




**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> Rocky Ford East Pit	<b>MINE/PROSPECTING ID#:</b> M-1977-560	<b>MINERAL:</b> Sand and gravel	<b>COUNTY:</b> Otero
<b>INSPECTION TYPE:</b> Surety Release Inspection	<b>INSPECTOR(S):</b> Amy Eschberger	<b>INSP. DATE:</b> April 25, 2019	<b>INSP. TIME:</b> 11:00
<b>OPERATOR:</b> VALCO, Inc.	<b>OPERATOR REPRESENTATIVE:</b> Tom Brubaker	<b>TYPE OF OPERATION:</b> 112c - Construction Regular Operation	

<b>REASON FOR INSPECTION:</b> Surety Release Requested	<b>BOND CALCULATION TYPE:</b> None	<b>BOND AMOUNT:</b> \$193,678.00
<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> April 30, 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:** Hydrologic Balance

**PROBLEM:** The Division has no evidence that the operator has an approved water augmentation plan for the exposed groundwater at the site. This is a problem pursuant to C.R.S. 34-32.5-116(4)(h) and Rule 3.1.6(1)(a) governing injury to existing water rights. The operator informed the Division (in a letter dated April 7, 2016) of plans to backfill the ponds in the eastern parcel, and also provided the Division with an engineered cut/fill assessment (completed in 2011) confirming there is enough material available on site to backfill the ponds to a minimum of two feet above the static water level. However, since that time, the operator has not commenced with backfilling the exposed groundwater on site (estimated to be 15.3 acres). Additionally, the approved reclamation plan does not include backfilling the ponds in the eastern parcel, and will therefore need to be revised to account for this change.

**CORRECTIVE ACTIONS:** By the corrective action due date, the operator shall submit a Technical Revision, with the required \$216 revision fee, to update the reclamation plan and reclamation plan map to reflect existing and proposed activities, particularly backfilling the exposed groundwater. This revision shall also include a detailed timeline for completion and a revised bond estimate. Alternatively, the operator may provide evidence that a permanent augmentation plan has been obtained to cover all existing groundwater exposure at the site.

**CORRECTIVE ACTION DUE DATE:** May 30, 2019

**INSPECTION TOPIC:** Revegetation

**PROBLEM:** There are state-listed noxious weeds present on site (primarily Tamarisk). This is a problem for failure to employ weed control methods for state listed noxious weed species within the permitted area, and to reduce the spread of weeds to nearby areas as required by Rule 3.1.10(6).

**CORRECTIVE ACTIONS:** By the corrective action due date, the operator shall implement the approved weed control plan and provide proof to the Division that this has been done. If a weed control plan is not already in place, the operator shall develop a weed control and management plan in consultation with the county extension agency or weed control district office, including specific control measures to be applied, a schedule for when control measures will be applied, and a post-treatment monitoring plan. This weed control plan shall be submitted to the Division as a Technical Revision, with the required \$216 revision fee, by the corrective action due date.

**CORRECTIVE ACTION DUE DATE:** May 30, 2019

## **OBSERVATIONS**

This inspection of the Rocky Ford East Pit (Permit No. M-1977-560) was conducted by Amy Eschberger of the Division of Reclamation, Mining and Safety (Division) in response to an Acreage Reduction request (Revision No. AR-2) filed with the Division on April 2, 2019. The Division received one comment on AR-2 within the public comment period that closed on April 17, 2019, from the Division of Water Resources (DWR; see enclosed comment letter). The operator, Valco, Inc. was represented by Tom Brubaker during the inspection. The site is located approximately 1.5 miles east of Rocky Ford, CO, just north of Hwy 50. **Photos 1-18** taken during the inspection are included with this report.

