



STATE OF
COLORADO

Zuber - DNR, Rob <rob.zuber@state.co.us>

DRMS Inspection Report

1 message

Zuber - DNR, Rob <rob.zuber@state.co.us>

Wed, Feb 23, 2022 at 3:48 PM

To: Bernard Buster <bernardbuster@gmail.com>, Michael Cunningham - DNR <michaela.cunningham@state.co.us>

Hello, Bernard.

Please see the attached report. Again, I am sorry to report that there is no flexibility with the rules regarding water rights.

Let me know if you have any questions on the report, especially addressing the cited problems.

Regards,
Rob

Rob Zuber, P.E.
Environmental Protection Specialist
Active Mines Regulatory Program



COLORADO
Division of Reclamation,
Mining and Safety
Department of Natural Resources

I am working remotely and can be reached by cell at 720.601.2276.

Physical Address:

1313 Sherman Street, Room 215
Denver, CO 80203

Mailing Address:

Division of Reclamation, Mining and Safety, Room 215
1001 East 62nd Avenue
Denver, CO 80216

rob.zuber@state.co.us | <http://drms.colorado.gov>




INSP-REPORTMWP_M1981107_AME_02232022023011.pdf
1762K



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: Buster Quarries	MINE/PROSPECTING ID#: M-1981-107	MINERAL: Sandstone (silica, st quartzite)	COUNTY: Larimer
INSPECTION TYPE: Monitoring	INSPECTOR(S): Robert Zuber, P.E.	INSP. DATE: February 15, 2022	INSP. TIME: 12:45
OPERATOR: ELB Stone, Inc.	OPERATOR REPRESENTATIVE: Bernard Buster	TYPE OF OPERATION: 112c - Construction Regular Operation	

REASON FOR INSPECTION: Normal I&E Program	BOND CALCULATION TYPE: None	BOND AMOUNT: \$132,600.00
DATE OF COMPLAINT: NA	POST INSP. CONTACTS: None	JOINT INSP. AGENCY: None
WEATHER: Clear	INSPECTOR'S SIGNATURE: 	SIGNATURE DATE: February 23, 2022

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: Hydrologic Balance

PROBLEM/POSSIBLE VIOLATION: Problem: The site is improperly impounding surface runoff or exposing groundwater without approval from the Division of Water Resources (DWR). This issue has been noted in previous DRMS inspections.

CORRECTIVE ACTIONS: Submit documentation from DWR demonstrating that the impoundment of water in this pit is authorized by that office. If it is exposed groundwater, also demonstrate that a well permit has been obtained.

Alternatively, fill in the pit or remove impediments to proper surface drainage.

CORRECTIVE ACTION DUE DATE: 4/29/22

INSPECTION TOPIC: Reclamation Success

PROBLEM/POSSIBLE VIOLATION: Problem: The current reclamation plan needs to be updated and clarified pursuant to C.R.S. 34-32.5-116 (1). ELB Stone must describe how it intends to reclaim the large area of waste rock south of the #10 Quarry.

CORRECTIVE ACTIONS: 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 by the corrective action date.

CORRECTIVE ACTION DUE DATE: 4/29/22

OBSERVATIONS

Rob Zuber of DRMS inspected Buster Quarries on February 15, 2022. Bernard Buster of ELB Stone, Inc. was present for the entire inspection. The site is a 112C operation and is a currently active sandstone quarry. The permit area is 173 acres.

The weather was clear, and the temperature was very warm for February. The ground was very muddy from recent snow.

Mr. Buster indicated that on the Annual Report maps the term "original" designates areas that were disturbed before the permit was transferred to ELB Stone.

At the time of the inspection, the crushing equipment was operating at the #10 Annex area, and stone was being cut in the indoor facilities.

