



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: Edmundson Clay Mine	MINE/PROSPECTING ID#: M-1985-203	MINERAL: Clay (general)	COUNTY: Pueblo
INSPECTION TYPE: Monitoring	WEATHER: Clear	INSP. DATE: May 16, 2023	INSP. TIME: 12:00
OPERATOR: Summit Brick & Tile Co.	OPERATOR REPRESENTATIVE: Julie Welte	TYPE OF OPERATION: 110c - Construction Limited Impact	

REASON FOR INSPECTION: Normal I&E Program	BOND CALCULATION TYPE: Complete Bond	BOND AMOUNT: \$19,350.00
DATE OF COMPLAINT: NA	POST INSP. CONTACTS: None	JOINT INSP. AGENCY: None
INSPECTOR(S): Amber Michels	INSPECTOR'S SIGNATURE: 	SIGNATURE DATE: June 22, 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: Off-site Damage, Signs and Markers

POSSIBLE VIOLATION: Land has been affected outside of the approved permit boundary and the affected land boundary markers are incorrectly placed. This is a possible violation at this time pursuant to: 1.) C.R.S. 34-32.5-109(1) for failure to first obtain from the board or office a reclamation permit prior to engaging in a new operation, 2.) 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, AND Rule 3.1.12(2) for failure to adequately delineate the affected area with monuments or markers.

CORRECTIVE ACTIONS: This possible violation will require a hearing before the Mined Land Reclamation Board ("MLRB" or "Board"). The hearing will be scheduled during the August 16 and 17, 2023 MLRB meeting. 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: 8/16/2023

OBSERVATIONS

This inspection was conducted as part of the Division's routine monitoring program for permitted operations. Amber Michels, with the Division of Reclamation, Mining and Safety conducted the inspection while Julie Welte, representing the Operator; Summit Brick & Tile, Co., accompanied.

The Edmundson Clay Mine is a Construction Material Limited 110c Operation Reclamation Permit and is approved to affect 9.8 acres of land. Affected lands will be reclaimed to support agricultural grazing (rangeland) post-mining land use. The site is located 24 miles south of Pueblo, Colorado, along the southern Pueblo County line. The Division met Julie Welte at the intersection of Colorado Highway 10 and Huerfano CR 120 (Cucharas Junction) and traveled 19.5 miles north to the remote mine site.

Acid And Toxic Materials:

No acid or toxic materials are stored on site. However, an old fuel tanker was observed south of the reclaimed area on the eastern side of the permit (Photos 36 and 40: Map 1). The Operator stated that it would be removed prior to a release request.

Backfilling and Grading:

Mining operations have ceased and the site has been in final reclamation since 2020. All mining pits have been backfilled and graded to slopes not steeper than 3H:1V (Photos 22,33, and 35) in compliance with the approved mining plan. The area on the east side of the permit has been in reclamation since 2007. A highwall no bigger than eight feet was approved by the Division in 2006 to remain in this area. Photos of the highwall (Photos 16, 17, 20, 36-38; Map 1) were taken during the inspection, and its length was captured using the Esri Field Maps application (Map 1). The area on the west side of the permit was reclaimed in two major sections. The north half of the west side began undergoing reclamation in 2017, during which the southern portion of the west side was actively being mined. The remainder of the western side underwent reclamation beginning in 2020.

Excess Spoil and Dev. Waste:

Metal and concrete cylinders located near the mine sign at the site entrance, as well as a pile of wood to the north-east of the sign were observed during the inspection (Photos 5: Map 1). When asked, the Operator was not sure who placed them there or when, but stated she would find out. If placed there by the Permittee/Operator, and not the landowner, they will need to be removed prior to a release request.

Explosives:

Mining operations had used explosives in compliance with the Operator's mining and blasting plans. However, because the site has been in final reclamation since 2020, the Operator has not blasted any material in years and will not be blasting in the future.

