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File 1989-0003

Name: Mesa County - Conditional Use - UMTRAP

P r e s e n t	S c a n n e d	<p>A few items are denoted with an asterisk (*), which means they are to be scanned for permanent record on the in some instances, not all entries designated to be scanned by the department are present in the file. There are also documents specific to certain files, not found on the standard list. For this reason, a checklist has been provided.</p> <p>Remaining items, (not selected for scanning), will be marked present on the checklist. This index can serve as a quick guide for the contents of each file.</p> <p>Files denoted with (**) are to be located using the ISYS Query System. Planning Clearance will need to be typed in full, as well as other entries such as Ordinances, Resolutions, Board of Appeals, and etc.</p>			
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<u>DOCUMENTS SPECIFIC TO THIS DEVELOPMENT FILE:</u>					
X	X	Action Sheet	X	X	Letter from John Bennett, Mayor to Mesa Co. Board of County Commissioners re: comments – 1/17/89
		Review Sheets	X	X	Resolution No. MCM 88-30
		Review Sheet Summary	X	X	Map for tailings removal
		Development Application			
		Development Summary			
X		Public Notice Posting – 1/26/89			
X	X	Letter to Bennett Boeschstein, County Planning to J.G. Oldham, MK-Ferguson Company re: request for amendment to the Resolution NO. MCM 88-30 File No. C 11-88			
X	X	Letter from Edward L. Bischoff, UMTRA Program Manager, Hazardous Materials and Waster Management Division to Bennett Boeschstein, County re: truck transport of tailings – 12/27/88			
X		Handwritten Note from Karl Metzner to Planning asking for a unified response for affected depts. to County – 12/28/88			
X		Memo from Mark Achen to Karl Metzner re: comments on revision to UMTRAP Conditional Use – 1/12/89			

MEMORANDUM

TO: Mark Achen
Department Heads
John Kenny
Don Newton
Greg Trainor

FROM: Karl Metzner *KM*

DATE: January 12, 1989

RE: Comments on Revision to UMTRAP Conditional Use

On January 11, 1989 city staff members met to discuss the proposed revisions to the Mesa County Conditional Use permit for the UMTRA Project. The following reflects a consensus of what the City's response to each of the six amendments should be.

Amendment 1: Request to extend hours of operation from 13 hours per day to 16 hours per day. Operations would still be limited to daylight hours defined as 1/2 hour before dawn to 1/2 hour after dusk.

Comments: No objection to the increase, subject to:

- a) All operations must be completed at the specified time, including all truck movement.
- b) The contractor shall identify all truck movements and locations for vehicle fueling and maintenance.

Amendment 2: Request to increase allowable noise levels on the Orchard Mesa Bluff.

Comments: No response at this time, pending the measurement existing background noise levels by Mesa County Health Department.

Amendment 3: Request to delete the requirement to replace existing waterline in 4th Avenue and repair as needed, instead.

Comments: The waterline should be replaced, Agreement was made that it would stay with the provisions of the letter, dated December 22, 1988, from Greg Trainor (attached). Of additional concern is the new overlay of 4th Avenue which will be provided by UMTRAP. Utility breaks would require cuts in the overlay, threatening its integrity.

Amendment 4: Request to delete the requirement for a left-hand turn lane at the Kannah Creek Road intersection with Hwy 50.

Comments: Deleting this requirement will create a hazardous situation for cars waiting to turn onto Kannah Creek Road. It could also delay the truck movements, causing them to stack up and break the specified two-minute interval.

Amendment 5: Request deletion of the requirement to overlay Hwy 50 from the 5th Street bridge to the Cheney site.

Comments: If this requirement is deleted, UMTRAP should be responsible for all maintenance of the highway. The State Highway District Engineer and the City Engineer shall determine the type and extent of maintenance required in their respective jurisdictions. There shall be no more than a 24-hour response time on requests for maintenance. The \$1.18 million, identified as available for maintenance, is erroneous since the \$930,000 generated by vehicle-related taxes is distributed throughout the state. *however MAINT. SHALL BE REQUIRED BY THE CONTRACTOR*

MAINT. shall be done

Amendment 6: Request to use the truck alternative and the method of transport.

