


**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: Robinson Sons Gravel Pit No. 1	MINE/PROSPECTING ID#: M-2008-076	MINERAL: Sand and gravel and	COUNTY: Las Animas
INSPECTION TYPE: Monitoring	INSPECTOR(S): Jared L. Ebert	INSP. DATE: July 29, 2019	INSP. TIME: 12:00
OPERATOR: Robinson Sons Inc.	OPERATOR REPRESENTATIVE: Daniel Robinson	TYPE OF OPERATION: 112c - Construction Regular Operation	

REASON FOR INSPECTION: Normal I&E Program	BOND CALCULATION TYPE: Complete Bond	BOND AMOUNT: \$52,815.00
DATE OF COMPLAINT: NA	POST INSP. CONTACTS: None	JOINT INSP. AGENCY: None
WEATHER: Clear	INSPECTOR'S SIGNATURE: 	SIGNATURE DATE: August 8, 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: Financial Warranty

PROBLEM: The Operator has failed to comply with the Mined Land Reclamation Board (Board) ordered corrective action for violation MV-2019-005. The currently posted bond is insufficient given the remaining reclamation liability at the site and the Operator has failed to post the additionally required surety by the corrective action deadline. This is a problem at this time for failure to comply with the Board's order pursuant to section 34-32.5-124 of the Colorado Revised Statutes.

CORRECTIVE ACTIONS: The Operator will need to submit a request to the Mined Land Reclamation Board for an extension of the corrective action deadline. This request shall include the permit number (M-2008-076) and the violation number (MV-2019-005). This request must be submitted in writing to the Board's Secretary Camille Mojar at 1313 Sherman Street, Room 215, Denver Colorado 80203 by the corrective action deadline. If this request is not received by the corrective action due date, the Division shall initiate additional enforcement proceeding.

CORRECTIVE ACTION DUE DATE: 8/22/19

INSPECTION TOPIC: Hydrologic Balance

PROBLEM: The Division has no evidence that the operator has a valid well permit, substitute water supply plan, or approved water augmentation plan for the exposed groundwater and/or impounded surface water in the two pit basins located in the Reclamation Area Only parcel near the entrance to the site north and south of the access road. This is a problem related to section 34-32.5-116(4)(h) of the Colorado Revised Statutes and 3.1.6(1)(a) of the Construction Materials Rules and Regulations governing injury to existing water rights.

CORRECTIVE ACTIONS: The Operator shall demonstrate that the operation is in compliance with the Colorado Division of Water Resources (DWR), show evidence that the operator is taking measures to bring the site into compliance with the DWR, or backfill the pits to at least two feet above the water surface by the corrective action date specified.

CORRECTIVE ACTION DUE DATE: 9/02/19

OBSERVATIONS

This was a monitoring inspection of the Robinson Sons Gravel Pit No.1, Division of Reclamation, Mining and Safety (DRMS or Division) permit number M-2008-076, operated by Robinson Son, Inc. (Robinson). I, Jared Ebert with DRMS conducted the inspection. Mr. Daniel Robinson with Robinson Sons, Inc. was present during the inspection. During the April 24, 2019 meeting of the Colorado Mined Land Reclamation Board (Board), Robinson was found in violation of section 34-32.5-117(4)(c)(II) and Rule 4.2.1(2) for failure to post additional financial warranty within 60 days of the date of notice of adjustment (violation number MV-2019-005). The Board ordered permit M-2008-076 revoked and issued a cease and desist order for the operation. The Board imposed the following corrective action against Robinson:

- 1.) By July 24, 2019, advance the reclamation of affected lands as necessary to ensure sufficiency of the existing \$52,815.00 financial warranty; or
- 2.) by July 24, 2019, submit to the Division the additional financial warranty in the amount of \$120,915.00.

The Board found the financial warranty for permit number M-2008-076, in the amount of \$52,815.00 subject to forfeiture. On July 24, 2019 the Division received correspondence from Robinson documenting reclamation work that has occurred at the site since the April 24, 2019 Board meeting. This inspection was conducted so that the Division could evaluate the reclamation work that has been completed and to estimate the remaining liability at the site.

