




MINERALS PROGRAM INSPECTION REPORT
PHONE: (303) 866-3567

The Division of Reclamation, Mining and Safety has conducted an inspection of the mining operation noted below. This report documents observations concerning compliance with the terms of the permit and applicable rules and regulations of the Mined Land Reclamation Board.

MINE NAME: Western Slope Flagstone Quarry No. 2	MINE/PROSPECTING ID#: M-1996-076	MINERAL: Gravel	COUNTY: Mesa
INSPECTION TYPE: Monitoring	INSPECTOR(S): Amy C. Yeldell, Lucas J. West, Travis H. Marshall	INSP. DATE: July 15, 2019 to July 23, 2019	INSP. TIME: Various
OPERATOR: Rudolph Fontanari	OPERATOR REPRESENTATIVE:	TYPE OF OPERATION: 112c - Construction Regular Operation	
REASON FOR INSPECTION: High Priority	BOND CALCULATION TYPE: None	BOND AMOUNT: \$88,251.00	
DATE OF COMPLAINT: NA	POST INSP. CONTACTS: None	JOINT INSP. AGENCY: None	
WEATHER: Clear	INSPECTOR'S SIGNATURE: 	SIGNATURE DATE: August 1, 2019	

GENERAL INSPECTION TOPICS

This list identifies the environmental and permit parameters inspected and gives a categorical evaluation of each. No problems or possible violations were noted during the inspection. The mine operation was found to be in full compliance with Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials and/or for Hard Rock, Metal and Designated Mining Operations. Any person engaged in any mining operation shall notify the office of any failure or imminent failure, as soon as reasonably practicable after such person has knowledge of such condition or of any impoundment, embankment, or slope that poses a reasonable potential for danger to any persons or property or to the environment; or any environmental protection facility designed to contain or control chemicals or waste which are acid or toxic-forming, as identified in the permit.

(AR) RECORDS----- <u>N</u>	(FN) FINANCIAL WARRANTY----- <u>N</u>	(RD) ROADS----- <u>N</u>
(HB) HYDROLOGIC BALANCE----- <u>Y</u>	(BG) BACKFILL & GRADING----- <u>Y</u>	(EX) EXPLOSIVES----- <u>N</u>
(PW) PROCESSING WASTE/TAILING---- <u>N</u>	(SF) PROCESSING FACILITIES----- <u>N</u>	(TS) TOPSOIL----- <u>N</u>
(MP) GENL MINE PLAN COMPLIANCE- <u>Y</u>	(FW) FISH & WILDLIFE----- <u>Y</u>	(RV) REVEGETATION---- <u>N</u>
(SM) SIGNS AND MARKERS----- <u>N</u>	(SP) STORM WATER MGT PLAN---- <u>N</u>	(RS) RECL PLAN/COMP-- <u>N</u>
(ES) OVERBURDEN/DEV. WASTE----- <u>N</u>	(SC) EROSION/SEDIMENTATION--- <u>Y</u>	(ST) STIPULATIONS----- <u>N</u>
(AT) ACID OR TOXIC MATERIALS----- <u>N</u>	(OD) OFF-SITE DAMAGE----- <u>Y</u>	

Y = Inspected / N = Not inspected / NA = Not applicable to this operation / PB = Problem cited / PV = Possible violation cited

OBSERVATIONS

On July 9, 2019 the Colorado Division of Reclamation, Mining and Safety (Division) conducted a site inspection after reports of water applied by the operator Mr. Fontanari having impacts on affected lands and for off-site damages including safety concerns of the I-70 corridor at mile marker 45 near Cameo, CO. The July 9th inspection resulted in a Notice of Violation and Cease and Desist Order being issued to Mr. Fontanari on July 12, 2019.

In response to the Cease and Desist Order, the Division conducted several follow-up inspections to monitor the site and ensure compliance with the Order. This report is for inspections conducted by the Division between July 15, 2019 and July 23, 2019. Amy Yeldell (ACY), Lucas West (LJW), and Travis Marshall (THM) of the Division conducted the inspections. Inspection narratives are listed in order by date. Dated photos are also included at the end of the report for illustrative and comparison purposes.

ACY & LJW July 15, 2019 @ 15:00

Mr. Fontanari stated that he began pumping down the west pit/pond that day at 11:45 am and that he would continue to pump until dark but that they may not pump the pit completely dry. Staff estimated that the west pit/pond had been dewatered approximately 7 ft. as compared to the 7-12-2019 inspection. It was estimated that approximately 10 ft. of water on average remained in the pit and perhaps up to 12 ft. in the deeper areas. Pumping of the west pit/pond has had no impact on water levels in the east pit/pond. The pump, dewatering the west pond, was discharging water into a rip-rap armored stormwater channel which ran down the north eastern hillside towards I-70 and outside of the permit boundary. Water then goes into a culvert under I-70 for discharge into the Colorado River. Water was discharged into a previously dry area that did not have additional rock fall impacts. Mr. Fontanari's truck was parked in a manner blocking accesses to the mine via the haul road, allowing access to the pit only from Rapid Creek Rd. All water risers were off and ditches appeared to be drying out. I-70 was open with one lane closed eastbound due to rock fall issues.

LJW July 16, 2019 @ 13:35

Contact was made with Mr. Fontanari on his property near the field he was working located at outside of the permit boundary. Fontanari stated that he shut the pump down last night at about 2100 hrs. and then resumed pumping for about an hour this morning. Fontanari also stated that he met with a representative from CDOT who told him the water level in the pit was sufficient and he didn't need to pump any more.

Approximately 4-5 feet of water still remains in the west pit. The water level is an average of 3-4 feet lower than observed on yesterday's inspection. The water level in the pit to the east of the road has not changed. The pump, and hoses have been removed from the west pit/pond, and the discharge point looked ok. Some minor sedimentation was observed. The flow path to the rip rap channel leading down the hill was also inspected.

The recently watered area within the permitted land was confirmed dry. The risers and all makeshift ditches in the field were confirmed to be dry. No evidence of recent watering was observed.

A new major concern has arisen, as a result of today's inspection. While in the upper field, CDOT and their contractors were conducting active rock scaling, which was shutting down both directions of Interstate 70 in 30 min intervals. After discussions on site, CDOT showed me a series of new stress cracks trending from north northeast to south southwest. The cracks have originated within the last few days and measure from 1/4' wide to 1'. It appears that as a result of the water applied by Fontanari the area has been destabilized and may be at

risk for a potential rotational or other geotechnical failure as the dip and gradient of the area leans to the north toward I-70 and the Colorado River.

LJW & THM July 17, 2019 @ 9:40

The water previously at the site is shut off, and all the risers and ditches are dry. The water level in the pit is approximately 1 foot lower than it was yesterday and no further pumping operations have taken place.

The stress cracks on the northern portion were more thoroughly observed. A GPS track of the crack path was taken. DRMS established a monitoring point that consists of two stakes driven on either side of the crack, at a known distance of 12 inches apart. That way during the follow up inspections DRMS can monitor to see if there is any significant movement. The location of the stakes were marked with a survey lathe and orange survey tape. The cracks were more extensive then observed yesterday. I-70 East Bound remains shut down to one lane.

THM July 18, 2019 @ 9:00

No mining related activity was observed at the site. No water was flowing at the site and the trenches were dry. The pond was down another 1.5 feet. The crack did not appear to increase. CDOT had their drone out at the site assessing the area. I informed John David with CDOT yesterday afternoon about the crack that developed above I-70 and he was going to send his geologist up top to assess and characterize the potential safety hazard. LJW drove through this morning and said CDOT still had a large presence on the interstate and that the eastbound traffic is still restricted to one lane.

