



STATE OF
COLORADO

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Frei Walstrum Quarry - Environmental Disaster

1 message

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Sun, Oct 10, 2021 at 8:24 PM

Reply-To: timpreister@aol.com

To: heather.wuollet@state.co.us

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TO: Heather Wuollet
Enforcement Unit Supervisor
Colorado Division of Public Health & Environment

CC: Emmett Malone
Modeling & Emissions Inventory Unit Supervisor
Colorado Division of Public Health & Environment

Beth Pilson
Compliance Monitoring Unit Supervisor
Colorado Division of Public Health & Environment

Other Interested Parties

Please help! It is my understanding that Colorado Department of Public Health & Environment has shared jurisdiction in the matter of an application by Albert Frei & Sons (AFS) to expand their Walstrum Quarry operation in Clear Creek and Gilpin counties.

Many of the attached photos were taken from Douglas Mountain Road by residents of the area, above Clear Creek Canyon in Jefferson County on October 9, about 1:30 pm when a "wind storm" erupted, spewing a large volume of dust from the Frei Walstrum Quarry. The wind blew from the west and erased all visibility between Douglas Mountain Road and Floyd

Hill. The dust cloud was very dense for about an hour, then intermittently until about 5:00 pm.

The attached photos are of the Frei Walstrum Quarry, near the intersection of Highways 6 and 119. The Walstrum Quarry has been mining aggregate at this location since the 80's and are "in process" towards obtaining a permit to approximately double the size of the quarry to about 750 acres. Almost all of the aggregate from the mine is delivered to its customers via Highway 6 through Clear Creek Canyon. Approximately 300-400 heavy rock-hauling semis rumble through the canyon daily, during the busy season the number grows up to 600 truck loads per day. The quarry owner/operator is permitted by CDOT to operate up to 1,400 truck loads per day.

The above information is presented merely as background and context. Our purpose with this correspondence is to make you aware of a serious situation that we believe warrants your Division's attention. We have been contact with the Division of Reclamation, Mining and Safety (DRMS) regarding our concerns related to questionable management of a Mine Waste Fill Site in Gilpin County. And now, AFS wants to expand their operation and we fear that their past questionable mining and operation practices will not only continue but will grow exponentially worse. Contributing to the issue and complexity of the issue is the location of the quarry "fill site" or dump fines pile, is not within the jurisdiction of the DRMS because it appears that the mine operator (AFS) creatively manipulated the system and was able to make an appeal to the Mine Land Reclamation Board in 2007 to have the Gilpin Fill Site exempted from a State Mine Reclamation Permit. They apparently did this by suggesting the Frei Trust was an aggrieved party and warranted a Declaratory Order from the MLRB to exempt the Fill Site. By definition, to be aggrieved one must not benefit from the order. This 2007 order allowed the Frei Trust to work with the Frei Walstrum Quarry to mutually benefit economically from the exempt fill site not being within the jurisdiction of the DRMS. The result of this questionable MLRB decision in 2007 is that the fill site is overseen by Gilpin County rather than the DRMS. In 2007 Gilpin County had devised a set of rules for the Frei Trust / Walstrum Quarry to follow, however, Gilpin has not had the manpower to regularly monitor the site for compliance as specified with the Gilpin County Grading Permit requirements. The Grading Permit requires that the Fill Site be maintained in a way that would limit air pollution in the form of dust from the fill piles. It also required that measures be taken to ensure slopes were re-vegetated / stabilized to ensure downstream water quality. To date, we believe these required stipulations of the Grading Permit have been almost completely disregarded. **The result of all of this is that the fill site has been a source of daily / weekly dust for over 10 years now.** We believe no meaningful re-vegetation has taken place, no stabilization is readily apparent, and the fill has been placed at an angle of repose causing slopes that are not manageable. The attached pictures shows the results of those practices.

There are a few reasons we would like your Division to become involved. One important reason is to require the Frei operation to comply with appropriate air pollution standards. We are of the belief that your division may share jurisdiction over this mess. We also would like

to have your involvement because the Frei Quarry has applied for an expansion and has stated in their Expansion Permit Application (M-1983-033) that they intend to continue to use the existing dump site for waste fine material deposit. We strongly suggest that if this is the case, the DRMS needs to be given the authority to oversee this operation. It is clearly part of the mining operation and we believe it was a failure of the system to allow the Frei organization to circumvent the rules in 2007. *No county should be expected to oversee a mining operation when expertise exists at the state level to do just that.* The Frei organization should be embarrassed to even put forth a request for expansion given this continued mismanagement.

We are also told that the proposed expansion might decide not to continue to use this fill site. In that case, based on the large amount of waste fill they produce annually, where will they place it? Will it continue to be the cause of massive air quality issues? In a letter we received from the Frei management, they contend that due to several future changes in the marketplace, they will be able to export more fine material and not have to designate a long-term fill site. This sounds much like the 2007 Frei argument in that it is simply a story to get through entitlements in whatever way they can. It seems like their operation intends to figure it out later and that does not seem like something that should be acceptable. With the increased use of the Clear Creek Canyon greenway for recreational use including the Peak to Plains Trail, we feel the questionable management of the Frei Walstrum Quarry needs to be in the spotlight. We and our neighbors have had to deal with this dust issue for many years. Actual mine dust accumulates in our home's interior and furniture, that is before the dust heads on down the greenway, pushed through the wind tunnel canyon by the prevailing winds. And who knows what we're breathing, what is that quarry casting into our air and water? Have the air and water ever been tested for harmful materials, and are heavy metals/uranium particles being distributed down our canyon?

When does this stop? AFS continues to scar Mother Earth with operations similar to those of the 1980s, but this is 2021. There are better mining practices and techniques. AFS can do better than this, and we plead for your help to enlighten them and to require accountability, something we believe has been sorely lacking, possibly due to the complexity of the operations and its oversight. Jurisdictional issues add to the complexity due to the quarry's location, tucked away within the remote corners of Clear Creek and Gilpin Counties and adjacent to perhaps the most impacted county, Jefferson.

We have a wealth of information concerning this issue that we are most happy to share with you upon request. Please contact us.

Sincerely,

Tim and Mary Preister
720.812.8450

PS. Most of the attached photos are of the "haboob-like" dust clouds rising from the quarry. One picture is different; it is a picture on a clearer day of the waste fines dump slope in

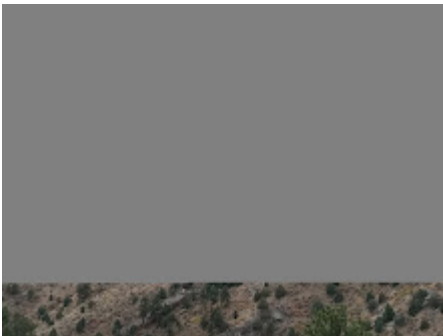
Gilpin County with all its eroded ravines, crevices and washouts. This waste 'face' faces the east northeast, towards the Douglas Mountain community and Centennial Cone Open Space.

7 attachments

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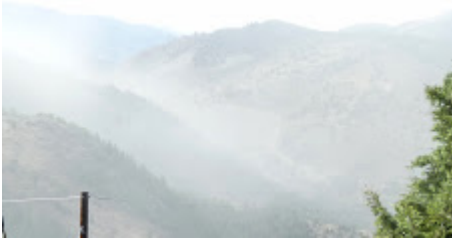


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