



## Air Pollution Control Division Letter

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Jessica Garcia <jgarcia@eastersealscolorado.org>  
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### FRIENDS OF CLEAR CREEK

is a group of engaged citizens from the communities of Clear Creek County Colorado, who respect and protect the air, water, natural landscape, wildlife, and quality of life for all who reside in and visit our beautiful county.

[www.FriendsOfClearCreek.com](http://www.FriendsOfClearCreek.com)

December 3, 2018

TO: Air Pollution Control Division (APCD)

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Email: [cdphe.commentsapcd@state.co.us](mailto:cdphe.commentsapcd@state.co.us)

CC: State Representative KC Becker: [kbecker.house@state.co.us](mailto:kbecker.house@state.co.us)

State Senator Kevin Grantham: [kevin.grantham.senate@state.co.us](mailto:kevin.grantham.senate@state.co.us)

Southern Rockies Landscape Conservation Cooperative, Kevin Johnson, Coordinator, U.S. Fish and Wildlife

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Jackson Moller - Nature Conservancy: [jackson.moller@tnc.org](mailto:jackson.moller@tnc.org)

National Fish & Wildlife Foundation; Seth Gallagher – Manager, Rocky Mountain Regional Programs:

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Clear Creek Land Conservancy (CCLC), Claire Riegelman: [claire@clearcreeklandconservancy.org](mailto:claire@clearcreeklandconservancy.org)

DNR Colorado Division of Water Resources (DWR): Jason Smith - District & Water Commissioner:

[jason.smith2@state.co.us](mailto:jason.smith2@state.co.us)

DNR Colorado Division of Water Resources (DWR): Don Baggus - Deputy Water Commissioner District 7:

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CPW NE Region District Wildlife Manager, Joe Walter: [joseph.walter@state.co.us](mailto:joseph.walter@state.co.us)

Clear Creek County Planning Department, Adam Springer - Senior Planner: [aspringer@co.clear-creek.co.us](mailto:aspringer@co.clear-creek.co.us)

Department of Reclamation, Mining, and Safety; Peter Hays: [peter.hays@state.co.us](mailto:peter.hays@state.co.us)

RE: Douglas Mountain Ranch Mining Project, Permit #M2018016 with the Department of Reclamation, Mining, and Safety (DRMS)

We write to you in opposition to the proposed Douglas Mountain Ranch Mining Project currently under permit review with the DRMS. The lack of detail in the application about minimizing the risk from air pollution and the cavalier treatment of the issue leaves us very concerned for the protection of our health and well-being. The potential for air pollution from silica dust produced from gravel mining and vehicle emissions from over 300 diesel trucks per day presents too great a risk to the environment and the health of the surrounding residents in Clear Creek County; in particular, the campers at The Easter Seals Rocky Mountain Village Camp and the residents of Empire, Colorado. Therefore, as concerned citizens, we demand you recommend denial of this project to the DRMS.

Easter Seals Rocky Mountain Village was established in 1951 and is directly across the highway from this proposed mine, east and downwind of the Douglas Mountain Plateau. The dust and other pollutants would negatively affect the 1200+ campers with special needs that attend this camp every year to enjoy the Rocky Mountains and the clean fresh air. The proposed mine would jeopardize the health and wellbeing of this sensitive population because many of these individuals deal with respiratory issues and as a result, the Easter Seals Rocky Mountain Village could potentially close. Also, the town of Empire is .5 miles to the west of the proposed mine and has concerns about air quality, especially during upslope weather systems when the wind blows from east to west, inevitably carrying pollutants directly into town. With windy conditions year-round and the proximity of the proposed mine to populated areas, we can be certain that dust will make its way into our homes, businesses, and recreation areas, risking the respiratory health of our residents, visitors, and wildlife. This is in direct violation of the permit application which states "If mining and reclamation operations affect areas beyond the boundaries of an approved permit boundary, substantial civil penalties can result." The impacts to Clear Creek County will be widespread.

Excerpts from the amended DRMS permit application, submitted in September 2018 by Empire Aggregates LLC for the Douglas Mountain Ranch Mining Project, give the following description of the mining activity. *Topsoil from initial stripping of an area will be stored in berms and stockpiles; all stockpiles will be seeded within 15 days of construction if they are intended to be in place longer than 180 days to prevent wind erosion. The revegetation plan states that seeding will take place during the fall following retopsoiling of slopes. No dust is expected from the operation due to the pit and roads being watered as needed. Stripping of topsoil to open up new mining areas will not occur between December 1 to June 30. The location of mining activity within the pit is below original grade and is, thus, restricted from view. In the event that airborne dust is observable, immediate action to mitigate dust via roadway wetting and a slowdown of production will be initiated and sustained until airborne dust is controlled. The operation will be covered by a CDPHE Fugitive Dust permit. Noise from operations will be limited as mining progresses down below grade. The impacts to Clear Creek County will be limited.*

Berms will be made up of topsoil and overburden, constantly changing as the mining operation moves, and as topsoil and overburden are sold. Those berms will be bare and exposed until they are seeded, and vegetation can be established, creating a constant source for dust blown into the air and creek, and erosion on unstable bare slopes. They will be seeded within 15 days of completion once they have been piled to the desired height. How many days will it take for the pile of exposed material to reach the desired height and length? Reclamation and revegetation are expected to take place concurrently with the mining operation, so that slopes will not be left bare until the completion of the mine in approximately 15-20 years. However, the permit states that revegetation will only take place during the fall after retopsoiling the slopes. How long will each section be left bare after mining stops, waiting for the topsoil and seed in the fall? Every day that bare ground is exposed is a day that Easter Seals and Empire are breathing in silica dust.

