



## COLORADO

Division of Reclamation,  
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215  
Denver, Colorado 80203

August 28, 2017

Frances A. Phillips  
Phillips Stone Company, Inc.  
7850 Ute Hwy  
Longmont, CO 80503

**RE: Reason to Believe a Violation Exists and Notice of Board Hearing  
Phillips Stone Company, Permit No. M-1981-075**

Ms. Phillips:

The Division conducted an inspection of the Phillips Stone Company site on May 17, 2017 and found the existing financial warranty to be inadequate to ensure completion of reclamation of the affected lands. A notice of financial warranty increase was mailed to you on May 26, 2017, giving you 60 days to submit the additional required financial warranty in the amount of \$11,170.00. To date, the Division has not received the full required additional financial warranty.

We believe this is a violation of:

- C.R.S. 34-32.5-117(4)(b)(I) and Construction Materials Rule 4.2.1(1) for failure to maintain the financial warranty at a level which reflects the actual current cost of fulfilling the requirements of the reclamation plan; and
- C.R.S. 34-32.5-117(4)(c)(II) and Construction Materials Rule 4.2.1(2) for failure to post additional financial warranty within 60 days of the date of written notice from the Office or Board of such insufficiency.

Therefore, the Division has reason to believe a violation exists to the Colorado Land Reclamation Act for the Extraction of Construction Materials, C.R.S. 34-32.5-101 et seq., and has scheduled this matter to appear before the Mined Land Reclamation Board (Board).

A Formal Board Hearing will be held during the September 27-28, 2017 Board meeting for consideration of these possible violations. The hearing will be held in Room 318 of 1313 Sherman Street, Denver, Colorado, beginning at 9:00 a.m. on September 27<sup>th</sup> or as soon thereafter as the matter can be considered. At the hearing, you will have the opportunity to present your defense.

**This is an important legal proceeding and you must appear in person for this hearing. If you fail to appear an order and money judgment may be entered against you. In addition, failure to appear**



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**at the hearing may result in legal consequences including, but not limited to, loss of party status and your ability to seek reconsideration from the Board or seek judicial appeal in district court.**

If the Board finds a violation at this hearing, it may issue a cease and desist order, pursuant to C.R.S. 34-32.5-124(2); assess a civil penalty in the amount of \$100 to \$1,000 for each day of violation, pursuant to C.R.S. 34-32.5-124(7); and/or suspend, modify, or revoke the permit, pursuant to C.R.S. 34-32.5-124(6)(a). Additionally, pursuant to C.R.S. 34-32.5-118(1)(b), the Board may find the financial warranty subject to forfeiture. If you have evidence indicating the possible violation noted above does not exist or has been corrected, please provide it to the Division as soon as possible or bring it to the hearing.

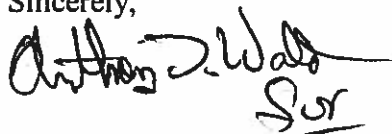
All parties have an opportunity to review and comment on a draft of the Board's Order before it becomes final. If you wish to do so, you must provide the Board with a written request to review the draft Order prior to or at the time of your hearing, or you must inform the Board orally during the hearing you request to review the draft Order. The Board's attorney must receive your comments on the draft Order within three calendar days of the date the draft Order is e-mailed, unless that deadline is extended by the Board's attorney. Submit all comments in writing to John J. Roberts, First Assistant Attorney General, Colorado Department of Law, by email at [John.Roberts@coag.gov](mailto:John.Roberts@coag.gov), or by fax at (720) 508-6037.

Please note the Division has requested and will be allowed to review and comment on the draft Board Order.

The Board's agenda may not be finalized until the week of the Board meeting. Therefore, we recommend you contact the Board Secretary, Camille Mojar by telephone at (303) 866-3567 ext. 8136, or by email at [Camille.Mojar@state.co.us](mailto:Camille.Mojar@state.co.us) on Monday, September 25, 2017 to confirm the specific date for the hearing.

If you have any questions about this letter or the hearing, you may contact Amy Eschberger by telephone at (303) 866-3567, ext. 8129 or by email at [Amy.Eschberger@state.co.us](mailto:Amy.Eschberger@state.co.us).

Sincerely,

A handwritten signature in black ink, appearing to read "Virginia Brannon", with a stylized flourish underneath.

Virginia Brannon  
Division Director

CERTIFIED MAIL NO. 7014 2120 0001 7871 1264  
Return Receipt Requested

Cc: Tony Waldron, DRMS  
Wally Erickson, DRMS  
Amy Eschberger, DRMS  
Jeff Fugate, AGO for DRMS