

Wein - DNR, Clayton <clayton.wein@state.co.us>

Roadside Mine, C-1981-041, March Complete Inspection Report

1 message

Wein - DNR, Clayton <clayton.wein@state.co.us>
To: Tonya Hammond <tonya.snowcap@gmail.com>

Wed, Mar 27, 2024 at 11:55 AM

Good afternoon Tonya,

Attached are the Division's Inspection Reports from the complete inspection of the Roadside Mine on March 19th and March 21st. The Division conducted a secondary inspection with Brian Sewell of the Division of Water Resources on March 21st. The inspection on that day primarily focused on the Landowner's buried water lines and headgate as a result of the observations taken during the March 19th inspection. If you have any questions or concerns, please feel free to contact me.

Sincerely, Clayton Wein Environmental Protection Specialist



P 303.866.3567 x 8185 | F 303.832.8106 1313 Sherman Street, Room 215, Denver, CO 80203 clayton.wein@state.co.us | https://www.drms.colorado.gov

2 attachments



INSP-REPORTMWP_M1996076_ACY_03272024091623 (1).pdf 4603K



PERMIT INFORMATION

Permit Number: C-1981-041 **Mine Name:** Roadside Portals

Operator: Snowcap Coal Company, Inc.

Operator Address:MS Tonya Hammond

743 Horizon Court, Suite 334 Grand Junction, CO 81506

County: Mesa

Operation Type: Underground

Permit Status: Active **Ownership:** Private

Operator Representative Present:

Tonya Hammond

Operator Representative Signature: (Field Issuance Only)

INSPECTION INFORMATION

Inspection Start Date: March 19, 2024

March 21, 2024

Inspection Start Time: 11:40

13:00

Inspection End Date: March 19, 2024

March 21, 2024

Inspection End Time: 14:15

14:00

Inspection Type: Coal Complete Inspection **Inspection Reason:** Normal I&E Program

Weather: Clear

Joint Inspection Agency: Joint Inspection Contacts:

Division of Water Resources Brian Sewell

Post Inspection Agency: Post Inspection Contacts:

None None

Inspector(s): Signature: Signature Date: 3/27/2024

Clayton Wein

Amy Yeldell

Inspection Topic Summary

NOTE: Y=Inspected N=Not Inspected R=Comments Noted V=Violation Issued NA=Not Applicable

N - Air Resource ProtectionR - Availability of Records

N - Backfill & Grading

N - Excess Spoil and Dev. Waste

N - ExplosivesR - Fish & WildlifeR - Hydrologic Balance

Y - Gen. Compliance With Mine Plan

N - Other

N - Processing Waste

N - Roads

Y - Reclamation Success

 $\boldsymbol{R}\,$ - Revegetation

N - Subsidence

N - Slides and Other DamageN - Support Facilities On-site

R - Signs and Markers

N - Support Facilities Not On-siteN - Special Categories Of Mining

N - Topsoil

COMMENTS

This report documents the Division's observations taken during a complete inspection of the Roadside Portals Mine conducted on March 19, 2024 and on March 21, 2024. The inspection On March 19, 2024 was conducted by Clayton Wein and Amy Yeldell of the Division. Snowcap Coal Company (SCC) was represented during the inspection by Tonya Hammond. The inspection on March 21, 2024 was conducted by Clayton Wein of the Division. Brian Sewell of the Division of Water resources also attended the inspection. The weather on both days was clear and the ground conditions were dry.

At the start of the inspection SCC's representative notified the Division that they had observed water from the landowner's water conveyance system discharging from a buried pipe into the landowner's south gravel pit. The landowner's M-1996-076 Minerals Permit overlaps with the Coal Permit C-1981-041's permit boundary. Due to past concerns of the impacts from the landowner's application of water within the coal permit boundary, the Division inspected the areas within the coal permit boundary for any current application of water by the landowner's water conveyance system. Water was observed flowing from a buried pipeline into the landowner's south pit.

