

**COLORADO DIVISION OF RECLAMATION, MINING AND SAFETY
STAFF SUMMARY FORM FOR CONSENT AGENDA ITEMS**

Board Meeting Date	July 29, 2015	Operator	Todd Haynes
File No.	M-2015-024	Site Name	TBD
Specialist	Dustin Czapla	Objecting Party	NA

Action:

- ☐ Permit Application with objections
☒ Violation
☐ Extension of Board-ordered deadline
☐ Other (specify)

Resolution:

NATURE OF VIOLATION:

On May 19, 2015 the Division of Reclamation, Mining and Safety inspected the Haynes site and found that the operator has engaged in a new mining operation prior to obtaining a permit. Sandstone boulders are extracted and transported from the property for sale at offsite construction projects. Approximately one acre is currently affected by the operation.

STAFF RECOMMENDATION:

Violation:

Find that the operator is in violation of C.R.S. 34-32.5-109(1) for failure to obtain a Mined Land Reclamation Board Reclamation Permit prior to engaging in a new mining operation.

Cease and Desist Order:

Issue a Cease and Desist Order prohibiting any further mining activities, except those activities approved by the Division, in writing, necessary to prevent damage to off-site areas, or to protect health and safety.

Corrective Action:

Require the operator to obtain a Reclamation Permit within one hundred eighty (180) days of the effective date of the Board Order.

Civil Penalty:

Pursuant to C.R.S. 34-32.5-123(2), an operator who operates without a permit shall be subject to a civil penalty of not less than one thousand dollars (\$1,000.00) per day nor more than five thousand dollars

(\$5,000.00) per day for each day the land has been affected. In this case there are 36 days of violation (from the May 19, 2015 inspection to the June 24, 2015 Board meeting).

Staff recommends a civil penalty of \$1000.00 per day for a civil penalty amount of \$36,000.00.

SUSPENSION OF CIVIL PENALTIES

The Board may suspend all or a portion of the civil penalty to encourage timely compliance with the corrective actions, as well as compliance with the Act and Rules and Regulations. Staff recommends suspension of all but five hundred dollars (\$500.00) if the operator complies with the corrective action.

Payment of unsuspended civil penalties to be due within thirty (30) days of the mailing date of the Board Order. Failure to pay the unsuspended penalties by the due date shall result in the matter being turned over to State Collections.

Operator(s) Signature:

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

Todd D Haynes 6/10/15
Operator Signature Date

STATE OF Colorado }
COUNTY OF Montrose }

The foregoing instrument was hereby acknowledged before me this 10th day of June, 2015 by Todd D Haynes, who is personally known to me ~~or who has produced~~ _____, as ~~identification~~, and who signed this instrument willingly.

Teresa C Kemp
Notary Public

Teresa C. Kemp
State of Colorado
Notary Public

My commission expires: 12/11/2018

[Seal]