

STATE OF
COLORADO

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Oak Creek Gravel Pit M-1989-084 Inspection Report

1 message

Carter - DNR, Jocelyn <jocelyn.carter@state.co.us>
To: "akagan@centurytel.net" <akagan@centurytel.net>
Cc: Amy Eschberger - DNR <amy.eschberger@state.co.us>

Fri, Jun 21, 2024 at 1:20 PM

Good afternoon Andrew,

Thank you for taking my call earlier today and discussing the inspection conducted on May 23, 2024. Please see the attached inspection report. I have included a couple of maps within the report for your reference. If there is any other information you need or if you have any questions, please feel free to email or call me.

Thanks again,
Jocelyn

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Jocelyn Carter
Environmental Protection Specialist
Division of Reclamation, Mining, and Safety
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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: Oak Creek Gravel Pit	MINE/PROSPECTING ID#: M-1989-084	MINERAL: Gravel	COUNTY: Fremont
INSPECTION TYPE: Monitoring	WEATHER: Clear	INSP. DATE: May 23, 2024	INSP. TIME: 11:30
OPERATOR: Rockbottom, LLC	OPERATOR REPRESENTATIVE: Beckie Kagan	TYPE OF OPERATION: 112c - Construction Regular Operation	

REASON FOR INSPECTION: Normal I&E Program	BOND CALCULATION TYPE: None	BOND AMOUNT: \$60,232.00
DATE OF COMPLAINT: NA	POST INSP. CONTACTS: None	JOINT INSP. AGENCY: None
INSPECTOR(S): Jocelyn Carter	INSPECTOR'S SIGNATURE: 	SIGNATURE DATE: June 21, 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

PROBLEM: The current mine plan and reclamation plan need to be updated and clarified pursuant to C.R.S. 34-32.5-112 (1) and C.R.S. 34-32.5-112 (2). The operator must provide sufficient information to describe and identify how the operator intends to conduct the operation given the presence of the additional fence line along Access Road 6227, the mailboxes, and dumpster observed during the inspection.

CORRECTIVE ACTIONS: The operator shall submit a Technical Revision, with the required \$216 revision fee, to update and clarify the current approved mine plan and reclamation plan to reflect existing and any proposed activities by the corrective action date. Include an updated Mining Plan and Reclamation Plan narrative along with updated Mining Plan and Reclamation Plan maps. Provide information about the owners of these permanent man-made structures. If Operator is not the owner of the structures, provide notarized structure agreements in accordance with Rule 6.4.19.

CORRECTIVE ACTION DUE DATE: 9/16/24

INSPECTION TOPIC: Topsoil

PROBLEM: The current mine plan needs to be updated and clarified regarding topsoil stockpile placement during mining operations pursuant to Rule 3.1.9(4). The stockpiled topsoil was not located in the approved area of the current mining plan and map.

CORRECTIVE ACTIONS: The operator shall submit a Technical Revision, with the required \$216 revision

fee, to update and clarify the current approved mine plan to reflect existing and proposed activities by the corrective action date. Provide an updated Mining Plan and Mining Map that indicates the current location of the topsoil stockpile.

CORRECTIVE ACTION DUE DATE: 9/16/24

OBSERVATIONS

The inspection of the Oak Creek Gravel Pit, Permit No. M-1989-084, was completed by me, Jocelyn Carter, on behalf of the Division of Reclamation, Mining, and Safety (Division/DRMS) on May 23, 2024. The operator, Rockbottom, LLC, was represented by Beckie Kagan. The weather was clear and breezy with moderate temperatures.

The Oak Creek Gravel Pit is located on County Road 143 in Fremont County, about 13 miles south of Canon City. To access the site from U.S. Highway 50 and 9th Street in Canon City, head south on 9th Street for 1.2 miles, then head west on Elm St. for 0.3 miles, turn left on Oak Creek Grade and continue on this road for 13.6 miles. The entrance gate is located on the north side of the road, there is a sign stating the required permit information (see Photo #1).

