



717 N. Main St.
Lamar, CO 81052
719-336-3272
719-336-3280 Fax
www.csb-lamar.com

Fax

To: Amy Eschberger

From: Rudy Torres

Fax:

Date: 5/16/14

Phone:

Pages:

Re:

CC:

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please

THIS FAX AND ANY ATTACHED FILES ARE CONFIDENTIAL, LEGALLY PROTECTED AND MAY BE LEGALLY PRIVILEGED. If you are not the intended addressee or have received this fax in error, any use of this fax or any copying, distribution or other dissemination of it is strictly prohibited. If you have received this transmission in error, please notify the sender immediately and then delete the fax. Faxes cannot be guaranteed to be secure or error free. Community State Bank does not accept any liability whatsoever for any loss or damage which may be caused as a result of the transmission of this fax. If verification is required, please request a hard copy version.

**COLORADO**

Division of Reclamation,
Mining and Safety

Department of Natural Resources
1313 Sherman Street, Room 215
Denver, CO 80203

**STAFF SUMMARY FORM FOR
CONSENT AGENDA ITEMS**

<u>Date</u>	April 28, 2014	<u>Operator</u>	Riverside Aggregates, LLC
<u>Permit No.</u>	M-2010-080	<u>Site Name</u>	Friederichs Pit
<u>Specialist</u>	Amy Eschberger	<u>Objecting Party</u>	N/A

Action:

- ☐ Permit application with objections
- ☒ **X** Violation
- ☐ Extension of Board-ordered deadline
- ☐ Other

Resolution:***NATURE OF VIOLATION:***

This item is in regards to a Notice of a Possible Violation, corrective actions, a Cease-and-Desist Order, and civil penalties for a possible violation of C.R.S. 34-32.5-116(4)(i) for failure to protect areas outside of the affected land from slides or damage occurring during the mining operation and reclamation.

CHRONOLOGY:

April 04, 2014 – The Division conducted an inspection of the Friederichs Pit. During the inspection the Division observed that a dirt road encircling the pit and a storm water rock filter located just south of the pit are outside of the approved permit area. Using a 2013 aerial photograph of the site in conjunction with ArcMap GIS software, the Division determined the Operator had disturbed approximately 1.5 acres outside of the approved permit boundary.

April 14, 2014 – The Division sent the operator a copy of the inspection report and a Reason to Believe a Violation Exists letter for failure to protect areas outside the affected land from slides or damage during the mining operation and reclamation.

REASON FOR VIOLATION:

The Operator has affected approximately 1.5 acres outside of the approved permit boundary. It is the Operator's responsibility to protect areas outside of the affected land from slides or damage occurring during the mining and reclamation operation in accordance with C.R.S. 34-32.5-116(4)(i).



Page 2
April 28, 2014

STAFF RECOMMENDATIONS:**Violation:**

Find a violation of C.R.S. 34-32.5-116(4)(i) for failure to protect areas outside of the affected land from slides or damage occurring during the mining operation and reclamation.

Cease and Desist Order:

Issue a Cease-and-Desist Order, in accordance with C.R.S. 34-32.5-124(2), prohibiting any further activity on lands affected outside the approved permit boundary, with the exception of environmental maintenance, reclamation, or corrective actions, until violations have been resolved to the satisfaction of the Division and the MLRB.

Corrective Action:

Require the Operator to submit a conversion application to change to a 112 Reclamation Permit. The Operator shall submit a conversion application within 90 days of the mailing date of the Board Order, with all material in an approvable form within 180 days of the mailing date of the Board Order.

Civil Penalty:

Pursuant to C.R.S. 34-32.5-124(7) a person who violates any provision of a permit issued under C.R.S. 34-32.5 shall be subject to a civil penalty of not less than \$100.00 per day, nor more than \$1,000.00 per day for each day during which such violation occurs. In this matter, the Board may assess a civil penalty of \$4,700.00 to \$47,000.00 for 47 days of violation at \$100.00 to \$1,000.00 per day.

For a violation of C.R.S. 34-32.5-116(4)(i), the Division recommends a civil penalty of \$4,700.00 for 47 days of violation from the date of the inspection (April 04, 2014) to the date of this Board Hearing (May 21, 2014) at a rate of \$100.00 per day, with all but \$500.00 suspended if the Operator complies with the corrective action.

Payment of the un-suspended portion (\$500.00) of the civil penalties is due within thirty (30) days of the mailing date of the Board Order, unless otherwise specified by the Board in the Board Order. Where corrective actions are not completed by the Board Ordered Corrective Action date stated in the Board Order, the suspended civil penalties are due in full within thirty (30) days of the deadline for Board Ordered corrective actions.

Operator(s) Signature:

By signing this, the Operator agrees to comply with the corrective action, Cease-and-Desist Order, and civil penalty outlined above on the Staff Summary Form for Consent Agenda Items.

Operator Signature

Date

Notary Public

CHRISTINE M SANCHEZ
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20134071369
MY COMMISSION EXPIRES 11/14/2017

My Commission expires: 11/14/2017

