



**CHAFFEE COUNTY**  
**Development Services Department**

P.O. BOX 699  
SALIDA, CO 81201

PHONE (719) 539-2124  
FAX (719) 530-9208

WEBSITE [www.chaffeecounty.org](http://www.chaffeecounty.org)

**Plan Review**

**Date:** February 9, 2010  
**To:** Chaffee County Board of Commissioners  
Chaffee County Planning Commission  
Jenny Davis, Chaffee County Attorney  
**From:** Don Reimer, County Development Director  
**Subject:** Construction Plan Review - Nestle Waters Permit Amendment # 1

**NOTE:** This document is a review of the construction plans only; the Permit Amendment request is analyzed in a separate document.

**PROPOSED AMENDMENT:** The proposed amendment changes the method of construction for Water Line "D", as identified in the plan set approved with the permit approval, dated May 4, 2009. Water Line "D" construction was approved for construction using a directional drilling operation to go under the Arkansas River from the east on the Moltz property, surfacing on the west side on the Gunsmoke property. The plan change request was made in part to benefit the Town of Buena Vista, as the Town and Nestle are agreeing to install a 16-inch pipeline in the river along with the Nestle pipeline, for potential use by the Town in their future water supplies.

The waterline will be constructed across six parcels, including parcels owned by (from east to west) Moltz, Chaffee County (2), Gunsmoke LLC (2), and Nestle. The Nestle pipeline will be a continuous welded, 6-inch diameter high density polyethylene (HDPE) pipe, buried a minimum of 6 feet below finished grade, and at least 8 feet below the river. The Town pipeline will be a 16-inch HDPE pipeline. The total length of the Nestle pipeline is approximately 1600 feet, and the Town pipeline length is approximately 600 feet, between the upland on the east and west sides of the river. The alignment has also been revised on the west side of the river to be only on Gunsmoke and Nestle property, and not within the CR 310 right-of-way or the Hansen parcel.

It appears from the timeline submitted that if a permit is issued, Nestle desires to construct the pipeline immediately following approval. The timeline will require coordination from various groups, as noted in the following section.

**Comments on Proposed Construction:** The following are initial comments on the preliminary engineering plans submitted with the application. Further comments will be generated as the review progresses and plans are finalized.

**Water Lines:** These comments are based on the set of drawings prepared by Crabtree Group, submitted January 22, 2010, with a revised Sheet 2 submitted February 4, 2010.

1. General Comment: Meeting the proposed construction schedule will require coordination with ditch companies related to ditch crossings and irrigation.
2. Permanent and temporary construction easements from Moltz and Chaffee County for Nestle are necessary for the project. All necessary easements shall be in place prior to

- commencement of work.
3. Easements from Gunsmoke, Moltz and Chaffee County for the Town of Buena Vista are necessary for the project. All necessary easements shall be in place prior to commencement of work.
  4. Ditch crossing agreements and coordination with all ditch owners in accordance with the County Right to Ranch policy is required for the proposed crossings of the Bray and Helena ditches.
  - ✓5. The line crosses an existing sewer main at approx Sta 246+46. A revised Sheet 2 was submitted February 4 to include a crossing detail in response to comments by the Buena Vista Sanitation District. Please provide a confirmation from BVSD that the revised plans for the crossing are approved. ✓ *rec'd 2/17/10*
  - ✓6. The submitted construction schedule indicates construction will occur on Monday through Friday only. Please provide further information on the time of day for construction activities. *New time line 2/12/10, 7A-6P with night as needed, 7 days/week*
  - ✓7. Sheet 1, General Comments # 3 references a Terracon Report # B8085022 dated May 21, 2008. That report has not been submitted to the County; the copy submitted is numbered 230805051 dated November 2, 2008. Please clarify. *corrected*
  - ✓8. Sheet 1, General Note # 6 should also reference the USACE 404 Permit. ✓
  9. Sheet 1, Erosion Control Note 3F. DOW has requested a more detailed revegetation plan, specifically native riparian and upland vegetation mixes, and woody plantings. The permit amendment narrative and Exhibit D also reference planting of trees to replace trees removed or damaged during construction. *Moved, see Sheet 5*
  - ✓10. Sheet 2. The details for the 4' HDPE Air Release Valve Pit indicate it will be installed at Sta 244+00. This is not shown on the plan and profile drawings on Sheet 3. *added, 243+87.89*
  - ✓11. Sheet 3. The May 4, 2009 plans show a manhole constructed on the Nestle property at the terminus of the Line, which is also shown on the Load Station Construction Plans. *added*
  - ✓12. Sheet 3. The stationing at the beginning of the line is inconsistent between the plan and profile drawings. *added*
  - ✓13. Sheets 3 and 4. The crossings of the Bray Ditch (piped) and Helena Ditch (open) should be identified on the plans and profiles, with references to the ditch crossing coordination. *added*
  - ✓14. Sheet 3. Profile drawing indicates Town pipeline will be 12-inch diameter and references detail on Sheet 5; narrative and detail on Sheet 4 indicate 16-inch diameter. *corrected*
  - ✓15. All Sheets. The Nestle pipeline is shown as a 6" diameter pipeline. Conversations with Nestle representatives indicated they may desire to change that to a 10-inch diameter pipe as a carrier pipe for a smaller 6-inch diameter pipe, to facilitate future repairs if needed, rather than re-excavating the pipe. Staff supports this change in concept; however would like details and confirmation of this change prior to approval. *Changed on Sh 3 & 4, needs correction to show 16" casing*
  - ✓16. Sheets 1-4. The detail drawings for the trench sections have associated stationing, however the stations and sections do not entirely match up. For example, there is a section on Sheet 4 for the river crossing from Sta 250+30 – 251-30; but no section for 249+00 – 250+30. *corrected*
  - ✓17. Sheet 4. River Crossing Note # 2 indicates discharge of sediment laden waters into the Bray Ditch. It is unclear how this is to occur, as the Bray Ditch is piped in this area. A ditch agreement will be required, and amendment to the construction management plan. *Corrected, discharge to Moltz prop*
  - ✓18. Sheet 4. River Crossing Note # 3 indicates 3-inch caliper trees; the narrative and revegetation diagrams indicate 4-inch and some 2-inch caliper trees. *Corrected on Sheet 5*
  - ✓19. Sheet 4. Construction Note 3 discusses "Fiber Rolls"; however it is unclear on this sheet where they are to be installed. It appears the locations are shown instead on Sheet 5, identified on Sheet 5 as Straw Wattles. *Moved to Sheet 5*

