




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.

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| MINE NAME: Rocky Ford East Pit | MINE/PROSPECTING ID#: M-1977-560 | MINERAL: Sand and gravel | COUNTY: Otero |
| INSPECTION TYPE: Surety Release Inspection | INSPECTOR(S): Patrick Lennberg | INSP. DATE: July 26, 2022 | INSP. TIME: 08:30 |
| OPERATOR: Valco, LLC | OPERATOR REPRESENTATIVE: Tom Brubaker | TYPE OF OPERATION: 112c - Construction Regular Operation | |

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| REASON FOR INSPECTION: Surety Release Requested | BOND CALCULATION TYPE: None | BOND AMOUNT: \$97,604.00 |
| DATE OF COMPLAINT: NA | POST INSP. CONTACTS: None | JOINT INSP. AGENCY: None |
| WEATHER: Clear | INSPECTOR'S SIGNATURE:  | SIGNATURE DATE: August 18, 2022 |

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.

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| (AR) RECORDS----- <u>N</u> | (FN) FINANCIAL WARRANTY----- <u>N</u> | (RD) ROADS----- <u>N</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>Y</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 Rocky Ford East Pit was inspected by Patrick Lennberg with the Division of Reclamation, Mining and Safety (Division/DRMS). The inspection was completed as part of a permit release request, submitted in accordance with Rule 4.17, received by the Division on June 27, 2022. The site was last inspected on July 2, 2020 as part of surety related inspection. Tom Brubaker representing the Operator, Valco LLC, accompanied me during the inspection. The weather was clear.

Rocky Ford East Pit is a 112c operation permitted for 107.33 acres for the mining sand and gravel via wet mining methods. The permit area was previously divided into two parcels by Co Rd 22. However, the Division approved the release of the western 39.97-acre parcel on April 30, 2019 with Acreage Reduction No. 2 (AR-2), leaving only the eastern 107.33-acre parcel in the permit area. A different operator, Deep Cut, LLC has permitted over the western parcel under Permit No. M-2017-032 (22 West Pit). Mining ceased at the site between 2018 and 2019 and has been in final reclamation since that time. A mine sign was posted at the mine entrance pursuant to Rule 3.1.12.

Per Rule 4.17.2(1) the Division sent notice of the release request to the Otero County Road and Bridge, Otero County Commissioners, Otero County Planning Department, the East Otero Conservation District and the landowners. The Division has not receive any comments from the noticed parties. The Operator has requested the full release of the permitted area.

In December 2019 the Operator began approved activities to backfill two exposed groundwater ponds. By July 2020 backfilling activities were completed, topsoil had been spread over disturbed areas, and the areas had been seeded. Vegetation has become well established. The site has been graded to 3H:1V or flatter. A diverse amount of vegetation has become established throughout the permit area. Very few annual weeds and thistles were noted during the inspection, the site is acting as a sink rather than a source for these plants.

In the southeastern corner of the permit area a culvert conveying stormwater runoff to the north along the eastern side of the permit area became plugged from storm event approximately two weeks prior to the inspection. The plugged culvert allowed water to pool in a drainage ditch that borders the south side of the permit area. Approximately 280 feet from the southeastern corner the pooled water caused a piping failure and the slope failed into the reclaimed area. At the time of inspection the Operator stated they had contacted Habitat Construction, LLC to design a permanent mitigation measure to insure the incident does not happen again. Preliminarily, the idea was to remove the culvert that plugged and replace it with a rock lined ditch then repair the failed area with riprap. The area involved with the failure is very minor compared the overall site area.

Based on observations made during this inspection, the Operator has completed the reclamation in accordance with the reclamation plan. The majority of the revegetated area has suitable vegetation cover and appears stable. However, the Operator shall submit photo documentation of the slope failure repair work and permanent ditch mitigation work. Once the documentation has been submitted and accepted by the Division the release request of the permit will be approved. Once approved a notice of the Division's decision regarding the release request will be sent under a separate cover letter. The current decision date for the release request is August 29, 2022. If the Operator needs additional time for the repair work to be completed an extension to the decision date may be requested.

Photographs taken during the inspection are attached.

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

Inspection Contact Address

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cc: Jared Ebert, DRMS

ec: Tom Brubaker, Valco, LLC, tom.brubaker@valco-inc.com

PHOTOGRAPHS



Photo 1: Mine sign at entrance of permit off of Co Rd 22



Photo 2: Typical vegetation cover in reclaimed areas



Photo 3: Typical vegetation cover in reclaimed areas



Photo 4: Typical vegetation found within the ditch that is outside the northern border of permit



Photo 5: Vegetation conditions within the backfilled pond area, looking southeast



Photo 6: Vegetation conditions within the backfilled pond area, looking east



Photo 7: Vegetation conditions within the backfilled pond area, looking south



Photo 8: Outfall of plugged culvert to ditch draining to the north, permitted area to the left of picture



Photo 9: Area of failure



Photo 10: Area of failure looking west



Photo 11: Area of failure looking east



Photo 12: Area of failure looking south