Comments: The City would have preferred the truck/train alternative but recognizes the monetary constraints. The City is concerned over the potential air quality impacts of the truck transport alternative and believes the following conditions should be made part of this amendment.

regardless of source of funds.

- a) All trucks should be covered with tarps as stated in the FEIS.
- b) UMTRAP should furnish a PM-10 monitor to be placed at the City's monitoring site.

- c) TSP monitors at the site should be placed in response to prevailing winds. The Mesa County Health Department should approve the location of all monitors.
- d) Monitoring at the site should be done on a real time basis with testing and reporting done at least every 24 hours. Test results should be submitted to the Health Department on a regular basis. Test results should be used as an operation control on the removal process.

Revised comments -
strengthen comments
on street named. draft
to mark copy Dan W.
get up this week

N.W. Corner 24th &
Commission 6' chain link
with slats. Signet distance
probably no permit.



City of Grand Junction, Colorado
81501-2668
6 250 North Fifth Street

January 17, 1989

Mesa County Board of County Commissioners
Mesa County Planning Commission
P.O. Box 20,000-5022
Grand Junction, CO 81502

RE: C-11-88-2 Amendment to Conditional Use Permit

Ladies and Gentlemen:

The City of Grand Junction has reviewed the proposed amendments the UMTRAP Conditional Use, and we have the following comments.

1. We have no objection to the requested increase in operating hours as long as it is specifically understood that all operations, including all truck movements will be completed at the specified time. The contractor should identify all other truck movements and locations for vehicle fueling and repair.
2. We support the recommendations of the Mesa County Health Department regarding noise levels on the Orchard Mesa bluff.
3. The water line in 4th Avenue should be replaced or other arrangements made, per the letter from Greg Trainor, City Utilities Manager, dated December 22, 1988. In addition to experiencing delays caused by water breaks, the integrity of the new overlay, which will be provided by the project, would be severely threatened. Considering both the costs of delays and the costs of repairs to the line, it would be more cost-effective to replace the line prior to the new asphalt overlay.
4. Although the required intersection improvements at Hwy 50 and Kannah Creek Road do not directly affect Grand Junction, we feel it is important to the general public safety to provide an adequate left turn lane. Failure to provide this improvement could also delay truck movements and break the specified two-minute interval.

5. If the requirement to overlay Hwy 50 is deleted, the UMTRAP contractor should be responsible for all maintenance during the life of the project. The City Engineer and the State Highway District Engineer shall determine the type and extent of maintenance required in their respective jurisdictions. There shall be no more than a 24-hour response time on any request for maintenance. It shall be the UMTRAP contractor's responsibility to provide the funding for all required maintenance.

6. Although the City would have preferred the truck/train alternative, we recognize the financial constraints of the project. The City is, however, concerned over the air quality impacts of the truck transport alternative, and we would like the following conditions to be made part of this amendment.
 - a) All loads shall be covered with tarps as specified in the FEIS and as required by City Ordinance #2001.

 - b) A PM-10 monitor shall be provided for the City Hall monitoring site. This monitor will be able to provide overall impact analysis of the project on the City at-large.

 - c) TSP monitors at the site shall be placed in response to prevailing winds. The Mesa County Health Department should review and approve the location of all monitors.

 - d) TSP monitoring should be done on a real time basis with reports on testing provided every 24 hours. Test results should be submitted to the Mesa County Health Department on a regular basis. The UMTRAP contractor shall use the test results as an operational control of the removal process.

Respectfully,

John W. Bennett
Mayor

GRAND JUNCTION

BUSINESS I-70

RIO GRANDE RAILROAD

PRESENT WASTESITE
X COLORADO RIVER

HIGHWAY US-50

**THE ONLY
RATIONAL SCHEME
FOR
TRANSPORTING "RADIOACTIVE WASTE"
FROM
GRAND JUNCTION
TO
CHENEY RESERVOIR**

RIO GRANDE
GUNNISON
WHITEWATER

RAILROAD
RIVER

RECEIVED GRAND JUNCTION
PLANNING DEPARTMENT
JAN 24 1989

NOTE: ANY PROPOSAL
TO UTILIZE TRUCKS
ON HIGHWAY US-50
AS A PART OF THIS PROJECT
REPRESENTS INTERESTS
OTHER THAN THOSE
CONCERNED WITH COSTS AND SAFETY.

