

STATE OF  
COLORADO

Zuber - DNR, Rob &lt;rob.zuber@state.co.us&gt;

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## DRMS inspection report

1 message

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**Zuber - DNR, Rob** <rob.zuber@state.co.us>

Thu, Jan 18, 2024 at 8:44 AM

To: Dcook@h-2e.com

Hi, Doug -

Thanks again for your time yesterday. And thanks in advance for letting me know if you get this email.

Attached is my report. Call if you have questions.

Rob

Rob Zuber, P.E.  
Environmental Protection Specialist  
Active Mines Regulatory Program



**COLORADO**  
Division of Reclamation,  
Mining and Safety  
Department of Natural Resources

*I am working remotely and can be reached by cell at 720.601.2276.*

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**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> Arnold Pit No. 1	<b>MINE/PROSPECTING ID#:</b> M-2016-022	<b>MINERAL:</b> Borrow material for	<b>COUNTY:</b> Weld
<b>INSPECTION TYPE:</b> Monitoring	<b>WEATHER:</b> Cloudy	<b>INSP. DATE:</b> January 17, 2024	<b>INSP. TIME:</b> 08:45
<b>OPERATOR:</b> Arnolds Custom Seeding, LLC	<b>OPERATOR REPRESENTATIVE:</b> Doug Cook, Taleen Vick	<b>TYPE OF OPERATION:</b> 112c - Construction Regular Operation	
<b>REASON FOR INSPECTION:</b> Normal I&E Program	<b>BOND CALCULATION TYPE:</b> None	<b>BOND AMOUNT:</b> \$225,432.00	
<b>DATE OF COMPLAINT:</b> NA	<b>POST INSP. CONTACTS:</b> None	<b>JOINT INSP. AGENCY:</b> None	
<b>INSPECTOR(S):</b> Robert Zuber, P.E.	<b>INSPECTOR'S SIGNATURE:</b> 	<b>SIGNATURE DATE:</b> January 18, 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>NA</u>
(PW) PROCESSING WASTE/TAILING---- <u>NA</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>N</u>
(SM) SIGNS AND MARKERS----- <u>Y</u>	(SP) STORM WATER MGT PLAN---- <u>NA</u>	(RS) RECL PLAN/COMP-- <u>Y</u>
(ES) OVERBURDEN/DEV. WASTE----- <u>NA</u>	(SC) EROSION/SEDIMENTATION--- <u>Y</u>	(ST) STIPULATIONS----- <u>NA</u>
(AT) ACID OR TOXIC MATERIALS----- <u>NA</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

This inspection of the Arnold Pit No. 1 was conducted by Rob Zuber with the Division of Reclamation, Mining and Safety (Division/DRMS) on January 17, 2024. Doug Cook and Taleen Vick, representing Arnolds Custom Seeding LLC, were present during the inspection. The weather was very cold and cloudy, and approximately one-half of the ground surface was covered with a small amount of snow. It did not snow during the inspection.

#### **BACKGROUND OF THE OPERATION AND PERMIT**

The permit includes 160 acres of farmland that is also used to supply soil for reclamation at other sites. The Mining Plan states the upper four inches of topsoil will be stripped and stockpiled for reclamation using a dozer, and the remaining eight inches of topsoil will be stripped and stockpiled using a dozer and front-end loader. This latter quantity of soil will be loaded into trucks and hauled off site.

The mine site is expected to operate intermittently year-round. The Annual Report states that mining at the site will occur less than 180 days per year. The Division recommends that the Mining Plan (Exhibit D) be updated to state the status of "intermittent operation" more clearly.

The proposed post-mining land use is cropland, which is the current land use. The proposed Reclamation Plan states the site will be regraded to approximate pre-disturbance contours. Prior to topsoil replacement the subsurface soil will be deep ripped to a minimum depth of 16 inches to reduce soil compaction and improve drainage. The reapplied topsoil will incorporate any landowner-requested soil amendments to improve the physical and chemical characteristics of the soil and to supplement any soil nutrient deficiencies. The site will be tilled to a depth of 4-6 inches to incorporate the soil amendments and create a seedbed. The site will be revegetated with a crop if reclamation occurs during a planting season, or a cover crop will be seeded if establishment of a crop will not occur within 45 days or less of reclamation activities.

No groundwater will be encountered during the mining operation, per the plan.

All land contained in the permit area is owned by Richard Huwa.

Doug Cook indicated that the 30 acres that have been newly affected in the recent reporting year (as stated in the recent Annual Report) are in the northwest corner of the site. He also indicated that topsoil has been spread on this area. Mr. Cook also indicated that the 56 acres that have been reclaimed, per the Annual Report, are in the southwest corner of the site. These 56 acres have been backfilled and covered with topsoil, seeded, fertilized, and mulched (per the report and confirmed by Mr. Cook). The vegetation in this area was not observed due to the winter conditions.

The Division recommends that future Annual Reports should be improved. The map should show the areas that have been reclaimed using polygons and descriptions in the legend. Also, some information appears to be incorrect and should be corrected in the report submitted in 2024: the mine has not been granted Temporary Cessation (Item #6) and mining has not exposed groundwater (Item #17 implies that it has).

## **OBSERVATIONS**

An entrance sign was visible from County Road 16 and was in compliance. Boundary markers included roads on three sides and a power line on the south side. The south side boundary was confirmed with GPS.

The site was observed from the road that runs north/south through the site. The site consists of cropland, which is consistent with the description of the land use in the permit, and farm buildings and equipment. No erosion or other problems were observed. Stockpiles of soil were seen near the center of the site; these were imported from another operation per Mr. Cook and are not intended for use at this site. No topsoil stockpiles for reclamation of this permit were seen; this material has been used for reclamation (also per Mr. Cook).

The Division observed structures within 200 feet of the proposed affected boundary, including overhead power lines along the eastern, northern, and southern permit boundaries; sheds apparently associated with water wells next to County Road 16; and houses and farm buildings at several locations. No above-ground structures were observed that were not seen in aerial photos (Google Earth and figures submitted by the operator). Per Mr. Cook, there is a waterline located south of CR 16 within the permit boundary. Arnolds Custom Seeding needs to send completed documents for agreements related to all applicable structures; this includes signatures by the owners of the structures. The Division acknowledges that some of these agreements have been submitted to the Division in the past.

Regarding the bond for this site, \$225,432.00, the Division believes that this amount is sufficient. Should Arnolds Custom Seeding wish to revisit the cost estimate and bond, a Technical Revision should be submitted with an update of the text and maps for the Mining Plan and Reclamation Plan (Exhibits C, D, E, and F), as well as an update of Exhibit L, Reclamation Costs. The updated Exhibit L should clearly describe the worst-case scenario for reclamation liability, and it should discuss all reclamation tasks, including the volumes of material to be moved (pushed by dozer and/or hauled by truck, as applicable) and the areas to be seeded for this worst case.

Photographs taken during the inspection are attached.

## **PHOTOGRAPHS**



**Northwest corner of site, looking west from entrance on CR 16**



**Northeast corner of site, looking east from entrance on CR 16**



**Soil piles in middle of site – not related to mining operation per Doug Cook (no excavations seen at the site)**



**Looking east at the southeast corner of the site**

**Inspection Contact Address**

Doug Cook, Taleen Vick  
Arnolds Custom Seeding, LLC  
4626 CR 65  
Keenesburg, CO 80643

CC: Michael Cunningham, DRMS