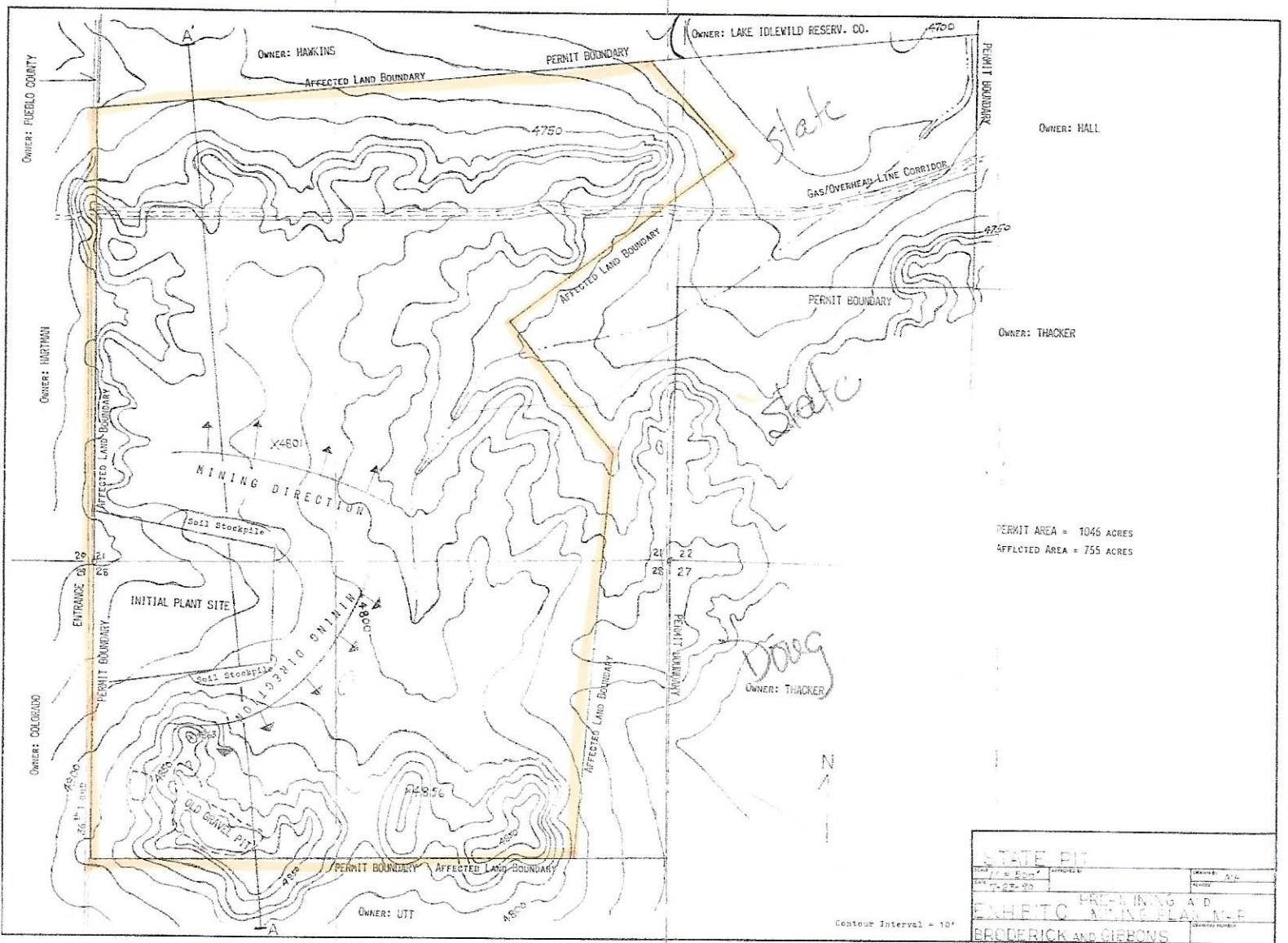
316K

**allrite boundary violation.pdf**

574K



M-1990-112  
 State Pit.  
 Vineland/Pueblo.