This is a 112c operation permitted for 147.30 acres to mine sand and gravel via wet mining methods. The permit area is divided into two parcels by Co Rd 22 (see enclosed Google Earth image of site). The western parcel is comprised of 39.97 acres, and was mined first by the operation. The eastern parcel is comprised of 107.33 acres, and was added to the permit in 1995 through Amendment No. 1 (AM-1). AR-2 proposes releasing the entire western parcel. This parcel has been permitted over by a different operator, Deep Cut LLC under Permit No. M-2017-032 (22 West Pit), approved by the Division on August 31, 2018. Deep Cut LLC has posted a financial warranty with the Division to cover costs for reclaiming this parcel in accordance with the reclamation plan approved for the 22 West Pit. According to the Substitute Water Supply Plan (SWSP) approved for the 22 West Pit for the period of August 1, 2018 through July 31, 2019, Deep Cut LLC has dedicated sufficient water rights for long-term replacement of evaporative depletions resulting from exposure of up to 15 acres of groundwater, which covers the existing amount exposed in the western parcel (~ 12.5 acres).

The western parcel was not active at the time of the inspection, and it appeared the new operator had not yet commenced with mining activities. This parcel looked the same as it did during the Division's last inspection conducted on May 13, 2016 for Acreage Reduction No. 1 (AR-1), which released 31.86 acres from this parcel, including 17.4 acres of pre-1981 exposed groundwater. The remaining western parcel includes an old batch plant site in its western portion from which the plant was removed many years ago, a few small excavations and old waste rock piles in its northwestern portion, the post-1981 exposed portions of two unlined ponds, and large overburden and topsoil stockpiles stored along the northern edge of the larger pond. As mentioned above, the western parcel proposed for release in AR-2 has been permitted over and the water rights covered by Deep Cut LLC. Therefore, the Division will approve AR-2 to release the unreclaimed western parcel from the M-1977-560 permit. It should be noted, in its adequacy review letter for AR-2 sent to the operator on April 2, 2019, the Division requested the operator to 1) submit a revised page 1 of the request form with the correct acreage amount, and 2) submit an updated reclamation plan map for the site depicting the new permit boundary. The operator did submit the revised page 1 on April 22, 2019, but not an updated reclamation plan map for the site. However, the Division will not require the operator to submit the reclamation plan map for AR-2 approval, as submittal of this map is part of the corrective actions required for a problem cited in this report (discussed in more detail below).

The eastern parcel was not active at the time of the inspection. The operation has completed mining this parcel. In its report for the January 13, 2016 inspection of this site, the Division noted the operation had finished removing all stockpiled product from the eastern parcel. Therefore, in accordance with Rule 3.1.3, final reclamation of this parcel should be completed by early 2021 (within 5 years of mining completion), unless mining activities were to recommence. The Division cited a problem in its January 13, 2016 report for the exposed groundwater on site, for which the operator had not secured a permanent plan for augmentation. The required corrective actions included demonstrating to the Division how compliance with the requirements of C.R.S. 34-32.5-116(4)(h) and Rule 3.1.6(1)(a) will be attained. The operator's corrective action response, received on April 7, 2016, discussed plans to backfill the exposed groundwater in the eastern parcel with on-site material, beginning in 2016. The operator provided the Division with an engineered cut/fill assessment of the

site prepared by Deer and Ault Consultants, Inc. (on June 13, 2011), confirming that enough fill material exists on site to backfill the ponds a minimum of two feet above groundwater levels.

During the current inspection, the Division observed the eastern parcel to look the same as it did during the last inspection of this parcel (January 13, 2016), except that the concrete rubble which had been stockpiled adjacent to the two ponds had been pushed into the ponds. Mr. Brubaker indicated this was done in late 2018/early 2019. A small concrete rubble pile still exists northwest of the smaller pond. Large overburden stockpiles line the perimeters of the two ponds. The ponds in this parcel consist of 15.3 acres of post-1981 exposed groundwater according to the SWSP approved for this parcel for the period of August 1, 2018 through July 31, 2020.

The Division sent a letter to all operators on April 30, 2010 identifying four approaches for operators to achieve compliance with regard to mining-related exposure of groundwater, including (in summary): 1) submit a financial warranty to backfill the exposed groundwater, or 2) obtain a court approved augmentation plan for the exposed groundwater, or 3) submit a financial warranty to install a clay liner or slurry wall, or 4) obtain approval from the DWR that acknowledges compliance with the SEO's requirements.

