


**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> 120th Estates Partners	<b>MINE/PROSPECTING ID#:</b> M-2001-085	<b>MINERAL:</b> Sand and gravel	<b>COUNTY:</b> Adams
<b>INSPECTION TYPE:</b> Monitoring	<b>INSPECTOR(S):</b> Jared L. Ebert	<b>INSP. DATE:</b> March 15, 2017	<b>INSP. TIME:</b> 10:30
<b>OPERATOR:</b> 120 85 LLC	<b>OPERATOR REPRESENTATIVE:</b> Juan Padilla, Safety Coordinator	<b>TYPE OF OPERATION:</b> 112c - Construction Regular Operation	

<b>REASON FOR INSPECTION:</b> Normal I&E Program	<b>BOND CALCULATION TYPE:</b> Complete Bond	<b>BOND AMOUNT:</b> \$368,590.00
<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> March 20, 2017

**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:** Hydrologic Balance

**PROBLEM/POSSIBLE VIOLATION:** Problem: The Operator has not submitted to the Division in their annual reports the groundwater level monitoring data as required by the permit. This is a problem at this time for failure to submit the required water monitoring report in accordance with Rule 3.1.7(7) and for failure to comply with the condition of a reclamation permit in accordance with C.R.S. 34-32.5-109(2)(a).

**CORRECTIVE ACTIONS:** Submit the results of the groundwater monitoring to the Division for the fourth quarter of 2014, all of the quarters for both 2015 and 2016 and the first quarter of 2017.

**CORRECTIVE ACTION DUE DATE:** 4/19/17

**INSPECTION TOPIC:** Signs & Markers

**PROBLEM/POSSIBLE VIOLATION:** Problem: The mine identification sign was not posted at the entrance of the mine site. This is a problem for failure to post a mine identification sign as required by Section 3.1.12(1) of the rule.

**CORRECTIVE ACTIONS:** The operator shall, at the entrance of the mine site, post a sign which shall be clearly visible from the access road with the following: the name of the operator, a statement that a reclamation permit for the operation has been issued by the Colorado Mined Land Reclamation Board; and the permit number. The operator shall submit photo documentation that a proper sign has been posted by the corrective action date.

**CORRECTIVE ACTION DUE DATE: 4/19/17**

### **OBSERVATIONS**

This was a monitoring inspection of the 120 85, LLC site, permit number M-2001-085 operated by 120th Estates Partners. Mr. Juan Padilla an employee of the "Henderson Pit" which is another name for this operation accompanied me during the inspection.

This is a 112c operation. There appears to be a discrepancy in the number of permitted acres associated with this site. The original permitted acres for the site was 34.3 acres. In March of 2003 Amendment No. 2 (AM02) was approved which added 41.2 acres to the site bringing the total permit acres to 75.5 acres. In February of 2004, Amendment No. 3 (AM03) was approved which added 7.6 acres to the permit area bringing the total permit area to 83.1 acres. On September 13, 2004 the Division approved an acreage reduction (AR01) of 34 acres bringing the permit area to 49.1 acres. Amendment No. 5 (AM05) was submitted to encompass some offsite disturbance which resulted in an enforcement action, this resulted in an increase in the permit area by 2.7 acre, however the AM05 application form only listed the approved permit area to be 41.3 acres. It does not appear the acreage associated with AM03 was accounted for with the AM05 application; also, there is approximately a .2 acre area of overlap between the acres permitted with AM03 and AM05. Given this, the Division believe the correct permit acreage for the site is 51.6 acres, which includes the 49.1 acres remaining within the permit area after the approval of AR01, the addition of 2.7 acres with AM05 and the subtraction of about .2 acre of overlap between the AM03 area and the AM05 area. Please see the enclosed map which depicts each of the areas discussed. The applicant should be aware they are responsible for all the areas shown on the map that have not been bond released.

#### **Backfilling and Grading:**

The site is currently being used as a construction materials recycling center. Inert material is brought to the site and is either re-processed and sold or backfilled into the existing pit where previous mining occurred.

#### **Financial Warranty:**

The Division has evaluated the current financial warranty amount held for the site (\$368,590.00) and believes it is adequate to complete reclamation.

#### **Hydrologic Balance:**

The permittee submitted a Technical Revision (TR06) on October 16, 2014 to initiate a groundwater monitoring plan. The attached map depicts the locations of the up-gradient and down-gradient groundwater monitoring wells. The operator committed to sampling the wells quarterly beginning with the fourth quarter of 2014. The permittee is required to record the depth of the water in each well in feet from the top of the casing to the top/surface of the water. The data collected is to be reported annually and submitted to the Division with the annual reclamation reports. To date, the permittee has not submitted the results of the groundwater monitoring. This issue is cited as a problem at the beginning of the report.

#### **Gen. Compliance With Mine Plan:**

Mining is complete at the site which resulted in a 28 acre pit that is being backfilled with inert material in

accordance with the approval of Amendment No. 6 (AM06). The Division estimates about seven acres of open groundwater remain to be backfilled.

I met Mr. Padilla at the scalehouse/office at the beginning of the inspection. He provided me a handout which is an advertisement for the Henderson Pit that lists the acceptable materials that may be brought to the site. The items listed as acceptable appear to meet the definition of "Inert Fill" in accordance with Rule 1.1(20). A list of unacceptable materials is also shown on the handout. A copy of the handout is included in this report. Mr. Padilla trains his employees on how to recognize acceptable items and unacceptable items. He showed me the training material that he uses to teach the employees. Each load entering the site is checked for unacceptable material. Rejected material is sent away. Acceptable loads are directed to a number of different dump stations on the site depending on the type of material. Material that is recyclable is processed at various stations throughout the site to make an acceptable product and is eventually sold. Inert material that is not sold is backfilled into the groundwater pond at the site. According to Mr. Padilla, asphalt and concrete is not placed below the water table and is used as a cap above the inert fill. Rebar that is enclosed in concrete is removed from the concrete and stockpiled onsite to be taken to a metal recycling facility off-site. According to Mr. Padilla, he estimates it will take another four years to completely backfill the exposed groundwater pond.

At times wood, trash and random bits of unacceptable debris is found mixed in with a load of inert fill. This material is collected, stockpiled and taken off-site to a landfill. Any debris that makes its way into the groundwater pond that floats to the surface is collected by the staff of the facility and properly disposed of.

As approved with AM03, according to Mr. Dave Schultejann, a small portion of the Henderson Ski Lake that is located to the north of the site was dredged some years ago. This activity was completed. The permitted portion of the lake was observed. No surface disturbance was noted. The slope to the lake appears vegetated and stable.

There is a portion of permitted area east of the main facility. These areas were incorporated into the permit area with the approval of AM03 and AM05 (See the enclosed map). These areas include a .4 acre access road to the bridge that crosses the ditch into the site, a 2.2 acre road that was to be used to access the original permit area from 120th Avenue and a 2.7 acre overburden stockpile area that was incorporated into the permit with AM05. According to Mr. Padilla and Mr. Dave Schultejann, they do not own this property and the current landowner uses the site for a number of purposes. A number of vehicles/equipment and hay is stored on this property. It appears overburden is still stockpiled at this location. I explained to Mr. Schultejann, that these areas have not been bond released and that they are still liable for the reclamation of these areas.

## PHOTOGRAPHS



Figure 1. Removing rebar from the concrete.



Figure 2. From the southern end of the pit looking west.



Figure 3. From the southern end of the pit looking east.



Figure 4. View of the property east of the main facilities area. Overburden pile still visible.





**Figure 5.** From the bridge that crosses the ditch looking northeast.



**Figure 6.** Stockpiled rebar.



Figure 7. From the northeast end of the site looking west.



Figure 8. From the northeast end of the site looking southwest.



**Figure 9. View of the Henderson Ski Lake from the north end of the property. View of the approximate area where dredging occurred.**



