

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



November 27, 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: Request for Refund of Filing Fee Denied, TR-02,
Bridalveil Pit, Permit No. M-2001-054.**

Dear Mr. Olin:

On November 5, 2012, the Office received an email communication from Connie Wurst, manager of Bridal Veil Construction, sent November 4, 2012, at 9:59 pm. Copy of the email communication is enclosed. In the email communication, Bridal Veil Construction alleged the Division failed to review TR-02 and failed to provide an adequacy letter for TR-02. Therefore, Bridal Veil Construction requested refund of the filing fee for TR-02.

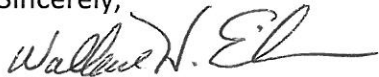
The request for refund of the filing fee for TR-02 has been denied for the following reasons:

1. The original request for TR-02 was received August 1, 2012. The application for TR-02 was not accompanied by the filing fee, required under Rule 1.9.1, and was deemed incomplete. By letter, dated August 6, 2012, the Division informed Bridal Veil Construction of the incomplete application for TR-02. The Division's notice of the incomplete application was mailed to Bridal Veil Construction by US Mail.
2. The filing fee was hand delivered to the Division during the August 29, 2012 inspection. On August 29, 2012, the Division deemed the application for TR-02 complete for the purposes of filing and the review period for TR-02 commenced.
3. By letter, dated September 12, 2012, the Division informed Bridal Veil Construction of the preliminary adequacy issues for TR-02, which must be addressed prior to the decision date, set by statute at September 28, 2012. The Division's adequacy letter, as well as the inspection report generated from the August 29, 2012 inspection, was mailed by US Mail on September 12, 2012.
4. On the decision date, September 28, 2012, there were outstanding adequacy issues for TR-02 and Bridal Veil Construction did not request an extension to the review period. Therefore, on September 28, 2012, the Division denied TR-02. The Division informed Bridal Veil Construction of the decision by letter, dated September 28, 2012, which was mailed by US Mail.

5. In an email communication, sent at 5:08 am September 29, 2012, Bridal Veil Construction indicated no receipt of the Division's adequacy letter for TR-02, previously mailed on September 12, 2012. The Division responded, by letter dated October 2, 2012, in which the Division informed Bridal Veil Construction of its opportunity for administrative appeal of the Division's decision, provided under Rules 1.9.2 and 1.4.11, and of the deadline for submittal of the petition for appeal, due October 28, 2012.
6. The deadline for submittal of a petition for appeal of the Division's decision closed on October 28, 2012. The Division did not receive any petition for appeal of its decision to deny TR-02. Therefore, the proceedings for TR-02 closed on October 28, 2012.

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

Enclosure: Email communication from Bridal Veil Construction, sent 11/4/12 at 9:59 pm;

Ec w/enclosure: Russ Means, DRMS GJFO



**State
of
Colorado**

Request for refund of revision fees

Connie Wurst <conniewurst@yahoo.com>

Sun, Nov 4, 2012 at 9:59 PM

To: WallyErickson <wally.erickson@state.co.us>

Cc: Russ Means <russ.means@state.co.us>

I would like to request a refund of the \$216 fee paid on 8-27-12 for a plan revision. Since your department did not even look at it, because we did not get a letter stating that you needed more information about adequacy, we feel that it is appropriate that a refund of fees paid by check number 3520 on 8/27/12 of \$216 be refunded.

Thank you,
Connie Wurst
Bridal Veil Construction
PO Box 1821
Ouray, CO 81427
970-729-1823 (Lynn's Cell)