At this time, the operator has not implemented one of the approaches identified by the Division in its April 30, 2010 letter. While the operator has indicated plans to backfill the ponds, this has not yet been completed at the site. Additionally, the approved reclamation plan (see enclosed reclamation plan map) does not include backfilling the ponds. Therefore, the Division is citing a problem in this report for the exposed groundwater (see page 1), requiring the operator to either provide evidence that a permanent augmentation plan has been obtained to cover the exposed groundwater, or submit a Technical Revision to update the reclamation plan and map to reflect existing and proposed activities, particularly backfilling the exposed groundwater. The revision will also need to include a detailed timeline for completion and a revised bond estimate. As mentioned above, the operator should aim to complete reclamation of the eastern parcel by early 2021 to maintain compliance with Rule 3.1.3.

The current bond posted for this site in the amount of \$193,678.00 covers costs for reclaiming both the western and eastern parcels. However, with the release of the western parcel through AR-2, the required bond for the site will need to be reassessed. The portion of the current bond associated with reclaiming the eastern parcel includes costs for ripping the 38 acre stockpile/processing area, pushing the concrete rubble piles into the ponds, and replacing topsoil on and revegetating 60.9 acres of disturbed land around the ponds. The current bond does not include costs for backfilling exposed groundwater in the eastern parcel, as this task is not part of the approved reclamation plan. Therefore, the Division will need to reassess the required bond for this site after reviewing the revised reclamation plan proposed by the operator (in the Technical Revision).

During the inspection, the Division observed widespread Tamarisk (salt cedar) growth throughout much of the eastern parcel, especially around the ponds. Tamarisk is considered a state-listed noxious weed species. Therefore, the Division is citing a problem in this report (see page 2) for failure to employ weed control methods for state-listed noxious weeds within the permitted area, and to reduce the spread of weeds to nearby areas as required by Rule 3.1.10(6). The operator will need to either implement the approved weed control plan for the site and provide proof to the Division this has been done, or develop a weed control plan in consultation with the county extension agency or weed control district office, and submit this plan to the Division in the form of a Technical Revision.

This concludes the report.



**PHOTOGRAPHS**



**Photo 1.** View looking north across old batch plant area in western portion of western parcel (proposed for release in AR-2).



**Photo 2.** View looking west across central portion of western parcel (proposed for release in AR-2).





**Photo 3.** View looking southeast across small slurry pond in western parcel (proposed for release in AR-2). The new operator for this area, Deep Cut LLC, will need to implement the weed control plan for this site, particularly for Tamarisk.



**Photo 4.** View looking northeast across larger pond in western parcel (proposed for release in AR-2).





**Photo 5.** View looking southeast across larger pond in western parcel (proposed for release in AR-2).



**Photo 6.** View looking east across land north of larger pond where topsoil and overburden is stored in western parcel (proposed for release in AR-2).





**Photo 7.** View looking west across small waste rock piles left near northwestern edge of western parcel (proposed for release in AR-2).



**Photo 8.** View looking southwest from northeastern boundary corner of western parcel showing large overburden stockpile stored north of larger pond (proposed for release in AR-2).





**Photo 9.** View looking south along Co Rd 22 which separates the western parcel (at right) from the eastern parcel (at left).



**Photo 10.** View looking east across western edge of larger pond in eastern parcel where stockpiled concrete rubble was recently pushed into pond.





**Photo 11.** View looking north across western edge of larger pond in eastern parcel, showing small amount of concrete rubble pile remaining.



**Photo 12.** View looking north across eastern parcel showing overburden stockpile stored south of smaller pond which can be used as pond backfill for reclamation.





**Photo 13.** View looking northwest across central portion of eastern parcel which was used as a stockpiling/processing area during operations.



**Photo 14.** View looking north across eastern parcel showing waste rock and concrete rubble piles stored southwest of ponds which can be used as pond backfill for reclamation.





