


**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: Ordway Pit	MINE/PROSPECTING ID#: M-2006-054	MINERAL: Sand and gravel	COUNTY: Crowley
INSPECTION TYPE: Surety-Related Inspection	INSPECTOR(S): Patrick Lennberg	INSP. DATE: July 18, 2019	INSP. TIME: 08:00
OPERATOR: Ordway Feedyard Ltd. Liability Co.	OPERATOR REPRESENTATIVE: Tony Warnock	TYPE OF OPERATION: 112c - Construction Regular Operation	

REASON FOR INSPECTION: Surety Related	BOND CALCULATION TYPE: Complete Bond	BOND AMOUNT: \$60,882.77
DATE OF COMPLAINT: NA	POST INSP. CONTACTS: None	JOINT INSP. AGENCY: None
WEATHER: Clear	INSPECTOR'S SIGNATURE: 	SIGNATURE DATE: July 26, 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: Gen. Compliance With Mine Plan

PROBLEM: The currently approved mine plan does not permit the usage of water in the mining operation. The current mine plan needs to be updated and clarified pursuant to C.R.S. 34-32.5-112 (1)(c)(VI). The operator must provide sufficient information to describe or identify how the operator intends to conduct the operation.

CORRECTIVE ACTIONS: The operator shall submit a Technical Revision, with the required \$216 revision fee, to update and clarify the current approved mine plan to reflect existing and any proposed activities by the corrective action date.

CORRECTIVE ACTION DUE DATE: 10/18/19

INSPECTION TOPIC: Gen. Compliance With Mine Plan

POSSIBLE VIOLATION: Land has been affected outside of the approved permit boundary. This is a possible violation at this time pursuant to: C.R.S. 34-32.5-116(4)(i) for failure to protect areas outside of the affected land from slides or damages occurring during the mining operation.

CORRECTIVE ACTIONS: This possible violation will require a hearing before the Mined Land Reclamation Board. The schedule and other details for the MLRB hearing will be provided under a separate document to be sent via certified mail to the operator.

CORRECTIVE ACTION DUE DATE: 10/18/19

INSPECTION TOPIC: Markers

PROBLEM: The affected area boundary markers are missing or incorrectly placed. This is a problem for failure to maintain boundary markers around the affected area as required by Section 3.1.12(2) of the rule.

CORRECTIVE ACTIONS: The operator shall conduct a survey and replace the boundary markers in the correct location(s). The operator shall provide proof to the Division that this has been done by the corrective action date.

CORRECTIVE ACTION DUE DATE: 10/18/19

INSPECTION TOPIC: Permit Stipulations

PROBLEM: The Operator is not following the phased mining and reclamation plan by not topsoiling and revegetating in the 20 acres phased approach approved in the current permit. Failure to follow approved reclamation plan needs to be updated and clarified pursuant to C.R.S. 34-32.5-116 (1).

CORRECTIVE ACTIONS: The operator shall submit a Technical Revision, with the required \$216 revision fee, to update and clarify the current approved reclamation plan to reflect existing and proposed activities by the corrective action date.

CORRECTIVE ACTION DUE DATE: 10/18/19

GENERAL INSPECTION TOPICS

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

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

OBSERVATIONS

This was a surety-related inspection of the Ordway Pit (Permit No. M-2006-054) conducted by Patrick Lennberg of the Division of Reclamation, Mining and Safety (Division) in response to a Succession of Operators application (Revision No. SO-02) that was received by the Division on April 24, 2019. The prospective successor, Mr. Tony Warnock of Arkansas Valley Ranch, LLC. was present during the inspection. The site was previously inspected by the Division on January 13, 2016.

The site is located approximately 4.5 miles northwest of Manzanola, Colorado. The site can be accessed by taking a private dirt road southwest off of Co Rd B for approximately 0.5 mile. The affected land is owned by the prospective successor. The approved post-mining land use is rangeland.

This is a 112c operation permitted for 98 acres to mine sand and gravel, including for use in road construction and maintenance. The operation is extracting material from the top of the terrace at a maximum depth of approximately 10 feet. This is a phased operation which will mine generally from east to west in 20 acre phases, with concurrent reclamation. Material is processed on site using mobile equipment. The approved reclamation plan calls for grading all disturbed slopes to a 3H:1V or flatter gradient, replacing topsoil on disturbed land at an average depth of 6 inches, and revegetating the site with a rangeland seed mixture.

