

# 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

FAX: (303) 832-8106



October 2, 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: Disagreement with the Office's Reclamation Cost Estimation,  
Bridalveil Pit, Permit No. M-2001-054.**

Dear Mr. Olin:

On October 1, 2012, the Office received an email communication from Connie Wurst, manager of Bridal Veil Construction, sent September 29, 2012, at 3:04 am. Copy of the email communication is enclosed. In the email communication, Bridal Veil Construction indicated a general disagreement with the Office's recent reclamation cost estimation.

The Office's reclamation cost estimation, dated September 12, 2012, totaling \$15,015.46, is based on current site conditions, the approved Reclamation Plan, and the applicable requirements of the Act and Rules. If Bridal Veil Construction believes the Office's reclamation cost estimation is in error, please specify the error. Please be as specific as possible by providing the task number in which the error exists and clarify whether the error is in the calculation of material quantity, material weight, material consistency, distance, grade, elevation, equipment selection, or interpretation of the approved Reclamation Plan. Please provide the information which the Operator believes is correct and accurate, as well as an appropriate justification to support of the correction. Such information will assist the Office in adjusting the reclamation cost estimation to ensure the greatest degree of accuracy.

However, the 60-day deadline specified under Rule 4.2.1(2), whereby the financial warranty must be increased to \$15,015.46, or otherwise rendered adequate by reclamation activities, is rapidly approaching. As stated in the Office's inspection report, signed September 12, 2012, the 60-day deadline for ensuring the sufficiency of the financial warranty is November 12, 2012. Therefore, please provide the requested information regarding the reclamation cost estimation as soon as possible.

On a separate issue, in the above referenced email communication from Bridal Veil Construction, the Operator also indicated it had not received the Division's adequacy letter for TR-02. Please note the Division mailed its adequacy letter for TR-02 on September 12, 2012, by

US Mail. On September 12, 2012, the Division also mailed, by US Mail, its inspection report with associated notice to increase the financial warranty, signed September 12, 2012. Email communications from Bridal Veil Construction indicate receipt of the inspection report and notice to increase the financial warranty but no receipt of the adequacy letter, even though both correspondences were mailed by US Mail to the Operator on the same day. Copy of the Division's adequacy letter for TR-02 is enclosed for reference.

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". The signature is fluid and cursive, with a long horizontal stroke at the end.

Wallace H. Erickson  
Environmental Protection Specialist

Enclosure: Email communication from Bridal Veil Construction, sent 12/29/12 at 3:04 am;  
DRMS adequacy letter for TR-02, dated 9/12/12.

Ec w/enclosure: Russ Means, DRMS GJFO

## **Erickson, Wally**

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**From:** Connie Wurst [conniewurst@yahoo.com]  
**Sent:** Saturday, September 29, 2012 3:04 AM  
**To:** Erickson, Wally  
**Cc:** Means, Russ  
**Subject:** Re: Denial of TR-02, Bridalveil, M-2001-054

I wish we had known that there were adequacy issues. The only thing we had heard from you was that you wanted money before you could review it. We sent the money, and had not heard another word. Your denial because we did not respond to adequacy issues or request an extension is a puzzle to us.

For your information: We will also be requesting a revised number for the deposit for reclamation. We don't make that kind of money. We don't make \$1,000 per year on gravel. We sure don't have \$10,000, and we are dirt contractors ourselves. We know what it costs, and do the work. I am sure that you want the money, but we don't have it.

We were under the impression that you would be getting back with us regarding the revision within 30 days. We waited and waited. Then when you got back to us, it was with things that we were waiting on the revision for, so we naturally thought we had to clean the channel, etc, before you would consider the revision, even though the revision would have been more stable with the channel having natural fill in it.

Now you say that we did not respond to adequacy issues. What is this all about???

Connie

--- On Fri, 9/28/12, Erickson, Wally <[Wally.Erickson@state.co.us](mailto:Wally.Erickson@state.co.us)> wrote:

From: Erickson, Wally <[Wally.Erickson@state.co.us](mailto:Wally.Erickson@state.co.us)>  
Subject: Denial of TR-02, Bridalveil, M-2001-054  
To: "Connie Wurst" <[conniewurst@yahoo.com](mailto:conniewurst@yahoo.com)>  
Cc: "Means, Russ" <[Russ.Means@state.co.us](mailto:Russ.Means@state.co.us)>  
Date: Friday, September 28, 2012, 6:16 PM

Dear Bridal Veil Construction:

The attached file contains the Division's decision document for TR-02 at the Bridalveil Pit, M-2001-054. The Operator did not respond to the Division's adequacy issues and the Operator did not request an extension to the review period. Therefore, the Division had no choice on the decision day but deny TR-02. Hard copy has been mailed.

Wally Erickson

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September 12, 2012

Emery Lynn Olin  
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1796 N. Main Street  
Ouray, CO 81427

John W. Hickenlooper  
Governor

Mike King  
Executive Director

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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,



Wallace H. Erickson  
Environmental Protection Specialist

ec: Russ Means, DRMS GJFO