



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: Navajo Clay Pit	MINE/PROSPECTING ID#: M-1993-004	MINERAL: Clay (general)	COUNTY: Elbert
INSPECTION TYPE: Monitoring	WEATHER: Clear	INSP. DATE: May 3, 2023	INSP. TIME: 10:00
OPERATOR: General Shale Brick, Inc.	OPERATOR REPRESENTATIVE: Jason McGraw	TYPE OF OPERATION: 112c - Construction Regular Operation	

REASON FOR INSPECTION: Normal I&E Program	BOND CALCULATION TYPE: Complete Bond	BOND AMOUNT: \$48,297.00
DATE OF COMPLAINT: NA	POST INSP. CONTACTS: None	JOINT INSP. AGENCY: None
INSPECTOR(S): Joel Renfro Amy Eschberger	INSPECTOR'S SIGNATURE: 	SIGNATURE DATE: May 31, 2023

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 #1 - The current mining plan needs to be updated and clarified pursuant to C.R.S. 34-32.5-112(1)(c)(VI) and Rule 6.4.4. The operator must provide sufficient information to describe or identify how the operator intends to conduct the operation.

CORRECTIVE ACTIONS: By the corrective action due date, the operator shall submit a Technical Revision, with the required \$216 revision fee, to update and clarify the current approved mining plan in accordance with Rule 6.4.4 to reflect existing and proposed activities. Specifically, the mining plan needs to be updated to describe the stormwater management plan for the site, including all water diversions and impoundments. This revision must also include an updated mining plan map that meets the requirements of Rules 6.2.1(2) and 6.4.3. All stormwater management structures must be shown on the updated map.

CORRECTIVE ACTION DUE DATE: June 30, 2023

INSPECTION TOPIC: Gen. Compliance With Reclamation Plan

PROBLEM/POSSIBLE VIOLATION: Problem #2 - Failure to follow approved reclamation plan, or current reclamation plan needs to be updated and clarified pursuant to C.R.S. 34-32.5-116 and Rule 6.4.5. The operator must follow approved reclamation plan or provide sufficient information to describe or identify how the operator intends to conduct reclamation.

CORRECTIVE ACTIONS: By the corrective action due date, the operator shall submit a Technical Revision, with the required \$216 revision fee, to update and clarify the current approved reclamation plan in accordance

with Rule 6.4.5 to reflect existing and proposed activities. Specifically, the reclamation plan needs to be updated to describe how stormwater management structures at the site (e.g., ditches, rock check dams, pond) will be reclaimed. If any of the stormwater management structures are proposed to remain for reclamation, or any other changes are proposed in the updated reclamation plan, the revision must also include an updated reclamation plan map that meets the requirements of Rules 6.2.1(2) and 6.4.6. The operator should be advised, any proposal to leave a structure for reclamation must include a notarized letter from the landowner acknowledging their desire to leave such structure. This corrective action may be submitted with the same Technical Revision required for Problem #1 above.

CORRECTIVE ACTION DUE DATE: June 30, 2023

INSPECTION TOPIC: Financial Warranty

PROBLEM/POSSIBLE VIOLATION: Problem #3 - The financial warranty is not adequate to reclaim the site in accordance with the approved reclamation plan. This is a failure to maintain the proper financial warranty amount to complete reclamation of the affected lands pursuant to C.R.S. 34-32.5-117(4)(b) and Rule 4.2.1(1).

CORRECTIVE ACTIONS: The Division has recalculated the required financial warranty for reclaiming the site in accordance with the approved reclamation plan (see enclosed bond estimate). However, as noted in Problem #2 above, the reclamation plan needs to be updated. Therefore, the Division will re-evaluate the required financial warranty during its review of the Technical Revision to be submitted for Problems #1 and #2. The required revision must include an updated bond estimate that meets the requirements of Rule 6.4.12.

