



COLORADO

Division of Reclamation,
Mining and Safety


Department of Natural Resources

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: Fountain Pit	MINE/PROSPECTING ID#: M-1982-155	MINERAL: Sand and gravel	COUNTY: El Paso
INSPECTION TYPE: Monitoring	INSPECTOR(S): Timothy Cazier, P.E.	INSP. DATE: March 15, 2022	INSP. TIME: 09:00
OPERATOR: Schmidt Construction Company	OPERATOR REPRESENTATIVE: Mark Heifner & Dan Chavez	TYPE OF OPERATION: 112c - Construction Regular Operation	

REASON FOR INSPECTION: Normal I&E Program	BOND CALCULATION TYPE: Partial Bond	BOND AMOUNT: \$457,188.00
DATE OF COMPLAINT: NA	POST INSP. CONTACTS: None	JOINT INSP. AGENCY: None
WEATHER: Clear	INSPECTOR'S SIGNATURE: 	SIGNATURE DATE: April 5, 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: Gen. Compliance With Mine Plan

PROBLEM/POSSIBLE VIOLATION: Problem: 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 (see "Gen. Compliance with Mine Plan" on p. 2 for specifics).

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: 5/23/22

OBSERVATIONS

This inspection was conducted as part of the Division's regular monitoring program. The Permittee (Schmidt Construction) was represented by Messrs. Dan Chavez and Mark Heifner who were present for the inspection. The Fountain Pit access road entrance is located off Charter Oak Ranch Road from Exit 128 on I-25, Near Fountain CO. This is a 112c sand and gravel mine. The mine was active at the time of the inspection.

Availability of Records: Annual reports are current, having been filed through December 2021, stating mining activity had occurred as recently as the date the report was filed. The previous inspection was on October 27, 2017. The amendment 3 approved post-mine land use is rangeland. There were no open infractions prior to the inspection. Both the surface and minerals are privately owned.

Backfilling and Grading: Sufficient backfill material appeared to be available as pushing down material from the highwall crests could be accomplished within the affected area boundary.

Excess Spoil and Dev. Waste: Overburden piles were observed north of the pit floor (see **Photo 1**) and on the west side of the pit, south of the truck scale (see **Photo 2**).

Financial Warranty: The \$457,188 bond held by the DRMS is likely insufficient for reclamation. The mine and reclamation plans require clarification (see "Gen. Compliance with Mine Plan" below). Once the mine and reclamation plans are updated, the reclamation bond will be reviewed for adequacy.

Fish and Wildlife: No impact to wildlife was observed.

Hydrologic Balance: No standing water was observed in the pit and no exposed groundwater was observed. Mr. Heifner explained the Division of Water Resources has approved a substitute water supply plan in the event groundwater is exposed.

Gen. Compliance with Mine Plan: This site has a relatively complicated permitting history, beginning with the 1973 Colorado Open Mining Land Reclamation Act and three different permits approved between 1974 (M-74-111, Christian Pit) and 1977 (M-77-557 & -558, Christian Pits 1 & 2 bifurcating the permit into two, apparently based on land ownership). In 1986, the two permits were "re-combined" (the current M-1982-155 permit) and adjustments made to account for mining activity and subsequent release areas that were not easily reconciled with the first pit permitted in 1974. In 2011, an amendment (AM-3) was submitted to add 49.8 acres in the northwest area of the current permit, and approved in 2012. This amendment made changes to the mine and reclamation plans, but was written in such a way as to make it uncertain as to whether the changes applied only to the new area or to the whole permit area. The affected area for all the permit approved prior to AM-3, is still classified under the minor, moderate, and major disturbance types the Division utilized in the 1980's. As a result of this history, there are some major and minor details related to the mining and reclamation plans requiring clarification. The major details impacting the reclamation bond requiring clarification are:

- 1) Maximum lengths of near vertical highwall and overburden cut allowed at one time;
- 2) Typical near vertical highwall height and depth of overburden cut;
- 3) Maximum disturbed area allowed at one time (for phased bonding operations such as this one);
- 4) Disposition of 2H:1V vs 3H:1V reclamation slopes, based on a test plot approach presented as part of the AM-2 review process;
- 5) Disposition of sediment basin backfill areas (these appeared releasable from a revegetation perspective, but is uncertain from a drainage perspective)
- 6) Post reclamation drainage as the AM-2 mine plan indicated mining will be from south to north, whereas

current mining progression is from north to south; and

- 7) Delineation of north end topsoil and overburden stockpile areas that will need to be re-disturbed for reclamation (the 2021 annual report map details this well, but it is not part of the approved permit).

