



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

1313 Sherman Street, Room 215  
Denver, CO 80203

June 27, 2019

Ben Frei  
Albert Frei & Sons Inc.  
P.O. Box 700  
Henderson, CO 80640

**Re: Priola Pit, M-2007-087, Notice of Overdue Corrective Action**

Dear Mr. Frei,

On April 18, 2019 the Colorado Division of Reclamation, Mining and Safety (DRMS or Division) conducted an inspection of the Priola Pit and cited the following problem:

**INSPECTION TOPIC:** Reclamation Success

**PROBLEM:** The Operator was required to have completed all of the reclamation steps by April 20, 2019 in accordance with the approval of Technical Revision No. 1. Reclamation has not been completed within the required timeframe. This is a problem at this time for failure to complete reclamation with all reasonable diligence within five (5) years or as extended by the Board or Office pursuant to Rule 3.1.3 and C.R.S. 34-32.5-116(4)(q)(I).

**CORRECTIVE ACTIONS:** The Operator shall complete the remaining backfilling, grading, topsoiling and seeding as approved in the reclamation plan by the corrective action date. The Operator shall provide notification and documentation these activities have been completed by the corrective action date.

**CORRECTIVE ACTION DUE DATE:** 6/24/19

The corrective action is now past due. Based on our telephone conversation on Wednesday June 19, 2019 the Division is aware of the continuing conflict between your company and the landowner regarding the final reclamation of the site. Also, the Division is aware that some reclamation activity has occurred on the site but complete documentation of these activities has not been submitted. Please provide the Division documentation of the required corrective action by July 12, 2019. The Division may initiate enforcement action if the problems is not abated.

If you have any questions, please contact me at [Jared.Ebert@state.co.us](mailto:Jared.Ebert@state.co.us) or at (303) 866-3567 ext. 8120.

Sincerely,

Jared Ebert  
Environmental Protection Specialist III

