



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

October 15, 2019

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

RE: Western Slope Flagstone Quarry No. 2, Permit No. M-1996-076, Unresolved Problem Noted in a Past Inspection Report, 2nd Notice

Dear Mr. Fontanari,

According to records kept by the Division of Reclamation, Mining, and Safety (Division), a problem noted in a past mine site inspection report has not been corrected. Please see the enclosed inspection report; problem(s) noted in this report that remain unresolved according to our records have been highlighted.

To date the Division has not received formal documentation of the corrective actions taken to resolve the problem. To avoid potential future enforcement actions for non-compliance with State Statutes, Rules and Regulations, and/or conditions specified in your permit for this site, you must submit compliance documentation as soon as possible.

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
Travis Marshall, Senior EPS, Grand Junction DRMS
Scott Schultz, AGO
Lucas West, DRMS





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	INSP. DATE: July 9, 2019	INSP. TIME: 18:00
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: State Engr. (Water Resources)	
WEATHER: Clear	INSPECTOR'S SIGNATURE: 	SIGNATURE DATE: July 12, 2019	

The following inspection topics were identified as having Problems or Possible Violations. OPERATORS SHOULD READ THE FOLLOWING PAGES CAREFULLY IN ORDER TO ASSURE COMPLIANCE WITH THE TERMS OF THE PERMIT AND APPLICABLE RULES AND REGULATIONS. If a Possible Violation is indicated, you will be notified under separate cover as to when the Mined Land Reclamation Board will consider possible enforcement action.

INSPECTION TOPIC: Gen. Compliance With Mine Plan

PROBLEM/POSSIBLE VIOLATION: Possible Violation: Unauthorized water retention within the pits is cited as a possible violation Pursuant to C.R.S. 34-32.5-124(1) for failure to comply with the conditions of an order, permit or regulation. In addition, the observed irrigation within the mined lands has the potential for off-site damages including public safety and welfare concerns involving I-70 and must be stopped immediately. Any retained water within the pits must be pumped out within 72 hours.

CORRECTIVE ACTIONS: A Cease and Desist Order is attached. The Operator shall immediately cease irrigation activities within the approved permit boundaries upon receipt of this report.

CORRECTIVE ACTION DUE DATE: upon receipt

INSPECTION TOPIC: Signs & Markers

PROBLEM/POSSIBLE VIOLATION: Problem: The affected area boundary markers are incorrectly placed. This is a problem for failure to maintain boundary markers around the affected area as required by Section 3.1.12(2) of the rule.

CORRECTIVE ACTIONS: The Operator shall place boundaries on the mine permit boundary, regardless of the mining feasibility. Alternatively the Operator may request an acreage reduction of un-affected lands thus reducing the permit boundary to that which is delineated on the ground and/or suitable for mining. The Operator shall provide photo documentation that boundary markers have been properly placed on the mine permit boundary by the corrective action deadline listed on page two of this report. If the Operator wishes to request an acreage reduction the request must be made prior to the corrective action date, however the problem will not be abated until the revision is approved.

CORRECTIVE ACTION DUE DATE: 9/09/19

OBSERVATIONS

This inspection was conducted by the Colorado Division of Reclamation, Mining and Safety (Division). Clayton Wein of the Division's Coal Program notified Amy Yeldell of the Minerals Program of water potentially having impacts on lands that appeared to be within the permitted Western Slope Flagstone Quarry No. 2 site. Tonya Hammond represented Snowcap Coal Company whose coal permit lies directly below Western Slope Flagstone Quarry No. 2. Alan Mortellaro and Ben Krause represented the Division of Water Resources (DWR). Neither Rudolph Fontanari nor another company representative were present.

The Division entered the mine via the haul access road off of I-70. When the mine is observed from the haul access road (I-70 corridor) discoloration in the contact point between soil and bedrock is visible. The hillside has visible erosion and evidence of water seeping out of the hillside could be seen. DWR indicated that they would contact CDOT regarding possible safety concerns on I-70. The following afternoon rocks had fallen onto I-70 and on Thursday (7/11/19) morning CDOT was on site with lane closures around the hillside adjacent to the mine.

In the northern affected lands of the mine are two pits. In no recent inspections had water ever been observed or encountered in these pits. At the time of this inspection the northwestern pit was inundated with several feet of water. Soil was saturated several feet higher than the current water level indicating that the water level previously was much higher. Mrs. Hammond indicated that on recent previous site visits the water was overtopping the pit sides and flowing outside of the pit and potentially out of the mine permit boundary. At the time of the inspection it did not appear that additional water was entering the pit. Darkening of the rocks and soil was still visible indicating recent water flows on the west side of the pit. Water appeared to primarily be entering the pit via the contact point between the soil and bedrock. Soil sloughing on the western highwall was evident. An approximately 15 foot wide section has collapsed. The pre-existing wall was near vertical and estimated to be 15 feet above the observed water level.

The second pit is located on the east side of the northern permit area. Historically this pit has also been dry. This pit too had water in the bottom. Water levels in the east pit were estimated to be only a few feet in depth. Due to the high porosity of the soils, connectivity between the two pits rather than direct surface flows is highly probable.

West of the affected lands within the permit boundary the Division observed several alleged "irrigation" ditches being utilized. Water was supplied via a buried pipe where it was then brought to surface and allowed to flow in a zig-zag pattern along the surface. In most areas water appeared to be confined to the ditches rather than flood irrigating the surface. In several instances water 'disappeared' subsurface leaving holes of varying sized. In other areas soil sloughing or collapses were observed with the saturated soils visible by a distinct dark patches. This activity does not appear to be in support of the mining operation and is contrary to the conditions of a permit. The approved mine and reclamation plans are conditions of the approved permit. Neither plan is approved for water storage retention either for irrigation or stormwater. Reclamation plans do not cite irrigation as a method to establish reclamation.

Conversion CN-01, specifically states the operation is a high and dry pit and will remain dry throughout the life of the mine. The observed water within the mined lands has the potential for off-site damages including safety concerns of the I-70 corridor and should be stopped immediately. Unauthorized water retention within the pits is cited as a possible violation Pursuant to C.R.S. 34-32.5-124(1) for failure to comply with the conditions of an order, permit or regulation. The Operator shall provide the Division with photo documentation that irrigation within the mining permit boundary has ceased. Any retained water within the pits must be pumped out of the pit area within 72 hours of receipt of this report. The Division will be conducting follow up site inspections to verify compliance with Cease and Desist Orders and monitor site conditions to evaluate if areas outside of the permit boundary are or were affected.

