



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.

MINE NAME: Thomeczek Pit	MINE/PROSPECTING ID#: M-1995-007	MINERAL: Sand and gravel	COUNTY: Bent
INSPECTION TYPE: Monitoring	INSPECTOR(S): Amy Eschberger	INSP. DATE: May 12, 2017	INSP. TIME: 09:00
OPERATOR: Bent County	OPERATOR REPRESENTATIVE: Calvin Feik	TYPE OF OPERATION: 110c - Construction Limited Impact	
REASON FOR INSPECTION: Normal I&E Program	BOND CALCULATION TYPE: NA	BOND AMOUNT: NA	
DATE OF COMPLAINT: NA	POST INSP. CONTACTS: None	JOINT INSP. AGENCY: None	
WEATHER: Clear	INSPECTOR'S SIGNATURE: 	SIGNATURE DATE: June 6, 2017	

GENERAL INSPECTION TOPICS

This list identifies the environmental and permit parameters inspected and gives a categorical evaluation of each. No problems or possible violations were noted during the inspection. The mine operation was found to be in full compliance with Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials and/or for Hard Rock, Metal and Designated Mining Operations. Any person engaged in any mining operation shall notify the office of any failure or imminent failure, as soon as reasonably practicable after such person has knowledge of such condition or of any impoundment, embankment, or slope that poses a reasonable potential for danger to any persons or property or to the environment; or any environmental protection facility designed to contain or control chemicals or waste which are acid or toxic-forming, as identified in the permit.

(AR) RECORDS----- <u>Y</u>	(FN) FINANCIAL WARRANTY----- <u>NA</u>	(RD) ROADS----- <u>Y</u>
(HB) HYDROLOGIC BALANCE----- <u>Y</u>	(BG) BACKFILL & GRADING----- <u>Y</u>	(EX) EXPLOSIVES----- <u>NA</u>
(PW) PROCESSING WASTE/TAILING---- <u>NA</u>	(SF) PROCESSING FACILITIES----- <u>NA</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>N</u>	(SP) STORM WATER MGT PLAN---- <u>Y</u>	(CI) COMPLETE INSP---- <u>N</u>
(ES) OVERBURDEN/DEV. WASTE----- <u>Y</u>	(SC) EROSION/SEDIMENTATION--- <u>Y</u>	(RS) RECL PLAN/COMP-- <u>Y</u>
(AT) ACID OR TOXIC MATERIALS----- <u>NA</u>	(OD) OFF-SITE DAMAGE----- <u>N</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

OBSERVATIONS

This inspection of the Thomeczek Pit (Permit No. M-1995-007) was conducted by Amy Eschberger of the Division of Reclamation, Mining and Safety (Division) at the request of the operator to assess reclamation work completed at the site. Mr. Calvin Feik represented the operator during the inspection. 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 affected land is owned by Bent County, Robert and Ronda Bucholz, and Harold and Betty Kortz.

This is a 110c operation permitted for 9.9 acres to mine sand and gravel via wet mining methods. The operation left a pond approximately 3.3 acres in size, with a maximum depth of approximately 15-20 feet. Approximately 1.3 acres of exposed groundwater existed prior to 1981, which is considered by the Division of Water Resources to be pre-law exposure that does not require permanent augmentation. The remaining two acres of exposed groundwater is covered by a permanent augmentation plan supplied through the Lower Arkansas Water Management Association (LAWMA).

This permit was transferred from Bent County Ready Mix to Bent County through the Division's approval of Succession of Operators No. 1 (SO-1) on June 6, 2016. In the Board Order issued on November 30, 2015, the Mined Land Reclamation Board (Board) found the previous operator in violation of C.R.S. 34-32.5-116(4)(q)(I) for failing to complete final reclamation of the site prior to the expiration of five years after the date the operator advised the Board in an annual report that mining was completed. According to annual reports submitted by the previous operator, mining was completed at the site in 2008. The Board imposed a corrective action to complete final reclamation of the site within 90 days (initially due by February 28, 2016). The previous operator failed to comply with the Board Order. However, the Board allowed the permit to be transferred to Bent County for final reclamation. Bent County now owns the land and water shares for the site which were previously owned by Joe Thomeczek of Bent County Ready Mix. Bent County intends to complete final reclamation of the site in accordance with the approved reclamation plan. Additionally, although not required by the approved reclamation plan, it is Bent County's intent to backfill approximately two acres of the pond, so that only the prior-1981 exposure remains. This would eliminate the need for permanent augmentation for exposed groundwater at the site.

