

## 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:	MINE/PROSPECTING ID#:	MINERAL:	COUNTY:
Lamar Pit	M-1987-079	Sand and gravel	Prowers
INSPECTION TYPE:	INSPECTOR(S):	INSP. DATE:	INSP. TIME:
Monitoring	Amy Eschberger	October 20, 2021	14:45
OPERATOR:	OPERATOR REPRESENTATIVE:	TYPE OF OPERA	ΓΙΟN:
All-Rite Paving & Redi-Mix, Inc.	Mario Ambrosio	112c - Construction	Regular Operation

REASON FOR INSPECTION:		BOND CALCULATION TYPE:	BOND AMOUNT:
Normal I&E Program		Complete Bond	\$48,050.00
DATE OF COMPLAINT:		POST INSP. CONTACTS:	JOINT INSP. AGENCY:
NA		None	None
WEATHER:	INSPE	CTOR'S SIGNATURE:	SIGNATURE DATE:
Clear		Juny Erchluger	November 2, 2021
		and consoler	

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:** Revegetation

**PROBLEM #1:** Tamarisk (salt cedar) trees are present within or have volunteered into the permit area and are becoming established. This is a problem for failure to employ weed control methods for a state listed noxious weed species within the permitted area, and to reduce the spread of weeds to nearby areas as required by Rule 3.1.10(6).

**CORRECTIVE ACTIONS:** By the corrective action due date, the operator shall provide sufficient evidence the existing weed control plan has been implemented at the site, or submit a Technical Revision, with the required \$216 revision fee, with an updated weed control and management plan for the site. This updated plan should be developed in consultation with the county extension agency or weed control district office, and should include specific control measures to be applied, a schedule for when control measures will be applied, and a post-treatment monitoring plan.

**CORRECTIVE ACTION DUE DATE:** December 2, 2021

#### **INSPECTION TOPIC:** Reclamation Plan

**PROBLEM #2:** Failure to follow approved reclamation plan, or current reclamation plan needs to be updated and clarified pursuant to C.R.S. 34-32.5-116(1). The operator must follow the approved reclamation plan or provide sufficient information to describe or identify how the operator intends to conduct reclamation.

**CORRECTIVE ACTIONS:** By the corrective action due date, the operator shall submit a Technical Revision,

with the required \$216 revision fee, to update and clarify the current approved reclamation plan to reflect existing and proposed activities. Specifically, the reclamation plan and reclamation plan map need to be updated to specify areas to remain for industrial use and areas to be reclaimed for rangeland use, specify the location and approximate surface area of any ponds to remain, specify any areas with exposed concrete at the ground surface and clarify how these areas will be reclaimed, specify any roads to remain, identify the location of any topsoil stockpiles on site, and clarify whether sufficient topsoil is available on site to complete reclamation. This revision shall also include an updated bond estimate and a timeline for completing final reclamation at the site. The updated reclamation plan must meet all applicable requirements of Rule 6.4.5. The updated reclamation plan map must meet all applicable requirements of Rules 6.2.1(2) and 6.4.6. The updated bond estimate must comply with Rule 6.4.12.

**CORRECTIVE ACTION DUE DATE:** January 1, 2022

#### **OBSERVATIONS**

This was a normal monitoring inspection of the Lamar Pit (Permit No. M-1987-079) conducted by Amy Eschberger of the Division of Reclamation, Mining and Safety (Division). The operator was represented by Mario Ambrosio during the inspection. The site is located at the northern edge of Lamar, CO in Prowers County, just west of Hwy 50/Hwy 287. The site is situated adjacent to (and north of) the Arkansas River. The site can be accessed from the north off Speculator Ave. **Photos 1-18** taken during the inspection are included with this report.

