



STATE OF
COLORADO

Girardi - DNR, Chris <chris.girardi@state.co.us>

King Pit, M1987012- Inspection Problems Corrective Actions

1 message

Girardi - DNR, Chris <chris.girardi@state.co.us>

Tue, Jan 28, 2025 at 12:08 PM

To: Paul Bottini <paul@southwayco.com>

Cc: Katie Todt <katie@lewicki.biz>, Jared Ebert - DNR <jared.ebert@state.co.us>

Hello,

Attached to this email is the Division's response letter to the document submitted by Lewicki & Associates on behalf of the Operator on 1/24/2025 regarding the inspection problems noted in the September 2024 Inspection Report.

A hard copy will not be mailed unless requested. Please let me know if you have any questions.

Thanks,

Chris Girardi

Environmental Protection Specialist Intern



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

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InspectionProblemsResponse_KingPit_M1987012.pdf
331K



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

January 28, 2025

Mr. Paul Bottini
Southwest Ready-Mix, Inc.
117 White Pine Dr.
Alamosa, CO 81101

Re: Outstanding Corrective Actions, King Pit, Permit No. M-1987-012

Mr. Bottini:

On September 5, 2024, the Division of Reclamation, Mining and Safety (Division/DRMS) performed a routine monitoring inspection of the King Pit, M1987-012. As a result of the inspection, the Division cited problems, see below, that had corrective action due dates on or before December 1, 2024. The Division sent a Notice Past Due of Inspection Problems letter on December 31, 2024 and on January 24, 2025, the Division received a response. The Division notes that following regarding the corrective action items cited as a result of the September 2024 inspection.

1. INSPECTION TOPIC: Signs and markers

PROBLEM: The mine identification sign was not posted at the entrance of the mine site. This is a problem for failure to post a mine identification sign as required by Section 3.1.12(1) of the rule. 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.

OPERATOR RESPONSE: Southway has replaced the sign and notes that its presence will be confirmed during future internal inspections to mitigate losses due to high winds known to frequent the San Luis Valley. Please see photo below as proof.

DIVISION RESPONSE: The Division notes that Figure 1 showing photo documentation of the King Pit sign on January 23, 2025 shows an incorrect permit number. The mine sign reads, "M-87-012". However, the correct permit number associated with the King Pit is "M-1987-012". Please correct the mine sign and submit photo documentation of the corrected sign.



2. **INSPECTION TOPIC:** Acid and Toxic Materials

PROBLEM: A fuel spill has occurred at the site which may have impacted soils, surface water or groundwater.

OPERATOR RESPONSE: The small fuel spill at the King Pit has been cured- see associated photos. Contaminated soils were removed with mobile equipment and placed in the site's dumpster that is periodically disposed of at a licensed disposal facility capable of accepting hydrocarbons. All soils plus additional clean soil surrounding the spill margin is included in the clean-up volume of 3 CY. The clean-up area was graded with mobile equipment and is still in the active pit area at the King Pit so no final reclamation actions were pursued at this time. Once the site's roll-off dumpster is emptied- tentatively scheduled for the last week of January 2025- a receipt will be submitted to the Division validating final appropriate disposal.

DIVISION RESPONSE: The Division notes that Figure 2 showing photo documentation of the disposed drums within the dumpster only indicates that two (2) drums were addressed. Please refer to the September 2024 Inspection Report, as Photos 11-13 show three (3) distinct drums that displayed evidence of leaking hydrocarbons to the soil. Figure 3 showing grading of where a drum was removed appears to be associated with the drum noted in Photo 12 of the inspection report. Please clarify if the leaking drums in Photos 11 and 13 were removed and grading occurred in those areas.

3. **INSPECTION TOPIC:** Mine Plan

PROBLEM: The highwalls in the North Pit Area exceed the maximum highwall length of 300 feet in the approved mining plan. The current mine plan needs to be updated and clarified pursuant to C.R.S. 34-32.5-112 (1)(c)(VI). The operator must provide sufficient information to describe or identify how the operator intends to conduct the operation.

OPERATOR RESPONSE: Two items pertaining to the site's mine plan were noted in the Division's September 2024 inspection- highwall length and sediment control. Rather than request a technical revision to the mine plan, the operator would like to remediate both items within the bounds of the approved mine plan. Both items were preliminarily addressed by Southway in recent months; however freezing conditions at the site have limited earthwork opportunities. Southway is requesting that the Division allow an extension to cure both earth working items for 126 days or through May 30, 2025. This duration will allow the soils at the King Pit to thaw and become workable to develop a solution to the observed erosional features and to knock-down the current highwall to remain within the permitted length of 300-feet of active mining highwall.

DIVISION RESPONSE: The Division concurs with this course of action and approves an extension through May 30, 2025 to resolve this inspection problem.

4. **INSPECTION TOPIC:** Sediment Control

PROBLEM: Erosion gullies and ruts were observed in the South Pit Area. This is a problem at this time for failure to protect the affected land from erosion pursuant to C.R.S 34-32.5-116(4)(j).

OPERATOR RESPONSE: Two items pertaining to the site's mine plan were noted in the Division's September 2024 inspection- highwall length and sediment control. Rather than request a technical revision to the mine plan, the operator would like to remediate both items within the bounds of the approved mine plan. Both items were preliminarily addressed by Southway in recent months; however freezing conditions at the site have limited earthwork opportunities. Southway is requesting that the Division allow an extension to cure both earth working items for 126 days or through May 30, 2025. This duration will allow the soils at the King Pit to thaw and become workable to develop a solution to the observed erosional features and to knock-down the current highwall to remain within the permitted length of 300-feet of active mining highwall.

DIVISION RESPONSE: The Division concurs with this course of action and approves an extension through May 30, 2025 to resolve this inspection problem.

Please submit a response addressing Inspection Topics 1 and 2 by **February 11, 2025**. Please note that if the corrective actions are not properly addressed, and evidence provided to the Division by the date provided above, the listed problems could be escalated to the level of possible violation and referred to the Mined Land Reclamation Board for further action.

If you have any questions, please contact me by email at chris.girardi@state.co.us.

Sincerely,



Chris Girardi
Environmental Protection Specialist Intern

cc: Jared Ebert; DRMS
Katie Todt, Lewicki and Associates, PLLC