




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: La Poudre Sand & Gravel	MINE/PROSPECTING ID#: M-1983-090	MINERAL: Sand and gravel	COUNTY: Weld
INSPECTION TYPE: Monitoring	WEATHER: Clear	INSP. DATE: November 15, 2023	INSP. TIME: 12:00
OPERATOR: Bestway Concrete Company (BURNCO)	OPERATOR REPRESENTATIVE: Devon Glosser	TYPE OF OPERATION: 112c - Construction Regular Operation	

REASON FOR INSPECTION: Normal I&E Program	BOND CALCULATION TYPE: None	BOND AMOUNT: \$1,506,500.00
DATE OF COMPLAINT: NA	POST INSP. CONTACTS: None	JOINT INSP. AGENCY: None
INSPECTOR(S): Eric Scott	INSPECTOR'S SIGNATURE: 	SIGNATURE DATE: November 16, 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: Reclamation Success

PROBLEM/POSSIBLE VIOLATION: Problem: Rule 34-32.5-112(6) States: "Reclamation shall be completed within five years after the date... of construction material extraction has been completed..." This requirement is reiterated in section 34-32.5-116 (4) (q).

During this inspection excavation in the permit area was not observed, and does not appear to taken place recently. In addition, the 2023 SWSP submitted for this site indicates that no additional material extraction is anticipated for the site.

The current reclamation plan needs to be updated and clarified pursuant to C.R.S. 34-32.5-116 (1). The operator must provide sufficient information to describe or identify how the operator intends to conduct reclamation.

CORRECTIVE ACTIONS: The operator shall submit a Technical Revision, with the required \$216 revision fee, which will provide sufficient detail as to how the site will be reclaimed, including addressing existing exposed groundwater areas within the permit area, and an enforceable timeline to complete the remaining required reclamation, by the corrective action date.

CORRECTIVE ACTION DUE DATE: 1/31/24

INSPECTION TOPIC: Financial Warranty

PROBLEM/POSSIBLE VIOLATION: Problem: 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) of the Act.

CORRECTIVE ACTIONS: The financial warranty is no longer 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) of the Act.

Utilizing the details provided in the above required TR to clarify the final reclamation plan for the site, including addressing existing exposed groundwater, the Division will recalculate the required financial warranty. The Division will then send a separate surety increase notice to the operator regarding the increase of the financial warranty. The operator shall submit adequate financial warranty, as determined by the Division. The operator will have 60 days from the date on the surety increase notice to post the additional financial warranty.

CORRECTIVE ACTION DUE DATE: 1/31/24

INSPECTION TOPIC: Revegetation

PROBLEM/POSSIBLE VIOLATION: Problem: Russian olive and Tamarisk trees are present within or have volunteered into the permit area and are becoming established. This is a problem for failure to employ the existing weed control plan and weed control methods for a state listed noxious weed species within the permitted area, and to reduce the spread of weeds to nearby areas as required by Section 3.1.10 (6) of the rule.

CORRECTIVE ACTIONS: The operator shall implement the existing weed control plan, eliminate the Russian Olive and Tamarisk present on site, and provide proof to the Division that this has been done by the corrective action date.

CORRECTIVE ACTION DUE DATE: 5/31/24

OBSERVATIONS

This was a routine monitoring site monitoring inspection conducted by DRMS at the LaPoudre Sand & Gravel site. The inspection was conducted by Eric Scott of DRMS. DRMS travelled to the site with Devon Glosser of BURSCO Colorado, LLC and commenced at approximately 12:00. The site entrance is located at the southwest corner of Weld County roads 392 and Weld County Road 13. This site is also immediately south of the North LaPoudre Sand and Gravel pit (M2000-144). The required site identification sign was located at the site entrance.

DRMS toured the site with the Mr. Glosser. No mining activity was observed within the permit area. The only site activity observed during this inspection was associated with the concrete batch plant located in the NW area of the permit. The post-mining land use for this site as identified in AM2 is developed water resource, not industrial/commercial. In addition, the 2023 SWSP submitted and approved for the site indicates that no additional material excavation will take place in this permit. Based on this information, DRMS has concluded that mining activity has ended at the LaPoudre Sand & Gravel permit. Final reclamation of the site may not be delayed for the purposes of maintaining operations at the existing concrete batch plant.

