



## 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.

<b>MINE NAME:</b> Kelley Trucking, Inc. Borrow Pit	<b>MINE/PROSPECTING ID#:</b> M-2019-053	<b>MINERAL:</b> NA	<b>COUNTY:</b> Adams
<b>INSPECTION TYPE:</b> Illegal(Unpermitted Operation)	<b>INSPECTOR(S):</b> Brock Bowles	<b>INSP. DATE:</b> October 4, 2019	<b>INSP. TIME:</b> 09:00
<b>OPERATOR:</b> NA	<b>OPERATOR REPRESENTATIVE:</b> Cal Kelley	<b>TYPE OF OPERATION:</b> NP - Needs Permit	

<b>REASON FOR INSPECTION:</b> Other Agency Request	<b>BOND CALCULATION TYPE:</b> None	<b>BOND AMOUNT:</b> No Bond Held
<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> October 10, 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:** Availability Of Records

**PROBLEM/POSSIBLE VIOLATION:** Possible Violation: Failure to first obtain a reclamation permit from the Mined Land Reclamation Board before engaging in a new mining operation as required by 34-32.5-109(1) C.R.S.

**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:** 11/13/19

## **OBSERVATIONS**

This inspection was conducted by Brock Bowles of the Division of Reclamation, Mining and Safety (Division) and was prompted by a complaint received from the Adams County Community & Economic Development Department which reported that a large amount of material was being excavated from a field at approximately 6200 Watkins Road, north of Watkins, CO. Adams County reported that many dump trucks were exporting material off the property. The trucking company was identified as Kelley Trucking, Inc. of Golden, CO. An inspection of the site was scheduled with Cal Kelley of Kelly Trucking for October 4, 2019 at 9 am. Cal Kelley, Luke Kelley and Kurt Hogan of Kelley Trucking, and Miles Buescher of Adams County were present for the inspection.

The site is located on Watkins Road, 1/2 mile south of 72nd Ave, approximately 5 miles north of Watkins, CO (39.817850°, -104.600491°). The site is an agricultural field that was historically used for dryland farming. It does not appear that it has been farmed recently. The land is owned by Phyllis Kelley of Golden, CO, who is associated with Kelley Trucking.

Mr. Cal Kelley explained that the material being extracted was being used for a construction project at the nearby Denver International Airport. Kelley Trucking was doing the excavation at the site and transporting the material to DIA. Excavation began in July 2019 and expected to end in October 2019. A total of 100,000 cy is expected to be removed from the site and approximately 80,000 cy have already been removed.

The disturbance of the excavation site is approximately 21.8 acres and was mapped with GPS data collected on an iPhone using the ESRI Collector app. The site was well maintained and erosion control structures were in place. A silt fence and sediment basin with a rock lined spillway were installed on the northern property boundary. The topsoil has been salvaged and was stockpiled in the middle of the current excavation. Watkins Road and 72<sup>nd</sup> Ave were being maintained by a water truck at the time of the inspection.

Mr. Kelley further explained that the material was being removed from a hill in the middle of the field which diminished the value of the land as farmland. By removing the hill and recontouring the field will create better farmland. It appeared that reclamation has begun on the north side of the excavated area. The reclaimed area was graded and ripped. It was not obvious from a visual inspection if topsoil had been redistributed because the soil colors were the same. He expects to seed the area this fall.

C.R.S. 34-32.5-103(13) defines a "mining operation" as the development or extraction of a construction material from its natural occurrences on affected land. The term includes, but is not limited to, open mining and surface operations. C.R.S. 34-32.5-103(3) defines a "construction material" as rock, clay, silt, sand, gravel, limestone, dimension stone, marble or shale extracted for use in the production of nonmetallic construction products. C.R.S. 34-32.5-103(1) defines "Affected Land" as the surface of an area within the state where a mining operation is being or will be conducted, which surface is disturbed as a result of an operation. Affected lands include, but shall not be limited to, private ways, roads (except those roads that were constructed for purposes unrelated to the operation that were in existence before a permit application was filed with the office, and will not be substantially upgraded to support the operation); land excavations, explorations sites, drill sites or working, refuse banks or spoil piles, evaporation or settling ponds, work, parking, storage, or waste discharge areas, and areas in which structures, facilities, equipment, machines, tools or other materials or property that result from or are used in such operations are situated. Given these definitions, the excavation created by Kelley Trucking on Phyllis Kelley's property is considered to be a mining operation and the land that has been disturbed is affected land. Given this, a reclamation permit will need to be obtained. This issue is cited as a possible violation for failure to first obtain a reclamation permit from the Mined Land Reclamation Board

before engaging in a new mining operation as required by 34-32.5-109(1) C.R.S. Details regarding this enforcement action will be sent under a separate cover.

The Division has assigned File No. M-2019-053 for this site. The Division recognizes that Mr. Cal Kelley was unaware of the need for a permit for this type of activity. Mr. Kelley and his staff were very helpful and cooperative with the investigation and inspection, and communicated a desire to take the steps necessary to get into compliance.

### **PHOTOGRAPHS**



Area of reclamation



Topsoil stockpile to right of vehicles





Loading material into road trucks



Excavator working on the highwall





Catchment basin with rock lined spillway



Undisturbed area above highwall that will be mined

### **GENERAL INSPECTION TOPICS**

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

(AR) RECORDS----- <u>PV</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>N</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>N</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

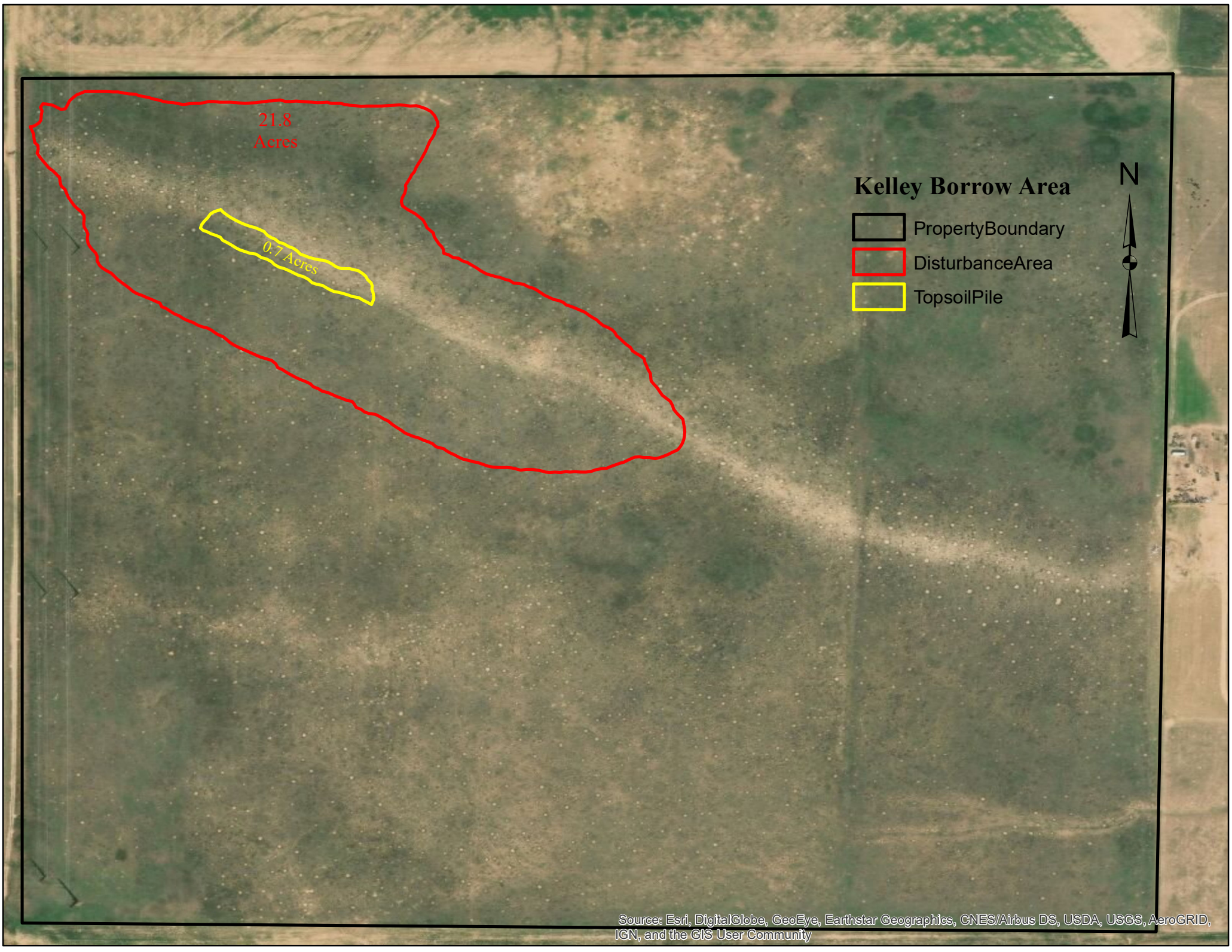
#### **Inspection Contact Address**

Cal Kelley  
Kelley Trucking, Inc.  
6201 McIntyre  
Golden, CO 80403

Enclosure: Map of disturbed area

CC: Michael Cunningham, DRMS





21.8  
Acres

0.7 Acres

### Kelley Borrow Area

PropertyBoundary

DisturbanceArea

TopsoilPile