Financial Warranty:

The Division has reviewed the financial warranty and has determined that the currently held bond in the amount of \$19,350 is adequate at this time.

Hydrologic Balance:

The reclamation onsite has been conducted in a manner that facilitates natural drainage patterns. The natural drainage channel was extended by the Operators to allow for the flow of natural drainage along the north-west side of the permit. This drainage-way cuts across the center of the permit, separating the east and west sides, and bends through the western side, separating the north and south portions of the western side (see Map 1**). The main drainage way, as well as a few minor ones (Photos 12, 13, and 15) were dry, with the exception of a small shallow puddle noted in Photo 18. The Operator had placed boulders lining the south side of the drainage way that bisects the western side of the permit (Photos 21 and 22) to ensure that mining and reclamation operations stayed out of the channel. The drainage channels appear stable and no erosion or excess sedimentation was observed in the main channel. The minor drainage way observed in the western side (Photo 15) appeared to be armored with cobbles, and resistant to erosion.

Off-site Damage:

A possible violation has been cited above due to the Division's observation of affected land outside the permit boundary (Map 1; Figures 1 and 2). The permit history has contained discrepancies of where the permit boundary lies and where mining and reclamation activities have been conducted (Figure 1). Regardless of which of the possible boundaries outlined in Figure 1 is representative of the actual approved permit boundary, land is affected outside of each variation, with land affected outside of the boundary to the south of the permit in each case. When using the permit boundary derived from the currently marked southern corners (orange boundary on Map 1 and Figures 1 and 2), the total acreage affected off-site is approximately 3.42 acres (indicated by the red polygons on Figure 2). Figure 2 depicts the Operator's mining and reclamation activities that caused off-site disturbance in each of these areas. The Division will set the Operators up for a hearing in front of the Mined Land Reclamation Board pursuant to Rules 3.3.1 and/or Rule 3.3.2.

Right of Entry:

During the inspection, the Operator asked whether the land owners were still the original landowners at the time the permit was approved and whether the Operator still had legal right of entry, to which the Operator stated that they believed this was the case. However, post-inspection, the Division discovered that according to the Pueblo County Assessor's site, the land is under new ownership (Figure 3). Pending enforcement actions, the Operator will be required to provide a valid source of legal right to enter to conduct reclamation pursuant to Rule 6.3.7 or Rule 6.4.14.

Revegetation/Roads:

The entire site has been seeded, with the most recent acres (the portion south of the main drainage in the west side of the permit) having been seeded in 2020. The most recently reclaimed area does not have adequate vegetative cover and is mostly comprised of annual weeds primarily Russian Thistle (see Figure 4; Photos 7, 11, 14, 15, and 24). At this time, the reclamation in this portion of the permit is not eligible for release. Also, starting north of photo location 11 down to photo location 15, the vegetation is sparse. The Operator will be required to re-seed the south-western recently reclaimed area -- once it has established vegetative cover representative of the adjacent unaffected land it will then be eligible for release. The vegetative cover on the other reclaimed portions of the site is adequate and no noxious weeds were observed onsite. (16, 17, 19, 20, 23, 29 and portions of others).

The Operator stated that the west fork of the entrance road (the access road) has been reseeded per the landowners request (Photo 2). The east fork or the entrance road has been left as-is for the use by the landowner (Photo 1), with the exception of the portion within the south-eastern corner of the site which has been reseeded (Photo 41). A road was constructed to the west of the permit boundary (Map 1), but when

asked, the Operator stated that the road was made by the electrical company. This road has since been reclaimed (Photos 9 and 10).

Signs and Markers:

A permit sign posted in compliance with Rule 3.1.12 was observed at the entrance to the site (Photo 3).

