



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

1313 Sherman Street, Room 215
Denver, CO 80203

August 13, 2019

Ken Coulson
Coulson Excavating Company, Inc.
3609 North County Road 13
Loveland, CO 80538

**Re: Brownwood Pit, M-1979-059
Surety Increase Notice (SI01), Corrective Actions Overdue**

Dear Mr. Coulson,

On July 11, 2019 the Colorado Division of Reclamation, Mining and Safety (DRMS or Division) sent you a letter providing a notice of a required surety increase and notice of overdue corrective actions. Regarding the corrective actions, the July 11, 2019 letter required Coulson Excavating Company, Inc. (Coulson), to submit evidence that the permanent plan for augmentation had been filed with water court and that the temporary substitute water supply plan had been renewed with DWR by August 10, 2019. On August 12, 2019 the Division received documentation from Peter Wayland with Weiland, Inc. that an augmentation plan has been filed with water court. However, according to correspondence received by the Colorado Division of Water Resources (DWR), the temporary substitute water supply plan has not been renewed. Given this, the corrective action remains outstanding. The Division may seek a violation of section 34-32.5-116(4)(h) of the Colorado Revised Statutes for failure to minimize disturbances to the prevailing hydrologic balance of the affected land and the surrounding area and section 3.1.6(1)(a) of the Construction Materials Rules and Regulations governing injury to existing water rights if this issue is not addressed. This corrective action is now past due.

Also, please be aware that the surety increase as specified in the July 11, 2019 letter is due by September 9, 2019. If you have any questions, please feel free to contact me at Jared.Ebert@state.co.us or at (303) 866-3567 ext. 8120.

Sincerely,

Jared Ebert
Environmental Protection Specialist III



Coulson Excavating Company, Inc.

August 13, 2019

Page 2 of 2

ec: Ken Coulson, Coulson Excavating Company, Inc. ken@coulsonex.com
Peter Wayland, pwayland@weilandinc.com
Ioana Comaniciu, DWR ioana.comaniciu@state.co.us