This is a 112c operation permitted for 39.30 acres (see enclosed Google Earth image of site) to wet mine sand and gravel to a maximum depth of approximately 35 feet using a small dragline. The approved mining plan divides the site into two mining phases in the western portion of the permit area (Phase 1 = 16 acres, Phase 2 = 9.5 acres) and an industrial area associated with asphalt and concrete plant operations in the eastern portion of the permit area. Mining began in Phase 1, which is located in the southwestern portion of the site. Phase 2 is located in the northwestern portion of the site, and is separated from Phase 1 by a buried natural gas pipeline owned by Greely Gas Company. The industrial area in the eastern portion of the site includes an office building, maintenance facilities, a fuel storage area, a ready-mix concrete plant, an asphalt plant, parking areas, a yard used for material stockpiling and equipment storage, and a small stormwater runoff pond located at the southeastern edge of this area.

Concrete waste material from the plant operations is used to backfill the pond. Per Technical Revision No. 1 (TR-1; approved on 11/5/2010), all unhardened concrete that is not poured into the feed bunk, mafia block, or other forms, will be poured into small piles that can be handled with a loader, and allowed to cure for 60 days before being placed in the pond. Per Technical Revision No. 2 (TR-2; approved on 1/31/2018), the operator may import no more than 50,000 cubic yards per year of inert material (clean dirt, construction waste, and aged concrete) to be placed in the mined out portions of the pit as backfill material. The operator committed to removing any exposed rebar from aged concrete prior to using this material for backfill.

The approved post-mining land use for the site is a combination of industrial/commercial and rangeland. The approved reclamation plan (see enclosed reclamation plan) calls for leaving a 13.8 acre industrial/commercial area in the eastern portion of the site for continued asphalt/concrete plant operations. In the western portion of the site, mining will create two open groundwater ponds with a total surface area of approximately 12 acres (7.4 acres for Phase 1 + 4.6 acres for Phase 2). Pond shorelines will be graded to 2H:1V or flatter, except from 5 feet above to 10 feet below the expected water line, where slopes will be no steeper than 3H:1V. Disturbed lands around the ponds (to cover approximately 9.5 acres), including pond shorelines down to the water line, will be retopsoiled at a depth of 5-10 inches. Any areas adjacent to the ponds where concrete is exposed will be covered with 2-3 feet of topsoil. The retopsoiled areas will be revegetated with a grass and shrub mixture consisting of: Western Wheatgrass, Switchgrass, Sand Dropseed, Blue Grama, Alkali Sacaton, Rubber Rabbitbrush, and Skunkbush Sumac. Any debris or trash remaining in the western (non-industrial) portion of the permit area will be removed for reclamation. According to the approved reclamation plan map (see enclosed reclamation plan map), no roads will remain in the non-industrial area.

At the time of the inspection, the weather was warm and dry. A permit sign was posted at the gated entrance off of Speculator Ave. The permit boundary was delineated with metal posts. Only the industrial area was active during the inspection. Several material stockpiles are stored in the industrial yard, none of which, were derived from mining that occurred at this site. In the western portion of the site, only the Phase 1 area has been mined, leaving an unlined pond which is currently 3.6 acres in size. The pond banks have slope gradients of approximately 2H:1V. Portions of the eastern and southern pond banks are lined with concrete waste material to be used as backfill. The operator has been slowly backfilling the eastern and southern edges of the pond over

the past 10-15 years. While the Phase 2 area has not been mined, portions of this area are being used for trash/debris storage (in the northwestern portion of this area) and equipment storage. A dirt road circles around the western portion of the site. The Division did not observe any topsoil stockpiles during this inspection. However, in previous inspection reports, it was noted that topsoil was stockpiled north and southeast of the Phase 1 pond. The Division observed several Tamarisk (salt cedar) trees present within the permit area, particularly around the edges of the pond. Tamarisk is a state-listed noxious weed species. Therefore, a problem is cited in this report (see Problem #1) for failure to employ methods of weed control for all prohibited noxious weed species within the permit area. The operator will need to implement the approved weed control plan for the site, or submit a Technical Revision (see enclosed form) with an updated weed control and management plan. The updated plan should be developed in consultation with the county extension agency or weed control district office, and include specific control measures to be applied, a schedule for when control measures will be applied, and a post-treatment monitoring plan.

