



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.

MINE NAME: Thomeczek Pit	MINE/PROSPECTING ID#: M-1995-007	MINERAL: Sand and gravel	COUNTY: Bent
INSPECTION TYPE: Monitoring	INSPECTOR(S): Tyler V. O'Donnell	INSP. DATE: February 7, 2013	INSP. TIME: 15:00
OPERATOR: Bent County Ready Mix	OPERATOR REPRESENTATIVE: NONE	TYPE OF OPERATION: 110c - Construction Limited Impact	

REASON FOR INSPECTION: Normal I&E Program	BOND CALCULATION TYPE: Complete Bond	BOND AMOUNT: \$9,500.00
DATE OF COMPLAINT: NA	POST INSP. CONTACTS: None	JOINT INSP. AGENCY: None
WEATHER: Clear	INSPECTOR'S SIGNATURE: <i>Tyler V. O'Donnell</i>	SIGNATURE DATE: March 5, 2013

GENERAL INSPECTION TOPICS

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

(AR) RECORDS----- <u>NA</u>	(FN) FINANCIAL WARRANTY----- <u>PB</u>	(RD) ROADS----- <u>Y</u>
(HB) HYDROLOGIC BALANCE----- <u>Y</u>	(BG) BACKFILL & GRADING----- <u>Y</u>	(EX) EXPLOSIVES----- <u>NA</u>
(PW) PROCESSING WASTE/TAILING---- <u>NA</u>	(SF) PROCESSING FACILITIES----- <u>NA</u>	(TS) TOPSOIL----- <u>Y</u>
(MP) GENL MINE PLAN COMPLIANCE- <u>PB</u>	(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>	(SB) COMPLETE INSP---- <u>NA</u>
(ES) OVERBURDEN/DEV. WASTE----- <u>NA</u>	(SC) EROSION/SEDIMENTATION--- <u>Y</u>	(RS) RECL PLAN/COMP-- <u>PB</u>
(AT) ACID OR TOXIC MATERIALS----- <u>NA</u>	(OD) OFF-SITE DAMAGE----- <u>NA</u>	(ST) STIPULATIONS----- <u>Y</u>

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

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: Financial Warranty

PROBLEM/POSSIBLE VIOLATION: The new amount of required financial warranty will be \$25,400, which is \$15,900 more than the current required financial warranty of \$9,500.

CORRECTIVE ACTIONS: The operator shall submit adequate financial warranty, as determined by the Division. The Division will be sending a separate surety increase notice to the operator regarding the increase of the financial warranty. The operator will have 60 days from the date on the surety increase notice to post the additional financial warranty. The deficit in financial warranty amount on deposit with the State is cited as a problem and must be corrected by May 4, 2013, by submitting additional financial warranty in the amount of \$15,900.

CORRECTIVE ACTION DUE DATE: 5/4/2013

INSPECTION TOPIC: Gen. Compliance With Mine Plan

PROBLEM/POSSIBLE VIOLATION: The operator has not completed the approved reclamation plan in a timely manner as required by the C.R.S. 34-32.5-116 (4) (q)(l).

CORRECTIVE ACTIONS: The operator must demonstrate that reclamation has been completed by the corrective action date.

CORRECTIVE ACTION DUE DATE: 12/31/2013

INSPECTION TOPIC: Reclamation Success

PROBLEM/POSSIBLE VIOLATION: Tamarisk (salt cedar) trees are present within or have volunteered into permit area and are becoming established. This is a problem for failure to employ weed control methods for a state listed noxious weed species within the permitted area, and to reduce the spread of weeds to nearby areas as required by Section 3.1.10 (6) of the rule.

CORRECTIVE ACTIONS: The operator shall either implement the existing weed control plan, or develop a weed control and management plan in accordance with Section 3.1.10 (6) of the Rule. This plan should be developed in consultation with the county extension agency, or weed control district office and should include specific control measures to be applied, a schedule for when control measures will be applied and a post-treatment monitoring plan. This weed control plan shall be submitted to the Division as a Technical Revision to the approved plan with the appropriate Technical Revision fee of \$216.00 by the corrective action date.

CORRECTIVE ACTION DUE DATE: 5/4/2013

OBSERVATIONS

This was a monitoring inspection conducted by Tyler O'Donnell of the Division of Reclamation, Mining and Safety (Division). There was no representative for mine operator present during the inspection, although attempts were made to contact the operator. The Thomeczek Pit is located approximately 1 mile west and a 1/2 mile north of Las Animas, Colorado. The Thomeczek Pit is permitted as a sand and gravel pit.

The sky was clear and the ground was dry, with the exception of the exposed groundwater. No mining equipment was operating or present at the time of the inspection. The last annual report indicates the site has not been operational since 2008. Based on observations made during the inspection, the Division believes the operator has resolved the issues regarding the boat dock and the hunting blind which were cited as a problem in the February 22, 2012 inspection report.

The operator has notified the Division that he no longer has a legal right to enter the site (phone call February 22, 2013 and most recent annual report). The operator is responsible for maintaining the legal right to enter for completing the reclamation plan, in accordance with Rule 6.3.7. Loss of legal right to enter is not a valid reason for allowing a pit to sit idle or un-reclaimed.

Backfilling and Grading:

The excavated pit is now an approximate 3.5-acre pond that has shorelines with slopes of approximately 1.5H:1V to 2.5H:1V. The west side of the pond is a beach having a slope of approximately 4.5H:1V. A stockpile of excavated material extends along the southern permit boundary and is estimated to contain approximately 13,500 cubic yards of topsoil and overburden.

Financial Warranty:

The operator currently has \$9,500 of financial warranty on deposit with the State. Based on the observations made during this inspection, the Division estimates the cost to reclaim the site is \$25,357.97 (see attached reclamation cost estimate). The new required financial warranty is \$25,400, resulting in a current deficit of financial warranty on deposit with the State of \$15,900. This deficit in bond amount is cited as a problem and must be corrected by May 4, 2013, by submitting the additional bond amount of \$15,900.

Hydrologic Balance:

During the inspection, the surface area of the pond area was measured with a hand held GPS unit and was found to be approximately 3.5 acres. Division staff has determined the operator has a valid permanent augmentation plan to account for evaporative losses of the pond. The augmentation plan was obtained through the Lower Arkansas Water Management Association (LAWMA).

Gen. Compliance With Mine Plan:

The operator has not completed the approved reclamation plan. This is a problem for failure to reclaim the site in a diligent, timely manner, as required by the C.R.S. 34-32.5-116 (4) (q) (I). This will be cited as a problem in the inspection report.

All mining activity appeared to be within the boundary.

Reclamation Success:

Approximately 1 acres of the permit area was covered with Tamarisk trees and Russian olive trees. This is cited as a problem in the inspection report.

There was a small amount of construction waste located within the permit boundary see photo 3. This material needs to be removed.

Sediment Control:

There was no evidence of excessive erosion (rills, gullies, or sediment fans).

Signs and Markers:

A mine I.D. sign was located at the entrance to the mine site. The permit boundary was clearly marked by fences which encompass the entire permit.

PHOTOGRAPHS



Photo 1: View looking northeast at the excavated pond.



Photo 2: View looking north, sloped beach in foreground.



Photo 3: Small pile of construction waste.



Photo 4: View looking southeast, stockpile in the background.



Photo 5: View looking east at the topsoil stockpile.



Photo 6: View looking west at the topsoil stockpile.

Inspection Contact Address

Joe Thomeczek
Bent County Ready Mix
8th & Garfield
Las Animas, CO 81054

Enclosure: bond calculation

CC: