




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	COUNTY: Las Animas
INSPECTION TYPE: Monitoring	INSPECTOR(S): Daniel Cunningham	INSP. DATE: February 26, 2020	INSP. TIME: 10:30
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 AMOUNT: \$52,815.00
DATE OF COMPLAINT: NA	POST INSP. CONTACTS: None	JOINT INSP. AGENCY: None
WEATHER: Clear	INSPECTOR'S SIGNATURE: 	SIGNATURE DATE: March 4, 2020

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 C.R.S. 34-32.5-124.

CORRECTIVE ACTIONS: This matter has been scheduled for a hearing before the Mined Land Reclamation Board on March 25, 2020 for Final Forfeiture of the Financial Warranty. It is recommended from the Division that the Operator attend the hearing.

CORRECTIVE ACTION DUE DATE: 3/25/2020

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 or impounded surface water in the pit basins located in the Reclamation Only area near the entrance to the site south of the access road. This is a problem related to 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 Office of the State Engineer, show evidence that the operator is taking measures to bring the site into compliance with the SEO, breach the berms and allow the water to flow naturally, or backfill the pits to at least two feet above the water surface by the corrective action date specified. **CORRECTIVE ACTION DUE DATE:** 3/25/2020

OBSERVATIONS

This was a monitoring inspection conducted at the Robinson Sons Gravel Pit No. 1 by DRMS representatives DJ Cunningham and Jared Ebert. Daniel Robinson represented Robinson Sons, Inc. (Robinson) during the inspection. This site appears to be inactive with the exception of reclamation activities. The site is currently under a cease and desist order put in place by the Mined Land Reclamation Board (Board). Approximately 26.5 acres of the permit area has been disturbed to date with 17 acres affected in Area 1, 2 acres in area 2, and 7.5 acres in reclamation along the Wet Canyon creek, the remainder of the site is undisturbed. The site was in active reclamation during the inspection.

During the April 24, 2019, meeting of the 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.

At the Board Hearing on September 24, 2019 the Board extended the corrective action deadline to October 22, 2019.

Area 1, which consists of the southern portion of the permitted area, showed the most reclamation with much of the southern high walls having been graded and backfilled with slopes at a 3H:1V angle. A loader was seen on the permitted area moving material around to further backfill and grade the remaining 750 feet of high wall located in the southwestern section of the permit area. Several large stockpiles were observed throughout the pit floor, along with a trash area. In addition to the stockpiles, a pile of overburden material that needs to be spread out for reclamation was also found on the pit floor. The Division estimates about 70% of the earthwork for Area 1 has been completed.

A berm was noted in the middle of the permitted area that was preventing natural drainage from occurring. This berm will need to be graded to allow for positive drainage in the area. Material was also located within the 25 foot buffer zone of the power poles located on the permitted area within Area 1. This material will need to be carefully moved away from the buffer zone of the poles.

Area 2, consist of an eastern section of the permit with a lower and upper area on top of a hill. The area has seen little to no reclamation since the last inspection. This area seems to be a stockpile area with a crusher located at the top of the hill and several stockpiles scattered throughout.

The area currently in reclamation, consisting of the eastern section of the permit and located along the Wet Canyon creek near the mine sites entrance, has been completely backfilled and graded. However, two small basins have been created on the north and south side of the access road. Mr. Robinson stated, that he had been in contact with the Division of Water Resources to obtain any augmentation for the water rights.

As of the date of this inspection, February 26, 2020, Mr. Robinson has done enough reclamation to reduce the financial liability at the site to \$84,446.00.

The Division has scheduled a hearing for final forfeiture of the Financial Warranty on March 25, 2020. It was discussed with Mr. Robinson the possibility of extending the corrective actions imposed by the Board. Given the Operator has not timely complied with the Board's order, the Division cannot extend the deadline at the staff level. However, Mr. Robinson may make such a request from the Board at the March 25, 2020 hearing. It is recommended, Robinson continue to advance the reclamation at the site and/or submit additional financial warranty prior to the Board hearing; in which case the DRMS staff may be supportive of a request for an extension of the corrective action deadline.

Finally, Mr. Robinson indicated that he would like to sell some of the stockpiled product at the site. At this time, the site is under a cease and desist order and no material may be removed from the site. Robinson would have to obtain the approval of the Board for this activity. Also, Mr. Robinson is reminded that under the cease and desist order, no additional mining may occur at the site.

PHOTOGRAPHS



Photo 1: Area 1



Photo 2: Area 2



Photo 3: Reclamation Area



Photo 4: Creek Bed



Photo 5: High wall



Photo 6: Reclaimed area

GENERAL INSPECTION TOPICS

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

(AR) RECORDS-----	<u>NA</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>NA</u>	(FW) FISH & WILDLIFE-----	<u>NA</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>Y</u>	(SC) EROSION/SEDIMENTATION---	<u>NA</u>	(ST) STIPULATIONS-----	<u>NA</u>
(AT) ACID OR TOXIC MATERIALS-----	<u>NA</u>	(OD) OFF-SITE DAMAGE-----	<u>NA</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

Daniel Robinson
Robinson Sons, Inc.
1228 East 7th St.
Trinidad, Co 81082

Enclosure: CIRCES Cost Estimate

CC: