




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.

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| MINE NAME: Friederichs Pit | MINE/PROSPECTING ID#: M-2010-080 | MINERAL: Gravel and sand | COUNTY: Prowers |
| INSPECTION TYPE: Monitoring | INSPECTOR(S): Amy Eschberger | INSP. DATE: April 4, 2014 | INSP. TIME: 11:30 |
| OPERATOR: Riverside Aggregates, LLC | OPERATOR REPRESENTATIVE: Rudy Torres | TYPE OF OPERATION: 110c - Construction Limited Impact | |

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| REASON FOR INSPECTION: Normal I&E Program | BOND CALCULATION TYPE: None | BOND AMOUNT: \$19,598.00 |
| DATE OF COMPLAINT: NA | POST INSP. CONTACTS: None | JOINT INSP. AGENCY: None |
| WEATHER: Clear | INSPECTOR'S SIGNATURE:  | SIGNATURE DATE: April 14, 2014 |

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: Possible Violation: Land has been affected outside of the approved permit boundary. This is a possible violation at this time pursuant to C.R.S. 34-32.5-116(4)(i) for failure to protect areas outside of the affected land from slides or damages occurring during the mining operation.

CORRECTIVE ACTIONS: This possible violation will require a hearing before the Mined Land Reclamation Board. The matter will be scheduled for the May 21-22, 2014 Board meeting to occur at 1313 Sherman Street, Room 318, Denver, Colorado. The schedule and other details for the Board hearing will be provided under separate cover to be sent by certified mail to the Operator, Rudy Torres of Riverside Aggregates, LLC.

CORRECTIVE ACTION DUE DATE: to be determined during the May 21-22, 2014 Board meeting.

OBSERVATIONS

This inspection was conducted by Amy Eschberger, Tyler O'Donnell, and Tony Waldron of the Division of Reclamation, Mining and Safety (Division). The Operator, Rudy Torres of Riverside Aggregates, LLC, and the land owner's son, Hans Friederichs Jr., were also present for the inspection. The Friederichs Pit is located approximately 2.5 miles south and west of Wiley, Colorado, on land owned by Hans and JoLeyne Friederichs. The site is permitted for 9.9 acres for the removal of construction materials, and the approved post-mining land use is pastureland. The area surrounding the site is primarily flat.

At the time of the inspection it was clear and windy, and the ground was dry. The permit sign was posted at the entrance to the site (see attached Photo 1) and the permit boundary was delineated with rebar stakes (Photo 2). No mining was taking place during the inspection and no equipment was present. The affected area is comprised of an excavated pit with a 10 foot high wall along the northern pit boundary at an approximate 1:1 slope, three main material stockpiles toward the center of the pit, a topsoil stockpile that extends along the northern pit boundary, and a dirt haul road that encircles the pit. The approved permit area does not include the approximately 675 foot long access road to the southeast, which is described in the permit as an existing pasture access road that will remain after reclamation. Material was mined from the south/southeast toward the north/northwest.

The southern edge of the permit area has been graded to a nearly flat surface, and a storm water rock filter with an erosion wattle has been created and placed along this boundary (Photo 3), which is the lowest point in the mining area. The gravel berm measures approximately 30 feet long by 3 feet wide at the base. The design and placement of this storm water management structure is commendable.

The approved Mining Plan states that the Operator will seed the topsoil stockpile to help stabilize it from wind and water erosion. During inspection, no evidence of seeding or vegetation was seen on the topsoil pile that lines the northern rim of the pit (Photo 4). The Operator shall work on seeding the topsoil stockpile with the approved seed mixture as soon as possible.

During inspection, the Division obtained perimeter coordinates of actual affected area and GPS points from boundary markers. This data was later compared to the approved permit boundary (Figure 1) which showed: a.) the marked boundary to not correlate with the approved permit boundary, and b.) the actual affected area to be approximately 1.5 acres outside of the approved permit area of 9.9 acres. The affected area outside of the approved permit boundary mainly consists of a dirt haul road that encircles the pit and a storm water rock filter located just south of the pit, and includes approximately 0.7 acres outside of the northern marked boundary, 0.1 acres outside of the western boundary, 0.7 acres outside of the southern boundary, and approximately 0.1 acres outside of the eastern boundary.

The approved permit does not include an existing inactive pit approximately one acre in size, immediately adjacent to its eastern boundary. The approved permit stated that this area would be clearly delineated from the current mining operation and that it would not be disturbed. During inspection, this area was seen to be recently disturbed, and was difficult to distinguish from the permit area (Photos 5 and 6). The Operator indicated that he had helped the landowner remove debris from this inactive pit area, and that the disturbance was not related to current mining activity. Because of the difficulty in delineating this area from

the affected permit area, the Division included this one acre of recently disturbed land in our estimate of total affected area (approximately 12.09 acres; see Figure 1), but not in our estimate of affected area outside of the approved permit boundary (approximately 1.5 acres; see above). The Operator agreed to submit to the Division more information about this inactive mine area, including any recent disturbances, to prevent confusion in future inspections over its separation from the permit boundary.

CONCLUSION

Based on the data collected during this inspection, the Division estimates that approximately 1.5 acres of land have been affected outside of the approved permit boundary. This gives the Division reason to believe that a possible violation of C.R.S. 34-32.5-116(4)(i) has occurred for failure to protect areas outside of the affected land from slides or damage occurring during the mining operation. This possible violation will be scheduled for consideration by the Mined Land Reclamation Board during the Board's meeting on May 21-22, 2014. A notice of possible violation will be sent under separate cover to the Operator, Rudy Torres of Riverside Aggregates, LLC.

