



## COLORADO

Division of Reclamation,  
Mining and Safety

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

July 29, 2016

Jason Lockard  
Washington County  
150 Ash Ave.  
Akron, CO 80720

**RE: Consent Agenda Summary Form  
Elrick Pit (Permit No. M-1997-015)**

Dear Mr. Lockard,

Enclosed you will find the Staff Summary Form for the Consent Agenda Items for the possible violation found at the Elrick Pit (Permit No. M-1997-015). As we discussed, if you do not wish to contest the violation, please sign and notarize the enclosed form and return the signed original copy no later than **August 11, 2016**.

Please thoroughly review the enclosed Consent Agenda Summary Form. If executed and returned to the Division, there will be no Mined Land Reclamation Board hearing held for this matter as it will be placed on the Board's Consent Agenda Items.

However, if you wish to contest the possible violation or any of the conditions of the enclosed consent form, please inform the Division at your earliest convenience and do not sign the consent form. In the absence of a signed and notarized consent form, the formal Board hearing will proceed as scheduled for August 24-25, 2016.

If you need additional information or have any questions, please contact me at Division of Reclamation, Mining and Safety, 1313 Sherman Street, Room 215, Denver, CO 80203, by telephone at **303-866-3567 x8132**, or by email at [elliott.russell@state.co.us](mailto:elliott.russell@state.co.us).

Sincerely,

Elliott R. Russell  
Environmental Protection Specialist

Certified Mail No. 7014 2120 0001 7871 1028

Enclosure: Staff Summary Form for the Consent Agenda Items: Elrick Pit (M-1997-015)

CC: Wally Erickson; Division of Reclamation, Mining & Safety





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### STAFF SUMMARY FORM FOR CONSENT AGENDA ITEMS

**Date:** July 29, 2016

**Operator:** Washington County

**Permit No.:** M-1997-015

**Permit Type:** 112c

**Specialist:** Elliott Russell

**Action:** Possible Violation of C.R.S. 34-32.5-116(4)(i)

**Resolution:** Washington County (Operator), concedes to the 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; and to the Cease-and-Desist Order, Corrective Actions, and Civil Penalties provided herein, for the Elrick Pit, Permit No. M-1997-015.

#### Chronology:

- June 1, 2016 - DRMS site inspection, report signed and mailed July 22, 2016
- July 22, 2016 - RTB signed and mailed to Operator

**Reason for Violation:** As detailed in the Division's inspection report, signed July 22, 2016, the Division observed an access road, constructed for the purpose of the operation, located outside of the approved permit boundary.

#### Staff Recommendation:

**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 damages occurring during the mining operation.

**Cease and Desist Order:** Issue a Cease and Desist Order prohibiting any further mining activities, except those activities approved by the Division, until corrective actions have been resolved to the satisfaction of the Division and the MLRB.

**Corrective Action(s):** Require the Operator to submit an amendment application to increase the size of the current 112c Reclamation Permit to include the affected lands outside of the approved permit boundary. The Operator shall submit the amendment 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 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. Please note, a violation of C.R.S. 34-32.5-116(4)(i) constitutes a violation of a permit provision, specifically condition 1 of the December 19, 1997 issued permit. In this case, there are 34 days of violation from the signature date of the inspection report (July 22, 2016) to the August 24, 2016 Board Meeting; the Board may assess a civil penalty of \$3,400.00 to \$34,000.00.

The Board will assess a civil penalty of \$500.00 per day of violation for 34 days, for a civil penalty amount of \$17,000.00 with all but \$500.00 suspended if the Operator complies with the corrective action.

The portion of the civil penalty not suspended, \$500.00, shall be due and payable within thirty (30) days of the effective date of the Board Order. If the Operator does not comply with the corrective actions set forth in the Order, then the suspended penalties, \$16,500.00, shall be due and payable. Failure to submit any due and unpaid civil penalties shall result in immediate submittal of such penalties to State collections.

**Operator's Notarized 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 \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Operator: Washington County

Name: \_\_\_\_\_ (please print clearly):

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

State of \_\_\_\_\_ )  
 ) ss.  
County of \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2016,  
by \_\_\_\_\_ as \_\_\_\_\_ of Washington County.

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Notary Public

My Commission Expires: \_\_\_\_\_

**SIGNATURES MUST BE IN BLUE INK**