



COLORADO
Division of Reclamation,
Mining and Safety
Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

COLORADO DIVISION OF RECLAMATION, MINING AND SAFETY

CEASE AND DESIST ORDER

Operator/Company Name:
Rudolph Fontanari

Location (Section, Township, Range):
Section 35, T10S, R98W

Landowner Address:
**Rudolph Fontanari JR and Carol Ethel Fontanari
Revocable Living Trust
3316 E ¼ Rd
Clifton, CO 81520**

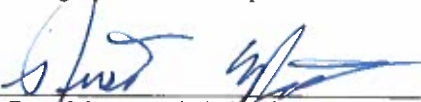
Distance and direction from nearest city:
**Approximately three miles northeast of Palisade,
CO**

Phone:	970-434-7948	File Number:	M-1996-076
Operation Type:	Surface	County:	Mesa
		Commodity Mined/Prospected:	Gravel

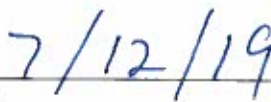
The authority of the Division of Reclamation, Mining and Safety (the "Division") is set forth in Sections 34-32.5-124 and 34-32.5-121 of the Colorado Mined Land Reclamation Act ("Act") and Rule 8.4 of the Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for Construction Materials ("Rules"). As outlined in Section 34-32.5-121 and Rule 8.4, this authority includes the authority to issue a Cease and Desist Order for an activity that is in violation of the conditions of the Permit M-1996-076. The Division has determined that unpermitted water application and retention is in direct violation of the permit conditions and is endangering the health, safety and general welfare of the people of this state.

The Division believes the operator's actions are in violation of the Colorado Land Reclamation Act for the Extraction of Construction Materials, C.R.S. 34-32.5-101 *et. seq.*, specifically C.R.S. 34-32.5-124 (1) for failure to comply with the conditions of a permit and regulation at the Western Flagstone Quarry No. 2, File No. M-1996-076.

To allow the Division time to further inspect the site, evaluate the risk, and evaluate a reclamation plan, the Division orders the operator Mr. Rudolph Fontanari, and any of his associates, and its receiver, to immediately cease and desist all mining, prospecting, milling, exploration, other mining operations, and application and retention of water at the above-referenced site or at any off-site areas. Until this cease and desist is lifted by the Division, no one associated with Rudolph Fontanari, its associates, and its receiver is permitted to enter the site to conduct mining, prospecting, milling, exploration, and other mining operations. Any required remedial actions must be approved in writing by the Division prior to initiation.



Russ Means on behalf of Virginia Brannon
Division Director



Date