The Division was recently informed that the landowner and operator of the M-1996-076 Western Slope Flagstone Quarry No. 2, Mr. Rudy Fontanari, had passed away. The Division has been informed that Mr. Brett Fontanari has become the operator of the M-1996-076 permit.

Following the March 19th inspection, the Division contacted Mr. Brett Fontanari via email. The email noted the Division's field observations and directed Mr. Fontanari to the M-1996-076 permit section discussing that no water shall be impounded in the mine pits. The Division told Mr. Fontanari that due to the permit conditions, the water entering the pit must be turned off immediately. Please see the minerals inspection report for more details attached to the end of this report for more details.

AVAILABILITY OF RECORDS – Rule 5.02.4(1):

The records for the Roadside Mine are located in Grand Junction, CO at the mine office. The records were well kept and up to date. Please refer to the Availability of Records Form on Page 14 of this report for more details.

FISH and WILDLIFE – Rule 4.18:

Throughout the inspection, several sets of tracks from deer were observed. Tracks were seen on Tract 71, Tract 70 and in the northern portion of the permit area.

HYDROLOGIC BALANCE - Rule 4.05

Drainage Control 4.05.1, 4.05.2, 4.05.3; Siltation Structures 4.05.5, 4.05.6; Discharge Structures 4.05.7, 4.05.10; Diversions 4.05.4; Effluent Limits 4.05.2; Ground Water Monitoring 4.05.13; Surface Water Monitoring 4.05.13; Drainage – Acid and Toxic Materials 4.05.8; Impoundments 4.05.6, 4.05.9; Stream Buffer Zones 4.05.18:

March 19, 2024:

During the inspection, the Division inspected the landowner's southern gravel pit. It was brought to the Division's attention that water was discharging from the landowner's pipeline into the southern gravel pit (Photo1 and 2). This portion of the gravel pit is permitted under the M-1996-076 Minerals Permit. The Minerals Permit and the current Roadside Mine permit boundary overlap each other. The Division observed water flowing out of a buried pipe into a surface trench extending into the south pit. Water was flowing at an approximate rate under 30 gallons per minute. Water from the trench entered an area that pooled the water before seeping into the pit's highwall (Photo 3). The water was observed seeping out of the loose material at the pits highwall at the pit floor. The water was then partly pooling on the pit floor and in a depression on the northwest side of the pit floor (Photo 4). The depth of water impounded in these areas was difficult to determine from the top of the southern boundary of the pit. The water impounded in the pit was clearly coming from the pipe and not as a result of any precipitation event.

During the inspection, Discharge Point 016 was visited. Discharge Point 016 discharges water that travels through the mine workings of the Roadside Mine. At the time, the discharge was averaging about 75 gallons per minute. This rate is on par with the seasonal readings for this time of year. The flow rate at the time of the inspection indicated that there had been no impact from the water impounded in the landowner's south pit to the level of water flowing through the Roadside Mine workings.

The Carey Pit is located in the southwestern portion of Tract 71. The pit was dry at the time of the inspection (Photo 5). There was no water flowing out of the landowner's buried pipe at this location.

The landowner had created trenches on the northern and eastern portions of Tract 71. These trenches have been documented in previous Division inspection reports. The trenches were dry and no water was observed flowing from the landowner's buried pipeline into the start of the start of the trenches. There was no evidence of recent water application to the trenches.

The landowner's trenches documented on top of the Tract 70 Mesa were also observed to be dry (Photo 6). The riser pipes feeding the trenches were not active during the inspection. There was no indication of recent application of water from the pipes to the trenches.

At the time of the inspection there was no water being applied to the landowner's middle field. The field was dry and there was no indication of recent water application from the riser pipes to the field.

The landowner has an access road extending down from the Tract 70 Mesa north to the truck stop. The Division has documented in previous seasons small amounts of water seeping out of the cut slope of the road. During the inspection there was no water observed seeping out of the cut slope of the access road (Photo 7).

