



STATE OF  
COLORADO

Zuber - DNR, Rob <rob.zuber@state.co.us>

---

## Report for Frank Gilmore

1 message

---

**Zuber - DNR, Rob** <rob.zuber@state.co.us>  
To: rockingz@juno.com

Thu, Nov 4, 2021 at 2:19 PM

Hello, Frank

Please see the attached report and let me know if you have questions or comments.

Take care,  
Rob

Rob Zuber, P.E.  
Environmental Protection Specialist  
Active Mines Regulatory Program



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

P 303.866.3567, extension 8113 | Cell 720.601.2276  
1313 Sherman Street, Room 215, Denver, CO 80203  
[rob.zuber@state.co.us](mailto:rob.zuber@state.co.us) | <http://drms.colorado.gov>



---

**INSP-REPORTMWP\_M1983209\_CCW\_11042021081442.pdf**  
1877K




**MINERALS PROGRAM INSPECTION REPORT**  
**PHONE: (303) 866-3567**

The Division of Reclamation, Mining and Safety has conducted an inspection of the mining operation noted below. This report documents observations concerning compliance with the terms of the permit and applicable rules and regulations of the Mined Land Reclamation Board.

<b>MINE NAME:</b> Benton Dawson Gravel	<b>MINE/PROSPECTING ID#:</b> M-1983-209	<b>MINERAL:</b> Sand and gravel	<b>COUNTY:</b> Delta
<b>INSPECTION TYPE:</b> Monitoring	<b>INSPECTOR(S):</b> Robert Zuber, P.E.	<b>INSP. DATE:</b> October 21, 2021	<b>INSP. TIME:</b> 11:40
<b>OPERATOR:</b> Frank Gilmore	<b>OPERATOR REPRESENTATIVE:</b> Frank Gilmore	<b>TYPE OF OPERATION:</b> 110c - Construction Limited Impact	

<b>REASON FOR INSPECTION:</b> Normal I&E Program	<b>BOND CALCULATION TYPE:</b> None	<b>BOND AMOUNT:</b> \$10,667.00
<b>DATE OF COMPLAINT:</b> NA	<b>POST INSP. CONTACTS:</b> None	<b>JOINT INSP. AGENCY:</b> None
<b>WEATHER:</b> Clear	<b>INSPECTOR'S SIGNATURE:</b> 	<b>SIGNATURE DATE:</b> November 4, 2021

**The following inspection topics were identified as having Problems or Possible Violations. OPERATORS SHOULD READ THE FOLLOWING PAGES CAREFULLY IN ORDER TO ASSURE COMPLIANCE WITH THE TERMS OF THE PERMIT AND APPLICABLE RULES AND REGULATIONS. If a Possible Violation is indicated, you will be notified under separate cover as to when the Mined Land Reclamation Board will consider possible enforcement action.**

**INSPECTION TOPIC:** Availability Of Records  
**PROBLEM/POSSIBLE VIOLATION:** Problem: Failure to follow approved reclamation plan, or current reclamation plan needs to be updated and clarified pursuant to C.R.S. 34-32.5-116 (1). The operator must follow approved reclamation plan or provide sufficient information to describe or identify how the operator intends to conduct reclamation.  
**CORRECTIVE ACTIONS:** The operator shall submit a Technical Revision, with the required \$216 revision fee, to update and clarify the current approved reclamation plan to reflect existing and proposed activities by the corrective action date.  
**CORRECTIVE ACTION DUE DATE:** 1/07/22

**INSPECTION TOPIC:** Topsoil

**PROBLEM/POSSIBLE VIOLATION:** Problem: The topsoil stockpiles do not have established vegetation on them and are therefore susceptible to erosion. Rule 3.1.9(1) states if topsoil is not replaced into the backfill area within a time short enough to avoid deterioration of the topsoil, vegetative cover or other means shall be employed so that the topsoil is protected from erosion.

**CORRECTIVE ACTIONS:** The operator shall seed the stockpiles with the seed mix that was submitted as part of the approved Reclamation Plan. The Operator shall demonstrate compliance by submitting seed tags, a bill of sale or photographs of seeding activities. The Operator may also request a follow up inspection.

**CORRECTIVE ACTION DUE DATE:** 12/10/21

### **OBSERVATIONS**

Rob Zuber of DRMS inspected the Benton Dawson Gravel Pit on October 21, 2021. The permittee and landowner, Frank Gilmore, was also present. The site is a 110C operation (DRMS Permit Number M-1983-209) that is currently active. At the time of the inspection, no crushing equipment, other equipment, or storage tanks were onsite.

The permit area is 6 acres. The approved area for disturbance is also 6 acres. There was no indication that mine disturbance extended beyond the permit boundary.

A large volume of overburden is stockpiled onsite, and the volume of material looks to be sufficient to perform final grading, although (as mentioned elsewhere in this report) the final reclamation plan needs to be clarified.

The weather was warm and clear, and the ground was mostly dry.

#### Availability Of Records:

Currently, there is a pit onsite that is about 10 - 15 feet below the surrounding slopes, and there is no way for runoff to drain, other than infiltration. In past documentation for Technical Revision 2 (TR-02 approved in 2006) there is text indicating that after reclamation the entire site will drain to the central area and runoff will exit the site. However, the Reclamation Plan Map does not adequately show this plan for drainage. The operator needs to submit another Technical Revision updating the Reclamation Plan Map, and this map must clearly indicate:

- The final topography of the site after reclamation
- The direction of runoff flow, shown with arrows
- Any structures that need to be added, such as culverts.

The map must contain all elements that are listed in Rules 6.2.1(2) and 6.3.5(3).

If the operator determines that the permit area requires expansion to implement this revised reclamation plan, this should be discussed with the Division, and an Amendment to the permit may be required.

Alternatively, if the operator decides upon a final reclamation plan that will not allow for drainage from the excavated area, because infiltration prevents retention of water, then a TR can be submitted for that option.

Financial Warranty:

The Division will update the financial warranty for this site after the reclamation plan and map are clarified by the operator.

Hydrologic Balance:

There was no indication that runoff from the site is causing problems on adjacent lands.

Reclamation Success:

The reclaimed area near the northeast corner of the site has been graded well (approximately 3H:1V), but it still requires topsoil and vegetation. No erosion problems were seen on these slopes.

Revegetation:

Much of the vegetation on the site was undesirable species such as Russian thistle, but only small numbers of listed noxious weeds (listed by the Colorado Weed Management Association) were seen, and most of these appeared to have been treated. The operator must continue to monitor and treat the listed weeds for the life of the permit.

Signs and Markers:

The entrance sign and boundary markers (fence) were in place and in compliance.

Topsoil:

The topsoil stockpiles are not protected with vegetation or BMPs. This problem needs to be addressed by the operator.

Two topsoil stockpiles were seen on the site. The one on the east side was approximately 70 feet by 15 feet and 10 feet high. The one in the central area was approximately 20 feet by 10 feet and 5 feet high.

## **PHOTOGRAPHS**



**Entrance sign at southeast corner – contains sufficient information**



**Reclaimed slope on east side (looking south from NE corner)**





**Reclaimed slope on north side (looking west from NE corner)**



**Overburden and gravel at center of site (looking south)**



**Area where Frank Gilmore indicated that reclaimed site will drain  
(live trees are off site and approximately 20 feet from the boundary)**



**Low area in center of site**

### GENERAL INSPECTION TOPICS

The following list identifies the environmental and permit parameters inspected and gives a categorical evaluation of each

(AR) RECORDS----- <u>PB</u>	(FN) FINANCIAL WARRANTY----- <u>Y</u>	(RD) ROADS----- <u>N</u>
(HB) HYDROLOGIC BALANCE----- <u>Y</u>	(BG) BACKFILL & GRADING----- <u>N</u>	(EX) EXPLOSIVES----- <u>N</u>
(PW) PROCESSING WASTE/TAILING---- <u>N</u>	(SF) PROCESSING FACILITIES----- <u>N</u>	(TS) TOPSOIL----- <u>PB</u>
(MP) GENL MINE PLAN COMPLIANCE- <u>N</u>	(FW) FISH & WILDLIFE----- <u>N</u>	(RV) REVEGETATION---- <u>Y</u>
(SM) SIGNS AND MARKERS----- <u>Y</u>	(SP) STORM WATER MGT PLAN---- <u>N</u>	(RS) RECL PLAN/COMP-- <u>Y</u>
(ES) OVERBURDEN/DEV. WASTE----- <u>N</u>	(SC) EROSION/SEDIMENTATION--- <u>N</u>	(ST) STIPULATIONS----- <u>N</u>
(AT) ACID OR TOXIC MATERIALS----- <u>N</u>	(OD) OFF-SITE DAMAGE----- <u>N</u>	

Y = Inspected / N = Not inspected / NA = Not applicable to this operation / PB = Problem cited / PV = Possible violation cited

#### Inspection Contact Address

Frank Gilmore  
13721 G Road  
Delta, CO 81416

CC: Michael Cunningham, DRMS