



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources
1313 Sherman Street, Room 215
Denver, Colorado 80203

September 12, 2014

Jordan Sasser
All-Rite Paving & Redi-Mix, Inc.
P.O. Box 165
Canon City, CO 81215

Re: Rocky Ford South Pit, Permit No. M-1977-222, Corrective Action Inadequate

Ms. Sasser,

On May 08, 2014 the Division of Reclamation, Mining and Safety (Division) conducted an inspection of the Rocky Ford South Pit (Permit No. M-1977-222) and found that the information submitted in the recent Annual Report and Map was not accurate. A Problem was cited for failure to submit true and accurate information in the Annual Report and Map as required by Rule 34-32.5-116(3)(a).

The required corrective action was to submit an Annual Report and Map that accurately describes the current conditions at the site. An extension request was approved to give a current corrective action due date of 09/30/2014.

On 09/08/2014, the Division received an updated Annual Report and Map from Ms. Angela Bellantoni on behalf of the Operator. After reviewing these documents, we have found the information to be inadequate. Please make the following corrections and submit the updated documents to the Division by 09/30/2014:

Corrections required for Annual Report:

- 1) On #4 of the Annual Report, the date of last excavation, processing or hauling activity at the mine still reads "Oct. 2011". If there has been no new activity since 2011, the site will be required to file for Temporary Cessation. Currently, this is an intermittent operation, meaning that mining activities must occur every year. Mr. Herb Pearson stated in the recent inspection that mining activities occurred this spring. Please submit the correct date of last activity on the Annual Report.
- 2) On #7 of the Annual Report, the number of acres currently affected still reads "10". However, in the recent inspection, it was estimated that approximately 30 acres are currently affected. Please submit the correct number of acres currently affected on the Annual Report. This may be easier to do once the site has been re-surveyed (the other corrective action required from the 05/08/2014 inspection report; enclosed).
- 3) On #16 of the Annual Report, the question asks "if mining has exposed groundwater, is the site in compliance with the approved mining plan and Office of the State Engineer?". The answer "No" is circled. During the recent inspection, no evidence of exposed groundwater was observed. Please circle "N/A" if no groundwater has been exposed at this site.



Corrections required for Annual Report Map:

- 1) The permit boundary shown on the map is not accurate according to Division records (see enclosed map for clarification). According to the permit boundary submitted by the Operator, the truck scale that was constructed for this operation at some time between 06/2012 and 02/2013 would be outside of the permit boundary. Please show the correct permit boundary on the map. Because the Operator is currently re-surveying the permit boundary (as mentioned above), the Division recommends the Operator re-submit the corrected map after the survey has been completed.

If there are undisturbed or reclaimed areas the Operator wishes to release from the permit area, an Acreage Reduction request may be submitted (form enclosed). However, this request should not be submitted until after the corrective actions have been resolved.

- 2) The total disturbed area shown on the map should include all areas disturbed by the operation. This should include the disturbed area in the southwest corner of the permit boundary and the scale located north of the access road.

If the scale is not used by this operation, or if it is also used by the landowner (who wishes it to remain for reclamation), the landowner will need to submit a letter stating his use of the scale and his intention for it to not be reclaimed. In this case, the scale would not need to be included in the disturbed area. However, the letter from the landowner would need to be submitted with the corrected documents.

If you are unable to submit these corrections to the Division by the corrective action due date of 09/30/2014, it will be your responsibility to request an extension.

If you need additional information, please contact me at the Division of Reclamation, Mining and Safety, 1313 Sherman Street, Room 215, Denver, CO 80203, by telephone at 303-866-3567, extension 8129, or by email at amy.eschberger@state.co.us.

Sincerely,



Amy Eschberger
Environmental Protection Specialist

CERTIFIED MAIL No. 7012 3460 0000 6384 8277
Return Receipt Request

Enclosures: Inspection Report from May 08, 2014
Map of site with markings added by the Division for clarification
Acreage Reduction request form

Cc: Angela Bellantoni
Environmental Alternatives, Inc.
1107 Main Street
Canon City, CO 81212

Tom Kaldenbach, DRMS





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.

MINE NAME: Rocky Ford South Pit	MINE/PROSPECTING ID#: M-1977-222	MINERAL: Sand and gravel	COUNTY: Otero
INSPECTION TYPE: Monitoring	INSPECTOR(S): Amy Eschberger	INSP. DATE: May 8, 2014	INSP. TIME: 11:45
OPERATOR: ALL-RITE PAVING & REDI-MIX, INC.	OPERATOR REPRESENTATIVE: Herb Pearson	TYPE OF OPERATION: 112c - Construction Regular Operation	

REASON FOR INSPECTION: Normal I&E Program	BOND CALCULATION TYPE: None	BOND AMOUNT: \$85,500.00
DATE OF COMPLAINT: NA	POST INSP. CONTACTS: None	JOINT INSP. AGENCY: None
WEATHER: Clear	INSPECTOR'S SIGNATURE: <i>Amy Eschberger</i>	SIGNATURE DATE: June 30, 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: Availability Of Records

PROBLEM/POSSIBLE VIOLATION: Problem: The Annual Report and Map received on December 20, 2013 contain inaccurate information about the site. This is a problem for failure to submit accurate information in the Annual Report and Map as required by Rule 34-32.5-116(3)(a).

CORRECTIVE ACTIONS: The operator shall submit an Annual Report and Map that accurately describes current conditions at the site. The operator shall submit these documents by the corrective action date.

CORRECTIVE ACTION DUE DATE: 8/30/14

INSPECTION TOPIC: Signs & Markers

PROBLEM/POSSIBLE VIOLATION: Problem: The affected area boundary markers are missing or incorrectly placed. This is a problem for failure to maintain boundary markers around the affected area as required by Rule 3.1.12(2).

CORRECTIVE ACTIONS: The operator shall conduct a survey and replace the boundary markers in the correct location(s). The operator shall provide proof to the Division that this has been done by the corrective action date.

CORRECTIVE ACTION DUE DATE: 8/30/14

INSPECTION TOPIC: Revegetation

PROBLEM/POSSIBLE VIOLATION: Problem: There are state-listed noxious weeds present on site. This is a problem for failure to employ weed control methods for state listed noxious weed species within the permitted area, and to reduce the spread of weeds to nearby areas as required by Rule 3.1.10(6).

CORRECTIVE ACTIONS: Implement approved weed control plan and provide proof to the Division that this has been done by the corrective action date. Photographs taken before and after weed control implementation shall be sufficient as proof.

CORRECTIVE ACTION DUE DATE: 8/30/14

OBSERVATIONS

This was a normal monitoring inspection of the Rocky Ford South Pit conducted by Amy Eschberger of the Division of Reclamation, Mining and Safety (Division). Mr. Herb Pearson, representative of the Operator, All-Rite Paving and Redi-Mix, Inc., was present for the inspection. This site is located approximately 3 miles southwest of Rocky Ford, Colorado in Otero County, on land owned by Donald and Carol Gause and Betty Jean Baker. This site had a succession of operators (SO-01) from Valco, Inc. to All-Rite Paving & Redi-Mix, Inc. that was approved on 02/25/2010.

This site is accessed by a 20 foot wide gravel road that runs east from Co Rd 18, entering the northwestern portion of the permit area. This access road runs straight through the site and continues eastward, turning into Co Rd CC 5/10. An additional haul road of the same width runs approximately 900 feet southeast off of the main access road into the active pit area. A truck scale is located just north of the main access road (Photo 1) on a looped dirt road approximately 800 feet long and 20 feet wide. Based on the map provided in the Annual Report received on 12/20/2013 (enclosed), this scale road is located outside of the permit boundary. However, after further review, the Division has determined that the approved permit boundary includes the area with the scale road, and that information provided in the last Annual Report and Map is inaccurate. **This is cited as a Possible Problem for failure to submit an accurate Annual Report and Map as required by Rule 34-32.5-116(3)(a), and will require corrective action (see page 1).**

The map provided in the Annual Report received on 01/12/2006 (enclosed) appears to be the last map submitted that accurately displays the approved permit boundary for this site. The Operator will need to provide an updated map that shows the approved permit boundary and accurately displays the current layout of the site, including the scale, roads, excavation areas, and stockpile locations. As a reference, a Google Earth image of the site showing the approximate permit boundary according to Division records is enclosed with this report. This image shall only be used as a reference.

A residential site, several out buildings, and a cattle corral are present in the northeastern portion of the permit area, starting at approximately 2,100 feet down the main access road from the gated entrance. The 112c permit amendment for this site approved on 01/26/1986 (AM-01) described these existing features, stating that this northeastern portion of the permit area will not be disturbed by the operation. During the inspection, this area did not appear to be affected by the operation. The approved amendment added 11.5 acres to the northern portion of the permit area, giving a total of 147.40 acres (see enclosed map from approved AM-01). The post-mining land use for this site is general agriculture.

At the time of the inspection, it was clear, warm, and sunny, and no standing water was observed in the permit area. The permit sign was posted at the gated entrance to the site off of Co Rd 18 (Photo 2). However, the permit boundary was not marked. **This is cited as a Possible Problem for failure to mark the boundary of the affected area as required by Rule 3.1.12(2), and will require corrective action (see page 1).** During the inspection, a front-end loader and trailer were present on site. It appeared that the loader was being used to clean up stockpiles inside the pit.

The active pit is located in the western portion of the permit area, and is 35-40 feet deep on average (Photo 3). Numerous stockpiles of mined material are stored inside the pit (Photo 4). Several smaller material stockpiles are present northeast of the pit along the haul road (Photo 5). Stockpiles of mined material and overburden are located in irregularly shaped berms around the edges of the pit (Photo 6). The northern, south-facing wall of the pit is approximately 250 feet long, with a 2H:1V slope (Photo 7). The western, east-facing wall is approximately 430 feet long, with a 3H:1V slope (Photo 8). The southwestern corner of the pit has a cut approximately 150 feet long with a 1H:1V slope (Photo 9). The southern wall of the pit is lined with large

material stockpiles (Photo 10).

A small excavation approximately 200 feet long and 10-15 feet deep is present southeast of the pit. A disturbed area approximately 4.25 acres in size is located just southwest of the pit (Photo 11). A large topsoil stockpile is located along the far northern boundary of the permit area and is stable with grass cover. Another large topsoil stockpile is stored southeast of the pit and also appears to be stable.

During the inspection, some noxious weeds were present in the permit area, including tamarisk (Photos 12 and 13), thistle, and kochia (Photo 14). A problem was cited in the 02/17/2010 inspection report for failure to employ weed control at this site. The Operator submitted a weed control plan (TR-01) that was approved on 09/13/2010. This approved plan should be implemented in order to monitor and control the growth and spread of noxious weeds in the permit area. However, implementation of this plan does not appear to be occurring at this site. **This is cited as a Possible Problem for failure to employ weed control methods for state listed noxious weed species within the permitted area, and to reduce the spread of weeds to nearby areas as required by Rule 3.1.10(6), and will require corrective action (see page 1).**

In the inspection report from 02/17/2010, it was estimated that the primary affected area at this site is approximately 23 acres in size. Based on observations made during the current inspection and an analysis of recent aerial images, the Division estimates the current affected area to be approximately 30 acres. After the inspection, the current bond amount of \$85,500.00 (calculated 02/22/2010) was found to be adequate for reclamation of this site. However, if the affected area increases much more in size or new highwalls with slopes steeper than 3H:1V are created, the Division may need to re-assess the required bond amount for this site.

PHOTOGRAPHS



Photo 1. View looking northeast from near site entrance, showing road with scale (at left).



Photo 2. Permit sign posted at gated entrance to site.



Photo 3. View looking east from western permit boundary into active pit.



Photo 4. View looking into pit area from southeastern edge of pit, showing numerous stockpiles of material.



Photo 5. View looking east at several small stockpiles of material stored northeast of pit along haul road.