PHOTOGRAPHS



Photo 1. Permit sign posted at entrance to site from the southeast.



Photo 2. Rebar stake marking northwest corner of permit area, looking east, showing part of topsoil stockpile in the distance.



Photo 3. View looking northwest from southwest part of permit area, showing storm water rock filter with erosion wattle.



Photo 4. View looking southeast from northwest part of permit area, showing topsoil stockpile in foreground bordering northern rim of pit, and a material stockpile in the background located at center of pit.



Photo 5. View looking northwest from southeastern part of permit area, showing existing inactive pit approximately one acre in size, immediately adjacent to the eastern boundary of the permit area. The tank shown at the left of the photo is part of the debris that was left in the inactive pit.



Photo 6. Another view of the inactive pit area, looking northeast from southeastern part of permit area, off the access road. At the right of the photo, the ground is clearly disturbed, and no markers are shown to delineate this area from the approved permit area located immediately to the left.

Friederichs Pit

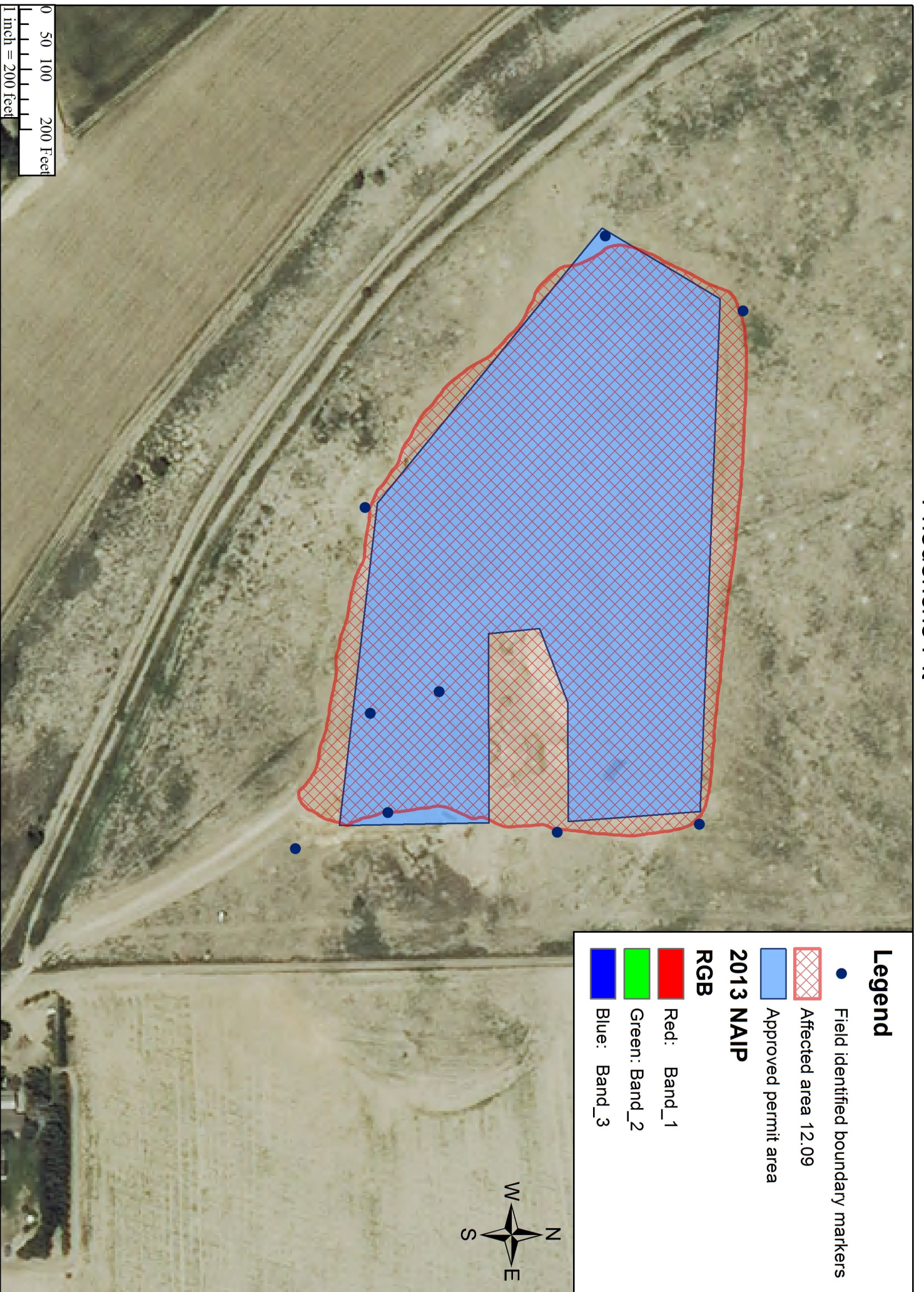


Figure 1: Map showing field identified boundary markers, affected area (approximately 12 acres), and approved permit area (9.9 acres) on a 2013 NAIP image.

GENERAL INSPECTION TOPICS

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

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

Rudy Torres
Riverside Aggregates, LLC
1750 County Road HH
Lamar, CO 81052

Enclosure

CC: Tom Kaldenbach, DRMS
Tony Waldron, DRMS
Tyler O'Donnell, DRMS