




**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> The Orr Pit	<b>MINE/PROSPECTING ID#:</b> M-2009-074	<b>MINERAL:</b> Sand/gravel/borrow	<b>COUNTY:</b> Pueblo
<b>INSPECTION TYPE:</b> Monitoring	<b>INSPECTOR(S):</b> Elliott R. Russell	<b>INSP. DATE:</b> March 1, 2017	<b>INSP. TIME:</b> 08:00
<b>OPERATOR:</b> Colorado Backhoe Service	<b>OPERATOR REPRESENTATIVE:</b> Thomas Joseph	<b>TYPE OF OPERATION:</b> 110c - Construction Limited Impact	

<b>REASON FOR INSPECTION:</b> Normal I&E Program	<b>BOND CALCULATION TYPE:</b> Partial Bond	<b>BOND AMOUNT:</b> \$22,602.00
<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 23, 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.**

**GENERAL INSPECTION TOPICS**

The following list identifies the environmental and permit parameters inspected

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

Y = Inspected / N = Not inspected / NA = Not applicable to this operation / PB = Problem cited / PV = Possible violation cited

### **PROBLEMS/POSSIBLE VIOLATIONS**

**INSPECTION TOPIC:** Off-site Damage

**POSSIBLE VIOLATION:** Land has been affected outside of the approved permit boundary. This is a possible violation of C.R.S. 34-32.5-109(1) for failure to first obtain from the Board or Office a reclamation permit prior to engaging in a new operation.

**CORRECTIVE ACTIONS:** This possible violation will require a hearing before the Mined Land Reclamation Board scheduled for the April 26-27, 2017 Board meeting. The schedule and other details for the MLRB hearing will be provided under a separate document to be sent via certified mail to the operator.

**CORRECTIVE ACTION DUE DATE:** April 26-27, 2017

**INSPECTION TOPIC:** Gen. Compliance With Mine Plan

**COMPLIANCE PROBLEM:** Unauthorized materials have been imported to the mine site for processing. 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.

**CORRECTIVE ACTIONS AND DUE DATE:** The operator shall submit a revision to update and clarify the current approved mine plan to reflect existing and proposed activities. The corrective action due date will be determined pending the April 26-27 hearing regarding the possible violation above.

**INSPECTION TOPIC:** Backfilling and Grading

**COMPLIANCE PROBLEM:** Material containing putrescible solids has been backfilled at the site.

**CORRECTIVE ACTIONS AND DUE DATE:** The operator shall submit a revision to update and clarify the current approved reclamation plan to reflect existing and proposed backfilling activities in accordance with Rule 3.1.5(9). This revision shall also contain a plan to remove putrescible materials from the existing backfill. The corrective action due date will be determined pending the April 26-27 hearing regarding the possible violation above.

### **OBSERVATIONS**

This inspection was conducted as part of the Division's routine monitoring program for permitted operations. The Orr Pit is a Construction Material Limited 110c Operation Reclamation Permit and is approved to affect 9.9 acres of land. Affected lands will be reclaimed to support rangeland post-mining land use. The site is located one mile west of Vineland, Colorado. This report is accompanied by fifteen photographs, two mine plan maps, and one Google Earth image.

The Division met Mr. Thomas Joseph at the mine site entrance on the east side of 33<sup>rd</sup> Lane, approximately 750 feet south of US Business Highway 50. The mine site identification sign was posted at the entrance and was in compliance with Rule 3.1.12(1). The permit boundary was delineated by a metal t-posts and wood stakes. The site was active at the time of the inspection and equipment on the site consisted of four mobile crushers and screens, multiple conveyor stackers, two excavators, a front-end loader, and a bobcat.

The 110c permit was issued on November 5, 2009. Pre-mine conditions are reflected in the attached aerial photo map (*10-16-2009 Photo Exhibit dated June 2005 M-2009-074*), which show portions of an old mine, trailer house junk yard, and undisturbed rangeland.

The site currently consists of excavations along the south side of the permit with various stockpiles of mined and imported materials in different quantities. Mr. Joseph indicated several stockpiles have been hauled into the

site from off-site projects and were being used for recycling and processing for possible re-sale or being backfilled; these included concrete, asphalt, bricks, shale, and fill dirt. Stockpiles of screened-to-size gravel and sand, which appeared to have originated from the deposit on site, and the imported shale stockpile were located on the pit floor in the central portion of the site. Large raw asphalt and raw concrete stockpiles and smaller processed/crushed stockpiles of each were located on the eastern portion of the site. A large stockpile of fill dirt was located in the northeast corner of the site; the operator stated this material came from a local storm sewer installation project and could possibly be used as topsoil. After further review of the permit file, the Division has determined the importation of materials for processing and/or backfilling is not authorized under the approved Mining and Reclamation Plans nor covered in the reclamation cost estimate. This has been cited as a compliance problem on page two of this report.

The excavation located in the southeast portion of the site was being backfilled with off-site material which Mr. Joseph stated had come from a local grading project for a new Walmart. The Division observed putrescible items within the backfilled material including woody debris, sod plugs, and trash. This backfilled material had a fluffy consistency and appeared to have not been compacted. The Operation is not authorized for backfilling of material and the material being backfilled on-site is not accordance with Rule 3.1.5(9). This has been cited as a compliance problem on page two of this report.

Based on field observations and a review of an August 28, 2013 Google Earth aerial image, the Division has determined the Operator has disturbed approximately six acres outside of the approved permit boundary. The Division considers mining more than 2 acres outside of the approved permit boundary as a violation of mining without a permit. The Division has attached a Google Earth image (*3-1-2017 Inspection Map M-2009-074*) as a reference. This map delineates the following:

- Yellow line - the approximate approved permit boundary which was determined from the attached approved Mining Plan Map (*10-16-2009 Pre-Mining Map - Exhibit E-1 M-2009-074*)
- Red Line - the approximate limits of the off-site disturbance which was determined from a review of the August 28, 2013 Google Earth aerial image and the March 1, 2017 site inspection observations. This off-site disturbance includes:
  - a mined area located in the southwest of the approved permit boundary
  - scale house, processed stockpiles, and re-disturbance of the old mining disturbance located in the central portion of the site, north of the approved permit boundary
  - new disturbance and stockpiles of imported asphalt, concrete, and fill dirt located east of the east permit boundary

Mr. Joseph stated that the scale house, located just north of the approved permit boundary on the west side of the access road, was recently built over the last winter.

The current financial warranty held at the site is \$22,602.00. Due to the off-site disturbance, construction of a scale house, and the importation of various materials, the current bond is inadequate to cover the actual cost of reclamation. The financial warranty will be re-evaluated during corrective actions associated with the possible violation.

This concludes the Division's Inspection Report; a subset of photographs taken during the time of the inspection are included below. If you need additional information or have any questions, please contact me at Division of Reclamation, Mining and Safety, 1313 Sherman Street, Room 215, Denver, CO 80203, by telephone at **303-866-3567 x8132**, or by email at [elliott.russell@state.co.us](mailto:elliott.russell@state.co.us).



## **PHOTOGRAPHS**



**Fig 1.** Mine identification sign; looking east.



**Fig 2.** Excavation located southwest of the permit boundary; looking east.





**Fig 3.** Processed 1 1/2" gravel stockpile (right) located north of the permit boundary (yellow dashed line); looking west.