The 112c operation is for 25.56 acres and is extracting gravel material for county road maintenance and improvements. Shortly after arriving at the site, a dump truck arrived to collect and deliver a load of material. This was a one-man task, the driver loaded the dump truck and then left to make the delivery. No other mining activities were taking place at the time of the inspection. There was a bulldozer and hydraulic excavator parked on the northeast side of the active mining area (see Photo #4) along with a screener located to the southeast (see Photo #3).

There is a problem cited regarding the location of the topsoil stockpile. The approved mine plan has the topsoil located along the northwest permit boundary. Topsoil was not observed to be stored at that location during the inspection and according to my observations and recent satellite imagery from Google Earth on October 12, 2023, the topsoil appeared to be stored at the edges of the mined areas. There is also a problem cited for the mine plan compliance. Additional structures were observed to be either within the permit area or within 200 feet of the permit area. Two maps are provided below, Map #1 shows what was observed on site and Map #2 is the current approved mining plan map. Please see the above problem citation for more information. ***Note: both problems can be addressed in one Technical Revision submission; two Technical Revision applications are not required to satisfy the required corrective actions.***

There was an issue with noxious weeds observed in the west portion of the permit area, near the topsoil berm. Thistles were observed in large quantities at the time of the inspection. There were also two boundary markers not observed at the time of the inspection; the two on either side of the mine entrance were missing. The operator was informed about the issues at the time of the inspection and had the noxious weeds removed and replaced the boundary markers. On May 29, Ms. Beckie Kagan sent photographs of the noxious weeds removed and the boundary markers replaced. The Division considers these issues to be resolved.

Photographs taken during this inspection are given at the end of this report along with two maps for reference.

Please contact me, Jocelyn Carter, with any questions regarding this inspection; Jocelyn.carter@state.co.us or at (720) 666-1065.

Records

A review of the permit was completed, the annual report, map, and fee were submitted on January 20, 2024. It was reported that the total affected land measures to be 8.4 acres with 2.0 acres backfilled, graded, and seeded. The current bond held by the Division is \$60,232.00. An updated bond calculation will be done by the Division with the submittal of the required Technical Revision to address the problems cited. The Division anticipates the required bond amount will increase.

The last time this operation was inspected by the Division was February 13, 2020, by Tim Cazier.

Hydrological Balance

There is a spill way that is along the disturbed area that goes under the haul road and leads to a settling pond just to the northeast of the mine entrance (see Photos #7 and #8). The settling pond was dry at the time of the inspection and the spill way appeared to be stable and clear of debris. There was a small amount of standing water on the pit floor from recent precipitation and snowmelt. There is no apparent issue with the hydrologic balance in the area.

General Mine Plan Compliance

According to Ms. Beckie Kagan, the operation has gone as far to the northeast and is now progressing towards the southwest. There were a few product stockpiles located along the northwest end of the pit floor. There was another stockpile towards the center of the pit floor, more in the vicinity of the recently disturbed area. All stockpiles appeared to be stable.

The operation does not appear to be following the approved mining plan. Problems are cited at the beginning of this report. One pertaining to the location of the topsoil, which is discussed more under the Topsoil section below, and another pertaining to additional structures within the permit boundary. Ms. Kagan stated that the northwest corner of the permit area is being used by the local residential community for a mailbox and disposal site for the surrounding rural neighborhood. There are several mailboxes on concrete pads and large dumpsters behind fencing that are also on a concrete pad along with a maintain gravel parking area (see Photo #13). Additionally, along the southwest permit boundary and Access Road 6227, there is a fence that is not represented on the current mine plan map (see Photo #14). Map #1 below shows the location of the mailbox and disposal area along with the additional fence. Please see the above citation for more information.

Signs and Markers

There is a mine sign at the entrance in accordance with Rule 3.1.12(1) (see Photo #1). The boundary markers were all verified as well. There were two boundary markers that were not present at the time of the inspection. The marker on the northeast side of the entrance/haul road and the southwest side of the entrance/haul road were not observed during the inspection. The Operator has since re-installed those markers and sent photographs to me. The Division considers this issue to be resolved.

