



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: Thomeczek Pit	MINE/PROSPECTING ID#: M-1995-007	MINERAL: Sand and gravel	COUNTY: Bent
INSPECTION TYPE: Monitoring	INSPECTOR(S): Amy Eschberger	INSP. DATE: July 3, 2014	INSP. TIME: 09:30
OPERATOR: Bent County Ready Mix	OPERATOR REPRESENTATIVE: None	TYPE OF OPERATION: 110c - Construction Limited Impact	
REASON FOR INSPECTION: Normal I&E Program	BOND CALCULATION TYPE: None	BOND AMOUNT: \$25,400.00	
DATE OF COMPLAINT: NA	POST INSP. CONTACTS: None	JOINT INSP. AGENCY: None	
WEATHER: Clear	INSPECTOR'S SIGNATURE: <i>Amy Eschberger</i>	SIGNATURE DATE: September 17, 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: Reclamation Success

PROBLEM/POSSIBLE VIOLATION: Problem: The Operator has not completed final reclamation of the site within five (5) years of advising the Division in an Annual Report that mining was complete as required by C.R.S. 34-32.5-116(4)(q)(I).

CORRECTIVE ACTIONS: The Operator must complete all final reclamation earthwork and seeding by the corrective action date. After completing these tasks, the Operator shall promptly notify the Division so that a follow-up inspection can be conducted to verify compliance.

CORRECTIVE ACTION DUE DATE: 12/31/2014

INSPECTION TOPIC: Revegetation

PROBLEM/POSSIBLE VIOLATION: Problem: Tamarisk (salt cedar) and Russian-Olive trees are present within or have volunteered into the permit area and have become established. 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. If a weed control plan is not already in place, the Operator shall develop a weed control and management plan in accordance with Rule 3.1.10(6). 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: 12/31/2014

OBSERVATIONS

This was a follow-up inspection of the Thomeczek Pit (Permit No. M-1995-007) conducted by Amy Eschberger of the Division of Reclamation, Mining, and Safety (Division) to determine whether any progress has been made on the corrective actions outlined in the February 07, 2013 inspection report. The Operator, Mr. Joe Thomeczek (of Bent County Redi-Mix), was informed of the inspection, but was unable to attend. This site is located approximately 1.5 miles west of Las Animas, Colorado in Bent County. Access to the site is off of Co Rd 8.75, where the road bends west turning into Co Rd Gg. The post-mining land use for this site is rangeland.

This is a 110c operation permitted for 9.9 acres to mine sand and gravel by wet mining methods. According to Division records, dredging occurred to a maximum depth of approximately 12 feet. Part of the permit area was mined pre-law, and included approximately 2 acres of exposed groundwater. The excavated pit is now an approximate 3.5-acre pond. According to a Memo added to the file on March 04, 2013, the Operator has a valid permanent augmentation plan to account for evaporative losses of the pond. This plan was supplied through the Lower Arkansas Water Management Association (LAWMA). Annual Reports submitted by the Operator indicate the site has been out of operation since 2008.

Mr. Thomeczek has notified the Division (via a phone conversation on February 22, 2013) that he no longer has legal right to enter the site. However, as stated by the Division in the previous two inspection reports, the Operator is responsible for maintaining the legal right to enter for completing the approved 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 unreclaimed.

At the time of inspection, it was clear, sunny, and hot. Besides the exposed groundwater (pond), the ground was dry. A permit sign was posted at the gated entrance (Photo 1). The permit boundary was delineated by fencelines. As noted in previous inspection reports, the northwestern bank of the pond has been graded to 4.5H:1V (Photo 2), but the remaining pond slopes have gradients of 1.5H:1V to 2.5H:1V (Photos 3 and 4). A large stockpile extends along the southern portion of the permit area (Photos 5 and 6), and is estimated by the Division to contain approximately 13,500 CY of topsoil and overburden. Numerous Tamarisk and Russian-Olive trees are present along the edges of the pond (Photos 7 and 8).