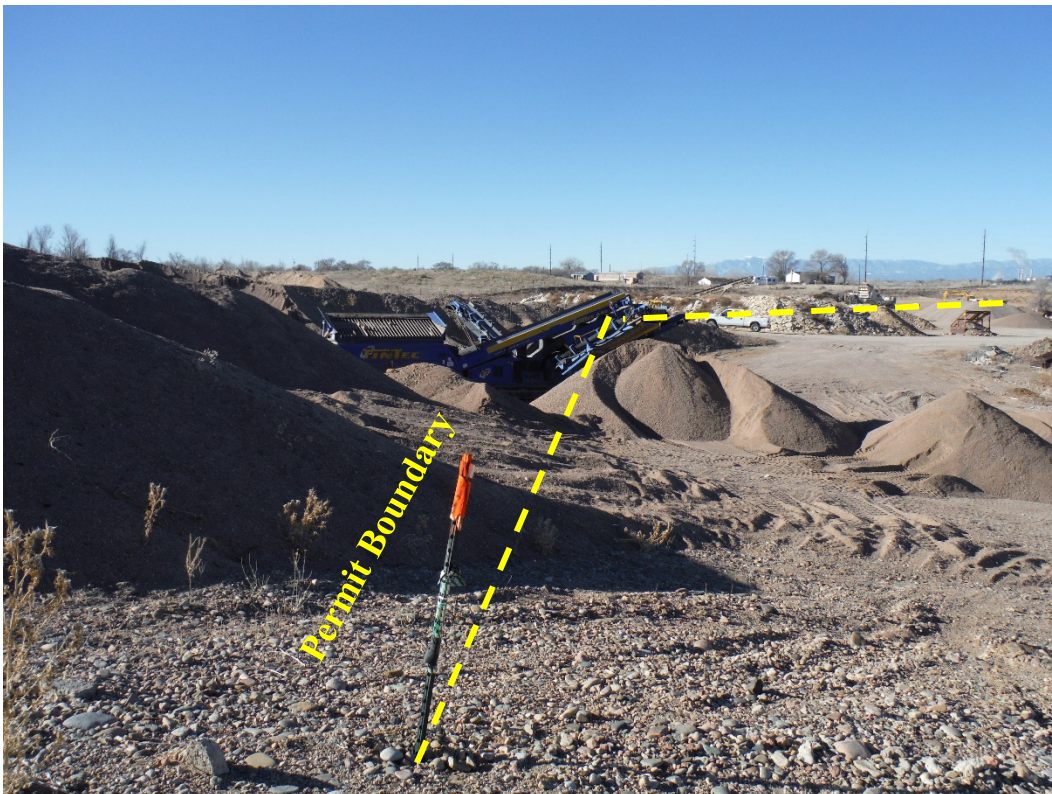


**Fig 4.** Imported shale stockpile; looking northwest.





**Fig 5.** Re-disturbed old mining disturbance, conveyor stacker, and small stockpiles (right) located north of the permit boundary (yellow dashed line); looking west.



**Fig 6.** Re-disturbed old mining disturbance, mobile screen, and stockpiles located north of the permit boundary (yellow dashed line); looking south.





**Fig 7.** Stockpiled/backfilled concrete rubble; looking south.



**Fig 8.** Stockpiled concrete rubble and mobile crusher; looking northwest.





**Fig 9.** Various imported stockpiles located in eastern portion of the site; looking north.



**Fig 10.** Fence line which is approximately 150 feet east of eastern permit boundary; looking north.





**Fig 11.** Southeast excavation being backfilled (lower left); looking southwest.



**Fig 12.** Backfilled material containing putrescible items; looking north.





**Fig 13.** Backfilled material containing putrescible items; looking north.



**Fig 14.** Recently constructed scale house located north of the permit boundary on the west side of the access road; looking south.





**Fig 15.** Large stockpile of imported fill dirt located in northeast portion of the site; looking southwest from US Business Highway 50.