The Division has found discrepancies in the approved permit boundary, the boundary shown on annual reports maps and the boundaries marked in the field. However, it is clear land has been affected outside of the approved and marked boundaries (See Figure 1). The north-south extent of the affected land exceeds possible north-south dimensions of the affected land boundary. Two boundary markers, marking the south-west (Photo 6) and the south-east (Photo 42) corners of the site were observed and their GPS locations were acquired using the Esri Field Maps application. Two t-posts were also observed at the northern-most extent of the affected land (Photo 30). It appears the south-west and south-east corners are incorrectly placed, and are located further south than the approved boundary. Part of the corrective actions that the Division will recommend for the violation noted above will include clearly defining the permit and affected land boundaries.

Topsoil:

No topsoil piles currently remain on the site. The topsoil pile that was located south of the reclaimed eastern pit has been used to reclaim the western side of the permit (Photo 40).

This concludes the Division's Inspection Report; a map and a few figures displaying topics discussed during the inspection and a subset of corresponding photographs that were taken during the time of the inspection are included below. If you need additional information or have any questions, please contact me by email at amber.michels@state.co.us or by telephone at (720) 836-0967.

Inspection Contact Address

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Summit Brick & Tile Co.
601 East 13th Street
Pueblo, CO 81002

CC: Joseph Welte, Summit Brick & Tile Co.
Jared Ebert, DRMS

GENERAL INSPECTION TOPICS

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

(AR) RECORDS----- <u>N</u>	(FN) FINANCIAL WARRANTY----- <u>Y</u>	(RD) ROADS----- <u>N</u>
(HB) HYDROLOGIC BALANCE----- <u>Y</u>	(BG) BACKFILL & GRADING----- <u>Y</u>	(EX) EXPLOSIVES----- <u>Y</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>N</u>	(FW) FISH & WILDLIFE----- <u>N</u>	(RV) REVEGETATION---- <u>N</u>
(SM) SIGNS AND MARKERS----- <u>PV</u>	(SP) STORM WATER MGT PLAN---- <u>N</u>	(RS) RECL PLAN/COMP-- <u>N</u>
(ES) OVERBURDEN/DEV. WASTE----- <u>Y</u>	(SC) EROSION/SEDIMENTATION--- <u>N</u>	(ST) STIPULATIONS----- <u>N</u>
(AT) ACID OR TOXIC MATERIALS----- <u>Y</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**

PHOTOGRAPHS



Photo 1: Looking north-east at the east fork of the entrance road.



Photo 2: Looking north-west along the west fork of the entrance road used for site access.



Photo 3: Looking north at the mine sign posted before the entrance to the site.



Photo 4: Looking east at the small wood pile located north of the mine sign and south of the mine site.



Photo 6: Looking west at the south-western corner boundary t-post marker.



Photo 7: Looking east across the permit at the most recent reclamation from the SW corner marker.



Photo 8: Looking north-east across the permit site from the SW corner marker.



Photo 9: Looking north-west along the remainder of the road constructed to the west of the permit boundary.



Photo 10: Looking north along the remainder of the road constructed to the west of the permit boundary.



Photo 11: Facing north-west, looking at one of the bare patches observed throughout the most recently reclaimed portion of the site.



Photo 12: Looking south-east at the drainage way located along the western portion of the site.



Photo 13: Looking north-west at the drainage way located along the western portion of the site.



Photo 14: Looking west across the recently reclaimed portion of the site.



Photo 15: Looking south at evidence of some drainage cutting through the center of the recently reclaimed portion of the site.



Photo 16: Looking south-east at the western portion of the highwall approved to stay post-reclamation



Photo 17: Looking east at the eastern and connecting western portion of the highwall approved to stay post-reclamation



Photo 18: Looking south at the drainage way east of the recently reclaimed area, and west of the initially reclaimed area and the remaining highwall. A small puddle of water was observed that had formed from recent rainfall.

