



# 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.

<b>MINE NAME:</b> Menzer Quarry	<b>MINE/PROSPECTING ID#:</b> M-1976-009-HR	<b>MINERAL:</b> Granite, granite gneiss	<b>COUNTY:</b> El Paso
<b>INSPECTION TYPE:</b> Monitoring	<b>WEATHER:</b> Cloudy	<b>INSP. DATE:</b> August 29, 2023	<b>INSP. TIME:</b> 11:05
<b>OPERATOR:</b> Schmidt Construction Company	<b>OPERATOR REPRESENTATIVE:</b> Dan Chavez	<b>TYPE OF OPERATION:</b> 112c - Construction Regular Operation	
<b>REASON FOR INSPECTION:</b> Normal I&E Program	<b>BOND CALCULATION TYPE:</b> Complete Bond	<b>BOND AMOUNT:</b> \$667,738.00	
<b>DATE OF COMPLAINT:</b> NA	<b>POST INSP. CONTACTS:</b> None	<b>JOINT INSP. AGENCY:</b> None	
<b>INSPECTOR(S):</b> Timothy Cazier, P.E.	<b>INSPECTOR'S SIGNATURE:</b> 	<b>SIGNATURE DATE:</b> January 9, 2024	

### GENERAL INSPECTION TOPICS

This list identifies the environmental and permit parameters inspected and gives a categorical evaluation of each. No problems or possible violations were noted during the inspection. The mine operation was found to be in full compliance with Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials and/or for Hard Rock, Metal and Designated Mining Operations. Any person engaged in any mining operation shall notify the office of any failure or imminent failure, as soon as reasonably practicable after such person has knowledge of such condition or of any impoundment, embankment, or slope that poses a reasonable potential for danger to any persons or property or to the environment; or any environmental protection facility designed to contain or control chemicals or waste which are acid or toxic-forming, as identified in the permit.

(AR) RECORDS----- <u>Y</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>Y</u>
(PW) PROCESSING WASTE/TAILING---- <u>Y</u>	(SF) PROCESSING FACILITIES----- <u>Y</u>	(TS) TOPSOIL----- <u>Y</u>
(MP) GENL MINE PLAN COMPLIANCE- <u>Y</u>	(FW) FISH & WILDLIFE----- <u>Y</u>	(RV) REVEGETATION---- <u>Y</u>
(SM) SIGNS AND MARKERS----- <u>Y</u>	(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>Y</u>	(ST) STIPULATIONS----- <u>Y</u>
(AT) ACID OR TOXIC MATERIALS----- <u>Y</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

## **OBSERVATIONS**

This site visit was conducted as part of the regular monitoring program. The Permittee (Schmidt Construction) was represented by Dan Chavez and Mark Heifner. The Menzer Quarry is accessed from Turkey Canyon Rd about 16 miles south of Colorado Springs. The access road is approximately 2.5 miles from Hwy 115 to the active pit area. This is a 112c granite mine. It was operating at the time of the inspection.

**Availability of Records:** Annual reports are current, having been filed through December 2023, stating the last mining activity was on December 21, 2023 (date of report submittal). The previous inspection was on May 20, 2021. The approved post-mine land use is wildlife habitat. There are no open infractions. Both the surface and minerals are privately owned.

**Acid And Toxic Materials:** Above ground fuel/oil storage tanks were observed (see **Photos 1 and 2**) and had adequate secondary containment.

**Backfilling and Grading:** Fines are intended for bench backfilling. Material from the sediment pond had been placed against a recent highwall (see **Photo 3**) to dry out and supplement backfill.

**Explosives:** The mine has not filed a blasting plan with DRMS. Their contractor, Southwest Energy generates blast plans for each shot, which is typically about every three weeks. Site representatives stated they have begun pre-splitting their shots (see **Photo 3**) which can decrease blasting-induced disturbance and damage, protect the integrity of the rock mass, and form a smooth excavation face. The DRMS and Schmidt Construction are aware of residences near the top of the ridge on the south side of the quarry. These residences appear to be within a half mile of the areas being blasted for production. No complaints have been received by the DRMS.

**Financial Warranty:** The \$667,738 bond held by the DRMS was last updated in 2021 and included 82.83 acres of reseeded. Recent unit costs have increased significantly. The DRMS left a draft bond update with Schmidt Construction for review. The updated bond total was \$829,527. Supplemental information provided with the 2023 annual report indicated a planned expansion of the mining area into the southeast corner of the pit. As indicated in the supplemental information, this area is already disturbed by some old roads that were cut in when the 60 foot benches on the south side of the quarry were mined years ago. It is unclear from reviewing the AM-4 reclamation plan if this area was accounted for in the reclamation cost estimate. [Please contact the DRMS to discuss specifics related to the planned expansion.](#) The DRMS will then determine whether additional bond adjustments are necessary.

**Fish and Wildlife:** No impact to wildlife was observed.

**Hydrologic Balance:** Due to recent rain, there were several puddles and areas of shallow ponding (see **Photo 4**). No exposed groundwater was observed.

**Gen. Compliance with Mine Plan:** The operation appeared to be in compliance with the approved mine plan. The maximum allowed disturbed area is 141.4 acres. Google Earth was used to measure the disturbed area, which was approximately 92 acres, based on older 2020 imagery. Highwalls were estimated to be 40 feet in height and appeared stable (see **Photos 5 and 6**). Water storage tanks were observed on the west side of the pit floor (see **Photo 7**).

**Off-site Damage:** The operation appeared to be confined to the permit boundary, based on Google Earth review

and site observations.

