



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, Colorado 80203

August 16, 2018

Daniel Robinson
Robinson Sons Inc
1228 East 7th Street
Trinidad, CO 81082

**RE: Reason to Believe a Violation Exists and Notice of Board Hearing,
Robinson Sons Gravel Pit No. 1, Permit No. M-2008-076**

Mr. Robinson:

Pursuant to the corrective actions for Violation No. MV-2016-059, the Board ordered Robinson Sons Inc. to amend Permit No. M-2008-076 within 180 days of the effective date of the Board Order, due by September 10, 2017. The Board assessed a civil penalty of \$31,566.40, and suspended \$28,500.00 of the civil penalty if the Operator complied with the corrective action by the deadline specified. To date, a complete Amendment application has not been submitted for Permit No. M-2008-076.

The Division believes you are in violation pursuant to C.R.S. 34-32.5-124(1) and C.R.S. 34-32.5-118(1)(b) for failure to comply with the conditions of a Board Order for Violation No. MV-2016-059.

Therefore, the Division has reason to believe this is a possible violation of 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 Public Hearing will be held during the September 26-27, 2018 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 26th 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 money 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 pursuant to C.R.S. 34-32.5-124(2), 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. Pursuant to C.R.S. 34-32.5-118(1)(b), the Board may determine the financial warranty, in the amount of \$52,815.00, is subject to forfeiture. If you have evidence indicating that the



possible violation noted above does not exist, please provide it to the Division no later than **September 21, 2018**.

If the matter is brought before the Board, following 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 that you request to review the draft Order. You must include your mailing address and, if possible, a fax number. You will be provided a copy of the draft Order for your review as soon as it is available. The Board must receive your comments on the draft Order within ten (10) calendar days of the date the draft Order is mailed, unless that deadline is extended. Please note that the Division has requested and will be allowed to review and comment on the draft Board Order prior to mailing to any party.

Please submit all comments in writing to: Charles J. Kooyman, Colorado Department of Law, Business and Licensing Section, 1300 Broadway, 8th Floor Denver, CO, 80203, 720-508-6440 (phone), 720-508-6037 (fax), or Charles.Kooyman@coag.gov. The Board will resolve any issues regarding the form of the Order. This process does not affect your right to request reconsideration by the Board or appeal the substance of the 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 on the Monday prior to the Board Hearing to confirm exactly which day your item will appear before the Board.

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.

Sincerely,



Virginia Brannon
Division Director

CERTIFIED MAIL NO. 7014 0150 0000 9138 7383
Return Receipt Requested

Cc: Russ Means, DRMS
Michael Cunningham, DRMS
Amy Eschberger, DRMS
Jeff Fugate, AGO