



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: South Asphalt Plant	MINE/PROSPECTING ID#: M-2009-004	MINERAL: Gravel and sand	COUNTY: El Paso
INSPECTION TYPE: Monitoring	WEATHER: Clear	INSP. DATE: August 29, 2023	INSP. TIME: 13:20
OPERATOR: Rocky Mountain Materials and Asphalt, Inc.	OPERATOR REPRESENTATIVE: Phil Courtney	TYPE OF OPERATION: 110c - Construction Limited Impact	

REASON FOR INSPECTION: Normal I&E Program	BOND CALCULATION TYPE: Complete Bond	BOND AMOUNT: \$59,055.00
DATE OF COMPLAINT: NA	POST INSP. CONTACTS: None	JOINT INSP. AGENCY: None
INSPECTOR(S): Timothy Cazier, P.E.	INSPECTOR'S SIGNATURE: 	SIGNATURE DATE: February 20, 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: Availability Of Records

PROBLEM/POSSIBLE VIOLATION: Problem: Rule 1.13.5 states, if an Operator temporarily ceases production of the mining operation for one hundred eighty (180) days or more, the Operator must file a Notice of Temporary Cessation (TC) in writing to the Office. The first consecutive 5-year period of TC expired on February 5, 2024.

CORRECTIVE ACTIONS: The Division requires the Operator commit to one of the following:

- Request a second consecutive 5-year period of temporary cessation (per rule 1.13.5 (3) and 1.13.8 (b));
- Commit to beginning final reclamation; or
- Recommence extractive mining activities on site.

CORRECTIVE ACTION DUE DATE: 3/20/24

OBSERVATIONS

This inspection was conducted by Tim Cazier (DRMS) as part of the regular monitoring program. The Permittee (Rocky Mountain Materials and Asphalt) was represented by Mr. Phil Courtney during the inspection. The South Asphalt Plant site is accessed from US Hwy 85, north of the intersection of S. Academy Blvd and I-25 on the south side of Colorado Springs. This is a 110c gravel and sand mine. This is an industrial use site. Although no active mining was observed, much of the permit area contained imported stockpiled material being ferried to the adjacent batch plant.

Availability of Records: The permit has been in temporary cessation (TC) since February 16, 2019. Annual reports are current, having been filed through September 2023, stating the last mining activity was September 30, 2021. During this inspection, Mr. Courtney was asked to clarify what mining activity took place on September 30, 2021. He indicated material was excavated from the east side sediment pond (see **Photo 1**) and used in their onsite processing. Subsequent to this inspection, the DRMS determined removal of sediment is considered maintenance, and should not be considered production as: a) regular maintenance of the sediment pond is required to maintain its functionality; b) the amount of material was relatively small; and c) most of the trapped sediment is/was likely the result of eroded sediment from imported material stockpiles (mined elsewhere) rather than material native to the South Plant permit area. The DRMS considers February 16, 2019 to be the last date of mining activity. Therefore, the first 5-year period of temporary cessation ended on February 15, 2024. **The expiration of the first 5-year period of TC is cited as a problem on p. 1 of this report.** The Permittee must commit to one of the following:

- Request a second consecutive 5-year period of temporary cessation;
- Commit to beginning final reclamation; or
- Recommence extractive mining activities on site.

The previous inspection was on October 10, 2019. The approved post-mine land use is industrial. There are no open infractions. Both the surface and minerals are privately owned.

Acid And Toxic Materials: Above ground diesel storage tanks were observed and had adequate secondary containment (see **Photo 2**).

Backfilling and Grading: No below ground level excavations (excepting the sediment pond) were observed. As such, no backfill material is necessary.

Financial Warranty: The DRMS holds a \$59,055 bond which is insufficient for the approved mine plan disturbance (involving backfill of the excavated pits). However, as no excavated pits were observed, no backfill is necessary at this time. Furthermore, as the post-mine land use is industrial, not topsoiling or revegetation is required for reclamation. In practice, the site was observed to be in compliance with the approved reclamation plan and could be released if requested. Although no further reclamation was necessary at the time of this inspection, the DRMS cannot maintain a permit with no bond. As such, the existing bond is deemed to be adequate.

