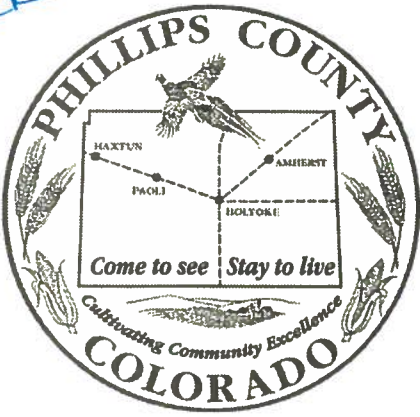


TAK
ERR



Phillips County Commissioners

221 S. Interocean Ave., Holyoke, CO 80734
970-854-2454
970-854-3811 (F)
www.colorado.gov/phillipscounty

**K. Joe Kinnie
Donald J. Lock
Harlan E. Stern**

May 22, 2014

RECEIVED

Division of Reclamation, Mining and Safety
1313 Sherman Street, Room 215
Denver, CO 80203

MAY 23 2014

**DIVISION OF RECLAMATION
MINING AND SAFETY**

RE: CONSENT AGENDA
SCHNELLER CLAY PIT (M-1989-095) VIOLATION

Dear Mr. Elliott:

The County Commissioners have agreed to the proposed consent agenda for the violation regarding the Schneller clay pit. We are preparing a 112 conversion permit application. The \$500 violation fee will be forwarded at the end of the month. I am assuming that by signing the consent agenda, it will not be necessary to appear before the board.

Thank you.

Sincerely,

Randy Schafer
Phillips County Planner

Enclosure: Signed consent agenda



**STAFF SUMMARY FORM FOR
 CONSENT AGENDA ITEMS**

Date	May 7, 2014	Operator	Phillips County
Permit No.	M-1989-095	Site Name	Schneller Clay Pit
Specialist	Elliott Russell	Objecting Party	N/A
Permit Type	110c	Permit Acreage	9.9

Action:

Action	Check
Permit application with objections	
Violation	X
Extension of Board-ordered deadline	
Other (specify).	

Resolution:

NATURE OF VIOLATION:

This item is in regard to a Notice of a Possible Violation, corrective actions and civil penalties for a possible violation of C.R.S. §34-32.5-101 *et seq.*, and specifically C.R.S § 34-32.5-109(1) for failure to first obtain a reclamation permit from the Mined Land Reclamation Board before engaging in a new mining operation.

CHRONOLOGY:

April 28, 2014 - The Division of Reclamation, Mining and Safety (Division/DRMS) conducted normal monitoring inspection of the site. The Division cited a possible violation for a mining disturbance, greater than 2 acres, outside of the approved permit boundaries. (The Division considers mining 2 acres or more outside of the approved permit boundary as a violation for mining without a permit)

May 7, 2014 - A Reason to Believe letter and the Division’s April 28, 2014 inspection report were sent to Phillips County.

REASON FOR VIOLATION:

The Operator failed to first obtain a reclamation permit from the Mined Land Reclamation Board before engaging in a new mining operation as required by C.R.S. 34-32.5-109(1).



STAFF RECOMMENDATION:

Violation:

Find a violation of C.R.S. 34-32.5-109(1) for failure to first obtain a reclamation permit from the Mined Land Reclamation Board before engaging in a new mining operation.

Corrective Action(s):

Corrective action is to submit to the Division a Conversion application for a 112 reclamation permit, with all materials in approvable form within 120 days of the signed board order.

Civil Penalty:

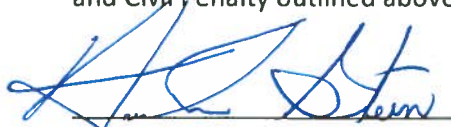
For a violation of C.R.S. 34-32.5-109(1), a Civil Penalty may be assessed at a rate of \$1,000 to \$5,000 for each day of violation. In this case, there are 51 days of violation from date of the inspection (April 28, 2014) to the June 18, 2014 Board Meeting.

The Board will assess a civil penalty of \$1000.00 per day of violation for 51 days, for a civil penalty amount of \$51,000 with all but \$500.00 suspended if the Operator complies with the corrective action.

(Failure to submit the unsuspended portion of the civil penalty by the date specified in the Board Order will result in immediate submittal of those penalties to State collections.)

Operator(s) Signature:

By signing this, the Operator agrees to the stated violation and will comply with the Corrective Action(s) and Civil Penalty outlined above on the Staff Summary Form for Consent Agenda Items.


Operator Signature 5/9/14
Date


Notary Public

