



COLORADO
**Division of Reclamation,
Mining and Safety**
Department of Natural Resources
1313 Sherman Street, Room 215
Denver, CO 80203

STAFF SUMMARY FORM FOR CONSENT AGENDA ITEMS

Date	November 13, 2023	Applicant	Blue Mountain Stone Company, Inc.
File No.	M-1981-075	Site Name	Phillips Stone Company
Specialist	Patrick Lennberg	Objecting Party	N/A
County	Boulder	Permit Type	110c

Action:

Originally this matter was noticed as a possible violation of:

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

However, in the time between the notice and today, November 13, 2023, the Operator has worked to gain compliance with the initial Board Order and now the conversion application, CN-1, is in approvable form beyond the 365 day limit. The 365 day period for the conversion application was September 26, 2023.

- Pursuant to Rule 1.4.1(9) If, at the end of the three hundred and sixty-five (365) day period, the application has outstanding issues, the Office may set the matter for a Board hearing. At the hearing the Board may deny, or approve the application with or without conditions.

Resolution:

Division Staff recommends the Board Approve, without conditions, conversion application, CN-1, for the Phillips Stone Company, M-1981-075.

Chronology:

1. DRMS Inspection Report, March 20, 2023
2. Reason to Believe a Violation Exists and Notice of Board Hearing, May 8, 2023
3. MLRB Board Order, MV2023-007, August 22, 2023



4. Reason to Believe a Violation Exists and Notice of Board Hearing, October 13, 2023
5. Responses to Division's Adequacy Review No. 5 are complete and Conversion Application 1 (CN-1) is in approvable form, November 13, 2023

STAFF RECOMMENDATION

Board Actions:

Approve without conditions, the Conversion Application (CN-1):

- Pursuant to Rule 1.4.1(9) If, at the end of the three hundred and sixty-five (365) day period, the application has outstanding issues, the Office may set the matter for a Board hearing. At the hearing the Board may deny, or approve the application with or without conditions.

Financial Warranty:

- The Operator must submit the appropriate financial warranty, \$21,600.00, within 60 days of the date the application is approved. This amount represents an increase of \$4,420.00 to the \$17,180.00 already held by the Division.