The Division estimates a total of 26.8 acres of disturbance exists at the site, of which, 16 acres is associated with the industrial yard, and 10.8 acres is located in the Phase 1 and 2 mine areas (Phase 1 pond + areas adjacent to pond + access road + equipment storage and trash/debris storage areas). As mentioned above, the Phase 1 pond has an estimated surface area of 3.6 acres. According to the Division's last inspection report (for the 1/22/2015 inspection), an augmentation plan is in place for this site under the Lower Arkansas Water Management Association (LAWMA) for up to 3.8 acres of exposed groundwater. This would mean the operator is in compliance with the Colorado Division of Water Resources with regard to the amount of exposed groundwater at the site.

It appears that mining has not occurred at this site in many years. According to annual reports submitted by the operator, mining activities may have ceased at this site in 2001. While recent annual reports indicate mining activities continue, it would appear the operator is referring to activities occurring in association with the plant operations. Because the plant operations, including material stockpiled and processed in this area, are not associated in any way with material removed from this site, these activities are not considered mining activities. This should be reflected in any future annual report submittals. During the last site inspection (on 1/22/2015), the operator was uncertain whether the Phase 2 area would ever be mined. At that time, the Division informed the operator that if mining activities (e.g., extracting, processing, and/or hauling off from stockpiled material) do not occur every year in accordance with the intermittent status, then the operator would need to either file for Temporary Cessation (TC) or begin final reclamation of the site. Since that time, the operator has not filed for TC and has completed only minor reclamation of the disturbed area (backfilled approximately 0.11 acre of the pond). During this inspection, Mr. Ambrosio confirmed the operation has no plans to continue mining at the site. The operator intends to continue using the site only for their asphalt and concrete plant operations.

Rule 3.1.3 requires all reclamation to be carried to completion by the operator with all reasonable diligence, and each phase of reclamation to be completed within 5 years from the date the operator informs the Division that such phase has commenced, or from the date the Division has evidence that mining has ceased, unless extended by the Division or the Mined Land Reclamation Board. Considering the amount of time that has passed since mining activities occurred at this site, the operator must begin final reclamation in accordance with Rule 3.1.3. However, there are some discrepancies between existing conditions and the approved reclamation plan and map which must first be addressed, including the following:

1) The approved reclamation plan calls for leaving a 13.8 acre industrial/commercial area. However, the operation is currently utilizing more than 13.8 acres for this purpose. The Division estimates disturbance associated with plant operations (in the eastern portion of the permit area) to cover approximately 16 acres. The operation is also using portions of the Phase 2 mine area for equipment and trash/debris storage. The operator must specify which areas will remain for industrial/commercial use and which

PERMIT #: M-1987-079 INSPECTOR'S INITIALS: AME INSPECTION DATE: October 20, 2021

areas will be reclaimed for rangeland use. The operator will also need to identify any permanent structures or facilities to remain on site after reclamation.

- 2) It appears that only one pond (in Phase 1), rather than two, will remain for reclamation. The operator will need to specify the location and approximate surface area of any ponds to remain.
- 3) It is not clear which portions of the disturbed area have exposed concrete at the ground surface and how these areas will be reclaimed. The operator will need to specify which areas have exposed concrete and clarify how these areas will be reclaimed. Will the concrete be ripped up prior to retopsoiling and revegetating these areas? If not, is there sufficient topsoil available on site to place 2-3 feet of topsoil on these areas prior to revegetation?
- 4) It is not clear whether the road present in the Phase 1 and 2 mine areas will remain for reclamation. The operator will need to specify any roads to remain.
- 5) It is not clear if any topsoil stockpiles are stored on site, and if so, whether there is sufficient topsoil available to complete reclamation of the site. The operator will need to specify the location of any topsoil stockpiles and clarify whether sufficient topsoil exists on site for reclamation, or if any topsoil will need to be imported for reclamation.