In the amended Board Order issued on July 11, 2016, the Board extended the corrective action deadline for completing reclamation by two years (due by July 11, 2018), ordered that only reclamation activities be conducted at the site, that all material currently existing on the site be used for reclamation of the site, that Bent County make only minor changes to the approved reclamation plan, and waived the \$3,600 civil penalty that was assessed in the initial Board Order.

During the inspection, the Division observed that the large overburden stockpile which was present along the southern permit boundary had been removed and used as backfill material on site (**Photos 1-3**). The area beneath the old stockpile had been graded to nearly flat. The material was used to backfill the southern, eastern, and northern portions of the excavation (**Photos 4-13**). According to Mr. Feik, this work was completed in December of 2016. Because there was not enough material on site to fill the pond in by two acres, the county submitted a Technical Revision (TR-2) on April 3, 2017 to import up to 15,000 CY of inert material to backfill portions of the excavation. The Division approved TR-2 on April 26, 2017. The county found the northern portion of the pond to be the deepest at approximately 20 feet deep. Therefore, the county will focus on backfilling other portions of the pond, particularly the eastern portion, in efforts to reduce the pond size.

According to the required reclamation plan, remaining reclamation includes grading pond shorelines to a final slope configuration of 3H:1V or flatter, and revegetating all disturbed areas around the pond. The Division

observed much of the pond shorelines to currently have slope gradients of near vertical to 1H:1V where material was pushed toward the pond. The pond shorelines rise approximately 3-4 feet above the waterline. The northwestern portion of the pond shoreline has slope gradients of 4H:1V or flatter. According to Mr. Feik, the county intends to complete all grading work this fall when the county's equipment is available again for the project. Over the summer, the county will import additional inert material to store on site for reclamation. During the fall, the county will use the material to backfill portions of the pond and grade shorelines to the approved final slope configuration.

The Division commends Bent County for reclamation work completed at the site so far. The county is currently on schedule for completing the Board-Ordered corrective action by the July 2018 deadline. The Division recommends the county continue to monitor the site and implement erosion and weed control as needed, especially during periods of low activity at the site. The operator has removed all state-listed noxious weeds from the affected area, including Tamarisk and Russian Olive trees. However, Kochia is now volunteering across disturbed areas around the pond. Although Kochia is not a state-listed noxious weed species, it is considered a nuisance weed that can interfere with the growth of native grasses. Therefore, the Division recommends the operator work to control the growth and spread of all weeds on site, including Kochia, to allow for successful reclamation.

The Division found the operation to be in compliance with the amended Board Order issued on July 11, 2016.

PHOTOGRAPHS

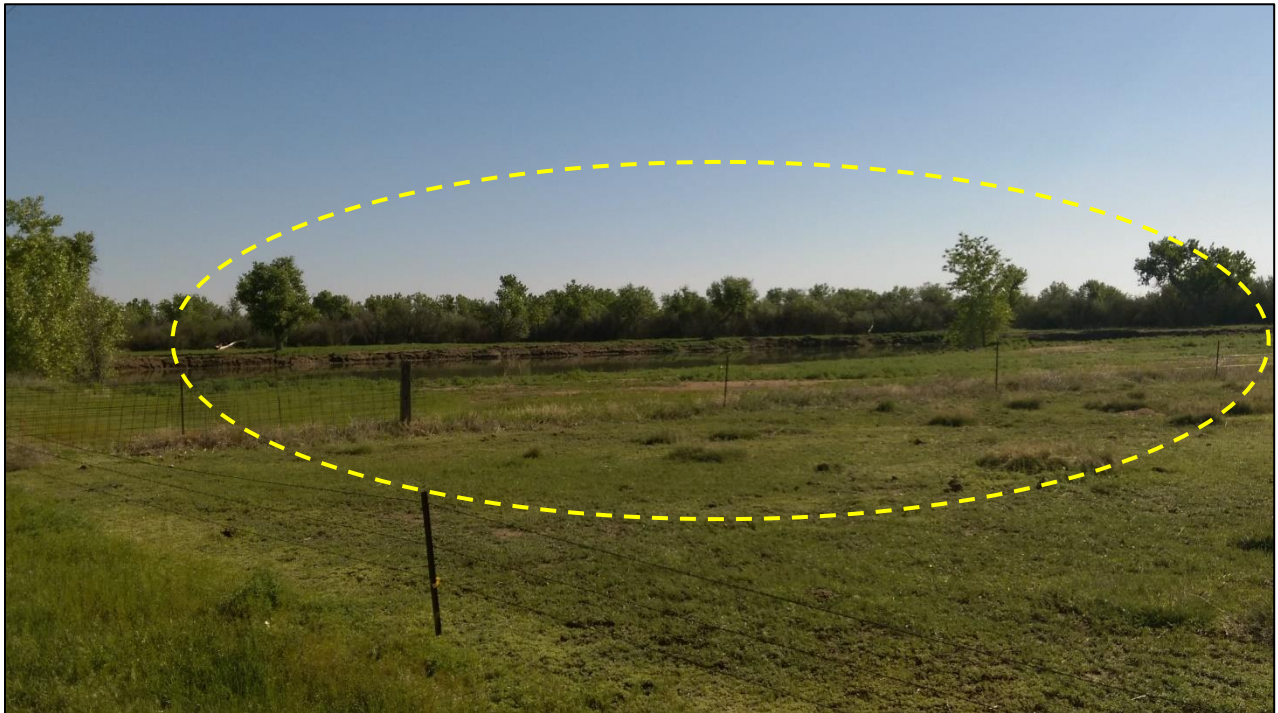


Photo 1. View looking northeast from south (and outside) of permit area, showing large overburden stockpile has been removed from southern edge of site. Approximate location of where stockpile had been stored is circled.



Photo 2. View looking east from southwestern edge of site, showing area where large overburden stockpile was removed (right of pond).



Photo 3. View looking east from southwestern portion of site, showing closer view of area where large overburden stockpile was removed. Note ground surface beneath removed stockpile has been graded to near flat.



Photo 4. View looking west across southern pond shoreline. Note current slope gradient of shoreline ranges from near vertical to 1H:1V due to material being pushed in to close the pond surface. All shorelines will be graded to 3H:1V or flatter for final reclamation.



Photo 5. View looking east across southeastern portion of pond that was backfilled with overburden available on site.



Photo 6. View looking north across southeastern portion of pond that was backfilled with overburden available on site. Note current slope gradient of shoreline ranges from near vertical to 1H:1V due to material being pushed in to close the pond surface. All shorelines will be graded to 3H:1V or flatter for final reclamation.



Photo 7. View looking south across eastern portion of pond that was backfilled with overburden available on site.



Photo 8. View looking northwest across northeastern portion of pond that was backfilled with overburden available on site. The county intends to conduct additional grading in this area to level it out a bit more.



Photo 9. View looking west across northern pond shoreline. Note current slope gradient of shoreline ranges from near vertical to 1H:1V due to material being pushed in to close the pond surface. All shorelines will be graded to 3H:1V or flatter for final reclamation.



Photo 10. View looking east across northern portion of pond that was backfilled with overburden available on site.



Photo 11. View looking northeast across northwestern portion of pond shoreline that was graded to 4H:1V or flatter by the landowner.



Photo 12. View looking southeast across western shoreline that already has slope gradients of 3H:1V or flatter, except for at the steeper southwestern corner.



Photo 13. View looking east across southwestern portion of pond with slope gradients steeper than 3H:1V.