Minor details should include reclamation equipment expected for highwall flattening, topsoil/overburden replacement, and grading; relative area of pit slope vs. pit floor (as approved seed mixes are different for each); and confirmation of post-mine land use (rangeland expected). **The need for clarifications to the mine and reclamation plans is cited as a problem on page 1 of this report.**

Google Earth was used to measure the disturbed area, which was approximately 300 acres, based on 2020 imagery. This is consistent with the 302.5 acres of disturbance stated in the 2021 annual report. Active Highwalls were estimated to vary between 12 and 15 feet in height and with a somewhat shallower overburden/topsoil removal depth of 8 to 10 feet (see **Photo 3**). Active highwalls were sloped between 1H:1V and vertical (see **Photo 4**), whereas stripped areas had near vertical highwalls (see **Photo 5**).

Off-site Damage: The operation appeared to be confined to the permit boundary, based on Google Earth review and site observations.

Processing Waste: No processing waste was observed.

Roads: Haul and access roads are dust controlled.

Right of Entry: The site is owned by EDW. C. Levy Co. for which Schmidt Construction Company is a registered trade name.

Reclamation Success: The only completed reclamation was released with the approval of AR-1 in November 2017.

Revegetation: The approved seed mixes for both TR-1 and AM-3 are identical. Most of the topsoil and overburden stockpiles support vegetation, but will need to be disturbed for reclamation. No noxious weeds were observed. Mr. Heifner stated they have a weed control plan.

Sediment Control: No significant erosion problems were observed and no BMPs were needed at the time of the inspection.

Support Facilities On-site: A screen plant, loaders, and haul truck were observed on site (see **Photo 6**). Mr. Heifner confirmed there is not currently a wash plant.

Signs and Markers: The permit sign was properly posted (see **Photo 7**) and boundary markers were observed to delineate the affected area boundary (see **Photo 8**).

Permit Stipulations: There are no open permit stipulations.

Storm Water MGT Plan: No oil or fuel spills observed. Stormwater not intercepted by the sediment basins (see **Photos 9 and 10**) between the topsoil and overburden stockpiles drains to the pit and infiltrates.

Topsoil: The primary topsoil stockpile is west of the sediment basins (see **Photo 11**).

Structures: Powerlines were observed within 200 feet of the south end of the affected area (see **Photo 3**). Mr. Heifner stated the line is owned by Schmidt.

Please contact Tim Cazier (303)823-5229 or email at tim.cazier@state.co.us if you have any questions regarding this report.

PHOTOGRAPHS



Photo 1. North overburden stockpile (looking NE from middle sediment basin).



Photo 2. West overburden stockpile (looking south from sediment basins).

PHOTOGRAPHS (cont.)



Photo 3. Typical highwall and overburden cut (west side, looking south).



Photo 4. South highwall (looking south from east side of pit).

PHOTOGRAPHS (cont.)



Photo 5. Overburden cut (east side, looking north).



Photo 6. Screen plant (looking west from east highwall).

PHOTOGRAPHS (cont.)



Photo 7. Permit sign (at entrance).



Photo 8. Typical PVC boundary markers (north end looking NW, RAP stockpile offsite).

PHOTOGRAPHS (cont.)



Photo 9. West sediment basin (looking NW from south side).



Photo 10. Middle sediment basin (looking north from south side).

PHOTOGRAPHS (cont.)



Photo 11. Topsoil stockpile (looking west from south side of west sediment basin).

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>NA</u>
(PW) PROCESSING WASTE/TAILING---- <u>Y</u>	(SF) PROCESSING FACILITIES----- <u>Y</u>	(TS) TOPSOIL----- <u>Y</u>
(MP) GENL MINE PLAN COMPLIANCE- PB	(FW) FISH & WILDLIFE----- <u>Y</u>	(RV) REVEGETATION---- <u>Y</u>
(SM) SIGNS AND MARKERS----- <u>Y</u>	(SP) STORM WATER MGT PLAN---- <u>N</u>	(RS) RECL PLAN/COMP-- <u>Y</u>
(ES) OVERBURDEN/DEV. WASTE----- <u>Y</u>	(SC) EROSION/SEDIMENTATION--- <u>Y</u>	(ST) STIPULATIONS----- <u>Y</u>
(AT) ACID OR TOXIC MATERIALS----- <u>N</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

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ec: DRMS file
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