



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

January 8, 2020

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

**Re: Consent Agenda Summary Form;
Coaldale Quarry (Permit No. M-1977-247)**

Mr. Villon:

Enclosed you will find the Staff Summary Form for the Consent Agenda Items for the possible violation found at the Coaldale Quarry (Permit No. M-1977-247). 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 January 10, 2020.

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 January 22-23, 2020 Board meeting.

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

Sincerely,

Timothy A. Cazier, P.E.
Environmental Protection Specialist

Enclosure: Staff Summary Form for the Consent Agenda Items: Holcim (US) Inc., Coaldale Quarry

CERTIFIED MAIL No. 7017 2400 0000 9205 6755
Return Receipt Requested

cc: Michael Cunningham, DRMS





STAFF SUMMARY FORM FOR CONSENT AGENDA ITEMS

Date	January 8, 2020	Operator	Holcim (US) Inc.
Permit No.	M-1977-247	Site Name	Coaldale Quarry
Specialist	Tim Cazier	Objecting Party	N/A
Permit Type	112c	Permit Acreage	100

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, Cease and Desist Order, corrective actions and civil penalties for a possible violation of C.R.S. §34-32.5-101 *et seq.*, and specifically 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.

CHRONOLOGY:

June 18, 2019 – The Division of Reclamation, Mining and Safety (Division) conducted a normal monitoring inspection of the site. At the onset of the inspection, the Operator self-reported the possible violation due to land outside the approved permit boundary being disturbed as part of mining related activities.

June 24, 2019 – The Operator sent the Division an electronic permit boundary file to assist the Division in the determination of whether the area disturbed outside the affected area boundary was greater than two acres.

October 18, 2019 – The Division sent the operator a copy of the inspection report, indicating a follow-up inspection would be necessary.

November 7, 2019 – The Division conducted a follow-up inspection confirming the area disturbed outside the affected area boundary was 1.98 acres.

November 18, 2019 – The Division sent the operator a copy of the November inspection report, citing a possible violation due to land outside the approved affected area boundary being disturbed as part of mining related activities.



December 4, 2019 - The Division sent the operator a Reason To Believe letter for failure to protect areas outside of the affected land from slides or damages occurring during the mining operation and reclamation.

REASON FOR VIOLATION:

The Operator failed to protect areas outside of the affected land boundary from slides or damages occurring during the mining operation and reclamation as required by C.R.S. 34-32.5-116(4)(i).

STAFF RECOMMENDATION:

Violation:

Find 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.

Cease and Desist Order:

Issue a Cease and Desist Order prohibiting any further mining activity on lands outside of the approved affected land 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 112c permit amendment application to include the affected lands outside of the approved permit boundary. The Operator shall submit the new permit application within 90 days of the mailing date of the Board Order, with all material in an approvable form within 180 days of the mailing date of the Board Order.

Civil Penalty:

Pursuant to C.R.S. § 34-32.5-124(7) a person who violates any provision of a permit shall be subject to a civil penalty of not less than \$100.00 per day, nor more than \$1,000.00 per day for each day during which such violation occurs. In this case, there are 76 days of violation from date of the inspection (November 7, 2019) to the January 22, 2020 Board Meeting; the Board may assess a civil penalty of \$7,600.00 to \$76,000.00.

The Board will assess a civil penalty of \$100.00 per day of violation for 76 days, for a civil penalty amount of \$7,600.00 with all penalties but \$1,000 suspended if the Operator complies with the corrective action.

If the Operator does not comply with the corrective actions set forth in the Order, then the suspended penalties, \$6,600.00, 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 _____, _____.

(Operator)

Signature: _____

Title: _____

State of _____)
_____) ss.
County of _____)

The foregoing instrument was acknowledged before me this ____ day of _____,
by _____ as _____ of _____.

Notary Public _____

My Commission Expires: _____

SIGNATURES MUST BE IN BLUE INK