The Division is citing a problem in this report (see Problem #2) for failure to follow the approved reclamation plan, or current reclamation plan needs to be updated and clarified. The operator will need to submit a Technical Revision to update the reclamation plan and reclamation plan map to reflect existing and proposed activities at the site. This revision must address all issues identified above, and include an updated bond estimate for the site. This revision must also include an estimated timeline for completing reclamation of the site. Given the amount of time that has passed since mining occurred, the expectation is that all required earthwork and initial seeding will be completed by the end of next summer. The Division recommends the operator contact our office to arrange for a follow up inspection once this reclamation work has been completed.

The Division currently holds a financial warranty for the site in the amount of \$48,050.00. The required financial warranty amount will be reassessed through the Division's review of the Technical Revision application required for Problem #2.

This concludes the report.

Any questions or comments regarding this inspection report should be forwarded to Amy Eschberger at the Colorado Division of Reclamation, Mining and Safety, 1313 Sherman Street, Room 215, Denver, CO 80203, via telephone at 303-866-3567, ext. 8129, or via email at amy.eschberger@state.co.us.

## **PHOTOGRAPHS**



**Photo 1.** View looking south from northern permit boundary across northwestern portion of industrial yard. Note material stockpiles stored in this area (not derived from this site).



**Photo 2.** View looking west along northern edge of permit boundary, showing structures present on access road to Phase 2 mine area. Operator will need to specify on updated reclamation plan map if these structures (including road) will remain for reclamation.



**Photo 3.** View looking west along northern edge of permit boundary (in Phase 2 mine area), showing area north of access road used for equipment storage (indicated). Operator will need to specify on updated reclamation plan map if this area will continue to be used for storage after reclamation.



Photo 4. View looking south across central portion of Phase 2 mine area, not mined by operation.



**Photo 5.** View looking south across western portion of Phase 2 mine area, not mined by operation.



**Photo 6.** View looking west across northwestern corner of Phase 2 mine area, which is being used for trash/debris storage (indicated). Operator will need to remove any trash or debris from the site or include costs in the updated bond estimate for removing this material.



**Photo 7.** View looking east across Phase 2 mine area, not mined by operation. Operator will need to specify on updated reclamation plan if the existing road in this area will remain for reclamation.



**Photo 8.** View looking east at western edge of Phase 1 pond, showing Tamarisk (salt cedar) trees (indicated) present along pond edges. Operator will need to implement approved weed control plan for this noxious weed species or submit an updated plan in a Technical Revision.



**Photo 9.** View looking northeast at northern shoreline of Phase 1 pond, with slopes at approximately 2H:1V. All pond slopes must be graded to 3H:1V or flatter for reclamation.



**Photo 10.** View looking southeast across Phase 1 pond. Note southern shoreline (at right) lined with concrete waste material to be backfilled into pond. Also note Tamarisk (salt cedar) trees present along edges of pond (in foreground).



**Photo 11.** View looking northeast at concrete waste material piled along southern edge of Phase 1 pond to be backfilled into pond.



**Photo 12.** View looking northwest at concrete waste material piled along southern edge of Phase 1 pond to be backfilled into pond. Operator will need to specify areas where exposed concrete is present at ground surface (from previous use as wash pond) and describe how these areas will be reclaimed.



**Photo 13.** View looking west at eastern edge of pond which was slightly backfilled over the past several years. Current backfill activities appear to be focused along the southern pond shoreline.



**Photo 14.** View looking east/northeast across industrial yard located in eastern portion of permit area, showing large asphalt stockpile (in foreground) and asphalt plant (in background) present in this area.



**Photo 15.** View looking north at asphalt plant present in industrial yard located in eastern portion of permit area.



**Photo 16.** View looking west across industrial yard located in eastern portion of permit area, showing material stockpiles present in this area (not derived from this site).



**Photo 17.** View looking southwest across industrial yard located in eastern portion of permit area, showing material stockpiles present in this area (not derived from this site).