- ✓20. Sheet 4. Construction sequence discusses construction of a staging area, but does not specify the location. The narrative indicates it will be in the area of the proposed Emergency Access Ramp, and should be referenced on the drawings. *added*
- ✓21. Sheet 5 includes Detail # 2 for Straw Bale Check Dams; it is unclear where these are to be used. The narrative references use of straw bale check dams and silt fences along the river bank as a temporary erosion control measure. *Removed from plans*

Please feel free to contact me with any questions or for any clarifications on my comments.

Nestlé Waters North America Inc.

1322 CRESTSIDE DRIVE  
SUITE 100  
COPPELL, TX 75019

TEL: 972 462 3600  
FAX: 972 462 3766  
www.nestle-watersna.com



February 9, 2010

ARROWHEAD

Mr. Don Reimer, P.E.  
Chaffee County Development Director  
Chaffee County  
P.O. Box 699  
Salida, CO 81201

DEER  
PARK

CALISTOGA

**RE: Nestlé Waters North America Inc. ("Nwana") Clarification of  
Construction Detail for Technical Revision to 1041 Permit and Special  
Land Use Permit ("SLUP") Regarding Alternative River Crossing**

ICE  
MOUNTAIN

Dear Mr. Reimer:

Ozark

As you are aware, the Town of Buena Vista ("Town") has requested to share NWNA's river crossing easement and to install during NWNA's construction an additional pipeline to serve the Town's potential future water system. Accordingly, NWNA submitted to you a request for Technical Revision of its Permits on January 22, 2010. I would like to provide to you a clarification to that submittal regarding a construction detail for the Alternative River Crossing.

Island  
Spring

Zephyrhills

NWNA proposed to install its 6" diameter HDPE pipeline and the Town's 16" diameter pipeline at the same time using an innovative open-trench method. The Town's larger-diameter pipeline allows to the Town to either use this pipeline as a sleeve or to carry water directly. The drawings submitted in Exhibit C omitted to show that NWNA's 6" diameter pipeline was to be encased in a 16" diameter HDPE sleeve. (The previously-permitted directional drilling also relied on use of a casing.) This 16" diameter sleeve allows for protection of the water conveyance pipeline during installation, and as importantly the potential repair of the pipeline in the future without having to re-open the river and embankment excavations. NWNA does not intend to use the 16" encasement conduit for water conveyance and would anticipate that the County would make this a condition of the revised Permits if the County approves the Permit Amendment.

Alberfoyle

perrier

PANNA

★  
S.PELLEGRINO

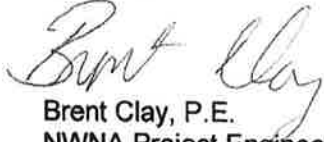
Vittel

NWNA 2/12/10 submittal

Also, discharge from dewatering the excavation proposed to be to the Bray Ditch, but that ditch is enclosed in a pipeline at the river crossing site. Therefore, any water removed from the excavation shall be pumped up onto the Moltz land (terrace) for percolation and not be allowed to return immediately to the river. This discharge is covered under NWN's State Stormwater Discharge permit.

Please find attached to this letter drawings that show this construction detail. Please review the enclosed information, and contact me, or Mike Allen with Apex Development Services, if you need additional information regarding this clarification.

