

# STATE OF COLORADO

## DIVISION OF RECLAMATION, MINING AND SAFETY

Department of Natural Resources

1313 Sherman St., Room 215

Denver, Colorado 80203

Phone: (303) 866-3567

FAX: (303) 832-8106



May 25, 2012

Bill Tenore  
T Bone Stone, Inc.  
2337 Emery St  
Longmont, CO 80501

John W. Hickenlooper  
Governor

Mike King  
Executive Director

Loretta E. Piñeda  
Director

RE: T Bone Stone Quarry; DRMS File No. M-2004-030; Consent Agenda Summary Form

Dear Mr. Tenore,

Enclosed you will find the Staff Summary Form for the Consent Agenda item for the possible violation found at the T Bone Stone Quarry. As we discussed, if you do not wish to contest the violation, please sign and notarize the enclosed form and return the signed original copy no later than **May 31<sup>st</sup>, 2012**.

Please review the Consent Agenda Summary Form. If you wish to proceed with a hearing in order to address the Board, please let me know as soon as possible so a hearing can be scheduled for the June 13-14, 2012 Board meeting.

If you have any questions, please contact me at (303)866-3567 x8116.

Sincerely,

Michael A. Cunningham  
Environmental Protection Specialist

Certified Mail No. **7010 1060 0001 0936 7801**  
Return Receipt Requested

Enclosure: *Staff Summary Form for the Consent Agenda Items; T Bone Stone Quarry; DRMS  
File No. M-2004-030*

CC: Tom Kaldenbach, DRMS

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### STAFF SUMMARY FORM FOR CONSENT AGENDA ITEMS

<b><u>Date</u></b>	May 25, 2012	<b><u>Operator</u></b>	T Bone Stone, Inc.
<b><u>Permit No.</u></b>	M-2004-030	<b><u>Site Name</u></b>	T Bone Stone Quarry
<b><u>Specialist</u></b>	Michael Cunningham	<b><u>Objecting Party</u></b>	N/A

#### **Action:**

☐ Permit application with objections

☒ Violation

☐ Extension of Board-ordered deadline

☐ Other

#### **Resolution:**

##### *NATURE OF VIOLATION:*

This item is in regards to a Notice of a Possible Violation, Cease and Desist Order, corrective actions and civil penalties for a 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 damage occurring during the mining operation and reclamation.

##### *CHRONOLOGY:*

April 25, 2012 – The Division conducted an inspection of the T Bone Stone Quarry. During the inspection the Division traversed the three separate boundary areas which comprise the T Bone Stone Quarry with a Trimble GeoXT GPS unit in order to determine the extent of disturbance at the site and to document the location of the boundary markers. The data were downloaded into GPS Pathfinder Office and the total disturbance associated with the operation was determined to be 10.61 acres or 0.71 acres beyond what the operation is permitted for.

May 3<sup>rd</sup>, 2012 – The Division sent the operator a copy of the inspection report.

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May 8<sup>th</sup>, 2012 – The Division sent the Operator a Notice of Possible Violation for failure to protect areas outside of the affected land from slides or damage occurring during the mining operation and reclamation.

### *REASON FOR VIOLATION:*

The Operator has affected approximately 0.71 acres outside of the approved permit boundary. It is the Operator's responsibility to protect areas outside of the affected land from slide or damages occurring during the mining and reclamation operation in accordance with C.R.S. 34-32.5-116 (4) (i).

### *STAFF RECOMMENDATION:*

#### **Violation:**

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.

#### **Cease and Desist Order:**

Issue a cease and desist order for all lands affected outside of the approved permit boundary until all required corrective actions are completed.

#### **Corrective Action(s):**

Require the Operator to submit a Conversion Application to modify the permit/affected area to incorporate the entire disturbed area. The Operator shall submit a Conversion Application within 30 days of the mailing date of the Board Order, with all material in an approvable form within 120 days of the mailing date of the Board Order.

#### **Civil Penalty:**

For a violation of C.R.S. 34-32.5-116 (4) (i), a Civil Penalty may be assessed at a rate of \$100.00 to \$1,000.00 for each day of violation. In this case, there are 50 days of violation (from the date of Inspection on April 25<sup>th</sup>, 2012 to the June 13<sup>th</sup>, 2012 Board Meeting).

The Division will assess a civil penalty of \$100.00 per day of violation for 50 days. For a civil penalty amount of \$5,000.00 with all but \$500.00 suspended if the Operator complies with the corrective action.

Payment of the un-suspended portion (\$500) of the civil penalties is due within 30 days of the mailing date of the Board Order.

Consent Agenda Form

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**Operator(s) Signature:**

By signing this, the Operator agrees to comply with the Corrective Action(s) outlined above on the Staff Summary Form for Consent Agenda Items.

\_\_\_\_\_  
Operator Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Notary Public

My Commission expires:\_\_\_\_\_