




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: Central City Parkway Spoil Pile	MINE/PROSPECTING ID#: M-2018-042	MINERAL: Gravel	COUNTY: Gilpin
INSPECTION TYPE: Illegal(Unpermitted Operation)	INSPECTOR(S): Timothy A. Cazier	INSP. DATE: September 17, 2018	INSP. TIME: 09:35
OPERATOR: Rock-X LLC	OPERATOR REPRESENTATIVE: Francisco (Frank) Quintero	TYPE OF OPERATION: ILL - Illegal	
REASON FOR INSPECTION: Citizen Complaint	BOND CALCULATION TYPE: None	BOND AMOUNT: No Bond Held	
DATE OF COMPLAINT: 8/17/2018	POST INSP. CONTACTS: None	JOINT INSP. AGENCY: None	
WEATHER: Clear	INSPECTOR'S SIGNATURE: 	SIGNATURE DATE: October 5, 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>NA</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>Y</u>	(SF) PROCESSING FACILITIES----- <u>Y</u>	(TS) TOPSOIL----- <u>NA</u>
(MP) GENL MINE PLAN COMPLIANCE- <u>NA</u>	(FW) FISH & WILDLIFE----- <u>Y</u>	(RV) REVEGETATION---- <u>Y</u>
(SM) SIGNS AND MARKERS----- <u>NA</u>	(SP) STORM WATER MGT PLAN---- <u>NA</u>	(RS) RECL PLAN/COMP-- <u>NA</u>
(ES) OVERBURDEN/DEV. WASTE----- <u>Y</u>	(SC) EROSION/SEDIMENTATION--- <u>Y</u>	(ST) STIPULATIONS----- <u>NA</u>
(AT) ACID OR TOXIC MATERIALS----- <u>NA</u>	(OD) OFF-SITE DAMAGE----- <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 was prompted by a complaint received by the DRMS citing multiple problems including: starting a quarry, taking moss rock, and knocking down a mine building. The complaint located the site at Central City Parkway and Virginia Canyon Road, behind the Central City salt shed, being operated by a company named Rock X. The complainant wished to remain anonymous and did not attend the inspection. Tim Cazier and Patrick Lennberg represented the DRMS during the inspection.

Investigation:

The complaint cited a DRMS permit number (M-2009-044) from a 2009 complaint. On June 10, 2009 the Mined Land Reclamation Board (MLRB) determined this site was not mining as the material being processed and removed was extracted and piled by Ames Construction Company on a third party's land during the construction of the Central City Parkway and not from its natural occurrence. The MLRB further determined the Operator at the time (Kitzman Trucking) had a Gilpin County permit for the activity which included a reclamation plan. The only apparent change from the conditions in the "quarry area" from 2009 is Rock-X LLC purchased Kitman Trucking per Gilpin County's Operating Permit.

The DRMS contacted Ms. Tami Archer (Gilpin County Community Development) regarding Rock-X activities on the site. Ms. Archer stated Rock-X had obtained an Operating Permit from Gilpin County when the operator bought Kitman Trucking. She also said the County had done an investigation based on a complaint and found Rock-X to be in compliance with their county permit and that no cease and desist order was issued to Rock-X, nor did they find damage to a mine structure.

Inspection:

DRMS representatives met Mr. Francisco (Frank) Quintero, Rock-X manager on site. Mr. Quintero showed us his operation which he has been overseeing since December 2015. He stated his operation was currently limited to activities allowed by the county operating permit: rock crushing and sorting of the Central City Parkway spoil pile and importation of rock material from Gilpin County. The DRMS observed this activity in the spoil pile area (see **Photo 1**). Mr. Quintero admitted to picking some moss rock from the adjacent property in 2017. This rock was observed onsite stacked on roughly 12 pallets (see **Photo 2**). He stated he has no intention of selling the moss rock and provided the DRMS with documentation demonstrating ample restitution for the removal of the moss rock.

The DRMS investigated the complainant's alleged disturbance of the historic tailings in Leavenworth Gulch. We noted that although the Rock-X operation's disturbance extends to near the edge of these tailings (see **Photos 3 and 4**), there did not appear to be any impact to the tailings area. The DRMS also noted a primitive road towards the southeast edge of the Central City Parkway spoil pile (see **Photo 5**). A review of Google Earth historical imagery indicates this road has been there since at least September 1999.

Summary:

1. It appears with the exception of the limited moss rock removal, all activity on the site is allowed by the Gilpin County permit. This activity does NOT include moss rock removal or sale from the Rock-X property or surrounding property. The DRMS will require a mine reclamation permit for this site should any more moss rock operations be initiated.
2. The Operator provided documentation demonstrating ample restitution for the moss rock removal.

3. A Gilpin County investigation found Rock-X to be operating in accordance with their approved permit.
4. The DRMS found no evidence of damage to a mine structure or the historic Leavenworth Gulch tailings.
5. Should the DRMS receive future complaints regarding activities at this site that are not allowed by the Gilpin County Operation Permit, the DRMS will investigate and pursue enforcement action for activities found to be in violation of the Act (C.R.S. 34-32.5-101 et. seq.) and Rules (Mineral Rules And Regulations of The Colorado Mined Land Reclamation Board for the Extraction of Construction Materials). Please be aware pursuant to C.R.S. 34-32.5-123(2), "An operator who operates without a permit shall be subject to a civil penalty of not less than \$1,000 per day nor more than \$5,000 per day for each day the land has been affected, not to exceed three hundred sixty-five days."

PHOTOGRAPHS



Photo 1. Rock-X operations on Central City Parkway Spoil Pile (looking SE).

PHOTOGRAPHS (cont.)



Photo 2. Palletized moss rock on site.



Photo 3. Extent of Rock-X operation (south side, looking NW, Leavenworth Gulch tails on left).

PHOTOGRAPHS (cont.)



Photo 4. Extent of Rock-X operation (south side, looking SE, Leavenworth Gulch tails on right).



Photo 5. Primitive road along south edge of Central City Parkway spoil pile (looking SE).

Inspection Contact Address

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DRMS file