




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: Vagneur Site	MINE/PROSPECTING ID#: M-1980-085	MINERAL: Sand and gravel	COUNTY: Pitkin
INSPECTION TYPE: Monitoring	INSPECTOR(S): Amy Yeldell	INSP. DATE: May 24, 2021	INSP. TIME: 12:00
OPERATOR: Elam Construction, Inc.	OPERATOR REPRESENTATIVE: Jim Doody	TYPE OF OPERATION: 112c - Construction Regular Operation	
REASON FOR INSPECTION: High Priority	BOND CALCULATION TYPE: None	BOND AMOUNT: \$804,529.00	
DATE OF COMPLAINT: NA	POST INSP. CONTACTS: DRMS	JOINT INSP. AGENCY: None	
WEATHER: Clear	INSPECTOR'S SIGNATURE: 	SIGNATURE DATE: June 7, 2021	

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>N</u>	(RD) ROADS----- <u>N</u>
(HB) HYDROLOGIC BALANCE----- <u>PB</u>	(BG) BACKFILL & GRADING----- <u>Y</u>	(EX) EXPLOSIVES----- <u>NA</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>Y</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>Y</u>	(OD) OFF-SITE DAMAGE----- <u>N</u>	

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

The following inspection topic(s) were identified as having a **Problem (PB)**, which includes correction actions and a deadline whereby the Operator must demonstrate compliance with the conditions of the Permit and the requirements of the Act and Rules. Failure to address the corrective actions by the deadline may cause the Division to escalate the Problem to a **Possible Violation (PV)** and schedule the issue for formal hearing before the Mined Land Reclamation Board (Board).

INSPECTION TOPIC: Hydrologic Balance

PROBLEM/POSSIBLE VIOLATION: Problem: A fuel spill has occurred at the site which has impacted soils, surface water or groundwater.

CORRECTIVE ACTIONS: The operator shall immediately remediate the spill and submit a final report to the Division containing at least the following information:

- 1.) A description of how the spill was cleaned up containing at a minimum - the appropriate maps, volumes removed, sample locations, analytical data, and photo documentation.
- 2.) Evidence in the form of a receipt that the contaminated soil was disposed of by an approved method (such as sent to an approved landfill, land farming, recycling center, etc.).
- 3) Copy of the CDPHE Spill Report.

CORRECTIVE ACTION DUE DATE: 8/02/21

OBSERVATIONS

This inspection was conducted by the Colorado Division of Reclamation, Mining and Safety (Division) in response to an event at the Vagneur Site. On Thursday May 20, 2021 an explosion of a generator occurred early in the morning (located at approx. 39.272291 N, -106.882233W). Crews staying in a nearby man camp (outside of the permit) reported the incident and the fire department responded. No personnel were on site at the time of the inspection and no one was hurt. The Aspen Fire Protection District put out the fire and conducted an investigation. To date the investigation results have not yet been released.

Based on fuel tank measurements it is estimated that approximately 100 gallons of diesel escaped, the majority of which was consumed in the fire. Additional oils and other lubricants contained within the generator engine were also consumed. A sheen was observed in water running off of the extinguished fire/equipment. All run-off water was contained on site in close proximity to the plant area. The mobile 2,500 gallon diesel fuel tank located to the south of the trailer was not damaged. The control room trailer for the crusher located to the north sustained minor damages.

Given that the diesel generator was within in a trailer storing various types of hydrocarbons in addition to those stored within the engine a spill was self-reported. The Colorado Department of Public Health and Environment (CDPHE) Spill Tracking Data Entry Form number 2021-0223 was assigned to the spill. To date a formal report has not yet been issued from CDPHE. Elam was given instructions on how to respond/clean up the spill based on soil sample results. The email thread is attached.

On May 24, 2021 ECOS was on site to conduct soil samples. To date those results are still pending. On June 2, 2021 the Division received notification from Elam that all affected soils near the incident site have been excavated. The soil has been placed on a tarp near their HMA plant awaiting approval.

On May 24, 2021 Amy Yeldell of the Division conducted a site inspection. Jim Doody represented the Elam Construction Inc. (the operator). This inspection focus primarily on the explosion/spill area but the entire permit boundary was also inspected. The Vagneur Site is a 112c sand and gravel pit that consists of 105 acres. Of which approximately 55 acres is currently being affected by mining. The pit is located in Pitkin County and accessed from Western Mobile Mountain Road, off of Upper River Road (CR 17). The Division currently holds a financial warranty amount of \$804,529 for this site.

A scale and office building are located on the south side of the pit. The mine sign and permit boundaries were present and in compliance with Rule 3.1.12. The pit was very busy, numerous trucks were observed coming and going. A fueling station is located just west of the office. All tanks are located in a cement walled secondary containment structure. Throughout the site other portable fuel tanks were observed.

On the south side of the pit just north of the office is a leased Ready Mix Plant by United Companies. North of the cement batch plant is Elam's hot plant. Neither plants were active at the time of the operation. Elam intends to run any hydrocarbon affected soils through their HMA plant once approval from CDPHE is given.

Mining is progressing to the east in the expansion area. The processing plant is located just to the east of where the accident occurred. The plant remains in place but was not operational. The northern portion of the mine has been mined out and is in the process of being backfilled. Trucks were observed importing material throughout the inspection.

Ground water monitoring wells were observed along the east side of the pit floor along the access road. Dewatering ditches also encompass the active pit floor. A small pond is located in the bottom of the pit on the north side.

The spill is noted as an inspection problem for its potential to degrade the hydrologic balance. The Division notes that the operator took all necessary steps to stop and control the spill. Corrective actions include submitting a finalized CDPHE Spill Report once available. The Spill report will include a description of clean-up measures taken, volume of material removed, disposal details and soil sample results.

Responses to this inspection report should be directed to: Amy Yeldell at the Division of Reclamation, Mining and Safety, 1313 Sherman St., Room 215, Denver, CO 80203. Direct contact can be made by phone at 303-866-3567 Ext 8183 or via email at amy.yeldell@state.co.us

Inspection Contact Address

Jim Doody
Elam Construction, Inc.
556 Struthers Ave
Grand Junction, CO 81501

Enclosure: Spill notification email chain

CC:
Travis Marshall, Senior EPS, Grand Junction DRMS

PHOTOGRAPHS





Photo Three: United's Ready Mix Plant and fuel



Photo Four: Overview active mine area in the expansion area

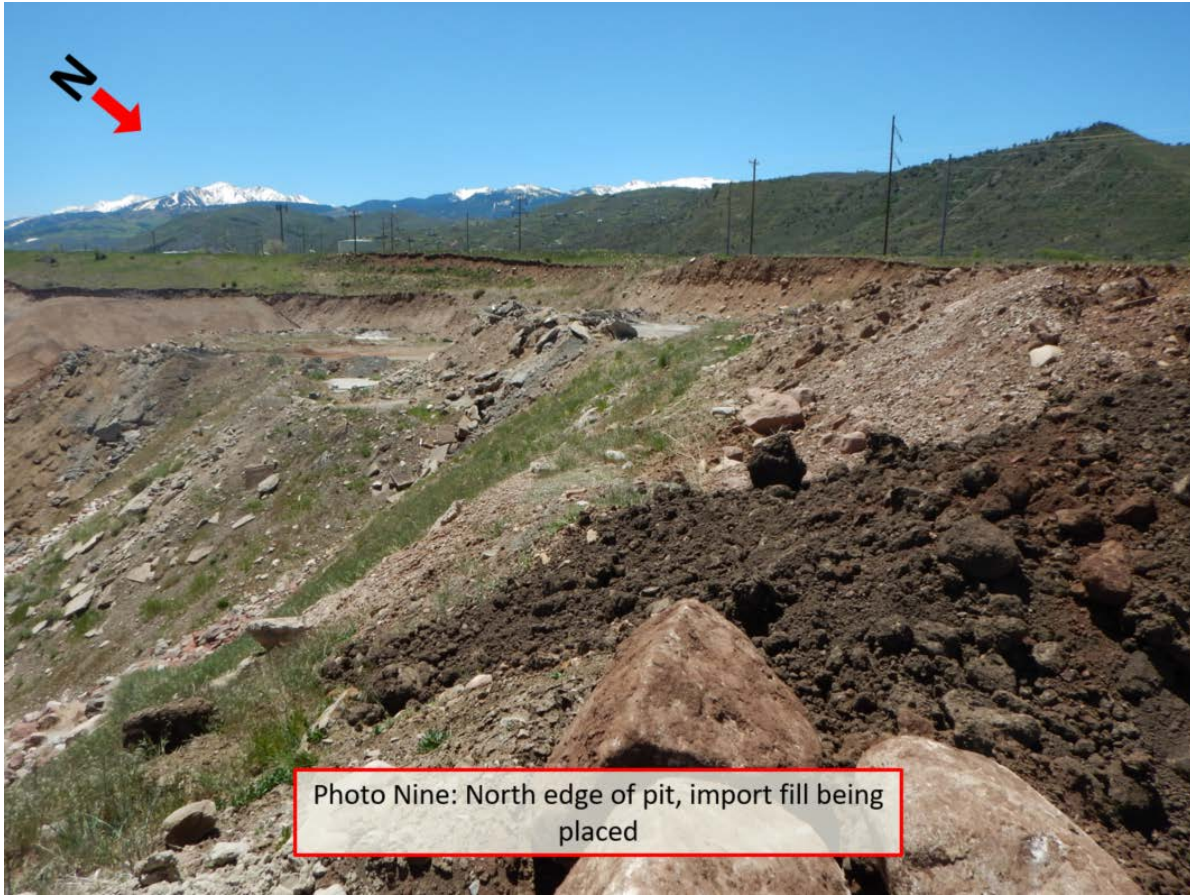


Photo Five: Processing plant next to generator.



Photo Six: Overview of accident area. Trailer with generator total loss. Fuel tank unaffected, control room trailer minor damages







STATE OF
COLORADO

Yeldell - DNR, Amy <amy.yeldell@state.co.us>

RE: FW: Spill #2021-0223

Jim Doody <Jim.Doody@peakreadymix.com>
To: "Yeldell - DNR, Amy" <amy.yeldell@state.co.us>
Cc: Lee Ware <Lee.Ware@kilgorecompanies.com>

Wed, Jun 2, 2021 at 11:03 AM

Hi Amy –

The cleanup has been completed and ECOS is checking on the lab results. The excavated material is on a tarp near our HMA Plant. We hope to run it through the asphalt plant in the near future. The Fire Marshall is suppose to release her report to me sometime today. If you would like a copy I will forward it on to you for your records. I hope to send a final report to CDPHE in the next couple of days.

Please let me know if you require anything else.

Jim

From: Yeldell - DNR, Amy <amy.yeldell@state.co.us>
Sent: Wednesday, June 2, 2021 10:51 AM
To: Jim Doody <Jim.Doody@peakreadymix.com>
Subject: Re: FW: Spill #2021-0223

This message originated from outside your organization

Hey Jim,

I'm going to hopefully start writing your inspection report today. Any updates I should include?

--

Amy Yeldell

Environmental Protection Specialist

Minerals Program, Grand Junction Field Office

[Redacted signature]

P 303-866-3567 Ext:8183 | F 303-832-8106

101 S. 3rd St., Suite 301, Grand Junction, CO 81501

amy.yeldell@state.co.us | drms.colorado.gov/

On Fri, May 21, 2021 at 2:08 PM Jim Doody <Jim.Doody@peakreadymix.com> wrote:

Hi Amy –

This is my correspondence with Caren Johannes with CDPHE. She outlines what she expects Elam Construction to do regarding the spill. If you need to come out to the gravel pit and do an inspection please know I will be there Monday May 24th at 10:00 am to discuss cleanup with ECOS Environmental.

Please contact me with any questions you may have.

Best regards.

Jim

From: Johannes - CDPHE, Caren <caren.johannes@state.co.us>
Sent: Thursday, May 20, 2021 5:14 PM
To: Jim Doody <Jim.Doody@peakreadymix.com>
Subject: Re: Spill #2021-0223

This message originated from outside your organization

Jim -

Thanks for your email.

Since you have already made the report to Pam, I have that information and you don't need to provide it again. What I will need is what's done to clean up the site after the Fire Department has finished their investigation. That can be sent to me once you've completed the cleanup.

Please let me know if I can be of further help.

Caren Johannes

Environmental Protection Specialist

Solid Waste Compliance Assurance Unit

[Redacted]
HMWMD-B2, 4300 Cherry Creek Drive South, Denver, CO 80246-1530

P 303.692-3347 | F 303-759-5355

caren.johannes@state.co.us | www.colorado.gov/cdphe/hm

Please note: In an effort to help decrease the spread of coronavirus, I am working remotely. The fastest way to reach me is by email. I will respond to you as quickly as possible.

[Redacted]

On Thu, May 20, 2021 at 4:31 PM Jim Doody <Jim.Doody@peakreadymix.com> wrote:

Hi Caren –

Thank you for the information pertaining to our Spill #2021-0223. So that I am clear on the initial report am I to send you a CDPHE Form giving background incident information or have I already done that when I verbally reported the incident to Pam?

The Aspen Fire Protection District will continue to investigate the fire over the next couple of days so we won't have access to some of the area that was effected. We will begin cleanup when they have completed their report.

Thank you for your time.

Jim

Jim Doody

Environmental Manager

Elam Construction

970-712-6634

From: Johannes - CDPHE, Caren <caren.johannes@state.co.us>

Sent: Thursday, May 20, 2021 2:57 PM

To: Jim Doody <Jim.Doody@peakreadymix.com>

Subject: Spill #2021-0223

This message originated from outside your organization

Jim -

Thanks so very much for taking my call today. As discussed, I will be following up with you on the cleanup of the spill. Here is the information I would need from you to close out the spill:

Please provide us with a copy of the cleanup report for this spill when cleanup is completed so that we can close out the report. The cleanup report should include, but not be limited to:

- A description of what actions were taken to clean up the spill (for example, soil excavation, in-situ treatment)
- If excavation was used, how much contaminated soil was removed
- Where contaminated media and wastes were taken to for final disposal
- Confirmation sample analysis results on samples taken at the base and sides of the excavation to demonstrate that the cleanup is completed and that no contamination remains above state soil remediation guidelines

Your report should include supporting documentation, such as the lab analyses results package from your laboratory for your confirmation samples, copies of waste disposal tickets from the facility receiving the wastes, and any photos and maps documenting the cleanup operations and confirmation sampling locations.

Please feel free to contact me if you need additional information or have any questions.

Caren Johannes

Environmental Protection Specialist

Solid Waste Compliance Assurance Unit

[Redacted]

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[Redacted]