



COLORADO
**Division of Reclamation,
Mining and Safety**
Department of Natural Resources
1313 Sherman St. Room 215
Denver, CO 80203

April 6, 2020

Mr. Greg Dangler
RMR Aggregates, Inc.
4601 DTC Blvd. Suite 130
Denver, CO 80237

RE: Mid-Continent LST, Permit No. M-1982-121, Notice of non-Compliance with Garfield County

Dear Mr. Dangler:

On April 3, 2020 Colorado Division of Reclamation Mining and Safety (Division), received formal notification of non-compliance from Garfield County-Community Development for the above mentioned mine site (attached).

Pursuant to C.R.S. 34-32.5-109 (3), you are required to comply with city, town, county land use regulations. Please advise the Division as to how you are working to resolve this non-compliance issue. Also please provide the Division with a status update of the ongoing litigation between RMR and Garfield County.

If you require additional information, or have questions or concerns, please feel free to contact me. Amy Yeldell at the Division of Reclamation, Mining and Safety, 1313 Sherman St., Room 215, Denver, CO 80203. Direct contact can be made by phone at 303-866-3567 Ext. 8183 or via email at amy.yeldell@state.co.us

Sincerely,

Amy Yeldell
Environmental Protection Specialist



M-1982-121

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4/6/2020

Enclosures:

March 31, 2020 Notice of Violation from Garfield County

Ec:

Robert Wagner, RMR Aggregates, Inc.

Travis Marshall, Senior EPS, Grand Junction DRMS

Russ Means, Minerals Program Director, DRMS

Jeff Fugate, AGO

Scott Schultz, AGO

Larry Sandoval, Colorado River Valley Field Office, BLM

DRMS Recieved
Electronically 4-3-2020



March 31, 2020

Rocky Mountain Resources - Operator
4601 DTC Blvd., Suite 120
Denver, CO 80237

**Certified Mail Return Receipt Requested
No. 7013 0600 0002 2695 9592
and Email to
gdangler@rockymountainindustrials.com**

Attn: Gregory M. Dangler, President

Larry Sandoval
Field Manager
Bureau of Land Management
Colorado River Valley Field Office
2300 River Frontage Road
Silt, CO 81652

**Certified Mail Return Receipt Requested
No. 7013 0600 0002 2695 9585
and Email to lsandoval@blm.gov**

Re: **NOTICE OF VIOLATION** of Garfield County Resolution Nos. 82-222 and 2009-97, as amended. The location of the violation is 1001 Transfer Trail, Glenwood Springs 81601. Parcel Number 211935200957.

Dear Messrs. Dangler and Sandoval:

Rocky Mountain Resources, RMR Industrials, Inc., and/or RMR Aggregates, Inc. (for purposes of this letter, "RMR") is/are hereby issued this Notice of Violation for failing to comply with the Garfield County Special Use Permit for the RMR quarry. RMR has been engaged in prohibited operations during the seasonally restricted winter months, which may result in enforcement penalties, including revocation of the Special Use Permit. RMR has ten days to come into compliance.

RMR's operation of the RMR quarry, also known as the Mid-Continent quarry, is subject to all applicable laws and regulations, including the Garfield County Special Use Permit. The Special Use Permit was granted via Resolution No. 82-222 and Amended Resolution No. 2009-97. The Permit imposes specific obligations and restrictions in connection with RMR's operation of the

RMR quarry, including seasonal prohibitions on mining and processing operations other than truck hauling. Resolution No. 2009-97, Item (B)(7) provides as follows:

7. The applicant shall maintain mining and processing hours, exclusive of truck hauling, from 7:00 a.m. to 5:00 p.m. Monday through Friday, and shall not mine or process on Saturday or Sunday; and the month of operation, exclusive of truck hauling, shall be from April 15th through December 15th of each year.

(emphasis added). This seasonal restriction is designed, among other things, to protect wild game and environmental habitats during the winter seasons.

The County’s code enforcement officer recently observed activity at the RMR quarry that is in violation of the seasonal restriction. He observed multiple instances in which RMR can be seen engaging in non-truck hauling operations during the restricted period of December 15, 2019 through April 15, 2020. He took numerous photographs and videos that show that RMR is excavating and removing material from the mountain and engaging in operations other than truck-hauling. Documented work during the months of January through March 2020 has been outside the existing processing plant to include the crushing and additional stockpiling of material from multiple locations along the face of the quarry. Processed and crushed material in addition to the pulverized material was also loaded and hauled off the site. This work appears to be in violation of the county zoning code and approvals currently in place.

Article 12-102 (c) of the County’s Land Use and Development Code (“LUDC”) makes clear that it is unlawful to excavate land, or alter and change the use of real property in a way inconsistent with, or not in accordance with the terms and conditions of any land use approvals, or building permits granted by the BOCC. Under Section 12.00 of the Garfield County Zoning Resolution of 1978, as amended, it is unlawful to use any land in violation of any regulation in, or provisions of this Zoning Resolution or any amendment hereof. Based on the evidence available to the Garfield County Community Development Department, RMR’s recent activities violate the conditions of approval defined by the BOCC in Resolution No. 82-222 and Amended Resolution No. 2009-97.

The County takes seriously RMR’s failure to comply with the BOCC’s conditions of approval, including the seasonal restrictions. RMR is already operating under a May 8, 2019 Notice of Violation for its failure to comply with the seasonal restrictions during the 2018-2019 winter season, among other violations. This repetitive disregard of County regulations cannot continue.

Correction and Remedy:

Pursuant to Article 12 of the LUDC, RMR has **10 days** within which to correct this violation and come into compliance with the Garfield County Special Use Permit.

Under Article of the LUDC, your violations may result in one or more of the following enforcement actions being taken against you:

1. Revocation of any building permits issued for improvements of the subject property;
2. Denial of additional land use approvals or building or other development applications pertaining to the subject property;
3. Suspension of any land use approvals for the subject property;
4. Withdrawal of any development permits that are being violated;
5. Forfeiture of any vested property rights;
6. Criminal enforcement;
7. County court civil penalties; and/or
8. Civil lawsuit.

RMR has the right to appeal this Notice of Violation pursuant to the provisions of the Garfield County LUDC. Garfield County Building and Zoning regulations, Enforcement Protocol and permit application forms are available at www.garfield-county.com in the Community Development directory.

If you have any questions regarding what actions are required to achieve compliance, or you wish to report compliance action taken, please contact this office in writing at the address below or by e-mail to sbower@garfield-county.com.

Respectfully,



Sheryl L. Bower, AICP
Community Development Director
Garfield County Community Development
108 8th Street, Suite 401
Glenwood Springs, CO. 81601
970-945-1377 Ext. 1605

cc: Commissioner John Martin
Commissioner Mike Samson
Commissioner Tom Jankovsky
County Manager Kevin Batchelder
Ms. Amy Yeldell
Environmental Protection Specialist,
Colorado Division of Reclamation, Mining and Safety
Department of Natural Resources