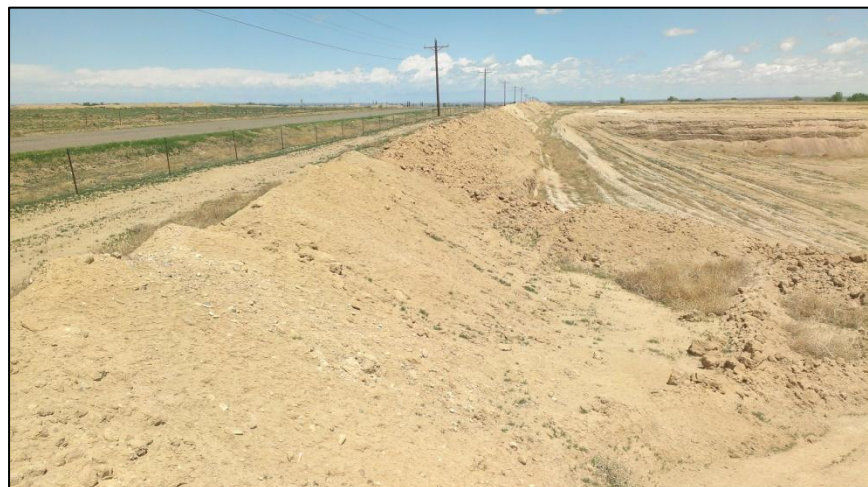


Photo 6. View looking north from southwestern corner of pit, showing overburden berm along western edge of pit.



Photo 7. View looking northeast from western edge of pit at northern, south-facing pit wall approximately 250 ft long with a 2H:1V slope.



Photo 8. View looking northeast from southwestern corner of pit, showing western, east-facing pit wall approximately 430 ft long with a 3H:1V slope.



Photo 9. View looking east from southwestern corner of pit, showing north-facing cut approximately 150 ft long with a 1H:1V slope.



Photo 10. View looking southeast from center of pit, showing large material stockpile along southern pit wall. Note front-end loader at far left.



Photo 11. View looking south/southeast at disturbed area just southwest of pit.



Photo 12. View looking south from southeastern portion of pit, showing some tamarisk present along the berm.



Photo 13. View looking north from center of pit at large material stockpile near northern edge of pit, showing some tamarisk present on stockpile.



Photo 14. View looking north from southern portion of permit area, showing presence of kochia.

GENERAL INSPECTION TOPICS

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

(AR) RECORDS----- PB	(FN) FINANCIAL WARRANTY----- <u>Y</u>	(RD) ROADS----- <u>Y</u>
(HB) HYDROLOGIC BALANCE----- <u>N</u>	(BG) BACKFILL & GRADING----- <u>Y</u>	(EX) EXPLOSIVES----- <u>NA</u>
(PW) PROCESSING WASTE/TAILING---- <u>Y</u>	(SF) PROCESSING FACILITIES----- <u>Y</u>	(TS) TOPSOIL----- <u>Y</u>
(MP) GENL MINE PLAN COMPLIANCE- <u>Y</u>	(FW) FISH & WILDLIFE----- <u>N</u>	(RV) REVEGETATION---- PB
(SM) SIGNS AND MARKERS----- PB	(SP) STORM WATER MGT PLAN---- <u>N</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

