



## COLORADO

Division of Reclamation,  
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215  
Denver, Colorado 80203

January 11, 2019

Mike Bynum  
Colorado Milling Company, LLC  
50 West 100 South Street  
Moab, UT 80342

**RE: Reason to Believe a Violation Exists and Notice of Board Hearing  
Gold Hill Mill, Permit No. M-1994-117**

Mr. Bynum:

Pursuant to the corrective actions for Violation No. MV-2017-036, the Mined Land Reclamation Board (Board) ordered Colorado Milling Company, LLC (Operator) to, within 60 days of the effective date of the Order (due by December 29, 2017), file with the Division of Reclamation, Mining and Safety (Division) a permit conversion or amendment application, and to "diligently pursue and attain the Division's approval and issuance of the application within statutory deadlines". In addition to the corrective actions, the Board assessed a total civil penalty of \$2,850.00, with all but \$100.00 suspended if the Operator complied with the corrective actions by the deadlines specified.

The Operator filed an amendment application with the Division on January 4, 2018. However, as of the date of this letter, there remain outstanding adequacy issues which have not been resolved or addressed. Therefore, the Operator has failed to address all adequacy issues to the Division's satisfaction within statutory deadlines, as ordered by the Board. In addition, although the application was filed on January 4, 2018, the Operator has requested six extensions of the application decision date, evidencing the Operator has failed to diligently pursue and attain approval of the application.

The Division believes a violation has occurred pursuant to C.R.S. 34-32-124(1) and C.R.S. 34-32-118(1)(b) for failure to comply with the conditions of a Board Order for Violation No. MV-2017-036.

Therefore, the Division has reason to believe this is a possible violation of the Colorado Mined Land Reclamation Act, C.R.S. 34-32-101 *et seq.*, and has scheduled this matter to appear before the Board.

A Formal Public Hearing will be held during the April 24-25, 2019 Board meeting for consideration of this possible violation. The hearing will be held in Room 318 of 1313 Sherman Street, Denver, Colorado, beginning at 9:00 a.m. on April 24<sup>th</sup> 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. 34-32-124(2), and/or assess a Civil Penalty in the amount of \$50.00 to \$200.00 per day for each day of violation, pursuant to C.R.S. 34-32-124(7). Pursuant to C.R.S. 34-32-124(6)(a), the Board may suspend, modify, or revoke the permit. Pursuant to C.R.S. 34-32-118(1)(b), the Board may determine the financial warranty, in the amount of \$56,200.00, is subject to forfeiture.

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](mailto: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](mailto: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](mailto:Amy.Eschberger@state.co.us).

Sincerely,



Virginia Brannon  
Division Director

CERTIFIED MAIL NO. 7014 0150 0000 9138 7468  
Return Receipt Requested

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