March 21, 2024:

The Division contacted the Division of Water Resources (DWR) on March 19, 2024 in an effort to obtain additional information regarding the Landowner's water diversion system from Rapid Creek. The Division explained the observations taken in the field and estimated that the water may have been coming from a buried pipeline that received water from the landowner's headgate at Rapid Creek. Brian Sewell of DWR offered to meet the Division in the field on March 21, 2024 to investigate the source of the water that was entering the south pit. The Division started the inspection on March 21st at Rapid Creek. The Division observed fresh ATV tracks at the headgate's location and that the headgate was closed (Photo 10). The flume behind the headgate was damp and muddy, indicating that there had been recent flow through the landowner's diversion inlet (Photo 11). No water was observed flowing in the flume. The ATV track were observed following the landowner's buried water line up to the south pit. The pipe feeding into the open ditch and into the pit was almost dry (Photo 12). A small amount of water was observed trickling out of the pipe. Brian Sewell and the Division agreed that the water was likely residual flow as gravity flushes the remaining water out of the buried pipe. The level of water in the small ponded area above the south pit had decreased in size, but was still holding some water (Photo 13). Likewise, the amount of water in the pit floor appeared to have decreased since the March 19th inspection (Photo 14).

REVEGETATION – Rule 4.15

Vegetative Cover; Timing:

The TR-69 Repair Area is located in the northern portion of the area referred to as Tract 71. The area consists of approximately 0.4 acres of disturbance. The reclamation was disturbed by the Landowner in October of 2023 and subsequently re-graded and seeded in November of 2023. The site was stable with no erosional features observed (Photos 8, and 9). There were no indications of differential settling. The disturbed area is delineated by a wire fence. A mine identification sign was observed on one of the south facing fence posts. Straw waddles were located on the down-gradient sections of the repair area. The waddles were in good condition and no off-site impacts were observed. Vegetation was beginning to sprout from the seeds planted last fall.

SIGNS AND MARKERS - Rule 4.02:

Mine identification signs were observed to be posted at the entrances to the permit boundary. The signs were posted in areas with clear visibility. The signs were legible and displayed the mine's permit number, contact information for the permittee and the Division. Disturbed boundary makers were posted and easy to spot. The markers correctly delineated the disturbed area of the mine.

DOCUMENTS RECEIVED: None

OTHER (SPECIFY): None

ENFORCEMENT ACTIONS/COMPLIANCE

No enforcement actions were initiated as a result of this inspection, nor are any pending.

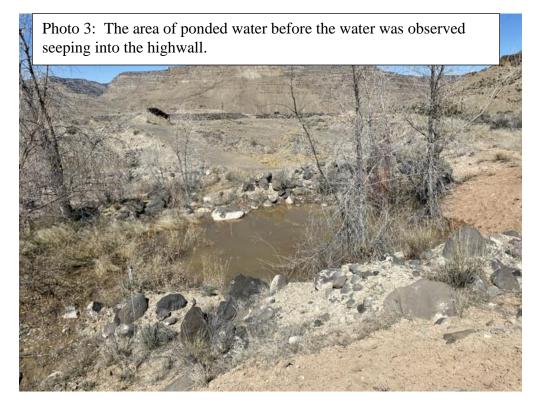
PHOTOGRAPHS

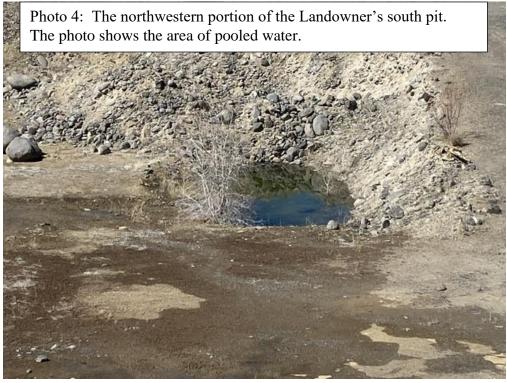
Photo 1: The pipe observed allowing water to flow into the ditch, feeding into the Landowner's south pit.

