



**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> Amy Eschberger	<b>INSP. DATE:</b> September 30, 2015	<b>INSP. TIME:</b> 08:45
<b>OPERATOR:</b> Bent County Ready Mix	<b>OPERATOR REPRESENTATIVE:</b> Judy Thomeczek	<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> Clear	<b>INSPECTOR'S SIGNATURE:</b> <i>Amy Eschberger</i>	<b>SIGNATURE DATE:</b> October 20, 2015

**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 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 due 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:** 10/31/15 (original deadline)

**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 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 Rule 3.1.10(6).

**CORRECTIVE ACTIONS:** Implement the approved weed control plan and promptly notify the Division so that a follow-up inspection can be conducted to verify compliance. 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:** 10/31/15 (original deadline)

## **OBSERVATIONS**

This was a follow-up inspection of the Thomeczek Pit (Permit No. M-1995-007) conducted by Amy Eschberger and Wally Erickson of the Division of Reclamation, Mining and Safety (Division) to reassess site conditions and determine the status of outstanding corrective actions. The operator, Mr. Joe Thomeczek of Bent County Ready Mix was informed of the inspection but declined to attend. However, the operator's wife, Mrs. Judy Thomeczek represented the operator during the inspection. Also present during the inspection was the adjacent landowner, Mrs. Ronda Bucholz. The 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 approved post-mining land use is rangeland.

This is a 110c operation permitted for 9.9 acres to mine sand and gravel via wet mining methods. According to the permit file, dredging occurred to a maximum depth of approximately 12 feet. However, Mrs. Bucholz, the adjacent landowner whom resides next to the pit has used a depth finder on the pond and found the maximum depth to be approximately 20 feet at the center, with a depth of approximately 15-16 feet throughout much of the rest of the pond, and approximately 6 feet deep near the edges. A portion of the permit area was mined pre-law, and included approximately 2 acres of exposed groundwater (exposed prior to January 1, 1981). The excavated pit is now an approximate 3.1 - 3.4 acre pond. According to a Memo added to the permit 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), which covers up to 2 surface acres of exposed groundwater at this site (see enclosed Table 4 from LAWMA). The remaining 1.1 - 1.4 surface acres of exposed groundwater are not covered by LAWMA as they are considered pre-law exposure which do not require permanent augmentation.

At the time of the inspection, the weather was partly cloudy and cool, and the ground was dry. The site has not been active since 2008 according to annual reports submitted by the operator. The Division sent a Reason to Believe a Violation Exists letter to the operator on August 18, 2015 for failure to comply with the conditions of an order, permit, or regulation pursuant to C.R.S. 34-32.5-124(1). Specifically, for failing to complete final reclamation prior to the expiration of five (5) years after the date the operator advised the Board in an annual report that mining was completed, as required by C.R.S. 34.-32.5-116(4)(q)(I). On 01/16/2015, the Division approved an extension of the Corrective Action Due Date for two Problems that were first cited for the 02/07/2013 inspection, and also cited for the 07/03/2014 follow-up inspection (cited again in this report; see page 1). These two Problems were for failing to reclaim the site in a timely manner and for failing to employ weed control methods for state-listed noxious weed species (particularly Tamarisk and Russian Olive). With approval of the Corrective Action Due Date extension, the Division required the operator to demonstrate every month that particular tasks had been completed, with the first deadline in March and the last deadline in October (see enclosed approval letter). The operator met the first two deadlines of providing legal right of entry to the site for reclamation activities (March deadline), and beginning to remove the noxious weeds (which was done by Mrs. Bucholz and her husband; April deadline). However, the operator failed to demonstrate that any additional required Corrective Actions were completed by the corresponding deadlines.

From February through June of 2015, the Division communicated with Bent County Commissioner, Mr. Bill Long, who wanted to help Mr. Thomeczek meet the required Corrective Action deadlines. Unfortunately, Mr. Long was unable to acquire a contractor to complete the required earthwork. The Division contacted Mr. Thomeczek on 07/21/2015 to determine whether any progress had been made on the past-due Corrective Actions. At that time, Mr. Thomeczek stated that he would not be able to complete the required Corrective Actions and that the Division should proceed with any necessary actions. The Division informed Mr. Thomeczek that not completing the Corrective Actions would start the enforcement process which could eventually lead to permit revocation and forfeiture of the financial warranty. Mr. Thomeczek stated he

understood this, but would be unable to complete the required Corrective Actions. Originally, the Enforcement Hearing concerning this matter was scheduled for the September 23-24 Board Meeting. However, the Division received a letter from the operator on 09/11/2015 requesting that the hearing be rescheduled for the next Board Meeting due to health issues. The Division approved this request.