**Photo 15.** View looking southeast across southwestern edge of smaller pond in eastern parcel where stockpiled concrete rubble was recently pushed into pond.



**Photo 16.** View looking east across southwestern edge of smaller pond in eastern parcel where stockpiled concrete rubble was recently pushed into pond. Note several Tamarisk trees growing along pond shoreline.





**Photo 17.** View looking north across eastern parcel west of smaller pond which was used as a stockpiling/processing area during operations. Note several Tamarisk trees growing in this area.



**Photo 18.** View looking north at small concrete rubble pile stored northwest of smaller pond in eastern parcel which can be used as pond backfill for reclamation.

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

Tom Brubaker  
VALCO, Inc.  
9121 Sunshine Meadow Pl.  
Parker, CO 80134

Encls: DWR comment on AR-2, received April 17, 2019  
Google Earth image of site  
Approved reclamation plan map

CC: Melissa van der Poel, DWR  
Caleb Foy, DWR  
Michael Cunningham, DRMS





## Response to Reclamation Permit Partial Acreage Release Request Consideration

DATE: April 16, 2019  
TO: Amy Eschberger, Environmental Protection Specialist  
CC: Division 2 Office; District 17 Water Commissioner  
FROM: Ivan Franco, P.E. *HIF*  
RE: Rocky Ford East Pit, File No. M-1977-560 and M-2017-032  
Operator: Valco, Inc.  
Contact: Tom Brubaker  
Sec. 21, Twp. 23S, Rng. 56W, 6<sup>th</sup> P.M., Otero County

**RECEIVED**

APR 17 2019

DIVISION OF RECLAMATION  
MINING AND SAFETY

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### CONDITIONS FOR APPROVAL

- ☒ If stormwater is contained on-site, it must infiltrate into the ground or be released to the natural stream system within 72 hours, or all work must cease until a substitute water supply plan, or augmentation plan approved by water court, is obtained. Reclamation plans must ensure water will not be retained onsite for more than 72 hours unless an augmentation plan approved by water court is obtained.
- ☒ The proposed operation will consume ground water by: ☒ evaporation, ☐ dust control, ☒ reclamation, ☐ water removed in the mined product, ☐ processing, ☐ other:.
- ☒ This section of the Rocky Ford East pit shall operate under an August 30, 2018 substitute water supply plan approved for the period August 1, 2018 through July 31, 2019.
- ☒ No areas of post-1981 exposed ground water shall be released unless such area(s) are in compliance with the April 30, 2010 letter from DRMS regarding mining-related exposure of ground water and Colorado water law.