Sincerely,



Brent Clay, P.E.  
NWN Project Engineer  
1322 Crestside Drive, Suite 100  
Coppell, Texas 75019  
972.462.3842

Attachments: Sheets # 1-5






**CHAFFEE COUNTY**  
**Development Services Department**

P.O. BOX 699  
SALIDA, CO 81201

PHONE (719) 539-2124  
FAX (719) 530-9208

WEBSITE [www.chaffeecounty.org](http://www.chaffeecounty.org)

**MEMORANDUM**

**Date:** January 25, 2010  
**To:** Nestle Waters North America (Mike Allen, Representative)  
**Cc:** Board of County Commissioners  
Jenny Davis, County Attorney  
**From:** Don Reimer, County Development Director   
**Subject:** **Nestle Project – Technical Revision Request**  
**Alternate River Crossing**

Date Submitted by Applicant: January 22, 2010

Summary of Request: Modify pipeline construction plans to install the pipeline through the river via trenching rather than drilling. Also, add 16-inch pipeline for potential future water supply use by the Town of Buena Vista. This proposal will slightly modify the pipeline alignment as well, and require a modification of the legal description for the easement currently being negotiated, and a separate easement agreement with the Town of Buena Vista.

Action: Staff has determined that this request should be processed as a Permit Amendment rather than as a Technical Revision.

Section 5.1 of the 1041 Permit and Section 3 of the Special Land Use Permit each identify four criteria to determine if a technical revision is allowed. Criteria c, "no increase in the nature or intensity of the impacts caused by the project" is not fulfilled by this request, as further discussed below in "Staff Findings".

Further Action: Due to the time-sensitive nature of construction related to the request, upon being notified by the applicant on January 19 of the intent to submit a Revision request, staff investigated whether it could be processed as a Technical Revision, or was more likely to be a Permit Amendment. The description of the nature of the proposed changes was adequate for staff to determine that a permit amendment would likely be required, and Nestle representatives were informed of that initial determination by January 20.

A public hearing was scheduled and advertised for Monday, February 22, 2010 at 8:30 a.m. for the specific purpose of discussing the impacts related to this specific request. If, after the public hearing, the Board of Commissioners grants the request, a resolution will be required to amend Resolution 2009-42 and 2009-43.

Staff Findings on Request:

1. NWNA submitted a complete application for a Technical Revision (Res 2009-42 Sec 5.3, Res 2009-43 Sec 3.c)
2. Per Res 2009-42 Sec 5.1 and Res 2009-43 Sec 3.a, a technical revision is not appropriate for this requested change because: there will be an increase in the nature or intensity of impacts caused by the project. Trenching of the river was not contemplated

during the initial request, and the impacts of both the trenching through the river and down the river banks, and the potential benefits to the community of the change, should be evaluated as a permit amendment.

Staff Comments: A staff report evaluating the requested permit amendment will be prepared and submitted prior to the February 22 hearing.

Please feel free to contact me with any questions or comments.

Attachment:  
Applicant's request

Copy Distribution:  
Original, with attachment – Board of Commissioners Project file  
Copy, with attachment – Individual Commissioners  
Copy, with attachment – County Attorney  
Copy, without attachment – NWNA (Mike Allen representative)

Nestlé Waters North America Inc.

777 WEST PUTNAM AVENUE  
GREENWICH, CT 06830

TEL: 203 531 4100  
www.nestlewatersnorthamerica.com



January 22, 2010

ARROWHEAD

Mr. Don Reimer, P.E.  
Chaffee County Development Director  
Chaffee County  
P.O. Box 699  
Salida, CO 81201

DEER  
PARK

CALISTOGA

**RE: Nestlé Waters North America Inc. ("NWN") Application for  
Technical Revision to 1041 Permit and Special Land Use Permit  
("SLUP") Regarding Alternative River Crossing**

ICE  
MOUNTAIN

Dear Mr. Reimer:

Ozark

Poland  
Spring

Zephyrhills



Perrier

PANNA

★  
S.PELLEGRINO

Contrex

As you are aware, the Town of Buena Vista ("Town") has requested to share NWN's river crossing easement and to install during NWN's construction an additional pipeline to serve the Town's potential future water system. Please find attached the Town's letter dated December 8, 2009 (Exhibit A). The Town's request requires NWN to employ an alternative construction method in order to cross the river with installation of two pipelines, because directional drilling cannot accommodate installation of the two pipelines - NWN's of 6" diameter and Town's of 16" diameter. *Jan*

In response to the Town's request, NWN submits this application for approval of a Technical Revision to its 1041 Permit and SLUP, collectively referred to as "Permits".

In the event that this request to modify its Permits is not granted, NWN will construct and operate its Chaffee County Project according to the already approved Permits.

#### **SUBMITTAL REQUIREMENTS**

In accordance with Section 5.3 of the 1041 Permit and Section 3(c) of the SLUP, NWN must submit the following information:

##### ***Documentation of the current Permit approval.***

On September 23, 2009, the Chaffee County Board of County Commissioners ("BOCC") approved NWN's Permits for its spring water development project ("Project"), which are incorporated by reference. These Permits allow NWN to construct the Pipeline Alignment as depicted



on the Ruby Mountain Springs and Bighorn Springs Site Plans, the Pipeline Plan and the Profile Plans, A through D, which NWNA submitted on May 4, 2009.