The purpose of this inspection was to reassess site conditions, particularly the presence of noxious weeds (as the Division received documentation in May indicating some had been removed). The Division walked around the perimeter of the pond with Mrs. Bucholz and Mrs. Thomeczek. At the time of the inspection, the vegetation around the pond consisted primarily of Russian thistle, marestail weed, Tamarisk trees, cottonwood trees, a few willows, a few small patches of wild sunflowers, and some cattails along the shallow edges of the pond. The primary grass species on site appeared to be sand dropseed. Since the 07/03/2014 inspection, Mrs. Bucholz and her husband had cut down several of the Tamarisk and Russian Olive trees that were present along the northern and southern pond banks (compare **Photos 1 and 2**), and treated the stumps with herbicide (**Photos 3-5**). Mrs. Bucholz and her husband did this work in order to help Mr. Thomeczek meet the Corrective Action deadline for April. During this inspection, a few new Tamarisk trees were observed growing back into some of these areas (**Photo 6**).

Several Tamarisk trees still exist mainly along the northeastern and eastern pond banks (**Photos 7-10**). Some of these trees are up to 10 feet in height or more, indicating they have been present for some time. A large (older growth) Tamarisk tree is growing on the northern side of the large overburden stockpile located at the southern edge of the permit area (**Photo 11**). It is clearly evident that there has been no weed control and management at this site in many years, except for efforts made by the adjacent landowner in removing Tamarisk and Russian Olive trees along the northern and southern pond banks. Until the permit is released, it is the operator's responsibility to employ weed control methods for all state-listed noxious weed species in the permit area. In addition, weed control should be employed for all other weed species invading the disturbed area which would seriously threaten the growth of desired vegetation.

At the time of the inspection, the pond shoreline had dense weed growth along the banks, making it difficult to see the slopes in many of the photos taken during the inspection. However, the Division confirmed that the pond banks remain steeper than the approved 3H:1V slope gradient. The pond slopes range from 1.5H:1V to 2.5H:1V, rising approximately 3-5 feet above waterline (**Photos 12-14**). Only the northwestern portion of the pond bank (owned by the adjacent landowner) has been graded to the required slope gradient (**Photo 15**). This portion of the pond bank was graded by the Bucholz family to approximately 4H:1V. For final reclamation, the entire shoreline of the pond must be graded to a slope gradient of 3H:1V or flatter.

The large overburden stockpile was still present along the southern edge of the permit area (**Photos 16-18**). The Division previously estimated this stockpile to contain approximately 13,500 cubic yards of material. As discussed with the operator and his consultants, the majority of this stockpile must be removed and the area graded to 3H:1V or flatter for final reclamation. It is up to the operator to decide whether to use the stockpiled material to grade the pond banks, to push the material into the pond, or to haul it off site. After completing the grading work in the stockpile area and along the pond banks, these areas will then need to be seeded with the approved seed mixture.

**The Enforcement Hearing for consideration of the Possible Violation is scheduled for the October 28-29, 2015 Board Meeting.**

## PHOTOGRAPHS



**Photo 1.** View looking south from northern pond bank (during 7/3/2014 inspection), showing numerous Tamarisk and Russian Olive trees that were present at that time along the southern shoreline (indicated).



**Photo 2.** View looking south from northern pond bank (during recent inspection), showing most of the Tamarisk and Russian Olive trees were removed from the southern shoreline by the adjacent landowner (indicated). Compare with **Photo 1**.





**Photo 3.** View of stump (indicated) that remains on northern pond bank where Tamarisk tree was cut and treated by adjacent landowner.



**Photo 4.** View of another stump (indicated) that remains on northern pond bank where Russian Olive tree was cut and treated by adjacent landowner.





**Photo 5.** View of two stumps (indicated) that remain on northern pond bank where Russian Olive trees were cut and treated by adjacent landowner.



**Photo 6.** View of new Tamarisk tree now growing near stump where Tamarisk tree was removed earlier in the year by adjacent landowner.





**Photo 7.** View of small Tamarisk trees growing along northeastern pond bank.



**Photo 8.** View of small Tamarisk tree growing along eastern pond bank.





**Photo 9.** View of taller Tamarisk trees growing along northeastern pond bank.



**Photo 10.** View of taller Tamarisk trees growing along eastern pond bank.





**Photo 11.** View of large Tamarisk tree growing on northern side of overburden stockpile present at southern edge of permit area.



**Photo 12.** View looking west across portion of northern pond bank, showing slope gradient of approximately 1.5H:1V. Note dense weed growth along pond bank (primarily Russian thistle).





**Photo 13.** View looking east across portion of northern pond bank, showing slope gradients of approximately 1.5H:1V to 2H:1V. Note dense weed growth along pond bank (primarily Russian thistle).



