

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

Hearing Date	July 26, 2017	Operator	Alamosa County
Permit No.	M-2001-108	Site Name	Alamosa County Pit No. 1
Specialist	Dustin Czapla	Objecting Party	N/A

Action:

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

Resolution:

NATURE OF VIOLATION:

The operator has affected land outside the permit boundary.

CHRONOLOGY:

May 15, 2017 Division inspected the site and found that approximately ¼ acre was disturbed outside the permit area.

June 22, 2017 Division sent RTB letter to operator.

STAFF RECOMMENDATION:

Violation:

Find a violation of C.R.S. 34-32.5-116(4)(i) for failure to protect areas outside the permit area from damage during the mining operation.

Cease and Desist Order:

Issue a Cease and Desist Order prohibiting any further mining activities, except those activities required to prevent damage to off-site areas, or protect public health and safety, until the Operator complies with all corrective actions.

Corrective Actions:

Require the operator to submit a conversion application, in an approvable form, to include all lands affected by the operation in the approved affected area within 90 days of the signature date of the Board Order.

Civil Penalty:

For a violation of C.R.S. 34-32.5-116(4)(i), in accordance with C.R.S. 34-32.5-124 (7), a civil penalty may be assessed at a rate of \$100 to \$1,000 for each day of violation. In this case there are 35 days of violation (from the June 22, 2017 date of the RTB letter to the July 26, 2017 Board hearing date).

The Division will assess a civil penalty of \$100.00 per day of violation for 35 days, for a civil penalty amount of \$3,500.00, with all but \$500.00 suspended if the Operator complies with the corrective actions.

Payment of the unsuspended portion of the civil penalty (\$500.00) is due within 30 days of the signature date of the Board Order.

Operator(s) Signature:

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

T. DeHerrera 7-20-17
Operator Signature Date

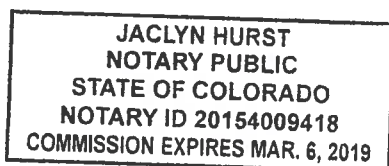
STATE OF Colorado }
COUNTY OF Alamosa }

The foregoing instrument was hereby acknowledged before me this 20th day of July, 17 by Tim DeHerrera, who is personally known to me or who has produced a driver's license as identification, and who signed this instrument willingly.

Jaclyn R Hurst
Notary Public

My commission expires: March 6, 2019

[Seal]



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**DIVISION OF RECLAMATION
MINING AND SAFETY**