



COLORADO

Division of Reclamation,
Mining and Safety

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

June 6, 2017

Daniel J. Gaudreault and Barbara J. Gaudreault
P.O. Box 69
Elizabeth, CO 80107

RE: Consent Agenda Summary Form, Big "G" Gravel Pit, Permit No. M-2006-081

Dear Daniel J. Gaudreault and Barbara J. Gaudreault:

Enclosed you will find the Staff Summary Form for the Consent Agenda Items for the possible violation found at Big "G" Gravel Pit, Permit Number M-2006-081. 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 **June 15, 2017**.

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 June 28-29, 2017.

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.

Sincerely,

Elliott R. Russell
Environmental Protection Specialist

Certified Mail No. 7014 2120 0001 7885 7139

Enclosure: Staff Summary Form for the Consent Agenda Items: Big "G" Gravel Pit (M-2006-081)

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





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STAFF SUMMARY FORM FOR CONSENT AGENDA ITEMS

Date: June 6, 2017

Operator: Daniel J. Gaudreault and Barbara J. Gaudreault

Site Name: Big "G" Gravel Pit

Permit No.: M-2006-081

Permit Type: 112c

Specialist: Elliott Russell

Action: Possible Violation of C.R.S. 34-32.5-109(1)

Resolution: Daniel J. Gaudreault and Barbara J. Gaudreault (Operator), concedes to the violation of C.R.S. 34-32.5-109(1), for failing to first obtain a reclamation permit from the Mined Land Reclamation Board before engaging in a new mining operation; and to the Cease-and-Desist Order, Corrective Actions, and Civil Penalties provided herein, for the Big "G" Gravel Pit, Permit No. M-2006-081.

Chronology:

- March 1, 2017 - DRMS site inspection, report signed and mailed April 4, 2017
- April 4, 2017 - RTB signed and mailed to Operator
- May 25, 2017 - Notice of Continuance sent to Operator following Operator's request to continue

Reason for Violation: As detailed in the Division's inspection report, signed April 4, 2017, the mining operation has affected approximately 7.3 acres outside of the approved permit boundary. The Division considers mining more than two acres outside of the approved permit boundary as a violation for mining without a permit and thus the Operator failed to first obtain a reclamation permit from the Mined Land Reclamation Board before engaging in a new mining operation.

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 Mined Land Reclamation Board before engaging in a new mining operation.



Cease and Desist Order: Issue a Cease and Desist Order prohibiting any further activities outside of the approved permit boundary, with the exception of the access road and those activities approved by the Division, in writing, until corrective actions have been resolved to the satisfaction of the Division and the MLRB.

Corrective Actions: Require the Operator to file 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 file a complete amendment application within 90 days of the mailing date of the Board Order, with all material in an approvable form within statutory deadlines of the mailing 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 \$1,000.00 per day, nor more than \$5,000.00 per day for each day during which such violation occurs. In this case, there are 50 days of violation from the signature date of the RTB letter (April 4, 2017) to the originally scheduled May 24, 2017 Board Meeting; the Board may assess a civil penalty of \$50,000.00 to \$250,000.00.

The Board will assess a civil penalty of \$1,000.00 per day of violation for 50 days, for a civil penalty amount of \$50,000.00 with all but \$1,000.00 suspended if the Operator complies with the corrective actions.

The portion of the civil penalty not suspended, \$1,000.00, 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, \$49,000.00, 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 Actions, and Civil Penalty proposed in this STAFF SUMMARY FORM FOR CONSENT AGENDA ITEMS.

Signed and dated this 14 day of 6, 2017.

Operator: Daniel J. Gaudreault and Barbara J. Gaudreault

Name: DAVID J GAUDREULT (please print clearly):

Signature: Daniel J Gaudreault

Title: operator

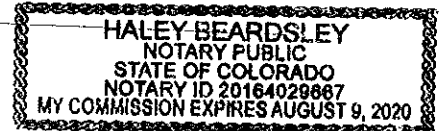
State of Colorado)
County of Pueblo County) ss.

The foregoing instrument was acknowledged before me this 14 day of June, 2017,

by Daniel Gaudreault as Operator of the Big "G" Gravel Pit.

Haley Beardsley
Notary Public

My Commission Expires:



SIGNATURES MUST BE IN BLUE INK