




**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> Purgatoire Valley Construction Borrow Pit	<b>MINE/PROSPECTING ID#:</b> M-2018-025	<b>MINERAL:</b> Borrow	<b>COUNTY:</b> Las Animas
<b>INSPECTION TYPE:</b> Illegal (Unpermitted Operation)	<b>INSPECTOR(S):</b> Elliott R. Russell	<b>INSP. DATE:</b> May 31, 2018	<b>INSP. TIME:</b> 12:30
<b>OPERATOR:</b> Purgatoire Valley Construction, Inc.	<b>OPERATOR REPRESENTATIVE:</b> Glenn Moltrier	<b>TYPE OF OPERATION:</b> ILL - Illegal	

<b>REASON FOR INSPECTION:</b> Citizen Complaint	<b>BOND CALCULATION TYPE:</b> NA	<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> Clear	<b>INSPECTOR'S SIGNATURE:</b> 	<b>SIGNATURE DATE:</b> June 15, 2018

**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----- <b>PV</b>	(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 / N = Not inspected / NA = Not applicable to this operation / PB = Problem cited / **PV = Possible violation cited**

## **PROBLEMS/POSSIBLE VIOLATIONS**

**INSPECTION TOPIC:** Availability Of Records

**POSSIBLE VIOLATION:** Failure to first obtain a reclamation permit from the Mined Land Reclamation Board before engaging in a new mining operation as required by 34-32.5-109(1) C.R.S.

**CORRECTIVE ACTIONS:** This possible violation has been scheduled to be considered by the Mined Land Reclamation Board during the July 25-26, 2018 Board meeting. Official notice of 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:** July 25-26, 2018

## **OBSERVATIONS**

The Colorado Division of Reclamation, Mining and Safety (Division) received an anonymous citizen's complaint regarding an excavation which was occurring approximately 15 miles west of Trinidad, Colorado. The complaint alleged a company they identified as Purgatoire Valley Construction, Inc. was removing dirt and gravel from the company's land and hauling it to complete a job that was being performed by H.W. Houston Construction at the Primero Junior-Senior High School. On May 30, 2018, the Division contacted Purgatoire Valley Construction, Inc. and spoke with the owner, Glenn Moltrier, about the alleged activity and scheduled the inspection. The Division has assigned File No. M-2018-025 for this site.

The Division met Glenn and Ray Moltrier at the excavation site along Widow Woman Canyon Road, approximately 1,600 feet east of County Road 47.7. The site is located south of Highway 12 and the Purgatoire River. Specifically, the site is located in the southwest quarter of the southwest quarter of Section 32, Township 33 South, Range 65 West of the 6<sup>th</sup> Principle Meridian and the entrance is at 37° 7'20.44"N 104°42'10.32"W.

Glenn and Ray Moltrier indicated they owned the property of the excavation under the company Moltrier Bros. LLC and it was zoned industrial. The Moltriers stated they were removing material from the north-facing hillside to create a larger pad for a future building site and donating the material to the Primero Junior-Senior High School for an on-going gym construction project. The Moltriers stated the area was originally padded out roughly 15 years ago and now they were increasing the size of the building pad. East of the excavation was a small highwall in the hillside where a previous excavation occurred. Glenn Moltrier stated this previous dig area was created when he needed fill dirt for areas on his property.

The site consisted of two stockpiles of material on either side of the excavation area. The Moltriers stated the eastern stockpile of material contained too much rock and didn't meet the compaction specification while the western stockpile was the ideal material for the school project. The Division acquired GPS data with a Trimble Juno 3B and used Google Earth to determine the disturbance was approximately 0.64 acres in size. The Division has attached *DRMS 5-31-2018 Inspection Map M2018025* to this report which depicts the size of the extraction area. Glenn Moltrier estimated 1,000 cubic yards of material had already been hauled during the first few weeks of May and another 500 cubic yards of material was still needed at the school. The Moltriers stated they wanted to expand the area of the excavation to the south, up to an old abandoned road and to the west to the previous dig area. The Moltriers also stated that Las Animas County was interested in using material from the site to increase the road grade of the nearby County Road 18.2.

The Division and Glenn Moltrier met Steve Larsen, Project Superintendent for H.W. Houston Construction, at the Primero Junior-Senior High School. H.W. Houston Construction is building a new gym at the school. Mr. Larsen indicated Purgatoire Valley Construction, Inc. was a subcontractor for the project. Mr. Moltrier stated

they had used material on-site, as well as the hauled in material from his property, to bring the location of the new gym, parking lot, and school access road up to grade. Mr. Moltrier also stated they had purchased Class 6 Aggregate Base Course from a local permitted mine site to achieve enough weight for the wick drain system being used to dewater the location of the new gym.