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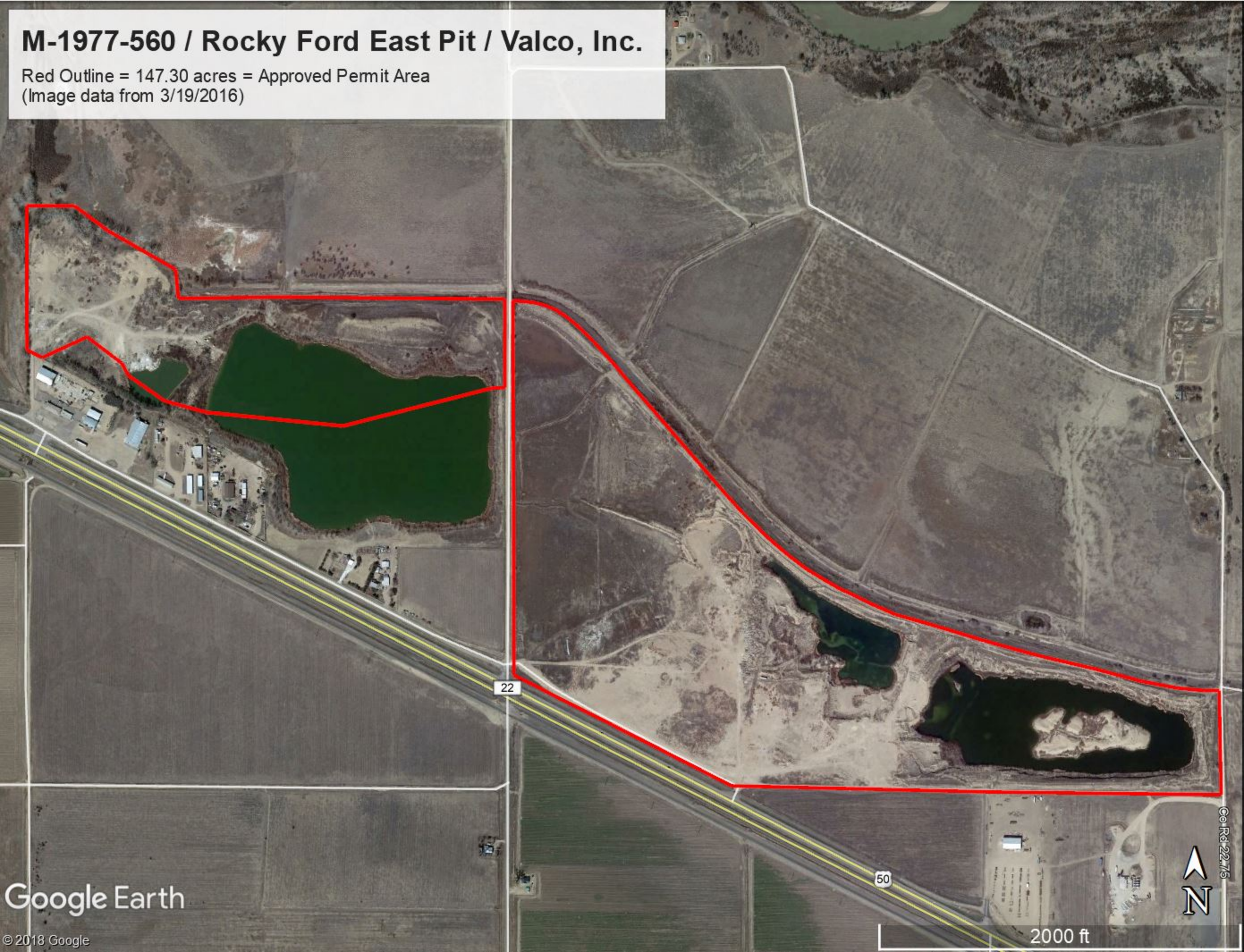
**COMMENTS:** According to the submittal, the 40.38 acres included in the request have been transferred to Deep Cut, LLC., which operate this section of the gravel pit pursuant to permit # M2017-032. The current substitute water supply plan issued to Deep Cut, LLC., is set to expire on July 31, 2019 and in order to continue to operate the pit a new approved SWSP will be required. Furthermore, the applicant has submitted a well permit application with receipt no. 3686392, the application is pending evaluation by this office. The application was returned for further information regarding 600-foot spacing.



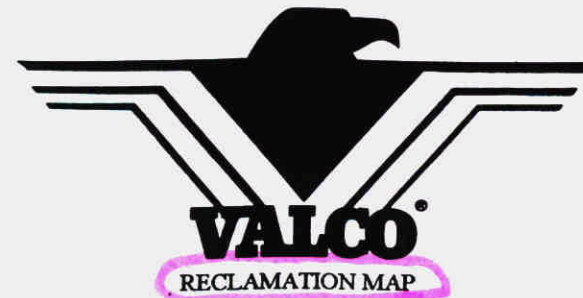


# M-1977-560 / Rocky Ford East Pit / Valco, Inc.

Red Outline = 147.30 acres = Approved Permit Area  
(Image data from 3/19/2016)