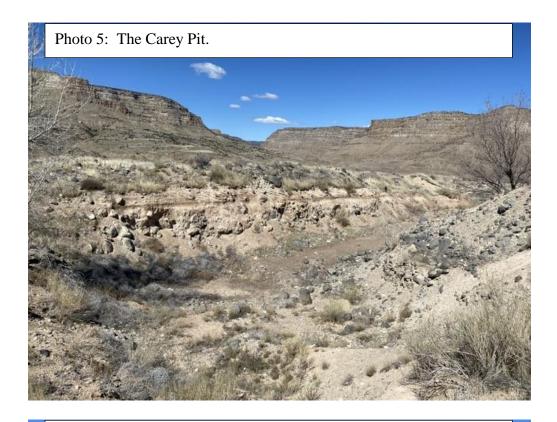


Photo 2: The Landowner's south pit. Water can be seen seeping out of the base of the highwall and ponding in the pit floor.











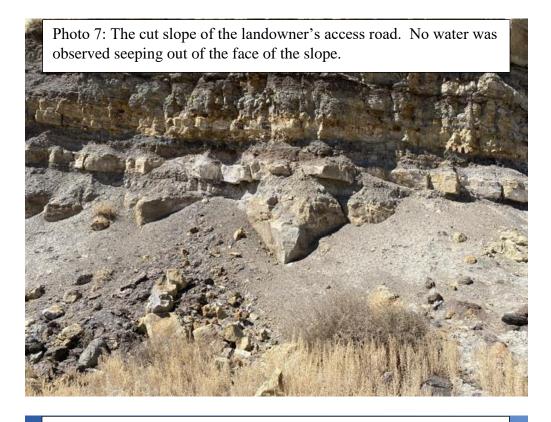
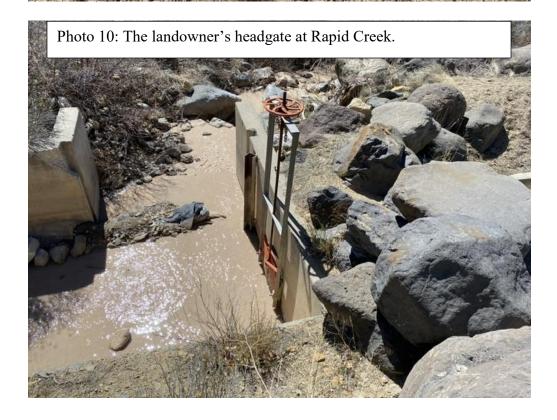
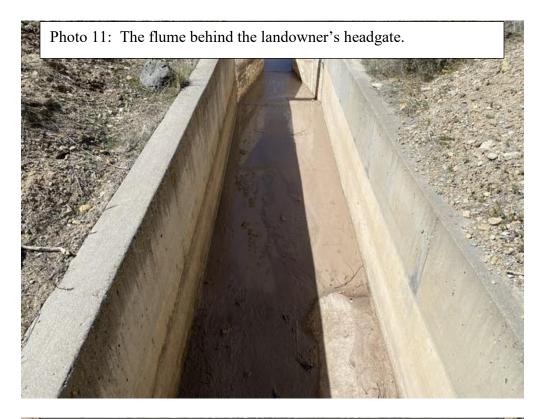


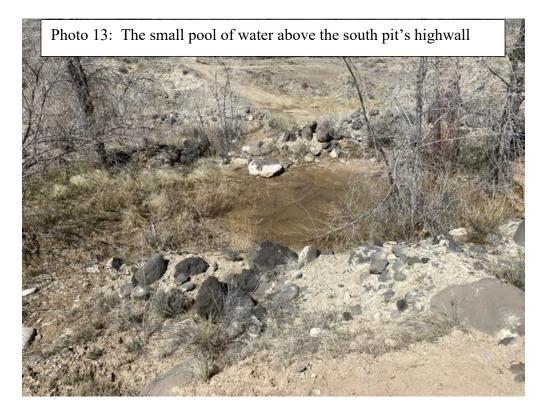
Photo 8: The eastern portion of the TR-69 Repair Area. Vegetation was beginning to grow in at the site.