RAIL-CONVEYOR &
TRANSFER POINT

CONVEYOR

BELT

TUNNEL

CHENEY
RESERVOIR

JAMES BURKE
ENGINEER

James Burke
PROFESSIONAL ENGINEER
9-6-88

KAVAY -
Have you seen
this?
Rial

RESOLUTION NO. MCM 88-30
Planning Department No. C11-88

Conditional Use Permit application and Certificate of Designation
for Climax Uranium Mill Tailings Remedial Action Project in an
Industrial and Agricultural Forestry Transition Zone - Climax
Uranium Mill Site - Haul Route, Cheney Reservoir Disposal.

WHEREAS, The Department of Energy sought to have a Conditional Use Permit on the following described land situated in the County of Mesa, State of Colorado, to wit:

(See attached)

and

WHEREAS, the hearing before the Board of County Commissioners was held March 8 and March 9, 1988.

NOW THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF MESA FINDS AS FOLLOWS:

That the hearing before the Board was held after proper notice;

That the staff recommendation was contained in a staff report dated March 4, 1988.

That the Mesa County Planning Commission made recommendations at their public hearing held on March 17, 1988.

That the Department of Energy (D.O.E.) and their agents M. K. Ferguson have applied for a Conditional Use Permit under the County Land Use and Development Code and County Zoning.

That the first public hearing which was a joint Planning Commission and County Commissioners hearing was held on March 8, 1988 at 6:20 P.M. at Two Rivers Plaza and public testimony was heard until after 11:00 P.M. The hearing was then continued to March 9, at 7:00 P.M. at the City County Auditorium. Public testimony was taken at this hearing until approximately 12:30 A.M. At that time the hearing was closed.

That additional written testimony was allowed to be submitted until 5:00 P.M. on Tuesday, March 15. Thirty-four (34) pieces of correspondence were received during that time.

That the Conditional Use Permit is divided into three major components: (1) the mill site, (2) the Cheney Disposal Site and (3) the haul route and method of transportation site.

That documents and testimony have been made part of the file and have been considered. These documents and testimony include:

- The draft and final Environmental Impact Statements prepared by the Department of Energy;
- The "Site-Specific Economic Impact Analysis of the Mesa County UMIRA Project, December 1987" prepared by Browne, Bortz and Coddington, Inc., Denver Colorado for Jacobs Engineering Group;
- Grand Junction/Mesa County, Economic Impact Study, Alternative Disposal Site/Transport Options", January 1988, U.S. Department of Energy prepared by Jacobs Engineering Group;
- Maps and construction drawings prepared by M.K. Ferguson;
- The Conditional Use application prepared by M. K. Ferguson;
- The Review Agency comments and staff report;
- Public testimony both verbal and written;
- The presentation by the petitioner;
- The County's Land Use and Development Policies and Land Development Code which were used to evaluate the proposal; and that the sections of the Code used to evaluate the proposal included Section 9 - Zoning Districts; Section 10 - Supplementary Regulations; Section 4 - Standards for Development Permits.
- The recommendation of the Mesa County Planning Commission made at their regular meeting held on March 17, 1988.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS IN THE COUNTY OF MESA, STATE OF COLORADO, that the Conditional Use Permit and in partial fulfillment of the Certificate of Designation and consistent with Section 10.2 and 10.4 of the Mesa County Land Development Code is approved subject to the following conditions:

A. Mill Site:

Approval of the Climax Mill Site Excavation Plan as presented in the Conditional Use narrative and attached drawings with the following stipulations:

Phase IA:

