



Inspection Report and Cost Estimate for M-2001-038 Bennett Pit

1 message

Gagnon - DNR, Nikie <nikie.gagnon@state.co.us>

Tue, Jun 13, 2023 at 9:28 AM

To: Joel Bolduc <JBolduc@albertfreiandsons.com>, BFrei@albertfreiandsons.com

Good morning Joel and Ben.

Attached is the inspection report for the Bennett Pit. Please review the report and the revised cost estimate and reach out to me if you have any questions or comments.

Kind regards,

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Nikie Gagnon
Environmental Protection Specialist



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

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2 attachments



INSP-REPORT_M2001038_AFS Bennett Pit_20230510.pdf
4316K




2023 Cost Summary.pdf
114K



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: AFS - Bennett Pit	MINE/PROSPECTING ID#: M-2001-038	MINERAL: Sand and borrow material construction	COUNTY: Adams
INSPECTION TYPE: Monitoring	WEATHER: Clear	INSP. DATE: May 10, 2023	INSP. TIME: 11:15
OPERATOR: Albert Frei & Sons Inc.	OPERATOR REPRESENTATIVE: Ben Frei	TYPE OF OPERATION: 112c - Construction Regular Operation	

REASON FOR INSPECTION: Normal I&E Program	BOND CALCULATION TYPE: Complete Bond	BOND AMOUNT: \$217,500.00
DATE OF COMPLAINT: NA	POST INSP. CONTACTS: None	JOINT INSP. AGENCY: None
INSPECTOR(S): Nikie Gagnon Amy Eschberger Joel Renfro	INSPECTOR'S SIGNATURE: 	SIGNATURE DATE: June 13, 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: Financial Warranty

PROBLEM/POSSIBLE VIOLATION: Problem: The financial warranty is not adequate to reclaim the site in accordance with the approved reclamation plan. This is a failure to maintain the proper financial warranty amount to complete reclamation of the affected lands pursuant to C.R.S. 34-32.5-117(4)(b) of the Act.

CORRECTIVE ACTIONS: The operator shall submit adequate financial warranty, as determined by the Division. The Division will be sending a separate surety increase notice to the operator regarding the increase of the financial warranty.

CORRECTIVE ACTION DUE DATE: The operator will have 60 days from the date on the surety increase notice to post the additional financial warranty.

OBSERVATIONS

This inspection was conducted by Nikie Gagnon, Amy Eschberger and Joel Renfro, representing the Division of Reclamation, Mining and Safety (Division). Ben Frei, representing Albert Frei & Sons Inc. (Operator), accompanied the Division during the inspection. The Bennett Pit is 112c mining operation permitted for 107.88 acres. The post-mine land use is rangeland. A mine sign was posted at the entrance and boundary fencing surrounds the permit area.

Gen. Compliance with Mine Plan:

The mine was active during this inspection. Mining equipment was observed working in the northern end of the pit, and trucks were entering and leaving the site. Stockpiles of material were noted in the pit area near the entrance. The original Bennett Pit was permitted for 47.75 acres. On October 25, 2019, the Division approved Amendment 1 (AM1) which added 60.31 acres to the permit area to allow the mine to expand to the north and south and extend the life of the mine. According to the 2022 Annual Report, mining in the south area is complete. Mining is ongoing to the east and the north. The maximum allowed disturbance at one time is 60 acres. Based on Google imagery from 06/2023, the Division estimates the current disturbance footprint is approximately 60 acres. The Operator is reminded that a Technical Revision is required prior to disturbing land beyond 60 acres to ensure the financial warranty is adequate to complete reclamation.

An access road runs around the perimeter of the active mining area. The mine plan calls for a 25-foot setback from the permit line to the mining area. The Operator is maintaining this setback around the site. The Division observed the mined pit in the south end of the permit area and noted a steep 40-foot highwall, ranging 50-75 feet from the southern permit boundary. According to the approved mine plan, the Operator will place overburden, reject rock and inert materials along the base of the face in this area and then cut/ fill the 70-foot-wide mined area to create the final 3H1:V slope over the fill.

A 3,200 ft. steeply sloped highwall runs along the western boundary of the pit. Overburden was observed stored above the highwalls on the western and northern ends of the active mining area which, according to the approved reclamation plan, will be used to create the final slopes of 3H:1V. Through the approval of Technical Revision 1 (TR1), the Operator is allowed to import inert material onto the site for backfill. During this inspection, the Division observed inert material along the base of the western highwall. Large pieces of concrete and asphalt and other fragments of material were noted. The Operator submitted an Inert Fill Ticket List to the Division with the 2022 Annual Report.

The Division viewed the fields on the west and north sides of the active mining area within the permit boundary. These fields remain undisturbed by mining. Evidence of recent drill seeding to control wind/water erosion was noted.