Additionally, the BOCC approved an Easement on January 19, 2010 granting NWNA the ability to cross County property with its pipeline along the Arkansas River near Johnson Village. This Easement allows for the County to grant additional easements to third parties within NWNA's easement so long as the third-party activities do not interfere with NWNA's use of the Easement. NWNA does not believe use of NWNA's river crossing Easement by the Town conflicts with NWNA's interests as long as the pipelines are constructed per the attached Plans and Methods.

***Drawings and plans of proposed changes to the project.***

The location of the proposed river crossing is shown on the vicinity map presented herein as Exhibit B. Exhibit C contains drawings showing the proposed river crossing construction Plans and Methods. Exhibit D contains revegetation diagrams specific to the river crossing. Exhibit E contains NWNA's US Army Corps of Engineers ("USACE") General Permit 12 (404) submittal.

***Description of changed circumstances.***

This request for Technical Revision to NWNA's Permits is based on the Town's request to share NWNA's river-crossing Easement and to install during NWNA's construction an additional pipeline to serve the Town's water system. Additionally, as a result of the Town's request, the BOCC requested on January 12, 2010 that NWNA meet with the Town to review Town's request and to explore ways in which the request could be accommodated by NWNA.

NWNA recognizes the potential value of the river crossing to the Town based on future expansion of the Town's water service area and potential development of an Arkansas River water supply source as recommended in the Town's 2006 Water Resources Master Plan. Therefore, NWNA met on January 14, 2010 with the Town administrator and officers from the Colorado Division of Wildlife ("CDOW") regional office to evaluate options for the river crossing in order to achieve the Town's and NWNA's goals, and to minimize or mitigate any disturbance of the river habitat or wildlife impact, including trout spawning.

CDOW has stated that in order to avoid impacts to the river and trout spawning, construction within the river during the winter low-flow period was optimal, and the latest date acceptable is March 15th. The CDOW also concluded that application of an innovative water-filled plastic cofferdam system was the preferred technology to avoid creation of significant sedimentation. Finally, the CDOW requested revegetation of the disturbed bank areas using native materials including soils and rock, tree, shrub, and riparian seed mixtures appropriate to existing riparian conditions. (Exhibit D).

This river crossing requires a USACE General Permit 12 ("404 Permit") under which the USACE exercises its authority to protect the water quality of the river. In order to meet the March 15 construction deadline, NWNA has prepared an application for the 404 Permit and submitted it to the USACE on January 19, 2010 (See Exhibit E).

Specifically, the following changes are proposed.

### **Pipeline Segment "D" Alignment**

The attached Sheet 3 of 5 Exhibit C shows a slight (20 feet) realignment of the pipeline to the north from Station 253+09 to Station 258+00. This alignment places the pipeline within an easement all within private property and avoids County Road 310.

### **Pipeline Segment "D" River Crossing**

The attached Sheets 1-5 Exhibit C show details of the alternative (open-cut) river crossing specifically between Stations 249+14 and 252+20. These changes modify the previously-approved directional drill crossing from Station 256+20 (May 4<sup>th</sup> 2009 Sheet 3) to Station 265+75 (May 4<sup>th</sup> 2009 Sheet 4). The installed Town pipeline shall run parallel to NWNA's and be located approximately from Station 249+00 to Station 253+00.

255 on plans

The alternative construction sequence will be as follows: (1) implementation of best management practices for soil erosion and river protection; (2) east bank access and staging area; (3) east side cofferdam and pipeline installation; (4) west side cofferdam and pipeline installation; (5) bank restoration, soil stabilization, and revegetation; and (6) best management practices maintenance of banks.

### **East Bank Excavation**

From approximate Station 249+14, the NWNA and Town pipelines will be installed via trenching of the existing bank down to the high-water level of the river bank at approximately Station 250+30. The disturbed area of the trench will be approximately 10' wide on either side of the County Easement centerline. The pipelines will be buried approximately 6' to 8' below final ground surface. The excavation will cross the Helena irrigation ditch (open) at approximate Station 249+20 and the Bray irrigation ditch (piped) at approximate Station 249+80.

Construction of the portions of the pipeline adjacent to the river will be conducted on steep slopes. Several alternatives were considered, including retaining walls with a significant cut. The method chosen will be to cut the top 20 feet to a 2:1 slope to allow equipment to excavate the middle 20 feet and lay the pipe in the upper and middle 20 feet. The bottom 20 feet will be conducted from the base of the slope. Temporary rock will be installed to keep side slopes stabilized during construction. Silt fences and temporary straw-bale berms along the riverbank will insure that no sediment is released to the river. Soil erosion blankets and straw wattles will be utilized to stabilize soils on steep banks after construction is completed. Restoration and revegetation will be in accordance with CDOW recommendations and conducted after construction per drawings in Exhibits C and D.

A staging area (terrace) will be required on the east side of the river. This terrace will remain after construction to serve as an emergency river access for Arkansas River Headwaters Association, Chaffee County EMS, and Chaffee County Search and Rescue. The terrace will have natural boulder retaining and be revegetated per the drawings in Exhibits C and D.

