



December 4, 2019

Jullion Villon  
Holcim (US) Inc.  
3500 Highway 120  
Florence, CO 81226

**Re: Reason to Believe a Violation Exists and Notice of Board Hearing;  
Coaldale Quarry; Permit M-1977-247**

Mr. Villon:

On June 18 and November 7, 2019, the Division of Reclamation, Mining and Safety (Division) conducted an inspection of the Coaldale Quarry (Permit M-1977-247) and observed topsoil pushed outside the affected area boundary. A copy of the inspection report is enclosed for your records.

Based on the findings of the inspection we believe this is a violation of:

- C.R.S. 34-32.5-116(4)(i) for failure to protect areas outside of the affected land from slides or damages occurring during the mining operation and reclamation.

Therefore, the Division has reason to believe that 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 have scheduled this matter to appear before the Mined Land Reclamation Board.

A Formal Public Hearing will be held during the January 22-23, 2020 Board Meeting for consideration of this possible violation. The hearing will be held at 1313 Sherman Street, Room 318, Denver, Colorado, beginning at 9:00 a.m. on January 22, 2020 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 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 that the possible violation noted above does not exist or has been corrected, please provide it to the Division as soon as possible or bring it to the hearing. Any information to be considered by the Board during the hearing must be received by the Division on or before January 10, 2020.

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. 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, Colorado Department of Law, by fax at (720) 508-6037, or by email at [Charles.Kooyman@coag.gov](mailto:Charles.Kooyman@coag.gov).

Please note that 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](mailto:Camille.Mojar@state.co.us) on Tuesday, January 21, 2020 to confirm the specific date for the hearing.

If you have any questions about this letter or the hearing, please contact Tim Cazier at (303) 866-3567, ext. 8169.

Sincerely,



Virginia Brannon  
Division Director

Enclosure (inspection report)

CERTIFIED MAIL No. 7017 2400 0000 9205 6762  
Return Receipt Requested

cc: Russ Means, DRMS  
Michael Cunningham, DRMS  
Tim Cazier, DRMS  
Scott Schultz, AGO