



**COLORADO DIVISION OF RECLAMATION, MINING AND SAFETY**  
**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> 120th Estates Partners	<b>MINE/PROSPECTING ID#:</b> M-2001-085	<b>MINERAL:</b> Sand and gravel	<b>COUNTY:</b> Adams
<b>INSPECTION TYPE:</b> Monitoring	<b>INSPECTOR(S):</b> Berhan Keffelew	<b>INSP. DATE:</b> May 15, 2012	<b>INSP. TIME:</b> 14:00
<b>OPERATOR:</b> GSL/Brush LLC	<b>OPERATOR REPRESENTATIVE:</b> Adam Schultejann	<b>TYPE OF OPERATION:</b> 112c - Construction Regular Operation	
<b>REASON FOR INSPECTION:</b> Citizen Complaint	<b>BOND CALCULATION TYPE:</b> Complete Bond	<b>BOND AMOUNT:</b> \$303,815.00	
<b>DATE OF COMPLAINT:</b> NA	<b>POST INSP. CONTACTS:</b> None	<b>JOINT INSP. AGENCY:</b> None	
<b>WEATHER:</b> Clear	<b>INSPECTOR'S SIGNATURE:</b>	<b>SIGNATURE DATE:</b> July 3, 2012	

**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:** Backfilling & Grading

**PROBLEM/POSSIBLE VIOLATION:** Problem: Erosion gullies and ruts were observed on-site. 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).

**CORRECTIVE ACTIONS:** The operator shall provide photo documentation to the Division verifying erosion gullies and ruts have been repaired, and that the site has have been reconstructed and stabilized to prevent erosion damage by the corrective action date.

**CORRECTIVE ACTION DUE DATE:** 8/30/12

**INSPECTION TOPIC:** Financial Warranty

**PROBLEM/POSSIBLE VIOLATION:** Problem: Problem: The Operator has not provided the full financial warranty amount required under the approval of Amendment AM-4.

**CORRECTIVE ACTIONS:** CORRECTIVE ACTION:

The Operator must provide the additional amount before work on Amendment AM-4 starts or within 365 days of AM-4 approval (February 2, 2011).

**CORRECTIVE ACTION DUE DATE:** 2/02/11

**INSPECTION TOPIC:** Hydrologic Balance

**PROBLEM/POSSIBLE VIOLATION:** Problem: PROBLEM: Operator has failed to minimize disturbances to the prevailing hydrologic balance of the affected land and of the surrounding area, as required by 34-32.5-116(4)(h) C.R.S. and Rule 3.1.6(1).

**CORRECTIVE ACTIONS:** CORRECTIVE ACTION:

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### **OBSERVATIONS**

- 1) The Division conducted a citizen's complaint inspection of the site on 5/15/12. The Division received a letter from the adjacent land owners about a potential failure surface along the north side of the pond embankment that could impact their property.
- 2) Present during the inspection was Mr. Adam Schultejann, the operator's representative and Messer T.C Oxley, Jim Wheeling, Carlo Gains and Dan Overton representing the adjacent land owners were present.
- 3) There was indeed a failure surface along the north side embankment that joins the ski lake on the North side. However, all the failure surface and affected area was limited to the permit boundary of M-2001-085? Even though the current affected area is limited within the permit boundary, if the failure surface is not backfilled in reasonable amount of time, there is a potential to encroach on to the adjacent land and affect the narrow road that allows access around the ski lake. Everybody present agreed all the affected area from the surface failure was limited to the existing permit. We all agreed if the repair is not conducted in a reasonable time, there is a good chance the narrow ski lake road could be impacted. In order to limit the potential impact, the Division requested the ski lake owners to limit vehicle traffic along the road until the embankment is repaired. They agreed to restrict access along that area until the repair is completed.
- 4) The Division contacted the operator Mr. Jim Newman in Chicago and informed him of the finding and the need to conduct the repair in an expedited manner. Mr. Newman stated that he has authorized Adam to conduct the repair.
- 5) At present the operation is still under corrective action for a failure to submit the additional financial warranty for Amendment # 4. In addition under this inspection the operator is cited for a possible problem for failure to protect the affected land from erosion C.R.S. 34-32.5-116(4)(j).
- 6) On June 26, 2012, the Division sent the operator a certified letter to address the warranty deficiency within 15 days after receipt of the certified letter. If the operator does not address the issue by the date outlined in the letter, the Division will take appropriate action as outlined in the letter.

## PHOTOGRAPHS



Figure 1 permit sign



Figure 2 showing the area of embankment failure 5/15/12



Figure 3 looking west at the failure surface



Figure 4 looking NNW @ the failure surface



Figure 5 looking SSW at the pond



Figure 6 looking NNW at the pond.

### **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>N</u>
(HB) HYDROLOGIC BALANCE----- <u>N</u>	(BG) BACKFILL & GRADING----- <u>PB</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>N</u>	(SP) STORM WATER MGT PLAN---- <u>N</u>	(SB) COMPLETE INSP---- <u>N</u>
(ES) OVERBURDEN/DEV. WASTE----- <u>NA</u>	(SC) EROSION/SEDIMENTATION--- <u>N</u>	(RS) RECL PLAN/COMP-- <u>N</u>
(AT) ACID OR TOXIC MATERIALS----- <u>NA</u>	(OD) OFF-SITE DAMAGE----- <u>N</u>	(ST) STIPULATIONS----- <u>N</u>

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

James Newman  
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Enclosure

CC: