



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	August 13, 2024	Applicant	L.G. Everist, Incorporated
File No.	M-2020-007	Site Name	Ragsdale Reservoirs
Specialist	Nikie Gagnon	Objecting Party	N/A
County	Weld	Permit Type	112c

Action:

Possible 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.

Resolution:

- L.G. Everist, Incorporated concedes 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, Corrective Actions, and Civil Penalties, provided herein, for the Ragsdale Reservoirs site, File No. M-2020-007.

Chronology:

July 16, 2024 – DRMS conducted an inspection of the Ragsdale Reservoirs and observed an underdrain installed between the Phase 1 and Phase 2 mining areas. The drain was installed to move groundwater from the east around the slurry walled reservoirs and extends beyond the western permit boundary where it discharges to the South Platte River. Based on observations during the inspection, approximately 0.18 acre was affected outside the approved permit boundary for the installation of the drain.

July 30, 2024 – DRMS sent an inspection report to the Operator.

August 6, 2024 – DRMS sent Operator a Reason to Believe a Violation Exists and Notice of Board Hearing letter.

Reason for Violation:

The Operator recently installed an underdrain between the Phase 1 and Phase 2 mining areas to move groundwater from the east around the slurry walled reservoirs. This was not in accordance with the approved mining plan. Additionally, the underdrain extends approximately 400 feet beyond the western permit boundary where it discharges to the South Platte River. Installation of the underdrain affected a 20-foot-wide by 400-foot-long area (0.18 acre) outside the permit boundary. This underdrain is part of the mining operation, and per C.R.S. 34-32.5-116(4)(i), the Operator is required to protect areas outside of the affected land from damages occurring during the mining operation.

Physical Address: 1313 Sherman Street, Room 215, Denver, CO 80203 P 303.866.3567 F 303.832.8106

Mailing Address: DRMS Room 215, 1001 E 62nd Ave, Denver, CO 80216 <https://drms.colorado.gov>

Jared S. Polis, Governor | Dan Gibbs, Executive Director | Michael A. Cunningham, Acting Director



STAFF RECOMMENDATION

Board Actions:

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.

Corrective Action(s):

- The Operator must submit an Amendment application to update the approved mining and reclamation plans and maps as well as the hydrologic evaluation for the site to address the newly installed underdrain and the associated permit boundary extension. The Operator shall submit an Amendment application within 90 days of the effective date of the Board Order, with all materials in an approvable form within statutory deadlines.

Civil Penalty:

Pursuant to C.R.S. § 34-32.5-124(7) an operator 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 a violation occurs. In this matter, the Board may assess a civil penalty of \$4,300 to \$43,000 for 43 days of violation. The 43 days of violation were calculated from the date of the Reason To Believe and Notice of MLRB Hearing (RTB) letter dated August 6, 2024 to the Board meeting scheduled for September 18, 2024.

- In this matter, the Division will assess a civil penalty of **\$4,300** based on 43 days of violation at \$100 per day. The Board will suspend a portion of the assessed civil penalty with the exception of **\$1,000**, if the corrective actions cited above are completed to the satisfaction of the Division within the required deadlines.
- The unsuspended portion of the civil penalty, **\$1,000**, 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 due date shall result in the suspended portions of the civil penalty, **\$3,300** becoming effective and due.

Operator's Notarized Signature:

As an authorized representative of the Applicant, I hereby attest that 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 26 day of August, 2024.

Matthew Noteboom, L.G. Everist, Incorporated

(Applicant)

Signature: [Signature]

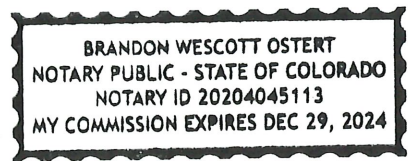
Title: Vice President - Mountain Division

State of Colorado

County of Adams

The foregoing instrument was acknowledged before me this 26th day of August, 2024,

by Matthew Noteboom as Vice President of L.G. Everist, Inc.



[Signature]
Notary Public

My Commission Expires: 12/29/2024

SIGNATURES MUST BE IN BLUE INK