**Photo 14.** Close-up view of portion of southwestern pond bank, showing slope gradient of approximately 2H:1V to 2.5H:1V.





**Photo 15.** View looking north at northwestern portion of pond shoreline that adjacent landowner graded to approximately 4H:1V.



**Photo 16.** View of western end of large overburden stockpile located at southern edge of permit area. This side of the stockpile has slope gradients of approximately near vertical to 1H:1V.





**Photo 17.** View of southern side of large overburden stockpile located at southern edge of permit area. This side of the stockpile has slope gradients of approximately 1H:1V to 2H:1V.



**Photo 18.** View looking north from south of permit area, showing south side of large overburden stockpile that extends along the southern permit boundary.



### GENERAL INSPECTION TOPICS

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

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

Joe H. Thomeczek  
Bent County Ready Mix  
P.O. Box 387  
Las Animas, CO 81054

Enclosure(s): LAWMA Table showing maximum allowed surface area of exposed groundwater  
Approval Letter for Extension of Corrective Action Due Date

CC: Judy Thomeczek (via email)  
Ronda Bucholz (via email)  
Wally Erickson, DRMS



**Table 4 - Surface Area For Gravel Pits Listed In Table 1**

(sorted by Structure ID)

**LOWER ARKANSAS WATER MANAGEMENT ASSOCIATION**

<b>Structure ID</b>	<b>Name</b>	<b>Surface Area (acres)</b>
1706490	Bent County Ready-Mix (M-95-7)	2.00
6705999	All Rite Paving & Redi-Mix, Inc. (M-87-79)	3.80
6706357	Powers County (M-97-16)	2.43
6706362	Carder, Inc. (J-S Farms Pit) (M-96-46)	29.22
6706366	Carder, Inc. (Hard Scrabble Pit) (M-98-46)	47.57
6706388	Eastern Colorado Aggregates, LLLP (M-01-41)	4.00
6706389	Ritchie Paving, Inc. (Fletcher Pit) (M-02072)	0.00
6706383	Carder Inc. S-C Farms Pit (M-92-076)	59.59
6706410	Carder Inc. Tamarack Pit (M-01066)	0.83
- - -	Carder Inc. Butte Creek Pit	0.00
- - -	Midwestern Farms Resources (M-93-59)	98.40

## Notes:

- a) Gravel pit surface area based on pits sizes from 2013 aerial photography.
- b) The Carder Inc. S-C Farms Pit (M-92-076, SEO Id No. 6706383) first 20 acres of surface area are augmented in Case No. 94CW037.





## COLORADO

Division of Reclamation,  
Mining and Safety

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

January 16, 2015

Bruce Humphries  
Regulatory Permits Management, Inc.  
435 Kendall Ct., Unit 212  
Castle Pines, CO 80108

**Re: Thomeczek Pit, Permit No. M-1995-007  
Extension of Corrective Action Due Date Approved**

Mr. Humphries:

On January 16, 2015, the Division of Reclamation, Mining and Safety (Division) received the Operator's signed agreement to the terms for extending the Corrective Action due date for problems cited in the July 03, 2014 inspection report. The original Corrective Action due date was December 31, 2014. **The Division has approved a 10-month extension, giving a new final Corrective Action due date of October 31, 2015. The Operator has agreed to the conditions for extending this due date which include completing the particular tasks listed below by the corresponding deadline and submitting photographic evidence to the Division (via mail or email) proving that each task has been achieved.**

- By March 31, 2015: Regain property access (if necessary) for reclamation work.
- By April 30, 2015: Begin removing state-listed noxious weeds (particularly Tamarisk and Russian Olive trees) from areas of the site that were disturbed by the operation.
- By May 31, 2015: Begin removing stockpiled material from the site.
- By June 30, 2015: Begin grading pond banks to 3H:1V slopes or flatter.
- By July 31, 2015: Tamarisk and Russian Olive trees removed from disturbed areas and continue to monitor and treat any new growth.
- By August 31, 2015: Pond banks graded to 3H:1V slopes or flatter.
- By September 30, 2015: Stockpiled material completely removed from the site.
- By October 31, 2015: Complete seeding of disturbed areas.





The Division understands that additional interseeding and weed control may be required after October 31, 2015 in order to establish the approved vegetation. **However, please be aware that failure to demonstrate that a milestone has been achieved by the date specified in the timeline above will result in a Possible Violation.**

If you have any questions, please contact me at 1313 Sherman Street, Room 215, Denver, CO 80203, call me at (303)866-3567, extension 8129, or email me at [amy.eschberger@state.co.us](mailto:amy.eschberger@state.co.us).

Sincerely,



Amy Eschberger  
Environmental Protection Specialist

Cc: Joe H. Thomeczek  
Bent County Ready Mix  
P.O. Box 387  
Las Animas, CO 81054

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

