

STATE OF  
COLORADO

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**Third adequacy letter for Bennett's Gravel Pit, TR-05**

1 message

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

Fri, Feb 4, 2022 at 8:28 AM

To: Jim Doody &lt;Jim.Doody@peakreadymix.com&gt;

Cc: Michael Cunningham - DNR &lt;michaela.cunningham@state.co.us&gt;, Ben Langenfeld &lt;benl@lewicki.biz&gt;

Jim -

Please see the attached letter (and share with Jon Mueller if you want). This is my third adequacy review for TR-05 for the Bennett's Gravel Pit. Unfortunately, there is still some work for Elam Construction and/or Lewicki and Associates to do. As I started updating the reclamation cost estimate (comparing to Exhibit L in the TR-05 submittal) and talked to Ben about it, I realized that some aspects of the reclamation plan for this site need to be further clarified. I am sorry for the delay, but I not only want to get this correct for now, I want to avoid confusion in the future.

Thanks for your patience.  
Rob

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



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

***I am working remotely and can be reached by cell at 720.601.2276.***

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**Bennetts\_Gravel\_TR5\_\_DRMS\_3rd\_Adequacy\_Letter.pdf**

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February 4, 2022

Jim Doody and Jon Mueller  
Elam Construction, Inc.  
556 Struthers Ave.  
Grand Junction, CO 81501

**Re: Bennett's Gravel Pit, Permit M-1979-166, TR-05 Third Adequacy Review**

Dear Sirs:

The Division has reviewed your Technical Revision No. 5 (TR-05) application from Lewicki & Associates and the responses to Division adequacy items (letter from Lewicki and Associates dated 31 January 2022). We have the following comments on the adequacy items that need to be addressed with another response letter and revised materials, as necessary. Note that the original adequacy items (from my 24 January letter) have been repeated, and the new comments are in italics. Related to the reclamation cost estimate, another adequacy item is added at the end of this letter.

1. Regarding the Exhibit C maps, please explain why the floodplain does not encompass the river on the east end of the maps, or revise the maps if appropriate.
  - *No additional response required regarding the original adequacy item. Thank you for providing the FIRMette map.*
  - *Please submit new maps with certifications by a Professional Engineer.*
  - *Regarding the inflow/outflow structure that was added to the maps, it is unclear when this structure will be built. The Lewicki letter states that it will be constructed after all mining is completed, but Map F-1 indicates otherwise. Please address this apparent discrepancy.*
  - *On Map F-1 the use of the word "thalweg" in the details is confusing. A thalweg is the line connecting the lowest points along the channel bottom. Perhaps this word should be replaced with the word "level." For example, "TYPICAL HIGHWATER THALWEG OF RIVER" could be "TYPICAL HIGHWATER LEVEL OF RIVER."*
2. Please explain the origin of the 100-foot setback from the river on Map C-2.
  - *No additional response required.*
3. Please revise Map C-2 to show the location of the overburden stockpile.
  - *No additional response required.*
4. On Map C-3 there is no road down the slope to the product stockpiles and the plant. Please explain if this was accidentally omitted or if the plan is for trucks and other equipment to traverse the slope without a designated road.
  - *On Map C-3 there is a label "IN PIT RAMP (TYP.)," but it is unclear what this is pointing at. The topography does not show a road. Please explain this further.*
5. On page D-2, the second paragraph states that in Phase 1 groundwater will be pumped to the lake "at the NPDES permit's discharge point." However, per Map C-2, the NPDES discharge point is near the lake but not in the lake. Please clarify this and revise text or maps as appropriate.
  - *No additional response required.*