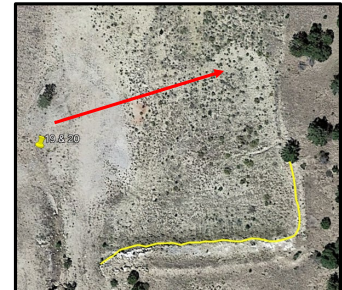


Photo 19: Facing south-east looking at the southern extent of the initially reclaimed pit. (Line of sight indicated by the red arrow from the Map 1 excerpt)

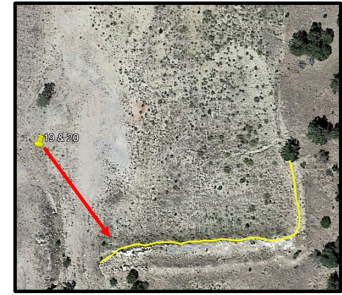


Photo 20: Facing north-east looking at the northern extent of the initially reclaimed pit marked by the presence of the remaining highwall. (Line of sight indicated by the red arrow from the Map 1 excerpt)



Photo 21: Looking west across the northern drainage channel barrier marked by boulders.



Photo 22: Looking north-west beyond the boulders at the northern drainage channel.



Photo 23: Looking east across the site from the top of the slope constructed north of the northern drainage channel.



Photo 24: Looking south across the site from the top of the slope constructed north of the northern drainage channel.



Photo 25: Looking south-west across the site from the top of the slope constructed north of the northern drainage channel.



Photo 26: Looking west across the site from the top of the slope constructed north of the northern drainage channel.



Photo 27: Looking west across the northern affected area extent boundary at the adjacent unaffected land.



Photo 28: Looking east across the northern affected area extent boundary at the hill where the western t-post is located.



Photo 29: Looking north across the slope constructed north of the northern drainage channel.



Photo 30: Looking west along the northern boundary at the west and east t-posts marking the northern extent of the affected area.



Photo 31: Looking east along the northern boundary from the east t-post's location.



Photo 32: Looking north from the northern boundary at the unaffected adjacent land.



Photo 33: Looking north-west from the extent of the affected land in the north-eastern portion of the permit. The arrows indicate reclaimed slopes angled at a 3H:1V.



Photo 34: Looking south from the extent of the affected land in the north-eastern portion of the permit.



Photo 35: Looking west from the approximate corner of the permit at the reclaimed eastern disturbance boundary (arrows).



Photo 36: Looking at the eastern corner of the highwall. Oil tanker located to the south (arrow).

