




**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> Turnpike Mining Resource	<b>MINE/PROSPECTING ID#:</b> M-2004-009	<b>MINERAL:</b> Sand and gravel	<b>COUNTY:</b> Weld
<b>INSPECTION TYPE:</b> Monitoring	<b>WEATHER:</b> Clear	<b>INSP. DATE:</b> May 10, 2024	<b>INSP. TIME:</b> 10:00
<b>OPERATOR:</b> Asphalt Specialties Co., Inc.	<b>OPERATOR REPRESENTATIVE:</b> Greg Geras and Cody Hunt	<b>TYPE OF OPERATION:</b> 112c - Construction Regular Operation	
<b>REASON FOR INSPECTION:</b> Citizen Complaint	<b>BOND CALCULATION TYPE:</b> None	<b>BOND AMOUNT:</b> \$1,114,000.00	
<b>DATE OF COMPLAINT:</b> NA	<b>POST INSP. CONTACTS:</b> None	<b>JOINT INSP. AGENCY:</b> None	
<b>INSPECTOR(S):</b> Nikie Gagnon Jared Ebert	<b>INSPECTOR'S SIGNATURE:</b> 	<b>SIGNATURE DATE:</b> June 6, 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:** Hydrologic Balance/Offsite Impacts

**PROBLEM/POSSIBLE VIOLATION:** Problem: Operator backfilled a pond on the eastern side of the permit area. Material was pushed into a drainage ditch that runs along the property boundary, blocking the natural flow of water. Material from the backfilling operation migrated into a small area offsite on the east side of the drainage and filled a culvert draining the adjacent property. Rule 3.16 states "Disturbances to the prevailing hydrologic balance of the affected land and of the surrounding area and to the quantity or quality of water in surface and groundwater systems both during and after the mining operation and during reclamation shall be minimized."

**CORRECTIVE ACTIONS:** The following corrective actions shall be completed by the due date:

1. Contact the adjacent landowner and obtain permission to clean out the culvert. Ensure the work is done to the landowner's satisfaction.
2. Clean out the material that was placed into the ditch to restore flow.
3. Grade the slope to 3H:1V and blend with the contours of the natural drainage.
4. Seed the repaired slope to reestablish vegetation.
5. The Operator shall work with the adjacent landowner to obtain access permission for the repair work outside the permit area and minimize additional disturbance to the adjacent land.
6. The Operator shall provide proof to the Division that this work has been done by the corrective action date.

**CORRECTIVE ACTION DUE DATE:** 8/6/2024

**INSPECTION TOPIC:** Markers

**PROBLEM/POSSIBLE VIOLATION:** Problem 2: The permit area boundary markers were not clearly marked per the requirements of Rule 3.1.12(2).

**CORRECTIVE ACTIONS:** The Operator shall conduct a survey and install boundary markers in the corners of the permit area. The Division requests that the Operator also mark the boundary line along the eastern side of the permit area where the backfilling occurred. The boundaries of the affected area must be marked by monuments or other markers that are clearly visible and adequate to delineate such boundaries. The Operator shall provide proof to the Division that this work has been done by the corrective action date.

**CORRECTIVE ACTION DUE DATE:** 6/10/2024

**Update:** The Operator submitted the eastern boundary information to the Division on May 31 ,2024. Enclosed photos show the boundary along the eastern side of the permit area is marked by stakes.

## **OBSERVATIONS**

On Monday, May 6, 2024, the Division of Reclamation, Mining and Safety (Division/DRMS) received a citizen complaint from Mr. Kenneth Schell of Weld County. Mr. Schell stated that Asphalt Specialties Co, operator of the Turnpike Mining Resource mine site, dumped debris onto his property and plugged up his culvert by pushing material into a drainage ditch. Mr. Schell provided photographs to the Division showing the backfilled drainage and the mud blocking a culvert that drains his property. Nikie Gagnon, representing DRMS, contacted Greg Geras with Asphalt Specialties Co. (Operator). Mr. Geras investigated the situation and informed the Division that they were backfilling a pond on the eastern side of the permit area and material was pushed into a drainage that runs along the property boundary. Material from the backfilling operation also migrated into a small area off-site and blocked a culvert draining the adjacent property. During this conversation, DRMS scheduled a site inspection for Friday, May 10, 2024, to follow up on the complaint and determine if additional corrective action(s) would be necessary.

On May 10, 2024, Nikie Gagnon and Jared Ebert with DRMS met with Greg Geras and Cody Hall of Asphalt Specialties at the Turnpike site. Mr. Schell was aware of the inspection but unable to attend. DRMS inspected a drainage that runs from south to north along the eastern side of the mine site. The Division observed approximately 500 feet of a drainage that had been backfilled up to the level of the surrounding land. The drainage runs along the base of an old railroad right of way. Standing water was observed in the ditch above and below the backfilled area. The outlet to a culvert draining Mr. Schell's property to the east was buried inside the backfill and the inlet point on his property was clogged with mud. Additionally, some material flow was observed in Mr. Schell's pasture around the culvert and above the ditch.

During the inspection, the Division observed an excavator on the west side of the drainage removing material. The Operator stated they were cleaning out the material to restore water flow. The impacted culvert cannot be reached from the mine side of the drainage and the Operator will need to obtain permission from Mr. Schell to clean out the culvert and restore it to his satisfaction.

