STATE OF COLORADO

SOLID AND HAZARDOUS WASTE COMMISSION

Dedicated to protecting and improving the health and environment of the people of Colorado

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Colorado Department
of Public Health
and Environment

ORDER AND FINAL AGENCY ACTION OF THE SOLID AND HAZARDOUS WASTE COMMISSION REGARDING ADMINISTRATIVE PENALTY REVIEW IN COLO. DEPT. OF PUBLIC HEALTH & ENVIRONMENT (Petitioner) v. ELIZABETH MINING AND DEVELOPMENT, INC., JOSEPH CASEBOLT AND STEVEN CASEBOLT (Respondents), Case No. 07-001
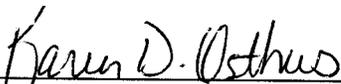
SUBJECT:

Upon consideration of the petition filed by the Colorado Department of Public Health and Environment, Hazardous Materials and Waste Management Division, pursuant to § 25-15-308(3)(i), C.R.S., the Solid and Hazardous Waste Commission has completed its review of the administrative penalty imposed in the Agency Decision issued by the Colorado Office of Administrative Courts on Tuesday, February 17, 2009 in the case of Elizabeth Mining and Development, Inc., Joseph Casebolt and Steven Casebolt (Appellants) v. Colorado Department of Public Health and Environment, Hazardous Materials and Waste Management Division (Appellee), Case No. HE 2007-0001. The Solid and Hazardous Waste Commission ordered: 1) An administrative penalty be assessed against Defendants, jointly and severally, in the amount of $405,000 for the violations set forth in Compliance Order No. 06-02-24-01; and 2) Its Order is Final Agency Action as provided for in Section 24-4-106, C.R.S. and subject to judicial review as provided in that section. This action was finalized by the Solid and Hazardous Waste Commission at the May 19, 2009 meeting.

A copy of this order may be obtained by contacting the Solid and Hazardous Waste Commission Office at 303-692-3467 or on the web at:
http://www.cdphe.state.co.us/op/hwc/ElizabethMiningFinalOrder.pdf

Solid and Hazardous Waste Commission

Karen D. Osthus, Administrator