



August 9, 2023

Charles Kellerman Jr.
Butala Construction Company
9000 Co Rd 152
Salida, CO 81201

Re: Butala Gravel Pit, Permit No. M-1977-170, Additional Operational Requests Response

Mr. Kellerman,

On July 27, 2023, the Division of Reclamation, Mining and Safety (Division) received your additional operational requests from Butala Construction Company (“operator”) pursuant to the Cease-and-Desist Order prescribed in the recently executed (6/16/23) Stipulated Agreement. The Operational requests involved mining from three distinct locations, stockpiling, segregation of materials and washing of fines and sands. Also, the request was made to sell and remove from the Mine the materials generated from this mining activity.

The Division has reviewed the request, as well as the supplemental materials submitted, and **partially approves** the request. For stockpiles identified as “Existing Product- awaiting testing” further processing and or sale of those materials is not approved until such time as the testing has been completed, reviewed by the Division and written notice is provided to the Operator. The specific stockpiles included in the request that are not permitted for sale are;

- *Stockpiles for main screening plant startup*
 1. *E1- ½”-1” cobble*
 2. *F1- 3/8”-7/8” crushed*
 3. *X1-<1/4” Crusher Fines*
 4. *X2-<1/2” sand*
- *Stockpiles for was screening plant startup*
 5. *F1-<1/2” sand*
 6. *W1-washed sands*
 7. *P1- washed pea pebbles*

If you have any questions, comments or concerns please feel free to contact me at the Division’s Grand Junction Field Office, by phone at 303-866-3567 Ext. 8187 or by email at lucas.west@state.co.us.

Sincerely,

Lucas West
Environmental Protection Specialist
Division of Reclamation, Mining and Safety



Mr. Charles Kellerman
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Cc: Travis Marshall, DRMS
Russ Means, DRMS

Ec: Peter Jaacks, Operator Counsel
Scott Clark, Operator Counsel
Scott Schultz, DRMS Counsel