




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: Rock-N-Pine	MINE/PROSPECTING ID#: M-2003-074	MINERAL: Sand and gravel	COUNTY: Park
INSPECTION TYPE: Monitoring	INSPECTOR(S): Elliott R. Russell	INSP. DATE: September 5, 2018	INSP. TIME: 09:15
OPERATOR: Rock-N-Pine LLC	OPERATOR REPRESENTATIVE: Mark Balderson	TYPE OF OPERATION: 110c - Construction Limited Impact	

REASON FOR INSPECTION: Citizen Complaint	BOND CALCULATION TYPE: Partial Bond	BOND AMOUNT: \$17,100.00
DATE OF COMPLAINT: NA	POST INSP. CONTACTS: None	JOINT INSP. AGENCY: None
WEATHER: Raining	INSPECTOR'S SIGNATURE: 	SIGNATURE DATE: October 19, 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----- <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>Y</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>PB</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: Acid And Toxic Materials

PROBLEM/POSSIBLE VIOLATION: Problem: A fuel/oil spill has occurred at the site which has impacted soils, surface water or groundwater.

CORRECTIVE ACTIONS: The operator shall remediate the spill and submit a final report to the Division containing at least the following information:

- 1.) A description of how the spill was cleaned up containing at a minimum - the appropriate maps, volumes removed, sample locations, analytical data, and photo documentation.
- 2.) Evidence in the form of a receipt that the contaminated soil was disposed of by an approved method (such as sent to an approved landfill, land farming, recycling center, etc.).

CORRECTIVE ACTION DUE DATE: November 19, 2018

OBSERVATIONS

This inspection was conducted by Elliott Russell of the Division of Reclamation, Mining and Safety (Division). Mark Balderson, representing Rock-N-Pine LLC (Operator), accompanied the inspection. The Rock-N-Pine operation is located just northwest of Fairplay, alongside State Highway 9, between the highway and the Middle Fork of the South Platte River. The Operation is permitted for 9.9 acres and the commodity of interest is sand and gravel.

The Division received a citizen complaint of August 8, 2018, from Todd Sullivan. Mr. Sullivan alleged the Operator was knowingly conducting mining outside of the permit boundary and was conducting an illegal hazardous waste dumpsite which was contaminating the river.

Using the photographs contained within the complaint, the Division observed the area of concern regarding the alleged off-site mining. This area is located just west of the western permit boundary for the site. The Division observed what appeared to look like small hand-tool dig pockets or erosional features near the base of a 30-foot highwall. Mr. Balderson stated this highwall is a remnant of the historical hydraulic mining activities which disturbed much of the north side of the river. Mr. Balderson believes these small dig features may have been created by "weekend hobby miners" who were likely running material through a small portable sluice box trying to recover gold. Mr. Balderson stated he was not aware of these disturbances nor did he create them. Mr. Balderson stated that there has not been any mining activity at the site for several years. The operation was approved for the first term of Temporary Cessation beginning on January 24, 2017, and will end on January 24, 2022. Temporary Cessation lets Operators enter into a non-active status which allows mining activities to temporarily cease for a five year period. Additionally, Mr. Balderson stated he currently cannot access his mine site even if he wanted to come out of Temporary Cessation as he currently has pending litigation against Mr. Sullivan for illegally blocking access to his mine site. Lastly, the Division observed no heavy equipment on site nor an operational processing plant. Based on the observations made, the Division found no conclusive evidence that mining was occurring outside of the permit boundary.

During the inspection, the Division observed the area being used to store used oil and empty 55-gallon oil drums and buckets. Previously, following the August 15, 2016 inspection, the Division required the Operator to consolidate various oil drums and buckets from across the mine site, store them upright and off the ground, and properly label the containers. The Operator completed this corrective action, however with time the trailer and pallets used to store these containers appears to not be adequate. The Division recommends the Operator remove any empty oil drum or bucket from the mine site and dispose of them properly or appropriately cover

and/or move inside to protect them from the weather elements. The Division also recommends consolidating the used oil and lubricants on-site and addressing them similarly.

The Division observed evidence of minor oil spills located in the used oil drum storage area. This has been cited as a compliance problem and will require corrective actions by the Operator; please see the second page of this report for additional information. Additionally, the Division observed a single 55-gallon oil drum located away from the used oil drum storage area which showed evidence of a small oil spill, less than 3 square feet in size. This has been included in the compliance problem discussed above.

The petroleum products the Operator is storing at the mine site are typically present at mine sites and are not considered to be hazardous waste. The Division did not observe any evidence that the minor oil spills entered the Middle Fork of the South Platte River nor left the permit boundary.

This concludes the Division's Inspection Report; a subset of photographs taken during the time of the inspection are included below. If you need additional information or have any 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.

PHOTOGRAPHS



Photo 1. Area of alleged off-site disturbance; looking north.



Photo 2. Close up of area of possible hand-diggings; looking east.



Photo 3. Used oil and barrel storage area; looking north.



Photo 4. Used oil and barrel storage area with small oil spill; looking north.



Photo 5. Single oil barrel with small oil spill; looking west.

Inspection Contact Address

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