

BEFORE THE MINED LAND RECLAMATION BOARD
STATE OF COLORADO

**ORDER SETTING A DEADLINE TO FILE RESPONSES TO
PETITION FOR RECONSIDERATION**

IN THE MATTER OF THE APPLICATION OF TRANSIT MIX CONCRETE
COMPANY FOR A 112 CONSTRUCTION MATERIALS RECLAMATION PERMIT,
File No. M-2016-010

On October 26 and 27, 2016, the Mined Land Reclamation Board (“Board”) held a hearing on the application of Transit Mix Concrete Company (“Applicant”) for a reclamation permit. Board Chair Thomas Brubaker recused from participation in the October 26-27, 2016 hearing. Board Vice Chair Jill Van Noord served as Chair and hearing officer for the hearing. The Board issued a written order in this matter on December 22, 2016.

On January 11, 2017, the Board received Applicant’s Petition for Reconsideration of the Mined Land Reclamation Board’s Findings of Fact, Conclusions of Law, and Order (“Petition for Reconsideration”) and exhibits thereto. The Petition for Reconsideration seeks reconsideration of the December 22, 2016 order.

On January 12, 2017, the Board received an email message from Steve Mulliken, Esq., counsel to multiple objectors in this matter. In his email message, Mr. Mulliken expressed an interest in filing a response to the Petition for Reconsideration and inquired as to the deadline for filing such a response.

Rule 2.9 of the Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials (“Rules”) governs petitions for reconsideration. Rule 2.9.3 allows the submission of a written response to a petition for reconsideration but does not state a deadline for filing of such written response. Pursuant to Board Policy 70.2.1, the Board’s hearing officer has the authority set forth in section 24-4-105(4), C.R.S. Pursuant thereto, the Board Vice Chair is authorized to dispose of pleadings, issue orders controlling the subsequent course of the proceedings, and issue orders on procedural matters.

Board Vice Chair Jill Van Noord, having reviewed the Petition for Reconsideration and the request of Mr. Mulliken, and being fully apprised of the issues, makes the following order:

The Division of Reclamation, Mining and Safety and any party to the October 26-27, 2016 hearing may file with the Board a written response to the Petition for

Reconsideration. Responses to the Petition for Reconsideration must be filed within 14 calendar days of this order.

DONE and ORDERED this 17th day of January 2017.

FOR THE COLORADO MINED LAND
RECLAMATION BOARD

/ s / Jill Van Noord
Jill Van Noord, Vice Chair

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of January 2017, a true and correct copy of the foregoing was emailed or placed in the U.S. Mail, first-class postage prepaid and properly addressed, to the parties listed on DRMS File No. M-2016-010; Hitch Rack Ranch Quarry Contact Information for All Parties (Rev: 10/9/2016).

/s/ John J. Roberts
John J. Roberts
First Assistant Attorney General
Attorney for the Mined Land Reclamation Board