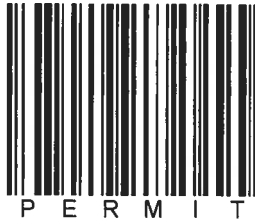


# Inspection



QATESTOCR



**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> Turnpike Mining Resource	<b>MINE/PROSPECTING ID#:</b> M-2004-009	<b>MINERAL:</b> Sand and gravel	<b>COUNTY:</b> Weld
<b>INSPECTION TYPE:</b> Monitoring	<b>INSPECTOR(S):</b> Eric C. Scott	<b>INSP. DATE:</b> November 6, 2014	<b>INSP. TIME:</b> 09:00
<b>OPERATOR:</b> Asphalt Specialties Co., Inc.	<b>OPERATOR REPRESENTATIVE:</b> Rob Laird	<b>TYPE OF OPERATION:</b> 112c - Construction Regular Operation	

<b>REASON FOR INSPECTION:</b> Citizen Complaint/Follow-up	<b>BOND CALCULATION TYPE:</b> None	<b>BOND AMOUNT:</b> \$1,025,887.00
<b>DATE OF COMPLAINT:</b> October 23, 2014	<b>POST INSP. CONTACTS:</b> None	<b>JOINT INSP. AGENCY:</b> None
<b>WEATHER:</b> Clear	<b>INSPECTOR'S SIGNATURE:</b> <i>Eric Scott</i>	<b>SIGNATURE DATE:</b> November 6, 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:** Problem: The current mine plan needs to be updated and clarified pursuant to C.R.S. 34-32.5-112 (1)(c)(VI). The operator must provide sufficient information to describe or identify how the operator intends to conduct the operation. Evidence of continuing unapproved concrete and asphalt recycling activities was observed on the site. To date these recycling activities have not been approved as part of the mining plan for this permit. In fact, these activities were specifically removed from the AM01 mining plan during the adequacy review process because these activities would require additional approvals by Weld County.

Possible Violation pursuant to 34-32.5.124(1) for failure to comply with the conditions of an order, permit, or regulation.

**CORRECTIVE ACTIONS:** The operator shall submit a Technical Revision, with the required \$216 revision fee, to update and clarify the mine plan to reflect existing and proposed activities, as well as changes to the site configuration due to recent and ongoing oil and gas drilling activities such as plugged wells, new wells, gathering lines, installation of monitoring wells, etc. by the corrective action date.

Permittee shall halt all unpermitted activities (concrete and asphalt recycling) at the site until the TR has been approved and issued by the Division.

Any revision to include concrete or asphalt recycling processes within the permit area shall include a cost

estimate to reflect any additional reclamation that would be required as a result of these activities on-site, and be subject to the appropriate approvals by Weld County to conduct those activities on-site.

The operator may also choose to remove all materials associated with concrete and/or asphalt recycling activities from the site no later than the corrective action date.

**CORRECTIVE ACTION DUE DATE:** 12/31/14

**INSPECTION TOPIC:** Revegetation/erosion/stabilization

**PROBLEM/POSSIBLE VIOLATION:** Problem: The MLRB Order issued on June 6, 2012 found a violation for lack of stabilization of the shale stockpiles located on the site. A plan to stabilize these stockpiles through grading and vegetation was approved as part of AM02 on March 18, 2013. To date - none of the stabilization work has been initiated, and the stockpiles are now partly covered with nuisance species such as Russian thistle.

Possible violation pursuant to C.R.S. 34-32.5.116(4)(j) for failure to stabilize and protect all surface areas of the affected land, including spoil piles.

**CORRECTIVE ACTIONS:** The operator must immediately implement the stabilization plan that was approved as part of AM02 by the corrective action date. The Operator shall demonstrate compliance by submitting seed tags, a bill of sale or photographs of stabilization/seeding activities. The Operator may also request a follow up inspection after the corrective action has been completed.

**CORRECTIVE ACTION DUE DATE:** 11/28/14

### **OBSERVATIONS**

On November 6, 2014 the Division of Reclamation, Mining and Safety (Division) conducted a follow-up inspection of the Turnpike Mining Resource site. The previous inspection was conducted on September 23, 2014 as a result of an anonymous citizen complaint received by DRMS on August 29, 2014. On October 23 another complaint was received alleging continued unapproved site activity (concrete and asphalt recycling) and the lack of stabilization of the large shale stock piles located on the site as required. DRMS representative Eric Scott met with operator representative Rob Laird on site and observed/discussed the following:

- No stabilization measures (grading/vegetation) have yet been implemented on the approximately 400,000 cubic yards of shale that have been excavated and stockpiled on-site, even though a violation for lack of stabilization was issued in the June 2012 MLRB Order, and the stabilization proposed by the operator was approved as a part of AM02 on March 18, 2013 (photos 1 and 2). The corrective action date for this problem issued in the September inspection is November 28, 2014
- The unapproved concrete and asphalt recycling activity at the site noted during the September 23, 2014 inspection was observed to have continued since that inspection. During this inspection trucks carrying asphalt were observed arriving, unloading, and leaving the site, the portable crusher was present on site, and additional concrete had been imported and stockpiled for recycling. As noted in the previous inspection, these recycling activities have not been approved as part of the mining plan for this permit. In fact, these activities were specifically removed from the AM01 mining plan during the adequacy review process because these activities would require approval by Weld County.
- The trash/scrap that was previously located on the site during the September 23, 2014 inspection has been removed.
- The groundwater monitoring program required by AM02 and approved on March 18, 2013 has begun to be implemented; the required monitoring wells have been installed as of the November 6, 2014 inspection.

