



COLORADO

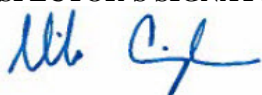
Division of Reclamation,  
Mining and Safety

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> Candelas	<b>MINE/PROSPECTING ID#:</b> M-2018-024	<b>MINERAL:</b> Sand and Gravel	<b>COUNTY:</b> Jefferson
<b>INSPECTION TYPE:</b> Illegal(Unpermitted Operation)	<b>INSPECTOR(S):</b> Michael A. Cunningham	<b>INSP. DATE:</b> April 13, 2018	<b>INSP. TIME:</b> 13:30
<b>OPERATOR:</b> Premiere Earthwork and Infrastructures	<b>OPERATOR REPRESENTATIVE:</b> Aldo Mendoza	<b>TYPE OF OPERATION:</b> NM - Not Mining	
<b>REASON FOR INSPECTION:</b> Citizen Complaint	<b>BOND CALCULATION TYPE:</b> None	<b>BOND AMOUNT:</b> No Bond Held	
<b>DATE OF COMPLAINT:</b> NA	<b>POST INSP. CONTACTS:</b> None	<b>JOINT INSP. AGENCY:</b> None	
<b>WEATHER:</b> Windy	<b>INSPECTOR'S SIGNATURE:</b> 	<b>SIGNATURE DATE:</b> May 18, 2018	

### 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>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---- <u>N</u>
(SM) SIGNS AND MARKERS----- <u>N</u>	(SP) STORM WATER MGT PLAN---- <u>N</u>	(RS) RECL PLAN/COMP-- <u>N</u>
(ES) OVERBURDEN/DEV. WASTE----- <u>N</u>	(SC) EROSION/SEDIMENTATION--- <u>N</u>	(ST) STIPULATIONS----- <u>N</u>
(AT) ACID OR TOXIC MATERIALS----- <u>N</u>	(OD) OFF-SITE DAMAGE----- <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

## **OBSERVATIONS**

The inspection was conducted by Michael Cunningham of the Division of Reclamation, Mining and Safety (Division). The Candelas operation is located at 15207 Candelas Pkwy, Arvada, Colorado. The Division received an anonymous citizen complaint on April 13, 2018, which alleged an illegal mining operation was occurring at the above described location. The purpose of the inspection was to determine whether unpermitted mining activities were occurring.

Upon arriving at the site, the Division made contact with Mr. Aldo Mendoza who was performing work on behalf of Premiere Earthworks and Infrastructure (PEI). According to Mr. Mendoza, PEI was engaged in prepping the site for a housing development. A search of the Jefferson County Assessor's Office Online Parcel Map system found the affected lands were located on two separate parcels owned by Cimmaron Commercial, LLC. The affected lands consisted of a leveled area which contained several stockpiles of screened sand and gravel. The site also contained several conveyors and screens, which were not in use at the time of the inspection. The Division observed a front-end loader placing material from the stockpiles into a haul truck which transported the material from the site. The Division traversed the perimeter of the site with a Trimble Juno 3B GPS unit and determined 9.2 acres of land had been leveled in preparation of home construction. The entire disturbance was surrounded by silt fencing.

Following the inspection, the Division spoke by telephone with Mr. Ken Evans with PEI who also confirmed the site was being prepped for home construction. According to Mr. Evans, the leveling of the site resulted in an excess of 1 million cubic yards of material. The excess material was screened into several different products which were then transported to other nearby locations where PEI was prepping sites for home construction. The excavated material was used for pipe bedding, structural fill and to balance cut and fill excavations. Mr. Evans stated no further excavation of material would occur at the site. In addition, Mr. Evans stated the details of the project were presented to the Division prior to the initiation of construction activities. The Division could not find any record of receiving information from PEI regarding this project.

Construction Materials Rule 1.1(27) defines a mining operation as the removal of a mineral from its natural occurrence. In addition to the definition of a mining operation, the Division utilizes other criteria to determine whether an activity requires a Reclamation Permit, such as whether the extracted material is being sold or otherwise introduced into the commodity market as well as the distance the material is transported from the point of extraction. On April 12, 2018, Senate Bill 18-148 was signed into law creating a new 111(1)(b) Reclamation Permit. The 111(1)(b) Reclamation Permit, which will become available later this year, is designed for construction projects which generate small quantities of construction materials that are extracted from the site and are incidental to the intent of the project. Projects similar to the one being conducted at the Candelas housing development may require a 111(1)(b) Reclamation Permit or an appropriate Construction Materials Permit. PEI should utilize the Is It Mining Questionnaire (copy enclosed) to submit the details of future projects for a determination on whether a permit will be required for the proposed activity.

Based on the available information, the Division has no evidence the excavated material was sold or otherwise introduced into the commodity market. If the Division receives additional information which indicates the extracted material was being sold or transported to sites not under the control of PEI, then the Division may reevaluate the findings of this inspection report. Pursuant to C.R.S. 34-32.5-123(2), mining without a permit in Colorado carries a potential civil penalty of \$1,000 to \$5,000 per day of violation.

## PHOTOGRAPHS



1. View of the affected lands, photo taken facing south.



2. Screened product stockpiles.



3. Screened product stockpiles.



4. Haul truck transporting material from the site.



5. View of the affected lands, photo taken facing west.

**Inspection Contact Address**

Ken Evans  
Premiere Earthwork and Infrastructure  
5600 S. Quebec, Unit 107  
Englewood, CO 80111

CC: Wally Erickson, DRMS