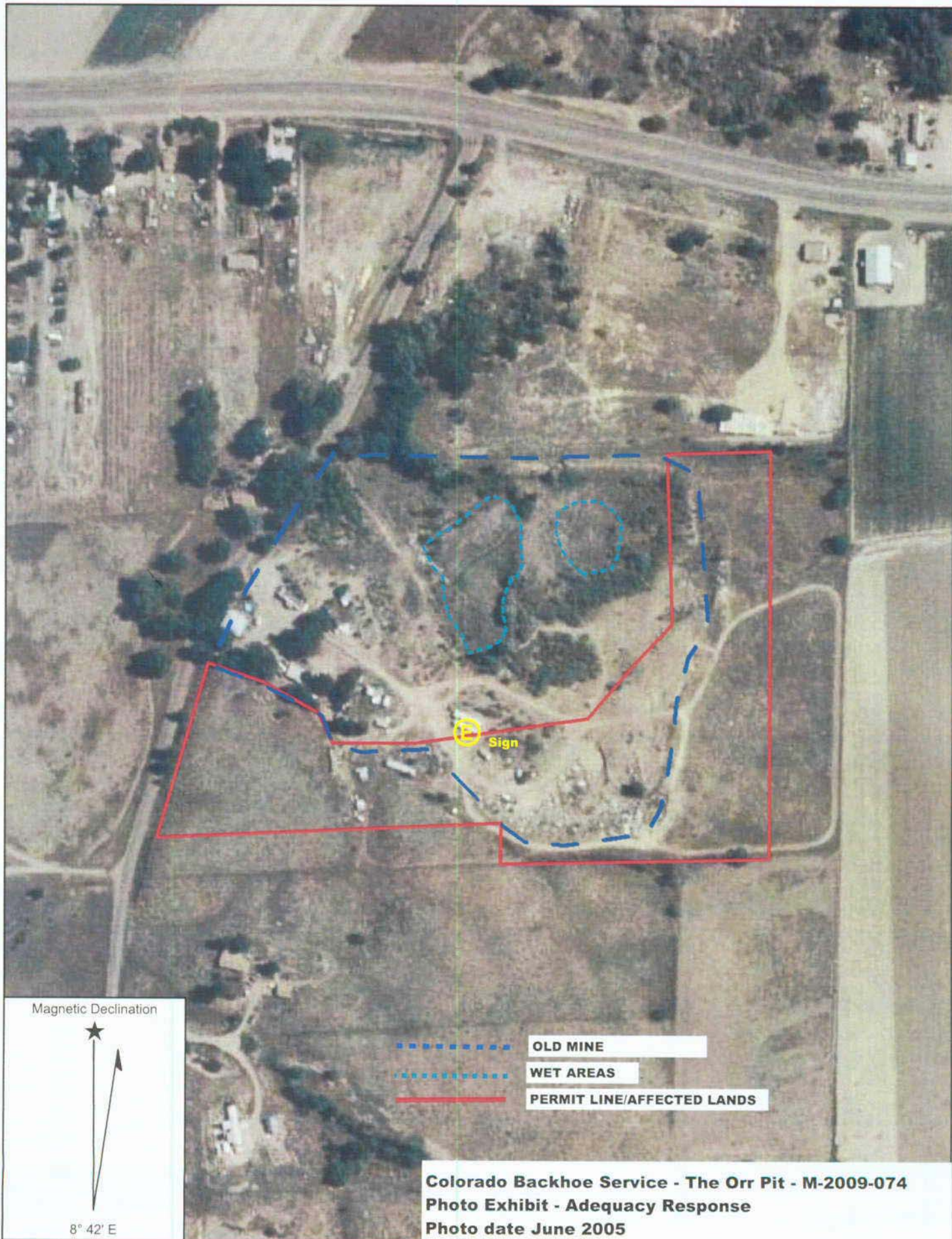
**Inspection Contact Address**

Thomas Joseph  
Colorado Backhoe Service  
25193 South Road  
Pueblo, CO 81006

Attachment: 10-16-2009 Photo Exhibit dated June 2005 M-2009-074  
10-16-2009 Pre-Mining Map - Exhibit E-1 M-2009-074  
3-1-2017 Inspection Map M-2009-074










CC: Wally Erickson with DRMS  
Steve O'Brian with Environment, Inc., 7985 Vance Dr., #205A, Arvada, CO 80003







