



COLORADO
**Division of Reclamation,
Mining and Safety**
Department of Natural Resources
1313 Sherman Street, Room 215
Denver, CO 80203

September 25, 2019

Rudolph Fontanari
Rudolph Fontanari
3361 E ¾ Road
Clifton, CO 81520

RE: Western Slope Flagstone Quarry No. 2, Permit No. M-1996-076, Corrective Action No. 1- Written plan for removal of water conveyance system

Dear Mr. Fontanari,

On September 19, 2019, the Colorado Division of Reclamation, Mining, and Safety (Division) received your written plan regarding the removal of water conveyance systems within the permit boundary. The written plan was required by the Mined Land Reclamation Board ("Board") at the August 21, 2019, hearing and is an attempt to satisfy the Board's Corrective Action No. 1. At the hearing the Board stated "the Operator shall submit a written plan and gain approval for the removal of all water distribution lines, risers, and grade all ditches used to convey water within the permit boundary."

In reviewing your plan, the Division has additional concerns and questions that shall be addressed before the plan can be approved by the Division and work begins. The following items shall be addressed:

1. How will water within the water lines be addressed? Simply opening up the lines and letting them discharge will not be acceptable;
2. Make a commitment to excavate all piping within the permit boundary and dispose of off-site;
3. What is the total cubic yards of material needing to be excavated and graded prior to revegetation?;
4. How many acres will be affected by the water conveyance system removal and will require revegetation?;
5. The Corrective Action did not require Mr. Fontanari to revise/submit a new reclamation plan; it required Mr. Fontanari to complete reclamation as per the approved reclamation plan. If Mr. Fontanari wishes to revise the reclamation plan and complete reclamation in a way other than the currently approved reclamation plan, a Technical Revision with the required \$216 revision fee shall be submitted. The reclamation plan submitted on September 19, 2019 is insufficient for approval. The revised reclamation plan shall also clarify:
 - a. Does the revised reclamation plan apply to just the areas with water conveyance systems or the entire mine site and all future reclamation of the permit area?
 - b. What is the fertilizer type and application method being used?



- c. Commit to mulching lands affected by the water conveyance system that will be revegetated not just the ROW areas. Additionally if this plan applies to the entire permit area, a statement that all revegetated areas will receive mulching after seeding.

The Board required Corrective Action No. 1 to be submitted and approved within thirty days of the August 21, 2019 MLRB meeting which was September 20, 2019. The Division acknowledges that this deadline cannot be met based on the original submittal of the plan being inadequate. The Division request that the Operator submit a revised plan to the Division's Denver office by October 4, 2019.

If you require additional information, or have questions or concerns, please feel free to contact me. 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. 8183 or via email at amy.yeldell@state.co.us

Sincerely,



Amy Yeldell

Environmental Protection Specialist

Cc:

John R Henderson

Russ Means

Scott Schultz

Travis Marshall