During the inspection, the dimensions of the large areas that will require backfilling during reclamation were estimated:

- The Hotchkiss Pit is approximately 400' x 200' x 20' deep.
- The #10 Quarry Pit is approximately 500' x 400' x 20' deep.
- The #10 Annex area is approximately 500' x 300' x 30' deep.
- The Felipe Pit, south end, is approximately 400' x 100' x 10' deep.
- The Felipe Pit, north end, is approximately 200' x 100' x 10' deep.
- The Windy Point area is approximately 500' x 300' x 5' deep.
- The Swayback area is approximately 400' x 200' x 10' deep.

At all of these areas, the material for backfilling is next to the area to be filled. Also, at the Northeast Point area, approximately 1,000 cubic yards needs to be graded. A small hole containing water east of the #10 Annex needs to be filled with approximately 250 cubic yards, which is next to the hole.

Backfilling and Grading:

Some backfilling has been conducted at the site, namely at Windy Point and the Felipe area.

Financial Warranty:

The Division will update the Reclamation Cost Estimate for Buster Quarries after the Technical Revision (noted in the Reclamation Success section) is submitted.

Hydrologic Balance:

There was no indication that runoff from the site is causing problems off site.

There is impounded surface water or groundwater at the Hotchkiss Pit. Per the regulations of the Division of Water Resources (DWR), this water cannot be impounded for more than 72 hours unless water rights have been approved. Also, if this water is groundwater, a well permit must be obtained. ELB Stone will need to secure approval from DWR to impound this water, backfill the holes, or regrade to provide positive drainage of the area. (See the problem listed at the beginning of this report.)

In addition to the Hotchkiss Pit, other areas where significant quantities of water can collect must be drained or pumped to the natural drainage system within 72 hours.

Off-site Damage:

Based on the inspection and looking at Google Earth photographs, the Division has determined that the disturbance at Buster Quarries has not expanded beyond the permit boundary. Also, the rubble on the edges of the pits appears to be stable over many years (per observations during the inspection and looking at old Google Earth photos). Per Mr. Buster, this disturbance already existed when his company assumed responsibility for this mine.

Roads:

No issues were identified with the roads on site.

Reclamation Success:

There is a storage area south of the #10 Quarry where very large rocks have been placed. If spread out, they could cover an area of more than a half acre. It appears that these are not product that can be sold. Therefore, the operator needs to update the reclamation plan with a Technical Revision to account for this area. (See the problem listed at the beginning of this report.)

Revegetation:

Knapweed was seen at the Northeast Point and Windy Point. The 2021 Annual Report indicates that little progress was made on knapweed control last year. This needs to be improved in 2022.

Support Facilities On-site:

Fuel storage at this site was inside secondary containment. No problems were seen in the Production Area where the office and other buildings are located.

PHOTOGRAPHS



#10 Quarry



#10 Annex



Pot hole holding water, east of the #10 Annex



Felipe Pit, looking south with B&G operation on the left



Hotchkiss Pit, retaining water

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>PB</u>	(BG) BACKFILL & GRADING----- <u>Y</u>	(EX) EXPLOSIVES----- <u>NA</u>
(PW) PROCESSING WASTE/TAILING---- <u>NA</u>	(SF) PROCESSING FACILITIES----- <u>Y</u>	(TS) TOPSOIL----- <u>Y</u>
(MP) GENL MINE PLAN COMPLIANCE- <u>Y</u>	(FW) FISH & WILDLIFE----- <u>Y</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>PB</u>
(ES) OVERBURDEN/DEV. WASTE----- <u>NA</u>	(SC) EROSION/SEDIMENTATION--- <u>Y</u>	(ST) STIPULATIONS----- <u>NA</u>
(AT) ACID OR TOXIC MATERIALS----- <u>Y</u>	(OD) OFF-SITE DAMAGE----- <u>Y</u>	

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

Inspection Contact Address

Bernard Buster
ELB Stone, Inc.
2495 CR 37 E
Lyons, CO 80540

CC: Michael Cunningham, DRMS