# LEGEND

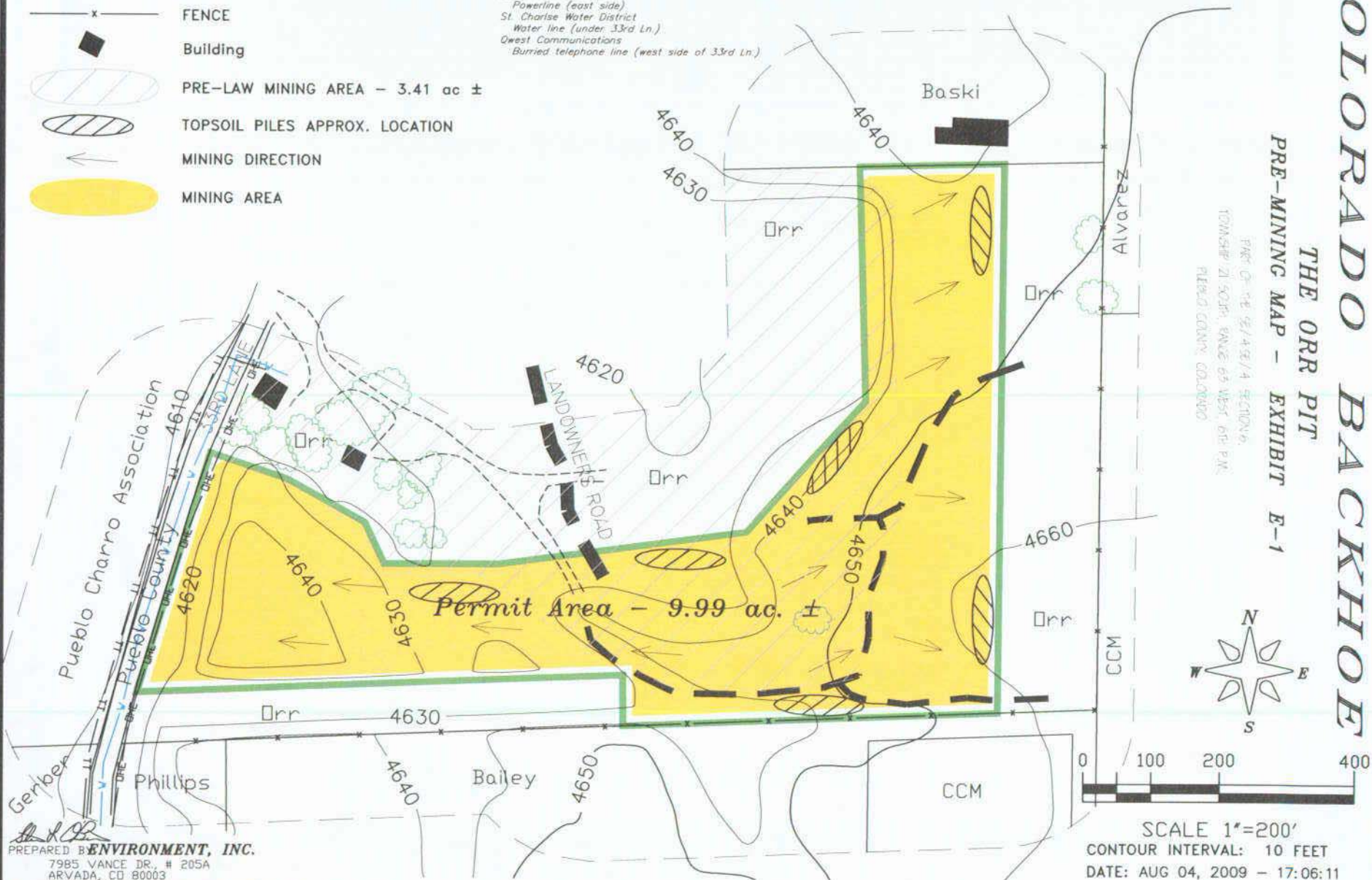
-  PERMIT LINE/AFFECTED LANDS
-  200 FOOT LINE
-  EXISTING ROADS
-  FENCE
-  Building
-  PRE-LAW MINING AREA - 3.41 ac ±
-  TOPSOIL PILES APPROX. LOCATION
-  MINING DIRECTION
-  MINING AREA

## STRUCTURES WITHIN 200' TL

JENNIFER ORR  
 3 - 3 strand wire fences west, south & east  
 2 - frame houses  
 Pueblo County Road Department  
 County Road (33rd lane)  
 Gabi & Henry Baski  
 wooden shed  
 Black Hills Electric  
 Powerline (east side)  
 St. Charise Water District  
 Water line (under 33rd Ln.)  
 Qwest Communications  
 Buried telephone line (west side of 33rd Ln.)

## VEGETATION ON SITE

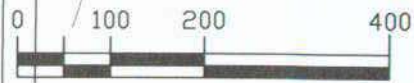
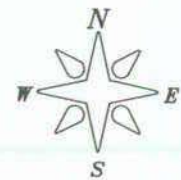
Western wheatgrass  
 Switchgrass  
 Plains Bluegrass  
 miscellaneous perineal grasses  
 weeds