Fish and Wildlife: No impact to wildlife was observed.

Hydrologic Balance: Some standing water was observed in the sediment pond (see **Photo 1**), but no exposed groundwater was observed.

Gen. Compliance with Mine Plan: The site was active with truck traffic consistent with an industrial area operating a batch plant, which is outside the permit boundary, on the north end of the site. No activity was observed nor to have appeared to occur recently indicating native material extraction was being performed. The maximum allowed disturbed area is 9.9 acres. The permit boundary is offset from the property boundaries on the east and west side by a distance varying between 50 and 90 feet. The operator has been unable to mark the permit boundary with any kind of lasting marker as semi-truck traffic is nearly constant and the defined internal access roads and imported material stockpiles occur inside and outside the permit boundary. As such, it is not practical, nor in this case relevant to use GPS equipment or Google Earth to measure the disturbed area – it's all industrial (see **Photos 3 and 4**). No highwalls were observed, nor any mining activity inside or outside the permit boundary.

Right of Entry: Mr. Courtney confirmed the lease for the site was current at the time of the inspection.

Revegetation: Some knapweed was observed in the southern end of the property (see **Photo 5**), but not within the permit boundary. The Permittee should monitor and/or treat the knapweed to ensure it does not establish itself within the permit boundary.

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

Support Facilities On-site: No equipment was observed within the permit boundary.

Signs and Markers: A sign displaying the permit number was posted (see **Photo 6**) was observed at the site entrance off Hwy 85/E. Las Vegas St. The sign was missing the name of the Operator, the operation name; and a statement that a reclamation permit for the operation has been issued by the Colorado Mined Land Reclamation Board. Mr. Courtney requested I provide him with the sign standards and information that is required to be included; and committed to getting a new sign placed. The requested information was emailed to him on August 30, 2023. As stated above, no durable boundary markers have been devised to delineate the permit boundary.

Permit Stipulations: There are no permit stipulations.

Storm Water MGT Plan: Stormwater drains to the sediment pond and infiltrates.

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

Post Inspection Meeting:

- Mr. Courtney requested the DRMS's position as to whether the removal of material from the site sediment pond and using it in their process constitutes mining. Subsequent to this inspection, the DRMS deemed sediment removal as a maintenance activity and not mining. This was conveyed via email to Mr. Courtney on August 30, 2023. During a phone call on February 20, 2024, Mr. Courtney stated the sediment pond 2021-22 related activity also included deepening the sediment pond and not just sediment removal. I reminded him that Operators are to notify the DRMS within 30 days of resuming mining activity. He indicated that they would decide as to whether to pursue a second consecutive 5-year period of temporary cessation or claim mining had resumed in 2021-22.
- Mr. Courtney requested permit sign requirements. The following requirements for Rule 3.1.12(1) were provided via email on 8/30/2023:
 - *At the entrance of the mine site the Operator shall 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:

- a) the name of the Operator and the operation name;*
- b) a statement that a reclamation permit for the operation has been issued by the Colorado Mined Land Reclamation Board; and*
- c) the permit number.*

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

PHOTOGRAPHS



Photo 1. Sediment pond (east side, midway north-south, looking north).

PHOTOGRAPHS (cont.)



Photo 2. Diesel storage with secondary containment.



Photo 3. Typical industrial site conditions (south permit area, looking south, line is approximate boundary).

PHOTOGRAPHS (cont.)



Photo 4. Recycled Asphalt and imported aggregate stockpiles (looking SW across site, midway North-South).



Photo 5. Knapweed on south end of property (NOT in permit boundary and NOT cited).

PHOTOGRAPHS (cont.)



Photo 6. Permit sign – needs updating.

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>NA</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>Y</u>	(RV) REVEGETATION---- <u>NA</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>N</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

Inspection Contact Address

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ec: Hunter Ridley, DRMs
DRMS file
Phil Courtney, Rocky Mountain Materials and Asphalt