999

## STATE OF COLORADO

DIVISION OF MINERALS AND GEOLOGY  
Department of Natural Resources1313 Sherman St., Room 215  
Denver, Colorado 80203  
Phone: (303) 856 3567  
FAX: (303) 832-8106DEPARTMENT OF  
NATURAL  
RESOURCESRoy Romer  
GovernorJames S. Lochhead  
Executive DirectorMichael B. Long  
Division Director

July 8, 1994

Mr. Kirk Smith  
All Rite Paving & Redi-Mix  
P.O. Box 566  
Canon City, Co 81215-0566

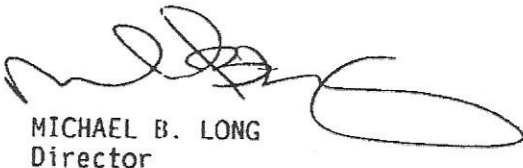
RE: Lamar Pit, File No. M-87-079, Civil Penalty

Dear Mr. Smith:

On April 27, 1994, the Mined Land Reclamation Board issued the enclosed Notice of Violation, Cease and Desist Order and Order to pay civil penalties for the above captioned operation. We strongly advise that you read this document carefully since it contains provisions which must be satisfied by specific dates to avoid future Board actions to revoke Permit No. M-87-079 and forfeit your \$5,000.00 financial warranty.

If you have any questions, please contact Bob Oswald. ✓

Sincerely,

  
MICHAEL B. LONG  
Director

MBL/RCO/amm

Enclosure(s)

CERTIFIED MAIL NO. P 296 602 861  
Return Receipt Requested

0730F

one of the original  
Companies owned  
by John L. Ary

STATE OF COLORADO  
MINED LAND RECLAMATION BOARD  
DEPARTMENT OF NATURAL RESOURCES

Now merged with  
Fremont Paving & Redi

IN THE MATTER OF: All Rite Paving & Redi-Mix ) NOTICE OF VIOLATION M-94-029  
P.O. Box 566 ) AND  
Canon City, CO 81215-0566 ) CEASE AND DESIST ORDER

TO: All Rite Paving & Redi-Mix and all other persons engaged in or owning or controlling the following operation: Lamar Pit, located 1 mile north of the Town of Lamar.

FINDINGS OF FACT

Pursuant to the authority vested in the State of Colorado Mined Land Reclamation Board by C.R.S. 34-32-124, the Board hereby makes the following findings of fact:

1. All Rite Paving & Redi-Mix is permitted to conduct a mining operation under the terms of Permit M-87-079 located in Southwest 1/4 Northwest 1/4, Section 30, Township 22S, Range 46W, of the 6th P.M., in Prowers County, Colorado.
2. The Mined Land Reclamation Board conducted a Formal Public Hearing on April 27, 1994 to consider possible violation of the terms of Permit M-87-079 and C.R.S. 34-32-101 et seq.
3. The Division of Minerals and Geology presented evidence at the Formal Public Hearing on April 27, 1994, demonstrating that the permitted operator has caused mining-related disturbance to occur outside the permit area.

NOTICE OF VIOLATION

Based upon these same Findings of Fact and in accordance with C.R.S. 34-32-124(6), the Colorado Mined Land Reclamation Board hereby finds All Rite Paving & Redi-Mix to be in violation of Permit M-87-079, and C.R.S. 34-32-116(7)(h).

CEASE AND DESIST ORDER

Based upon these same Findings of Fact and Notice of Violation, and in accordance with C.R.S. 34-32-124(2), (6) and (7) the Colorado Mined Land Reclamation Board hereby orders All Rite Paving and Redi-Mix to:



**STATE OF  
COLORADO****Erickson - DNR, Wally** <wally.erickson@state.co.us>

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**Re: FW: up dated photos state pit**

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**Erickson - DNR, Wally** <wally.erickson@state.co.us>

Thu, Mar 1, 2018 at 10:02 AM

To: Wendi Kern &lt;wkern63@gmail.com&gt;

Cc: Elliott Russell - DNR &lt;elliott.russell@state.co.us&gt;

Wendi:

Thank you for informing the Division of your observations. I will forward any/all of your messages to our lead specialist for this region, Elliott Russell. I have the greatest confidence Elliott will continue to address your concerns in accordance with Division policy and the Act and Rules. It is our policy to forward all complaints to the operator, to better address and resolve the jurisdictional issues in an expedient manner. Our ultimate goal is to ensure mining activities are conducted in accordance with permit conditions and the Act and Rules. I encourage and applaud the operator for taking immediate corrective action to address any/all compliance issues as soon as they are brought to his/her attention. Good job to all.

Wally

On Wed, Feb 28, 2018 at 7:54 PM, Wendi Kern &lt;wkern63@gmail.com&gt; wrote:

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Wendi Kern

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**Wally Erickson**  
**Senior Environmental Protection Specialist**



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

P [303.866.3567](tel:303.866.3567) ext. 8176 | F [303.832.8106](tel:303.832.8106)  
1313 Sherman Street, Room 215, Denver, Colorado 80203  
[wally.erickson@state.co.us](mailto:wally.erickson@state.co.us) | <http://mining.state.co.us>