# COLORADO BACKHOE

## THE ORR PIT PRE-MINING MAP - EXHIBIT E-1

TRACT OF THE SE 1/4 & E 1/4 SECTION 6,  
 TOWNSHIP 21 SOUTH, RANGE 65 WEST, 68E PM,  
 PUEBLO COUNTY, COLORADO



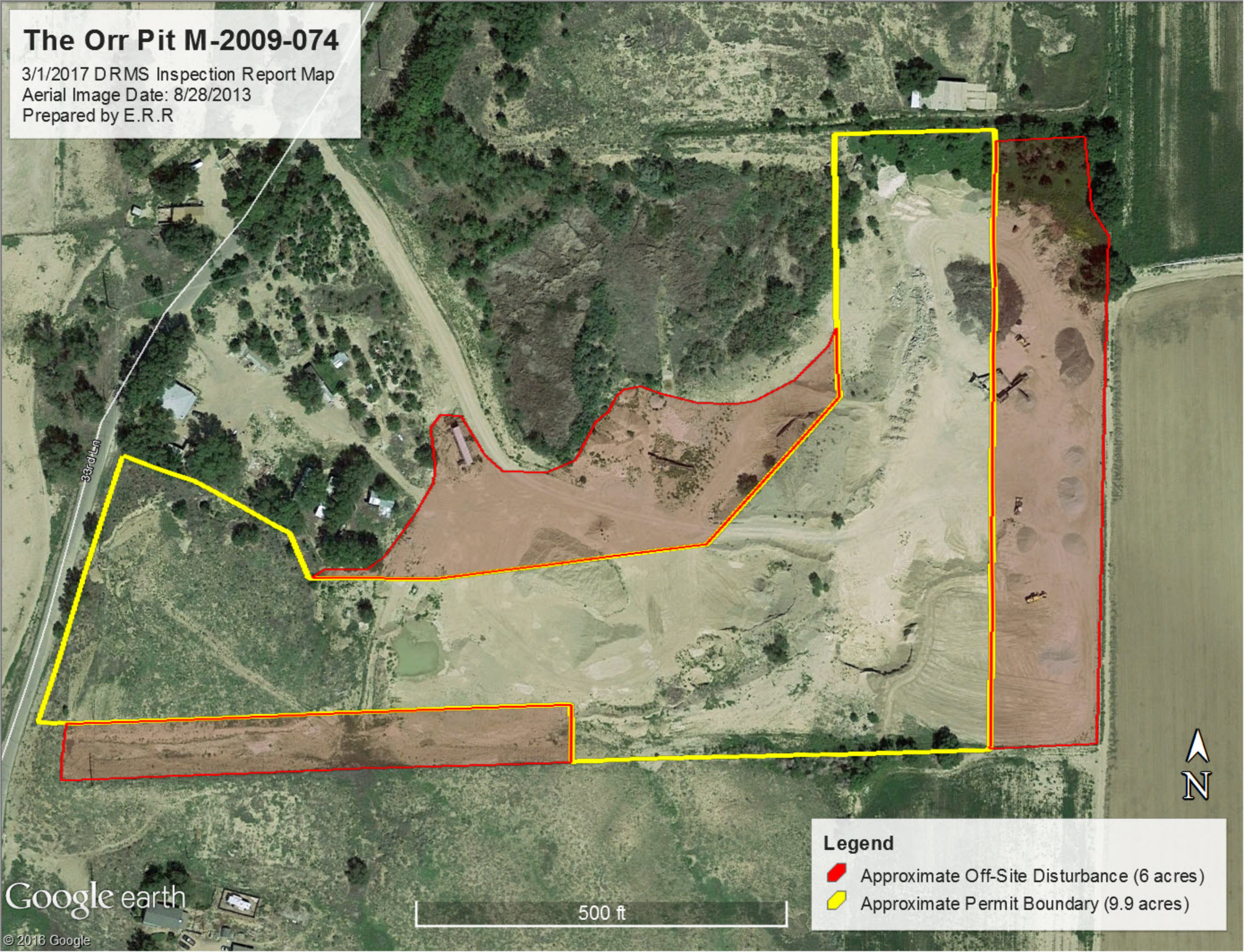
SCALE 1"=200'  
 CONTOUR INTERVAL: 10 FEET  
 DATE: AUG 04, 2009 - 17:06:11

PREPARED BY **ENVIRONMENT, INC.**  
 7985 VANCE DR., # 205A  
 ARVADA, CO 80003  
 (303) 423-7297





# The Orr Pit M-2009-074

3/1/2017 DRMS Inspection Report Map  
Aerial Image Date: 8/28/2013  
Prepared by E.R.R



## Legend

-  Approximate Off-Site Disturbance (6 acres)
-  Approximate Permit Boundary (9.9 acres)