Inspection Contact Address

Calvin Feik
Bent County
P O Box 350
Las Animas, CO 81054

Enclosure: Google Earth image of site

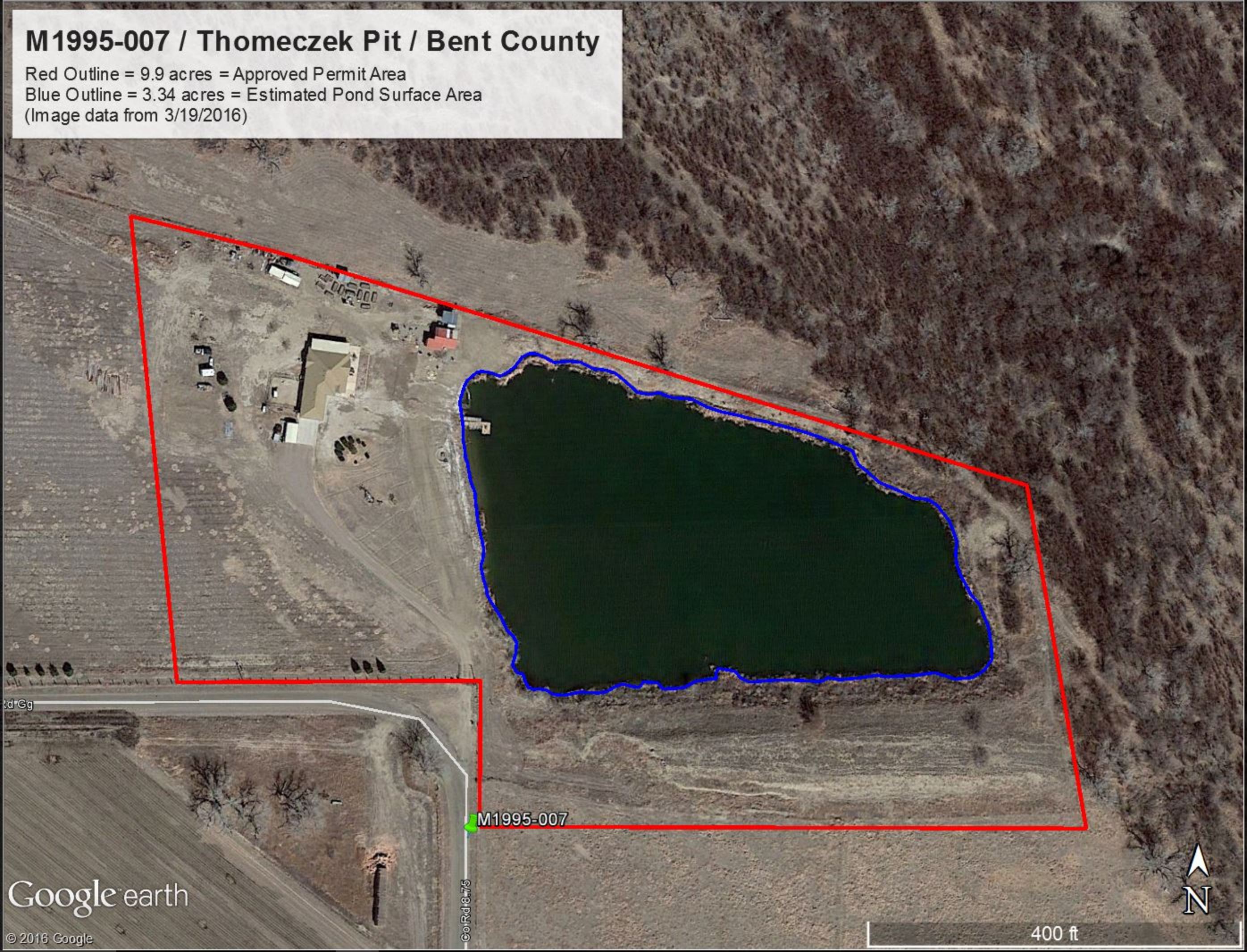
CC: Wally Erickson, DRMS

M1995-007 / Thomeczek Pit / Bent County

Red Outline = 9.9 acres = Approved Permit Area

Blue Outline = 3.34 acres = Estimated Pond Surface Area

(Image data from 3/19/2016)



3d Gg

M1995-007

Co Rd 875

Google earth

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400 ft

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