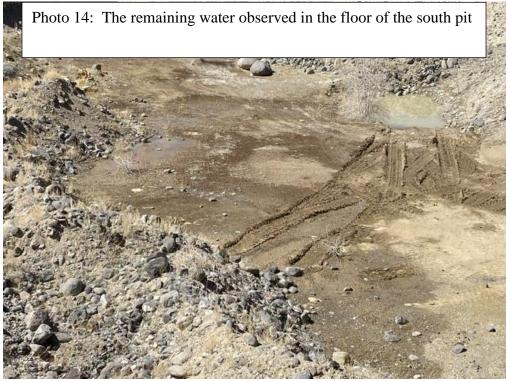
Photo 9: The western portion of the TR-69 Repair Area with straw waddles to help treat runoff from the reclaimed area.











AVAILABILITY OF RECORDS

PERMIT RECORDS		HYDROLOGIC RECORDS	
DRMS Permit	RN-8	NPDES Permit	COR-0027146
Permit Application w/Revisions	OK	NPDES Records	4 th Q 2023
Findings Document	OK	Stormwater Management Plan	OK
Insurance Certificate	Exp. 7/1/2024	SPCC Plan	NA
Bond Document	OK	MSHA Pond Inspections	NA
Phased Bond Release	OK SL-11		NA
Documents/Findings		State Engineer's Pond Inspection	
Air Emission Permits	NA	Quarterly Pond Inspections	NA
County Special Use Permits	NA	Annual Hydrology Reports	2023
UG Mining Landowner Notification	OK	 Ground Water Monitoring 	AHR
Subsidence Monitoring Reports	NA	 Surface Water Monitoring 	AHR
Subsidence Monitoring Data	PAP	 Spring & Seep Monitoring 	NA
Rill & Gully Survey	OK	 Mine Water Discharge Monitoring 	AHR
Vegetation Monitoring Data	2023 ARR	 Mine Inflow Study 	AHR
Specific Variance Approvals	NA	Water Consumption Records	NA
Annual Reclamation Reports	2022	Well Permits	All Reclaimed
Midterm Review Documents	MT-8		
DRMS/OSM Inspection	Up to Date/Feb.		
Reports/Enforcement Actions (3	2024		
Years)		BLASTING RECORDS	
Transfers/Succession of Operator	SO-2	Blasting Publication	>3 years
Temporary Cessation Notification	NA	Blasting Records (3 years)	>3 Years
Reclamation Cost Estimate	RN-8	ATFE Explosives Permit	NA
CERTIFICATIONS		Blasting Variances	NA
Pond Certifications	OK/Released	Pre-Blast Surveys	NA
Annual Certifications for Impoundments	NA		
Fill Certifications for Excess Spoil or Underground Development Waste	NA	ADDITIONAL RECORDS (specify)	
Quarterly Inspections	NA		
Compaction Testing	NA		
Final Certification	2008/2011		
Coal Processing Waste Banks	Released		
Haul Road Certifications	OK		
Access Road Certifications	OK		
COMMENTS:			



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:		MINE/PROSPECTING ID#:	MINERAL:	COUNTY:
Western Slope Flagstone Quarry No. 2		M-1996-076	Gravel	Mesa
INSPECTION TYPE:		WEATHER: Clear	INSP. DATE:	INSP. TIME:
Multi Person Inspection			March 19, 2024	13:00
OPERATOR: OPERATOR REPRESENTATIVE:		TYPE OF OPERATION:		
Rudolph Fontanari None		None	112c - Construction Regular Operation	
REASON FOR INSPECTION: BOND CALCULA		BOND CALCULATION TYPE:	BOND AMOUNT:	
High Priority		Complete Bond	\$234,840.00	
DATE OF COMPLAINT:		POST INSP. CONTACTS:	JOINT INSP. AGENCY:	
NA		DRMS	None	
INSPECTOR(S):	INSPECTOR'S SIGNATURE:		SIGNATURE DATE:	
Amy Yeldell			March 27, 2024	
Clayton Wein	Amy Geldell			