1. There shall be a maximum of 13 hours per workday schedule, Monday through Saturday. No work will be allowed on Sundays or State holidays.
2. Building permits must be obtained for all temporary and permanent structures to be constructed on site, including fences. Demolition of structures will also require building permits.
3. Activities shall comply with National Ambient Air Quality Standards. Conditions imposed by the Colorado State Health Department shall be followed.
4. A parking plan shall be submitted, indicating where project related and employee vehicles and equipment will be located in a manner which does not impede access to other properties or block traffic on public streets.
5. Noise monitors shall be placed on the North periphery of the site, and on the South bluff line of the Colorado River, known as Orchard Mesa, directly across from the site. Readings shall be taken bi-weekly, and a quarterly report submitted to the Board of County Commissioners. A maximum decibel reading of 55 shall be established at the Orchard Mesa bluffline, and not exceeded.
6. Agreements shall be signed between the DOE (or responsible contractors) and the public utilities / districts having improvements on site. The agreements shall confirm that any relocation or disturbance of said improvements will meet with approval of utilities/districts.
7. Because of additional monitoring required by this project, the County believes that a full time staff person is needed. This person should be an employee of the State Health Department. This staff person should be stationed in Grand Junction. Monitoring activities conducted by this staff person will include:
 - air quality
 - noise pollution
 - radiation pollution
 - water pollution
 - ground water pollution

Any violation of standards noted by this person shall be reported immediately to M. K. Ferguson, the D.O.E. and the County and appropriate other agencies.

Phase II:

1. All conditions set for Phase I are to be followed in Phase II.

2. Army Corps of Engineers 404 Permit must be obtained prior to any disturbance of wetlands.
3. Signs shall be posted notifying recreational users of the Colorado River of activities, in full sight from the River channel.
4. Drainage improvements shall be adequately protected from erosion and shall be approved by the Mesa County Engineering Department.
5. An additional monitoring station shall be installed downgradient of site to detect potential ground water contamination as result of activities.

Site Restoration:

1. The reclamation of the site shall include pedestrian/ bicycle path and greenbelt parrelleling the north bank of the Colorado River.
2. The path and greenbelt shall be designed by a qualified professional landscape architect. The Mesa County/Grand Junction Riverfront Commission, Downtown Development Authority and Mesa County Planning Commission shall review the design and submit their comments to the Board of County Commissioners; the Board will then make a final decision on the restoration plans.

B. Cheney Reservoir Disposal Site:

Use of the Cheney Reservoir Disposal Site is approved and found to be consistent with the Mesa County Land Development Code Section 10.2 and with the Certificate of Designation subject to State Health Department requirements and is subject to the following:

1. The Department of Energy shall inspect the site to determine adequacy of the cover and the extent of erosion. A report of this inspection shall be made to the County Commissioners and entered into the project file. If the cover is eroded, it shall be replaced by the DOE.
2. The Department of Energy shall provide adequate water supply and storage for dust control--obtaining permits if necessary for a pipeline to the Kannah Creek City of Grand Junction flow line.
3. The Department of Energy shall provide long term ground monitoring wells with quarterly inspections by the State Health Department to determine any migration of radio-activity towards Kannah Creek, Indian Wash or the Gunnison

River. These reports will be submitted to the County Commissioners. If radioactive contamination is detected immediate action will be taken to seal off the leak.

4. The Department of Energy shall provide fencing of the 90 acre repository site and signage to deter cattle grazing and discourage hunters and off-road vehicles from driving over the repository.
5. The Department of Energy shall provide warning signs posted around the perimeter to inform the public of the repository to discourage travel across it.
6. The Department of Energy shall provide site preparation and disturbance shall be kept to a minimum due to the fragile nature of the desert environment.
7. The Department of Energy shall provide revegetation plans which shall be approved by B.L.M., Tri-River Extension and Soil Conservation Service.

C. Cotter Disposal Site

Application and approval of Preliminary/Final Plan for the Planned Industrial Zone is necessary before this site can be used as a transfer station.

D. Truck Transport:

The request for the all truck transportation alternative from the mill site to the Cheney Disposal Site is denied due to the lack of compatibility with surrounding land uses and threat to health, safety and welfare as required under Section 10.2.1.A of the Mesa County Land Development Code and based on evidence and testimony the following reasons being exemplary:

1. Unavoidable impacts to businesses in South Downtown;
2. Impacts to properties on Orchard Mesa on Highway 50 corridor, including property values, noise and visual impacts;
3. Problems of enforcing two minute gaps between trucks on haul routes, particularly on the southbound upgrade segment crossing the Colorado River;
4. Lack of Satisfactory Emergency Management Plan for "spills";
5. Difficulty in Maintaining schedule presented as Alternative #4 on UMIRA Transportation Alternative, Time Analysis Chart;

6. Lack of adequate parking for trucks after hours;
7. City of Grand Junction, State Highway Department and County Engineer's comments.
8. It is not the lowest cost alternative if economic and socio/economic matters and the public health, safety and welfare are considered as a cost.