Processing Waste: No processing waste was observed. Site representatives stated all observed stockpiles were product. [The DRMS is obligated to remind Schmidt Construction that crusher fines are the permit designated source of bench backfill.](#)

Roads: Haul and access roads did not appear to be a source of sediment that could be tracked offsite. Roadside ditches were clean. Site representatives confirmed dust control methods (primarily water) are implemented when necessary.

Right of Entry: The landowner is Edw. C. Levy Co. dba Schmidt Construction Company based on El Paso County Assessor records.

Reclamation Success: The only new reclamation initiated was some bench backfilling.

Revegetation: No new areas had been seeded at the time of the inspection. Some knapweed was observed. Site representatives stated TruGreen had been contracted to treat site weeds, but they only spray from their truck. A weed control plan was approved by the DRMS with AM-3. This inspector advised to continue to implement the approved weed control program to reduce the knapweed on site.

Sediment Control: No erosion problems were observed and no BMPs were needed at the time of the inspection.

Support Facilities On-site: A screen plant, crusher, loaders, and haul trucks were observed on site.

Signs and Markers: The permit sign was properly posted (see **Photo 8**) and boundary markers were observed to delineate the permit boundary.

Permit Stipulations: There are no open permit stipulations.

Storm Water MGT Plan: No oil or fuel spills observed. The site also controls sediment through the use of roadside traps. Stormwater drains to the sediment pond on the east end of the site. The sediment pond needed additional sediment removal at the time of the inspection.

Topsoil: Site representatives stated their growth media consists primarily of fines.

Structures: No new structures were observed within 200 feet of the affected area.

Post Inspection Meeting: Discussion items included a conversation about potentially mining the south side of the quarry, and a reminder to stay on top of the knapweed treatment. No problems or possible violations were cited.

Please contact Tim Cazier (303)328-5229 or email at [tim.cazier@state.co.us](mailto:tim.cazier@state.co.us) if you have any questions regarding this report.

## PHOTOGRAPHS



Photo 1. Diesel fuel tanks with secondary containment (processing area).



Photo 2. More petroleum tanks with secondary containment (processing area, note drums and spill kits in the foreground).



**PHOTOGRAPHS (cont.)**



Photo 3. Presplit highwall face with sediment placed at toe (toe of west highwall).



Photo 4. Stormwater ponded on active bench (looking east – highwalls undergoing reclamation beyond).



**PHOTOGRAPHS (cont.)**



Photo 5. Typical site highwalls before presplitting practice initiated (SW corner).

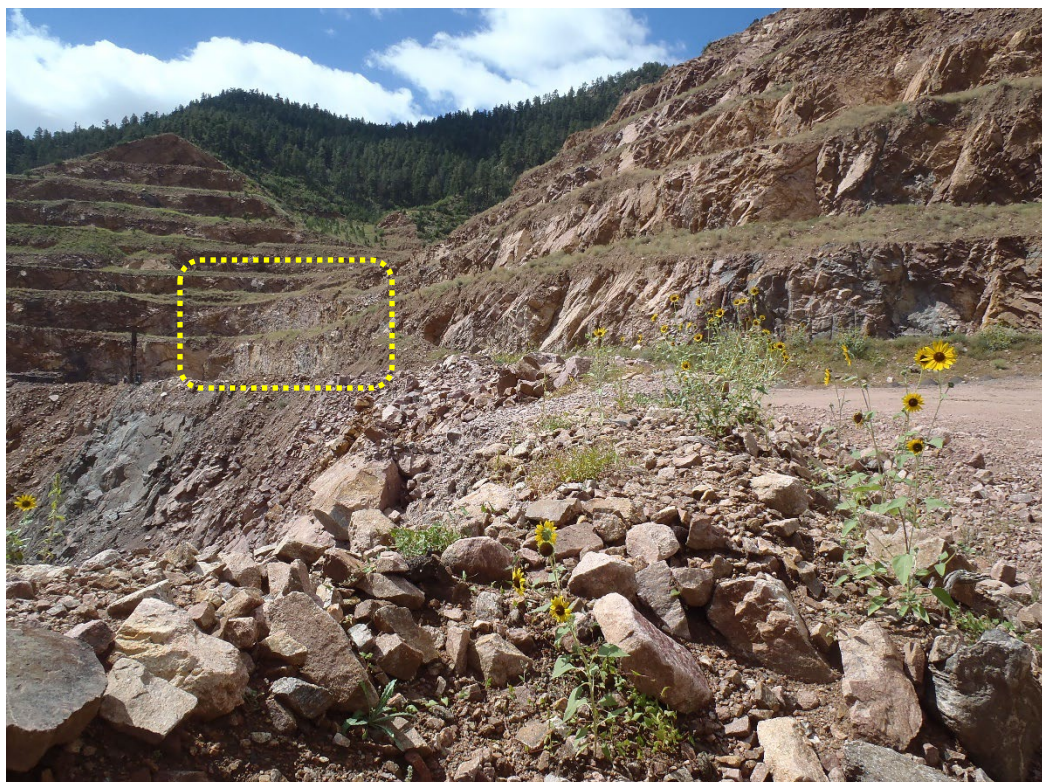


Photo 6. West highwall – presplit segment in the corner.



**PHOTOGRAPHS (cont.)**



Photo 7. Water storage tanks (west side of processing area).



Photo 8. Permit sign at canyon entrance.

**Inspection Contact Address**

Dan Chavez  
Schmidt Construction Company  
2635 Delta Dr.  
Colorado Springs, CO 80910

ec: Hunter Ridley, DRMS  
DRMS file  
Scott Davis, Schmidt Construction  
Mark Heifner