

# STATE OF COLORADO

## DIVISION OF RECLAMATION, MINING AND SAFETY

Department of Natural Resources

1313 Sherman St., Room 215

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October 11, 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: Extension to a Corrective Action Deadline, Bridalveil Pit, Permit No. M-2001-054.**

Dear Mr. Olin:

On October 11, 2012, the Division received your correspondence, dated October 8, 2012, requesting a 49-day extension to one of the corrective action deadlines identified in the Division's inspection report, signed September 12, 2012. There were three such deadlines in the referenced inspection report but your correspondence discusses only one, regarding maintenance of the stormwater control structures. Therefore, the other two corrective action deadlines, regarding the affidavit addressing the requirements of Rule 3.1.5(9), due October 12, 2012, and regarding the notice to increase the financial warranty, due November 12, 2012, remain intact. Failure to comply by the corrective action deadlines may result in the Division pursuing enforcement action.

As noted in the Division's inspection report, signed September 12, 2012, the Bridalveil Pit is a sensitive operation. The combination of steep slopes, high-energy run-on and run-off, numerous structures nearby, and Hwy 550 immediately down slope of affected lands result in a high potential for off-site damage. The potential for off-site damage is somewhat minimized by the stormwater control structures, designed and certified to address the 10 year, 24 hour, storm event. During the inspection the Division observed the stormwater control structures were not maintained at their design specifications. Therefore, the Division imposed a 30-day deadline whereby the Operator must maintain the stormwater control structures to the minimum specifications of their approved design.

Pursuant to Rule 3.1.5(3), the Operator is obligated to conduct its mining and reclamation activities in a manner which controls erosion and siltation of the affected lands, and protects off-site areas from damage. Permit conditions require the Operator to maintain the stormwater control structures on a routine basis and not only in response to an inspection conducted by the Division.

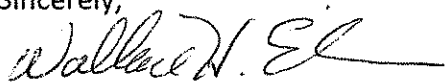
Given the Operator's failure to maintain the stormwater control structures on a routine basis and the high potential for off-site damage resulting from uncontrolled run-off from the affected lands, the Division finds the Operator's request for extension to November 30, 2012, inappropriate. However, due to the extenuating circumstances identified by the Operator, the Division has extended its corrective action deadline for the stormwater control structures by two weeks, to **October 26, 2012**.

Therefore, the corrective action deadlines for the three problems identified in the Division's inspection report, signed September 12, 2012, are as follows:

1. Financial Warranty - Pursuant to Rule 4.2.1(2), the Operator shall submit adequate financial warranty, totaling not less than \$15,015.46, due November 12, 2012. (original deadline intact and not extended)
2. Sediment Control – By October 26, 2012, the Operator shall repair the stormwater control channel and basin to fully comply with the approved plan, control erosion, and protect outside areas from damage. By October 26, 2012, the Operator shall provide photo documentation to the Division verifying the completion of repairs for all portions of the stormwater control structures. (original deadline extended two weeks)
3. General Compliance with Mine Plan – By October 12, 2012, the Operator shall provide a notarized affidavit stating that the unauthorized fill materials, imported by the Operator without prior approval by the Division, is inert and addressing all requirements of Rule 3.1.5(9). (original deadline intact and not extended)

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: Connie Wurst, manager of Bridal Veil Construction  
Russ Means, DRMS GJFO