**Photo 18.** View looking north at concrete plant present in industrial yard located in eastern portion of permit area.

## **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 N	(RD) ROADS <u>Y</u>
(HB) HYDROLOGIC BALANCE <u>Y</u>	(BG) BACKFILL & GRADING N	(EX) EXPLOSIVES <u>N</u>
(PW) PROCESSING WASTE/TAILING <u>Y</u>	(SF) PROCESSING FACILITIES $\underline{Y}$	(TS) TOPSOIL <u>N</u>
(MP) GENL MINE PLAN COMPLIANCE- <u>Y</u>	(FW) FISH & WILDLIFE $\underline{N}$	(RV) REVEGETATION PB
(SM) SIGNS AND MARKERS <u>Y</u>	(SP) STORM WATER MGT PLAN N	(RS) RECL PLAN/COMP PB
(ES) OVERBURDEN/DEV. WASTE <u>Y</u>	(SC) EROSION/SEDIMENTATION <u>N</u>	(ST) STIPULATIONS <u>N</u>
(AT) ACID OR TOXIC MATERIALS <u>N</u>	(OD) OFF-SITE DAMAGE <u>N</u>	

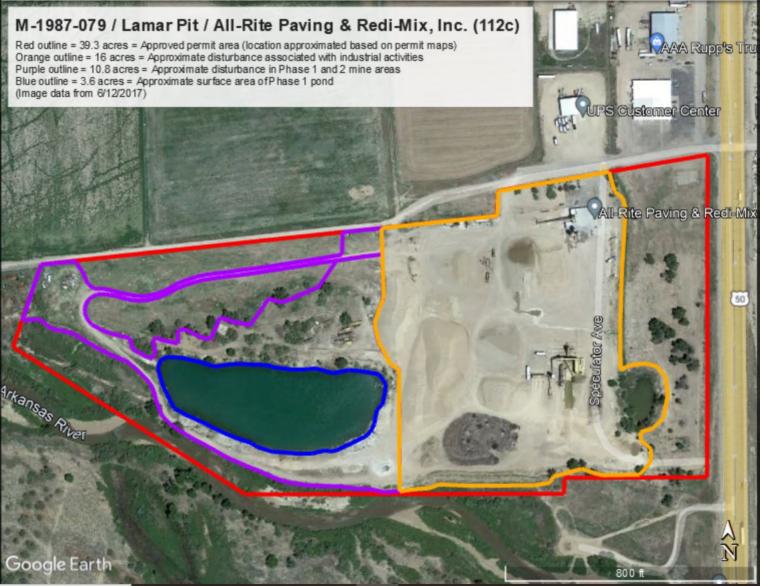
## **Inspection Contact Address**

Jodi Shreiber All-Rite Paving & Redi-Mix, Inc. P.O. Box 165 Canon City, CO 81215

Encls: Google Earth image of site
Approved reclamation plan
Approved reclamation plan map
Technical Revision form

CC: John Ary, All-Rite Paving & Redi-Mix, Inc. Michael Cunningham, DRMS

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



#### Exhibit E - Reclamation Plan

The postmining land uses will be as follows:

- 1. It is planned that two ponds totalling about 12 acres in area will be created. Pond I will be about 7.4 acres in size. Pond II will be about 4.6 acres in size. The area of the ponds themselves will be used by wildlife. At the discression of the landowner, the ponds may also be stocked and used for fishing.
- The dry portions of the mining area, about 9.5
  acres immediately adjacent to the ponds, will be
  revegetated and used for limited rangeland
  purposes.
- 3. The existing industrial area, about 13.8 acres east of the mining area, will continue to be used for the manufacture of concrete, asphalt, stockpiling, etc. as addressed at the April 1994 meeting of the MLRB.

The final planned configuration of the area is illustrated on the Exhibit F map included herein.

#### Site Clean Up

Any debris and trash remaining on site of the mining area will be cleaned up and hauled to the public landfill.

#### Slope Grading

The side slopes around the ponds will be graded to no steeper than 2:1, except from 5 feet above to 10 feet below the expected water line where slopes shall not be steeper than 3:1. Any concrete exposed around the shore of the ponds will be covered by two to three feet of cover.

Very little, if any, grading will be required on the surface areas surrounding the pond. The final surface configuration of the lands surrounding the pond, except the side slopes as described above, will be virtually identical to the existing surface slopes and require little, if

any, minor smooth grading.