The Division determined Asphalt Specialties impacted the flow of water through the drainage between the two properties and material from the mine site flowed offsite onto Mr. Schell's property. This is cited as a problem requiring corrective action in this report (See Problem 1 above). The Operator shall clean out the material that flowed into the ditch to restore drainage. The slopes of the ditch should be graded to a 3H:1V and blended in with the natural contours of the drainage above and below the backfilled area. Once grading work is completed, the Operator shall seed the repaired area and reestablish vegetation. The Operator shall work with the adjacent landowner to obtain access to conduct any repair work outside the permit area.

During the inspection, the Division walked the eastern boundary with the Operator and noted that the boundary is not clearly marked in the corners as required in Rule 3.1.12(2). This is cited as a problem requiring corrective action in this report (See Problem 2 above). Additionally, the Division asked the Operator to survey the permit area and mark the boundary along the length of the eastern side of the permit area to help prevent additional impacts to Mr. Schell's property, outside of any agreed upon restoration work to be completed on the culvert and the drainage. On May 31, 2024, Asphalt Specialties Co. submitted the surveyed boundary and photos of the staked eastern boundary in place (See Enclosure)

This completes the inspection report. A subset of the photographs taken during the inspection are attached. Please contact Nikie Gagnon via phone at (303) 866-3567 ext. 8126 or email at [nikie.gagnon@state.co.us](mailto:nikie.gagnon@state.co.us) if you have any questions regarding this report.



## PHOTOGRAPHS



Photo 1: Looking south across backfilled area on eastern side of permit area.  
Backfilled drainage marked by arrow.



Photo 2: Looking west across the recently backfilled pond area.





Photo 3: Looking south down the backfilled drainage. The excavator is working from within the permit boundary to open the drainage channel.



Photo 4: Looking west from the adjacent property. Red line depicts the approximate location of the culvert installed under the berm to the drainage.





Photo 4: Culvert inlet on Mr. Schell's property.



Photo 4: Channel to inlet of culvert on Mr. Schell's property.





Photo 4: Looking north down the backfilled area at the base of the old railbed.



Photo 4: Looking northwest at the backfilled drainage area. Water ponding upstream from backfilled channel.





Photo 4: Standing upstream looking north down the drainage between the properties.



Photo 4: Looking south/upstream at water ponded above the backfilled channel.





Figure 1: Image of backfilled area on the eastern edge of the permit area and adjacent land owned by Mr. Schell. Google Earth image dated 09/2023.



**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>N</u>	(RD) ROADS----- <u>N</u>
(HB) HYDROLOGIC BALANCE----- <u>PB</u>	(BG) BACKFILL & GRADING----- <u>N</u>	(EX) EXPLOSIVES----- <u>N</u>
(PW) PROCESSING WASTE/TAILING---- <u>N</u>	(SF) PROCESSING FACILITIES----- <u>N</u>	(TS) TOPSOIL----- <u>N</u>
(MP) GENL MINE PLAN COMPLIANCE- <u>N</u>	(FW) FISH & WILDLIFE----- <u>N</u>	(RV) REVEGETATION---- <u>N</u>
(SM) SIGNS AND MARKERS----- <u>PB</u>	(SP) STORM WATER MGT PLAN---- <u>N</u>	(RS) RECL PLAN/COMP-- <u>N</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>N</u>	(OD) OFF-SITE DAMAGE----- <u>PB</u>	

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

**Inspection Contact Address**

Greg Geras and Cody Hunt  
Asphalt Specialties Co., Inc.  
345 W 62nd Ave  
Denver, CO 80216


Enclosure – May 30, 2024, Boundary Marker Photos provided by Asphalt Specialties

CC: Jared Ebert, Senior EPS, DRMS

ASPHALT



## PHOTOGRAPH LOG

<b>Site Name:</b> ASCI Turnpike Mining Resource		<b>Site Location:</b> 599 HWY 52, Erie, CO	<b>Document:</b> Eastern Boundary Photos
<b>Photo No.</b> <b>1</b>	<b>Date:</b> 5/30/2024		
<b>Direction Photo Taken:</b>  North			
<b>Description:</b>  Staked property line by culvert			

<b>Photo No.</b> <b>2</b>	<b>Date:</b> 5/30/2024		
<b>Direction Photo Taken:</b>  South			
<b>Description:</b>  Staked property line by culvert to the south (stake south of mud flow in distance)			



**Site Name:**

ASCI Turnpike Mining Resource

**Site Location:**

599 HWY 52, Erie, CO

**Document:**

Eastern Boundary Photos

**Photo No.**

**3**

**Date:**

5/30/2024

**Direction Photo Taken:**

South

**Description:**

Zoom in on stake south of mud flow.



**Photo No.**

**4**

**Date:**

5/30/2024

**Direction Photo Taken:**

East

**Description:**

Stake south of mud flow.





**Site Name:**

ASCI Turnpike Mining Resource

**Site Location:**

599 HWY 52, Erie, CO

**Document:**

Eastern Boundary Photos

**Photo No.**

**5**

**Date:**

5/30/2024

**Direction Photo Taken:**

Down/Southeast

**Description:**

View of Schell culvert



**Photo No.**

**6**

**Date:**

5/30/2024

**Direction Photo Taken:**

South

**Description:**

Culvert installed on ASCI property to facilitate drainage.





**Site Name:**

ASCI Turnpike Mining Resource

**Site Location:**

599 HWY 52, Erie, CO

**Document:**

Eastern Boundary Photos

**Photo No.**

**7**

**Date:**

5/30/2024

**Direction Photo Taken:**

West

**Description:**

Culvert installed on ASCI property to facilitate drainage.



**Photo No.**

**8**

**Date:**

5/30/2024

**Direction Photo Taken:**

East

**Description:**

SE Property boundary marker along HWY 52.