Excess excavated material will be stockpiled on the east side of the river on property owned by Paul Moltz out of sight from the river.

### **River Crossing**

From approximate Station to 250+30 to Station 251+30, NWNA will construct the pipelines using trenching below the high-water level of the river. NWNA will use a state-of-the-art, plastic membrane, water-inflated cofferdam method for the crossing to minimize potential for down-stream sedimentation (see [www.aquabarrier.com](http://www.aquabarrier.com) for technology information). Two-thirds of the river will be diverted at a time by the cofferdam and dewatered during construction of each portion of pipeline under the river. Due to low flow conditions (likely less than 300 cubic feet per second) during construction, the channel narrowing should result in minimal change in turbidity and negligible sedimentation downstream of the crossing. Construction activity within the river will not exceed 5 days. The pipelines will be buried approximately 8 feet vertically below the existing riverbed and weighted with precast concrete ballast located 5 feet on center. Backfill of the pipeline excavation will be  $\frac{3}{4}$ " diameter washed rock bedding followed by 6" to 16" natural river rock to the existing riverbed level which is reflective of the native riverbed material.

### **West Bank Excavation**

From approximate Station 252+20, the NWNA and Town pipelines will be installed via trenching of the existing bank down to the high-water level of the river bank at approximately Station 251+30. The disturbed area of the trenching will be approximately 10 feet to at most 20 feet wide on either side of the County Easement centerline. NWNA will cut the top 20 feet to a 3:1 slope to allow equipment to excavate the remainder of slope to the river. Temporary rock will be installed to keep side slopes stabilized during construction as necessary. Silt fences and temporary straw-bale berms along the riverbank will insure that no sediment is released to the river. Soil erosion blankets and straw wattles will be utilized to stabilize soils on steep banks after construction is completed. Restoration and revegetation will be in accordance with CDOW recommendations and conducted after construction per drawings in Exhibits C and D.

### ***Description of additional or changed mitigation plans.***

The Pipeline Segment "D" Alignment change has no substantive impact on the Project operation, as it is a minor change to the Pipeline Construction. As a result, NWNA does not need to provide additional mitigation. NWNA will provide to the County a copy of the Easements allowing for the pipeline across these parcels prior to construction of the pipeline.

The Pipeline Segment "D" River Crossing change has no substantive impact on the Project operation, as it is a minor change to the Pipeline Construction. The following information is presented to describe construction process and proposed mitigation for temporary affects associated with the alternate river crossing.

### **Bank Revegetation**

The proposed river crossing slightly increases the surface area temporarily disturbed by construction to install the NWNA and Town water pipelines. The proposed restoration and revegetation of these bank areas according to CDOW recommendations using native materials including a riparian seed mixture, and native shrub and tree species will result in no significant impact to the riparian habitat or wildlife. For trees that are required to be removed, replacement trees of the same species and number will be planted. Additionally, the proposed landscaping and revegetation will mitigate any long-term visual impact to the river corridor, and also provide for a needed Emergency River Access for river activity (etc. rafting, fishing) accidents.

### **River Crossing Mitigation**

Based on CDOW recommendations, the proposed river crossing will be undertaken at a time during lowest-flow conditions and using state-of-the-art, plastic membrane, water-inflated cofferdam methods that will minimize potential for down-stream sedimentation. Due to low flow conditions (likely less than 300 cubic feet per second) during construction, the narrowing of the channel should result in minimal change in river turbidity and negligible sedimentation downstream of the crossing. Construction activity within the river will not exceed 5 days. The pipelines will be buried approximately 8 feet vertically below the existing riverbed and backfill of the pipelines will employ large-diameter natural river rock to the existing riverbed level, reflective of the native riverbed material.

These construction methods are similar to those previously employed by the Town and the City of Salida to construct their Whitewater River Parks on the Arkansas River, which have been completed under USACE General Permits 12 (404). By issuing these permits, the USACE has determined these activities to have nominal impact on river water quality or wetlands.

There are no wetlands in the vicinity of the proposed river crossing.

### ***Any additional information that the County Staff requires.***

At meeting with NWNA on January 19, 2010, County staff stated desire for the following additional submittals. NWNA shall submit these items as soon as available, but all must be submitted prior to pipeline construction.

- 1) Revised construction schedule including CDOW construction deadline. ✓
- 2) Letter from CDOW defining timing constraints for work in the river. ✓
- 3) Revision and Approval of County Easement to NWNA for river crossing including 200 foot wide Temporary Construction Easement. ✓
- 4) Letter from Town regarding benefits of pipeline crossing to Town. ✓
- 5) Approved USACE Permit 12 (404). ✓
- 6) Updated Stormwater Discharge Permit. ✓
- 7) Draft County Easement to Town for river crossing. ✓
- 8) Agreement between NWNA and Town transferring ownership of pipeline from NWNA to Town. ✓
- 9) Copy of Easement from Hansen for NWNA pipeline across Hansen-owned parcels. ✓
- 10) Copy of draft agreement from Hansen for Town pipeline across to Hansen-owned parcels to a Public ROW. ✓

- 11) Copy of draft agreement from Moltz to Town for pipeline to cross Moltz property ✓  
to a Public ROW.
- 12) Copy of letter from Buena Vista Sanitation District allowing for pipelines crossing ✓  
of Sewer Main Crossing.
- 13) Contractor's Performance Bond to County for river crossing surface disturbance ✓  
restoration.

