

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:       | Shaffers Crossing            | MINE/PROSPECTING ID#:    | M-1978-208    | MINERAL:           | Sand and gravel                    | COUNTY:          | Jefferson |
| INSPECTION TYPE: | Monitoring                   | INSPECTOR(S):            | Eric Scott    | INSPECTION DATE:   | December 4, 2019                   | INSPECTION TIME: | 07:40     |
| OPERATOR:        | Elk Creek Sand & Gravel, LLC | OPERATOR REPRESENTATIVE: | Juliet Moores | TYPE OF OPERATION: | 110c - Construction Limited Impact |                  |           |

|                        |  |                        |              |                                                                                      |  |                      |                     |          |  |
|------------------------|--|------------------------|--------------|--------------------------------------------------------------------------------------|--|----------------------|---------------------|----------|--|
| REASON FOR INSPECTION: |  | BOND CALCULATION TYPE: | BOND AMOUNT: | DATE OF COMPLAINT:                                                                   |  | POST INSP. CONTACTS: | JOINT INSP. AGENCY: | WEATHER: |  |
| Normal I&E Program     |  | None                   | \$10,400.00  | None                                                                                 |  | None                 | None                | Cloudy   |  |
|                        |  |                        |              | INSPECTOR'S SIGNATURE:                                                               |  | SIGNATURE DATE:      |                     |          |  |
|                        |  |                        |              |  |  | December 4, 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/POSSIBLE VIOLATION: Problem: Asphalt importing and recycling taking place at the site is not part of the currently approved mine plan. 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: NA at this time – permit revoked.

## OBSERVATIONS

This was an inspection conducted by DRMS representative Eric Scott in accordance with the Division's practice of documenting site conditions after permit revocation and prior to final forfeiture of financial warranty. The Mined Land Reclamation Board's order revoking the permit for this site and placing it under a Cease and Desist order was issued on October 25, 2019. The scheduled Board hearing for forfeiture of the financial warranty for the site is scheduled for December 11, 2019. The site is a 9.9 acre 110c construction materials (aggregate) site located at the SE corner of the intersection of Highway 285 and South Elk Creek Road in Jefferson County. The approved post mining land use is industrial-commercial.

DRMS arrived at the site at 7:40 AM and the permittee, Ms. Moores, was present at the site entrance. Although Ms. Moores protested the inspection for a variety of reasons, when asked to clarify if she was denying access to the site, she agreed to drive DRMS around the site for the purposes of documenting existing site conditions. The scope and detail of this inspection was thus somewhat limited.

The site was inactive at the time of the inspection. The site identification sign was present at the site entrance, however permit boundary markers were not observed by DRMS during this inspection. Site conditions during this inspection are shown in the attached photos and were generally typical for this type and scale of operation.

Two areas of more recent excavation activity were noted. The larger, and what appeared to be the primary area, was located near the south end of the permit immediately north of the highwall (Photo 4) where a crusher and sorter were staged nearby. There was no indication that the highwall itself had been worked or advanced recently. There did not appear to be any immediate stability concerns associated with the highwall at the time of this inspection, however, a detailed examination of the highwall was not conducted as part of this inspection. Some additional work to insure the long-term stability of the highwall, or fencing to prevent access, would likely be required if it is to be left in its current configuration. The second, smaller excavated area was located behind an imported asphalt stockpile (Photo 5). It should be noted that importing and recycling of materials such as concrete and asphalt were not part of the approved mining plan.

Heavy equipment and processing equipment typical of this type of operation (dozer, end loaders, crusher, crusher/screener, track-hoe, etc.) was present on-site, but idle, near areas of previous activity (Photo 4). Product stockpiles of various materials and size were located throughout the permit area.

Structures on the site consisted of the scale and an adjacent single-wide trailer as scale house, a double wide trailer adjacent to and south of the scale house, and a cinder-block building, approximately 40' x 60' with a metal roof, immediately south of that (photo 6). Photo 3 shows an equipment fueling station and fuel tank located along the west side of the permit area. DRMS concluded the inspection at approximately 8:20 and left the site.

The Division currently holds a cash bond of \$10,400 for this site. Reclamation bonds are calculated based on the assumption that the permittee will conduct the operation in compliance with the approved mining plan. Therefore, the current bond amount would be insufficient to address correction of the existing configuration of the highwall, which is currently out of compliance with the approved mining plan, and was the subject of a previous enforcement action and subsequent MLRB order. The corrective actions required by that previous

MLRB order have not been complied with. The current bond also does not address the removal of the asphalt stockpile currently present on-site, but not part of the approved mining plan.

Aside from those factors, the approved post-mining land use of industrial-commercial leaves considerable flexibility in the final state of the permit area. If the post-mining use chose to make use of the existing cinder block structure, and/or required only minimal pre-development site grading, the existing bond would likely cover the majority of the required work, such as removal of the scale and portable trailers, and removal of the fuel station.

Inspection Contact Address  
Juliet Moores  
Elk Creek Sand & Gravel, LLC  
P.O. Box 416  
Conifer, CO 80433

**PHOTOGRAPHS**

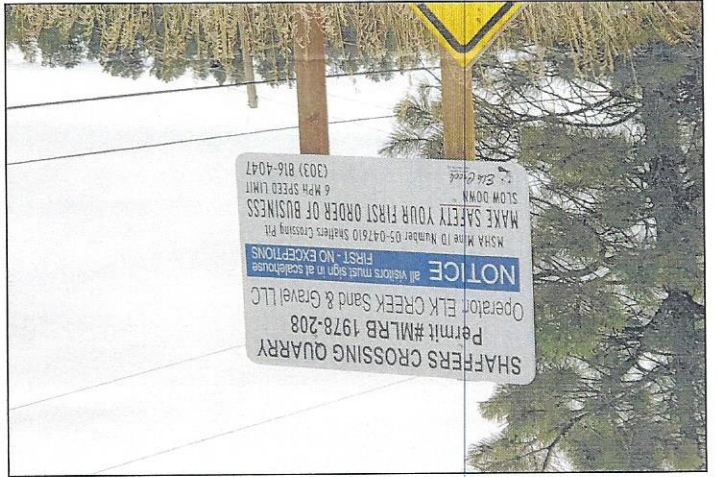


Photo 1 – Site identification sign present at site entrance.



Photo 3 – Equipment fueling station located on west side of site.



Photo 5 – Stockpile of imported asphalt present in northeastern area of permit. Material import and recycling is not currently part of the approved mine plan.

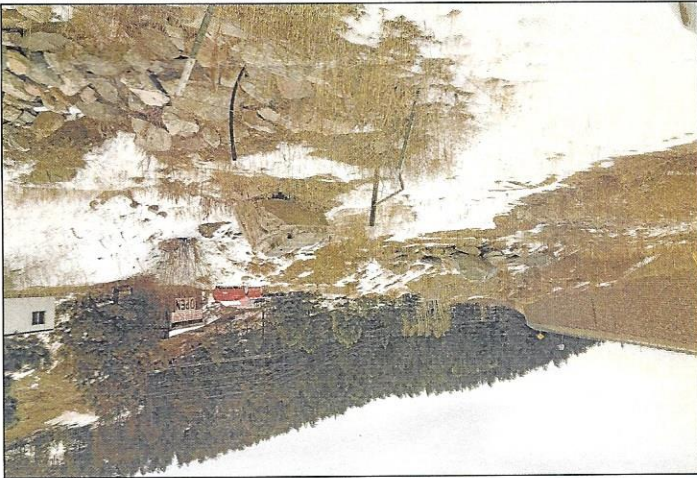


Photo 2 – Northern permit boundary area adjacent to Highway 285. No permit boundary markers present.



Photo 4 – Area of recent excavation located in South-center area of permit at base of high-wall.

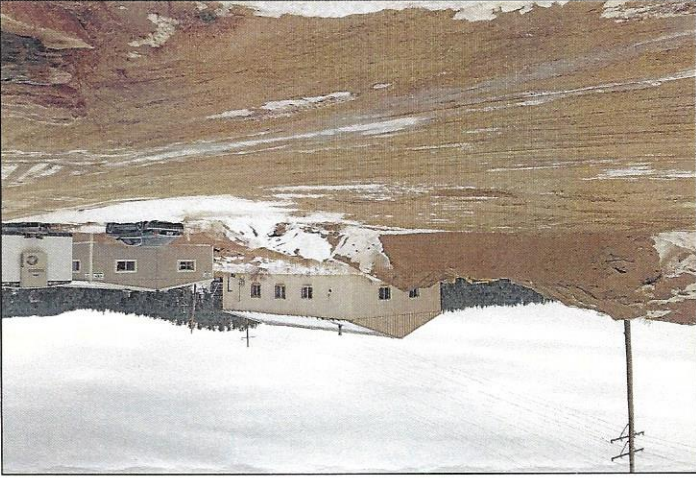


Photo 6 – Material stockpile near scale-house shows signs of recent activity.

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1313 Sherman Street, Room 215  
Denver, CO 80203-2243

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RETURN SERVICE REQUESTED

Juliet Moores  
Elk Creek Sand & Gravel, LLC  
P.O. Box 416  
Conifer, CO 80433

RECEIVED  
DEC 09 2019  
BY: *hmc*

KIT-TAB 80433



GENERAL INSPECTION TOPICS

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

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

Y = Inspected and found in compliance / N = Not inspected / NA = Not applicable to this operation / PB = Problem cited / PV = Possible violation cited