

STATE OF COLORADO

DIVISION OF RECLAMATION, MINING AND SAFETY
Department of Natural Resources

1313 Sherman St., Room 215
Denver, Colorado 80203
Phone: (303) 866-3567
FAX: (303) 832-8106



October 19, 2012

Benton Jensen
Western Gravel, LLC
P.O. 808
Meeker, CO 81641

John W. Hickenlooper
Governor

Mike King
Executive Director

Loretta Piñeda
Director

**Re: Receipt of 112 Construction Materials Reclamation Permit Amendment Application, WRC
Gravel Pit, Permit No. M-2008-070, AM - 1**

Mr. Jensen:

The Division of Reclamation, Mining and Safety received correspondence from the Colorado Parks & Wildlife and the Colorado Historical Society regarding above referenced 112 amendment application. Please respond to the Colorado Parks & Wildlife and the Colorado Historical Society directly about any issues that need to be resolved.

If you need additional information, please contact me at the Division of Reclamation, Mining and Safety, Grand Junction Field Office, 101 S. 3rd St., Suite 301, Grand Junction, Colorado 81501, telephone no. 970.241.2042.

Sincerely,

A handwritten signature in black ink, appearing to read "Travis H. Marshall".

Travis H. Marshall
Environmental Protection Specialist

cc: Gary Webber
NWCC, Inc.
2580 Copper Ridge Drive
Steamboat Springs, CO 80487



October 2, 2012

Travis H. Marshall
Environmental Projection Specialist
Division of Reclamation, Mining and Safety
1313 Sherman Street, Room 215
Denver, Colorado 80203

Re: Notice of 112 Construction Materials Reclamation Permit Amendment Application Consideration Western Gravel, LLC, WRC Gravel Pit, Permit No. M-2008-070 (CHS # 53531)

Dear Mr. Marshall:

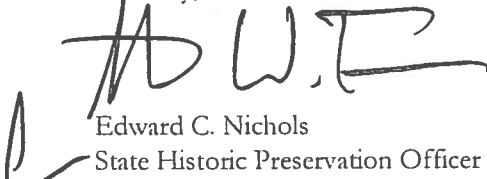
Thank you for your correspondence dated September 27, 2012 (received by our office on October 1, 2012) regarding the subject project.

A search of the Colorado Cultural Resource Inventory database indicated that several cultural resource inventories have been conducted within the vicinity of the proposed permit area, however no historic properties have been recorded therein. However, our files contain incomplete information for this area, as most of Colorado has not yet been inventoried for cultural resources. As a result, there is the possibility that as yet unidentified cultural resources exist within the proposed permit area.

Should human remains be discovered during mining activities, the requirements under State law CRS 24-80 part 13 apply and must be followed.

Thank you for the opportunity to comment. If we may be of further assistance, please contact Mark Tobias, Section 106 Compliance Manager, at (303) 866-4674 or mark.tobias@state.co.us.

Sincerely,



Edward C. Nichols
State Historic Preservation Officer
ECN/MAT

RECEIVED

OCT 04 2012

DIVISION OF RECLAMATION
MINING AND SAFETY



COLORADO PARKS & WILDLIFE

PO Box 1181 • Meeker, Colorado 81641
Phone (970) 878-6090 • FAX (970) 878-6077
wildlife.state.co.us • parks.state.co.us

17 October 2012

Travis H. Marshall
Environmental Protection Specialist
Colorado Division of Reclamation Mining and Safety

**RE: Notice of 112 Construction Materials Reclamation Permit Amendment Application
Consideration Western Gravel, LLC, WRC Gravel Pit, Permit No. M-2008-070**

Colorado Parks and Wildlife (CPW) appreciates the opportunity to comment on the proposed Western Gravel LLC Amendment Application to M-2008-070 for the construction and use as an exploration and production (E&P) solid waste disposal facility. CPW has a number of concerns about the proposed E&P waste disposal facility, including wildlife impacts, and environmental contamination issues.

The proposed waste facility intersects mule deer severe winter range, mule deer winter concentration areas, and elk winter concentration areas. These big game species are critical to the people of Colorado and are a cornerstone of the local economy via hunting and related activities. The expansion of the current facility to accept E&P wastes will likely have direct and indirect impacts on these big game species through increased traffic, noise, and lights in that area. Additionally, big game species frequently travel the wash on the eastern end of the proposed facility and their movements would likely be impacted by increased disturbances in the area. Riparian corridors are among the most highly utilized areas by wildlife, and this proposed project is likely to negatively impact wildlife behaviors here as well. The currently proposed fencing will exclude big game species from the accepted wastes, but will not likely keep small mammals, waterfowl, raptors, and small birds from coming in contact with materials in the active cells. Odors resulting from volatile organic compounds and other anticipated wastes may also deter recreationalists from using the Rio Blanco Lake State Wildlife Area, and the adjacent waters of the White River.

