



Fwd: Rock crushing in Leadville

Means - DNR, Russ <russ.means@state.co.us>

Fri, Jun 2, 2023 at 1:21 PM

To: Travis Marshall <Travis.Marshall@state.co.us>, dnr_drms_grndjctnstaff@state.co.us

Can one of you please follow up on this?

Thanks

Russ Means

----- Forwarded message -----

From: **Bissonnette - DNR, Craig** <craig.bissonnette@state.co.us>

Date: Fri, Jun 2, 2023, 9:15 AM

Subject: Re: Rock crushing in Leadville

To: Chapin LaChance <planningdirector@leadville-co.gov>, russ.means@state.co.us <russ.means@state.co.us>

Cc: Sandor - CDPHE, Kyle <kyle.sandor@state.co.us>

Hi Chapin,

I don't think this is our jurisdiction but I'm looping Russ Means into the conversation and he'll be able to answer your questions better than I. For an operation like that, I would expect they are required to submit and implement a dust mitigation plan. I also assume there are institutional controls associated with that site that would mandate dust suppression.

Russ - The Railyard is a housing development that's been underway for a few years located at the old "We Love Leadville" site across from Safeway. They do have a large screening operation going on now. I don't think any material is leaving the site.

Thanks


C-

Craig Bissonnette
Project Manager



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 Image result for think before you print

On Fri, Jun 2, 2023 at 8:13 AM Chapin LaChance <planningdirector@leadville-co.gov> wrote:
Craig and Kyle,

Over the past few days, the developer at the Railyard mixed use development in the City of Leadville began rock crushing operations on the vacant "Phase 2" portion of the development. It is my understanding that the developer is crushing rock extracted and screened from the site in order to produce construction material for the development, and I am receiving complaints from adjacent properties regarding dust. I attached a photo from yesterday afternoon. The wind has been mild in Leadville over the past few days. **Are there state permitting, soils management, or dust mitigation requirements that this developer must be adhering to for this activity?**

Below are the applicable regulations that I can find in the City's Code. I consider this to be a temporary construction activity incidental to the adjacent approved residential use, and not a permanent industrial use.

8.08 Nuisances

"Maintaining any lot or lots or vacant land so as to allow the blowing of dust, soil, or sand from such property to be deposited on other property, or to be deposited upon or within any public street, public highway or public way, or otherwise to the detriment of the health, safety and general welfare of the inhabitants of the city or to cause damage to the real or personal property of any person or of the city."

15.36.050 - Institutional controls for OU3, OU5, OU6, OU7, and OU8 and penalty for violation.

B.Non-engineered Remedies. It shall be unlawful to excavate and remove any earthen materials including, but not limited to, native dirt, native soil, mine waste rock or mine tailings, slag, flue dust, or smelter waste from the owned parcel on an EPA non-engineered remedy, in excess of ten (10) cubic yards in OU3, OU5, OU6, OU7, or OU8 of the California Gulch Superfund Site without prior written approval from the Colorado Department of Public Health and Environment. Written approval from the Colorado Department of Public Health and Environment is a condition precedent to issuance of a building permit by the city building services department or provider. The applicant shall submit a written request for approval to the Colorado Department of Public Health and Environment with a copy to the city building services department or provider, each via certified mail. The Colorado Department of Public Health and Environment will provide an initial response within ten (10) days of receipt of the written request and will use best efforts to coordinate with landowners to provide a timely resolution of the request. Applicants are solely responsible for obtaining written approval from the Colorado Department of Public Health and Environment.

Thank you for your assistance.

Chapin LaChance, AICP
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