



STATE OF
COLORADO

Simmons - DNR, Leigh <leigh.simmons@state.co.us>

M1979155, Dotsero Cinder Pit, Inspection Report

1 message

Simmons - DNR, Leigh <leigh.simmons@state.co.us>
To: Jered Morgan - CDOT <jered.morgan@state.co.us>

Thu, Feb 9, 2023 at 3:36 PM

[Edited subject to give full permit number]

On Thu, Feb 9, 2023 at 3:33 PM Simmons - DNR, Leigh <leigh.simmons@state.co.us> wrote:
Mr. Morgan,

Please find attached a copy of the Division's inspection report for the Dotsero Cinder Pit.

The report cites several problems which will require action on the part of CDOT. Feel free to call me to discuss after you've had a chance to review the report.

Leigh Simmons
Environmental Protection Specialist



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

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COLORADO

Division of Reclamation,
Mining and Safety

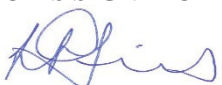
Department of Natural Resources

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.

MINE NAME: Dotsero Cinder Pit	MINE/PROSPECTING ID#: M-1979-155	MINERAL: Volcanic materials (ash, cinders)	COUNTY: Eagle
INSPECTION TYPE: Monitoring	WEATHER: Cloudy	INSP. DATE: November 28, 2022	INSP. TIME: 14:00
OPERATOR: Colorado Department of Transportation	OPERATOR REPRESENTATIVE: N/A	TYPE OF OPERATION: 110c - Construction Limited Impact	

REASON FOR INSPECTION: Normal I&E Program	BOND CALCULATION TYPE: None	BOND AMOUNT: No Bond Held
DATE OF COMPLAINT: NA	POST INSP. CONTACTS: None	JOINT INSP. AGENCY: None
INSPECTOR(S): Leigh Simmons	INSPECTOR'S SIGNATURE: 	SIGNATURE DATE: February 9, 2023

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: Gen. Compliance With Mine Plan

PROBLEM/POSSIBLE VIOLATION: Problem #1: The current mine plan needs to be updated and clarified pursuant to C.R.S. 34-32.5-112 and Rule 6.3.3. The operator must provide sufficient information to describe or identify how the operator intends to conduct the operation.

CORRECTIVE ACTIONS: By the corrective action due date, the operator shall submit a Technical Revision, with the required \$216 revision fee, to update and clarify the current approved mining plan in accordance with Rule 6.3.3 to reflect existing and proposed activities. Additionally, the revision must include an updated mining plan map that meets the requirements of Rules 6.2.1(2) and 6.3.5(2). This map must unambiguously establish the location of the approved permit boundary. This will help to resolve any confusion caused by differences between the map submitted with the original application, a map submitted in response to a 2012 inspection (but never added to the permit through the appropriate revision), and maps submitted with recent annual reports.

CORRECTIVE ACTION DUE DATE: 4/1/23

INSPECTION TOPIC: Gen. Compliance With Reclamation Plan

PROBLEM/POSSIBLE VIOLATION: Problem #2: The current reclamation plan needs to be updated and clarified pursuant to C.R.S. 34-32.5-116 and Rule 6.3.4. The operator must provide sufficient information to describe or

identify how the operator intends to conduct reclamation.

CORRECTIVE ACTIONS: By the corrective action due date, the operator shall submit a Technical Revision, with the required \$216 revision fee, to update and clarify the current approved reclamation plan in accordance with Rule 6.3.4 to reflect existing and proposed activities. Additionally, the revision must include an updated reclamation plan map that meets the requirements of Rules 6.2.1(2) and 6.3.5(3). This map must unambiguously establish the location of the approved permit boundary. This corrective action may be submitted with the same Technical Revision required for Problem #1 of this report.

CORRECTIVE ACTION DUE DATE: 4/1/23

INSPECTION TOPIC: Signs & Markers

PROBLEM/POSSIBLE VIOLATION: Problem #3: The mine identification sign and affected area boundary markers were not observed per the requirements of Rule 3.1.12.