A mine sign was observed at the entrance to the mine in the southeast corner of the permit area as required by Rule 3.1.12. However, the permit boundary markers could not be located at the southeast and northeast corners. The corner marker that is supposed to be ~1,400 feet to the northwest of the southeast corner, near the active sedimentation pond, also could not be located. This matter is being cited as a problem in this report pursuant to Rule 3.1.12(2).

The site was active at the time of inspection. There was a mobile screening operation that was located towards the west end of the disturbed area that was utilizing water to wash the gravel. The water was being sourced from a groundwater well that is located near mine entrance road by the scale house and piped to the settling ponds. The use of water in the mining operation is not part of the approved mining plan. This matter is being cited as a Problem in this report pursuant to C.R.S. 34-32.5-112 (1)(c)(VI) for failure to conduct mining as described in the mining plan. The Division also marked several GPS coordinates using a handheld Garmin 64 ST along with imagery from GoogleEarth Pro and determined that the mining operation has affected approximately 31 acres. As mentioned above the approved plan only allows for 20 acres of disturbance with concurrent reclamation. This matter is being cited as a Problem in this report pursuant to C.R.S. 34-32.5-116 (1) for failure to conduct reclamation as prescribed in the reclamation plan.

As noted in the 2016 inspection there is 3.4 acres of disturbance outside of the southern permit boundary, which included a large gravel stockpile that is located partially inside of and partially outside of the permit area. This stockpile is approximately 20-25 feet in height and occupies a footprint of approximately 1.7 acres. The adjacent disturbance also includes an area that appears to have been stripped of topsoil, including a topsoil berm and a small sand stockpile (located west of the former haul road) and a small stockpile of reclaimed asphalt pavement (located east of the former haul road). According to the original operator, this disturbance was created by a temporary asphalt batch plant that was operated adjacent to the permit area in 2011 by Lafarge. The landowner allowed Lafarge to operate the batch plant on 10 acres located just south of the permitted mine site for approximately 3 months to fulfill a construction contract for a road project located

south of La Junta. In the 2016 inspection report the Division recommended the stockpiled material either be removed from the site, relocated within the approved permit area or incorporate into the permit area through an Amendment. To date nothing has been done with these piles.

Additionally, in the original permit application a scale house was not identified as being part of the mine operations. The scale house was installed between late 2017 and 2018. A new haul road has been substantially improved from the prevailing conditions that existed during the operation's limited use in the past. New or improved roads must be included as part of the permitted acreage. The upgraded haul road and scale house may require additional financial warranty for reclamation costs.

A total of 4.1 acres of land affected outside of the permit boundary, approximately 0.67 acres related to the scale house and 3.4 acres associated with stockpiles, is being cited as a Possible Violation pursuant to C.R.S. 34-32.5-116(4)(i) for failure to protect areas outside of the affected land from damages occurring during the mining operation.

A number of problems have been identified during the inspection; the problems and associated corrective actions are listed at the beginning of the report. The Operator may correct the several of the problems through the Technical Revision process; however, the possible violation can only be cured through the Amendment process. The Division recommends addressing all of the identified issues through a permit Amendment. If the Amendment is received and suitable for filing before October 18, 2019 the Division will not pursue enforcement actions for the possible violation.

The Division will approve the Succession of Operators application with the current state bond amount of \$60,882.77 with the understanding that the Financial Warranty will be recalculated as required by the Amendment process. The prospective Operator has 60 days to post the Financial Warranty amount, if the warranty is not received the permit transfer will be denied.

Photographs taken during the inspection are attached.

Please contact Patrick Lennberg (303)866-3567 ext. 8114 or email at patrick.lennberg@state.co.us if you have any questions regarding this report.

