



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

January 7, 2021

Aaron Bivens
Bivens Trucking & Excavating, Inc.
862 W. Willox Ln
Ft. Collins, CO 80524

Re: Bivens Pit, Permit No. M-1985-184, Status of Required Corrective Actions

Mr. Bivens:

The Division of Reclamation, Mining and Safety (Division) is providing the following status update on the corrective actions required by the inspection report mailed on September 24, 2020:

INSPECTION TOPIC: Reclamation Success

PROBLEM: Failure to follow the approved reclamation plan, or the current reclamation plan needs to be updated and clarified pursuant to C.R.S. 34-32.5-116(1). The operator must follow the approved reclamation plan or provide sufficient information to describe or identify how the operator intends to conduct reclamation. Specifically, the approved reclamation plan and map do not address the residential area and associated structures at the southern end of the site or the recreational area and associated structures at the eastern edge of the pond.

CORRECTIVE ACTIONS: By the corrective action date, the operator shall submit a Technical Revision, with the required \$216 revision fee, to update and clarify the current approved reclamation plan to reflect existing and proposed activities. This revision should include an updated reclamation plan and reclamation plan map that, at a minimum, addresses existing conditions at the site, including the residential and recreational areas (and associated structures) located within the permit area.

CORRECTIVE ACTION DUE DATE: December 23, 2020

STATUS UPDATE: *On December 22, 2020, the operator submitted (via email) a Technical Revision application (TR-02) to address this issue. The Division received the hard copy of TR-02 with the revision fee on December 28, 2020. Any adequacy items will be addressed through the adequacy review process for the application. Because a Technical Revision has been submitted to address this issue, the Division considers the problem to be abated.*

If you have any questions, you may contact me by telephone at 303-866-3567, ext. 8129, or by email at amy.eschberger@state.co.us.

Sincerely,

Amy Eschberger
Environmental Protection Specialist

Cc: Michael Cunningham, DRMS