CORRECTIVE ACTIONS: By the corrective action due date, the operator shall, at the entrance of the mine site post a sign in accordance with Rule 3.1.12(1), which is clearly visible from the access road, with a minimum size equaling one hundred and eighty-seven (187) square inches, such as eleven (11) inches in height and seventeen (17) inches in width, with appropriate font size, with the following: the name of the operator and the operation name; a statement that a reclamation permit for the operation has been issued by the Colorado Mined Land Reclamation Board; and the permit number. Additionally, the operator shall mark the boundaries of the affected area in accordance with Rule 3.1.12(2) by monuments or other markers that are clearly visible and adequate to delineate such boundaries, and provide sufficient evidence this has been done. The permit boundary delineated in the field with markers must correlate with the permit boundary shown on the revised mining and reclamation plan maps (submitted in the Technical Revision required for Problems #1 and #2). Please provide GPS coordinates for each boundary marker with this corrective action submittal.

CORRECTIVE ACTION DUE DATE: 4/1/23

OBSERVATIONS

This inspection was conducted by Leigh Simmons of the Division of Reclamation, Mining and Safety (Division). It was conducted without the accompaniment of the operator, Colorado Department of Transportation (CDOT), although the Division did communicate with Jered Morgan of CDOT before the inspection.

The Dotsero Cinder Pit is a surface volcanic materials mine, located in Eagle County approximately one mile northeast of Dotsero, on Trail Gulch Road. The permitted area is 9.2 acres.

The mine is permitted to affect less than 10 acres making it a "Limited Impact Operation", and volcanic cinders and ash are considered construction materials, so the 110c type permit is appropriate. Since the operator is a government entity the Division does not hold a financial warranty for the reclamation of the site.

An initial inspection was made on November 28, 2022. The weather was overcast but dry, with patches of snow on the ground which was otherwise muddy. Following further review of the documentary archive a follow-up inspection was made on January 23, 2023. During the second inspection the sky was clear and the ground was frozen. The Esri Field Maps app was used with a Samsung Galaxy S10e cell phone during the inspection to navigate around the site and to record the location of observations. As is evident from the photographs below, the area is open to, and well used by, members of the public, with shell casings, dumped construction waste and tire tracks of off-road vehicles around the site.

For a 110c operation the permit area boundary and affected area boundary are considered equivalent. For the Dotsero Cinder Pit the approved permit boundary is shown in the original permit application submitted in 1979. The approved permit boundary has not been revised since that time. However, throughout the permit history, the operator has submitted various maps of the permit area which seem to contradict what was approved in the original permit application, as explained in more detail below.

A site map was submitted on February 26, 2001 in response to the Division's October 19, 2000 inspection report. This map shows the permit boundary hand drawn onto an aerial image, and separated into three distinct parcels including a 4.03 acre pit area, a 1.03 acre stockpile area, and a lower 2.38 acre stockpile area. These stated acreages add up to a total of 7.44 acres. The map was georeferenced using physical features visible in the image, and the permit boundary was digitized. The total area of the three polygons was measured at 7.71 acres, which is 1.49 acres less than the approved 9.2 acres. (See Figure 1)

2001 Map: <https://dnrweblink.state.co.us/drms/0/doc/750173/Page1.aspx?searchid=3d817d44-b3fb-4b1d-bac2-44d524fe1511>

A different site map was submitted on August 8, 2012 in response to the Division's June 15, 2012 inspection report. This map shows the permit area to be spread over four distinct parcels, from south to north these are labeled as: stockpile area (2.38 ac), old pit, stockpile area (1.03 ac), and pit area (4.03 ac). Although the acreage is not given for the area labelled "old pit" the map was georeferenced by section marks and the four polygons were digitized. The total area of the four polygons was measured at 8.86 acres, which is 0.34 acres less than the approved 9.2 acres.

Inspection report: https://dnrweblink.state.co.us/drms/0/edoc/958234/2012-06-15_INSPECTION%20-%20M1979155.pdf?searchid=2ac5ac7b-1de4-4497-9b2f-b76b4f0220ba

2012 Map: https://dnrweblink.state.co.us/drms/0/edoc/962192/2012-08-08_INSPECTION%20-%20M1979155.pdf?searchid=2ac5ac7b-1de4-4497-9b2f-b76b4f0220ba

[%20M1979155.pdf?searchid=2ac5ac7b-1de4-4497-9b2f-b76b4f0220ba](#)

Copies of the 2012 map were submitted with annual reports through 2017 and again in 2019. In 2018 a different map was submitted, and a different map again in 2020-2023, (in 2022-2023 the annual report site map was supplemented with a vicinity map).

