



## 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> AZCO Pit	<b>MINE/PROSPECTING ID#:</b> M-2004-029	<b>MINERAL:</b> Sand and gravel	<b>COUNTY:</b> Fremont
<b>INSPECTION TYPE:</b> Monitoring	<b>INSPECTOR(S):</b> Timothy Cazier	<b>INSP. DATE:</b> November 8, 2019	<b>INSP. TIME:</b> 10:15
<b>OPERATOR:</b> AZCO Construction, Inc.	<b>OPERATOR REPRESENTATIVE:</b> Ron Walker	<b>TYPE OF OPERATION:</b> 110c - Construction Limited Impact	

<b>REASON FOR INSPECTION:</b> Normal I&E Program	<b>BOND CALCULATION TYPE:</b> Partial Bond	<b>BOND AMOUNT:</b> \$17,500.00
<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> December 9, 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:** Problem No. 1: Rule 1.13.5 states, if an Operator temporarily ceases production of the mining operation for one hundred eighty (180) days or more, the Operator must Notice the Office. The elapsed time since the latest activity (6/8/2010) has almost been the 10-year limit (limited by Rule 1.13.9)

**CORRECTIVE ACTIONS:** The Division recommends the Operator submit a formal notice in writing of the intent to begin final reclamation to be completed within five years of said notice to the Division (Rule 3.1.3).

**CORRECTIVE ACTION DUE DATE:** 1/13/20

**INSPECTION TOPIC:** Backfilling & Grading

**PROBLEM/POSSIBLE VIOLATION:** Problem No. 2: Due to the westward shift of mining activity from that proposed in the original mining plan, the approved backfill at 3H:1V is no longer practical. The operator must follow the approved reclamation plan (pursuant to C.R.S 34-32.5-116(1)) or provide sufficient information to describe or identify how the operator intends to conduct reclamation.

**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:** 2/10/20

**INSPECTION TOPIC:** Signs & Markers

**PROBLEM/POSSIBLE VIOLATION:** Problem No. 3: The in place boundary markers do not coincide with those of the proposed permit boundary in the approved permit.

**CORRECTIVE ACTIONS:** Submit a technical revision (along with the required \$216 fee) with a map clarifying the permit boundary not to exceed 8.86 acres. [Note: *This can be the same Technical Revision submitted to address Problem No. 2*]

**CORRECTIVE ACTION DUE DATE:** 2/10/20

**OBSERVATIONS**

This inspection was conducted as part of the regular monitoring program. The Permittee (AZCO Construction) was represented by Mr. Ron Walker during the inspection. The AZCO Pit is accessed from Fremont Co Rd 21 and is located approximately 10 miles off Hwy 9 from the intersection with Fremont County Road 2. This is a 110c sand and gravel mine. It was not operating at the time of the inspection.

Availability of Records: Annual fees are paid through September 2019. The previous inspection was on September 15, 2015 when Mr. Walker was unable to attend. The approved post-mine land use is rangeland. There were no open infractions prior to the inspection. Both the surface and minerals are privately owned. Annual reports indicate the last mining activity was in 2010. A discussion with Mr. Walker during the inspection confirmed no activity has taken place on site that the DRMS would consider mining has occurred since 2010.

**The lack of mining activity is cited as Problem No. 1 on page 1 of this report.**

A review of the file showed DRMS records had not been updated for the permitted area after a portion of the access road leading to the site was removed from the permit area during the adequacy review process. DRMS records have been corrected. Future annual reports will indicate the permit area is 8.86 acres, not 9.9 acres.

Backfilling and Grading: The approved mine plan states there will not be any benches (Exhibit C, paragraph 1(f)) and the reclaimed backslopes will be 3H:1V (Exhibit D, paragraph 1(b)). The site currently has two benches (see **Photo 1**). The upper bench (see **Photo 2**) currently acts as a rockfall catchment. Mr. Walker indicated he is interested in making the lower bench (see **Photo 3**) available to construct a residence. As the approved post-mine land use is rangeland, the benches will need to be at least partially backfilled. In order to keep the benches after reclamation, an amendment to the permit would be required to change the post-mine land use to residential. The DRMS approved 3H:1V reclaimed slopes may have been feasible were the mining to occur where the original application "Adequacy Letter Reply" Exhibit E maps (dated June 9, 2004) indicated. However, as discovered during this inspection, the permit boundary markers do not coincide with the permit boundary as shown on the Exhibit E maps (*note: this discrepancy is discussed in detail under "Signs and Markers" below*). The area being mined consists of steeper slopes (approximately 2H:1V, pre-disturbance). Whereas, the pre-disturbance slopes in the Exhibit E maps is approximately 3.5H:1V. Given the steeper slopes in the actual mining area, it not feasible to backfill the mined slope to 3H:1V. This requires a revised reclamation plan. The DRMS would accept a revised reclamation plan having 2H:1V backfill on the existing benches. **The need for a revised reclamation plan is cited as Problem No. 2 on page 1 of this report.**

Excess Spoil and Dev. Waste: A stockpile of oversized rock was observed near the access road (see **Photo 4**). Mr. Walker indicated he had sold some as riprap and hopes to sell more as such.

Explosives: Mr. Walker indicated he had not needed to do any blasting.

Financial Warranty: The \$17,500 bond held by the DRMS was calculated on the original 8.86 acres of proposed disturbance. With only about two acres of disturbance, this amount is deemed adequate for reclamation.

Hydrologic Balance: No standing water was observed in the pit and no exposed groundwater was observed.

Gen. Compliance with Mine Plan: The maximum allowed disturbed area is 8.86 acres. Google Earth was used to measure the disturbed area, which was estimated to be approximately 2.1 acres, based on 2016 imagery. Highwalls were benched and estimated to be less than 20 feet in height (see **Photo 5**). A product stockpile was observed on the southeast portion of the affected area near the access road (see **Photo 6**)

Off-site Damage: The operation appeared to be confined to the permit boundary as marked in the field. However, as discussed below under "Signs and Markers", the approved permit boundary needs further clarification.

Roads: Haul and access roads did not appear to be a source of sediment that could be tracked offsite.

Reclamation Success: No reclamation has been initiated.

Revegetation: Some volunteer vegetation has been established, but Mr. Walker indicated he had not seeded any areas. A weed control plan was submitted with the June 9, 2004 Adequacy Letter Reply.

Signs and Markers: The permit sign was posted (see **Photo 7**) at the gate on the access road about X.X miles from the site. Four of the six boundary markers were located (see **Post Inspection Map**) and positions collected using a Trimble Juno 3B hand held GPS unit (see **Photo 8**). The other two marker posts were expected to be well above the upper bench highwall and obscured in a large grove of oak brush. As referenced above under "Backfilling and Grading", the observed boundary markers do not coincide with the permit boundary map approved during the original application review process in 2004. **The discrepancy in the permit boundary between that marked in the field and that in the 2004 application is cited as Problem No. 3 on page 2 of this report.**

Sediment Control: No significant erosion problems were observed and no BMPs were needed at the time of the inspection.

Support Facilities On-site: A screen plant, crusher, excavator, and dump truck were observed on site (see **Photos 4 and 9**).

Permit Stipulations: There are no permit stipulations.

Storm Water MGT Plan: No oil or fuel spills observed.

Topsoil: There is very little topsoil on the undisturbed areas of the site. However, Mr. Walker had stripped and stockpiled a small amount of topsoil.

Structures: No structures were observed within 200 feet of the affected area.

Please contact Tim Cazier (303)866-3567 ext. 8169 or email at [tim.cazier@state.co.us](mailto:tim.cazier@state.co.us) if you have any questions regarding this report.



## **PHOTOGRAPHS**



Photo 1. Two site benches marked with yellow dotted lines (looking north).



Photo 2. Upper bench (looking east).



**PHOTOGRAPHS (cont.)**



Photo 3. Lower bench (looking east).



Photo 4. Screen plant, crusher, excavator, and dump truck (looking south).



**PHOTOGRAPHS (cont.)**



Photo 5. Full height of highwall between upper and lower bench (looking NE from switchback).



Photo 6. Product stockpile.



**PHOTOGRAPHS (cont.)**



Photo 7. Permit sign (at gate).



Photo 8. GPS recording SW corner boundary marker location (looking north).



**PHOTOGRAPHS (cont.)**



Photo 9. Screen plant, crusher, excavator, and semi-trailer (looking NW).

**GENERAL INSPECTION TOPICS**

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

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

Ron Walker  
AZCO Construction, Inc.  
112 Top Rail Trail  
Penrose, CO 81240

Enclosure – Post Inspection Map






ec: DRMS file



# M-2004-029 Post Inspection Map

Satellite Imagery from 6/15/2016  
GPS data Collected 11/8/2019

## Legend

-  AZCO Pit
-  M-04-29 2016 Affected area
-  M-04-29 GPS Boundary (Partial)
-  M-04-29 Permit Boundary (Approved)
-  M-04-29 T-Post

[38.565134954; -105.574930034]

M-04-29 T-Post

[38.564194399;  
-105.575010922]

M-04-29 T-Post

[38.563903126;  
-105.575349326]

M-04-29 T-Post

AZCO Pit

M-04-29 T-Post

[38.562917644; -105.573849049]

Google Earth

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500 ft