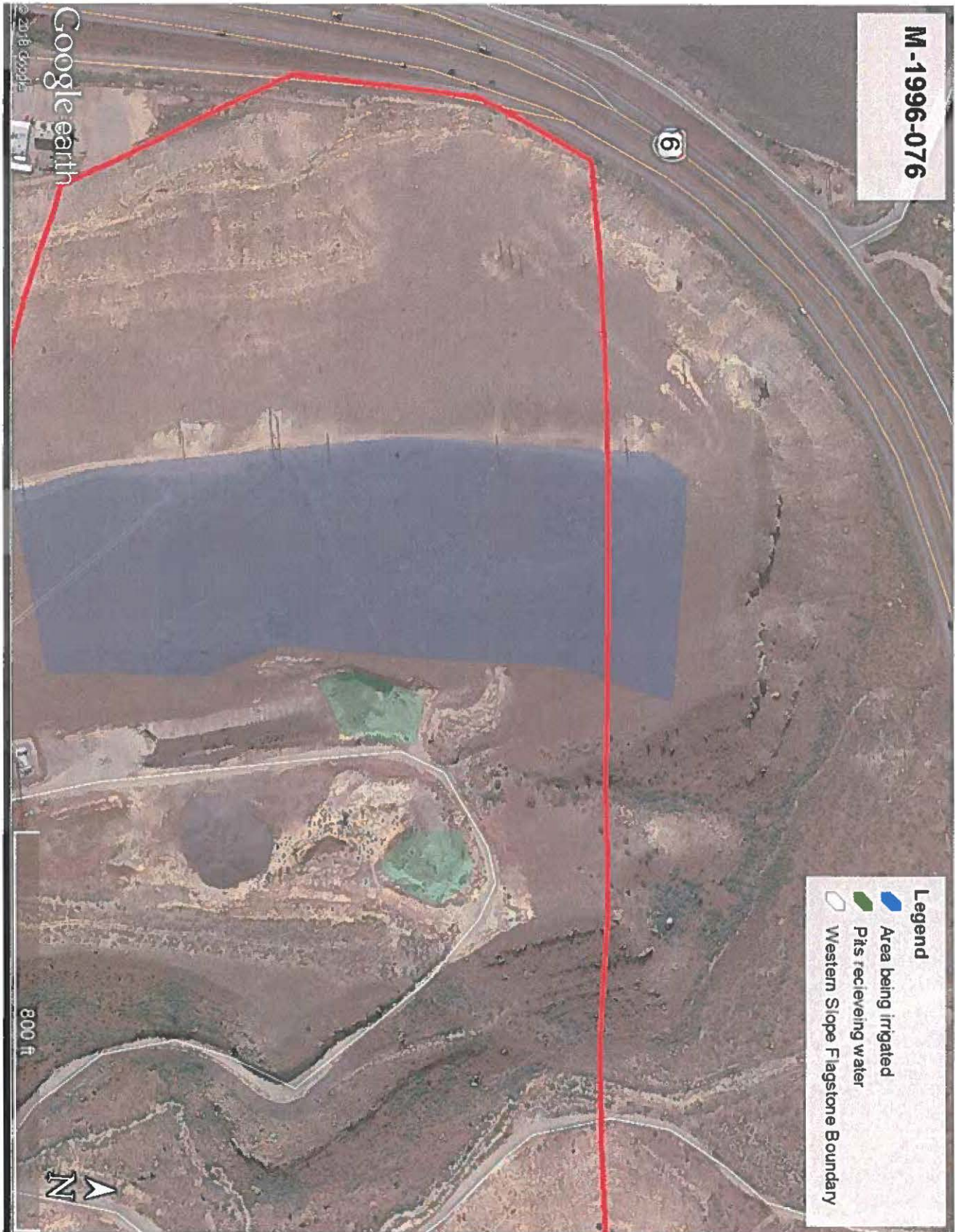
As the result of an inspection problem in 2018 the Operator was required to delineate the permit boundary. In areas where topography was unsafe and unsuitable for mining the Operator indicated that the permit boundary would be inset. At the time the Division approved this as a reasonable practice. Upon site inspection the permit boundary marker was placed well within the permit boundary on flat land. This mis-identification of the permit boundary delineates the irrigated areas as being outside of the mine permit boundary which is not the case. The incorrectly delineated permit boundary is cited as an inspection problem. The Operator shall place boundaries on the mine permit boundary, regardless of the mining feasibility. Alternatively the Operator may request an acreage reduction of un-affected lands thus reducing the permit boundary to that which is delineated on the ground and/or suitable for mining. The Operator shall provide photo documentation that boundary markers have been properly placed on the mine permit boundary by the corrective action deadline listed on page two of this report. If the Operator wishes to request an acreage reduction the request must be made prior to the corrective action date, however the problem will not be abated until the revision is approved.