Inspection Contact Address

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PHOTOGRAPHS



Photo 1: Mine sign at entrance off of Co Rd B in the southeast portion of permit area



Photo 2: Scale house and scales at mine entrance, looking south



Photo 3: Scale house and scales at mine entrance, looking north

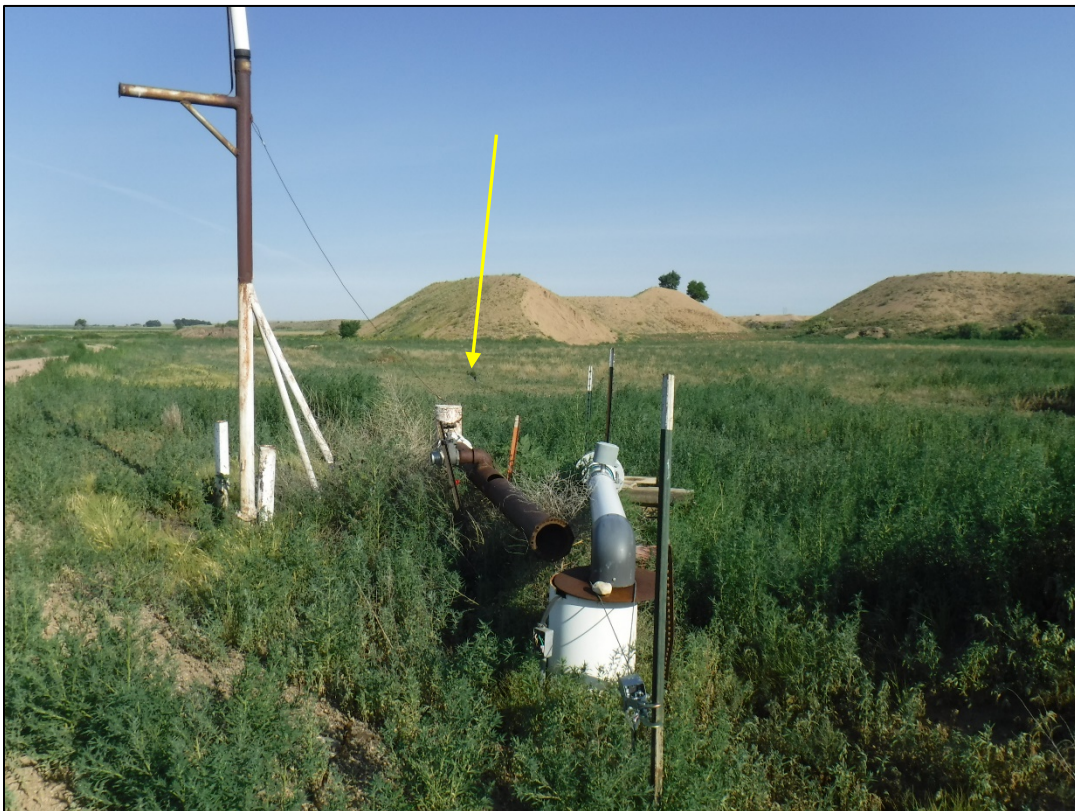


Photo 4: Groundwater well being used to source water for washing gravel, arrow indicates location of piping



Photo 5: Large northern stockpile of material created by original mining operations (2 acres in size), smaller piles are from current mining operations



Photo 6: Flat area at the eastern most disturbance, looking north where the haul road enters mine



Photo 7: Looking west from the eastern most perimeter berm across the disturbed area



Photo 8: Looking west from the approximate location of the NE permit corner towards the mining area



Photo 9: Topsoil berm along the northern boundary of disturbance looking west



Photo 10: Topsoil berm along the northern boundary of disturbance looking east



Photo 11: Looking southeast from northern berm across mine site



Photo 12: Looking southwest to the active mining operations



Photo 13: Looking south at the mining operations



Photo 14: Looking east from the west side of disturbance area, arrows mark ponds used for washing material



Photo 15: Looking east across the processing operations



Photo 16: Looking northeast across the active mining area



Photo 17: Southern-most lined settling pond taken from the approximate permit boundary location



Photo 18: Erosion at the southeastern corner of the southern lined pond



Photo 19: Looking west at both lined ponds, yellow arrows



Photo 20: Looking north across the unlined pond immediately east of the lined ponds



Photo 21: All three ponds



Photo 22: Looking from the top of the southern pile, beyond the permit boundary, to the well water pipe marked in yellow

