



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

December 12, 2014

Kim Haarberg
ARS Sand & Gravel CO., LLC
8505 W. Mountain View Lane
Littleton, CO 80125

**Re: ARS Sand & Gravel CO., LLC, Braley S&G Pit No. 1, DRMS Permit No. M-1980-020,
Reason to Believe a Violation Exists and Notice of Board Hearing**

Dear Mr. Haarberg:

On November 25, 2014, the Division of Reclamation, Mining and Safety (Division) conducted a monitoring inspection of the Braley S&G Pit No. 1. During the inspection, the Division observed an excavation outside of the approved permit boundary. Based on the findings of the inspection we believe this is 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 damages occurring during the mining operation.

Therefore, the Division has reason to believe that a violation exists to the Mined Land Reclamation Act, C.R.S. 34-32.5-101 *et seq.*, and have scheduled this matter to appear before the Mined Land Reclamation Board.

A Formal Public Hearing will be held during the January 28-29, 2015 Board Meeting for consideration of these possible violations. The hearing will be held in Room 318 of 1313 Sherman Street, Denver, Colorado, beginning at 9:00 a.m. on January 28, 2015 or as soon thereafter as the matter can be considered. At that 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.



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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 pursuant to C.R.S. 34-32.5-124(7). 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. Please 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 Board's Secretary, Johnie Abad, at (303) 866-3567, extension 8136, on Monday January 26, 2015 to confirm the specific date for the hearing.

If you have any questions about this letter or the hearing, please contact Tyler O'Donnell at (303) 866-3567, extension 8131.

Sincerely,



Virginia Brannon
Division Director

CERTIFIED MAIL NO. 7014 0150 0000 9138 2838
Return Receipt Requested

cc: Tony Waldron, DRMS
Tom Kaldenbach, DRMS
Jeff Fugate, AGO
Tyler O'Donnell, DRMS