


**COLORADO**Division of Reclamation,  
Mining and Safety

Department of Natural Resources

**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> Riverview Resources	<b>MINE/PROSPECTING ID#:</b> M-1999-098	<b>MINERAL:</b> Sand and gravel	<b>COUNTY:</b> Weld
<b>INSPECTION TYPE:</b> Monitoring	<b>INSPECTOR(S):</b> Peter S. Hays	<b>INSP. DATE:</b> July 12, 2016	<b>INSP. TIME:</b> 10:00
<b>OPERATOR:</b> Aggregate Industries - WCR, Inc.	<b>OPERATOR REPRESENTATIVE:</b> Connie Davis	<b>TYPE OF OPERATION:</b> 112c - Construction Regular Operation	

<b>REASON FOR INSPECTION:</b> Citizen Complaint	<b>BOND CALCULATION TYPE:</b> None	<b>BOND AMOUNT:</b> \$155,480.00
<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> 	<b>SIGNATURE DATE:</b> December 7, 2016

**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: A spillway was observed in the southeast corner of Cell 3 during the inspection. The spillway is not part of the approved reclamation plan for the site and is not approved by the Division. The current reclamation plan needs to be updated and clarified pursuant to C.R.S. 34-32.5-116 (1).

**CORRECTIVE ACTIONS:** The Operator shall submit a Technical Revision, with the required \$216 revision fee, to update and clarify the approved reclamation plan to describe the spillway design by the corrective action date. The revision must demonstrate the spillway is designed to allow a 100 year storm event to pass through the spillway and must include as-built drawings and an engineering certification.

**CORRECTIVE ACTION DUE DATE:** 2/07/17

**INSPECTION TOPIC:** Hydrologic Balance

**PROBLEM/POSSIBLE VIOLATION:** Problem: The Operator failed to repair damaged sections of the northern bank of Cell 3 resulting in increased flood water flows into the VomBaur property. Therefore, the Division believes Aggregate Industries failed to maintain the prevailing hydrologic balance in the area as required by Rule 3.1.6 and Section 34-32.5-116(4)(h) of the Colorado Land Reclamation Act for the Extraction of Construction Materials.

**CORRECTIVE ACTIONS:** The Operator must repair the breaches in the northern bank of Cell 3 within 60 days, resurvey the sections of Cell 3 to verify the topography is consistent with the approved Reclamation Plan, notify

the Division of the breach repair completion and submit the new survey results to the Division.

**CORRECTIVE ACTION DUE DATE: 2/07/17**

### **OBSERVATIONS**

The Riverview Resource site was inspected by Peter Hays and Wally Erickson with the Division of Reclamation, Mining and Safety (Division/DRMS) in response to a citizen complaint (CT-02) received on June 20, 2016 from Mr. Ben VomBaur. Mrs. Connie Davis with Aggregate Industries - WCR, Inc. (AI) was present during the inspection. The VomBaur property is located east of the Riverview Resource site at 13644 County Road 64, Greeley, CO 80631. A copy of the complaint letter was mailed to the Operator on June 20, 2016.

The complaint letter states Aggregate Industries failed to keep water out of their gravel pits causing the Riverview property to fill with water which drained into the VomBaur property before returning to the Cache La Poudre River. The ponds located on the VomBaur property were turned into streams and the land became swampy. The flooding has caused an economic burden by making 15 acres of the VomBaur property uninhabitable for livestock, requiring repairs to the land bridge and preventing preparations for summer camps hosted on the property in July and August.

The VomBaur property was inspected by the Division and the Aggregate Industries representative. The flooding on the VomBaur property receded by the time of the inspection. The land bridge was repaired by the landowner. The field south of the VomBaur residence was dry and accessible. The main open area was mowed recently and preparations for summer camp were underway. The eastern extent of the property and the bank of the Poudre River were observed and no flooding was noted. The location of the 30 foot wide gap in the berm was observed. The berm gap appeared unchanged since the 2015 inspection. The culvert location was inspected and appeared unchanged since the 2015 inspection.

The north shore of Riverview Resource Cell 3 was inspected as part of the complaint investigation. As stated in the last inspection report, based on Google Earth Pro image review, it appears the northern bank of the southeast section of Cell 3 was breached during a flood event in 2011. The previous report indicated one (1) breach area. During this inspection, three (3) smaller breach locations were observed east of the 2015 observed breach location. The Operator failed to repair these breaches following the 2011 flood event and did not repair them as part of the 2015 beach repair work in Cell 3.

As cited as a problem, the Operator failed to repair the damaged sections of the northern bank of Cell 3 resulting in increased flood water flows into the VomBaur property. Therefore, the Division believes Aggregate Industries failed to maintain the prevailing hydrologic balance in the area as required by Rule 3.1.6 and Section 34-32.5-116(4)(h) of the Colorado Land Reclamation Act for the Extraction of Construction Materials. The Operator must repair the breaches in the northern bank of Cell 3 within 60 days, resurvey the sections of Cell 3 to verify the topography is consistent with the approved Reclamation Plan, notify the Division of the breach repair completion and submit the new survey results to the Division.

The 30 foot gap in the berm located in the southeastern portion of the VomBaur property appears to be the natural topography of the area prior to the start of mining at the Riverview Resource site based on Google Earth images. Mr. VomBaur may elect to fill in the berm gap to reduce the chances of flood waters entering his property. This must be completed in accordance with all applicable state laws. Mr. VomBaur may elect to remove or plug the culvert to reduce the chances of flood waters entering his property.

The Division does not have jurisdiction to order Aggregate Industries to compensate Mr. VomBaur for the economic burden from his property flooding.

A small spillway was observed in the southeast corner of Cell 3 during the inspection. The spillway is not part of the approved reclamation plan for the site and is not approved by the Division. The spillway did not appear to be properly sized to allow the 100 year storm event to exit the site. As cited as a problem, the Operator must submit the construction plans for the spillway as a technical revision to the reclamation plan. The revision must demonstrate the spillway is designed to allow a 100 year storm event to pass through the spillway and must include as-built drawings and an engineering certification.

Photographs taken during the inspection are attached.



**PHOTOGRAPHS**



Repaired land bridge south of VomBaur residence



View of west pond looking west from land bridge





View of northern portion of 15 acre area south of VomBaur residence



View of 30 foot berm gap looking east





View of culvert on VomBaur property north of Cell 3



View of 2015 repaired section of the north bank of Cell 3 looking east





View of one of the breach areas observed east of the repaired berm section



View of spillway in the SE corner of Cell 3 looking south

### GENERAL INSPECTION TOPICS

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

(AR) RECORDS----- <b>PB</b>	(FN) FINANCIAL WARRANTY----- <u>N</u>	(RD) ROADS----- <u>N</u>
(HB) HYDROLOGIC BALANCE----- <b>PB</b>	(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---- <u>N</u>
(SM) SIGNS AND MARKERS----- <u>N</u>	(SP) 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-- <u>N</u>
(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

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Aggregate Industries - WCR, Inc.  
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Lakewood, CO 80401

Cc: Wally Erickson, DRMS  
Ben VomBaur, landowner