As summarized on the first page of this report, Rule 34-32.5-112(6) states: "Reclamation shall be completed within five years after the date...of construction material extraction has been completed..." This requirement is reiterated in section 34-32.5-116 (4) (q). Therefore, the current reclamation plan needs to be implemented and updated pursuant to C.R.S. 34-32.5-116 (1). The operator must provide sufficient information to describe or identify how the operator intends to conduct reclamation - this includes the reclamation of the existing exposed groundwater areas. The operator shall submit a Technical Revision, with the required \$216 revision fee, which will provide sufficient detail as to how the site will be reclaimed, including addressing existing exposed groundwater areas within the permit area, and an enforceable timeline to complete the remaining required reclamation, by the corrective action date.

The eastern two reservoirs have been lined and contain water at this time. The slurry wall surrounding the water bodies in the north-center and north-east area of the site has been approved by the SEO's office. The final reclamation for the western exposed groundwater area (approx. 32 acres) has not been sufficiently addressed at this time. DRMS previously bonded to install a slurry wall around this area, however, mining is now complete and no slurry wall design has yet been submitted. This will need to be addressed either through backfill to at least two feet above static water level, installation of an SEO approved liner, or submittal of a permanent augmentation plan.

No activity has taken place south of the LaPoudre River, which runs through the middle of the site, for an extended period of time. Although the existing disturbance south of the river is minimal, two unlined water bodies (totaling approx. 17 acres) will also need to be addressed either through backfill, installation of an SEO approved liner, or a permanent augmentation plan before the permit can be released.

The reclamation vegetation surrounding the eastern reservoir has deteriorated and will need to be re-established and properly maintained until that portion of the permit is released. It was also noted that the shoreline of this reservoir will also now likely require re-sloping prior to release due to wave damage over time.

As noted on the first page of this report, as well as in the previous 2020 inspection, Tamarisk, Russian olive, cheat-grass, bindweed, and several other noxious weeds were noted during this inspection. These noxious species will need to be controlled or eliminated, and proof of this will need to be provided to the Division by the listed corrective action date of 5/31/24. Continued weed control measures, mowing at a minimum and likely spraying in some areas, will need to be implemented to control noxious weeds within the permit area.

No other issues were noted during this inspection.

PHOTOGRAPHS



Photo 1 – Concrete plant in NW area of permit.



Photo 2 – Mined unlined area of groundwater exposure south of concrete plant on west side of permit.



Photo 3 – Lined reservoir area on east end of permit. Vegetation and shoreline sloping will require maintenance in this area.



Photo 4 – Representative photo of Tamarisk and Russian olive that will need to be eliminated from the permit area by corrective action date.

GENERAL INSPECTION TOPICS

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

(AR) RECORDS-----	<u>NA</u>	(FN) FINANCIAL WARRANTY-----	<u>PB</u>	(RD) ROADS-----	<u>NA</u>
(HB) HYDROLOGIC BALANCE-----	<u>NA</u>	(BG) BACKFILL & GRADING-----	<u>NA</u>	(EX) EXPLOSIVES-----	<u>NA</u>
(PW) PROCESSING WASTE/TAILING----	<u>NA</u>	(SF) PROCESSING FACILITIES-----	<u>NA</u>	(TS) TOPSOIL-----	<u>NA</u>
(MP) GENL MINE PLAN COMPLIANCE-	<u>NA</u>	(FW) FISH & WILDLIFE-----	<u>NA</u>	(RV) REVEGETATION----	<u>PB</u>
(SM) SIGNS AND MARKERS-----	<u>NA</u>	(SP) STORM WATER MGT PLAN----	<u>NA</u>	(RS) RECL PLAN/COMP--	<u>PB</u>
(ES) OVERBURDEN/DEV. WASTE-----	<u>NA</u>	(SC) EROSION/SEDIMENTATION---	<u>NA</u>	(ST) STIPULATIONS-----	<u>NA</u>
(AT) ACID OR TOXIC MATERIALS-----	<u>NA</u>	(OD) OFF-SITE DAMAGE-----	<u>NA</u>		

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

Inspection Contact Address

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