




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: Antero Gravel	MINE/PROSPECTING ID#: M-2000-088	MINERAL: Sand, Aggregate, Gravel	COUNTY: Park
INSPECTION TYPE: Monitoring	INSPECTOR(S): Elliott Russell	INSP. DATE: July 13, 2021	INSP. TIME: 12:30
OPERATOR: R & R/Regester Enterprises, Incorporated	OPERATOR REPRESENTATIVE: None	TYPE OF OPERATION: 112c - Construction Regular Operation	

REASON FOR INSPECTION: Normal I&E Program	BOND CALCULATION TYPE: Complete Bond	BOND AMOUNT: \$15,809.11
DATE OF COMPLAINT: NA	POST INSP. CONTACTS: State Land Board	JOINT INSP. AGENCY: None
WEATHER: Raining	INSPECTOR'S SIGNATURE: 	SIGNATURE DATE: July 23, 2021

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.

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>Y</u>	(RD) ROADS----- <u>Y</u>
(HB) HYDROLOGIC BALANCE----- <u>Y</u>	(BG) BACKFILL & GRADING----- <u>Y</u>	(EX) EXPLOSIVES----- <u>N</u>
(PW) PROCESSING WASTE/TAILING---- <u>N</u>	(SF) PROCESSING FACILITIES----- <u>N</u>	(TS) TOPSOIL----- <u>PB</u>
(MP) GENL MINE PLAN COMPLIANCE- <u>PB</u>	(FW) FISH & WILDLIFE----- <u>Y</u>	(RV) REVEGETATION---- <u>N</u>
(SM) SIGNS AND MARKERS----- <u>Y</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>PB</u>	(ST) STIPULATIONS----- <u>N</u>
(AT) ACID OR TOXIC MATERIALS----- <u>NA</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

PROBLEMS/POSSIBLE VIOLATIONS

INSPECTION TOPIC: Gen. Compliance With Mine Plan

COMPLIANCE PROBLEM #1: 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, specifically regarding the current phased mining plan.

CORRECTIVE ACTIONS: The Operator shall submit a Technical Revision, with the required \$216 revision fee, to update and clarify the current approved mine plan to reflect existing and proposed activities by the corrective action date.

CORRECTIVE ACTION DUE DATE: August 23, 2021

INSPECTION TOPIC: Sediment Control

COMPLIANCE PROBLEM #2: Uncontrolled storm water was observed leaving the southern portion of the affected lands. Pursuant to Rule 3.1.5(10), all mined material must be handled in such a manner as to prevent any unauthorized release of pollutants to the surface drainage system and pursuant to C.R.S. 34-32.5-116 (4) (j), all surface areas of the affected lands shall be stabilized and protected so as to effectively control erosion.

CORRECTIVE ACTIONS: The Operator shall either provide a copy of an approved storm water discharge permit and appropriate photo documentation demonstrating storm water is being handled in accordance with the permit or provide photo documentation that appropriate measures have been constructed on site to control and contain storm water by the corrective action date.

CORRECTIVE ACTION DUE DATE: August 23, 2021

INSPECTION TOPIC: Topsoil

COMPLIANCE PROBLEM #3: The topsoil stockpiles do not have established vegetation on them and are therefore susceptible to erosion. Rule 3.1.9(1) states if topsoil is not replaced into the backfill area within a time short enough to avoid deterioration of the topsoil, vegetative cover or other means shall be employed so that the topsoil is protected from erosion.

CORRECTIVE ACTIONS: The Operator shall seed the stockpiles with the seed mix that was submitted as part of the approved Reclamation Plan. The Operator shall demonstrate compliance by submitting seed tags, a bill of sale or photographs of seeding activities.

CORRECTIVE ACTION DUE DATE: November 22, 2021

OBSERVATIONS

This inspection was conducted by Elliott Russell of the Division of Reclamation, Mining and Safety (Division) as a part of the Division's routine motioning inspection program. Bob Regester, representing the Operator (R & R/Regester Enterprises, Incorporated) was contacted prior to the inspection but was unable to attend. The Antero Gravel is a Construction Materials 112c Operation and is permitted at 40 acres of land for the extraction of sand, aggregate, and gravel. The mine site is located in Park County, approximately 14 miles south of Fairplay, Colorado. The site is located on State land just north of Antero Reservoir and County Road 80. Affected lands will be reclaimed to support a post-mining land use of rangeland.

The site consists of a single excavation with a large area located to the south and west of the excavation which contains sorted product stockpiles. There is a large fines stockpile located on the southern edge of the disturbance and it appears the Operator has backfilled some of the excavation recently with a portion of the fines. Topsoil has been salvaged from the excavation area and stockpile in berms along the north, west, and south permit boundaries as well as at the crest of the excavation. The site was not active at the time of the inspection but evidence of recent mining activities was observed. There was one front-end loader on site. The Operator is reminded that if mining activity temporarily ceases for 180 days or more, the Operator is required to file a Notice of Temporary Cessation in accordance with Rule 1.13.

Signs and Markers: The permit sign was posted at the access gate along County Road 80 and is in compliance with Rule 3.1.12(1). The permit boundary was delineated by t-posts and the southwest and southeast corners also had survey monuments.

Availability Of Records: The Anniversary Date for the permit is May 31st of each year. The 2020-2021 Annual Report,

Map, and Fee was received on May 4, 2021. The previous inspection was on July 10, 2017. There are no open infractions.

Gen. Compliance With Mine Plan: The approved mining plan has divided the permit into eight 5-acre phases. Technical Revision TR1 set the maximum disturbance to 5 acres of extraction area (one phase) and 5 acres in reclamation (an additional phase). The Division acquired GPS data with a Trimble Juno 3B unit and used the data, observations made during the inspection, and Google Earth to determine the Operator has disturbed approximately 13 acres; please see the attached *7-13-2021 Inspection Report Map M2000088*. The Operator is currently not following the phased mining plan and the current disturbance is located in portions of several mine phase blocks. This has been cited as Compliance Problem #1 requiring the operator to submit a Technical Revision to update the approved mining plan. After the inspection, the Division discussed the issue with Mr. Regester. It is the Division's understanding that the required Technical Revision will remove the phases and the Operator will now commit to an acreage-limited plan, setting the maximum allowed disturbance at any one time within the permit boundary to 15 acres.

Sediment Control: It was raining during the inspection and the Division observed uncontrolled storm water leaving the disturbance between the large fines stockpile and another stockpile located in the southern portion of the site. This has been cited as Compliance Problem #2. The Operator will need to regrade the site or construct storm water containment features to control storm water and sedimentation. Please note, the Division of Water Resources only allows storm water to be impounded for up to 72 hours. The Operator may also provide a copy of an approved storm water discharge permit from CPDHE and demonstrate storm water is being discharged in accordance with the approved permit. The Operator will also need to ensure storm water and sediment is controlled from other areas within the permit boundary that has a potential to leave the affected lands boundary; for example the Operator could install straw waddles, silt fencing, or a catch ditch/berm around the base of the fines stockpile's southern slope.

Financial Warranty: The Division currently holds a Check for Deposit in the amount of \$15,809.11 to cover the required financial warranty of \$15,800.00. This bond amount was set with TR1 regarding the approved phased mining plan. The financial warranty was evaluated and the Division has determined the amount held is inadequate to cover the cost to reclaim the current disturbance. Following discussions with Mr. Regester after the inspection, the Division has calculated a new required financial warranty to match the forthcoming revised plan that will allow a maximum disturbance of 15 acres. Enclosed for the Operator's review is the draft reclamation cost estimate; the Operator should contact the Division within the next two weeks if there are questions or any errors are found with the estimate. The Division will issue a Notice of Surety Increase (SI1) on or after August 6, 2021, setting the total amount of required financial warranty for the site at \$39,000.00, which is an increase of \$23,190.89 from what is currently held. Once SI1 is issued, the Operator will have 60 days to post the additional amount of financial warranty.

Topsoil: It appears the topsoil berms near the permit boundary have recently been placed in these locations and are yet to be stabilized with vegetation in accordance with Rule 3.1.9(1). This has been cited as Compliance Problem #3 requiring the Operator to seed the topsoil stockpiles with the approved reclamation seed mixture, summarized below. The corrective action deadline has been set for November 22, 2021 to allow for ideal early winter seeding.

<u>Species</u>	<u>Broadcast PLS/acre</u>
Sheep Fescue	3.0
Western Wheatgrass	8.0
Mountain Brome	7.5
Canada Bluegrass	1.5

This concludes the Division's Inspection Report; a subset of photographs taken during the time of the inspection are included below. If you need additional information or have any questions, please contact me at Division of Reclamation, Mining and Safety, 1313 Sherman Street, Room 215, Denver, CO 80203, by telephone at **303-866-3567 x8132**, or by email at elliott.russell@state.co.us.

PHOTOGRAPHS



Photo 1. Permit identification sign; looking east.



Photo 2. Mine site overview, storm water pictured leaving the disturbance; looking northeast.



Photo 3. Mine site overview, Antero Reservoir in background; looking southeast.



Photo 4. Overview product stockpile area; looking south.



Photo 5. Excavation; looking north.



Photo 6. Fines stockpile (right) with storm water channel issue; looking north.



Photo 7. Topsoil berm along northern permit boundary; looking east.

Inspection Contact Address

Bob Regester
R & R/Regester Enterprises, Incorporated
844 Beaver Pond Dr.
Divide, CO 80814

Attachment: 7-13-2021 Inspection Report Map M2000088

Enclosure: Reclamation Cost Estimate M2000088

CC: Jason Musick, DRMS
Ben Teschner, SLB

7-13-2021 Inspection Report Map




Created by ERR on 7/23/2021
Aerial Image Dated 10/14/2017



Google Earth

800 ft

Legend

-  Approximate Permit Boundary
-  Mining Disturbance
-  Topsoil Berms