E. Rail/Truck

The Rail/Truck alternative is approved and is consistent with the criteria found in Section 10.2.1 of the Mesa County Land Development Code and is subject to the following:

1. Limiting the haulage to a six day a week 13 hour/day operating time period.
2. When all costs are taken into consideration this is the low cost alternative. These costs include the health, safety and welfare of the County residents estimated cost of transportation, the cost of road damage - both to State and County roads, the cost of socio-economic mitigation as quantified in the studies entitled: "Site Specific Economic Impact Analysis of the Mesa County UMTRA Project, December 1987" prepared by Browne, Bortz and Coddington, Inc.; Denver, Colorado for the Jacobs Engineering Group (BBC Study); and "Grand Junction/Mesa County Economic Impact Study, Alternative Disposal Site/Transport Options, January, 1988, U.S. Department of Energy prepared by Jacobs Engineering Group. The worst case scenario for each alternative should be used in evaluating costs and the BBC Study documents \$5.958 million in negative impacts for the truck to Cheney mode of transportation and \$31,000 in negative costs for the rail/truck option to Cheney.
3. Route: The preferred rail route out of the mill site is via the existing track that runs from the mill, across 9th Street and parallel to 4th Avenue to the rail yard. If this route proves unfeasible or not cost effective as determined by M. K. Ferguson, the route across D Road to the rail yard is acceptable as a "second best" alternative.

F. Other

In order for the project to remain consistent with the Mesa County Land Development Code Section 10.2 and 10.4 the following additional conditions apply:

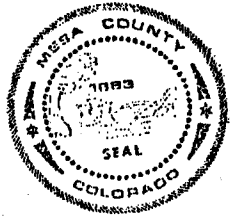
1. The Board of County Commissioners will establish a local UMTRAP Committee to assist the contractor in

compliance with the project. This committee will consist of a board of five - one from Kannah Creek, one from Whitewater, one from Orchard Mesa, one from D.D.A., and one at large.

2. The Board of County Commissioners requires the Department of Energy to install a fully channelized intersection at Kannah Creek Road and U.S. 50 to allow safe left turning movements in accordance with State Highway Department specifications and permits.
3. All conditions and terms of the application and E.I.S. that are not inconsistent with this resolution apply and are hereby made a part of this approval.
4. All Review Agency comments as follows:
 1. Central Grand Valley Sewer - 2/2/88
 2. Grand Valley Rural Power - 2/2/88
 3. Mountain Bell - 2/3/88
 4. Grand Junction Rural Fire - 2/8/88
 5. County Health - 2/17/88
 6. Colorado Department of Wildlife - 2/17/88
 7. Public Service - Electric & Gas - 2/17/88
 8. Colorado State Highway Department - 2/26/88
 9. County Agricultural Extension - 1/26/88
 10. Riverfront Commission - 2/26/88
 11. Building Department - 2/26/88
 12. County Engineer - 3/1/88
 13. County Floodplain Administrator - 3/1/88
 14. City of Grand Junction - 3/2/88, 2/26/88
 15. Grand Junction Drainage District - 2/29/88
 16. Downtown Development Authority - 2/26/88
 17. U.S. Dept. of the Army, Corps of Eng. - 2/1/88
 18. Colorado Geologic Survey - 2/23/88
 19. Colorado Department of Health - 2/24/88, 2/26/88
 20. Mesa County Human Resource Department - 2/24/88
 21. D. & R.G.W. Railroad - 3/8/88
 22. U. S. Dept. of Interior, Bureau of Land Management - 3/8/88
5. Mesa County will not use local property taxes for this project.
6. This Conditional Use Permit and Certificate of Designation is not to be implied to extend to any other hazardous waste or uranium mill tailings other than those from the D.O.E. Climax Uranium Mill Remedial Action Project and the D.D.E. Compound.

RESOLUTION
FILE NO. C11-88
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PASSED AND ADOPTED this 29th day of March
1988.



Maxine Albers
Maxine Albers, Chairman of the Board

ATTEST:

Earl Sawyer
Earl Sawyer, Mesa County Clerk