



STATE OF
COLORADO

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

AFS - Bennett Pit, M-2001-038, Objections Received

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

Fri, May 31, 2019 at 2:53 PM

To: Environment-Inc <Environment-inc@outdrs.net>, Ben Frei <BFrei@albertfreiandsons.com>

Hello Steve and Ben,

Attached are two additional objection letter received by DRMS.

--

Jared Ebert

Environmental Protection Specialist III



COLORADO
Division of Reclamation,
Mining and Safety
Department of Natural Resources

P 303.866.3567 ext. 8120 | F 303.832.8106 |

1313 Sherman St., Room 215, Denver, CO 80203

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2 attachments



007_Curtis_Chainhalt2_31May2019.pdf
129K



008_Murphy_31May2019.pdf
86K

505
To: Division of Reclamation, Mining & Safety

From: Jennifer Curtis & Kimberly Chainhalt

49850 E 72nd Ave

Bennett, CO 80102

(720) 936-2348

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MAY 31 2019

DIVISION OF RECLAMATION
MINING AND SAFETY

May 24, 2019

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

I petition for a hearing to discuss the proposed amendment considerations to the original Permit granted to Bennett Sand and Gravel to Mr. Dave Lincoln. I have several concerns as a property owner whose property will be bordered on two sides by the proposed expansion proposed by AFS.

My first concern is with the dumping of unknown liquids into the sand pit with no procedures by AFS to ensure no contaminants are polluting the ground and ground water. According to AFS, they receive one to two liquid loads of "Drilling Mud" daily. AFS has no procedures to test the material to ensure it is inert and will not contaminate the land or water. AFS told me the responsibility to ensure the material is "Inert" lies with each truck driver. This policy is wholly inadequate and threatens the health, safety and welfare of myself, my neighbors and our animals, the entire community, as we drink this water daily with no assurances of its safety. My hope is Colorado's Division of Reclamation will ensure our water safety and assist AFS in the proper disposal of drilling mud and other inert materials. Annual independent testing should be completed to ensure materials placed at the site are truly inert and uncontaminated as listed in the Permit Section 6.4.4

My next concern is with the "inert fill" being dumped into the pit. Again, AFS says the responsibility to ensure no contaminants are being buried on site lies with the truck driver and AFS. AFS does not have any policies or procedures to ensure materials dumped into the pit are not contaminated. AFS has also recently taken down all the previous berms to cover materials in the pit. Again, AFS's actions and lack of safe environmental procedures for materials put into the sand pit leaves me fearful the Colorado Division of Reclamation is not interested in ensuring the safety of its Colorado residents, the water quality, the environment, the land and its wildlife neighbors. I hope Colorado's Division of Reclamation can coordinate with the Environmental Protection Agency (EPA) to provide oversight and methods to AFS to ensure the safety of our water, land and environment. Annual independent testing should be completed to

ensure materials placed at the site are truly inert and uncontaminated as listed in the Permit Section 6.4.4

Another concern is the progress for reclamation of Phase 1 and 2 of the pit. Per Colorado Revised Statutes Title 34, Article 32 [34-32-116(3)], On the anniversary date of the permit each year, the operator shall submit a report and map showing current disturbances, reclamation accomplished, new disturbances anticipated and reclamation that will be performed. These reports should be available to neighbors in proximity to the sand pit.

The Permit states "As mining is completed in the Phase 1 area, mining will be undertaken in Phase 2. Prior to mining being undertaken in Phase 3, reclamation will be completed on 15+/- acres of Phase 1. Prior to mining being undertaken in Phase 4, reclamation will be completed on 9.5 +/- acres of Phase 2. As mining is being undertaken in Phase 4, reclamation activities will also be undertaken on 9.5 +/- acres of Phase 3. Finally, after mining is completed in Phase 4, reclamation will be completed on 9.5 +/- acres of Phase 4 and the 2 +/- acre Plant Site area of Phase 1. The maximum disturbed area at any one time will be 30 acres. The current disturbed area appears to exceed 30 acres and the reclamation process is negligible. If this is a conditional land use permit, neighbors should be assured the reclamation is in progress and on-going. I have personally seen another site owned by AFS and there is no visible reclamation in progress.