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

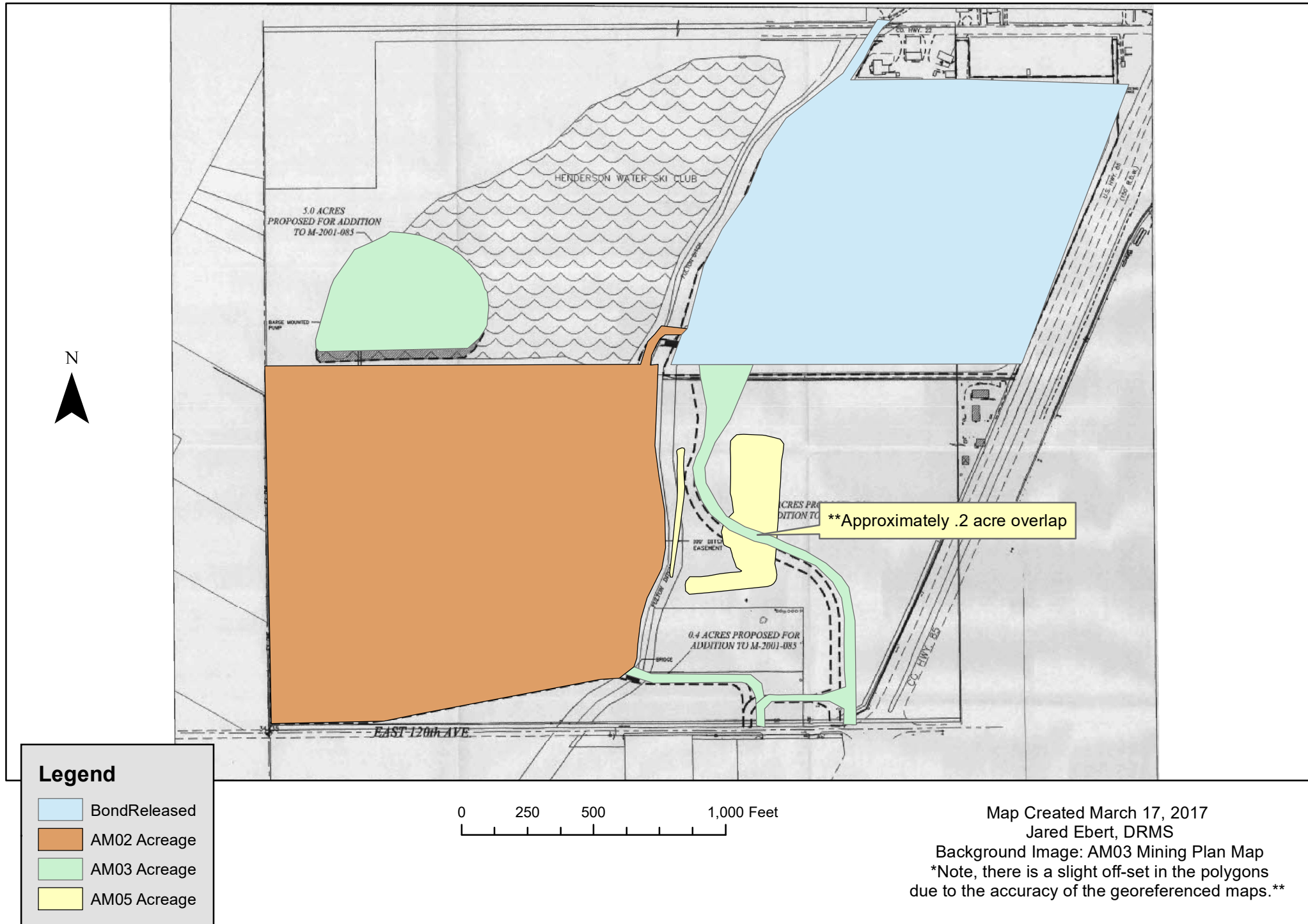
#### Inspection Contact Address

Juan Padilla, Safety Coordinator  
120 85 LLC  
10925 E. 120th Ave  
Henderson, CO 80640

Enclosure:     1.) March 15, 2017 Inspection Report Map  
                  2.) Exhibit A Map, TR06, Groundwater Monitoring Location Map  
                  3.) Henderson Pit handout

CC: Adam Schultejann, via-email

March 15, 2017 Inspection, Permit Area review

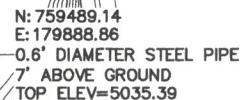


N: 760688.98  
E: 178883.86  
R STEEL PIPE  
BOVE GROUND  
LEV=5025.37

OCT 23 2014  
DIVISION OF RECLAMATION  
MINING AND SAFETY

OCT 23 2014

## DIVISION OF RECLAMATION MINING AND SAFETY



N: 759123.60  
E: 179758.48  
-1.5' DIAMETER WELL  
TOP ELEV=5038.07



200 100 0 200

ORIGINAL SCALE: 1" = 200'

MONITORING WELL/WATER  
EDGE EXHIBIT  
DACOA GRAVEL  
JOB NO. 15694.00  
10-20-2014  
SHEET 1 OF 1



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Ex "A" TR #6  
M-2001-085

TOD



## ***Your Best Source for Aggregated Materials***

- Visit for a Wide Variety of Recycled Aggregated Materials!
- Stop By and Check out our Easy to Access Location!

*The Henderson Pit 120 85, LLC is your first choice for your construction materials needs. For depositing inert materials, we offer a convenient location, friendly staff and ease of access to keep your trucks free of damage.*



*Looking for recycled building materials for your construction needs? We offer excellent pricing on:*

- 3 Inch Minus
- Class 6 road base
- Recycled Asphalt

**120 85, LLC | Henderson Pit**

**10925 East 120<sup>th</sup> Ave.  
Henderson, CO 80460  
303.731.7542**





**We Accept the Following Materials:**

- clean fill
- dirt
- earth
- rock
- clay
- soil
- sand
- gravel
- masonry
- aggregate
- clay clean fill
- fully cured asphalt
- concrete
- brick
- tile
- all other inert material

**We Do Not Accept the Following Materials:**

- wood
- tree trimmings
- Liquid of any Kind
- plastics
- vegetation
- trash
- hazardous or contaminated material

**120 85, LLC | Henderson Pit**