

**COLORADO**Division of Reclamation,
Mining and SafetyDepartment of Natural Resources
1313 Sherman Street, Room 215
Denver, Colorado 80203**RECEIVED**

✓ JUL 10 2015

DIVISION OF RECLAMATION
MINING AND SAFETY**STAFF SUMMARY FORM FOR
CONSENT AGENDA ITEM**

Date	June 25, 2015	✓ Operator	Tony J. Beltramo and Sons, Inc.
Permit No.	M-1998-101	Site Name	Cesar Pit
Specialist	Tyler O'Donnell	Objecting Party	N/A
Permit Type	112c	Permit Acreage	160

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 action, a cease-and-desist order, and civil penalty for a possible violation of C.R.S. 34-32.5-109(1) for failure to first obtain from the Mined Land Reclamation Board (Board) or the Division of Reclamation, Mining and Safety (Division) a reclamation permit prior to engaging in a new operation.

CHRONOLOGY:

April 24, 2015 – The Division observed approximately 7.06 acres of affected land outside of the approved reclamation permit boundary. The 7.06 acres of affected land outside of the permit boundary is composed of, previously mined lands, equipment storage, stockpiles of product, and a scale house/office.

June 12, 2015 – The Division sent the Operator the inspection report and a Reason to Believe letter a possible violation of C.R.S. 34-32.5-109(1).

REASON FOR VIOLATION:

The Operator failed to first obtain a reclamation permit from the Board before engaging in a new 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 Board before engaging in a new mining operation.

Cease and Desist Order:

Issue a cease-and-desist order, in accordance with C.R.S. 34-32.5-124(2), prohibiting any further mining operation activities on the affected lands outside of the approved permit boundary, with the exception of environmental maintenance, reclamation, or corrective action, until the violation has been resolved to the satisfaction of the Division and Board.

Corrective Action(s):

Submit to the Division a permit amendment application to incorporate all affected lands outside of the approved permit boundary into the permit boundary. The Operator shall submit to the Division within 90 days of the effective date of the Board Order a permit amendment application that is in approvable form.

Civil Penalty:

For a violation of C.R.S. 34-32.5-109(1), a civil penalty shall be assessed at a rate of \$1,000 to \$5,000 for each day of violation. In this matter, there are 47 days of violation from the date of the signed inspection report June 12, 2015, to the July 29, 2015, Board hearing; the Board may assess a civil penalty of \$47,000 to \$235,000.

The Board will assess a civil penalty of \$1,000 per day of violation for 47 days, for a civil penalty amount of \$47,000 with all but \$1,000 suspended if the Operator complies with the corrective action.

Payment of the un-suspended portion (\$1,000) of the civil penalty is due within 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 penalty (\$46,000) is due in full within 30 days of the deadline for the Board Ordered corrective actions.

Failure to submit any portion of the civil penalties by the dates specified in the Board Order shall Result in immediate submittal of the penalties to State collections.

Operator(s) Signature:

As an authorized representative of the Operator, I hereby attest that the Operator concedes to the above described violation and agrees to comply with the cease-and-desist order, corrective action, and civil penalty proposed in this STAFF SUMMARY FORM FOR CONSENT AGENDA ITEMS.

Signed and dated this 25 day of June, 2015.

Tony J. Beltramo and Sons, Inc.
(Operator)

Signature: 

Title: President

State of Colorado)

County of Pueblo)

The foregoing instrument was acknowledged before me this 25 day of June, 2015,

by Robert D Beltramo as President of Tony J Beltramo & Sons, Inc.


Notary Public Jamelea Thorson

My Commission Expires: 05/09/18

SIGNATURES MUST BE IN BLUE INK