

STATE OF COLORADO

DIVISION OF RECLAMATION, MINING AND SAFETY

Department of Natural Resources

1313 Sherman St., Room 215

Denver, Colorado 80203

Phone: (303) 866-3567

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September 12, 2012

Emery Lynn Olin
Bridal Veil Construction
P.O. Box 1821
1796 N. Main Street
Ouray, CO 81427

John W. Hickenlooper
Governor

Mike King
Executive Director

Loretta E. Piñeda
Director

RE: Preliminary Adequacy Issues for TR-02, Bridalveil Pit, Permit No. M-2001-054.

Dear Mr. Olin:

On August 29, 2012, the Division determined TR-02 to be complete for the purposes of filing. Pursuant to Rule 1.9.1, the Division has set the decision date at September 28, 2012. Please be advised that on September 28, 2012, the application may be deemed inadequate and may be denied unless the following adequacy items are addressed to the Division's satisfaction. Subsequent to receipt and review of the Applicant's response to these items the Division may identify additional items.

1. Under TR-02, the Operator attempts to make significant modifications to the stormwater control structures. The existing stormwater control structures were designed and certified by a professional engineer, as sufficient to address the 10 year, 24 hour, storm event. The plans submitted under TR-02 do not appear to have been designed or certified by an engineer. The Division will not accept any modification to the certified plans unless such modifications are designed and certified by a Colorado licensed professional engineer. Please submit plans for the proposed modifications which are designed and certified by a Colorado licensed professional engineer.
2. Please ensure the plans submitted under TR-02 address the applicable performance standards of Rules 3.1.5, 3.1.6, and 3.1.10. Currently, the submitted plans do not demonstrate compliance with the specific requirements of Rules 3.1.5(2), regarding adequate compaction for stability; 3.1.5(3), regarding control of erosion and siltation of the affected lands and the protection of off-site areas from damage; 3.1.5(7), regarding the configuration of the slopes for the sediment basin; 3.1.5(10), regarding the prevention of unauthorized release of pollutants to the surface drainage system, excess sediment is a pollutant; 3.1.6(1)(a), regarding injury to existing water rights for the stormwater impounded within the sediment basin; 3.1.6(2), regarding the sediment basin; 3.1.6(3), regarding the stabilization and protection of affected lands so as to

effectively control erosion; and 3.1.10(1), regarding the establishment of an appropriate vegetative cover for reclaimed lands. Please ensure the submitted plans demonstrate compliance with the performance standards of Rules 3.1.5, 3.1.6 and 3.1.10.

Please respond to these adequacy issues no later than September 24, 2012, to ensure ample time for the Division to complete its review prior to the decision date. If additional time is required to respond to these adequacy issues, please submit a written request for extension of the review period. The Division reserves the right to further supplement this document with additional adequacy issues and details as necessary.

Please contact me at the Division's office in Durango at 691 County Road 233, Suite A-2, Durango, CO 81301, phone (970) 247-5469, if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Wallace H. Erickson".

Wallace H. Erickson
Environmental Protection Specialist

ec: Russ Means, DRMS GJFO