ACY & LJW July 22, 2019 @ 10:00

The western pit/pond appears to be continue to be dropping. A pre-existing survey lath/stake has been used by DRMS to monitor water level changes within the pond. During this inspection the stake was no longer submerged. The stake was moved by DRMS to the new water level.

There was evidence of recent water in several of the ditches inside and outside of the permit area. Near the risers the soil was still moist at or near the surface level despite 90F temperatures. The southernmost ditch flowed enough to overflow the ditch the entire length and flooded the field to the north up to the next ditch. Other ditches in the middle of the line were completely dry. This weekend the site received some rain fall that resulted in rain splattered soils that were crusted. Note that according to the USGS Cameo Colorado River station there was no measureable rainfall over the previous weekend. There was a distinct difference between the soils that had been completely dried and those within the ditch that had no patter marks and were still saturated.

The last riser was not present and only an open pipe with static water remained. The area to the north and northwest of this riser was saturated and had evidence of erosion. The water did not completely infiltrate into the soil, rather the water flowed on the surface and went off the edge towards I-70.

While leaving the site we encountered Mr. Fontanari and an unknown individual on the one-lane road. We backed up and talked to him. Fontanari stated that when he left the site on Saturday (7-20-19) around 2pm there was no water on. Fontanari stated that Trevor Gross (his son-in-law) got a call from CDOT about 8:30 am on Sunday (7-21-19). Fontanari said that CDOT told Mr. Gross that water began to flow off the edge around 10 PM Saturday night. Fontanari state that by the time he got out to the site on Sunday around 11 am the lines were completely drained. Mr. Fontanari stated he didn't remove the riser so someone had to have trespassed

after he left Saturday afternoon/evening and removed it. Fontanari stated that the main water pipe is 10" and approximately a half mile long plus the risers. Mr. Fontanari stated he was on his way to go replace the riser when we met him. When asked if anyone was contacted or informed about the alleged tampering Fontanari indicated that he did not inform anyone with the State about his allegations.

ACY & LJW July 23, 2019 @ 8:30

Mr. Fontanari has replaced the removed riser #1 as he indicated yesterday so that the pipe was no longer open. He also installed a riser head #2 on the pipe that was previously capped. In the area adjacent to riser #1 where the water drained and flowed NW off the side of the hill was still very wet. DRMS anticipated the soils to be much drier as it was 103F yesterday and today's is breezy and 88F. It's unclear if additional water was discharged. The other ditches are in the process of drying out, there is no evidence of additional water being discharged recently. The soils were moist and patchy, likely by tomorrow the surface will be completely dry and only damp several inches below the surface. The upper/southern ditches where water recently flowed were much drier. Soils in the field were completely dried out. The northwest pit/pond is continuing to drop. DRMS estimated the water is down approximately 3 ft. today in the western pit/pond as compared to yesterday's inspection. The stake was moved to the current water level to measure the progress tomorrow.

The Division will continue to monitor the saturation and issue periodic inspection reports.

Responses to this inspection report should be directed to: Amy Yeldell at the Division of Reclamation, Mining and Safety, 1313 Sherman St., Room 215, Denver, CO 80203. Direct contact can be made by phone at 303-866-3567 Ext 81831 or via email at amy.yeldell@state.co.us

Inspection Contact Address

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Enclosure

CC:
James Beckwith
Trevor Gross
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Lucas West, DRMS
Scott Schultz, AGO
James Heath, DWR
Ben Krause, DWR
Joel Berschauer, CDOT
John David, CDOT

PHOTOGRAPHS

7-15-19 Pit being pumped out, water discharged into roadside ditch







7-16-19 Pit water level continuing to drop, dry ditches, rock fall onto I-70





7-17-19 Documentation of crack and stakes, pond dewatering process.





7-18-19 Measurements of crack and pit/pond



7-22-19 Upper field recently flooded, ditch soils still wet, erosion on missing riser head #1





7-23-19 Pit/pond significantly dewatered, field beginning to dry, ditches with some wetness



