

STATE OF COLORADO

DIVISION OF RECLAMATION, MINING AND SAFETY
Department of Natural Resources

1313 Sherman St., Room 215
Denver, Colorado 80203
Phone: (303) 866-3567
FAX: (303) 832-8106



John W. Hickenlooper
Governor

Mike King
Executive Director

Loretta Piñeda
Director

March 7, 2014

Avalanche Creek Marble and Alabaster, LLC
Thomas Swint
P.O. Box 277
Palatine, IL 60078

RE: *White Banks Mine, Permit No. M-1999-042*
Reason to Believe a Violation Exists and Notice of Board Hearing

Dear Mr. Swint:

On January 2, 2014, the Mined Land Reclamation Board (Board) issued an order that required you to submit additional financial warranty in the amount of \$26,402.00 within sixty days for the above referenced site, which deadline passed on March 3, 2014. To date, the Division of Reclamation, Mining and Safety (Division) has not received the required financial warranty. The Division believes this is a violation pursuant to:

- C.R.S. 34-32.5-124 of the *Colorado Land Reclamation Act for the Extraction of Construction Materials* (Act) for failure to comply with the conditions of a Board Order.

Therefore the Division has scheduled a hearing for this matter before the Board. A Formal Public Hearing will be held during the May 21-22, 2014 Board meeting for consideration of this possible violation. The hearing will be held at 1313 Sherman Street, Room 318, Denver, Colorado, beginning at 9:00 a.m. on May 21, 2014 or as soon thereafter as the matter can be considered. At the hearing you will have the opportunity to present your defense.

This is an important legal proceeding and you must appear in person for this hearing. If you fail to appear an order and money judgment may be entered against you. In addition, failure to appear at the hearing may result in legal consequences including, but not limited to, loss of party status and your ability to seek reconsideration from the Board or seek judicial appeal in district court.

If the Board finds a violation at this hearing, it may issue a Cease and Desist Order and/or assess a Civil Penalty in the amount of \$100.00 to \$1,000.00 for each day of violation. The Division will also seek findings that the permit is subject to revocation and the bond is subject to forfeiture to be scheduled at a future board hearing. If you have evidence indicating that the possible violations noted above do not exist or have been corrected, please provide it to the Division as soon as possible or bring it to the hearing.

All parties have an opportunity to review and comment on a draft of the Board's order before it becomes final. If you wish to do so, you must provide the Board with a written request to review the draft order prior to or at the time of your hearing, or you must inform the Board orally during the hearing that you request to review the draft order. The Board's attorney must receive your comments on the draft order within three calendar days of the date the draft order is e-mailed, unless that deadline is extended by the Board's attorney. Submit all comments in writing, by e-mail or fax, to Mr. John Roberts, jj.roberts@state.co.us, Fax: 720-508-6037.

Please note that the Division has requested and will be allowed to review and comment on the draft Board Order.

The Board's agenda may not be finalized until the week of the Board meeting. Therefore, we recommend you contact the Division's office in Denver, phone (303) 866-3567 ext. 8136, on May 19, 2014 to confirm the specific date for the hearing. If you find that you are having difficulty reaching someone, you may contact the Division's receptionist at (303) 866-3567 ext. 0.

If you have any questions about this letter or the hearing, please contact Dustin Czapla at (970) 243-6299.

Sincerely,



Loretta Piñeda
Division Director

CERTIFIED MAIL NO. 7010 1060 0001 0936 1090
Return Receipt Requested

cc: Tony Waldron, DRMS Denver
Russ Means, DRMS GJFO
Dustin Czapla, DRMS GJFO
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