

STATE OF
COLORADO

Reilley - DNR, Robin <robin.reilley@state.co.us>

RE: consent vs board hearing

1 message

Aaron Acker <aacker@galvanize.law>

Thu, Mar 7, 2024 at 4:24 PM

To: "Reilley - DNR, Robin" <robin.reilley@state.co.us>, Jerry Carson <jerry@grc-consulting.net>

Hi Robin –

We understand that this matter has to be proceed to the Board and to be clear have no interest in going to a hearing on the matter. There are obviously some issues of how my client arrived at this point but that is an issue for Jerry to address with the seller.

I did have a few comments and requested changes to the Consent Agreement. I am attaching a copy of the Consent Agreement with our proposed suggestions in the comments. Since this document is going to be a public document and presented to the board for their approval, we felt it was important to note that the violations occurred prior to Jerry's ownership of the company and that since being provided notice of these issues, he has been proactive in addressing them.

The other comment is more of a question. The highlighted language in the cease and desist section notes that the operator is prohibited from performing any activity on the site unless approved in writing by the Division. Jerry would like to start moving forward on the remediation work to get back into compliance as soon as possible and we would like to know what activities will be permitted after the cease and desist order is issued. Our preference for this section would be to specify at least some of the permitted activities (particularly the remediation activities) in this Consent Agreement.

Please let me know your thoughts and if we should loop the AG's office in and I'd be happy to set up a time to speak with them.

**Aaron Acker, Esq.
Of Counsel**

P: 303.309.0469

E: aacker@galvanize.lawA: 390 Union Blvd., Ste. 200, Lakewood, CO 80228Pay your bill [online](#) anytime

CONFIDENTIALITY NOTICE: This e-mail and any attachments contain information from the law firm of Galvanize Law Group, LLC, and are intended solely for the use of the named recipient or recipients. This e-mail may contain privileged attorney/client communications or work

product. Any dissemination of this e-mail by anyone other than an intended recipient is strictly prohibited. If you are not an intended recipient, you are prohibited from any further viewing of the e-mail or any attachments, or from making any use of the e-mail or attachments. If you believe you have received this e-mail in error, notify the sender immediately and permanently delete the e-mail, any attachments, and all copies thereof from any drives or storage media and destroy any printouts of the e-mail or attachments.

From: Reilley - DNR, Robin <robin.reilley@state.co.us>

Sent: Thursday, March 7, 2024 10:03 AM

To: Jerry Carson <jerry@grc-consulting.net>; Aaron Acker <aaacker@galvanize.law>; Robin Reilley - DNR <robin.reilley@state.co.us>

Subject: consent vs board hearing

Good Morning Jerry,

Just so you can put everything into perspective as you make your decision on how best to move forward here is some insight into our process.

I understand your concern, but there is no real way out of it at this point. DRMS is going to recommend a violation to the Board either at the hearing or through the consent agenda.

Robin Reilley, M.S. GISP

Environmental Protection Specialist II




P [303.866.3567](tel:303.866.3567) ext 8105 |

F [303.832.8106](tel:303.832.8106)

Physical Address: [1313 Sherman Street St., Suite 215, Denver, CO 80203](#)

Mailing Address: DRMS Room 215, [1001 E 62nd Ave, Denver, CO 80216](#)

robin.reilley@state.co.us | <http://mining.state.co.us>

 **Deer Trail Consent Agreement March_2024 MLRB.pdf**
283K