## **ALLOWED TECHNICAL REVISIONS**

In accordance with Section 5.1 of the 1041 Permit and Section 3(a) of the SLUP, the County will allow a technical revision if staff determines the following:

***Permittee and the Project are in compliance with all terms and conditions of the original Permit at the time the County Staff receives notice of the proposed technical revision.***

In compliance with 1041 Permit Condition 4.10, NWNA timely submitted a Letter of Credit to the County to cover restoration costs for the proposed pipeline construction.

In compliance with 1041 Permit Condition 4.12, NWNA timely submitted the required funding for the Cost Reimbursement Fund and has reimbursed the County for all invoiced costs.

In compliance with conditions 4.13, 4.14, 4.15 and 4.16, NWNA met with the County on September 3, 2009 to discuss elements that the County will require to finalize NWNA's various plans. NWNA has received County comments and consultant and agency reviews of these plans, and is working with the County staff to finalize each plan.

In compliance with 1041 Permit Condition 4.18, NWNA has executed a right-of-way Deed to the County for County Road 300 through NWNA's Bighorn Springs Parcel.

In compliance with 1041 Permit Condition 4.21, NWNA has begun working with the CDOW to establish a permanent fishing easement and access on the Bighorn Springs Parcel. NWNA and CDOW are currently working to prepare this Fishing Easement and Access Agreement.

In compliance with 1041 Permit Condition 4.24, NWNA has submitted to the County and the County has approved a Construction Management Plan.

In compliance with 1041 Permit Condition 4.32(b), NWNA has begun submitting to the County monthly accounting reports detailing Aurora's water supply and demand operations within the Arkansas River Basin.

In compliance with 1041 Permit Condition 4.32(c), NWNA has submitted to the County Aurora's 2001-2008 Colorado River and Arkansas River Diversions summary report.

In compliance with 1041 Permit Condition 4.35, NWNA has begun submitting to the County monthly surface flow measurements of the Ruby Mountain Upper Ditch Flume and Outfall Weir on the Ruby Mountain Springs Parcel.

NWNA is in compliance with the various conditions of the 1041 Permit and SLUP and therefore complies with this criterion.

***There will be no increase in the quantity of water or size of the area affected by the Project***

The revisions to the Pipeline Alignment and river crossing method do not increase the quantity or source of augmentation of water NWNA will withdraw in its operations.

The alternative river crossing only temporarily affects an additional 0.46 acres of the roughly 19.5 acres of temporarily-disturbed land surface already allocated by the Permits. The alternative river crossing consists of an additional approximately one thousand feet of temporary linear surface disturbance as compared with the directional drilling approach based on a total permitted surface disturbance of approximately 260 thousand linear feet. Therefore, the proposed revisions meet this criterion.

***There will be no increase in the nature or intensity of impacts caused by the Project from those contemplated by this Permit.***

As a result of the alternative river crossing, NWNA does not anticipate a material increase in the nature or intensity of its Project impacts.

The proposed pipeline realignment (Segment "D") moves a very small section of the pipeline out of the County Road onto private property. This reduces an encumbrance on County-controlled property.

The alternative river crossing, based on the CDOW-recommended, low-flow, construction period, and innovative construction method, avoids potential impacts to the river, particularly trout spawning and water quality.

Further, the temporary surface disturbance of the overland and bank areas is similar to permitted disturbance along the pipeline. With the prescribed revegetation of the river crossing, any temporary disturbance will be mitigated, thus ensuring no significant impact to wildlife or habitat.

Similar to the permitted Project pipeline construction, the open cut construction may temporarily affect visual quality. To mitigate any potential effect, NWNA will reclaim, stabilize and revegetate the open cut areas. It's reclamation, stabilization, and revegetation plan will employ the use of native rock and vegetative materials in order to minimize any potential short-term visual degradation experienced by river users. During the first few years of reclamation, the affected areas will resemble some of the naturally-occurring steep cut-banks where vegetation is relatively sparse, being dominated by the river rock and gravels of the Pinedale Outwash. Once vegetation has had a few growing seasons, the affected areas will largely return to original or better than the preconstruction visual condition.

As a result, there is no increase in the nature of the intensity of impact caused by the Project. Therefore, the revisions also meet the following Permit criterion.

***Only minor changes to the terms or conditions of this Permit would be required to ensure that the Project will continue to comply with all applicable Chaffee County***



***regulations and intergovernmental agreements as they exist at the time the County receives notice of the proposed technical revision.***

NWNA maintains that these proposed revisions are nominal and require only minor changes or additions to the 1041 Permit or SLUP conditions. NWNA will propose under separate cover conditions to be included within the County's approval of this request for Technical Revision regarding necessary permits, agreements, easements in order to construct this alternative river crossing.