Acid or Toxic Materials

During the February 13, 2020, inspection, Tim Cazier made note of an above ground fuel/oil tank with adequate secondary containment. The fuel/oil tank and the secondary containment have since been removed and were not present during this inspection (see Photo #6).

Financial Warranty

The financial warranty held by the Division is currently \$60,232.00. The last time reclamation cost estimate

calculation (REC) for this site was completed in March of 2006 during the Succession of Operator (SO-2) application process. The Division will be re-evaluating the REC upon the submittal of the required Technical Revision for the problems cited above. The required financial warranty is expected to go up because of an increase in disturbed land and inflation.

Fish & Wildlife

There was evidence of wildlife that inhabit and traverse through the southwest portion of the permit area. There did not appear to be any negative impacts to wildlife at the time of the inspection.

Stormwater Management Plan

The spillway installed and associated ditches to route stormwater to the retention/setting pond appeared to be stable and free of debris.

Roads

The road appeared to be stable and in good condition at the time of the inspection.

Explosives

According to Ms. Kagan, blasting does occur at the site, but not frequently. The last time there was blasting at the site was before the February 13, 2020, inspection.

Topsoil

A problem regarding the topsoil was cited at the beginning of this report, please refer to the problem for the require corrective action. The Exhibit C – Mine Plan map submitted during the Conversion application, issued on November 15, 2001, provided at the end of this report, shows the topsoil stockpile was supposed to be along the northwest portion of the permit area. There did not appear to be any topsoil stockpiled in this area. It did appear that topsoil was being stored at the north extent of the disturbed area as well as at the edge of the most recent active area. See the two maps below of the approved mine plan and what was observed during the inspection.

Revegetation

Thistles were observed in the northwest portion of the permit area along the drainage that flows to the southwest (see Photo #12). The Operator supplied photos of the area after the removal of the thistles. The Division considers this issue resolved.

PHOTOGRAPHS



Photo #1: Mine sign, per Rule 3.1.12(1) and entrance gate.



Photo #2: View of the active mining area from the southeast of the disturbed area, looking to the northwest.



Photo #3: View of the eastern portion of the active mining area, looking to the northeast from the pit floor. The screener can be seen in front of a highwall.



Photo #4: View of the parked bulldozer and the northeast portion of the active mining area, looking to the northwest from the pit floor.



Photo #5: View of the northwest active mining area, looking to the northwest from the pit floor.



Photo #6: View of the southwest area of the active mining area. Wooded material appears to have been stockpiled and segregated, seen in the right of the photo. There is another machine viewed on the left. In the center of the photo is a storage container and a portable toilet, the fuel/oil storage and secondary containment was located between these two but has since been removed.



Photo #7: View of the stormwater ditch and spillway entrance, looking to the northwest from the access/haul road.



Photo #8: View of the spillway into the settling/retention pond, looking to the southeast from the road.



Photo #9: View of the active mining area from the northeast portion of the permit area, looking to the southwest. The road in the background is County Road 143/Oak Creek Grade.



Photo #10: View of the topsoil stockpile along the northwest portion of the active mining area.



Photo #11: View of the backside of the topsoil stockpile along the northwest portion of the active mining area.



Photo #12: Thistles growing in the drainage along the northwest portion of the permit area. These have since been removed.