C.R.S. 34-32.5-103(13) defines a "mining operation" as the development or extraction of a construction material from its natural occurrences on affected land. The term includes, but is not limited to, open mining and surface operations. C.R.S. 34-32.5-103(3) defines a "construction material" as rock, clay, silt, sand, gravel, limestone, dimension stone, marble or shale extracted for use in the production of nonmetallic construction products. C.R.S. 34-32.5-103(1) defines "Affected Land" as the surface of an area within the state where a mining operation is being or will be conducted, which surface is disturbed as a result of an operation. Affected lands include, but shall not be limited to, private ways, roads (except those roads that were constructed for purposes unrelated to the operation that were in existence before a permit application was filed with the office, and will not be substantially upgraded to support the operation); land excavations, explorations sites, drill sites or working, refuse banks or spoil piles, evaporation or settling ponds, work, parking, storage, or waste discharge areas, and areas in which structures, facilities, equipment, machines, tools or other materials or property that result from or are used in such operations are situated. Given these definitions, the excavation created by Purgatoire Valley Construction, Inc. on the Moltrier Bros. LLC property is considered to be a mining operation and the land that has been disturbed is affected land. Given this, a reclamation permit will need to be obtained. This issue is cited as a possible violation at the beginning of this report. Details regarding this enforcement action will be sent under a separate cover.

This concludes the Division's Inspection Report; a subset of photographs taken during the inspection are included below. For any additional information or 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).

**Inspection Contact Address**

Glenn Moltrier  
Purgatoire Valley Construction, Inc.  
117 Pine Street  
Trinidad, CO 81082

Attachment: DRMS 5-31-2018 Inspection Map M2018025

CC: Steve Larsen with H.W. Houston Construction, [stevel@hwhouston.com](mailto:stevel@hwhouston.com)  
Michael Cunningham with DRMS



**PHOTOGRAPHS**



**Photo 1.** Excavation area; looking south.



**Photo 2.** Excavation area and western stockpile; looking southeast.





**Photo 3.** Excavation area and eastern stockpile; looking southwest.

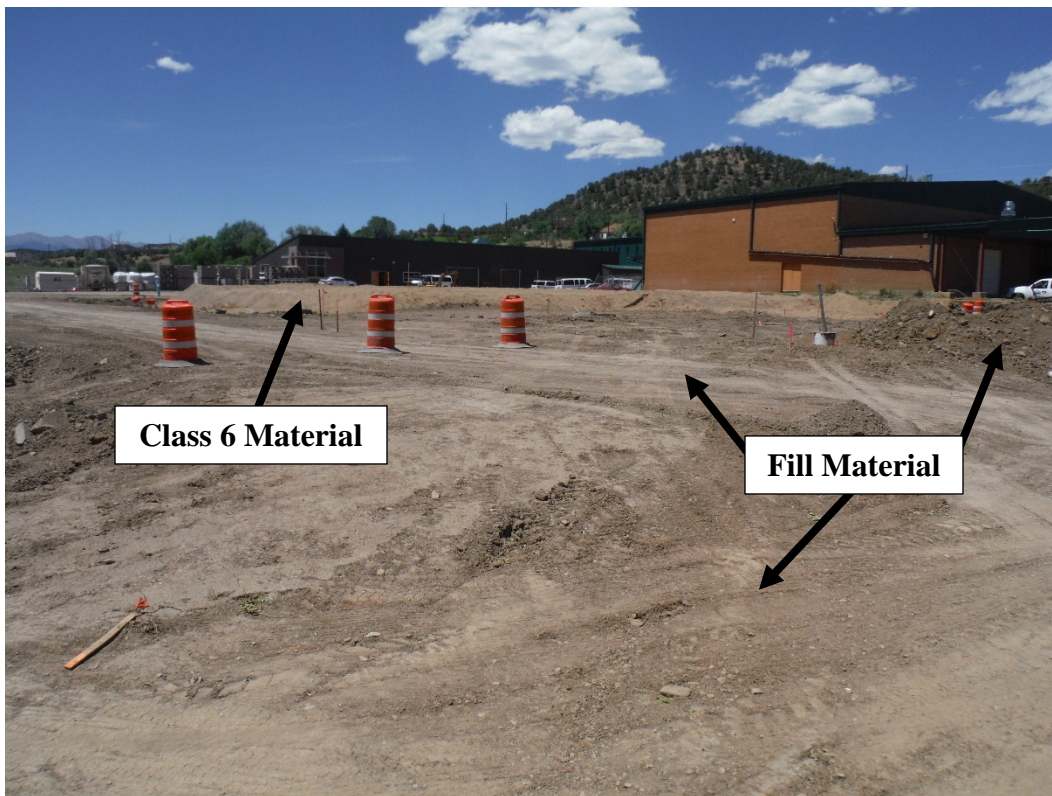


**Photo 4.** Excavation area and western stockpile; looking northwest.





**Photo 5.** Older dig area located west of the excavation; looking southwest.



**Photo 6.** School construction site; looking northwest.



# Inspection Map M-2018-025

Purgatoire Valley Construction Borrow Pit

Inspection Date: 5/31/2018



Aerial Photo Date: 10/18/2016

Created by E.R.R

Co Rd 18.3

37° 7'20.44"N 104°42'10.32"W

## Legend

-  Approximate Disturbance (0.64 acres)
-  Previous Dig Area (0.44 acres)

Google Earth

400 ft

