




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: Timnath Pit	MINE/PROSPECTING ID#: M-1989-056	MINERAL: Sand and gravel	COUNTY: Larimer
INSPECTION TYPE: Surety-Related Inspection	WEATHER: Clear	INSP. DATE: August 24, 2023	INSP. TIME: 09:45
OPERATOR: McAtee Construction Company	OPERATOR REPRESENTATIVE: Rodney Havens Joshua Kruchten	TYPE OF OPERATION: 112c - Construction Regular Operation	

REASON FOR INSPECTION: Surety Related	BOND CALCULATION TYPE: Complete Bond	BOND AMOUNT: \$369,623.60
DATE OF COMPLAINT: NA	POST INSP. CONTACTS: None	JOINT INSP. AGENCY: None
INSPECTOR(S): Patrick Lennberg	INSPECTOR'S SIGNATURE: 	SIGNATURE DATE: October 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: Availability Of Records

PROBLEM: The current Groundwater Monitoring Plan needs to be updated and clarified pursuant to Rule 3.1.6. The operator must provide sufficient information to describe how disturbances to the prevailing hydrologic balance of the affected land and of the surrounding area and to the quantity or quality of water in surface and groundwater systems both during and after the mining operation and during reclamation will be minimized.

CORRECTIVE ACTIONS: The operator shall submit a Technical Revision, with the required \$216 revision fee, to update and clarify the current approved Groundwater Monitoring Plan to reflect existing and proposed activities by the corrective action date.

CORRECTIVE ACTION DUE DATE: 12/30/23

INSPECTION TOPIC: Mine Sign

PROBLEM: The mine identification sign was not posted at the entrance of the mine site. This is a problem for failure to post a mine identification sign as required by Section 3.1.12(1) of the rule. The Operator shall, at the entrance of the mine site post a sign, which shall be clearly visible from the access road, with a minimum size equaling one hundred and eighty-seven (187) square inches, such as eleven (11) inches in height and seventeen (17) inches in width, with appropriate font size, with the following: the name of the Operator, a statement that a reclamation permit for the operation has been issued by the Colorado Mined Land Reclamation Board; and the permit number.

CORRECTIVE ACTIONS: The operator shall, at the entrance of the mine site, post a sign which shall be clearly visible from the access road with the following: the name of the operator, a statement that a reclamation permit for the operation has been issued by the Colorado Mined Land Reclamation Board; and the permit number. The operator shall submit photo documentation that a proper sign has been posted by the corrective action date.

CORRECTIVE ACTION DUE DATE: 11/30/23

OBSERVATIONS

The Timnath Pit was inspected by Patrick Lennberg with the Division of Reclamation, Mining and Safety (Division/DRMS). The inspection was completed in response to a Succession of Operators application (Revision No. SO-1) that was received by the Division on January 26, 2023 to transfer the site from Don Kehn Construction, Inc. to McAtee Construction Company. Rodney Havens and Joshua Kruchten representing the successor operator, McAtee Construction Company, were present during the inspection. The site was previously inspected by the Division on May 26, 2017 as part of the Division's routine monitoring inspection program. The weather was clear and warm.

The Timnath Pit is located in Larimer County approximately 2.2 miles south of the Town of Timnath, Colorado on the east side of I-25. The site is 112c permitted for 280 total acres with 242 acres approved to be affected. The approved post-mining land use is a combination of wetland and recreational. A mine sign was not observed at the entrance to the mine as required by Rule 3.1.12 and has been cited as a problem within this report.

The site was active at the time of inspection with the main activity occurring at the cement plant that is leased to Holcim located near the mine entrance. Minor activities were ongoing in the primary material processing area located in the near the east side of the permit boundary. The permit is separated into five phases (Mining Plan Map Attachment 1), Phase 1 (A, B and C), Phase 2, Phase 3, Phase 4 and Phase 5. Phase 1, most all phases, has been mined and reclaimed to wetlands. Crushing and screening of mined material is occurring at the south end of Phase 2 and a minor part of Phase 1A. Most recent mining activities have occurred in Phase 3 which is close to being mined out. Currently, Phase 3 is a large, 27.8 acre, open water pond. Phase 4 is located in the northwestern portion of the permit area and contains a 0.75 acre recharge pond. Phase 5 contains the asphalt and concrete batch plants, main offices, and maintenance shops.