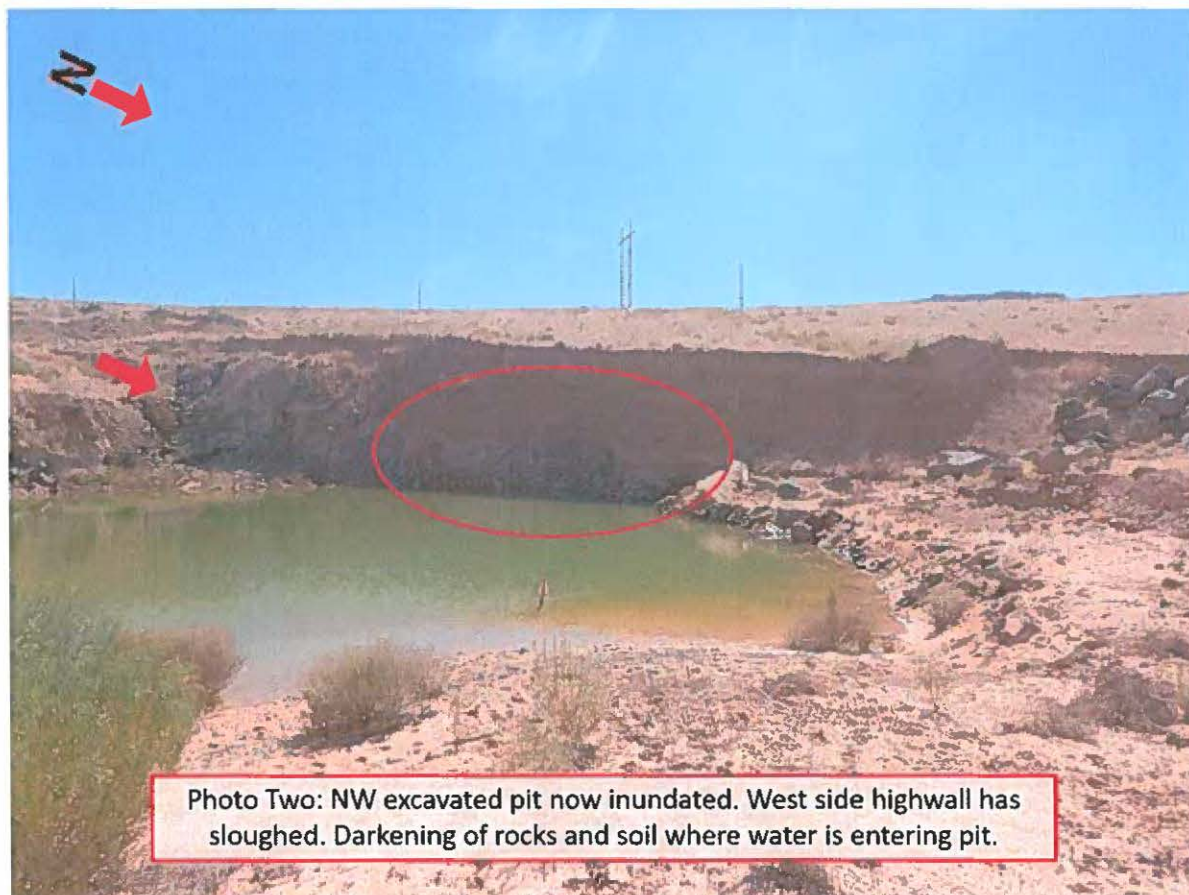
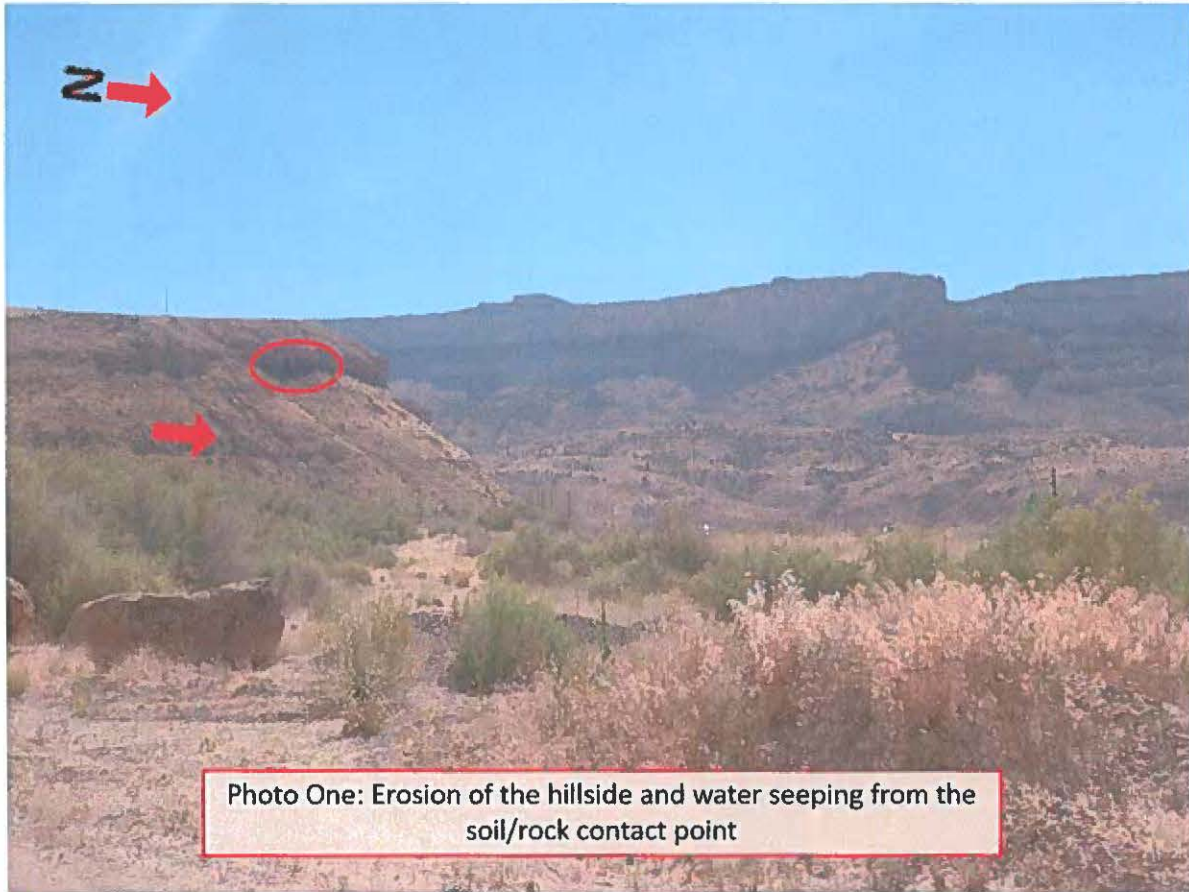
The southern pit areas were not inspected at this time. The Division will review the entire permit area upon a later inspection.

