

STATE OF COLORADO

DIVISION OF RECLAMATION, MINING AND SAFETY

Department of Natural Resources

1313 Sherman St., Room 215

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John W. Hickenlooper
Governor

Mike King
Executive Director

Loretta E. Piñeda
Director

April 27, 2012

Bob Sutherland
West End Gravel Company
P.O. Box 889
Nucla, CO 81424

RE: Status of Compliance Issues, West End Pit, M-1994-011, Weimer Pit No.1, Permit No. M-2001-002 and Weimer Pit No. 2, M-1996-031.

Dear Mr. Sutherland:

On July 19, 2011 the Division inspected the above referenced pits. The Division noted several issues including the lack of reclamation, a noxious weed problem at the sites and issued a problem in the inspection report with a correction date of October 31, 2011. While West End has corrected some of the problems other issues noted are still outstanding. To clarify what is required to prevent enforcement action please review the following and respond with the correction action by the date indicated.

Weimer Pit No. 1, M-2001-002:

1. West End Gravel must submit a technical revision (TR) to the reclamation plan for a noxious weed control program for the sites per Rule 3.1.10(6). A plan has been developed in conjunction with the San Miguel Weed Control Authority. **However, West End Gravel must submit to the Division the required TR fee of \$216.00 with a letter requesting the weed control plan be incorporated into the approved reclamation plan by May 15th, 2012.**

Weimer Pit No. 2, M-1996-031:

1. West End Gravel must submit a technical revision (TR) to the reclamation plan for a noxious weed control program for the sites per Rule 3.1.10(6). A plan has been developed in conjunction with the San Miguel Weed Control Authority. **However, West End Gravel must submit to the Division the required TR fee of \$216.00 with a letter requesting the weed control plan be incorporated into the approved reclamation plan by May 15th, 2012.**

West End Gravel Pit, M-1994-011:

1. West End Gravel must submit a technical revision (TR) to the reclamation plan for a noxious weed control program for the sites per Rule 3.1.10(6). A plan has been developed in conjunction with the San Miguel Weed Control Authority. **However, West End Gravel must submit to the Division the required TR fee of \$216.00 with a letter requesting the weed control plan be incorporated into the approved reclamation plan by May 15th, 2012.**

2. In an effort to ensure the financial warranty remains adequate to reclaim this site per the requirements of the approved reclamation plan, the Division has updated the reclamation cost estimate. Based on the current conditions and inflation the estimated reclamation liability is now \$87,062.00. This is an increase of \$13,537.00 from the 2002 estimate and current bond held of \$73,525.00. Clearly, the site is currently under-bonded. Therefore, pursuant to Section 34-32.5-117(4) of the Colorado Land Reclamation Act, adequate financial warranty must be submitted to DRMS within 60 days of the mailing date of this notice. The due date for submission and acceptance of the new bond was April 23, 2012. A Reason to Believe a Violation exist letter has been sent for failure to post the increase and is scheduled for the June 13th~14th MLRB meeting. West End must post the bond by no later than May 31st in order to avoid appearing before the MLRB or meet the reclamation requirements noted in Number 3 below.
3. On February 8, 2012 the Division requested a continuance of an enforcement hearing for failure to reclaim within 5 years. The Mined Land Reclamation Board approved the continuance until the May 9th~10th board meeting. The continuance was requested to give West End Gravel time to complete reclamation of the site. On April 16th the Division continued the item to the June 13th~14th hearing in order to hear all issues concerning this site at one time. As of April 24th, 2012 no reclamation has been started. Full reclamation must be completed, including the seeding to establish a vegetative cover by May 31st in order for the Division to withdrawal the enforcement action. If West End fails to complete the reclamation by May 31st, 2012 the Division will move forward with a request for finding a violation, civil penalties, and possible revocation of the permit.

This is the final notice on the issues; failure to meet the May 31st, 2012 deadline will require the operator to appear before the Board in June. Failure to submit the TR requests and fees will result in the issuance of failure to comply notices and scheduled hearing in July.

If you need additional information please contact me at the Division of Reclamation, Mining and Safety, Grand Junction Field Office, 101 S. 3rd St., Suite 301, Grand Junction, Colorado 81501, by telephone at 970.241.1117, or by e-mail at russ.means@state.co.us.

Sincerely,

A handwritten signature in blue ink, appearing to read "G. Russell Means".

G. Russell Means
Environmental Protection Specialist II