


**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: Priola Pit	MINE/PROSPECTING ID#: M-2007-087	MINERAL: Sand and gravel	COUNTY: Adams
INSPECTION TYPE: Surety Release Inspection	INSPECTOR(S): Jared L. Ebert	INSP. DATE: April 18, 2019	INSP. TIME: 12:50
OPERATOR: Albert Frei & Sons Inc.	OPERATOR REPRESENTATIVE: Ben Frei	TYPE OF OPERATION: 112c - Construction Regular Operation	

REASON FOR INSPECTION: Surety Release Requested	BOND CALCULATION TYPE: Complete Bond	BOND AMOUNT: \$77,000.00
DATE OF COMPLAINT: NA	POST INSP. CONTACTS: None	JOINT INSP. AGENCY: None
WEATHER: Clear	INSPECTOR'S SIGNATURE: 	SIGNATURE DATE: April 25, 2019

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: Reclamation Success

PROBLEM: The Operator was required to have completed all of the reclamation steps by April 20, 2019 in accordance with the approval of Technical Revision No. 1. Reclamation has not been completed within the required timeframe. This is a problem at this time for failure to complete reclamation with all reasonable diligence within five (5) years or as extended by the Board or Office pursuant to Rule 3.1.3 and C.R.S. 34-32.5-116(4)(q)(l).

CORRECTIVE ACTIONS: The Operator shall complete the remaining backfilling, grading, topsoiling and seeding as approved in the reclamation plan by the corrective action date. The Operator shall provide notification and documentation these activities have been completed by the corrective action date.

CORRECTIVE ACTION DUE DATE: 6/24/19

OBSERVATIONS

This was an inspection of the Priola Pit, Colorado Division of Reclamation, Mining and Safety (DRMS or Division), permit number M-2007-087, operated by Albert Frei & Sons, Inc. (AFS). I, Jared Ebert with the DRMS conducted the inspection. Mr. Ben Frei with AFS and Steve O'Brian with Environment, Inc. accompanied me during the inspection. This is a 112c mining operation with an approved permit area of 13.68 acres.

The Division received a surety reduction request on April 3, 2019 (SR02). This inspection was conducted to evaluate the reclamation that has occurred at the site in order to determine the remaining reclamation liability. The original intent of the reclamation plan was to reclaim the site with a post-mining land use of industrial/commercial. However, portions of the site have not been zoned for this use so an alternative reclamation plan to grade the site, spread topsoil and revegetate the affected land had been developed and approved. AFS recently updated the reclamation plan with Technical Revision No. 2 (TR02).

Backfilling and Grading:

The majority of the earthwork at the site appears to be completed. AFS has backfilled the initial pit excavation and filled the area leaving a fairly level pad with graded side slopes toward the perimeter of the property. The majority of the side slopes have been graded to a 3H:1V slope with a small section of slope on the north side of the site and another small section on the northwest portion of the site where slopes closer to 2H:1V were observed.

Financial Warranty:

The Division currently holds a financial warranty in the amount of \$77,000.00 in the form of a letter of credit. AFS has requested a surety reduction at the site based on the reclamation that has been completed to date. The Division finds AFS is eligible for a surety reduction. A reclamation cost estimate is enclosed with this report. The Division will propose a decision to reduce the financial warranty to \$33,840.00. The Division will issue a proposed decision to approve the surety reduction request, but the decision will not become final for thirty days after the approval date to allow for an appeal period to close.

Gen. Compliance With Mine Plan:

Mining is complete at the site.

Reclamation Success:

The majority of the earthwork required for reclamation is complete with the exception of small localized areas where some additional sloping to the required 3H:1V ratio is necessary. Topsoil remains to be spread over the site and the affected land must be revegetated.

AFS submitted and received approval of Technical Revision No. 1 (TR01) on March 22, 2016 that extended the five year deadline to complete reclamation as required by Rule 3.1.3. The deadline to complete reclamation expired on April 20, 2019. Given the remaining reclamation work to be completed at the site it was unlikely AFS would comply with this deadline. According to Mr. Frei, AFS has not been able to completely settle a dispute with the landowner. While the Division recognizes this challenge, reclamation must now be completed in accordance with Rule 3.1.3 and C.R.S. 34-32.5-116(4)(q)(I). This issue is cited as a problem at the beginning of this report. AFS will need to complete the remaining backfilling, grading, topsoiling and seeding in accordance with the approved reclamation plan. The Division shall require AFS to complete this work by

June 24, 2019.

Revegetation:

Some vegetation has established on the side slopes but the primary species established appears to be annual weeds.

Permit Stipulations:

This permit was approved with the following condition:

“Operator will monitor ground water levels up gradient and downgradient of the backfilled area for a period of two years following completion of reclamation to ensure that ground water is not mounding to levels that could adversely impact surrounding structures. If the City of Thornton does not allow use of their wells for needed monitoring, the Operator must install piezometers to conduct the monitoring prior to initiating mining activities.”

Prior to final bond release the Operator will need to submit the results of this monitoring and demonstrate groundwater mounding is not occurring.

PHOTOGRAPHS



Figure 1. From the southern entrance of the site looking north-northwest.



Figure 2. From the center of the site looking northeast.



Figure 3. From the northern portion of the site looking southwest.



Figure 4. Northern slope needed some re-grade to a 3H:1V.

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>NA</u>
(HB) HYDROLOGIC BALANCE----- <u>Y</u>	(BG) BACKFILL & GRADING----- <u>Y</u>	(EX) EXPLOSIVES----- <u>N</u>
(PW) PROCESSING WASTE/TAILING---- <u>NA</u>	(SF) PROCESSING FACILITIES----- <u>NA</u>	(TS) TOPSOIL----- <u>Y</u>
(MP) GENL MINE PLAN COMPLIANCE- <u>Y</u>	(FW) FISH & WILDLIFE----- <u>NA</u>	(RV) REVEGETATION---- <u>Y</u>
(SM) SIGNS AND MARKERS----- <u>Y</u>	(SP) STORM WATER MGT PLAN---- <u>NA</u>	(RS) RECL PLAN/COMP-- <u>PB</u>
(ES) OVERBURDEN/DEV. WASTE----- <u>NA</u>	(SC) EROSION/SEDIMENTATION--- <u>NA</u>	(ST) STIPULATIONS----- <u>Y</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

Ben Frei
Albert Frei & Sons Inc.
P.O. Box 700
Henderson, CO 80640

Enclosure: 1.) April 25, 2019, *CIRCES Cost Estimate*

EC: Steve O'Brian, Environment-inc@outdrs.net