




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.

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| 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 (ACY), Lucas J. West (LJW), G. Russ Means (GRM) | INSP. DATE: July 24, 2019 to August 5, 2019 | INSP. TIME: Various |
| OPERATOR: Rudolph Fontanari | OPERATOR REPRESENTATIVE: None | 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 12, 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.

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| (AR) RECORDS----- <u>Y</u> | (FN) FINANCIAL WARRANTY----- <u>N</u> | (RD) ROADS----- <u>Y</u> |
| (HB) HYDROLOGIC BALANCE----- <u>Y</u> | (BG) BACKFILL & GRADING----- <u>Y</u> | (EX) EXPLOSIVES----- <u>NA</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>Y</u> |
| (SM) SIGNS AND MARKERS----- <u>Y</u> | (SP) STORM WATER MGT PLAN---- <u>N</u> | (RS) RECL PLAN/COMP-- <u>Y</u> |
| (ES) OVERBURDEN/DEV. WASTE----- <u>N</u> | (SC) EROSION/SEDIMENTATION--- <u>Y</u> | (ST) STIPULATIONS----- <u>Y</u> |
| (AT) ACID OR TOXIC MATERIALS----- <u>NA</u> | (OD) OFF-SITE DAMAGE----- <u>N</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 24, 2019 and August 5, 2019. Amy Yeldell (ACY), Lucas West (LJW) and Russ Means (GRM) 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. Interstate 70 east bound has remained closed to one lane throughout this inspection period.

LJW July 24, 2019 @ 8:35

This was an additional monitoring inspection conducted by Lucas West of the Division. No Operator representative was present during the inspection. The condition of the site remains unchanged from the previous inspection. All risers and land application ditches were dry and no evidence of new water application was observed. The flow marks surrounding the Number One riser remain unchanged. The water level in the west pond/pit continues to recede. The water level has dropped another two feet since the previous inspection. No new problems were noted during this inspection.

ACY July 29, 2019 @ 8:15

The Cease and Desist sign was still present on the mine sign posted at the haul road entrance. The west pond/pit remains dewatered. Soils in the pit/pond appear to remain saturated (darkened) however no seepage was observed on the rock portions of the highwall. CDOT conducted additional rock fall mitigation/blasting of the hillside above I-70 on 7-25-19 (previous Thursday). The Division did not observe any additional cracking or other surface disturbance impacts. The area surrounding riser #1 (which recently leaked) was completely dry. All other risers and ditches appeared to be off and dry. Recent rain over the weekend throughout the Grand Valley has left the soils rain spattered but crusted.

ACY, LJW, GRM July 31, 2019 @ 14:00

This was an additional monitoring inspection as well as a site debrief for GRM who was in town. The upper ditches (#12-14) were recently watered. Some of the ditches still had standing water present. A crop has begun to germinate, these areas are believed to be outside of the permit boundary. The lower ditches (#1-11) were all dry. The water line remains pressurized. Several of the sink holes previously observed have since been filled in. The both pits/ponds remain dry.

ACY August 2, 2019 @ 15:20

Division staff encountered Mr. Fontanari on the access road to the mine from Rapid Creek Road. Briefly said Hi and let him know that I (ACY) was conducting an inspection. He enquired how often/when the Division would next be out to inspect. The Division responded, periodically until directed to stop. Mr. Fontanari cordially wished staff a good weekend and parted ways.

Riser/ditches #1-11 were all off and dry. Riser #12 was off, the ditch itself was wet from receiving water from the up gradient ditches. Excessive run-off was contained within ditch #12 and did not continue to flow further north (downhill). Risers #13 and #14 were both on and directing water via an elbow (90°) to the north outside of the excavated ditch channel. Ditch #13 was saturated from receiving water from riser #14. Ditch #14 was only wet for the first 20 feet or so, all water exited the ditch and flowed north. Both pits/ponds remain dry.

The field within the Middle Mine Area (Phases 15 & 16) is continuing to be cultivated. Rocks have been removed and the field has been cross ripped. Water was being applied from risers located outside of the permit boundary on the western side. The water was observed flowing through the ripper channels into the mine permit area.

Previously in the AM Tonya Hammond (Snowcap) called the Division to inform us that there was new run-off from an area within the mine permit boundary. The Division was unable to locate where on-top of the mesa the water was coming from. While leaving the site via the haul road, the first culvert at the bottom of the ephemeral drainage (within mine permit boundary) was saturated indicating recent water. Mrs. Hammond had indicated on the phone that during her morning inspection water was flowing through this culvert. By the next culvert (700 LF downstream) water had completely infiltrated and the drainage was dry.

ACY August 5, 2019 @ 8:00

The Division accessed the site via the haul road. The upper most culvert had water flowing through it. Like the day before water infiltrated within the ephemeral drainage before it reached the second culvert. The surrounding soils were dry and crusted leading staff to believe the water in the drainage was not the result of a stormwater event. Near the top of the access road on the northeast corner, water was observed seeping out of the hillside. Once on top both pits/ponds appeared to be dry. The soils within the west pond continue to have a wet sheen due to the heavy clays, no additional seepage from the rock wall in the southwest corner of the pit was observed.

Water was being applied to the Middle Mine Area field. Water was crossing a road outside of the permit boundary on the north end of the field but no roads within the mine permit area were being impacted by excess water run-off. The field has begun to germinate.

Risers #1-9 and #11 were off and ditches dry. Riser #10 was leaking and approximately the first 6 feet of the ditch is wet with standing water. Riser #12 was off but the ditch was wet from receiving up gradient water. Risers #13-14 were both off but the ditches and field were saturated.

As Division staff was leaving the site I (ACY) encountered Tonya Hammond (Snowcap). Still unable to find the water source she indicated on Friday, the Division had Mrs. Hammond show me the source. There is an additional buried water line along the northeastern edge of the Middle Mine Area. The area has volunteered with Alyssum and other noxious weeds making the contoured berm hard to see. No ditches have been excavated from this water line, just vertical capped risers. One of the risers was missing its cap and water was flowing out, and down the hillside into the ephemeral drainage that leads to the bottom haul road culvert (see map). The Division estimates that the cap has been off since at least Friday (8-2-19) when water was first observed in the drainage. After the inspection, the Division notified DWR. Mrs. Hammond also sent a video taken on Friday of the water's path.

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

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

Enclosure

CC:

James Beckwith
Trevor Gross
Travis Marshall, DRMS
Russ Means, DRMS
Lucas West, DRMS
Scot Schultz, AGO
James Heath, DWR
Ben Krause, DWR
Joel Berschauer, CDOT
John David, CDOT

PHOTOGRAPHS

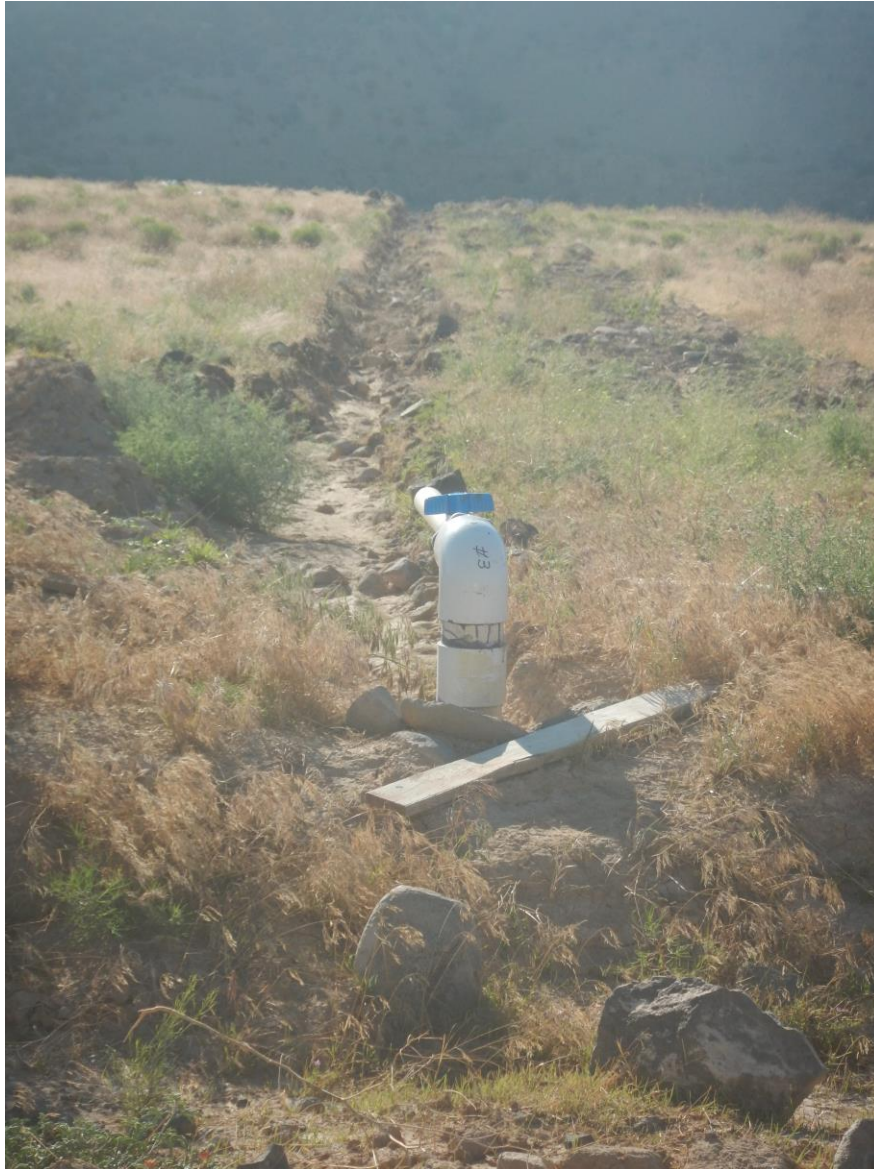
July 24, 2019

West Pit Pond with minor amounts of water remaining and flow marks surrounding the Number One Riser



July 29, 2019

Pit dry with darkened soils, no seepage, Risers off and ditches dry



July 31, 2019
Standing water in #13, dry pit





August 2, 2019

#12 receiving water up gradient, #13 with elbow directing water down gradient, Middle Mine Area field with water being applied, bottom haul road culvert wet







August 5, 2019

**Bottom haul road culvert flowing, haul road hillside seepage, cultivated field germinating with applied water, east water line
leaking riser**





General Area Map with relevant features (2016 Satellite Imagery from Google Earth)

