

April 27, 2023

Mark McKinsey
119 29 ¾ Rd. #3
Grand Junction, CO 81503
EC: markmknc@hotmail.com

RE: Orchard Mesa Aggr, Permit No. M-1995-005, Complaint Resolved

Dear Mr. McKinsey:

On April 18, 2023 the Division of Reclamation, Mining and Safety (Division) inspected the above referenced site in response to the complaint you submitted to the Division on April 12, 2023. Attached is a copy of the Division's inspection report. The matter is now considered resolved.

If you require additional information, or have questions or concerns, please feel free to contact me. Amy Yeldell at the Division of Reclamation, Mining and Safety, Rm 215, 1001 E 62nd Ave, Denver CO 80216. Direct contact can be made by phone at 303-866-3567 Ext 8183 or via email at amy.yeldell@state.co.us

Sincerely,



Amy Yeldell
Environmental Protection Specialist

Enclosed:
Divisions April 18, 2023 Inspection Report


Cc:
Travis Marshall, Senior EPS, Grand Junction 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.

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|--|--|--|-----------------------------|
| MINE NAME: Orchard Mesa Aggr | MINE/PROSPECTING ID#: M-1995-005 | MINERAL: Gravel | COUNTY: Mesa |
| INSPECTION TYPE: Multi Person Inspection | WEATHER: Windy | INSP. DATE: April 18, 2023 | INSP. TIME: 10:00 |
| OPERATOR: Mesa Agg LLC | OPERATOR REPRESENTATIVE: Steve Baker | TYPE OF OPERATION: 112c - Construction Regular Operation | |
| REASON FOR INSPECTION: Citizen Complaint | BOND CALCULATION TYPE: Complete Bond | BOND AMOUNT: \$56,400.43 | |
| DATE OF COMPLAINT: NA | POST INSP. CONTACTS: None | JOINT INSP. AGENCY: None | |
| INSPECTOR(S): Amy Yeldell Todd Jesse | INSPECTOR'S SIGNATURE:  | SIGNATURE DATE: April 24, 2023 | |

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: Off-site Damage

POSSIBLE VIOLATION: By creating a new off-site access road land has been affected outside of the approved permit boundary. This is a possible violation at this time pursuant to C.R.S. 34-32.5-116(4)(i) for failure to protect areas outside of the affected land from slides or damages occurring during the mining operation.

CORRECTIVE ACTIONS: This possible violation will require a hearing before the Mined Land Reclamation Board. The schedule and other details for the MLRB hearing will be provided under a separate document to be sent via certified mail to the operator.

CORRECTIVE ACTION DUE DATE: 6/21/23

OBSERVATIONS

On April 12, 2023 the Colorado Division of Reclamation Mining, and Safety (Division) received a citizen's complaint. The complaint alleged that large volumes of dust has been increasing in volume over the last year and are impacting nearby residents to the north and east of the pit. The citizen believes that the mine (Orchard Mesa Aggr, Permit No. M-1995-005) which is located above the neighborhood to the south is the source of the dust material. Both the citizen and Operator were contacted on April 12, 2023.

In response to this complaint the Division conducted a site inspection on April 18, 2023. Amy Yeldell and Todd Jesse of the Division met with Steve Baker, who represents the Operator on site. Local weather was extremely windy with a constant wind of 20 MPH and gusts over 60 MPH. No precipitation has occurred several days prior to the inspection. Temperatures were approximately 60°F and a weather front bringing isolated snow/rain showers was forecasted for the next 48 hrs.

The Orchard Mesa Aggr site is a 112c permitted site that includes a total of 46.10 acres. The site located southeast of Grand Junction, Colorado and is accessed via 31 Road and the Compost Facility Entrance Road.

A new access road has been created to access the pit (Photos One to Three). Previously the mine was accessed through the compost facility. Since the last inspection the Operator has created a new mine access road to avoid traveling through the compost facility. It begins at the radio tower and parallels the trash fence along the north side of the compost facility to the facility entrance gate. The new road portion is 1750 LF averaging 30 ft wide for a total of 1.21 ac affected. This road is in support of a mining operation and should be considered affected lands however it is not within the permit boundary. Therefor the construction of a new mine access road is cited as a Possible Violation of C.R.S. 34-32.5-116(4)(i) for failure to protect areas outside of the affected land from slides or damages occurring during the mining operation. This possible violation will require a hearing before the Mined Land Reclamation Board. The schedule and other details for the MLRB hearing will be provided in a separate document, a Reason to Believe a Violation Exists letter which will be sent via certified mail. If at the hearing a violation is found the Operator will be required to submit an amendment application to incorporate all affected lands into the permit boundary and gain approval from the Division within all statutory deadlines. The Operator is encouraged to submit an application prior to the June 21-22, 2023 MLRB Meeting.