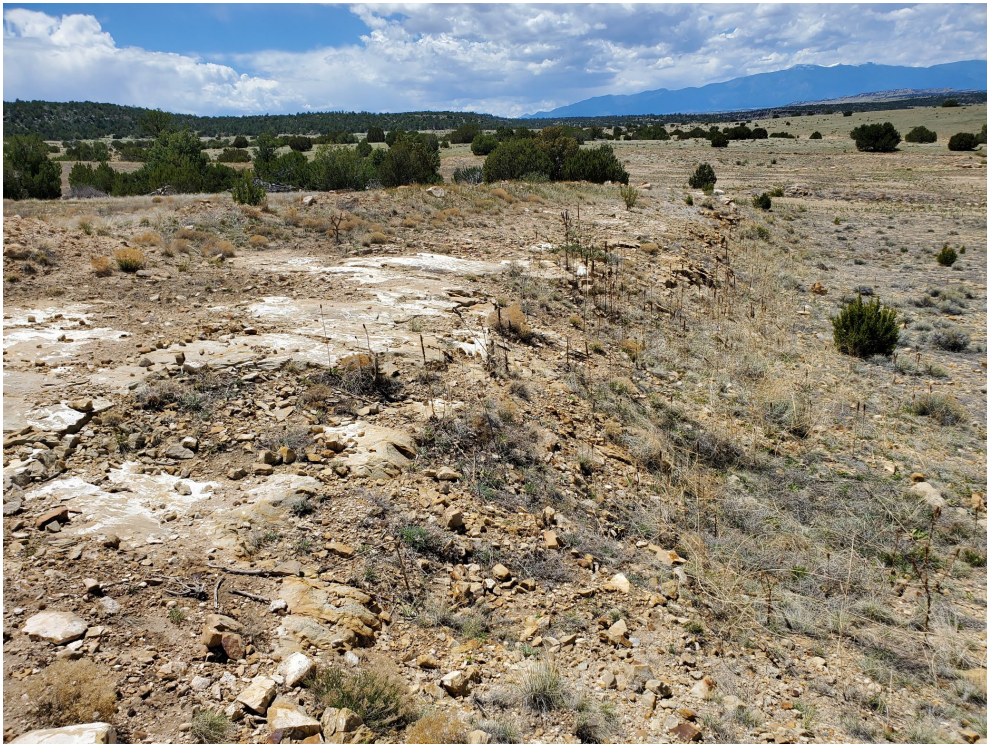


Photo 37: Looking west along the southern portion of the highwall from its corner.



Photo 38: Looking north along the highwall from its corner.



Photo 39: Looking west from just south of the corner of the highwall.



Photo 40: Looking east at an old fuel tanker located on site east of where the topsoil pile was located prior to reclamation. Old topsoil pile location encircled in blue on the excerpt from Map 1)



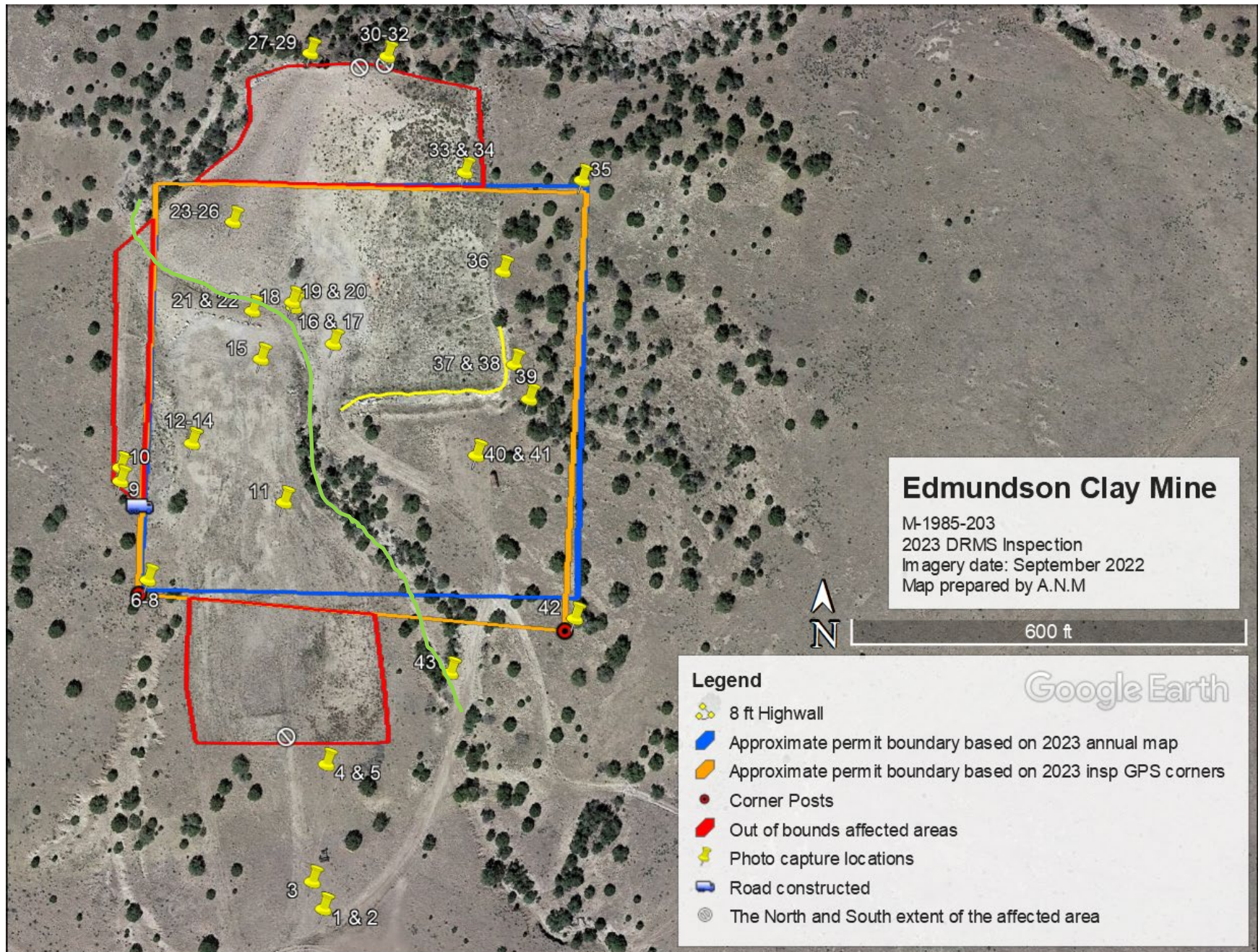
Photo 41: Looking south along the portion of reclaimed road within the permit area south of the topsoil pile location.



