



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

November 7, 2019

Rudolph Fontanari  
Rudolph Fontanari  
3316 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, Documentation Received-Inadequate #2**

Dear Mr. Fontanari,

On November 4, 2019 the Division of Reclamation, Mining, and Safety (Division) received documentation regarding the July 9, 2019 permit boundary inspection problem. While the Division acknowledges receipt of this correspondence, the documentation provided is insufficient to resolve the inspection problem. The documentation provided was a resubmission of the 2018 corrective action documentation. Please refer to the Division's October 23, 2019 letter (attached), the second adequacy issue specifically addresses why the information provided does not resolve the inspection problem.

The Division would like to reiterate that pursuant to Rule 3.1.12(2) an Operator is required to clearly and adequately delineate the permit boundary. That means that the boundary markers must be placed on the actual permit boundary rather than an arbitrarily inset point(s). Per Rule 3.1.12(3) markers may be inset or placed at an alternative location with the Division's permission if the variance was requested with the permit application, which is not the case. None of the documentation submitted to date clearly provides proof that the entire permit boundary has been delineated in the correct location, nor has a request for inset markers been requested by the Operator or approved by the Division.

In order to resolve/abate this inspection problem please submit additional corrective action documentation, which addresses the items listed above. This inspection problem will remain unresolved and overdue. 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



11/7/19

Sincerely,



**Amy Yeldell**

Environmental Protection Specialist

Enclosure: October 23, 2019- Unresolved Problem Noted in a Past Inspection Report, Documentation  
Received-Inadequate

Cc:

John R. Henderson  
Travis Marshall, Senior EPS, Grand Junction DRMS  
Scott Schultz, AGO  
Jeff Fugate, AGO  
Lucas West, DRMS



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

October 23, 2019

Rudolph Fontanari  
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3316 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, Documentation Received-Inadequate**

Dear Mr. Fontanari,

On October 21, 2019 the Division of Reclamation, Mining, and Safety (Division) received documentation regarding the July 9, 2019 permit boundary inspection problem. While the Division acknowledges receipt of this correspondence, the documentation provided is insufficient to resolve the inspection problem.

First, without a correlating map the Division is unclear of where each of the alphabetical points being referenced are in relation to the approved permit boundary. Please include a map and label the photos so that the Division may better interpret the provided documentation.

Secondly, Mr. Grosses email references that the previously delineated points were acceptable to the Division to abate this problem last time and that those markers have been replace in the same approximate location. In 2018, the Division allowed the Operator to inset markers where terrain was described as too tough/unsafe to effectively mark. This variance is in part why delineation of the permit boundary markers was once again cited as an inspection problem in 2019. Some of the inset markers described as too tough/unsafe were actually placed in the middle of a relatively flat field, nowhere near a cliff-side edge as the Division was lead to believe. If the Operator wishes to use an inset permit boundary marker, the location must first be approved by the Division per Rule 3.1.12(3) as no such variance was proposed with the permit application.

Third, the Division's Rule 3.1.12(2) requires the Operator to clearly and adequately delineate the permit boundary. With that being said in some areas where the sideline of permit boundary is thousands of feet long and on uneven terrain, two corner markers is hardly sufficient to clearly delineate such boundary. In general, markers should be placed within line of site or as necessary to adequately delineate such boundary to the reasonable man. Pins as shown in one of your pictures though a marker may be difficult to field locate. Furthermore, this site has several different survey laths, t-posts and other markers of varying color. It would be helpful for all of the Operator's markers to be of the same type or at least the same color in order to determine what is being delineated.

In order to resolve/abate this inspection problem please submit additional corrective action documentation, which addresses the items listed above. This inspection problem will remain unresolved and overdue. 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

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