The construction waste that was present in the southwestern portion of the permit area (according to previous inspection reports) has been removed from the site. However, it appears that no other reclamation work has been done since the February 07, 2013 inspection. The report for the February 07, 2013 inspection cited three problems, with the following corrective actions:

- 1) Submit additional financial warranty in the amount of \$15,900 by May 04, 2013.
- 2) Demonstrate that reclamation has been completed by December 31, 2013.
- 3) Implement existing weed control plan (for Tamarisk and Russian-Olive trees) or develop a plan and submit as a Technical Revision by May 04, 2013.

The additional financial warranty was submitted on July 24, 2013, and this problem was marked abated. The deadline for implementing weed control was extended to December 31, 2013, the same deadline for completing reclamation. A follow-up inspection was conducted by the Division on October 04, 2013 to determine whether any progress was being made toward completing these corrective actions. No evidence of progress was observed at that time.

On December 30, 2013, the Division approved a 60-day extension request submitted by the Operator's consultant, giving a new corrective action deadline of June 01, 2014. The Division sent a letter to the Operator on March 25, 2014, reminding him of the upcoming deadline, and informing him that a follow-up inspection would be conducted in June 2014 to verify compliance with the corrective actions.

After conducting the recent follow-up inspection, the inspector met with the Operator's consultant at their office in Pueblo, Colorado. As discussed with the consultant, the following actions are required at this site:

- 1) Implement weed control at the site, including removal of Tamarisk and Russian-Olive trees from disturbed areas.
- 2) Grade all pond slopes to 3H:1V or flatter.
- 3) Remove the large stockpile located in the southern portion of the permit area (possibly use to grade pond banks, and push the remainder into the pond).
- 4) Revegetate the ground beneath the stockpile.

The Division received a Technical Revision request (TR-01) from the Operator's consultant on September 11, 2014 to update the reclamation plan map. This Technical Revision is currently being reviewed by the Division, and has a decision due date of October 13, 2014. The requirements listed above are also being addressed in the adequacy review of the Technical Revision.

The Division has worked with the Operator's consultants over the past few years in efforts to get this site into compliance and into final reclamation. However, after the recent inspection, it is clear that the outstanding corrective actions have not been addressed, and the site is sitting unreclaimed.

The Division is giving the Operator until December 31, 2014 to complete the outstanding corrective actions, including completing all earthwork and noxious weed removal (mentioned above) for final reclamation of this site. No further extensions will be approved for completing these tasks. The Operator shall notify the Division once these tasks have been completed so that a follow-up inspection can be conducted.

If these tasks have not been completed by December 31, 2014, the Division will pursue enforcement actions.

PHOTOGRAPHS



Photo 1. View of permit sign posted at entrance to site.



Photo 2. View of northwestern bank of pond (at right, with pier) that has been graded to a 4.5H:1V slope.



Photo 3. View of southwestern bank of pond, showing slopes steeper than 3H:1V.



Photo 4. View of northern bank of pond, showing slopes steeper than 3H:1V.



Photo 5. View looking north from outside of permit area, showing large overburden/topsoil stockpile extending along southern permit boundary (marked).



Photo 6. View looking east at side of large overburden/topsoil stockpile located near southern permit boundary.



Photo 7. View looking southwest from northern edge of pond, showing numerous Tamarisk and Russian-Olive trees present along southern edge of pond.



Photo 8. View looking southeast from northwestern edge of pond, showing numerous Tamarisk and Russian-Olive trees present along southern and eastern edges of pond.

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>N</u>	(RD) ROADS----- <u>Y</u>
(HB) HYDROLOGIC BALANCE----- <u>Y</u>	(BG) BACKFILL & GRADING----- <u>N</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>N</u>	(FW) FISH & WILDLIFE----- <u>N</u>	(RV) REVEGETATION---- PB
(SM) SIGNS AND MARKERS----- <u>Y</u>	(SP) STORM WATER MGT PLAN---- <u>N</u>	(SB) COMPLETE INSP---- <u>N</u>
(ES) OVERBURDEN/DEV. WASTE----- <u>N</u>	(SC) EROSION/SEDIMENTATION--- <u>Y</u>	(RS) RECL PLAN/COMP-- PB
(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

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