Photo 42: Looking west at the south-eastern permit boundary currently located on-site.



Photo 43: Looking north at the drainage channel located between the eastern and western portions of the permit.



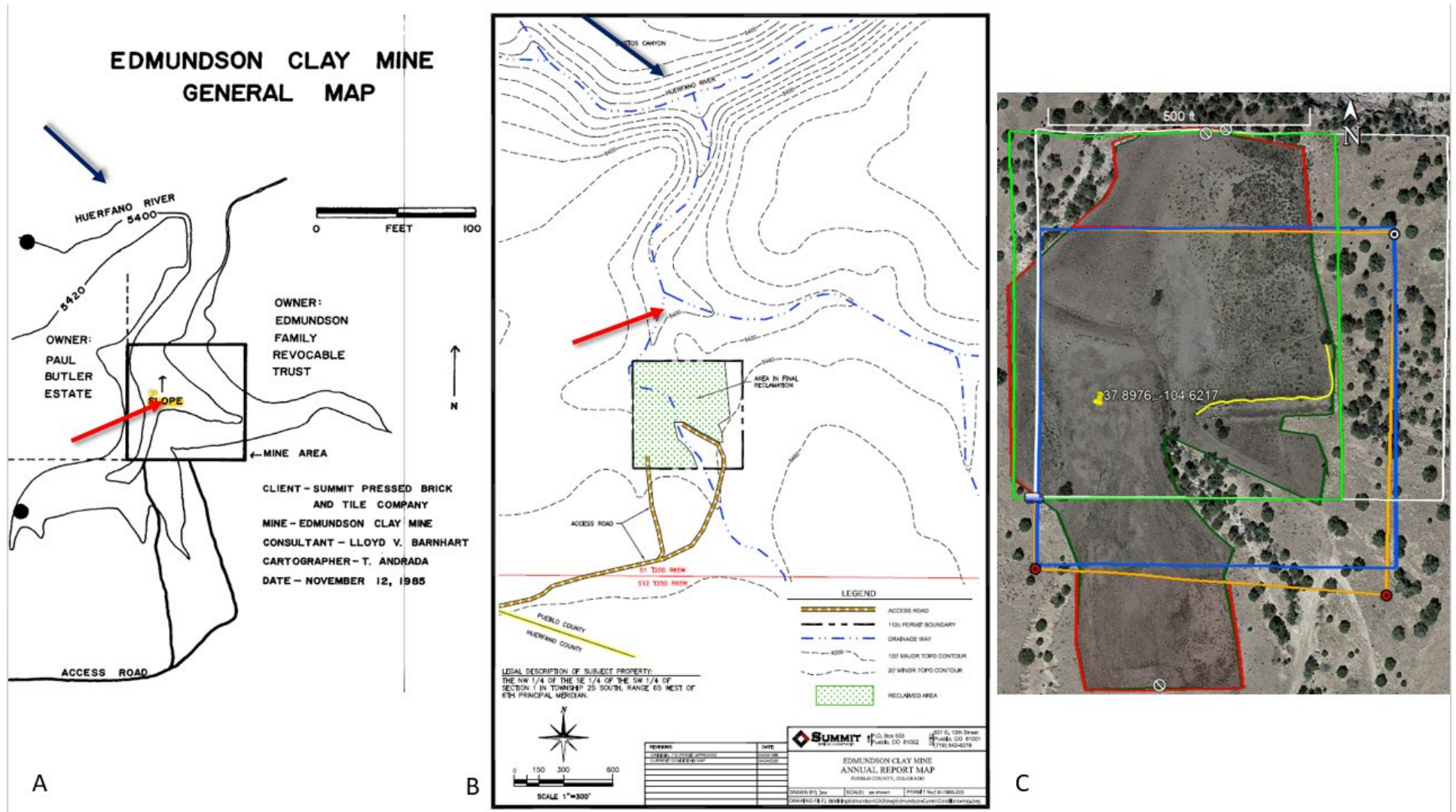


Figure 1: A) The approved mining plan map. **B)** The 2023 annual report, this is the first report map that deviated from editing the approved map. **C)** Figure generated in Google Earth to show four approximate permit boundaries based on variations of the approved map and annual reports. The white polygon is the approximate location of the approved boundary. According to the scale, the approved boundary encompasses more land than the permit was approved for. The green polygon represents a boundary more consistent with the reported disturbance and the 9.8 acre approved area. The blue boundary represents the approximate location of the boundary reported in the 2023 annual report. The orange boundary represents the approximate boundary in relation to the

southern corner posts located onsite that were observed during the 2023 inspection. *The gray-shaded polygon represents the entire affected area during the life of the permit. **The red polygons represent the area affected outside of the permit based on the 2023 boundary corner locations. The southern-most red polygon specifically represents the area affected outside of all four permit boundary variations. ***The Red and Black arrows added to Figure 1 A and B indicate the location of topographic features consistent on both maps that indicate the permit boundaries shifted south on the 2023 annual report map in comparison to the approved boundaries located in Figure 1 Map A.