In the southwestern portion of the permit boundary there is a school that was recently built. The school occupies approximately 13.9 acres of land that was never affected by mining. During the inspection it was discussed with the new Operators that they would like to release this area from the permit boundary. The Division agrees that it should be released from the permit area and will approve a release request of the area once an Acreage Release request is submitted.

The Division discussed with the new Operator the commitment that was made by the previous Operator, in AM-1, to conduct groundwater level monitoring of approved wells on a quarterly basis and submit those results annually with the report, map and fee. The Division had been pursuing these measurements from the previous Operator when the SO was submitted. During the discussion with the new Operator it became evident that the wells that were to be monitored may no longer exist and have not existed for some time. The Division has cited a problem for not having an accurate groundwater monitoring plan for the site as committed to in AM-1. The current Groundwater Monitoring Plan needs to be updated and clarified pursuant to Rule 3.1.6. The operator must provide sufficient information to describe how disturbances to the prevailing hydrologic balance of the affected land and of the surrounding area and to the quantity or quality of water in surface and groundwater systems both during and after the mining operation and during reclamation will be minimized.

The new Operator has a valid Substitute Water Supply Plan for the site that is valid from August 2023 through

July 2024.

The financial warranty was recalculated as part of this inspection using the approved Reclamation Plan Map (Attachment 2) and site observations and there will be an increase. A copy of the Division's estimate will be provided to the Operator for review under a separate cover letter. Once the surety increase is issued by the Division, the Operator will have 60 days to provide the additional financial warranty.

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

Rodney Havens and Joshua Kruchten
McAtee Construction Company
6215 Clear Creek Parkway
Cheyenne, WY 82007

Attachments: 1. Mining Plan Map
2. Reclamation Plan Map

cc: Jared Ebert, DRMS

ec: Rodney Havens, McAtee Const. Co., rhavens@simonteam.com
Joshua Kruchten, McAtee Const. Co., jkruchten@simonteam.com

PHOTOGRAPHS



Photo 1: Processing stockpiles and equipment south end of Phase 2



Photo 2: Processing plant, south end of Phase 2



Photo 3: Topsoil stockpile, midpoint area of Phase 2 looking east



Photo 4: Looking south from a stockpile located at the midpoint of Phase2



Photo 5: Concrete batch plant center right of photo, looking to southwest



Photo 6: Asphalt batch plant center of photo, open water in foreground is Phase3



Photo 7: School located within permit boundary



Photo 8: Open water area located to the east of the school



Photo 9: Mallard Creek in foreground adjacent to asphalt plant and open water of Phase 3 in background



Photo 10: Recharge pond in the north of the permit area.



Timnath Pit

M1989-065
Aerial Image Date May
2023

Legend

- Central Open Water Pond 27.8 acres
- Misc Wetland Areas
- Permit Boundary 280 acres
- Recharge Pond 0.75 acres
- School 13.9 acres
- SE Pond 2.5 acres
- SE Wetland 67 acres
- SW Open Water 6.9 Acres

PERMIT #: M-1989-056
INSPECTOR'S INITIALS: JPL
INSPECTION DATE: August 24, 2023

GENERAL INSPECTION TOPICS

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

(AR) RECORDS----- PB	(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>N</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>N</u>
(SM) SIGNS AND MARKERS----- PB	(SP) STORM WATER MGT PLAN---- <u>N</u>	(RS) RECL PLAN/COMP-- <u>Y</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>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

Attachment 1

P:\Land\2011\final base map.dwg 11/12/03 11:20 SPP



SCALE
H: 1"=500'



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DON KEHN CONSTRUCTION TIMNATH PIT
DEVELOPMENT, UTILITY EASEMENTS, AND SETBACKS
W/ MINING PHASE MAP

Project No.	CODK001
Date:	11/12/2003
Design:	SP/JFS
Drawn:	SP/MRC
Revisions:	
ACD/FILE	FINALBASEMAP.DWG

FIGURE
2.1

Attachment 2