2018 Annual Report Map:

https://dnrweblink.state.co.us/drms/0/edoc/1237648/M1979155_18%20Feb%2001_Annual%20Report%20Map.pdf?searchid=2ac5ac7b-1de4-4497-9b2f-b76b4f0220ba

2020-2023 Annual Report Map:

[https://dnrweblink.state.co.us/drms/0/edoc/1380752/M1979155_23%20Feb%2001_Annual%20Report%20Map%20\(139\).pdf?searchid=2ac5ac7b-1de4-4497-9b2f-b76b4f0220ba](https://dnrweblink.state.co.us/drms/0/edoc/1380752/M1979155_23%20Feb%2001_Annual%20Report%20Map%20(139).pdf?searchid=2ac5ac7b-1de4-4497-9b2f-b76b4f0220ba)

It should be noted, the approved 9.2 acre permit area (as depicted in the original application) has not been formally revised through the appropriate permit revision. The only revisions the Division has approved for this site include Technical Revision No. 1 (approved on June 5, 1990) to operate on an intermittent basis (less than 180 days per year), and an administrative name change (approved on March 26, 2013) from Colorado Division of Highways to Colorado Department of Transportation. Therefore the approved permit area has not changed from that which was approved in the original application. The permit area can only be revised through an Amendment or Conversion application (to increase the acreage) or an Acreage Reduction/Partial Release application (to reduce the acreage). Otherwise, the permit area can be fully released through a Full/Final Release request.

Figure 2 shows the northern-most parcel of the permit area (i.e. the "pit area"), overlaid on the aerial image, and Figure 3 shows the map submitted with annual reports from 2020-2023. It is clear that the red boundary line on the annual report map includes land that is outside of the approved boundary (purple polygon in Figure 2). Since the permit boundary cannot be revised with an Annual Report, there is either an error in the Annual Report map, or the operator has mined outside the permit boundary. In order to begin to resolve this issue, the operator should submit a Technical Revision to update the permit file with a Mining Plan Map and a Reclamation Plan Map that meet the requirements of Rules 6.2.1(2) and 6.3.5. Additionally, the Technical Revision must include updated mining and reclamation plans in accordance with Rules 6.3.3 and 6.3.4, which address the operational uses and reclamation procedures for each portion of the permit area.

Two attempts were made during the inspection to locate a mine id sign and permit boundary markers. No sign could be located, and only a few unidentified t-posts were found. Under current conditions there is no way for members of the public to know that they are entering or leaving a permitted mine, or to know who to contact for further information. Given that the permit area is in three separate parcels, there should be three separate signs. Marker posts should be sufficient in number to clearly delineate the permit boundary.

Please see pages 1-2 of this report for the problems cited and a detailed description of the required corrective actions.

Revegetation:

Vegetation was dormant at the site at the time of the inspection.

Sediment Control:

The site was graded so as to prevent uncontrolled runoff from the steep slopes in the pit. A flat area protected

by a substantial berm controlled sediment.

Support Facilities On-site:

Off-site material had been stockpiled at the Stock Pile Area and on an adjacent area outside the permit area. The operator should be advised, the approved permit area shall not be used for temporary storage of material derived from off-site unless this activity is addressed in the approved mining and reclamation plans. Therefore, if the operator intends to continue using portions of the permit area for this purpose, the Division recommends the updated mining and reclamation plans submitted with the required Technical Revision reflect this activity. For example, the mining plan and map would need to specify which portions of the permit area will be used for this purpose, include a description of the materials, and specify the maximum volume of off-site material to be stored in these areas at any time. Additionally, the reclamation plan would need to address any lands disturbed by this activity. If the operator plans to use any such material for reclamation of the affected lands, details on this proposal shall be included in the revised reclamation plan. The Division refers the operator to Rule 3.1.5(9) pertaining to material imported to the site for use in reclamation backfill.

Topsoil:

As stated in the original permit application, no topsoil was stockpiled at this site, and the reclamation plan does not call for the spreading of topsoil.



Figure 1: Screenshot of section of 2001 map, with digitized permit boundary (purple) and inspection features (pink)



Figure 2: Northern-most parcel of approved permit boundary, overlaid on aerial image

