

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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March 6, 2013

Michael Coleman
ACA Products, Inc.
P.O. Box 1887
Buena Vista, CO
81211

John W. Hickenlooper
Governor

Mike King
Executive Director

Loretta Piñeda
Director

RE: Avery Construction Pit, Permit No. M-1979-011, Citizen Complaint

Dear Mr. Coleman:

On March 6, 2013 the Division of Reclamation, Mining and Safety (Division) received the attached complaint regarding the construction of a berm around the property located just north of the Avery Construction Pit. During our telephone conversation on March 4, 2013 you indicated that construction of the berm was requested by the town of Buena Vista. You also indicated that the berm was to be a permanent feature at the property and that the material used for constructing the berm was not needed for reclamation of the Avery Construction Pit. Please submit a written response to the complaint to the Division by Friday, March 15, 2013. Along with your response please include correspondence from the town of Buena Vista documenting their request for construction of the berm. Also, please describe the material used for constructing the berm. Review of the permit file indicates that there is not excess topsoil at the site, and that all available topsoil shall be salvaged for reclamation. Please demonstrate that there is adequate topsoil available for reclamation.

If you require additional information, or have questions or concerns, please contact me at the Division's Grand Junction Field Office.

Sincerely,



Dustin Czapla

Environmental Protection Specialist
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Division of Reclamation, Mining and Safety
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Cc: Doug Constance
Ec: Russ Means, DRMS