



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

February 16, 2018

Connie Davis
Aggregate Industries – WCR, Inc.
1687 Cole Blvd., Ste. 300
Golden, Colorado 80401

**Re: Reason to Believe a Violation Exists and Notice of Board Hearing;
Hazelmine Mine, M-2004-031**

Dear Mrs. Davis,

On February 1, 2018, the Colorado Division of Reclamation, Mining and Safety (Division) conducted an inspection of the above referenced site (please see the attached inspection report). In the inspection report this Division cited two possible violations. First, the water monitoring data required for monitoring well HZMW-2 and for staff gauge SG-2 was incomplete or missing for the 2017 monitoring year submitted with the 2017 annual report. This is a possible violation for failure to submit the required water monitoring report data in accordance with Rule 3.1.7(7) and for failure to comply with the condition of a reclamation permit in accordance with C.R.S. § 34-32.5-109(2)(a). Second, the Orr property is still flooded. The Operator has failed to mitigate the disturbance to the prevailing hydrologic balance in the surrounding area and has failed to protect areas outside of the affected land from damage. This is a possible violation pursuant to C.R.S. § 34-32.5-116(4)(h) and § 34-32.5-116(4)(i). Also, this is a possible violation for failure to comply with the conditions of an order in accordance with C.R.S. § 34-32.5-124.

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.

A Formal Board Hearing will be held during the March 21 and 22, 2018, Board meeting for consideration of this possible violation. The hearing will occur at 1313 Sherman Street, Room 318, Denver, Colorado, beginning at 9:00 a.m. on March 21, 2018, or as soon thereafter as the matter can be considered. At that 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 financial judgment may be entered against you. In addition, failure to appear 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 and/or assess a Civil Penalty in the amount of \$100.00 to \$1,000.00 for each day of violation, pursuant to C.R.S. § 34-32.5-124(7). Pursuant to C.R.S. § 34-32.5-124(6)(a), the Board may suspend, modify, or revoke the permit. If



you have evidence indicating the possible violation noted above does not exist or has been corrected, please provide it to the Division no later than March 9th, 2018.

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 your 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 to Charles Kooyman, Assistant Attorney General, Colorado Department of Law, by fax at (720) 508-6037, or by email at Charles.Kooyman@coag.gov.

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's Secretary, Camille Mojar by telephone at (303) 866-3567, ext. 8136 or by email at camille.mojar@state.co.us on Monday, March 19, 2018, to confirm the specific date for the hearing.

If you have any questions about this letter or the hearing, please contact Jared Ebert at (303) 866-3567, ext. 8120.

Sincerely,

A handwritten signature in blue ink, appearing to read 'V. Brannon', with a long horizontal line extending to the right.

Virginia Brannon
Division Director

CERTIFIED MAIL NO. 7016 2140 0000 2346 0523
Return Receipt Requested

cc: Tony Waldron, DRMS
Wally Erickson, DRMS
Jared Ebert, DRMS
Jeff Fugate, AGO