



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

March 13, 2023

Tyson Geist
SEMA Construction, Inc.
7353 S Eagle St
Centennial, CO 80112

**Re: SEMA Construction, Inc., Motorcross Borrow Pit, File No. M-2022-006,
Consent Agenda Summary Form**

Mr. Geist:

A possible violation hearing is scheduled for consideration by the Mined Land Reclamation Board (Board). As indicated in the Division's correspondence dated March 14, 2023, Re: Reason to Believe a Violation Exists and Notice of Enforcement Hearing, the formal Board hearing was scheduled to occur during the April 19-20, 2023 meeting.

Please find enclosed the Staff Summary Form for Consent Agenda Items (consent form) for the possible violation at the site. If you concede to the violation, corrective actions and civil penalties, please affix your notarized signature on the enclosed consent form and return the signed form, with original signatures, to the Division no later than April 7, 2023. Upon receipt of the signed and notarized consent form the item will be moved from the Board's agenda for enforcement hearings to consent items and there will not be a formal Board hearing regarding the possible violation.

However, if you wish to contest the possible violation or any of the conditions of the enclosed consent form, please inform the Division at your earliest convenience and do not sign the consent form. In the absence of a signed and notarized consent form, the formal Board hearing will proceed as scheduled for April 19-20, 2023.

If you have any questions, please contact me at peter.hays@state.co.us or (303) 866-3567 Ext. 8124.

Sincerely,

Peter S. Hays
Environmental Protection Specialist

Enclosure - Staff Summary Form for the Consent Agenda Items

Ec: Jared Ebert; Division of Reclamation, Mining & Safety





STAFF SUMMARY FORM FOR CONSENT AGENDA ITEMS

Date	March 14, 2023	Operator	SEMA Construction, Inc.
File No.	M-2022-006	Site Name	Motorcross Borrow Pit
Specialist	Peter Hays	Objecting Party	N/A
County	Weld	Permit Type	111

Action:

Possible violation of:

C.R.S. 34-32.5-124(1) for failure to comply with the conditions of the permit.

Resolution:

SEMA Construction, Inc. concedes a violation of C.R.S. § 34-32.5-124(1) for failure to comply with the conditions of the permit, Corrective Actions, and Civil Penalties, provided herein, for the Motorcross Borrow Pit, Permit No. M-2022-006.

Chronology:

June 6, 2022	The Division issued a Special 111(1)(a) Operation permit for the Motorcross Borrow Pit to supply construction material solely for the I-25 CDOT contract included in Exhibit K of the permit application for M-2022-006.
January 19, 2023	The Division received a complaint stating fill dirt was being supplied to a Mead development from the site.
February 21, 2023	The Division conducted an inspection of the site and confirmed between 1,200 and 1,500 cubic yards, approximately ten (10) truckloads of material, were removed from the site during a two (2) day period. <ul style="list-style-type: none">The material was transported to a construction site not associated with the I-25 CDOT project.
March 14, 2023	The Division notified the Operator of a possible violation and the MLRB hearing date (RTB).

Reason for Violation:

- The Operator removed material from the site which was not associated with the I-25 CDOT contract.



STAFF RECOMMENDATION

Violation:

Find a violation of:

- C.R.S. 34-32.5-124(1) for failure to comply with the conditions of the permit.

Corrective Action(s):

1. The Operator must ensure all future material removed from the site will be for the sole purpose of supplying material to the I-25 CDOT contract as provided in Exhibit K of the approved permit application for Permit No. M-2022-006.

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 per day nor more than \$1,000 per day for each day during which such violation occurs.

In this matter, the Board may assess a civil penalty of \$3,600 to \$36,000 for 36 days of violation. The 36 days of violation were calculated from the date of the Reason To Believe and Notice of MLRB Hearing (RTB) letter dated March 14, 2023 to the Board meeting scheduled for April 19, 2023. In this matter, the Division will assess a civil penalty of \$6,000 for six (6) days of violation.

The civil penalty of \$6,000 is due within 30 days of the effective date of the Board's Order finding the violation which will be sent under a separate cover. Failure of the Operator to comply by the Board Order shall result in further enforcement action.

Operator's Notarized Signature:

As an authorized representative of the Operator, I hereby attest the Operator concedes to the above described violation and agrees to comply with the Corrective Action and Civil Penalty proposed in this STAFF SUMMARY FORM FOR CONSENT AGENDA ITEMS.

Signed and dated this _____ day of _____, 2023.

(Operator)

Signature: _____

Title: _____

State of _____

County of _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2023,

by _____ as _____ of _____.

Notary Public

My Commission Expires: _____

SIGNATURES MUST BE IN BLUE INK