The mine identification sign in place and in compliance with Rule 3.1.12. A sign is attached to the main gate 31 Road at the turn off to the compost facility county landfill (Photo Four). A scale and scale house is located along the mine access road near the gate to the composting area of the county landfill (Photo Five).

Citizen Complaint:

Once on site the Division discussed the details leading up to the citizen's complaint. Mr. Baker explained that he had an employee place overburden along the northern edge of the current mining area (Photo Six). The mine site is on a mesa to the south above a neighborhood and resulted in dust blowing straight off of the overburden pile and into the neighbor's property (Photo Seven). Best the management practice would have been to place material on the south side of the permit within the mined pit floor away from the edge of the mesa. This is where the majority of other stockpiles are stored. Mr. Baker has since educated his employees to prevent this from occurring in the future. Additionally the overburden pile was dozed and flattened out so that it is now approximately six feet shorter in an effort to decrease material blowing off the stockpile.

Currently this site uses a 2,000 gallon water truck with sprayer nozzle to moisten stockpiles and roads for dust suppression. Three frack tanks, and two large water tanks were observed on site for storing additional water

(Photo Eight). Recently the site has been accepted into the Ute Water District. The Operator is working with a consultant to engineer plans to pipe water to the site to be used for dust suppression. The utilization of Ute Water is anticipated for summer of 2023.

As a best management practice the Operator also tries to shut down during periods of high winds. While on site Mr. Baker verbally committed to continue this practice and be more diligent about high wind shut downs in an effort to be a good neighbor. The operator is also irrigating pit run to decrease dust generated during crushing and screening operations (Photo Nine).

During the inspection dust was observed coming off of the mine site (Photos Ten and Eleven). The dust was mostly blowing off of the existing stockpiles located on the south side of the pit. No topsoil was observed leaving the site. Evidence of a recent attempt to manage dust was visible based on puddles located throughout the pit. The Division recommends that the operator spray down stockpiles that are being worked more frequently to avoid the potential for dust. It is acknowledged that dust is generally not within the jurisdiction of DRMS and is handled at a county level or through CDPHE. However, it is a Division permit condition that the Operator maintains compliance with all other agencies required permits.

While entering and exiting the pit a large plume of dust was observed coming off of the county compost crusher/shredder. Material was actively being loaded despite high winds. A plume of dust was observed each time the processing plant received a new load of compost (Photo Twelve). This may also be an additional local source of dust, especially during times of high wind.

Other Observations:

Asphalt and cement are being imported recycled to create additional export products (Photo Thirteen). This activity was approved under TR-2. A crusher and screen were on site though not operating that the time of the inspection (Photo Fourteen). Stockpiles of mined material are generally located on the south side of the pit. Processed material is located to the east of the processing plant. Topsoil soil is located southeast of the active mining area. Mining is continuing to progress to the west. It is approaching the edge of the current bluff and will progress to the next bluff to the west. Approximately 800 LF of near vertical highwall was observed. A portion may require backfill rather than cut fill making which is comparable to the previously bonded amount of 200 LF cut/fill (Photo Fifteen). Several pieces of equipment were observed on site. Fuel is currently stored in a mobile double walled tank near the entrance ramp into the pit floor.

Division staff also inspected the approximately 3 ac. of land noted as being reclaimed on the most recent annual report (Photo Sixteen). Vegetation has begun to germinate however there is a high frequency of noxious weeds present. Based on timing it is difficult to differentiate between desirable and noxious grass species. The Operator is encouraged to monitor germination and growth throughout the season. Noxious weed species should be managed to the extent practical to avoid negative impacts to desired reclamation species. If desirable species begin to outcompete the noxious species present, please contact the Division to coordinate a release inspection. The Division acknowledges that the surrounding vegetation is significantly different than the approved Reclamation Plan seed mix. This makes it difficult to determine when successful reclamation has been achieved.

The Division currently requires a financial warranty amount of \$56,400.43 for this site. 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. The Operator will be notified if the bond is found to be insufficient.