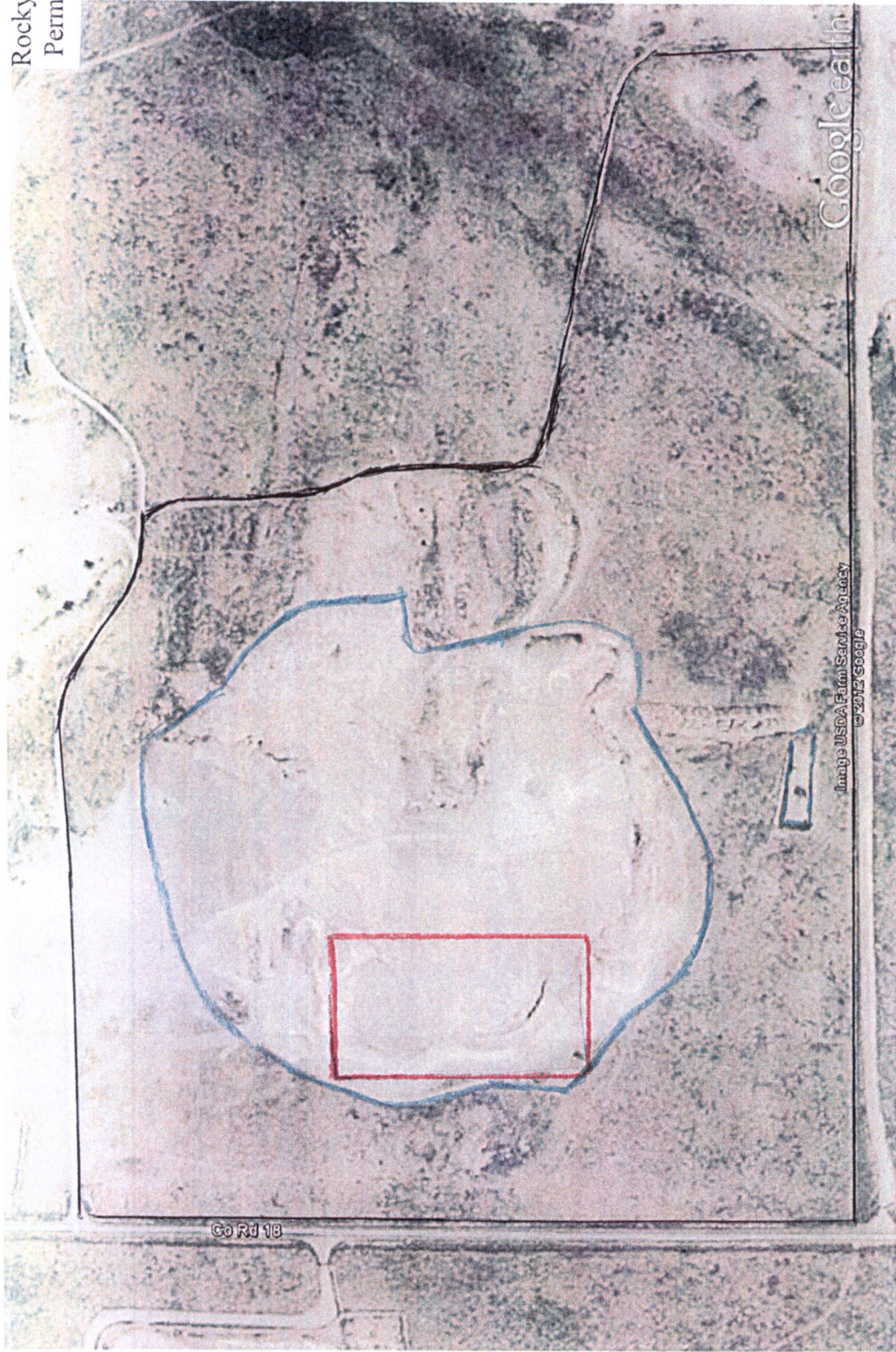
Herb Pearson
ALL-RITE PAVING & REDI-MIX, INC.
P.O. Box 165
Canon City, CO 81215

Enclosure: Map submitted with 12/20/2013 Annual Report
Map submitted with 01/12/2006 Annual Report
Google Earth image of site with approximate permit boundary according to Division records
Map submitted with AM-01 approved on 01/26/1986

CC: Jordan Sasser
ALL-RITE PAVING & REDI-MIX, INC.
P.O. Box 165
Canon City, CO 81215