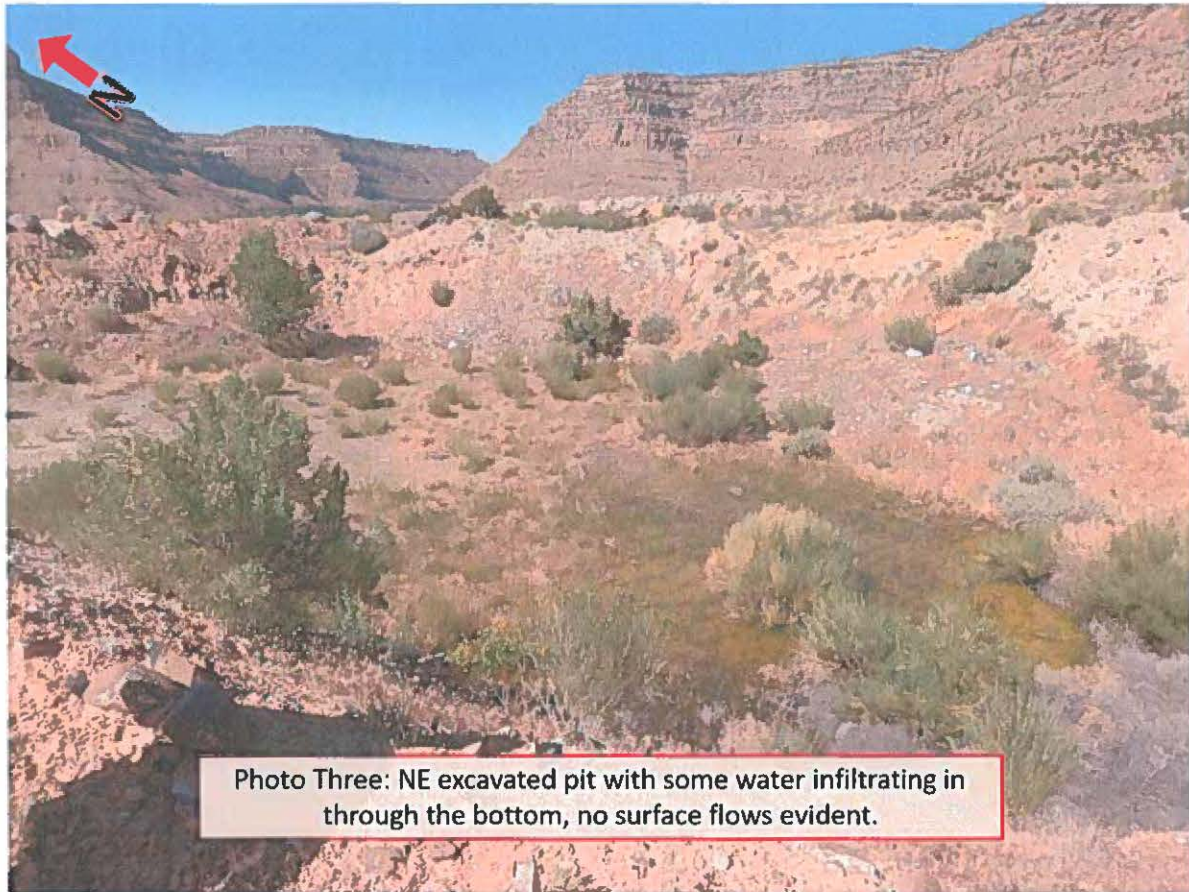
Responses to this inspection report should be directed to: Amy Yeldell at the Division of Reclamation, Mining and Safety, 1313 Sherman St., Room 215, Denver, CO 80203. Direct contact can be made by phone at 303-866-3567 Ext 8183 or via email at amy.yeldell@state.co.us

