



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

September 3, 2019

John R. Henderson
RE: Western Slope Flagstone Quarry No. 2
308 E. Simpson St. Suite 103
Lafayette, CO 80026

Rudolph Fontanari
Operator of Western Slope Flagstone Quarry No. 2
3316 E 3/4 Road
Clifton, CO 81520

Re: Western Slope Flagstone Quarry No. 2, Permit No. M-1996-076, Written Request to Modify or Lift Cease and Desist Order Issued by Division on July 12, 2019

Mr. Henderson and Mr. Fontanari,

On August 29, 2019, the Colorado Division of Reclamation Mining and Safety (Division) received your written request to modify or lift the Cease and Desist Order that was issued by the Division on July 12, 2019, for the Western Slope Flagstone Quarry No. 2, DRMS Permit No. M-1996-076.

On August 21, 2019, the Mined Land Reclamation Board (MLRB) made factual findings and issued a permanent Cease and Desist Order prohibiting any application of water within the permit boundary. With the exception of water that may be applied with water trucks per the approved mine plan for dust suppression to the affected lands.

The MLRB's permanent Cease and Desist Order issued on August 21, 2019, does not prohibit mining, processing and shipping. However, all mining, processing and shipping activities must be done in accordance with the specific conditions prescribed in Permit No. M-1996-076, which was approved by the Division on April 6, 2004.

The Division has responded to each bulleted item individually as requested in your August 29th Written Request:

1. Mr. Fontanari may sell the stockpiled material stored in the 'main' pit located in the southeast corner of the permit area which includes basalt and other cobble done in accordance with the specific conditions prescribed in Permit No. M-1996-076, approved by the Division on April 6, 2004;
2. Mr. Fontanari may sell the stockpiled crushed basalt stored in the north central permit area in accordance with the specific conditions prescribed in Permit No. M-1996-076, approved by the



Division on April 6, 2004;

3. Based on the 2019 Reclamation Cost Estimate this site is significantly under bonded. Mr. Fontanari shall not make additional excavations (which will increase the site's overall reclamation liability) in the two north pits. No additional excavations shall be allowed at the site until the required bond amount is fully submitted and accepted by the Division;
4. Mr. Fontanari may sell/ship previously mined stockpiled material on site done in accordance with the specific conditions prescribed in Permit No. M-1996-076, approved by the Division on April 6, 2004. However, additional material shall not be mined until the required bond amount is posted.

The Division is not granting Mr. Fontanari, or any representative of Western Slope Flagstone Quarry No. 2, permission to make additional disturbances in the form of additional mining excavations within the permit boundary until the required bond amount is submitted and accepted by the Division. When the Operator posts the additional required bond amount of \$172,184 for a total bond amount of \$260,435, and the Division accepts in writing, excavation activities may resume at the site.

If you have questions or concerns, please contact Scott Schultz at 720-508-6256.

Sincerely,



Amy Yeldell
Environmental Protection Specialist

Ec:
Trevor Gross
Travis Marshall, Senior EPS, Grand Junction DRMS
Russ Means, Minerals Program Director, DRMS
Scott Schultz, AGO
Jeff Fugate, AGO