6. Also related to the NPDES permit for the site (or CDPS permit, if appropriate), please explain the status of the permit. Will a revision be required from the Water Quality Control Division based on this revision to the mining and reclamation plan?
  - *No additional response required.*
7. On page D-2, the second paragraph states that in Phase 2 groundwater will be pumped to a sediment pond. Elam Construction needs to provide a design for this pond or state in the Exhibit D text that another revision will be submitted prior to construction of this pond. This design could simply entail cross-sections similar to those on Map C-4 for the pit itself.
  - *No additional response required.*
8. The reclamation plan, Exhibit E, and Map F-2 need to be revised so that the maximum area of the lake (or lakes) at any given time (during mining, during reclamation, and after reclamation) is 9.5 acres per the Well Permit (Number 049487). Alternatively, the operator can obtain written permission from the Division of Water Resources stating that the on-site lake (or lakes) can encompass more than 9.5 acres, and as large an area as 15.3 acres.
  - ***Please revise Maps C-3 and F-2 to indicate very clearly that Phase 2 of the mine plan cannot begin without an additional well permit or other appropriate documentation from the Division of Water Resources.***
  - *The Division wants to emphasize that in this context we do not distinguish between the area of ponds and the areal extent of "exposed groundwater."*
9. An editorial review is recommended by the Division to fix errors in this exhibit (and others). For example, on page E-2, in the last sentence of the Topsoil Replacement section, "following to topsoil" should be replaced with "following topsoil." Also, there is an error on the first line of page E-3.
  - *No additional response required.*
10. On page E-4, the Weed Control section does not reference the extensive Weed Control Plan approved with TR-04. This plan should be referenced in Exhibit E (and the text in Exhibit E should agree with the plan), or Elam Construction should explain why this plan is not referenced and if it is no longer considered applicable to the site.
  - *No additional response required.*
11. The text on page E-1 suggests that reclamation at the south end of the site (where the existing lake is located) will be completed in Phase 1, but the strip of land (between the pit and river) is bigger in Map F-2 than in Map F-1. Please explain if this is an error, or revise the submitted materials (text and/or maps) as appropriate.
  - *No additional response required.*

**Text and maps related to the Reclamation Plan (Additional Adequacy Item)**

The Division has begun a review of the Phase 1 reclamation cost estimate (RCE) and compared the Division's calculations sent with the inspection report (9 September 2021) to Exhibit L in the submittal from Lewicki and Associates. There is a large disconnect between the Division's RCE and the cost estimate by Lewicki and Associates in Exhibit L. To bridge this gap, additional revisions to the reclamation plan are needed.

12. Please revise the Reclamation Plan (Exhibit E) and associated maps (Exhibit F) to very clearly explain all of the items in the list below. Provide significant detail for a reader to understand the plan completely and be able to compare the plan to the key elements of the RCE.

- The areas that have already been reclaimed at the site, including the banks of the existing pond.
  - This should be in agreement with the 2021 Annual Report for this permit, which states that **three acres** have been reclaimed. It should also be in agreement with the 2021 Annual Report Map, which shows that **current reclamation has been performed near the southwest corner of the existing pond but no other areas of the pond**. To avoid confusion for future readers, the text and map should indicate "As of February 2022" or similar language.
  - If the 2021 Annual Report is inaccurate, please explain that in your response to this letter. In future reports, Elam Construction needs to insure that the reports are accurate and in agreement with the permit exhibits (namely, Exhibit D and Exhibit E).
- The plan to reclaim all existing disturbance as well as the disturbance proposed in Phases 1 and 2 with TR-05.
  - State any limits to mining and reclamation. For example, will the reclamation of existing disturbance be performed prior to beginning the proposed mining operations? **During my inspection in August 2021 it was clear that much of the shoreline of the existing pond has not been reclaimed, most notably on the north side.**
- The process for dewatering, including dewatering of the existing pond to reclaim the slopes, as necessary.
  - Where will water be pumped? Will the sediment pond be large enough for this operation?
- The plan for hauling gravel to the northern area with a post-mining land use of industrial and grading this area. (This is in the current plan.)
- Volumes and approximate haul distances for fill material and topsoil.

The Division will update the RCE after these items are clarified. If you have any comments or questions, please contact me at [Rob.Zuber@state.co.us](mailto:Rob.Zuber@state.co.us) or by calling (720) 601-2276.

Thank you,



Robert D. Zuber, P.E.  
Environmental Protection Specialist

Cc: Michael Cunningham, DRMS; Ben Langenfeld, Lewicki & Associates