

STATE OF
COLORADO

Reilley - DNR, Robin <robin.reilley@state.co.us>

Deer Trail Pit Inspection Report

1 message

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Thu, Jan 18, 2024 at 1:44 PM

To: Richard Stokes <richard.stokes72@ymail.com>, Robin Reilley - DNR <robin.reilley@state.co.us>

Mr Stokes,

Please find DRMS's 6 December 2023 Inspection report for the Deer Trail Pit attached. Also attached is an updated reclamation cost estimate. The \$294,815 estimate for reclamation requires an increase in surety of \$262,113 as explained in the inspection report.

I'm available to answer any questions or concerns that you have.

Robin Reilley, M.S. GISP
Environmental Protection Specialist II



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

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2 attachments

Inspection_DeerTrail_18Jan.pdf

2080K

CostEstimate_18Jan.pdf

275K



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: Deer Trail Pit	MINE/PROSPECTING ID#: M-1988-090	MINERAL: Sand and gravel	COUNTY: Arapahoe
INSPECTION TYPE: Monitoring	WEATHER: Clear	INSP. DATE: December 6, 2023	INSP. TIME: 13:00
OPERATOR: 5A Aggregate LLC	OPERATOR REPRESENTATIVE: None	TYPE OF OPERATION: 112c - Construction Regular Operation	

REASON FOR INSPECTION: Normal I&E Program	BOND CALCULATION TYPE: Complete	BOND AMOUNT: \$32,702.00
DATE OF COMPLAINT: NA	POST INSP. CONTACTS: None	JOINT INSP. AGENCY: None
INSPECTOR(S): Robin Reilly, GISP	INSPECTOR'S SIGNATURE: 	SIGNATURE DATE: January 18, 2024

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: Gen. Compliance with Mine Plan

POSSIBLE VIOLATION: It does not appear that concurrent reclamation and mining are occurring as per the mine plan. Also, topsoil is not being salvaged, stockpiled, and saved for reclamation in accordance with the approved plan. This constitutes failure to comply with the conditions of a permit pursuant to C.R.S. 34-32.5-124, and for failure to remove topsoil and segregate it from other spoil for future reclamation use in accordance with rules 3.1.9(1) and C.R.S. 34-32.5-116(4)(g).

CORRECTIVE ACTIONS: This possible violation will require a hearing before the Mined Land Reclamation Board ("MLRB" or "Board"). Notice of the MLRB hearing will be sent to the operator through separate correspondence from the Division.

CORRECTIVE ACTION DUE DATE: MLRB Hearing Date to be determined.

INSPECTION TOPIC: Signs & Markers

PROBLEM: The mine identification sign and affected area boundary markers were not observed per the requirements of Rule 3.1.12. 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 must post a sign at the entrance to the mine site which shall be clearly visible from the access road and specify the following: the name of the operator, indicate that a reclamation permit for the operation has been issued by the Colorado Mined Land Reclamation Board, and the permit number. The boundaries of the affected area must be marked by monuments or other markers that are clearly visible and adequate to delineate such boundaries.

CORRECTIVE ACTION DUE DATE: 2/18/24

OBSERVATIONS

The Deer Trail Pit was inspected by Robin Reilley with the Division of Reclamation, Mining and Safety ("Division" or "DRMS"). The inspection was completed on 6 December 2023. The site was previously inspected by the Division in July 2019 as part of the Division's routine monitoring program. I encountered Mr. Jerry Carson, representative of GRC Consulting. Mr. Carson is the prospective buyer of Mr. Stokes' interest in the site. I relayed my observations to Mr. Carson while at the site.

The Deer Trail Pit is a 60 acre 112c mining operation located 1.5 miles south on County Road 38 south west of Deer Trail, Colorado. The site is along County Road 213. The commodity mined at the site is sand and gravel. The approved post mining land use is pastureland. The permit area encompasses a previous 110c mining operation and a 111c mining operation (M-1988-090 and M-1996-016 respectively).

At the time of this inspection, the mine identification sign was missing, and the boundary markers were not in place. This issue is cited as a problem.