Responses to this inspection report should be directed to: Amy Yeldell at the Division of Reclamation, Mining and Safety, Room 215, 1001 E 62nd Ave, Denver, CO 80216. Direct contact can be made by phone at 303-866-3567 Ext 8183 or via email at amy.yeldell@state.co.us

GENERAL INSPECTION TOPICS

The following list identifies the environmental and permit parameters inspected and gives a categorical evaluation of each

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|---|--|---------------------------------|
| (AR) RECORDS----- <u>N</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>N</u> | (SF) PROCESSING FACILITIES----- <u>Y</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>Y</u> | (SP) STORM WATER MGT PLAN---- <u>NA</u> | (RS) RECL PLAN/COMP-- <u>Y</u> |
| (ES) OVERBURDEN/DEV. WASTE----- <u>NA</u> | (SC) EROSION/SEDIMENTATION--- <u>N</u> | (ST) STIPULATIONS----- <u>Y</u> |
| (AT) ACID OR TOXIC MATERIALS----- <u>NA</u> | (OD) OFF-SITE DAMAGE----- <u>PV</u> | |

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

Inspection Contact Address

David Forenza
Mesa Agg LLC
PO Box 7790
Avon, CO 81632

Enclosure: RTB

EC:
Travis Marshall, Senior EPS, Grand Junction DRMS
Steve Baker, Contractor/ Site Rep
Todd Jesse, DRMS
Citizen

PHOTOGRAPHS







Photo Five: Scale on existing access road near compost facility gate



Photo Six: Overburden stockpile place atop highwall on north side of permit





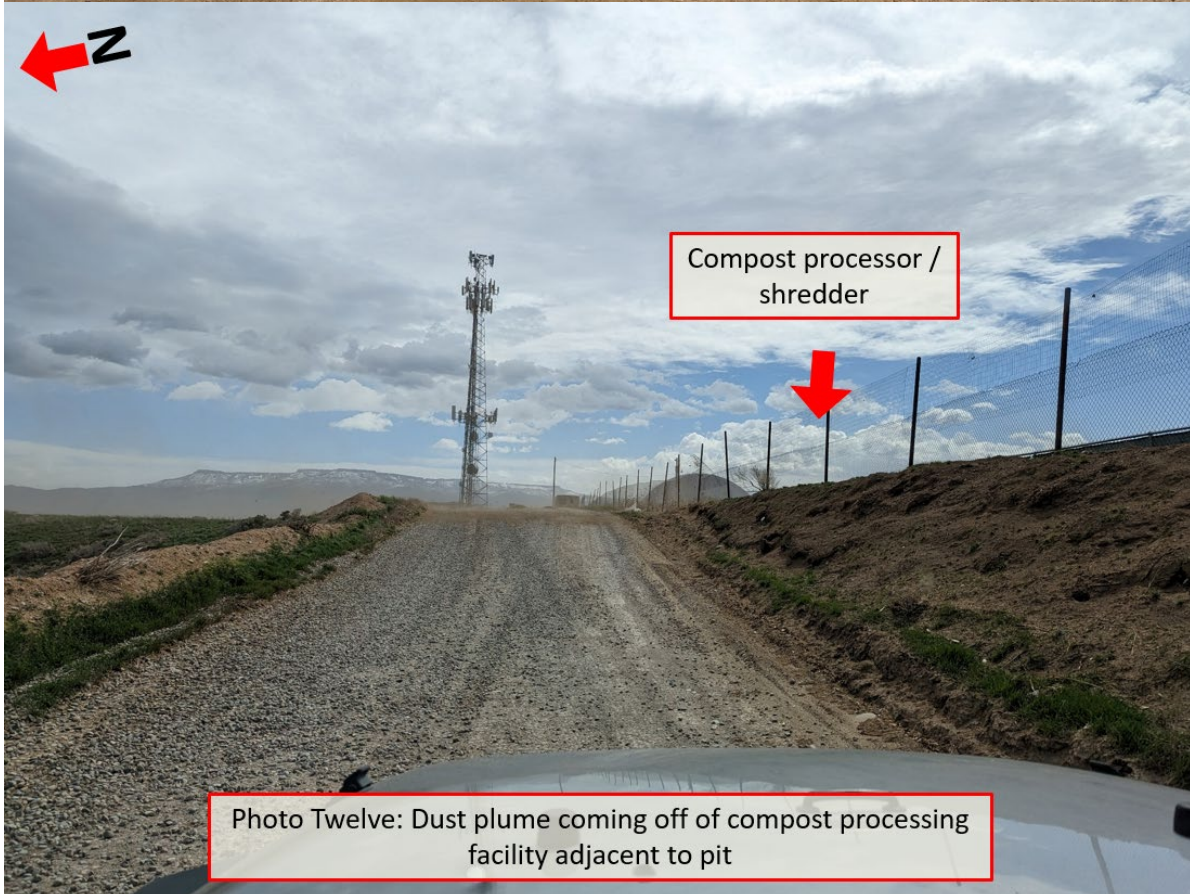




Photo Thirteen: Imported asphalt and cement



Photo Fourteen: Processing equipment on site

