



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

June 8, 2022

Andy Azcarraga
M.A. Concrete Construction, Inc.
2323 River Road
Grand Junction, CO 81505

RE: 32.5 Road Gravel Pit, Permit No. M-2009-035, Unresolved Problem(s) Noted in a Past Inspection Report

Dear Mr. Azcarraga:

According to records kept by the Division of Reclamation, Mining and Safety, some problem(s) noted in a past mine site inspection report have not been corrected. If the problem(s) have already been corrected, documentation of the corrective actions taken to correct the problem(s) must be submitted to our office.

Please see the enclosed inspection report for the above noted mine site, issued as a result of a past inspection of this site. Problems noted in this report that remain unresolved according to our records, have been highlighted.

To avoid potential future enforcement actions for non-compliance with State Statutes, Rules and Regulations, and/or conditions specified in your permit for this site, you must submit compliance documentation with the corrective actions by **Friday, July 01, 2022**.

If you require additional information, or have questions or concerns, please feel free to contact me.

Sincerely,

Amy Yeldell
Environmental Protection Specialist

Enclosures: DRMS Inspection Report from November 10, 2021


EC: Senior EPS, Senior EPS, DRMS





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: 32.5 Road Gravel Pit	MINE/PROSPECTING ID#: M-2009-035	MINERAL: Gravel and sand	COUNTY: Mesa
INSPECTION TYPE: Monitoring	INSPECTOR(S): Amy Yeldell	INSP. DATE: November 10, 2021	INSP. TIME: 11:00
OPERATOR: M.A. Concrete Construction, Inc.	OPERATOR REPRESENTATIVE: Andy Azacarraga	TYPE OF OPERATION: 112c - Construction Regular Operation	
REASON FOR INSPECTION: Normal I&E Program	BOND CALCULATION TYPE: Complete Bond	BOND AMOUNT: \$74,088.00	
DATE OF COMPLAINT: NA	POST INSP. CONTACTS: DRMS	JOINT INSP. AGENCY: None	
WEATHER: Clear	INSPECTOR'S SIGNATURE: 	SIGNATURE DATE: December 22, 2021	

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>N</u>	(RS) RECL PLAN/COMP-- <u>Y</u>
(ES) OVERBURDEN/DEV. WASTE----- <u>NA</u>	(SC) EROSION/SEDIMENTATION--- <u>Y</u>	(ST) STIPULATIONS----- <u>N</u>
(AT) ACID OR TOXIC MATERIALS----- <u>NA</u>	(OD) OFF-SITE DAMAGE----- <u>NA</u>	

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

The following inspection topic(s) were identified as having a **Problem (PB)**, which includes correction actions and a deadline whereby the Operator must demonstrate compliance with the conditions of the Permit and the requirements of the Act and Rules. Failure to address the corrective actions by the deadline may cause the Division to escalate the Problem to a **Possible Violation (PV)** and schedule the issue for formal hearing before the Mined Land Reclamation Board (Board).

INSPECTION TOPIC: Hydrologic Balance

PROBLEM/POSSIBLE VIOLATION: Problem: The Division has no evidence that the operator has a valid well permit, substitute water supply plan, or approved water augmentation plan for the exposed groundwater at the site. This is a problem related to 34-32.5-116(4)(h) of the Colorado Revised Statutes and 3.1.6(1)(a) of the Construction Materials Rules and Regulations governing injury to existing water rights.

CORRECTIVE ACTIONS: The operator shall demonstrate that the operation is in compliance with the Office of the State Engineer, show evidence that the operator is taking measures to bring the site into compliance with the SEO, or backfill the pits to at least two feet above the groundwater surface by the corrective action date specified.

CORRECTIVE ACTION DUE DATE: 2/28/22

OBSERVATIONS

This inspection was conducted as part of the Colorado Division of Reclamation, Mining and Safety normal monitoring program. The 32.5 Road Gravel Pit is a 112 permitted site located off 35.2 Road and D Road in Grand Junction Colorado. Amy Yeldell of the Division conducted the inspection. Andy Azcarraga represented M.A Concrete Construction, Inc. and was present for the inspection.

The mine identification sign and affected area boundary markers are in place and in compliance with Rule 3.1.12. The permit is delineated by fences and perimeter berms.

The site was inactive at the time of the inspection. There is a scale and scale house located near the entrance to the mine. Also on site was a fuel tank in secondary containment, an excavator and water truck.

In reviewing the permit it appears that a second parcel was added under AM-1. The current operation is mining in phase 2. Phase 1 is located just to the north and was not inspected. The Division is unsure if this area has ever been mined or what the current ground conditions are. If this area has been affected by mining it will also need to be reclaimed prior to release. If it has remained undisturbed it may be eligible for immediate release if the Operator does not wish to mine it in the future. No releases have occurred to date.

According to the operator the pit (phase 2) is nearly mined out. Only the stockpile area with the scale near the permit entrance remains. The east side of the pit has been reclaimed. Slopes are graded to a 3H: 1V or less. Topsoil has been applied and initial seeding has occurred. Vegetative success appears to be poor and second round of seeding is likely necessary. The west side of the pit has been graded however topsoil remains stockpiles in the perimeter berms and seeding has not yet occurred. Some noxious weeds were observed

throughout the site. Given that they are dormant it is not cited as a problem at this time. The operator is encouraged to aggressively manage all noxious weeds in an effort to protect reclaimed areas and avoid delays in release.

At this time the pit floor was relatively dry. According to the operator they no longer need to pump in order to mine since the adjacent pit (Otter Creek M-2012-050) also dewateres and draws down enough for both locations. This may be problematic with regards to completing reclamation as per the approved plan. Under the reclamation plan two ponds, one at each phase, will be created. Given that the water table is being drawn down a pond will not form. With that being said the Operator will need to revegetate the entire slope length of the pond perimeter. The pit floor may remain bare so long as it is free of noxious weeds. Under those conditions the site would be ready to become a pond as soon as hydrologic conditions are conducive.

Regarding water rights, a well pond permit number is listed on the mine sign. This permit is required for a pond, should exposed ground water occur. A records search of DRMS files yielded Division does not have a copy of a well permit(s) on file and cannot verify a permit(s) exists on DWR's website. The lack of documentation for the future ponds is cited as a problem. Please provide the Division with proof of a valid well permit by the corrective action date.

The Division currently requires a financial warranty amount of \$74,088.00 for this site. The bond was last recalculated with AM-1 in 2009. In an effort to ensure the Financial Warranty adequately, reflects the actual current cost of fulfilling the requirements of the approved reclamation plan the Division will be updating the reclamation cost estimate. If the current bond is found to be insufficient the Division will send a Notice of Surety Increase under a separate cover.

Responses to this inspection report should be directed to: Amy Yeldell at the Division of Reclamation, Mining and Safety, 1313 Sherman St., Room 215, Denver, CO 80203. Direct contact can be made by phone at 303-866-3567 Ext 8183 or via email at amy.yeldell@state.co.us

Inspection Contact Address

Andy Azacarraga
M.A. Concrete Construction, Inc.
2323 River Road
Grand Junction, CO 81505

Enclosure

CC: Travis Marshall, Senior EPS, Grand Junction DRMS

PHOTOGRAPHS