Topsoil:

Topsoil was observed in a long strip along the eastern permit boundary. Stabilizing vegetation has established on the pile and no erosional features were observed.

Hydrologic Balance:

According to the approved mine plan, no mining will occur within 100 feet of the north bank of Kiowa Creek and mining will occur at least 2 foot above the ground water table. The pit was dry at the time of the inspection. The Operator is monitoring groundwater in 4 locations. The last annual groundwater report was

received by the Division on July 27, 2022, along with the annual report. The Division reviewed the water level and water quality data and no issues were noted. During the inspection, the Division observed the 5 monitoring wells on the southern end of the permit area, clearly marked and accessible.

Weed Control:

Russian olive trees were noted around the fuel storage area near the front entrance. The Division recommends removing the invasive Russian olive trees in the pit and around the fuel storage area near the front entrance.

Financial Warranty:

The Division currently holds a letter of credit in the amount of \$217,500.00. The Division estimates the reclamation liability at the site to be \$274,079.00, which is a \$56,579.00 more than the bond currently held. The Division's reclamation cost estimate is enclosed with this report for the Operator to review. Please review the estimated liability and forward any questions to the Division by **June 30, 2023**. The Division may issue a surety increase revision after **June 30, 2023**. In accordance with Rule 4.2.1(2), the Operator will have sixty (60) days from the date of the notice of the surety increase to provide the additional financial warranty.

PHOTOGRAPHS



Photo 1. Looking northeast across the active mining area.



Photo 2. Looking east across the pit at the south end of the permit area.



Photo 3. Looking north along the western highwall.



Photo 4. Looking west from the front entrance into the active north mining area.



Photo 5. Looking south down the access road that runs along the western boundary. Fencing surrounds the permit area.



Photo 6. Inert fill placed at the base of the western highwall.



Photo 7. Looking west at the undisturbed portion of the north expansion area.



Photo 8. Looking north along the access road behind the active mining face and the undisturbed portion of the north area.



Photo 9. Looking southeast at monitoring well located on the east side of the mining area.



Photo 10. Vegetated topsoil pile on the east side of the pit, along the access road.



Photo 11. Russian olive trees next to the fuel and equipment storage area near the front entrance.



Photo 12. Google earth imagery from 06/2023 showing approximate 60-acre disturbance area.

GENERAL INSPECTION TOPICS

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

(AR) RECORDS----- <u>N</u>	(FN) FINANCIAL WARRANTY----- <u>PB</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>N</u>	(SF) PROCESSING FACILITIES----- <u>N</u>	(TS) TOPSOIL----- <u>Y</u>
(MP) GENL MINE PLAN COMPLIANCE- <u>Y</u>	(FW) FISH & WILDLIFE----- <u>N</u>	(RV) REVEGETATION---- <u>N</u>
(SM) SIGNS AND MARKERS----- <u>Y</u>	(SP) STORM WATER MGT PLAN---- <u>N</u>	(RS) RECL PLAN/COMP-- <u>N</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

Ben Frei
Albert Frei & Sons Inc.
P O Box 700
Henderson, CO 80640

Enclosure

CC: Amy Eschberger, DRMS

COST SUMMARY WORK

Task description: Cost Summary

Site: AFS - Bennett Pit

Permit Action: 2023 Inspection

Permit/Job#: M2001038

PROJECT IDENTIFICATION

Task #: 000

State: Colorado

Abbreviation: None

Date: 5/26/2023

County: Adams

Filename: M038-000

User: NCG

Agency or organization name: DRMS

TASK LIST (DIRECT COSTS)

Task	Description	Form Used	Fleet Size	Task Hours	Cost
001	Grade all Slopes to 3H:1V	DOZER	2	20.09	\$14,207
002	Spread Topsoil	SCRAPER1	1	60.36	\$148,612
003	Revegetation Bennett sand and Gravel Pit No. 2	REVEGE	1	30.00	\$46,907
004	Mobilization/Demobilization	MOBILIZE	1	2.75	\$7,982
<u>SUBTOTALS:</u>				113.2	\$217,708

INDIRECT COSTS

OVERHEAD AND PROFIT:

Liability insurance: 2.02
Performance bond: 1.05
Job superintendent: 56.60
Profit: 10.00

Total = \$4,398

Total = \$2,286

Total = \$4,252

Total = \$21,771

TOTAL O & P = \$32,707

CONTRACT AMOUNT (direct + O & P) = \$250,415

LEGAL - ENGINEERING - PROJECT MANAGEMENT:

Financial warranty processing (legal/related costs): \$500

Total = \$500

Engineering work and/or contract/bid preparation: 4.25

Total = \$10,643

Reclamation management and/or administration: 5.00

\$12,521

CONTINGENCY: 0.00

Total = \$0

TOTAL INDIRECT COST = \$56,370

TOTAL BOND AMOUNT (direct + indirect) = \$274,078