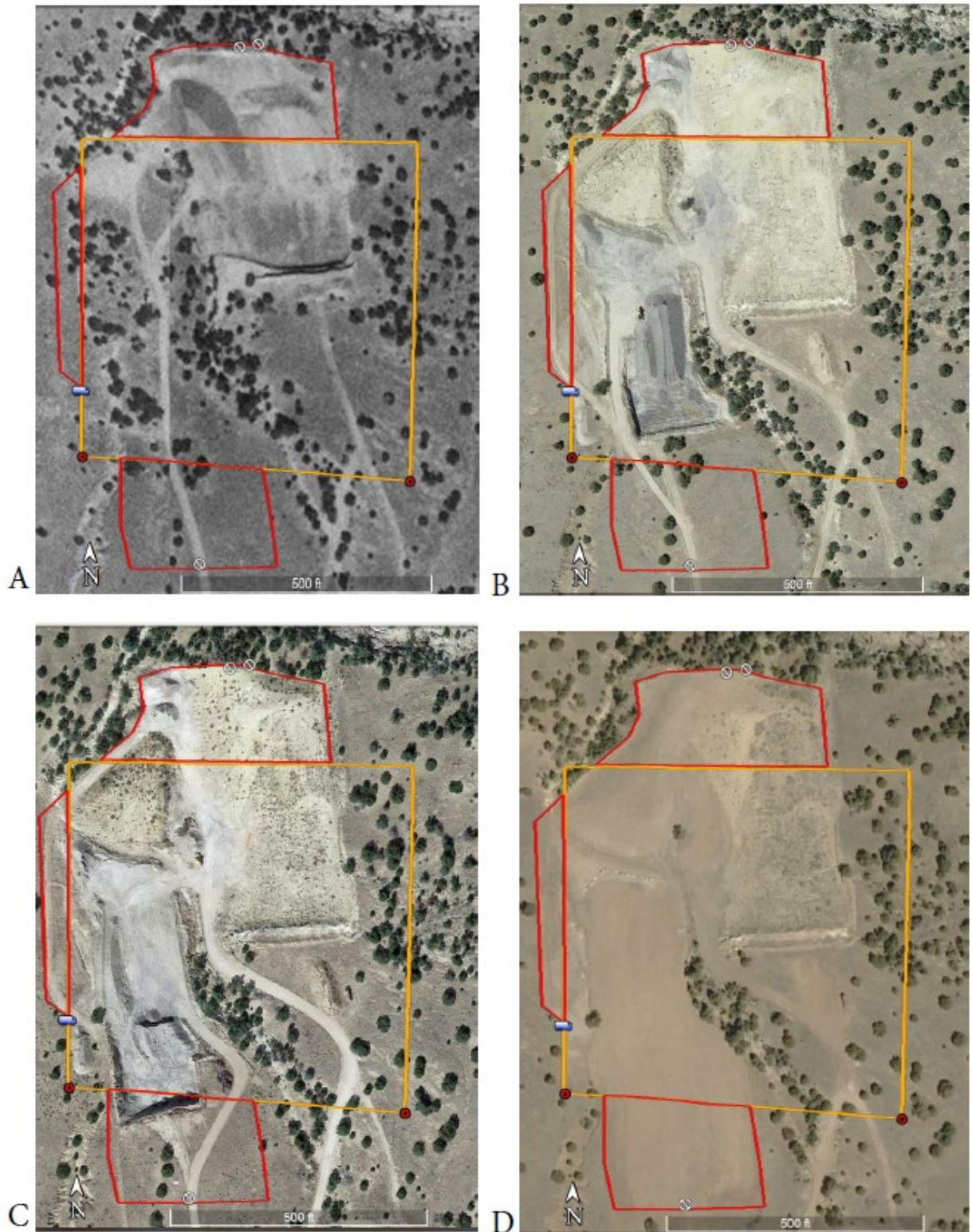


Figure 2: Images A-D were captured in Google Earth Pro. Each image illustrates mining activities over the years that highlight areas where land has been affected outside of the currently partially marked permit boundary. The red polygons indicate the land affected off-site and the orange polygon depicts the currently marked permit boundary. **A)** Image taken September 1999. This is the first clear image on Google Earth and it depicts mining occurring north of the orange boundary. **B)** Image taken in April 2013 depicting a road constructed to the west of the permit boundary. This road first appears in a blurry Google Earth Image in 2011. **C)** Image taken in October 2015, showing the first evidence of off-site mining activity south of the permit boundary. **D)** Image taken March 2022 that shows reclamation activities further extending the affected area south of the permit boundary.

No Photo Available



▼ OVERVIEW

Key Information

Owner	BEAVER CREEK RANCHES LLC
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Figure 3: The legal right to enter may be invalid according to the Pueblo County Assessor site's ownership information for parcel number 5500000029, which encompasses the entirety of the Edmundson Clay Mine (red arrow). According to the site, this parcel is now owned by Beaver Creek Ranches LLC, and not split by the Edmundson Family Revocable Trust and the Paul Butler Estate (see Figure 1 (A)).



Figure 4: Various examples of vegetative cover throughout the most recently seeded area (the south-western portion of the permit). An 11.5 x 9.5" binder is used for scale. Much of the established vegetation in this area consists of the annual weed Russian Thistle.