



COLORADO

**Division of Reclamation,
Mining and Safety**

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

July 12, 2019

Rudolph Fontanari
3316 E 3/4 Road
Clifton, CO 81520

**RE: REASON TO BELIEVE A VIOLATION EXISTS AND NOTICE OF BOARD HEARING; WESTERN
FLAGSTONE QUARRY NO. 2; DRMS FILE NO. M-1996-076**

Dear Mr. Fontanari:

On July 9, 2019, in response to a complaint, the Division of Reclamation, Mining and Safety (Division) conducted an inspection of the permitted site known as the Western Flagstone Quarry No. 2, File No. M-1996-076, and nearby lands (please see attached inspection report). While conducting the inspection, the Division observed water flowing in the permitted area and water being retained in violation of the conditions of the permit. The unpermitted actions of the operator are affecting the permit area, adjacent lands, and the health, safety and general welfare of the people of this state.

The Division believes this is 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 an order, permit, or regulation. Therefore, the Division has found reason to believe violations of the Colorado Mined Land Reclamation Act and Rules exists at Western Flagstone Quarry No. 2, File No. M-1996-076, and has scheduled this matter for a hearing before the Colorado Mined Land Reclamation Board.

A Formal Public Hearing will be held during the August 21~22, 2019 Board Meeting for consideration of the possible violation. The Formal Public Hearing on August 21~22, 2019 will occur in Room 318 of 1313 Sherman Street, Denver, Colorado, beginning at 9:00 a.m. or as soon thereafter as the matter can be considered. At the hearing you will have the opportunity to present your defense.

If the Board finds a violation at this hearing, it may issue a Cease and Desist Order and/or assess a Civil Penalty in the amount of \$1000.00 to \$5000.00 for each day of violation pursuant to C.R.S. 34-32.5-123(2). If you have evidence indicating that the possible violations noted above do not

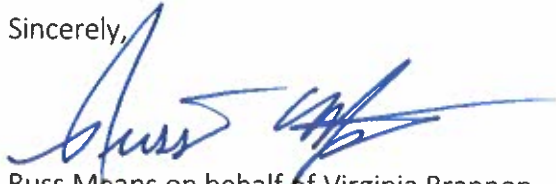


exist or have been corrected, please provide it to the Division as soon as possible or bring it to the hearing.

The Boards agenda may not be finalized until the week of the Board meeting. Therefore, we recommend you contact the Board Secretary, Camille Mojar, at (303) 866-3567 ext. 8136 or at Camille.mojar@state.co.us on Monday, August 19, 2019 to confirm a specific date and time of the hearing.

If you have any questions about this letter or the hearing, please contact Amy Yeldell at (303) 866-3567 ext. 8183 or Amy.yeldell@state.co.us.

Sincerely,

A handwritten signature in blue ink, appearing to read "Russ Means", with a stylized flourish extending to the right.

Russ Means on behalf of Virginia Brannon
Division Director

CERTIFIED MAIL NO. 7014 2120 0001 7869 8220
Return Receipt Requested

Enclosure(s): Division's July 9, 2019 Inspection Report

cc: G. Russell Means, DRMS
Travis Marshall, DRMS
Scott Schultz, DNR AGO
Jeff Fugate, DNR AGO