



**COLORADO**  
Division of Reclamation,  
Mining and Safety  
Department of Natural Resources

September 26, 2019

Bryan Lees  
Colorado Calumet Co., Inc.  
PO Box 1169  
Golden, CO 80402

**RE: Consent Agenda Summary Form  
Detroit City Mine, Permit No. M-2017-003**

Dear Mr. Lees,

Enclosed you will find the Staff Summary Form for the Consent Agenda Items for the possible violation found at the Detroit City Mine (Permit No. M-2017-003). As we discussed, if you do not wish to contest the violation, please sign and notarize the enclosed form and return the signed original copy no later than **October 10, 2019**.

Please thoroughly review the enclosed Consent Agenda Summary Form. If executed and returned to the Division, there will be no Mined Land Reclamation Board hearing held for this matter as it will be placed on the Board's Consent Agenda Items. If you wish to proceed with a hearing in order to address the Board, please let me know as soon as possible so a hearing can be scheduled for the October 23-24, 2019 Board meeting.

If you need additional information or have any questions, please contact me at Division of Reclamation, Mining and Safety, 1313 Sherman Street, Room 215, Denver, CO 80203, by telephone at **303-866-3567 x8132**, or by email at [elliott.russell@state.co.us](mailto:elliott.russell@state.co.us).

Sincerely,

Elliott R. Russell  
Environmental Protection Specialist

Certified Mail No. 7017 2400 0000 9205 5260  
Return Receipt Requested

Enclosure: Staff Summary Form for the Consent Agenda Items: Detroit City Mine (M-2017-003)

CC: Michael Cunningham, DRMS





## COLORADO

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### STAFF SUMMARY FORM FOR CONSENT AGENDA ITEMS

<b>Date</b>	September 26, 2019	<b>Operator</b>	Colorado Calumet Co., Inc.
<b>Permit No.</b>	M-2017-003	<b>Site Name</b>	Detroit City Mine
<b>Specialist</b>	Elliott Russell	<b>Objecting Party</b>	N/A
<b>Permit Type</b>	110(1)	<b>Permit Acreage</b>	4.99

#### **Action:**

- ☐ Permit Application with Objections  
☒ Violation  
☐ Extension of Board-Ordered Deadline  
☐ Other (specify):

#### **Resolution:**

#### *NATURE OF VIOLATION:*

This item is in regard to a Notice of a Possible Violation, a Cease and Desist Order, corrective actions, and civil penalties for a possible violation of C.R.S. 34-32-101 *et seq.*, and specifically C.R.S. 34-32-116(7)(h), for failure to protect areas outside of the affected land from slides or damages occurring during the mining operation.

#### *CHRONOLOGY:*

August 29, 2018 - The Division of Reclamation, Mining and Safety (Division) conducted a normal monitoring inspection of the site. During the inspection the Division observed approximately 0.3 acres of lands affected by the mining operation located outside of the approved permit boundary.

September 20, 2019 - The Division sent the operator a copy of the inspection report and a Reason To Believe a Violation Exists letter for failure to protect areas outside of the affected land from slides or damages occurring during the mining operation.

#### *REASON FOR VIOLATION:*

The Operator failed to protect areas outside of the affected land from slides or damages occurring during the mining operation as required by C.R.S. 34-32-116(7)(h).



*STAFF RECOMMENDATION:*

**Violation:**

Find a violation of C.R.S. 34-32-116(7)(h), for failure to protect areas outside of the affected land from slides or damages occurring during the mining operation.

**Cease and Desist Order:**

Issue a Cease and Desist Order prohibiting any further mining activities on lands outside of the approved permit boundary, except those activities approved by the Division, in writing, as necessary to comply with the conditions of a Board Order, prevent damage to off-site areas, or to protect public health and safety, until corrective actions have been resolved to the satisfaction of the Division and the MLRB.

**Corrective Action(s):**

Require the Operator to submit a conversion application to increase the size of the current 110(1) Reclamation Permit to include the affected lands outside of the approved permit boundary. The Operator shall submit the conversion application within 90 days of the mailing date of the Board Order, with all materials in an approvable form within statutory timeframes.

**Civil Penalty:**

Pursuant to C.R.S. 34-32-124(7) a person who violates any provision of a 110 permit shall be subject to a civil penalty of not less than \$50.00 per day, nor more than \$200.00 per day for each day during which such violation occurs. In this case, there are 56 days of violation from the August 29, 2019 inspection to the October 23, 2019 Board Meeting; the Board may assess a civil penalty of \$2,800.00 to \$11,200.00.

The Board will assess a civil penalty of \$100.00 per day of violation for 56 days, for a civil penalty amount of \$5,600.00 with all but \$500.00 suspended if the Operator complies with the corrective action.

The portion of the civil penalty not suspended, \$500.00, shall be due and payable within thirty (30) days of the effective date of the Board Order. If the Operator does not comply with the corrective actions set forth in the Order, then the suspended penalties (\$5,100.00) shall be due and payable. Failure to submit any due and unpaid civil penalties shall result in immediate submittal of such penalties to State collections.

**Operator's Notarized Signature:** As an authorized representative of the Operator, I hereby attest that the Operator concedes to the above described violation and agrees to comply with the Cease and Desist Order, Corrective Action, and Civil Penalty proposed in this STAFF SUMMARY FORM FOR CONSENT AGENDA ITEMS.

Signed and dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
(Day) (Month) (Year)

Operator: \_\_\_\_\_

Representative: \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

State of \_\_\_\_\_ )  
 ) ss.  
County of \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
(Day) (Month) (Year)  
by \_\_\_\_\_ as \_\_\_\_\_ of \_\_\_\_\_.  
(Representative) (Title) (Operator)

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

**SIGNATURES MUST BE IN BLUE INK**