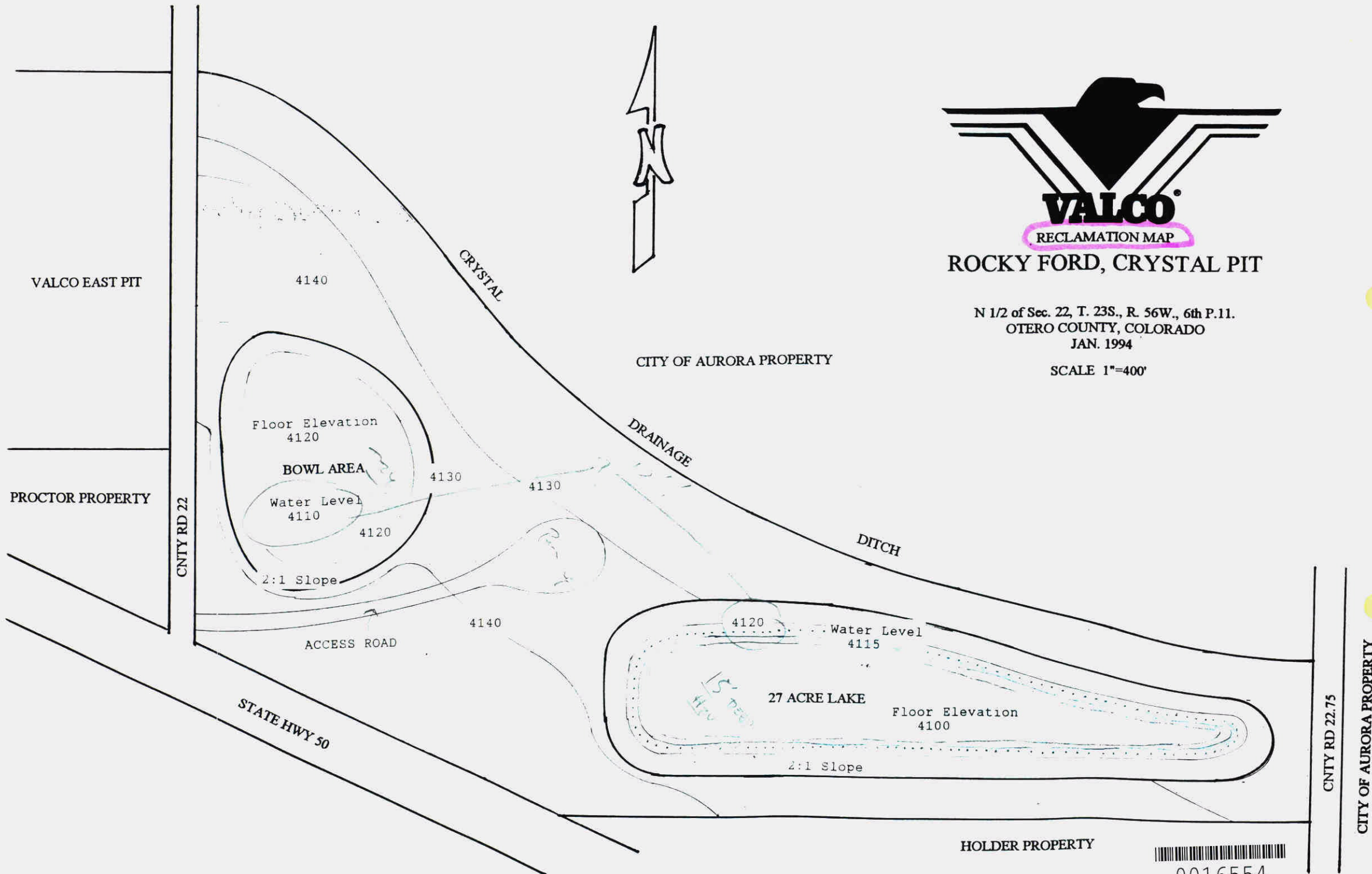




# ROCKY FORD, CRYSTAL PIT

N 1/2 of Sec. 22, T. 23S., R. 56W., 6th P.11.  
OTERO COUNTY, COLORADO  
JAN. 1994

SCALE 1"=400'



HOLDER PROPERTY



0016554

CNTY RD 22.75

CITY OF AURORA PROPERTY