



COLORADO

Division of Reclamation,
Mining and Safety

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

June 15, 2018

Glenn Moltzer
Purgatoire Valley Construction, Inc.
117 Pine Street
Trinidad, CO 81082

**Re: Reason to Believe a Violation Exists and Notice of Board Hearing
Possible Un-permitted Mining Operation
Purgatoire Valley Construction Borrow Pit, Permit No. M-2018-025**

Dear Mr. Moltzer:

On May 31, 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, the Division cited a possible violation for failure to first obtain a reclamation permit from the Mined Land Reclamation Board before engaging in a new mining operation as required by C.R.S. 34-32.5-109(1).

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 July 25-26, 2018 Board meeting for consideration of these possible violations. The hearing will be held at 1313 Sherman Street, Room 318, Denver, Colorado, beginning at 9:00 a.m. on July 25th 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 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 for operating without a permit, the Board may issue an immediate Cease and Desist Order. Concurrently with the issuance of such an Order, the Board may seek a restraining order or injunction. An Operator who operates without a permit shall be subject to a civil penalty of not less than \$1,000.00 dollars per day nor more than \$5,000.00 per day for each day the land has been affected not to exceed 365 days. In addition to the civil penalties discussed previously, the Board shall also assess a civil penalty in an amount not less than the amount necessary to cover costs incurred by the Division in investigating the alleged violation. If you have evidence indicating the possible violations noted above do not exist or have been corrected, please provide it to the Division as soon as possible. Any information to be considered by the Board during the hearing must be received by the Division before July 13, 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 orally request to review the draft Order during the hearing. The Board's attorney must receive your comments on the draft Order within three calendar days of the date the draft Order is



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e-mailed, unless that deadline is extended by the Board's attorney. Submit all comments in writing, by e-mail or fax, to Charles J. Kooyman, Assistant Attorney General, (720) 508-6037 (fax), or Charles.Kooyman@coag.gov. 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, at (303) 866-3567 ext. 8136, or camille.mojar@state.co.us on July 23, 2018 to confirm the specific date for the hearing. If you have any questions about this letter or the hearing, please contact Elliott Russell at (303) 866-3567, ext. 8132, or Elliott.Russell@state.co.us.

Sincerely,

A handwritten signature in blue ink, appearing to read "V. Brannon", with a stylized flourish at the end.

Virginia Brannon
Division Director

CERTIFIED MAIL NO. 7014 2120 0001 7885 7306
Return Receipt Requested

cc: Russ Means, DRMS
Michael Cunningham, DRMS
Elliott Russell, DRMS
Jeff Fugate, AGO for DRMS
Scott Schultz, AGO for DRMS