


**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: Deer Trail Pit	MINE/PROSPECTING ID#: M-1988-090	MINERAL: Sand and gravel	COUNTY: Arapahoe
INSPECTION TYPE: Monitoring	INSPECTOR(S): Jared L. Ebert	INSP. DATE: September 5, 2018	INSP. TIME: 10:00
OPERATOR: 5A Aggregate LLC	OPERATOR REPRESENTATIVE: None	TYPE OF OPERATION: 112c - Construction Regular Operation	

REASON FOR INSPECTION: Normal I&E Program	BOND CALCULATION TYPE: Complete Bond	BOND AMOUNT: \$32,702.00
DATE OF COMPLAINT: NA	POST INSP. CONTACTS: None	JOINT INSP. AGENCY: None
WEATHER: Cloudy	INSPECTOR'S SIGNATURE: 	SIGNATURE DATE: September 12, 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.

INSPECTION TOPIC: Backfilling & Grading, Gen. Mining Plan Compliance, Revegetation & Reclamation Plan/Compliance

PROBLEM: The Operator is not following the phased mining and reclamation plan by not backfilling, grading, topsoiling and conducting revegetation in the five acre phased approach approved in the mining and reclamation plan. Given this, the Operator is not conducting reclamation as prescribed in the reclamation plan in accordance with C.R.S. 34-32.5-116(1).

CORRECTIVE ACTIONS: Complete backfilling, grading, topsoiling and seeding in accordance with the approved plan on at least 6.8 acres of affected land. Mining appears to be complete within the affected area along County Road 213/Bartlett Road and this 6.8 acres shall include this area. By **December 31, 2018**, the Operator shall submit a written notice, photographic documentation and a map documenting the completion of the earthwork portion of the reclamation. By **March 29, 2019** the Operator will seed the site in accordance with the approved reclamation plan. By this date the Operator shall submit evidence this work has been completed, this can include an invoice from a contractor completing the work and/or receipts for the seed and photographic evidence this activity has been completed.

CORRECTIVE ACTION DUE DATE: 12/31/18 (earthwork), 03/29/2019 (seeding)

INSPECTION TOPIC: Signs & Markers

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 Rule 3.1.12(1).

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: 10/12/18

OBSERVATIONS

This was an inspection of the Deer Trail Pit, Division of Reclamation, Mining and Safety (DRMS or Division) permit no. M-1988-050, operated by 5A Aggregate, LLC. (5A or Operator). I, Jared Ebert with the DRMS conducted the inspection. The Division attempted to contact Mr. Richard Stokes with 5A to inform him of the inspection and to discuss past due corrective actions. Mr. Stokes did not return the phone call or e-mail.

The Division conducted an inspection on February 15, 2018. During that inspection the following two problems were cited:

INSPECTION TOPIC: Backfilling & Grading, Gen. Mining Plan Compliance & Reclamation Plan/Compliance

PROBLEM: The Operator is not following the phased mining and reclamation plan by not backfilling, grading, topsoiling and conducting revegetation in the five acre phased approach approved in the mining and reclamation plan. Given this, the Operator is not conducting reclamation as prescribed in the reclamation plan in accordance with C.R.S. 34-32.5-116(1)

CORRECTIVE ACTIONS: Complete backfilling, grading, topsoiling and seeding in accordance with the approved plan on at least 6.8 acres of affected land. Mining appears to be complete within the affected area cited in this report along County Road 213/Bartlett Road and this 6.8 acres shall include this area. By the corrective action date, the Operator shall submit a written notice, photographic documentation and a map documenting the completion of reclamation.

CORRECTIVE ACTION DUE DATE: 5/31/2018

INSPECTION TOPIC: Signs & Markers

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 Rule 3.1.12(1).

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: 4/30/18

At this time, no reclamation of the land cited in the above problem has occurred. The highwall adjacent to County Road 213/Bartlett Road has not been backfilled and graded. Also no additional excavation work was noted. The mine identification sign was not posted. The Operator has failed to complete the corrective actions required.

Backfilling and Grading:

As discussed in the February 15, 2018 inspection report, the Operator is required to conduct a phased mining and reclamation plan and the operation is not being conducted in accordance with this plan. Specifically, the approved plans indicate the Operator shall actively mine 5 acres, will actively replace overburden and construct the final slopes and spread topsoil on 5 acres and will be revegetating 5 acres.

Of the 11.8 acres currently affected, little to no reclamation has occurred. Given the 11.8 acres of disturbance, only 5 acres should actively be mined, 5 acres should be being backfilled, graded and topsoiled

and the remaining area should be undergoing revegetation. As indicated above, the Operator has not initiated reclamation in accordance with the corrective action cited in the February 15, 2018 inspection report. The Division will require that all earthwork reclamation (backfilling, grading and topsoiling) be conducted on at least 6.8 acres by December 31, 2018. Mining appears to be complete within the affected area along County Road 213/Bartlett Road and this 6.8 acres shall include this area. DRMS will initiate enforcement proceedings if the corrective action required is not completed by the due date.

Hydrologic Balance:

The pit was dry at the time of the inspection.

Revegetation:

The Operator will be required to seed the 6.8 acre area to be reclaimed in accordance with the approved reclamation plan by March 29, 2018. Evidence documenting seeding of the affected land shall be submitted by the corrective action date. This can include an invoice from a contractor completing the work and/or receipts for the seed and photographic evidence this activity has been completed. DRMS will initiate enforcement proceedings if the corrective action required is not completed by the due date.

Signs and Markers:

The mine identification sign was not posted.

PHOTOGRAPHS



Figure 1. From the northwest corner of the site looking south. Highwall along County Road 213/Bartlett Road



Figure 2. From the northwest corner of the site looking southeast.



Figure 3. Most recent excavation in southeast corner.



Figure 4. From the southeast corner of the site looking west.

GENERAL INSPECTION TOPICS

The following list identifies the environmental and permit parameters inspected and gives a categorical evaluation of each

(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>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>N</u>	(FW) FISH & WILDLIFE----- <u>Y</u>	(RV) REVEGETATION---- <u>PB</u>
(SM) SIGNS AND MARKERS----- <u>PB</u>	(SP) STORM WATER MGT PLAN---- <u>N</u>	(RS) RECL PLAN/COMP-- <u>PB</u>
(ES) OVERBURDEN/DEV. WASTE----- <u>NA</u>	(SC) EROSION/SEDIMENTATION--- <u>Y</u>	(ST) STIPULATIONS----- <u>N</u>
(AT) ACID OR TOXIC MATERIALS----- <u>NA</u>	(OD) OFF-SITE DAMAGE----- <u>Y</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

Richard Stokes
5A Aggregate LLC
3409 Montecaire Dr,
Sherman, TX 75092

Enclosure: February 15, 2018 Inspection Report

CC: None