



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

June 4, 2020

Gillette Sand and Gravel, Inc.  
Chris Pyles  
20575 Highway 24  
Woodland Park, CO 80863

Re: Findings of Fact, Conclusions of Law, and Order, Gillette Sand and Gravel, Inc.  
File No. M-1992-009, MV-2019-033

On May 28, 2020, the Mined Land Reclamation Board signed the enclosed Board Order for the above captioned operation. Because this document is the final order of the Board, it is legally binding on and affects the above-captioned operation, and we strongly advise that you read this document carefully.

Sincerely,

  
Camille Mojar  
Board Administrator

Enclosure(s)

Certified Mail  
7018 2290 0001 8923 1113

cc:  
Elliott Russell  
Michael Cunningham  
Jeff Fugate  
Scott Schultz  
Charles Kooyman



BEFORE THE MINED LAND RECLAMATION BOARD  
STATE OF COLORADO

Notice of Violation No. MV-2019-033

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**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**

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IN THE MATTER OF THE REQUEST TO MODIFY THE CORRECTIVE ACTIONS OF  
THE BOARD'S ORDER FOR VIOLATION MV-2019-033 BY GILLETTE SAND AND  
GRAVEL, INC., File No. M-1992-009

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THIS MATTER came before the Mined Land Reclamation Board ("Board") on April 22, 2020 in Denver, Colorado as a consent agenda item to consider modifications to the Board's Order for violation MV-2019-033, file number M-1992-009.

The Board, having considered the materials presented with this consent agenda item and having been otherwise fully informed of the facts in the matter, enters the following:

**FINDINGS OF FACT**

1. The Operator holds a 112c permit for a 32-acre gravel operation located in Section 4, Township 15 South, Range 69 West, 6th Principal Meridian in Teller County, Colorado, permit number M-1992-009. The site is known as the Gillette Pit.
  2. Following a hearing held on November 13, 2019, where testimony was presented regarding a possible violation by Gillette Sand and Gravel, Inc. ("Operator") for failure to minimize disturbances to the prevailing hydrologic balance, protect areas outside of the affected land from slides or damages occurring during the mining operation, notify the Division of a failure of an embankment, and follow conditions of a permit, the Board issued an Order imposing corrective actions on Operator (the "Order").
  3. Specifically, the Order required Operator to "submit to the Division a permit amendment application to increase the size of the current 112c Reclamation Permit to include the affected lands outside the approved permit boundary. ... The permit amendment shall also address appropriate process pond designs and control measures to prevent further discharges."
  4. On March 5, 2020, the Division received a letter from a consultant on behalf of the Operator requesting that the corrective action in the Order be modified to remove the requirement to include affected lands outside the currently approved permit
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boundary in an amendment application and instead require Operator to submit a technical revision application addressing the pond design and control measures.

5. The Division supports the Operator's request to modify the Order. The Division agrees that a technical revision is appropriate to address pond design and control measures.

### CONCLUSIONS OF LAW

6. The Board has jurisdiction over this matter pursuant to the Colorado Land Reclamation Act for the Extraction of Construction Materials, Article 32.5 of Title 34, C.R.S. (2019) (the "Act").

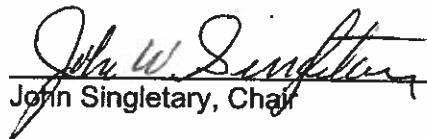
### ORDER

Based on the foregoing findings of fact and conclusions of law, the Board hereby amends the corrective action for violation MV-2019-033 as follows:

Operator shall submit a technical revision application addressing appropriate process pond designs and control measures to prevent further discharges.

DONE AND ORDERED this 28th day of May 2020.

FOR THE COLORADO MINED LAND  
RECLAMATION BOARD

  
John Singletary, Chair

### NOTICE OF JUDICIAL REVIEW RIGHTS

This order becomes effective and final upon mailing. Any party adversely affected or aggrieved by agency action may commence an action for judicial review by filing a complaint with the district court within thirty-five (35) days after the effective date of this order, pursuant to section 24-4-106, C.R.S. (2019) and the Colorado Rules of Civil Procedure. In the event that a complaint for judicial review is filed, designations of record made in accordance with section 24-4-106(6), C.R.S. should be served on the Board at: 1313 Sherman Street, Room 215, Denver, CO 80203, Attention: Camie Mojar.

CERTIFICATE OF SERVICE

This is to certify that I have duly served the within FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER upon all parties herein by depositing copies of same in the United States mail, first-class postage prepaid, at Denver, Colorado, this 4th day of June 2020, addressed as follows:

*By certified mail:*

7018 2290 0001 8923 1113

Gillette Sand and Gravel, Inc.  
Chris Pyles  
20575 Highway 24  
Woodland Park, CO 80863

*By electronic mail to:*

Elliott Russell  
Division of Reclamation, Mining & Safety  
1313 Sherman Street, Room 215  
Denver, CO 80203

Michael Cunningham  
Division of Reclamation, Mining & Safety  
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Camille Mojar, Board Administrator

Gillette Sand and Gravel, Inc.,  
Gillette Pit/M-1992-009  
MV-2019-033