GENERAL INSPECTION TOPICS

The following inspection topic(s) were identified as having a Problem (PB), which includes correction actions and a deadline whereby the Operator must demonstrate compliance with the conditions of the Permit and the requirements of the Act and Rules. Failure to address the corrective actions by the deadline may cause the Division to escalate the Problem to a Possible Violation (PV) and schedule the issue for formal hearing before the Mined Land Reclamation Board (Board).

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

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

CORRECTIVE ACTION(S)

INSPECTION TOPIC: Availability Of Records

PROBLEM: The Division was made aware of Rudy Fontanari's passing in January of 2024. If this operation would like to remain permitted, a Succession of Operator and Transfer of Minerals Permit must take place so that a valid Operator is on file. This is cited as a problem.

CORRECTIVE ACTIONS: Please submit the Succession of Operators forms which includes a replacement financial warranty and performance warranty by the corrective action date.

CORRECTIVE ACTION DUE DATE: 5/20/24

OBSERVATIONS

On March 19, 2024, the Colorado Division of Reclamation, Mining and Safety (Division) was notified that there was water being impounded at the Western Slope Flagstone Quarry No. 2. Given the history of the site the Division conducted an inspection later that day. The Operator was notified via email on March 20, 2024, of the conditions observed on site. Corrective actions to shut off water were to be implemented immediately, and photo documentation provided to the Division.

This inspection was conducted by Amy Yeldell and Clayton Wein of the Division on March 19, 2024. The Western Slope Flagstone Quarry No. 2 is a 112c operation that includes 138.75 permitted acres. The site is located approximately three miles northeast of Palisade, CO and can be accessed from I-70 or Rapid Creek Road. No representatives were present during the inspection due to the emergent nature of the inspection. A follow up inspection was conducted on March 21, 2024, by Clayton Wein and Brian Sewall of DWR.

Availability of Records:

The Division was made aware of Rudy Fontanari's passing in January of 2024. If this operation would like to remain permitted, a Succession of Operator and Transfer of Minerals Permit must take place so that a valid Operator is on file. This is cited as a problem. Please submit the Succession of Operators forms which includes a replacement financial warranty and performance warranty by the corrective action date.

Note that the current Operator must sign off on the transfer. In this case the executor of the estate or power of attorney will need to sign. Documentation such as a copy of the death certificate and proof of power of attorney or estate documents are required.

Backfilling and Grading:

Highwall configurations and general site grading appear to be relatively unchanged compared to the conditions observed during previous inspection.

Financial Warranty:

The Division currently requires and holds a financial warranty in the amount of \$234,840 for this site. Adequate?

Hydrologic Balance:

March 19, 2024, OBSERVATIONS:

Water was observed discharging from a buried pipe* then being conveyed via an earthen ditch into the permit boundary ** (Photo 1). Water was estimated to be flowing at less than 30 gallons per minute. The discharging water resulted in ponding of water in two places within the southern pit area (Photos 2 and 3). Water infiltrated from the upper pool through the highwall and into the southern pit. The depth of the impounded water was not measured. Saturated soils on the southern pit floor were visually evident as the result of water flowing into the pit (Photo 4). The source of the water was believed to be from Rapid Creek above the Martin Crawford Ditch.

When back at the office the Division reached out to the Division of Water Resources (DWR). The Division emailed Brian Sewell, Water Commissioner, and he confirmed that there are no other irrigation lines tied into this ditch.