Tom Kaldenbach, DRMS

2011-2012
Rocky Ford South Pit
Permit M-1977-222

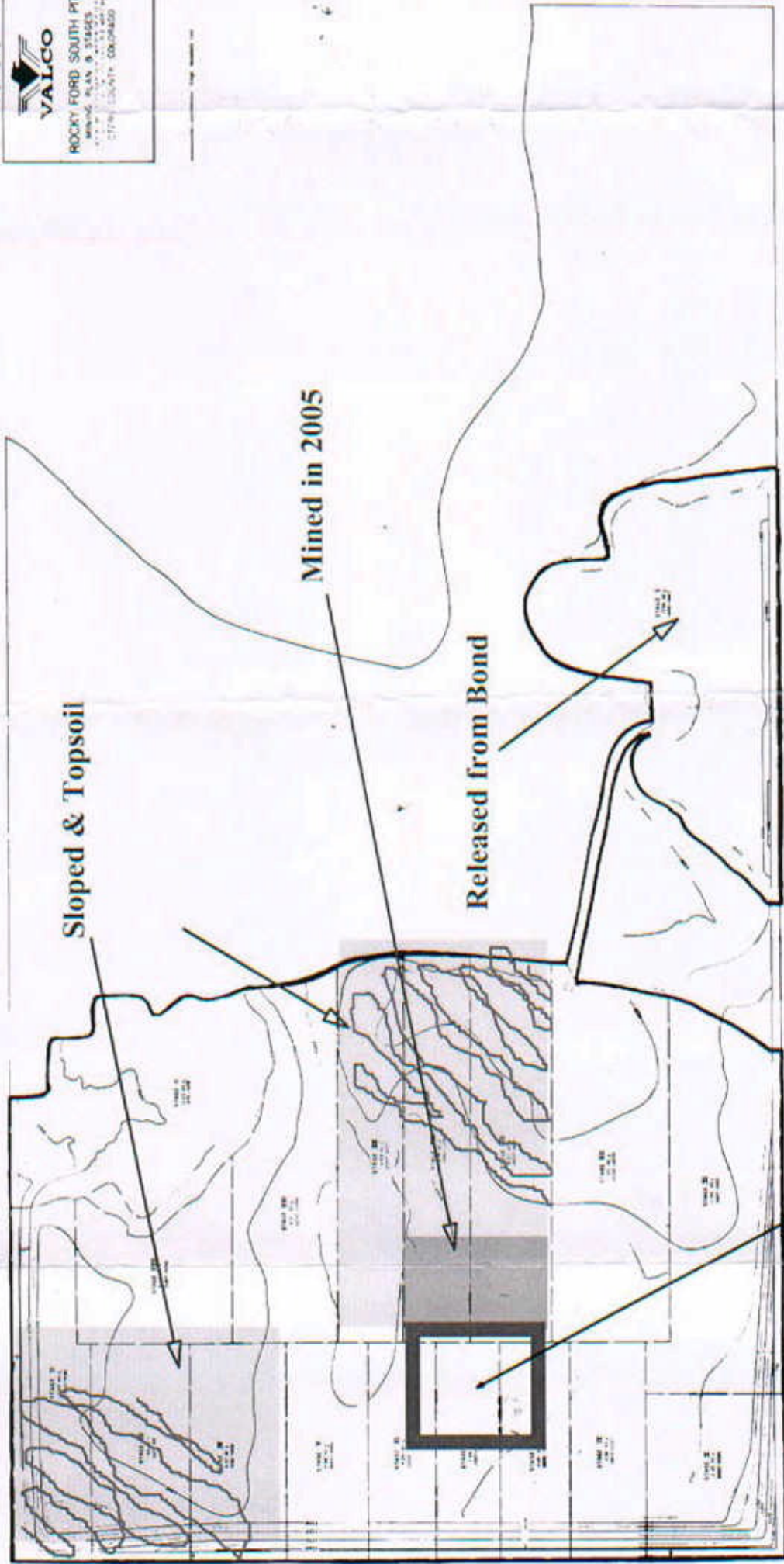


feet
km

4000

1





Sloped & Topsoil

Mined in 2005

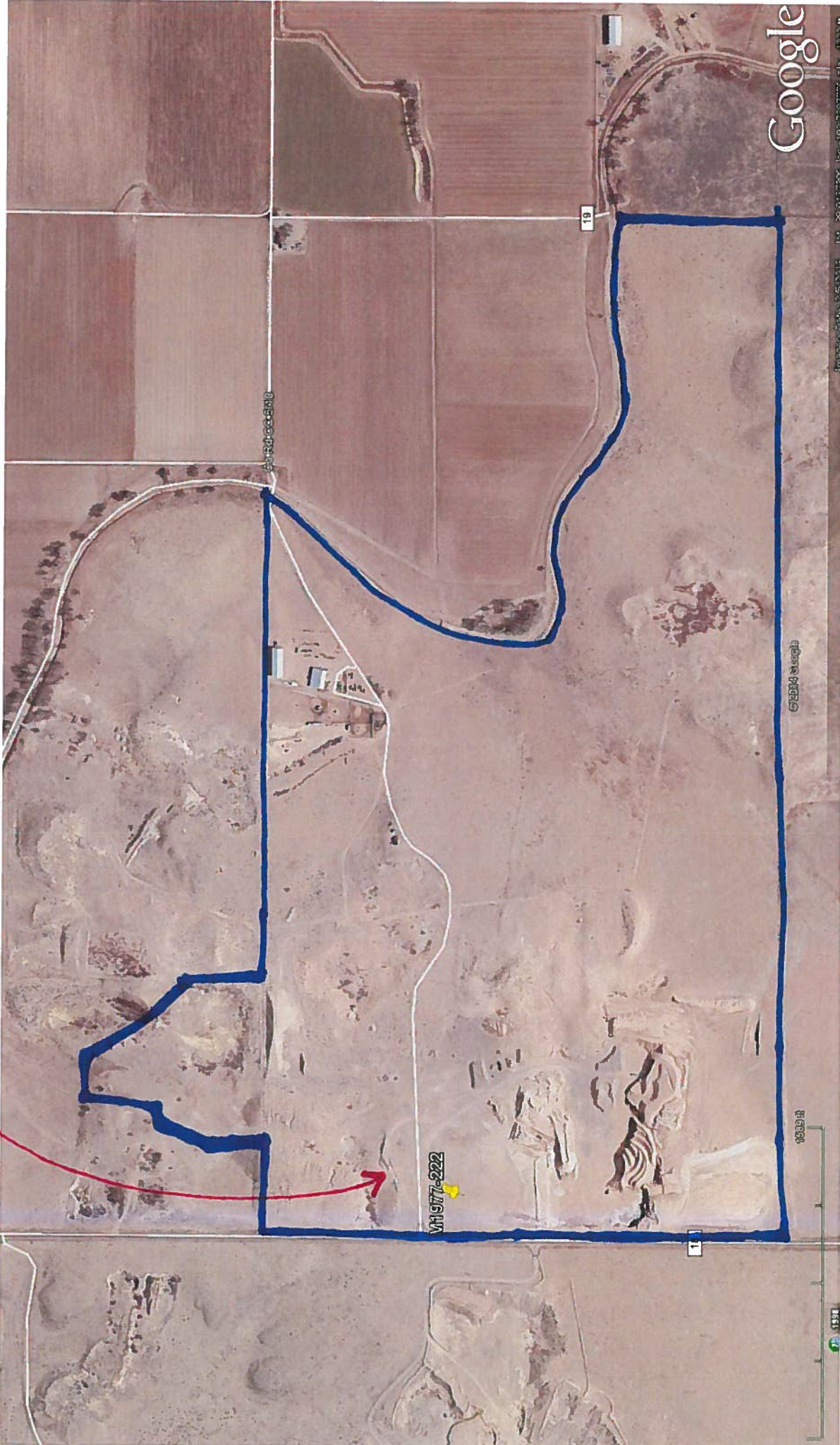
Released from Bond

Possible Mining in 2006

RECEIVED

JAN 12 2006

Division of Minerals and Geology



— Approximate permit boundary
according to Division records

scale
road

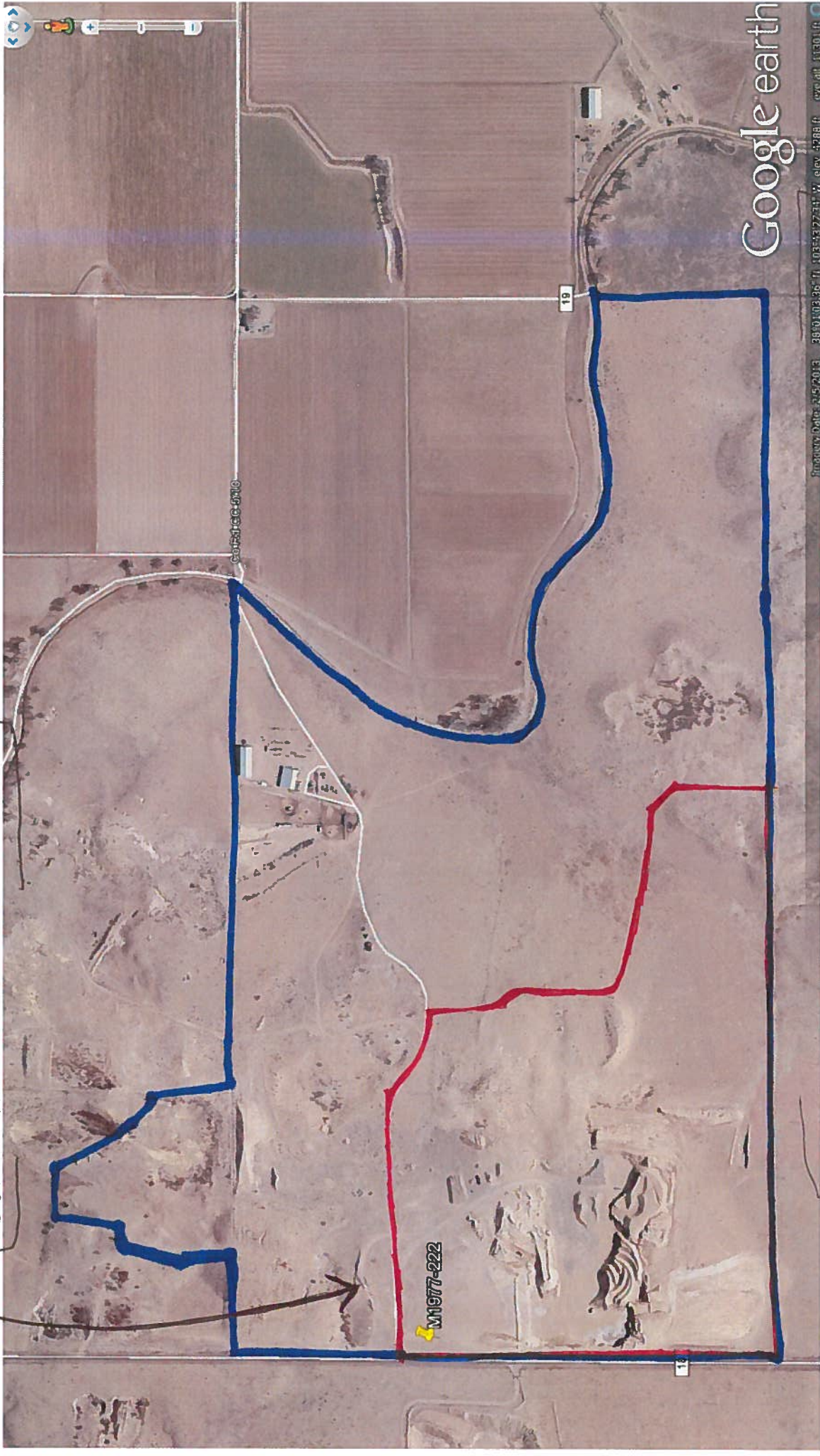
M-1977-222
Rocky Ford South Pit

VICINITY MAP

PREVIOUSLY
PERMITTED
AREA # 77-222

Scale Constructed between 6/2012 and 2/2013 is outside of permit dred according to map submitted.

9/11/2014



- Permit boundary according to map submitted on 9/8/2014.
- Permit boundary according to Division records.



COLORADO DIVISION OF RECLAMATION, MINING AND SAFETY

