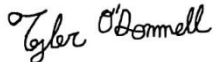




**COLORADO DIVISION OF RECLAMATION, MINING AND SAFETY**  
**MINERALS PROGRAM INSPECTION REPORT**  
**PHONE: (303) 866-3567**

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> Thomeczek Pit	<b>MINE/PROSPECTING ID#:</b> M-1995-007	<b>MINERAL:</b> Sand and gravel	<b>COUNTY:</b> Bent
<b>INSPECTION TYPE:</b> Monitoring	<b>INSPECTOR(S):</b> Tyler V. O'Donnell	<b>INSP. DATE:</b> October 4, 2013	<b>INSP. TIME:</b> 10:30
<b>OPERATOR:</b> Bent County Ready Mix	<b>OPERATOR REPRESENTATIVE:</b>	<b>TYPE OF OPERATION:</b> 110c - Construction Limited Impact	

<b>REASON FOR INSPECTION:</b> Priority	<b>BOND CALCULATION TYPE:</b> None	<b>BOND AMOUNT:</b> \$25,400.00
<b>DATE OF COMPLAINT:</b> NA	<b>POST INSP. CONTACTS:</b> None	<b>JOINT INSP. AGENCY:</b> None
<b>WEATHER:</b> Windy	<b>INSPECTOR'S SIGNATURE:</b> 	<b>SIGNATURE DATE:</b> November 18, 2013

**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: The Operator has not completed the approved reclamation plan in a timely manner as required by the C.R.S. 34-32.5-116 (4) (q)(l).

**CORRECTIVE ACTIONS:** The Operator must demonstrate that reclamation has been completed by the corrective action date. 12/31/2013

**CORRECTIVE ACTION DUE DATE:** 12/31/13

**INSPECTION TOPIC:** Reclamation Success

**PROBLEM/POSSIBLE VIOLATION:** Problem: Tamarisk (salt cedar) trees are present within or have volunteered into the eastern portion of the permit area and are becoming established. This is a problem for failure to employ weed control methods for a state listed noxious weed species within the permitted area, and to reduce the spread of weeds to nearby areas as required by Section 3.1.10 (6) of the rule.

**CORRECTIVE ACTIONS:** The Operator shall either implement the existing weed control plan, or develop a weed control and management plan in accordance with Section 3.1.10 (6) of the Rule. This plan should be developed in consultation with the county extension agency, or weed control district office and should include specific control measures to be applied, a schedule for when control measures will be applied and a post-treatment monitoring plan. This weed control plan shall be submitted to the Division as a Technical Revision to the approved plan with the appropriate Technical Revision fee of \$216.00 by the corrective action date.

**CORRECTIVE ACTION DUE DATE:** 12/31/13

## **OBSERVATIONS**

This was a follow-up inspection to a monitoring inspection conducted on February 7, 2013. The follow-up inspection was conducted by Tyler O'Donnell of the Division of Reclamation, Mining and Safety (Division). There was no representative for mine Operator present during the inspection, although attempts were made to contact the Operator. The Thomeczek Pit is located approximately 1 mile west and a 1/2 mile north of Las Animas, Colorado. The Thomeczek Pit is permitted as a sand and gravel pit. The Thomeczek Pit is permitted for 9.9 acres of disturbance.

The sky was clear. The ground was dry, with the exception of the exposed groundwater. No mining equipment was present at the time of the inspection. The last annual report indicates the site has not been operational since 2008. The Thomeczek Pit appears to have had no changes made since the last inspection on February 7, 2013. Please be advised that there are still outstanding problems from the February 7, 2013 inspection that have not been corrected. The Operator will need to provide photographic evidence that demonstrates that the problems have been resolved by the corrective action deadline or the Division may take enforcement action.

The Operator has notified the Division that he no longer has a legal right to enter the site (phone call February 22, 2013 and most recent annual report). The Operator is responsible for maintaining the legal right to enter for completing the reclamation plan, in accordance with Rule 6.3.7. Loss of legal right to enter is not a valid reason for allowing a pit to sit idle or un-reclaimed.

### **Backfilling and Grading:**

The excavated pit is now an approximate 3.5-acre pond that has shorelines with slopes of approximately 1.5H:1V to 2.5H:1V. The west side of the pond is a beach having a slope of approximately 4.5H:1V. A stockpile of excavated material extends along the southern permit boundary and is estimated to contain approximately 13,500 cubic yards of topsoil and overburden.

### **Financial Warranty:**

The reclamation cost estimate for this site is current; the reclamation cost estimate was updated with the February 7, 2013 inspection. The financial warranty amount is adequate to cover the cost of reclamation.

### **Hydrologic Balance:**

The Operator has a valid permanent augmentation plan to account for evaporative losses of the pond. The augmentation plan was obtained through the Lower Arkansas Water Management Association (LAWMA).

### **Gen. Compliance With Mine Plan:**

The Operator has not completed the approved reclamation plan. This is a problem for failure to reclaim the site in a diligent, timely manner, as required by the C.R.S. 34-32.5-116(4)(q)(I). This will be cited as a problem in the inspection report. The Operator will need to complete the approved Reclamation Plan.

All mining activity appeared to be within the approved permit boundary.

Recl Plan/Comp:

Approximately 1 acres of the permit area was covered with Tamarisk trees and Russian olive trees. This is cited as a problem in the inspection report.

There was a small amount of construction waste located within the permit boundary see photo 1. This material needs to be removed.

Erosion/Sedimentation:

There was no evidence of excessive erosion (rills, gullies, or sediment fans).

Signs and Markers:

A mine I.D. sign was located at the entrance to the mine site. The permit boundary was clearly marked by fences which encompass the entire permit.

## PHOTOGRAPHS



**Photo 1:** View looking east. Construction waste in the foreground, the stockpile of topsoil and overburden is in the background. The Tamarisk trees are circled in red.



**Photo 2:** View looking north at the un-reclaimed pond slopes at approximately 1.5H:1V to 2.5H:1V. The beach area is in the background near the boat dock.





**Photo 3:** View looking across the pond, patches of tamarisk trees circled in red.



**Photo 4:** View looking northeast at the overburden and topsoil stockpile.

### 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>Y</u>	(RD) ROADS----- <u>N</u>
(HB) HYDROLOGIC BALANCE----- <u>Y</u>	(BG) BACKFILL & GRADING----- <u>Y</u>	(EX) EXPLOSIVES----- <u>NA</u>
(PW) PROCESSING WASTE/TAILING---- <u>N</u>	(SF) PROCESSING FACILITIES----- <u>NA</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>Y</u>	(SP) STORM WATER MGT PLAN---- <u>NA</u>	(SB) COMPLETE INSP---- <u>Y</u>
(ES) OVERBURDEN/DEV. WASTE----- <u>NA</u>	(SC) EROSION/SEDIMENTATION--- <u>Y</u>	(RS) RECL PLAN/COMP-- <u>PB</u>
(AT) ACID OR TOXIC MATERIALS----- <u>Y</u>	(OD) OFF-SITE DAMAGE----- <u>N</u>	(ST) STIPULATIONS----- <u>Y</u>

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

#### Inspection Contact Address

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Enclosure

CC: Tom Kaldenbach, DRMS