



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

1313 Sherman Street, Room 215
Denver, CO 80203

August 13, 2018

Danny Chavez
Otero County Landfill Inc.
13 W. 3rd Street, Room 208
La Junta, CO 81050

RE: Otero County Landfill, Reference No. M-2018-040, Division Response to “Is It Mining?” Questionnaire, No Permit Required

Dear Mr. Chavez,

On July 30, 2018, the Division of Reclamation, Mining and Safety (Division) received information for an “Is It Mining” questionnaire regarding a proposed project to excavate 32,000 cubic yards of borrow material. The material will be used on property owned by Otero County Landfill Inc. for final cover during landfill closure. No compensation will be received for the excavated material. Please use the reference number M-2018-040 regarding any correspondence or submittals for this site in the future.

The Mined Land Reclamation Board has requested the Division make determinations as to the need for a Mined Land Reclamation Permit. Based on the information provided in the questionnaire, the Division has determined **a permit is not required for the proposed activity**. Please be advised this determination is being made based on the information provided by Otero County Landfill, Inc. Any significant deviation from the described activity could result in review and possible reversal of this determination.

If you disagree with this decision, you may petition to appear before the Board during a formal public hearing for a Declaratory Order concerning this matter. Pursuant to Rule 2.5.2(1), the request must be submitted to the Board in writing and be received no later than 10 days prior to the hearing. The written request must contain the information required pursuant to Rule 2.5.2(2) (copy enclosed). The next available Board hearing will be held on September 26, 2018. All hearings are held at 1313 Sherman St., Room 318, in Denver, Colorado 80203.

If you have questions please contact me at (303) 866-3567 extension 8116.

Sincerely,

Michael A. Cunningham
Senior Environmental Protection Specialist

CC: Russ Means, DRMS
Amy Eschberger, DRMS