1313 Sherman Street, Room 215, Denver, Colorado 80203 ph(303) 866-3567

REQUEST FOR FULL OR PARTIAL RELEASE OF PERMIT AREA

Please indicate if you are requesting:

FULL/FINAL RELEASE OF ENTIRE PERMITTED AREA _____

ACREAGE REDUCTION (PARTIAL RELEASE) _____

If you are requesting an acreage reduction, you will need to specify how many acres you wish to remove from the existing permit under this revision. I wish to release _____ acres at this time. You will also need to submit updated mining and reclamation plan maps that accurately depict both the proposed acreage to be released from the current permit area, and the resulting new permit boundary.

File No.: M- _____ Site Name: _____

County: _____

Permittee: _____

Operator (If Other than Permittee): _____

Permittee Representative: _____

Certified Mail# _____

In accordance with Rule 4.17.1(2) the Operator shall include the names, addresses and phone numbers of all owners of record to the affected land. Please attach additional sheets for this information if required.

In accordance with Rule 4.17.1(4) the Operator or their agent MUST sign that they have complied with the following statement: "All applicable portions of the Reclamation Plan requirements have been satisfied in accordance with these Rules and all applicable requirements under the Act."

Signature of Permittee, Operator or their authorized agent

Date

Important: In accordance with Rule 4.17.1(3) This release request must be submitted to the Division via certified mail and separate from any other correspondence to the Division.