According to the EPA, silica dust particles present a health risk because they are small enough to get into the deepest parts of the lungs, where the air passes into the bloodstream through the alveoli. [Danger in the Air: Health Concerns for Silica in Outdoor Air](#), offered by The Environmental Working Group in September 2014, states:

"Significant increases in respiratory ailments are a concern for residents near sand and gravel mining. Mining, processing and transporting sand and gravel generate large quantities of silica dust, which is known to damage respiratory systems when inhaled. Studies of residential populations chronically exposed to dust show shortened life expectancy and high rates of cancer, infectious diseases, respiratory and heart disease, reproductive pathologies, adverse pregnancy outcomes, anemia, birth defects, and infant mortality. Children and the elderly, as well as groups with pre-existing lung or heart disease, are particularly vulnerable."

It is unrealistic to state that "no dust is expected" from any mining operation, especially when silica dust from gravel mining is a well-documented environmental and health concern.

Colorado Parks and Wildlife have advised that stripping topsoil on the plateau can only occur July to November so as not to disturb wildlife during important lambing, calving, and wintering periods. Four of those Five months have typical wind speed approaching 50 mph across the proposed mining area, therefore, topsoil must be stripped while the wind could be blowing 50 mph. Obscuring the view and constructing berms that are several feet high will not deter the well documented high winds from lifting small dust particles in the air. Windblown dust will have a significant impact on wildlife, Easter Seals, Empire, and Clear Creek County residents many miles beyond on the I-70 Mountain Corridor.

We do not believe the mining operation has the legal rights to enough water to successfully mitigate and control the dust. The applicants have not shown that the water they plan to use for the mining operation has been obtained from a legal source; they have very junior water rights on Bard Creek, however, those rights are not applicable to mining/industrial uses; they have not shown evidence that they have applied for a mining/industrial well permit; they have not done adequate research into the wells in the area; they have not acknowledged how breaching the known shallow groundwater will destroy adjacent springs and hinder their project mid-operation. Colorado is a semi-arid climate with frequent drought conditions and water restrictions for businesses and residents. Our water is a precious resource. Using the amount of water necessary to adequately wet down roadways, wash materials and equipment on site, and control dust over the entire exposed area of the mining operation takes that resource away from domestic water use and the increasing demands being put on the Clear Creek Watershed.

Other mines in Clear Creek County operate under a Fugitive Dust permit and meet the state standards for dust suppression, yet we still see visible dust particles in the air on a regular basis. If we can see a significant amount of dust in the air, how many small silica dust particles are suspended in the air that we cannot see? The small particles cause the most damage in our lungs, so if the dust is observable, it is already a health hazard to anyone close by, even though it may be at an acceptable level according to the permit. We have not seen the Fugitive Dust permit application for this project, so we do not have access to the testing guidelines or consequences for violations. If the air sampling is not frequent and random, the mine can manipulate the data by avoiding sample collection on extremely windy days and avoiding areas of recently disturbed ground or haul roads, thus appearing to comply with the permit while the surrounding residents endure respiratory health hazards. The risk to our air quality and respiratory health is too great to allow this mining project to proceed with its proximity to vulnerable populations. Easter Seals and Empire are too close to the proposed mine on both the east and west sides with no way to stop or avoid breathing in the encroaching dust.

The application does not even address additional vehicle noise from hauling operations that can run 24 hours a day, 7 days a week. It also does not address the increase in vehicle emissions from over 300 large diesel trucks per day driving on I-70, Hwy 40, and Hwy 6. Even more concerning to the residents in the immediate area, especially the Easter Seal Camp directly across the road from the entrance to the mining project, are the number of trucks that will be lined up and idling every morning on Empire Junction, waiting for the mine to open, and waiting for their trucks to be loaded, filling the air with truck exhaust.

The Douglas Mountain Plateau is the only natural, accessible, and undeveloped alluvial plateau in Clear Creek County. It is a unique geological feature, unspoiled by development, which supports many wildlife species and therefore, should be protected. For the sake of this valuable natural resource, for the clean mountain air that we all breathe, for the protection of our wildlife, and for the health of the Easter Seals Rocky Mountain Village and the residents of the Town of Empire, please recommend denial of the Douglas Mountain Ranch Mining Project to DRMS by the December 18<sup>th</sup>, 2018 deadline.

Best Regards from Friends of Clear Creek,

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Thank you,

**Jessica Garcia**

*Office Manager, Rocky Mountain Village*

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