

To: Division of Reclamation, Mining & Safety

From: Kelsey Magnuson

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DIVISION OF RECLAMATION,
MINING & SAFETY-MINERALS
~~PER~~ ~~REPORT~~ ~~MAP~~

April 9, 2019

Subject: AFS-Bennett Pit # M-2001-038 Permit Amendment Comments

To whom it may concern:

I petition for a hearing to discuss the proposed amendment considerations to the original permits granted to Bennett Sand and Gravel (EXG2001-0004, Case# EXG2005-0006 and Case#RCU2015-00041). As a neighbor who lives less than a half a mile from the location, I have numerous concerns about the proposed gravel expansion and permit amendment proposed by Albert Frei & Sons (AFS).

Previously, Bennett Sand and Gravel transported on average about 20 loads of mined sand and gravel daily. The original permit and extensions authorized to Bennett Sand and Gravel were suitable and appropriate based upon the small impact the previous owner's business had on the neighbors and environment. A major concern is the proposed expansion by AFS to drastically increase the size of the sand and gravel pit as well as the direct affects it will have on the environment, wildlife, air quality, quantity and quality of well water and the safety and livelihood of the neighbors. Even though there are plans to mitigate and refill the pit with clean inert fill material, it will never again be the same.

I am grateful everyday for our property. One of the many irreplaceable joys for us is the variety of wildlife we are surrounded by. Routinely we see a large herd of deer, numerous birds of prey who aid in rodent control and even the coyotes that howl at night. The neighborhood residents enjoy a beautiful rural setting with clean, dust free air, beautiful view of the mountains, clean, abundant water and a quiet serenity only one can experience living in the country. Bennett Sand and Gravel respected and recognized these intangible qualities of country living and ensured the business did not consume the whole area. Bennett Sand and Gravel maintained the road and removed snow, contacted the neighbors about any concerns and ensured the business did not adversely affect the neighborhood or environment.

Due to the drastic changes AFS is proposing in their request for an Amendment to the Original Permit issued to Bennett Sand and Gravel, I am petitioning for a hearing, as well as a request AFS seek a new Permit at 50500 E 72nd Ave.

Currently, AFS has been operating the Sand and Gravel Pit for approximately a year. They did not reach out to us as neighbors at all. We heard of the expansion from one of our neighbors who shared with us their intentions of expanding the Sand and Gravel Pit.

My neighbors and I all share the same concerns.

Here is the list of our concerns:

1. Truck traffic has drastically increase from approximately 20 loads daily (CDOT Permits Unit 12-16-2015) causing extreme damage to E 72nd Ave and Provost Road jeopardizing the safety of those using the road and possibly leading to vehicle damage. It also creates safety issues turning onto or off of State Highway 79.
2. Truck traffic has increased dramatically. Per the CDOT Permits Unit 12-16-2015, the proposed traffic of 20 ADT has not been adhered to. AFS should seek a new State Highway Access permit at E 72nd Ave and State Highway 79. Truck traffic is also heavy on Provost Road, especially in the summer time.
3. Trucks travel faster than the posted 25 mph speed zone and causing noise pollution in the neighborhood. I am concerned for my safety when I am on the road as well as my pets and livestock due to the speed at which the trucks travel down 72nd Ave and Provost Road.
4. Trucks are parking on E 72nd Ave instead of parking on the sand pit road causing traffic safety concerns.
5. Plan to address the public roads and possibly pave (E 72nd Ave and Provost Road).
6. Approximately half of the trucks don't cover the loads as required by the original permit.
7. Unknown liquids and solid materials have been dumped the pit area.
8. Large rifle gunfire heard around dusk from the sand and gravel pit area and 49950 E 72nd Ave (used against the local deer herd). Dead deer have been noted near the property as a result.
9. Barbed wire fencing used instead of the required mesh fencing to protect wildlife, farm animals and people from death or injury at the sand and gravel pit.
10. Plan for noxious weed mitigation.
11. Plan for wildfire mitigation.
12. Will explosives be used in the mining operation?
13. Any chemicals used in the mining or processing of materials?
14. Depth of the gravel and sand deposits. How deep will the mining dig to excavate the materials?
15. Will water be used in the process of excavating or processing the materials? How will that affect the neighborhood water and wells?

16. Is there a Water Plan in place to ensure the quality and quantity of water the area currently uses is not affected by its operations?
17. Is there a new Mining Plan?
18. Is there a new Site Description?
19. Is there a Reclamation Plan and Map?
20. Can neighbors see required Permits, Licenses and Inspection Reports?
21. Is there a Geotechnical Stability Exhibit?
22. A list of inert materials and liquids used to backfill the pit and inspections to ensure ground water, air and land non-toxicity?
23. How will the materials be processed?
24. Dust Control at site and on the road. Watering, carpeting roads with aggregate and speed restrictions are suitable methods. The use of chemical stabilizers creates a road safety problem when it rains or snows by making the dirt road very slippery and mushy.
25. Inspections in air quality, noise mitigation, hydrology and water quality/quantity, the safety and protection of wildlife, explosives and chemicals.
26. Date and results of ambient groundwater quality and quantity.
27. Plans to dig a well.
28. Engineering plan to describe how materials will be placed and stabilized to avoid settling and voids.
29. Water Plan to include if the pit will be lined and the use of dewatering techniques.
30. Plan to address the public roads and possibly pave (E 72nd Ave and Provost Road).
31. Since AFS has operated the sand and gravel pit, the noise levels have increased dramatically.
32. Is there an Environmental Protection Plan to address noise?
33. Has AFS operated the sand and gravel pit under the original Permit?
34. Has AFS followed the provisions in the original Permit?
35. Can a company be sold, and the original Permit be used by the purchasing company without amendments; i.e. name change, loads per day, road maintenance?
36. When Bennett Sand and Gravel owned the business and property and met with Adams county Planning commission (#RCU2015-00041), Bennett Fire Protection District #7, Colorado Department of Health and Environment, CDOT, IREA, Tri-County Health Department, Xcel Energy all were involved and signed off in approval. Does AFS have to undergo the same process with the new expansion of the sand and gravel pit?

I know when I needed a permit for my barn that was constructed a little over a year ago I needed a new permit and various inspectors signed off along the way as well as specific types of insurance. As a law abiding citizen, I would hope AFS is held accountable to do the same.

I know that some of my concerns need to be addressed to Adams County and I will be sending them a copy of this letter as well.

Due to the concerns listed, the lack of transparency by AFS and the proposed drastic changes to the neighborhood, I respectfully petition for a hearing.

I appreciate the time you take to consider these requests.

Sincerely,

Kelsey Magnuson

Copy sent to:

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2. Adams County
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