



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

April 15, 2021

Melanie Asquith
The City of Lafayette
1290 South Public Road
Lafayette, CO 80026

**RE: Reason to Believe a Violation Exists and Notice of Board Hearing
Goose Haven Reservoir #2 – Complex Expansion; Permit No. M-2010-071**

Dear Ms. Asquith:

On April 1, 2021, the Division of Reclamation, Mining and Safety (Division) conducted an inspection of the Goose Haven Reservoir #2 – Complex Expansion site (Permit No. M-2010-071; inspection report sent on April 7, 2021) and found the operation to be constructing a new clay-lined reservoir within the affected lands which is not part of the approved mining and reclamation plans for this permit. Additionally, the Division found the operator has not been submitting the required quarterly groundwater level monitoring data on an annual basis per the approved permit (the most recent groundwater data was submitted to our office on September 8, 2015).

Based on these findings, we believe this is a violation of:

- C.R.S. 34-32.5-124 for failure to comply with the conditions of an order, permit, or regulation.

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 the provisions of your Permit No. M-2010-071, and has scheduled this matter to appear before the Mined Land Reclamation Board (Board).

A Formal Public Hearing will be held during the **May 19-20, 2021** Board meeting for consideration of the possible violation and corrective actions. Due to the impacts of the COVID-19 pandemic on the availability of State facilities and Division resources, notice is hereby given that the this Board hearing will be held by a virtual ZOOM hearing. All exhibits and materials you wish for the Board to consider related to this alleged violation must be submitted via email to the Board administrator, Camie Mojar at Camille.Mojar@state.co.us no later than 5:00 p.m. on May 7, 2021. Additionally, in order to receive an authorization code to attend the hearing, please contact Camie Mojar via telephone at 303-866-3567, ext. 8136 or by email at the addresses above. Please note, only Parties and those who will be testifying may attend the meeting via ZOOM. All other interested persons may view the hearing via the Board's YouTube Channel at: <https://www.youtube.com/channel/UCDrrAO8bIPFIOWce-yH1fWA>.

This hearing format is in support of Governor Jared Polis's direction and the Colorado Department of Public Health and Environment's recommendation to limit meetings as part of the social distancing objectives set out by the State of Colorado to help control the spread of COVID-19.



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/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). If you have evidence indicating the possible violation noted above does not exist or has been corrected, please provide it to the Division as soon as possible.


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 emailed, unless that deadline is extended by the Board's attorney. Please submit all comments to Charles Kooyman, Colorado Department of Law, by fax at 720-508-6037 or by email at Charles.Kooyman@coag.gov.

Please note, the Division has requested and will be allowed to review and comment on the draft Order.

The Board's agenda may not be finalized until the week of the Board meeting. Therefore, we recommend you contact the Board administrator, Camie 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,


for Virginia Brannon
Division Director

CERTIFIED MAIL NO. 7017 2400 0000 9119 4182
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cc: Amy Eschberger, DRMS
Michael A. Cunningham, DRMS
Russ Means, DRMS
Jeff Fugate, AGO

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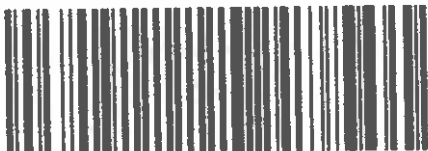
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See Reverse for Instructions

Melanie Asquith

1290 South Public Rd

Lafayette CO 80026

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