CORRECTIVE ACTION DUE DATE: June 30, 2023

OBSERVATIONS

The Navajo Clay Pit site was inspected by Joel Renfro and Amy Eschberger with the Division of Reclamation, Mining and Safety (Division/DRMS) as part of the Division's routine monitoring program. This site was previously inspected by the Division on November 30, 2017. Jason McGraw with General Shale Brick, Inc. was present during the inspection. The operation mines clay for brick manufacturing. The site is located approximately 14.5 miles north of Kiowa, CO in Elbert County. This site is accessed from the north off of Co Rd 174. The approved post-mining land use is rangeland. Photos 1-9 taken during the inspection are included with this report.

Navajo Clay Pit is a 112c operation permitted for 200 total acres, with 62.41 acres of affected area. The maximum allowed disturbance is 25 acres; currently about 16 acres are disturbed. The disturbance includes an access road that is approximately 0.35 mile long leading to the clay stockpile pad area located in the southwestern portion of the affected area. There is a stormwater pond located south of the clay pad that is approximately 0.3 acre in size; this pond was dry at the time of inspection. A haul road approximately 500 feet long leads to the pit area. The pit is located on the western edge of the affected area and runs from north to south. Overburden and topsoil stockpiles are stored along the western and northern edges of the pit and along the eastern and southern edges of the pad area. These stockpiles appeared to be stable with vegetative cover. According to the operator, the pit has not been mined since 2000. However, the Navajo Clay Pit keeps its "active" status since they have been hauling off from their clay stockpile. The Division noted during the inspection that very little clay product stockpile remains, meaning the operator will need to either resume excavation activities soon or begin final reclamation of the site in accordance with Rule 3.1.3.

The pit is approximately 6.3 acres in size and 35-40 feet deep. The highwall slope gradients are estimated to be 1H:1V to 2H:1V. There was water present in the pit at the time of inspection. It appears that the operator has a valid well permit (Division of Water Resources Well Permit No. 65324-F) and water rights (Colorado Ground Water Commission Determination No. 1029-BD) to account for the exposed groundwater in the pit. There were several turtles using the water at the time of inspection. These turtles appeared to be Ornate Box Turtles, which Colorado Parks and Wildlife does not recognize as endangered or threatened.

The operator has constructed check dams in two areas within the affected area boundary, along the eastern edge of the haul road running between the clay stockpile pad and the pit, and along the eastern edge of the access road leading from Co Rd 174 to the clay stockpile pad. These check dams have been constructed with scrap bricks imported to the site from the operator's Denver brick manufacturing plant. The operator indicated the check dams were constructed for stormwater management to prevent further erosion of the pit. A small stockpile of scrap bricks was stored in the clay pad area for use in maintenance of the check dams. The approved mining and reclamation plans do not address the stormwater management structures at the site. Specifically, the mining plan does not address the importation of scrap bricks, the use of this material to construct check dams, or the stormwater pond construction. The reclamation plan does not address how the stormwater management structures will be reclaimed. Accordingly, two problems are cited in this report (see Problems #1 and #2) which require the operator to submit a Technical Revision (see enclosed form) to update the mining and reclamation plans and maps for the site to address the existing and planned stormwater management structures.

Vegetation throughout the site consisted primarily of native grasses and forbs, with some shrubs. Few noxious weeds were present at the time of inspection, including Musk Thistle (north of northern topsoil stockpile) and Common Mullein (around check dams between clay stockpile pad and mining pit). The operator should continue to monitor these weeds and implement the approved weed management plan as appropriate, in

accordance with Rule 3.1.10(6).

The required Financial Warranty for this permit was increased in 2008 from \$37,750.00 to \$48,297.00, for a maximum disturbed area of 25 acres. No additional acres appear to have been disturbed since 2008. However, a recent reevaluation of the bond shows that, as of May 3, 2023, the current Financial Warranty is not adequate to complete reclamation of the site in accordance with the approved plan. This is cited as a problem in this report (see Problem #3). As noted above, the operator will need to submit an updated reclamation plan to address the stormwater management structures at the site. Therefore, the Division will reassess the required Financial Warranty during its review of the Technical Revision to be submitted for Problems # 1 and #2.