On December 21, 2018 the Division approved Amendment No. 1 (AM01) which added 102.6 acres to the 78 acre permit area for a total permit area of 180.6 acres. Map C-2, the Mining Plan map, depicts the area of affected land that is currently disturbed and the areas that Robinson would like to mine in the future. Currently land is affected in three separate parcels. At the time of this inspection, about 17 acres of land is affected within Area 1, about 2 acres are affected in Area 2 and about 7.5 acres have been affected in the area displayed as "Reclamation Areas Only" shown on the C-2 Map.

Area 1 consists of a large rectangular shaped pit excavation, a former overburden storage area and a partially regraded area. The pit appears to be on average 20 feet deep with near vertical highwalls along the southern permit boundary. The western and northern pit walls vary in angle but on average were set near the angle of repose. Robinson has graded the eastern quarter of the pit slopes to a 3H:1V angle or less. A small ephemeral drainage enters through a culvert that drains into the pit basin. A large stockpile of topsoil is located in the southeast corner of the Area 1 pit basin. This pile appears to be acting as an impoundment and does not allow the affected land to drain and standing water was observed in the base of the pit. The southern pit slopes were found to be near vertical in most places and there is no room for Robinson to cut and fill these slopes. However, a large pile of overburden is located at the base of this highwall and is available for backfill material. Northwest of the pit excavation is an area that appears to have been previously used for overburden storage. This area has been graded to nearly blend in with the surrounding hillside. However, the eastern portion of this area has steep near angle of repose side slopes. The Division estimates about 35% of the earthwork is completed in the Area 1 portion of the affected land.

Area 2 consists of an access road, a lower work area and an upper area on top of the hill. Robinson has excavated and lowered the top of the hill in Area 2 and various stockpiles of product and a crusher are stored

in this area. The lower portion of the affected land has been graded to blend in with the surrounding area, however equipment is still stored in this area.

The Reclamation Area Only parcel is located along the creek on the eastern end of the site near the mine entrance on the north and south side of the scale and scale house. The creek channel has been re-established. Overall, the area adjacent to the creek has been graded to blend into the surrounding topography. However, two small basins/impoundments have been created, one on the north side of the access road and one on the south side of the access road. These basins were estimated at be about a quarter of an acre each. The basins area are adjacent to the re-established creek channel and do not appear to be impounding the creek water, however there was water in the basins, likely groundwater and/or seepage from the creek.

Backfilling and Grading:

As discussed above, Robinson has graded portions of the affected land. The graded portions of the affected land were stable at the time of the inspection and blended in with the surrounding topography. Graded pit slopes were no steeper than 3H:1V in Area 1. Several steeper slopes were observed in the Reclamation Area Only parcel that will need to be graded and stabilized. Portions of all the affected land require additional backfilling and grading to comply with the reclamation plan.

Financial Warranty:

Robinson currently has posted a reclamation bond in the amount of \$52,815.00. The currently required bond amount is \$173,730.00. Taking into account the reclamation that has been completed by the time of the inspection, the Division estimates the liability of the site to be \$109,654.00. Please see the enclosed estimate. Per the Board's order, Robinson was required to either post the additionally required surety or conduct reclamation at the site so that the currently held bond would be sufficient. The Division acknowledges Robinson has conducted a substantial amount of reclamation at the site, however the reclamation activities were not enough to lower the liability amount to comply with the Board's order, nor did the Operator submit the additionally required warranty. Given this, the Division finds that Robinson has not complied with the Board's order. This issue is cited as a problem at the beginning of this report. The DRMS staff would support an extension of time for the Operator to comply with the Board ordered corrective action. Robinson will need to submit a request for an extension of the corrective action date for violation number MV-2019-005 for permit M-2008-076 by the corrective action due date. If this request is not received by the corrective action due date the Division will initiate additional enforcement actions.

Based on the Division's estimate, the Operator will need to complete the majority of the required earthwork at the site (backfilling, grading and topsoiling) to reduce the reclamation liability at the site sufficiently for the current \$52,815.00 bond to be adequate.

Hydrologic Balance:

The two basins/impoundments discussed above are holding water. This issue is cited as a problem at the beginning of this report. Robinson must either submit documentation that they have approval from the Division of Water Resources for the impoundment of this water or backfill these basins so that water is no longer impounded.

Gen. Compliance With Mine Plan:

The permit is currently revoked and Robinson is under a cease and desist order. No additional mining can occur at the site.

Reclamation Success:

Robinson has conducted reclamation in portions of Area 1 and the Reclamation Area Only parcel as discussed above.

Revegetation:

According to Mr. Robinson, the affected land around the Reclamation Only area has been seeded.

PHOTOGRAPHS



Figure 1. From the south central portion of the permit boundary looking west.



Figure 2. From the south western end of the south boundary looking west by northwest into Area 1 pit.

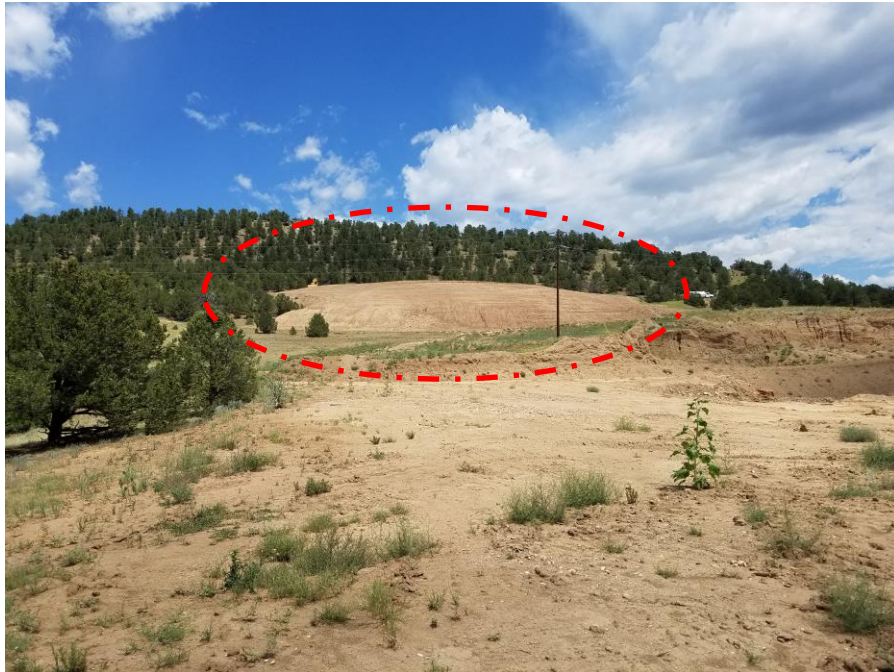


Figure 3. From the southwest corner of the Area 1 affected land looking north. The overburden storage area outlined in red.



Figure 4. From the southwest end of the former overburden storage area looking north. Steep slope area that will need to be graded.



Figure 5. From the north side of the southwest portion of Area 1 looking south.



Figure 6. From the north central portion of Area 1 looking southeast at the graded portion of Area 1.



Figure 7. Top area of Area 2.



Figure 8. Reclamation Area Only parcel. North of the access road looking south from the east end.



Figure 9. From the north end of the Reclamation Area Only parcel looking south. Northern water basin highlighted in red.



Figure 10. Re-established stream channel on the south side of the Reclamation Area only parcel looking north.



Figure 11. Pit basin on the south side of the access road from the east side looking west.

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>PB</u>	(RD) ROADS----- <u>Y</u>
(HB) HYDROLOGIC BALANCE----- <u>PB</u>	(BG) BACKFILL & GRADING----- <u>Y</u>	(EX) EXPLOSIVES----- <u>NA</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>N</u>	(FW) FISH & WILDLIFE----- <u>Y</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>Y</u>
(ES) OVERBURDEN/DEV. WASTE----- <u>NA</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>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

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Enclosure: 1.) August 7, 2019 – CIRCES cost estimate, M-2008-076