These issues have been cited as problems/possible violations again in the first pages of this inspection report and the corrective actions and corrective action due dates have been specified. Failure to address these issues by the corrective action dates could result in enforcement proceedings with the Mined Land Reclamation Board and possible issuance of violations and civil penalties.

#### **Inspection Contact Address**

Rob Laird  
Asphalt Specialties Co., Inc.  
10100 Dallas St  
Henderson, CO 80640

Enclosure: R.T.B. Letter



## PHOTOGRAPHS

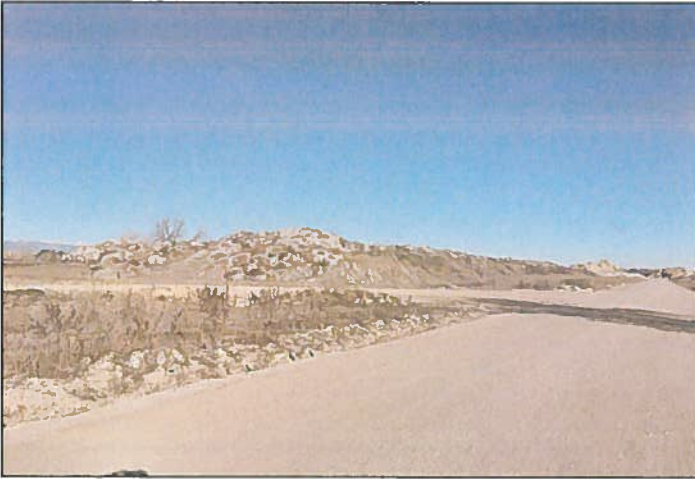


Photo 1 – Unstabilized shale stockpile.

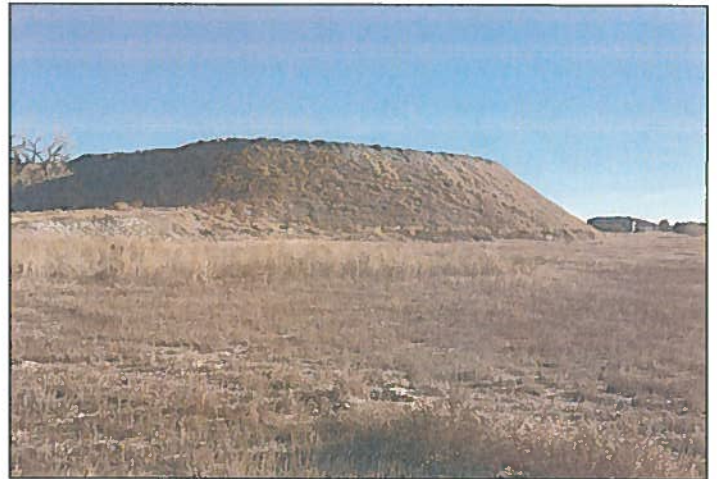


Photo 2 – Unstabilized shale stockpile.

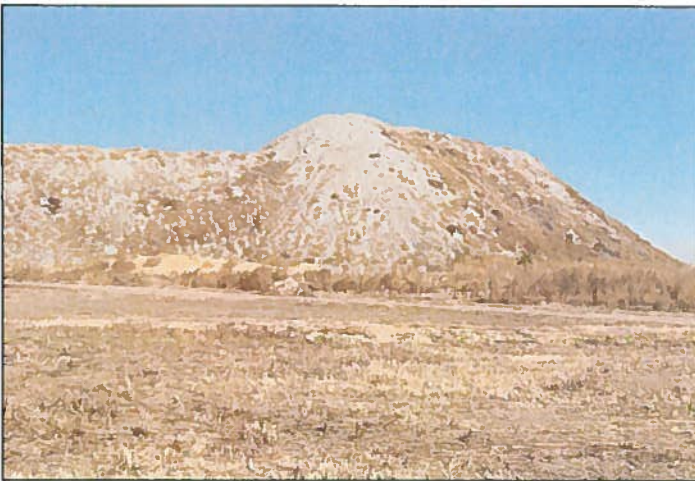


Photo 3 – Unstabilized shale stockpile.



Photo 4 – Truck unloading imported asphalt for recycling onto stockpile.



Photo 5 – Imported concrete stockpiled for crushing/recycling.

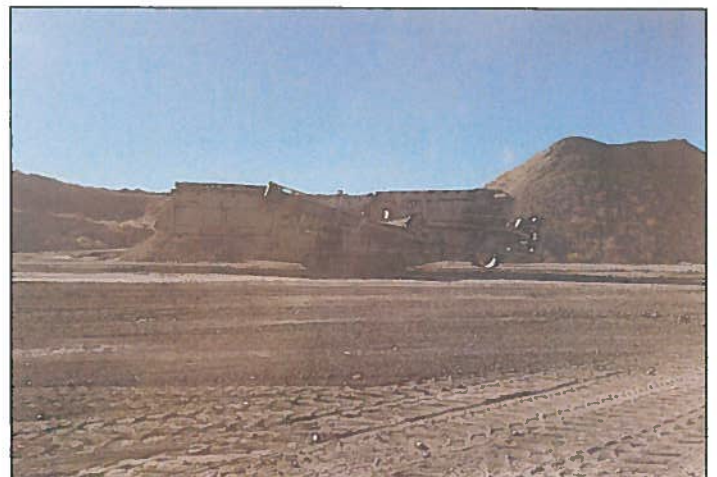


Photo 6 – Portable crusher utilized for unapproved on-site recycling of concrete/asphalt.

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