#### Soil Replacement

Soil salvaged and stockpiled will be used for replacement on disturbed areas around the ponds above the water line and other disturbed portions of the mining area. The depth of soil to be replaced these disturbed areas will range from about 5 to 10 inches.

#### Seed Bed Preparation

Prior to reseeding, areas to be seeded will be disced to a depth of 6 to 12 inches in order to provide for an adequate seed bed. Chemical fertilizer, as specified below, will be worked into the soil during seed bed preparation.

#### Seed Mixture and Seeding Rates

The areas where soil is replaced, as addressed above, will be seeded with the mixture appearing below. This mixture has been previously approved by the MLRB and incorporates the revision requested by the Division staff during review of the application. Seeding rates are based on a density for critical area plantings of 40 pure live seeds (PLS) per square foot (drilled rate). For guidance in purchasing seed, a bulk rate is also given with the appropriate pure live seed rate incorporated into the calculations.

#### RECLAMATION SEED MIXTURE

		<u>Drilled Rate</u>	
		<u>Pounds</u>	Bulk Pounds
<u> Grass Species</u>	% of Mix	PLS/Ac.	<u>To Purchase</u>
Western Wheatgrass	25	4.0	6.1
Switchgrass	25	1.1	1.6
Sand Dropseed	25	0.1	0.1
Blue Grama	15	0.3	0.9
Alkali Sacaton	_10	<u>0.1</u>	0.15
Total	100	5.6	8.9