Please review the enclosed information, and contact me, or Mike Allen with Apex Development Services, if I can provide you with any additional information needed to grant this technical revision in accordance with Section 5.4 of the 1041 Permit and Section 3(d) of the SLUP. I appreciate your consideration and look forward to hearing from you.

Sincerely,



Bobbi McClead  
Natural Resource Manager  
Nestlé Waters North America  
614.273.5209  
bobbi.mcclead@waters.nestle.com

**Attached Exhibits:**

- A – Letter from Town of Buena Vista
- B – Vicinity Map
- C – Construction Plans and Methods of Proposed River Crossing
- D – Revegetation Diagrams
- E – US Army Corps of Engineers General Permit 12 (404) Application

98000\16\1358796.1

Brownstein | Hyatt  
Farber | Schreck

January 21, 2010

Holly K. Strablitzky  
Attorney at Law  
303.223.1215 tel  
303.223.8015 fax  
hstrablitzky@bhfs.com

VIA E-MAIL DON.REIMER@CHAFFEECOUNTY.ORG

Don Reimer  
Chaffee County Development Director  
P.O. Box 699  
Salida, CO 81201

RE: **Nestlé Waters North America Inc. ("NWNA") Request for Change in  
Method of Crossing the Arkansas River**

Dear Don:

I understand that Bobbi McClead and Mike Allen met with you on Wednesday, January 20, 2010. As you discussed, the Town of Buena Vista has approached NWNA and asked it to consider installing an additional pipeline for the benefit of the Town of Buena Vista concurrently with its installation of its own pipeline as it crosses the Arkansas River. In order to do so, NWNA must modify its method of crossing the Arkansas River from the currently permitted directional drilling method to an innovative, state-of-the art, open construction method.

NWNA requests that the County consider allowing NWNA and the Town to employ open construction to cross the Arkansas River in order to install two pipelines; that is one for the Town of Buena Vista and one for NWNA's Project. This request is limited to method of crossing the Arkansas River and does not change any other aspect of the already granted 1041 Permit granted pursuant to Chaffee County Resolution No. 2009-42 (the "1041 Permit") and the SLUP Permit granted pursuant to Chaffee County Resolution No. 2009-43 (the "SLUP Permit"). In the event that the County does not approve the alternate method of crossing, NWNA intends to proceed with its Project as already approved in the 1041 Permit and SLUP Permit.

NWNA will provide you a detailed request to modify its 1041 and SLUP Permits and supporting documentation by close of business Friday, January 22, 2010.

Please feel free to call me with any questions you may have.

Don Reimer  
January 21, 2010  
Page 2

Best regards,



Holly K. Strablitzky

cc: Bobbi McClead, Nestle Waters North America, Inc.  
Brent Clay, Nestle Waters North America, Inc.  
Cara Russell, Town Manager Town of Buena Vista  
Jenny Davis, County Attorney  
Michael Allen, Apex Development Services

98000\16\1358708.1



**CHAFFEE COUNTY**  
**Development Services Department**

P.O. BOX 699  
SALIDA, CO 81201

PHONE (719) 539-2124  
FAX (719) 530-9208

WEBSITE [www.chaffeecounty.org](http://www.chaffeecounty.org)

**MEMORANDUM**

**Date:** February 23, 2010  
**To:** Nestle Waters North America (Mike Allen, Representative)  
**Cc:** Board of County Commissioners  
Jenny Davis, County Attorney  
**From:** Don Reimer, County Development Director  
**Subject:** Nestle Project – Technical Revision # 2  
Pipeline

Date Submitted by Applicant: January 27, 2010

Action: REQUEST APPROVED  Date: 2/23/10

Further Action: Since this is a modification only to the pipeline alignment, staff opinion is that a technical revision to the submitted construction documents is warranted, and a revision of the conditions or language of the permits is not needed.

Process: Per 1041 Resolution 2009-42, Section 5; and SLUP Resolution 2009-43 Section 3, the staff shall notify the Permittee, the Board of Commissioners (Permit Authority), and County Attorney of a decision on the Technical Revision request within 5 working days of approval. At its discretion, the Board may hold a public hearing on the revision no more than 45 days after notice of the decision by staff. The revision will take effect 15 days from approval, or if a hearing is held, the effective date will be set by the Board.

Summary of Request: Revise pipeline alignment to reduce the length of pipeline installed within County Road and Union Pacific Railroad right-of-ways. Reduce pipeline diameter from 8-inch to 6-inch outside diameter.