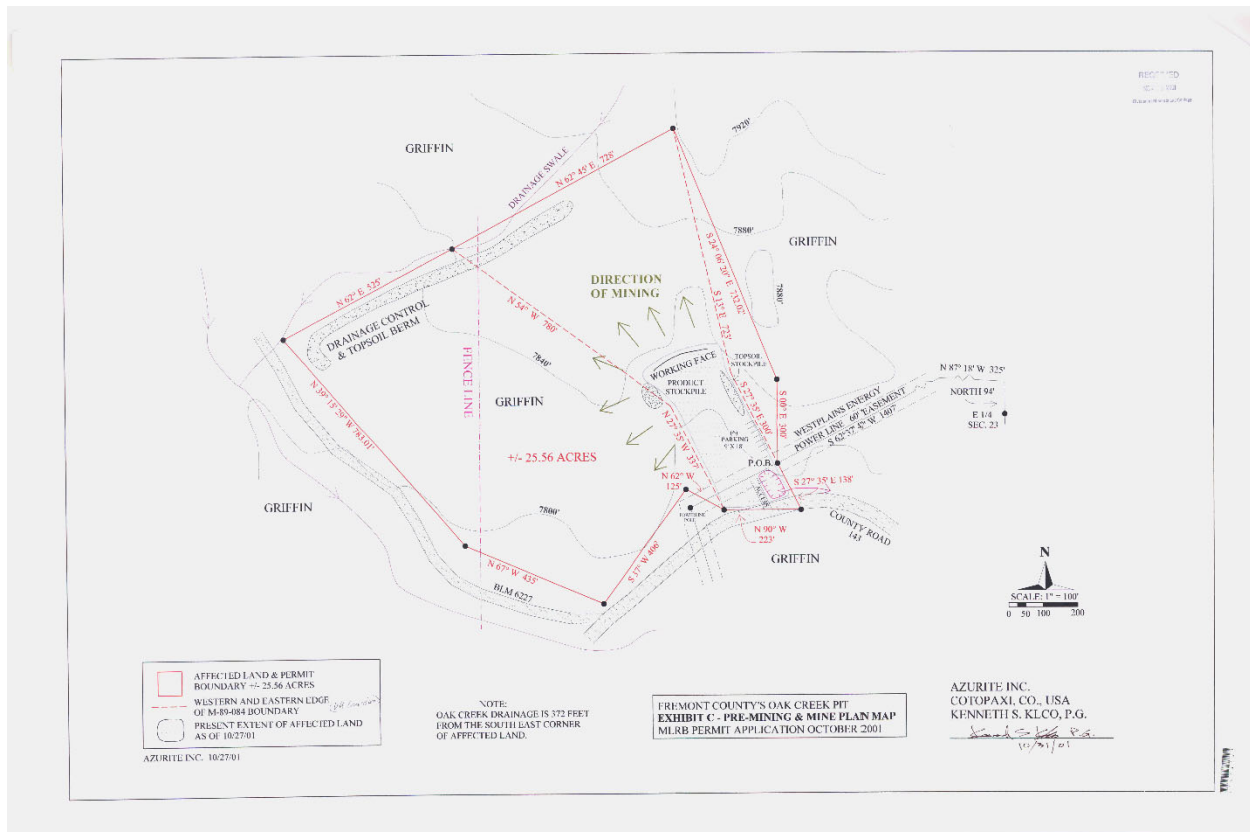
Photo #13: The mailboxes and dumpster structures located on the western corner of the permit area, see the map below for location with respect to permit boundary.



Photo #14: The new fence along the southwest portion of the permit boundary and Access Road 6227, see map below for location of fence with respect to permit boundary.



Map #1: Created from the observations made during the inspection. The Pink polygon represents the permit boundary, the orange polygon represents the active mining area and the currently disturbed area, the purple polygon represents the topsoil stockpile that was observed, the teal polygon and line represent the new structures that were observed. The background satellite photo is dated October 12, 2023.



Map #2: The approved mining plan showing the location of the approved topsoil stockpile along the natural drainage in the northwest portion of the permit boundary. There is no indication of the additional fence, or the mailboxes and dumpsters represented on the approved map.

GENERAL INSPECTION TOPICS

The following list identifies the environmental and permit parameters inspected and gives a categorical evaluation of each.

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

Inspection Contact Address

Beckie Kagan
Rockbottom, LLC
555 Ernest Avenue
Westcliffe, CO 81252

Enclosure

CC: Amy Eschberger, DRMS