

STATE OF
COLORADO

Ebert - DNR, Jared <jared.ebert@state.co.us>

Public Comment: LRM Proposal 16-ZONE21131 message

Russell Greenwell <russellgreenwell@gmail.com>

Thu, Nov 2, 2017 at 11:55 AM

To: jared.ebert@state.co.us

Cc: bocc@co.larimer.co.us

Dear sir,

I am writing to protest the Loveland Ready-Mix (LRM), (#16-ZONE2113) mining and batch plant application. I oppose further expansions or extensions, in general, to all kinds of aggregate quarrying or refining in the La Porte, CO area (e.g., Hawkeye). I am against the LRM project, in full effect and purpose.

I live within the La Porte Postal Code. My young child will attend Little Cache Elementary. The quality of life in this area is based upon a rural, non-manufacturing ideology. This is why we purchased property in this location. Quantitatively: Noise and dust, traffic, as well as other forms of ambient pollution cannot be completely controlled or delimited in this area, commensurate to LRM's proposals.

The LRM application (i.e., as submitted by Tolesto) also contains several unknown assumptions used as quality control indicators and performance management criteria for environmental protection and enforcement. There are several methods in which to forecast models for air and water particulants, assess traffic and machine pollution, and none of them are factually represents in 16-ZONE2113. Instead, presumptive indicators are presented and utilized within the operators good discretion of compliance to State of Colorado standards.

Largely, the scope and stated self-enforcement strategies from Telesto are loose, theoretical, and lack efficient compliance federal guidelines; which delegate this authority to the State of Colorado. There is too much room for the operator to expand and extend operations, without concern of the local needs in this proposal. Even then, and even if the State of Colorado was able to more effectively enforce violations, they are not legally able to do so.

Similarly, neither Larimer county nor the state of Colorado has sufficient, standard or consistently applied mechanisms to quickly enforce all potential violations, (i.e., according to the cited legal article). Too much information on operations is left to the interpretation of the individual inspector, within 30 days of a complaint, and even then - there is no guarantee that an enforcement result will sufficiently undue damages accomplished per a violation within the statute of limitation and all that goes with it. There are too many beauratic hurdles to navigate in order to immediately invoke enforcements action and/or immediately cease immediate harm via an immediate violation. There are simply to many indirect effects being ignored in this application. Here is a better example, demonstrated in the following scenario:

My home and parcels are located inside a FEMA flood plain. There is a floodplain violation concerning an irrigation and drainage facility. This facility has been placed in the wrong place and it now blocks stormwater drainage. This facility is proposed to deliver an increase in irrigation water, through an increase also in duration to feed the proposed LRM batch plant. Increases in flows of this out-of-place facility causes increased flows in floodplain drainages and heights, and will negatively affect our entire six filing subdivision. Here is the unlucky reality: Larimer County will not enforce a floodplain violation under CFR for unknown reasons, the State of Colorado AG's office thinks it's FEMA's job to enforce and then the county, and FEMA believes that enforcement is a delegated authority to the State. Worse yet, the state engineers office only controls the actual flow, and whether or not they irrigation company owns that flow - within a ditch, and the Colorado Water Conservation Board refuses to rule on the issue at all. In a nutshell: No entity State, County, or Federal entity interprets its responsibilities as anything beyond their interpreted scope. Yet, the summary effect remains the same: An increased risk in flooding due to a new mining and batch plant.

The above example only concerns water, not air or underground pollution. As is clearly shown, no regulatory agency considers themselves directly responsible, thus leaving it to individual legal actions to fill in the gaps in case of spill or pollution exceedances'. Historically, La Porte has received little if any environmental compliance, environmental justice protection. The combined effect of this proposal coupled with this lack of underachievement by regulatory parties, certainly contribute to several indirect challenges that no one will be able to stop.

Approval of any type of permit for the LRM application will directly cause increased dust, noise, water, and traffic pollution. Indirectly, there are increased risks to flood management, mental health, and property values – just to name a few.

Approving any permit without appropriate studies, quality research and defined operational parameters, including enforcement indicators – will be a violation of several federal guidelines, thus commensurately increasing legal repercussions on the State of Colorado. In my specific case and at a minimum, additional hydraulic analyses should be produced by the applicant, maintaining compliance and agreement through the public process concerning appropriate rises in flood risks, and any FEMA changes to an adopted flood map *via* the proposed water source for LRM's proposal.

Please make sure this makes it into the official record. Thank you,

Craig Greenwell

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