This concludes the report.

Any questions or comments regarding this inspection report should be forwarded to Joel Renfro at the Colorado Division of Reclamation, Mining, and Safety, 1313 Sherman Street, Room 215, Denver, CO 80203, via telephone at (303) 866-3567 ext. 8147, or email at joel.renfro@state.co.us.

PHOTOGRAPHS



Photo 1. Navajo Clay Pit permit sign.



Photo 2. Clay product stockpile on pad, looking south.



Photo 3. Stormwater pond south of stockpile pad, looking east.



Photo 4. Clay stockpile pad, looking north.



Photo 5. Excavated pit, looking north.



Photo 6. Standing water in pit, looking west.



Photo 7. Check dams made with scrap brick, east of access road. Looking south.



Photo 8. Check dams made with scrap brick in between stockpile pad and mining pit. Looking north.



Photo 9. Check dams made with scrap brick in between stockpile pad and mining pit. Looking south.

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----- PB	(RD) ROADS----- <u>Y</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- PB	(FW) FISH & WILDLIFE----- <u>N</u>	(RV) REVEGETATION---- <u>N</u>
(SM) SIGNS AND MARKERS----- <u>Y</u>	(SP) STORM WATER MGT PLAN---- <u>N</u>	(RS) RECL PLAN/COMP-- PB
(ES) OVERBURDEN/DEV. WASTE----- <u>N</u>	(SC) EROSION/SEDIMENTATION--- <u>Y</u>	(ST) STIPULATIONS----- <u>N</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

Jason McGraw
General Shale Brick, Inc.
1845 W. Dartmouth Ave.
Denver, CO 80110

Enclosure(s): Technical revision form

CC: Harold Stickler, General Shale Brick Inc.
Amy Eschberger, DRMS



COLORADO DIVISION OF RECLAMATION, MINING AND SAFETY

1313 Sherman Street, Room 215, Denver, Colorado 80203 ph(303) 866-3567

REQUEST FOR TECHNICAL REVISION (TR) COVER SHEET

File No.: M- _____ Site Name: _____

County _____ TR# _____ (DRMS Use only)

Permittee: _____

Operator (If Other than Permittee): _____

Permittee Representative: _____

Please provide a brief description of the proposed revision: _____

As defined by the Minerals Rules, a Technical Revision (TR) is: “a change in the permit or application which does not have more than a minor effect upon the approved or proposed Reclamation or Environmental Protection Plan.” The Division is charged with determining if the revision as submitted meets this definition. If the Division determines that the proposed revision is beyond the scope of a TR, the Division may require the submittal of a permit amendment to make the required or desired changes to the permit.

The request for a TR is not considered “filed for review” until the appropriate fee is received by the Division (as listed below by permit type). Please submit the appropriate fee with your request to expedite the review process. After the TR is submitted with the appropriate fee, the Division will determine if it is approvable within 30 days. If the Division requires additional information to approve a TR, you will be notified of specific deficiencies that will need to be addressed. If at the end of the 30 day review period there are still outstanding deficiencies, the Division must deny the TR unless the permittee requests additional time, in writing, to provide the required information.

There is no pre-defined format for the submittal of a TR; however, it is up to the permittee to provide sufficient information to the Division to approve the TR request, including updated mining and reclamation plan maps that accurately depict the changes proposed in the requested TR.

Required Fees for Technical Revision by Permit Type - Please mark the correct fee and submit it with your request for a Technical Revision.

<u>Permit Type</u>	<u>Required TR Fee</u>	<u>Submitted</u> (mark only one)
110c, 111, 112 construction materials, and 112 quarries	\$216	<input type="checkbox"/>
112 hard rock (not DMO)	\$175	<input type="checkbox"/>
110d, 112d(1, 2 or 3)	\$1006	<input type="checkbox"/>