



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

October 16, 2023

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

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

Mr. Kellerman,

On September 25, 2023, the Division of Reclamation, Mining and Safety (Division) received the Operational Request from Butala Construction Company ("operator") pursuant to the Cease-and-Desist Order prescribed in the recently executed (6/16/23) Stipulated Agreement. With the Operational request was included the results of the stockpile sampling program that was required, approved and completed. The Operational request was made to process, sell and remove from the Mine materials from the non-impacted stockpiles as identified by Pinyon Environmental in the Sampling Results.

The Division has reviewed the request, as well as the supplemental materials submitted, and **approves** the request. For stockpiles identified as non-impacted (1, 2, 3, 4, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 23, 24, 109a, 109b, 109c, 109d, 109e, 109f, 110, 111, 112, 113 and 115) processing, selling and removal from site is hereby authorized. For the stockpiles identified as impacted (9, 20, 21 and 22) the processing, sale and removal is not authorized. Additionally, the Operator should include a management plan, with consultation with the US EPA as well as Colorado Department of Public Health and Environment (CDPHE), with the Permit Amendment submittal as required by Stipulated Agreement.

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

Cc: Travis Marshall, DRMS
Russ Means, DRMS

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