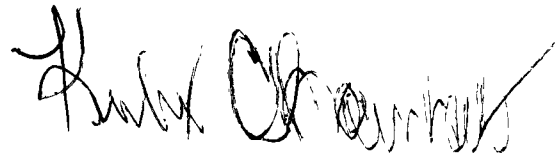
I am concerned about the proposed expansion doubling the size of the sand and gravel pit by a company that has failed to abide by the Sand Pit's permit and mining plan. The Governmental agencies tasked with ensuring adherence to the permit, mining plans and environmental concerns has been lacking. The proposed Amendment to the Permit should be denied based upon AFS' current and past behavior on the proposed site, as well as their lack of adherence on other sites. As a company, AFS' actions towards the environment, wildlife, air quality, water quantity/quality and impact on the quality of life of myself and affected neighbors is disheartening and threatens the health, safety and welfare of me, my neighbors and the community.

Thank you very much for opportunity to voice my concerns.

Sincerely,



Jennifer Curtis



Kimberly Chainhalt

Curtis
49850 E 72nd Ave
Bennett, CO 80102

DENVER CO 802

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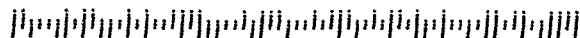
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MAY 31 2019

DIVISION OF RECLAMATION
MINING AND SAFETY

Colorado Division of Reclamation
Mining + Safety
1313 Sherman St
Denver, CO 80203

80203-227399



5/24/19
To: Division of Reclamation, Mining & Safety

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MAY 31 2019

From: David Murphy

**DIVISION OF RECLAMATION
MINING AND SAFETY**

7140 Highway 79

Bennett, CO 80102

(303) 644-3232

May 24, 2019

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

I petition for a hearing to discuss the proposed amendment considerations to the original Permit granted to Bennett Sand and Gravel. Before AFS took over the sand pit, Mr. Dave Lincoln averaged 20 loads of sand transported daily. Mr. Lincoln maintained E 72nd Ave and removed snow, contacted me personally to see if I had any concerns.

Now that AFS has taken over the sand pit, semi-truck traffic has greatly increased on State Highway 79 directly in front of my house. These trucks are driving so fast they often use their jake brakes to slow down to make the turn onto E 72nd Ave. I can hear the jake brakes inside my house which disturbs me. There was an accident at the corner and its only a matter of time before someone is seriously hurt. Other vehicles have driven across my property to avoid the accident.

I have heard AFS wants to make a turn lane for E 72nd Ave. That would require a right of way across my property. I would appreciate it if AFS would let me know their intentions instead of finding out second hand.

List of concerns:

1. AFS hasn't let me know that truck traffic would increase from approximately 20 loads daily (CDOT Permits Unit 12-16-2015) to approximately 50-60 loads decreasing the safety of those State Highway 79 and E 72nd Ave.

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.
3. Approximately half of the trucks don't cover the loads as required by the original permit.
4. Unknown liquids and solid materials have been dumped the pit area.
5. Are there any chemicals being used in the mining or processing of sand?
6. Will water be used in the process of excavating or processing the sand?
7. What is AFS' Water Plan to ensure the quality and quantity of water.
8. What inert materials and liquids are being dumped into the pit and will there be inspections to ensure ground water, air and land are not contaminated?
9. Can I see the results of the groundwater quality and quantity.
10. Does AFS plan to dig a well?
11. Will the pit will be lined?

Due to my listed concerns, the lack of contact by AFS and the proposed expansion to the sand pit, I petition for a hearing. Thank you.

Sincerely,

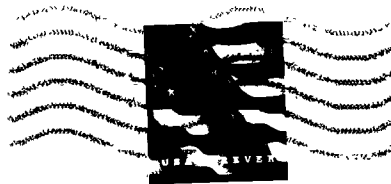
A handwritten signature in black ink that reads "David Murphy". The signature is written in a cursive, slightly slanted style.

David Murphy

Murphy
7140 Hwy 79
Bennett, CO 80102

DENVER CO 802

28 MAY 2019 PM 5 L



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MAY 31 2019

DIVISION OF RECLAMATION
MINING AND SAFETY

Colorado Division of Reclamation
Mining + Safety
1313 Sherman St
Denver, CO 80203

80203-224365