CPW is concerned that the proposed project may negatively impact important fisheries within the White River, as it is upstream of Critical Habitat for four endangered fish species: Bonytail chub, Colorado pikeminnow, Humpback chub, and Razorback sucker. The Upper Colorado River Endangered Fish Recovery Program has invested extensive time and money to recover these fish from the endangered species list. Developing

STATE OF COLORADO

John W. Hickenlooper, Governor • Mike King, Executive Director, Department of Natural Resources
Rick D. Cables, Director, Colorado Parks and Wildlife
Parks and Wildlife Commission: Robert W. Bray • Chris Castellan • Jeanne Horne
Bill Kane, Vice-Chair • Gaspar Perricone • James Pribyl • John Singletary, Chair
Mark Smith, Secretary • James Vigil • Dean Wingfield • Michelle Zimmerman
Ex Officio Members: Mike King and John Salazar

further protections for this site will prevent Recovery Program efforts would be a positive step for Western Gravel LLC.

The project is also upstream of optimum habitat for the Roundtail chub, a state listed Species of Special Concern. Other fish species found in these waters are the Flannelmouth sucker, and the Bluehead sucker, both of which are declining throughout their ranges. The surrounding stretches of the White River are also important rearing habitat for a variety of native sport fish. The White River fisheries are an invaluable resource to the entire region, and could be quickly compromised by unintended water pollution.

Western Gravel LLC (WG) is expecting to accept wastes primarily from oil and gas E&P activities, which can be deemed exempt from the Federal Resource Conservation and Recovery Act subtitle C regulations. As noted by the US Environmental Protection Agency (2002), "The exemption relieves wastes that are uniquely associated with the exploration and production of oil and gas from regulation as hazardous wastes under RCRA Subtitle C, but does not indicate the hazard potential of the exempt waste." The production and exploration activities of oil and natural gas results in substantial volumes of waste products such as produced water, drilling muds, cuttings, and petroleum contaminated soils. E&P wastes gathered in a centralized facility must take every possible safety precaution to ensure the protection of the local natural resources. CPW feels that additional safety measures and monitoring efforts should be required to minimize the risks associated with the disposal of potentially harmful materials in close proximity to the White River.

The potential contamination of the surrounding soil, water table, and White River are of primary concern to CPW. The proposed waste plan does not require adequate testing to ensure that wastes of high "hazard potential" will be excluded from the facility. Hazardous wastes may not exhibit any of the characteristics listed in the waste screening plan, and therefore may be deposited in the facility unknowingly. CPW is concerned about the potential release of unknown contaminants and feels that the procedures for determining contaminant material should be improved. Samples should be analyzed in a quicker timeline than what is being proposed, because the appropriate response and cleanup activities greatly depend upon quick and accurate analysis of contaminate samples.

Adding soil amendments to wastes within the active cells is also of concern, as these activities require heavy machinery. Regular and continuous use of heavy machinery within active cells increases the risk of contaminating the surrounding environment through cell liner puncture and damage to the leachate collection and removal system.

CPW also requests that additional wet/dry wells be installed on the north end of each cell to monitor ground water movements in that direction. The additional wet/dry wells on the north side of waste cells would provide critical monitoring of the underground water movement between the disposal facility and the White River.

Detecting leaks is another key aspect of resource damage prevention, and should be monitored continuously with an appropriate industrial control system. Continuous leak detection systems often incorporate automatic alarms and quantitative monitoring methods that alert operators to problems as they develop. Checking the proposed leak detection system (and leak detection manhole) on a weekly basis is a least desirable provision of the proposal given the natural resources at risk under and adjacent to this proposed facility. Long-term monitoring of both leak detection systems and water quality should be required if this facility is approved. Subsurface fluid transportation timelines should be used to determine how long operator funded monitoring should take place.

CPW notes that a long-term fluid geomorphology analysis was not performed for this project. Since the position of rivers in the landscape moves over time, and the eastern end of the facility rests directly above the White River cut bank, the proposed project may be compromised by fluvial-induced structural changes. The unusually large snowpack and high level of spring runoff in 2011 is a good example of why a site analysis should be reevaluated and the site possibly relocated. Additionally, the substrate above the cut bank that will hold the facility from the white river is composed of compacted alluvium deposits with concerning stability properties.

Seasonal drainages within the project area are also of concern. Future cell C is placed directly adjacent to a seasonal drainage, which will likely be eroded further over time. Pond 1 is located directly adjacent to another seasonal drainage, which could erode supporting soils around that structure as well. Future Pond 2 appears to be the run-off control for three cells (B, C, and E) but does not appear to be larger than Pond 1 which is fed by only two cells (A, and D). The fluvial geomorphology and structural geology should be examined from a long term perspective to better understand and predict potential impacts.

CPW appreciates the opportunity to comment on this project. CPW feels that centralized E&P waste facilities can be a responsible disposal method for these types of industrial wastes. We are apprehensive about this proposed project given the industrial nature of these wastes in such a close proximity to the invaluable resources of the White River and Rio Blanco Lake. CPW understands that the Rio Blanco county landfill is capable of accepting E&P wastes, and we feel that the watershed would benefit from

utilizing this existing infrastructure. We believe our recommendations will help in fostering the highest level of protections possible for wildlife and habitat resources that are so important to the community.

We value the opportunity and ability to work together with you. If you have any questions please contact Bill deVergie at 970-878-6061.

Sincerely,



Bill deVergie
Area Wildlife Manager

Cc: Ron Valarde, Regional Manger
Dean Riggs, Assistant Regional Manager
Michael Warren, Energy Liaison
Tom Knowles, District Wildlife Manager
file

References

United States Environmental Protection Agency. October 2002. Exemption from Oil and Gas Exploration and production Wastes from Federal Hazardous Waste Regulations. Office of Solid Waste, Washington, D.C.