

**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, To Section 35, T10S, R9			
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		
	File Number	M-1006 076		

		File Number:	M-1996-076
Phone:	970-434-7948	County:	Mesa
Operation Type:	Surface	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 behalv of Virginia Brannon Division Director

7/12/19



Rudolph Fontanari July 12, 2019 Page 2

## **RETURN OF SERVICE**

## STATE OF COLORADO, COUNTY OF DENVER

I declare under oath that I served a copy of the

to	X Cease and Desist Order   X Notice of Violation   Rudolph Fontanari Operator	i	in	Mesa County		
On	July 12, 2019		at	Time		
At the	following location:					
By handing it to a person identified to me as the operator.By leaving it with the operator who refused serviceXBy leaving it posted at the site entranceXBy Certified Mail to the operatorXDesignated to receive for the operator via PDF to the e-mail on File						
Signature Date						
	X Division personnel   Private Process server   Sheriff   Service \$   Mileage \$		unty			
Subscribed and sworn to before me in the County of Denver, State of Colorado, this <u>Beth</u> day of Joly, 2019. Catal Baran						
My co <b>70</b> CER	TIFIED MAIL NO. :	N Sta Notary	lota ite o / ID	R Bowser ry Public of Colorado 20184022513 Expires May 29, 2022		
ach	RN RECEIPT REQUESTED					