The majority of the current affected area is located in the northwest corner of the site. In 1996, the M-1988-090 permit was converted into the current 112c permit with the approval of a conversion application (CN-01). The approved mining plan for the site indicates the Operator shall actively mine 5 acres, will actively replace overburden and construct the final slopes and spread topsoil on 5 acres and will be revegetating 5 acres. The Division requested that the highwall along the County Road 213 be backfilled and reclaimed as part of bringing the mine back into compliance in 2018. The Operator had backfilled the western portions of the highwall (2019), along the County Road 213 to a 3H:1V slope or shallower. During the backfilling they were able to maintain a run on/off control berm at the top of what was the highwall. During this inspection, DRMS observed that the highwall appears to have been re-excavated adjacent to County Road 213 undoing the reclamation work that was done in 2019.

Piled overburden was being loaded and hauled off-site at the time of inspection. Reclamation did not appear to have been carried out. Mr. Carson indicated that the current plan is to dig down 50 feet over the extent of the currently disturbed area to excavate 50 to 60 thousand tons of the commodity for next year (2024). The presence of topsoil stockpiles as described in the permit were not noted during the inspection. Topsoil must be preserved for reclamation. Activity is scheduled to begin in January 2024. Currently there appears to be approximately 22 acres of affected land. The excavation consists of the western highwall of approximately 12 feet in height trending north and south, adjacent to County Road 213. During the inspection DRMS observed that the highwall appears to have been re-excavated as discussed above. The southern highwall trends east and west near the southern edge of the affected area as shown on the 2023 Annual Report Map and is approximately 16 feet in height. The 2023 annual report map did not delineate any contemporaneous reclamation.

The mining and reclamation plan approved with CN-01 required the site to be mined in five acre phases (P-1 to P-5 etc.) with concurrent reclamation. At the time of this inspection, it did not appear that mining, backfilling and grading were occurring as per the mine plan. It appeared that mining was occurring in the areas approved to be affected, however more land is affected than currently allowed at one time. Further, the approved mining and reclamation plan requires the operator to salvage topsoil for use in reclamation. The operator is not salvaging topsoil in accordance with the approved plan. The operator is not complying with the approved

mining and reclamation plan in accordance with their permit. This issue is cited as a possible violation at the beginning of the report. Also, weeds were noted throughout the site. As it was December, a proper assessment of the extent of both weeds and desirable vegetation was difficult to make. Please make sure weeds are kept in check throughout the growing season so as not to become a nuisance.

DRMS estimated the current reclamation costs for the site. DRMS established the reclamation costs as \$294,815, requiring an increase in surety held. The current surety of \$32,702.00 must be increased by \$262,113. The Division's cost estimate is included with this inspection report as a separate document for your review and comment. 5A Aggregate LLC will have two weeks to provide comments to DRMS on the cost estimate provided. After which time DRMS will issue a Surety Increase (SI) revision. Once the SI revision action is begun, 5A Aggregate LLC will have 60 days to provide the new surety amount to DRMS.

PHOTOGRAPHS



Photo 1: Looking west along the north south highwall adjacent to County Road 213



Photo 2: Looking east at reclaimed area in the distance and affected area in foreground.



Photo 3: Looking north east at affected area.



Photo 4: Looking east along the south highwall.



Map I: 2023 Annual Report Map

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>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>N</u>	(TS) TOPSOIL----- <u>PV</u>
(MP) GENL MINE PLAN COMPLIANCE- <u>PV</u>	(FW) FISH & WILDLIFE----- <u>N</u>	(RV) REVEGETATION---- <u>PB</u>
(SM) SIGNS AND MARKERS----- <u>PB</u>	(SP) STORM WATER MGT PLAN---- <u>N</u>	(RS) RECL PLAN/COMP-- <u>Y</u>
(ES) OVERBURDEN/DEV. WASTE----- <u>N</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>Y</u>	

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

Inspection Contact Address

5A Aggregate LLC
3409 Monteclaire Dr,
Sherman, TX 75092

Enclosure

CC: J. Ebert
Jerry Carson