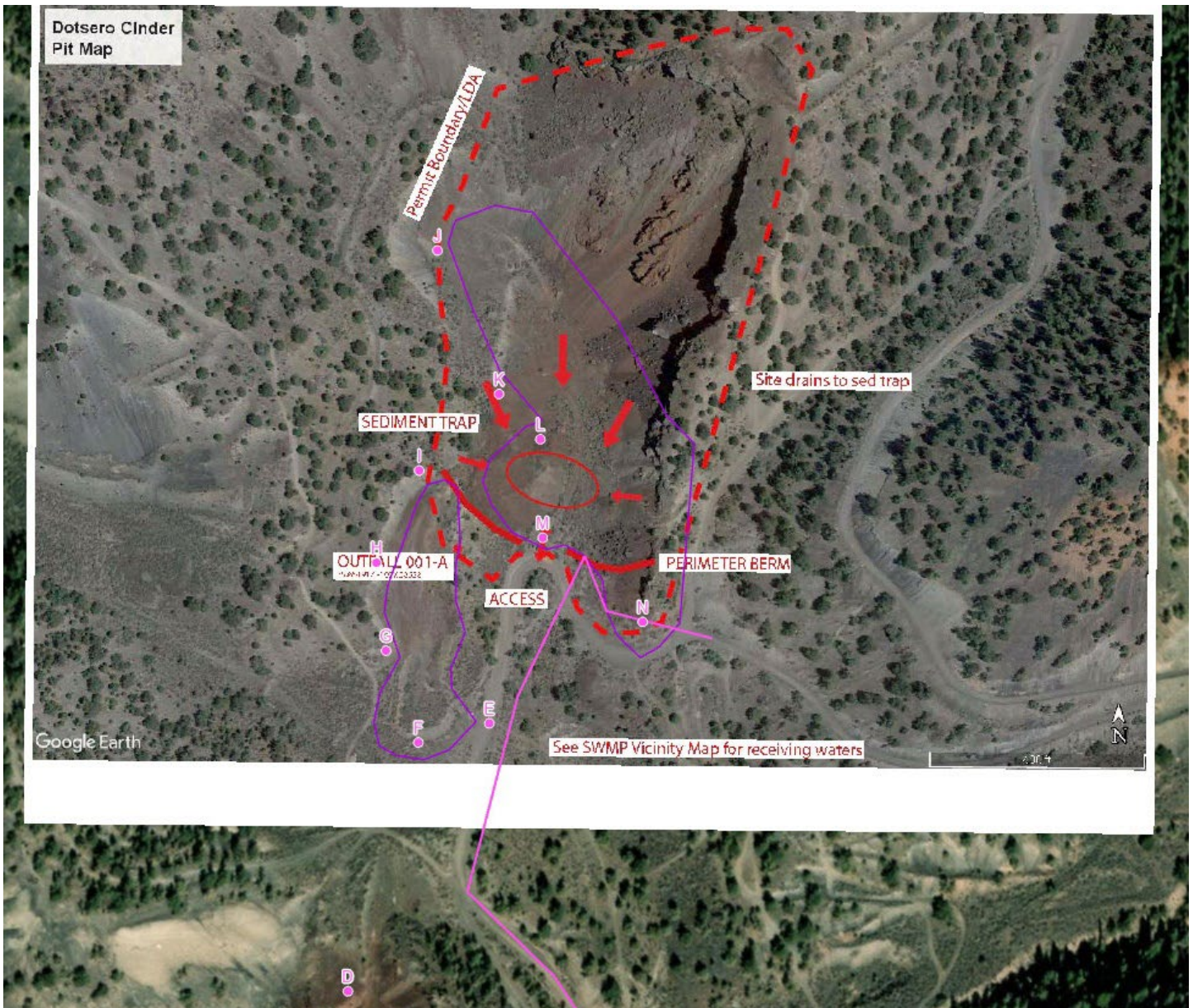


Figure 3: Northern-most parcel of approved permit boundary, overlaid on Annual Report Map from 2020-2023 and aerial image

PHOTOGRAPHS



Figure 4: Entrance to Stock Pile Area from A



Figure 5: Stock Pile Area from B



Figure 6: Stockpiled material from off-site from C (1 of 2)



Figure 7: Stockpiled material from off-site from C (2 of 2)



Figure 8: View south from D



Figure 9: Shell casings at E



Figure 10: Construction waste at E



Figure 11: View northwest from E



Figure 12: View north from F



Figure 13: T-post at G



Figure 14: T-post at H



Figure 15: T-post at I



Figure 16: View north from J



Figure 17: View north from K



Figure 18: View south from L



Figure 19: View north from L, showing sediment trap



Figure 20: T-post at M



Figure 21: View north from N, showing perimeter berm

GENERAL INSPECTION TOPICS

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

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

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

Inspection Contact Address

N/A
Colorado Department of Transportation
606 S 9th St
Grand Junction, CO 81501

Enclosure

CC: