




**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> 120th Estates Partners	<b>MINE/PROSPECTING ID#:</b> M-2001-085	<b>MINERAL:</b> Sand and gravel	<b>COUNTY:</b> Adams
<b>INSPECTION TYPE:</b> Multi Person Inspection	<b>INSPECTOR(S):</b> Patrick Lennberg	<b>INSP. DATE:</b> October 5, 2021	<b>INSP. TIME:</b> 09:30
<b>OPERATOR:</b> 120 85 LLC	<b>OPERATOR REPRESENTATIVE:</b> Juan Padilla and Miles Buescher Adams County	<b>TYPE OF OPERATION:</b> 112c - Construction Regular Operation	
<b>REASON FOR INSPECTION:</b> Priority	<b>BOND CALCULATION TYPE:</b> None	<b>BOND AMOUNT:</b> \$368,590.00	
<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> October 14, 2021	

**GENERAL INSPECTION TOPICS**

This list identifies the environmental and permit parameters inspected and gives a categorical evaluation of each. No problems or possible violations were noted during the inspection. The mine operation was found to be in full compliance with Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials and/or for Hard Rock, Metal and Designated Mining Operations. Any person engaged in any mining operation shall notify the office of any failure or imminent failure, as soon as reasonably practicable after such person has knowledge of such condition or of any impoundment, embankment, or slope that poses a reasonable potential for danger to any persons or property or to the environment; or any environmental protection facility designed to contain or control chemicals or waste which are acid or toxic-forming, as identified in the permit.

(AR) RECORDS----- <u>N</u>	(FN) FINANCIAL WARRANTY----- <u>N</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>Y</u>
(MP) GENL MINE PLAN COMPLIANCE- <u>Y</u>	(FW) FISH & WILDLIFE----- <u>N</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>Y</u>
(ES) OVERBURDEN/DEV. WASTE----- <u>N</u>	(SC) EROSION/SEDIMENTATION--- <u>N</u>	(ST) STIPULATIONS----- <u>Y</u>
(AT) ACID OR TOXIC MATERIALS----- <u>N</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

## **OBSERVATIONS**

The 120<sup>th</sup> Estate Partners (120<sup>th</sup>) pit was inspected by Patrick Lennberg with the Division of Reclamation, Mining and Safety (Division/DRMS). The inspection was completed as part of a follow-up after the Division received notification from Adams County they had issued a Notice of Violation for operating a recycling facility without a permit. The site was previously inspected by the Division on May 5, 2021. Juan Padilla representing the operator, 120<sup>th</sup> 85 LLC, and Miles Buescher, representing Adams County, met me on site. Mr. Padilla took us on a tour of the site for the inspection. The weather was clear and mild.

The entrance to the 120th is approximately 0.5 miles east of the intersection of 120<sup>th</sup> avenue and US Highway 85 southeast of Henderson, CO in Adams County. The pit is a 112c permitted site for 49.1 acres. A mine sign was posted as required by Rule 3.1.12.

In response to the Adams County Notice of Violation the Division issued a letter on September 27, 2021 stating since the operator is no longer able to process or recycle material final reclamation must begin. Pursuant to Rule 3.1.3, all reclamation at the site must be completed in five (5) years. Juan indicated reclamation was proceeding and most major backfilling tasks will hopefully be completed later this year with final grading, topsoiling and seeding remaining after that. Given this timeline the operator should be able to meet the five year timeframe requirement. Although the operator cannot recycle material they are still allowed to import inert fill and use it to backfill open pit areas. The operator is still processing concrete debris using an excavator attachment. Concrete is being separated from steel and rebar, with the concrete debris and steel being removed separately from the site to go to another location. Currently, there is sufficient material onsite to complete backfilling the remaining portions of the pit area, which also includes a small exposed groundwater pond. The exposed groundwater pond has a current Substitute Water Supply Plan (SWSP) in place but that plan does expire on October 31, 2021 if not renewed. The operator is encouraged to backfill the exposed groundwater prior to SWSP expiring. Additionally, the operator should make certain the SWSP is current until all lagged depletions, if any, are satisfied.

Along the northern boundary of the site there is a large pipeline project whose trucks are utilizing the mine entrance and exit. It is not clear what entity is performing the work but it is suspected to be a Denver Water project. As mentioned in the earlier inspection report, a permit revision will be needed to reflect the pipeline location as well as any adjustment needed to reflect the potential loss of land.

In the northwestern corner of the site, where the majority of the pipeline construction was located, there is an area that has not been backfilled yet. When asked about it Juan indicated he thought it was the location of the wetland seeding area. A review of Amendment 6 indicates the approved wetland seeding area is to be located in the southwestern corner of the site near the entrance. A copy of the approved reclamation plan map is attached to this report. If the operator wants to change the wetland seeding area a permit revision is required.

During the inspection it was postulated by Adams County that the recycling activities that were thought to be occurring at the site may have been related to trucks entering and exiting for the pipeline project. Periodic dust clouds could have been from the dumping of dry material and grading of material into the pit area as part of reclamation efforts as well. No recycling or processing of material was seen to be occurring during the inspection.

Photographs taken during the inspection are attached.

Please contact Patrick Lennberg (303)866-3567 ext. 8114 or email at [patrick.lennberg@state.co.us](mailto:patrick.lennberg@state.co.us) if you have any questions regarding this report.

**Inspection Contact Address**

Juan Padilla and Adam Schultejann  
120 85 LLC  
10925 E. 120th Ave  
Henderson, CO 80640

Attachment: AM-6 Reclamation Plan Map

cc: Jared Ebert, DRMS

ec: Juan Padilla, Henderson Pit, [juan.hendersonpit@gmail.com](mailto:juan.hendersonpit@gmail.com)  
Miles Buescher, Adams County, [MBuescher@adcogov.org](mailto:MBuescher@adcogov.org)

**PHOTOGRAPHS**



**Photo 1:** Looking southwest across the remaining open pit area



**Photo 2:** Looking south across the remaining open pit area including the exposed groundwater pond





**Photo 3:** Looking southeast across the remaining open pit area including a pond that is used to allow solids to settle out



**Photo 4:** Typical stockpiles of material remaining onsite that can be used for reclamation





**Photo 5:** Depressed area where the operator plans on making the wetland seeding area, water pipeline construction background of photo



**Photo 6:** Eastern side of depressed area





**Photo 7:** Graded area of the permit where during the last inspection had recently been backfilled



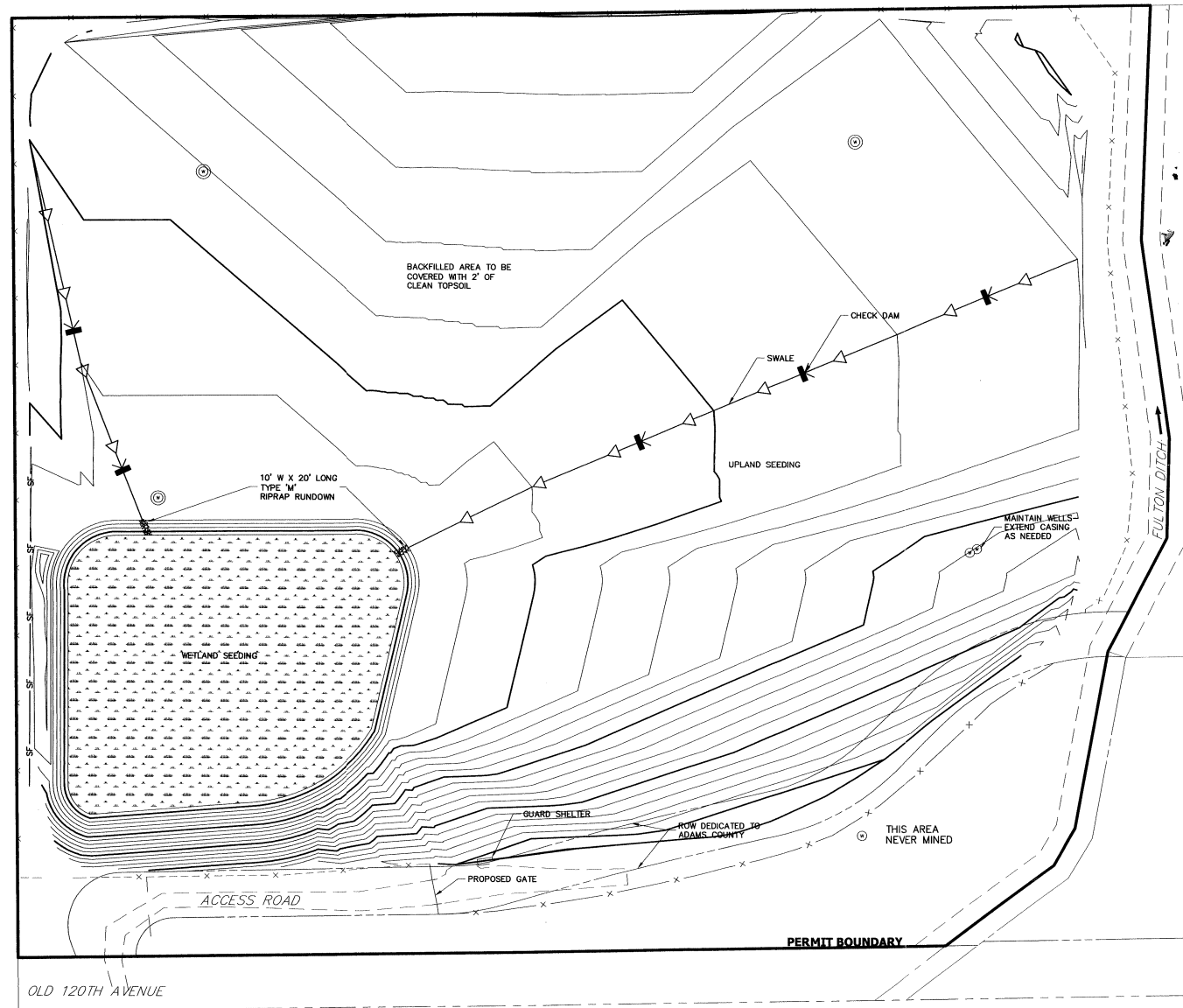
**Photo 8:** Pipeline construction in the northwestern portion of site

## **Attachments**



# EXHIBIT 2

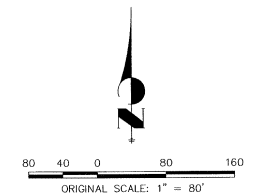
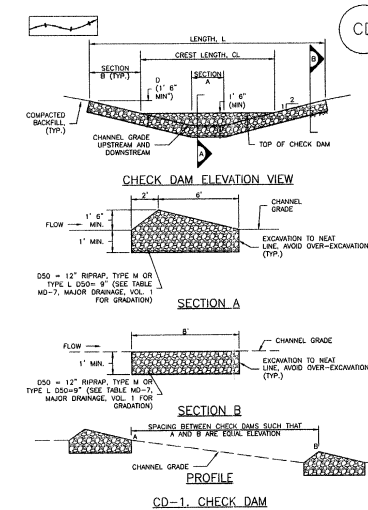
## CLOSURE PLAN/FINAL TOPOGRAPHY



LEGEND	
	EXISTING GROUND WATER MONITORING WELL
	PROPOSED GROUND WATER MONITORING WELL
	EXISTING STRUCTURES
	EXISTING FENCING
	EXISTING GRAVEL ENTRANCE/EXIT ROAD
	PERMIT BOUNDARY
	PROPOSED FENCING
	SWALE
	CHECK DAM

### Check Dams (CD)

EC-12



November 2010 Urban Drainage and Flood Control District  
Urban Storm Drainage Criteria Manual Volume 3

CD-3

CLOSURE PLAN/FINAL TOPOGRAPHY  
DACOA PIT  
JOB NO. 15694.00  
11/29/12  
SHEET 1 OF 1

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