Per the conditions of the permit, Exhibit G, no groundwater exists and no dewatering is necessary. Additionally, no water will be applied with the exception of dust suppression via tuck. The water in the pits is not from existing groundwater or the result of a recent stormwater event. The Operator was directed via email to immediately turn off all water and provide the Division with photo documentation that water is no longer being discharged into the permit boundary (email enclosed).

The Division drove down to the Cameo entrance. No water was observed infiltrating through the hillside along the access road (Photos 5 and 6). Additionally, all drainageways in the bottom were dry. The remaining northeast pit was observed to be dry with no evidence of recent inundation (Photo 7). No run-off of any kind was observed on site aside from the water discharging into the south pit.

- *Approximate location water is discharging from pipe at 39°8′6.27N, 108°18′8.53W
- ** Approximate location water enters the DRMS permit boundary at 39°8'7.77'N, 108°18'13.84"W

March 21, 2024 OBSERVATIONS:

The Division contacted the Division of Water Resources (DWR) on March 19, 2024 in an effort to obtain additional information regarding the Landowner's water diversion system from Rapid Creek. The Division explained the observations taken in the field and estimated that the water may have been coming from a buried pipeline that received water from the landowner's headgate at Rapid Creek. Brian Sewell of DWR offered to meet the Division in the field on March 21, 2024 to investigate the source of the water that was entering the south pit. The Division started the inspection on March 21st at Rapid Creek. The Division observed fresh ATV tracks at the headgate's location and that the headgate was closed (Photo 8). The flume behind the headgate was damp and muddy, indicating that there had been recent flow through the landowner's diversion inlet (Photo 9). No water was observed flowing in the flume. The ATV tracks were observed following the landowner's buried water line up to the south pit. The pipe feeding into the open ditch and into the pit was almost dry (Photo 10). A small amount of water was observed trickling out of the pipe. Brian Sewell and the Division agreed that the water was likely residual flow as gravity flushes the remaining water out of the buried pipe. The level of water in the small ponded area above the south pit had decreased in size, but was still holding some water (Photo 11). Likewise, the amount of water in the pit floor appeared to have decreased since the March 19th inspection (Photo 12).

Gen. Compliance With Mine Plan:

There appears to be no changes to stockpiles or highwall configurations since the previous inspection. The site was inactive at the time of the inspection. Several pieces of equipment and miscellaneous materials are on site on the west side of the southern pit. Several stockpiles remain on site at both the north and southern pits with no recent evidence of excavation. There were no vehicle/equipment tracks surrounding the processing area or pit floor to indicate recent activity. (Photos 13 -17)

Reclamation Success:

No areas were formally evaluated for reclamation success/release.

Revegetation:

Staff observed two areas that were previously reclaimed. The first was the backfilled northwest pit. The previously inundated pit has been backfilled and sloped on the north side. Some highwalls remain on the south end. Little to no desirable vegetation was observed (Photo 18). Similarly, the area from where the northern irrigation line was removed has been reclaimed. Though vegetation is dense it is almost entirely Cheatgrass (Photo 19).

Support Facilities On-site:

The Scale, scale house, fuel storage and misc. equipment remain on site.

Responses to this inspection report should be directed to: Amy Yeldell at the Division of Reclamation, Mining and Safety, Rm 215, 1001 E 62nd Ave, Denver Co 80216. Direct contact can be made by phone at 303-866-3567 Ext 8183 or via email at amy.yeldell@state.co.us

Inspection Contact Address

Rudolph Fontanari 3316 E 3/4 Road Clifton, CO 81520

Enclosure: Divisions email to Operator March 20, 2024

EC:

<u>brettfontanari@yahoo.com</u> <u>tgrosse@juno.com</u>

CC:

Travis Marshall, Senior EPS, Grand Junction DRMS Clayton Wein, EPS DRMS Russ Means, Active Mines Program Manager Scott Schultz, AGO Brian Sewell, DWR, Water Commissioner