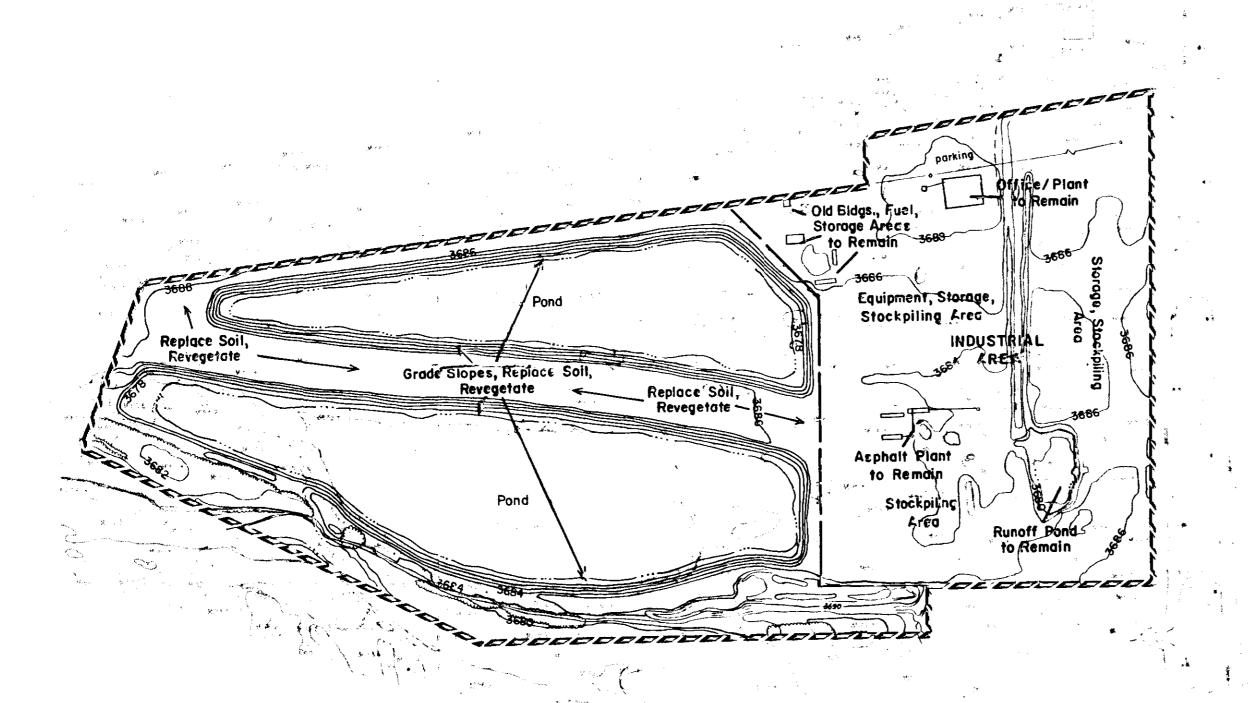
#### Shrub Species

<u>Drilled Rate</u> <u>Pounds PLS/Ac.</u>

Rubber Rabbitbrush Skunkbush Sumac 0.19 0.87

#### Cultural Practices

- If broadcast seeded, the seeding rate will be doubled. The seed will be harrowed in or covered with a drag chain or similar measure in order to give approximately 1/2 inch of soil cover.
- Seeding will occur during the late fall or early spring (from about early-November to April) in order to take advantage of available soil moisture conditions during the spring.
- Fertilizer will be applied at a rate of 40 lbs./ac. available nitrogen, and 40 lbs./ac. available phosphate and worked into the soil during seed bed preparation.
- Hay mulch will be applied at a rate of approximately 1-2 tons/acre, and mechanically crimped to anchor it against blowing.



Note: shaded areas illustrate the topography of the site and adjacent areas on 3/17/94. Heavy lines within the permit area represent the planned post mining configuration.

200' 100' 0



CONTOUR INTERVAL: 2'

Permit Area

Shrubs, Trees

Overhead Power Line Beilding, Structure

Reclamation Plan

Gravel Pit Area: Grade side slopes of excavated area, replace

soil, revegetate. For other disturbance Division of Minerals a Geology replace soil, revegetate.

Industrial Area:

Area shown will continue to be used for the manufacture of concrete and asphalt following reclamation of the pit. Aggregate to be used will continue to be imported from

other sources.

- Refer to Exhibit E for Details of the Reclamation Plan.

Permit Number M . 1987: 019

Exhibit F

RECLAMATION PLAN MAP

19463

RECEIVED

JUN 2 4 1994 |

All Rite Paving and Ready-Mix, Inc.

— Lamar Pit —

DATE: 4/94

ı" = 200'

BY: mds

Sec. 30, T. 22 S., R. 46 W., Prowers County



# COLORADO DIVISION OF RECLAMATION, MINING AND SAFETY 1313 Sherman Street, Room 215, Denver, Colorado 80203 ph(303) 866-3567

## REQUEST FOR TECHNICAL REVISION (TR) COVER SHEET

File No.: M-	Site Name:	
County	TR#	(DRMS Use only)
Permittee:		
Operator (If Other than Pern	nittee):	
Permittee Representative:		
Please provide a brief descri	ption of the proposed revision:	
which does not have more the Environmental Protection Planets this definition. If the the Division may require the to the permit.	Rules, a Technical Revision (TR) is: "a nan a minor effect upon the approved or lan." The Division is charged with dete Division determines that the proposed resubmittal of a permit amendment to me considered "filed for review" until the a	r proposed Reclamation or ermining if the revision as submitted revision is beyond the scope of a TR, ake the required or desired changes
Division (as listed below by expedite the review process. determine if it is approvable TR, you will be notified of s day review period there are	permit type). Please submit the appropriate After the TR is submitted with the appropriate within 30 days. If the Division requires specific deficiencies that will need to be still outstanding deficiencies, the Divisible lime, in writing, to provide the require	priate fee with your request to propriate fee, the Division will additional information to approve a addressed. If at the end of the 30 ion must deny the TR unless the
sufficient information to the	nat for the submittal of a TR; however, in Division to approve the TR request, in accurately depict the changes proposed	cluding updated mining and
Required Fees for Technical your request for a Technical	Revision by Permit Type - Please mark Revision.	k the correct fee and submit it with
Permit Type 110c, 111, 112 construction materials, and 112 quarries	Required TR Fee \$216	Submitted (mark only one)
112 hard rock (not DMO)	\$175	
110d, 112d(1, 2 or 3)	\$1006	