



**COLORADO**  
Division of Reclamation,  
Mining and Safety  
Department of Natural Resources

October 9, 2019

Chris Pyles  
Gillette Sand and Gravel, Inc.  
20575 Highway 24  
Woodland Park, CO

**Re: Reason to Believe a Violation Exists and Notice of Board Hearing;  
Gillette Pit; Permit M-1992-009**

Mr. Pyles:

On October 4, 2019, the Division of Reclamation, Mining and Safety (Division) conducted an inspection of the Gillette Pit (Permit M-1992-009) and found wash water from the process ponds was released into Beaver Creek.

Based on the findings of the inspection we believe this is a violation of:

- C.R.S. 34-32.5-116(4)(h) for failure minimize disturbances to the prevailing hydrologic balance of the affected land and of the surrounding area and to the quality of quantity of water in surface and groundwater systems both during and after the mining operation and during reclamation.
- C.R.S. 34-32.5-116(4)(i) for failure to protect areas outside of the affected land from slides or damages occurring during the mining operation and reclamation.
- C.R.S. 34-32.5-121 for failure to notify the Division of a failure or imminent failure, as soon as reasonably practicable after such person has knowledge of such condition or of any impoundment, embankment, or slope that poses a reasonable potential for danger to any persons or property.
- C.R.S. 34-32.5-124 for failure to follow the conditions of an order, permit or regulation.

Therefore, the Division has reason to believe that a violation exists to the Colorado Land Reclamation Act for the Extraction of Construction Materials, C.R.S. § 34-32.5-101 et seq., and have scheduled this matter to appear before the Mined Land Reclamation Board.

A Formal Public Hearing will be held during the November 13-14, 2019 Board Meeting for consideration of this possible violation. The hearing will be held at 1313 Sherman Street, Room 318, Denver, Colorado, beginning at 9:00 a.m. on November 13, 2019 or as soon thereafter as the matter can be considered. At that hearing you will have the opportunity to present your defense.

**This is an important legal proceeding and you must appear in person for this hearing. If you fail to appear, an order and financial judgment may be entered against you. In addition, failure to appear at the hearing may result in legal consequences including, but not limited to, loss of party status and your ability to seek reconsideration from the Board or seek judicial appeal in district court.**

If the Board finds a violation at this hearing, it may issue a Cease and Desist Order and assess a Civil Penalty in the amount of \$100.00 to \$1,000.00 for each day of violation, pursuant to C.R.S. 34-32.5-



124(7). Pursuant to C.R.S. 34-32.5-124(6)(a), the Board may suspend, modify, or revoke the permit. If you have evidence indicating that the possible violation noted above does not exist or has been corrected, please provide it to the Division as soon as possible or bring it to the hearing. Any information to be considered by the Board during the hearing must be received by the Division on or before November 1, 2019.

All parties have an opportunity to review and comment on a draft of the Board's order before it becomes final. If you wish to do so, you must provide the Board with a written request to review the draft order prior to or at the time of your hearing, or you must inform the Board orally during the hearing that you request to review the draft order. The Board's attorney must receive your comments on the draft order within three calendar days of the date the draft order is e-mailed, unless that deadline is extended by the Board's attorney. Submit all comments to Charles Kooyman, Colorado Department of Law, by fax at (720) 508-6037, or by email at [Charles.Kooyman@coag.gov](mailto:Charles.Kooyman@coag.gov).

Please note that the Division has requested and will be allowed to review and comment on the draft Board order.

The Board's agenda may not be finalized until the week of the Board meeting. Therefore, we recommend you contact the Board's Secretary, Camille Mojar by telephone at (303) 866-3567, ext. 8136 or by email at [Camille.Mojar@state.co.us](mailto:Camille.Mojar@state.co.us) on Tuesday, November 12, 2019 to confirm the specific date for the hearing.

If you have any questions about this letter or the hearing, please contact Elliott Russell at (303) 866-3567, ext. 8132.

Sincerely,



Virginia Brannon  
Division Director

CERTIFIED MAIL No. 7016 2710 0000 2965 2680  
Return Receipt Requested

cc: Russ Means, DRMS  
Jason Musick, DRMS  
Elliott Russell, DRMS  
Jeff Fugate, AGO