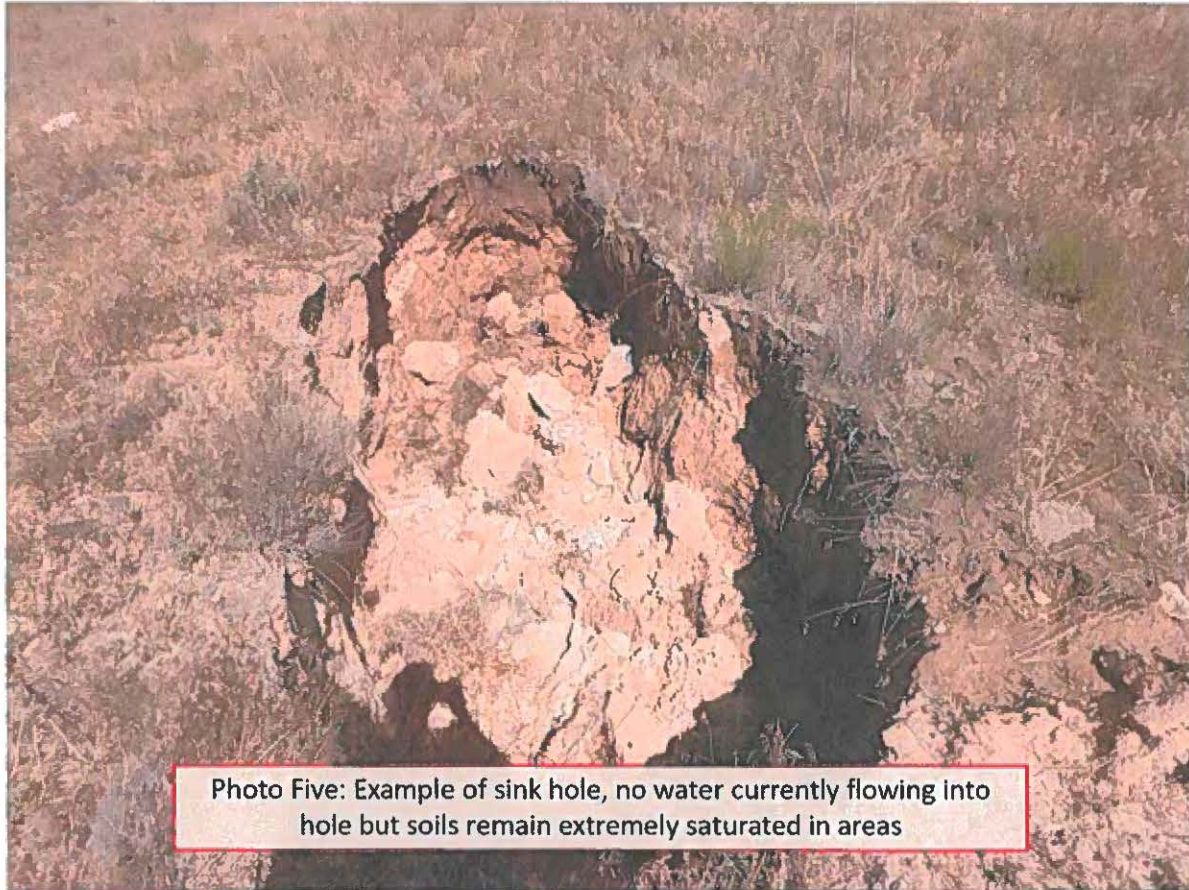
PHOTOGRAPHS

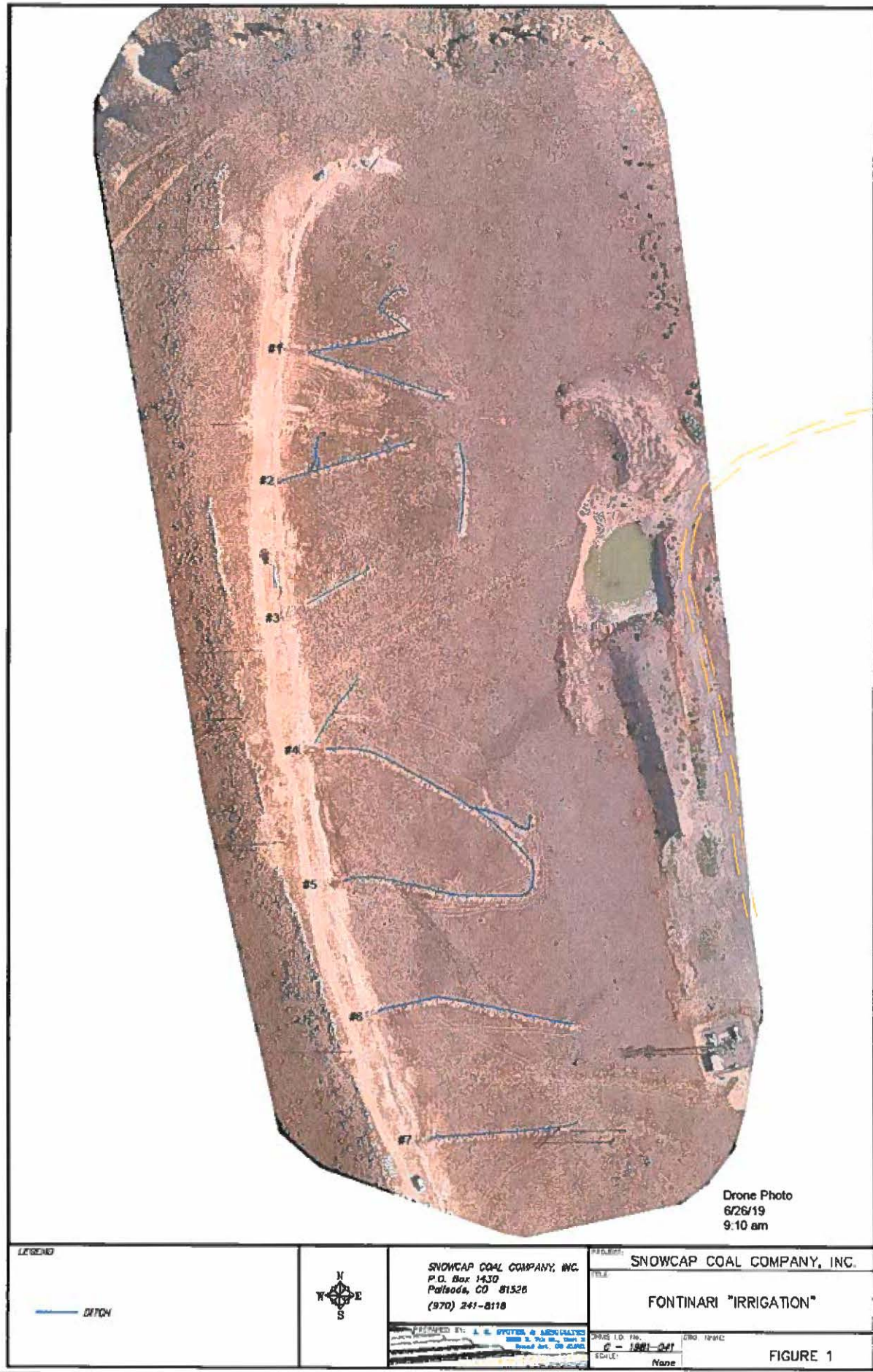












GENERAL INSPECTION TOPICS

The following list identifies the environmental and permit parameters inspected and gives a categorical evaluation of each

(AR) RECORDS----- <u>Y</u>	(FN) FINANCIAL WARRANTY----- <u>NA</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>PV</u>	(FW) FISH & WILDLIFE----- <u>Y</u>	(RV) REVEGETATION---- <u>Y</u>
(SM) SIGNS AND MARKERS----- <u>PB</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>N</u>	(ST) STIPULATIONS----- <u>N</u>
(AT) ACID OR TOXIC MATERIALS----- <u>N</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

Inspection Contact Address

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Clifton, CO 81520

Certified Mail Number:

EC:
Fontanari Attorney
Trevor Gross,
Travis Marshall, DRMS
Russ Means, DRMS
Scott Schultz, AGO
Alan Mortellaro, DWR
Benn Krause, DWR
Joel Berschauer, CDOT