Staff Findings on Request:

1. NWNA submitted a complete application for a Technical Revision (Res 2009-42 Sec 5.3, Res 2009-43 Sec 3.c)
2. Per Res 2009-42 Sec 5.1 and Res 2009-43 Sec 3.a, a Technical Revision is appropriate for this requested change because: NWNA is currently in compliance with permit terms; there will be no increase in the size of the area affected by the project; there will be no increase in the nature or intensity of impacts caused by the project; and there are no changes needed to the terms or conditions of the permits.
3. The revised alignment removes the pipeline from the County right-of-way and onto properties previously part of the project, with the addition of properties owned by McMurry and River Rock Ranch, immediately adjacent to the County right-of-way. While this re-alignment will add these parcels as properties affected by the project, easement agreements

*Departments of Building Safety, Planning & Zoning, Environmental Health, and Road Permitting*

will be required for each parcel, and the initial project approval indicated there will be no substantial impact to adjacent properties as a result of the project, so therefore a Technical Revision is appropriate to add the McMurry and River Rock Ranch parcels to the project.

4. The pipeline plan changes included in the proposed technical revision are consistent with the 1041 and Special Land Use Permits, subject to minor changes described in the Staff Comments section below.

Staff Comments: These comments require resolution prior to construction and do not impact the approval of the technical revision.

1. Ditch crossing agreements and coordination with all ditch owners in accordance with the County Right to Ranch policy is required for the proposed crossings and/or re-alignments of the Bray, Helena and Trout Creek ditches. All agreements shall be in place prior to commencement of work; to date no agreements have been submitted to the County.
2. Easements from Gunsmoke, Chaffee County, Moltz, Cogan, Colorado Department of Corrections, River Rock Ranch, Union Pacific Railroad, and McMurry are necessary for the project. All necessary easements shall be in place prior to commencement of work; to date the only executed easement submitted to the County is for Gunsmoke.
3. The plans indicate the pipeline will be partially located within the County right-of-way. A license for location within County property and a County Road permit for any work within the right-of-way, including ditch relocation, are required prior to commencement of any work on the pipeline.
4. Please submit an updated construction schedule identifying when work on each segment is planned, and approximate anticipated County Road crossings. Provide updated construction management plan to include days of week and time of day information. Although the pipeline has been substantially removed from the County Road right-of-way, please identify in the construction management plan anticipated use of the County right-of-way during construction.
5. Sheet 1, General Notes # 3 on each of the four sets reference a Terracon Report # B8085022 dated May 21, 2008. That report has not been submitted to the County; the copy submitted is numbered 230805051 dated November 2, 2008. Please clarify.
6. Construction Note 4 generally indicates removal and replacement of fencing at various locations. The Permit approvals generally require wildlife friendly fencing, which are appropriate for longer sections of fence and along road right-of-ways and property boundaries; however for short sections of 20-30 feet roughly perpendicular to the pipeline, replacement to match the existing fencing may be appropriate.
7. Line A, Sheet 3. The plans originally approved (the May 4, 2009 set) included notations on well house construction and lighting; ensure that those notes carry through to the final plan set.
8. Line A, Sheet 3. Note 1 indicates a "Utility Box" to be installed at the start of the pipeline, however this is not shown on the profile. Utility boxes are also identified but not shown on profile on Line A Sheet 5, and Line B, Sheet 3.
9. Line A, Sheet 5. Note 1 indicates a Utility Box" to be installed at the end of the pipeline, however this is not shown on the profile. The Utility Box Detail on Sheet 2 indicates this will be a stainless steel to HDPE connection, please clarify. Will the installation of the utility boxes include any surface markings for future location?
10. Line B, Sheet 3. Between approx Sta 49+75 and 51+50, the plans appear to shown ownership as UPRR, however prior submittals appear to show ownership as Nestle and DOC. Please clarify.

11. Line B, Sheet 3. The changes to the culverts and fill sections are acceptable. The May 4 plans included insulation between the Nestle pipeline and the culvert, which is not shown on this set. The fill and work near Sta 44+00 is in close proximity to the Bighorn Springs wetland area, please add note requiring all work to be outside of limits of wetlands. The outlet of the culvert should have protection to minimize potential erosion resulting from discharge from the culvert and reduce sedimentation potential to the wetlands.
12. Line B, Sheet 4. Revision Note 2 indicates a transition manhole is added, however the construction notes indicate a pipe transition box. Please clarify.
13. Line B, Sheet 8. Approx. Sta 120+60, there appears to be a crossing of a ditch (Bray Ditch?) that is not identified on either the plan or profile.
14. Line B, Sheet 8. Sta 122+00, profile shows a manhole, plan does not show anything, Construction Note 1 indicates utility box. Please clarify.
15. Line C, Sheet 1. The Stationing on the typical CR 301 Section does not appear to match the plans, or reflect the realignment.
16. Line C, Sheet 2. The Moltz property trench cross-section does not reflect the revised Stationing for the pipeline.
17. Line C, Sheet 3. Sta 122+00, profile shows a manhole, plan and Construction Note 2 indicate utility box. Please clarify.
18. Line C, Sheets 4 and 5, and 6. Ditch relocations – suggest adding cross-sections to show new typical ditch location with respect to road, pipeline and easement, and property lines.
19. Line C, Sheet 5. Approx Sta 151+75 there appears there may be a ditch crossing (lateral?) that is not identified on the plans. Also at approx Sta 163+20 and 163+40, and on Sheet 7 at approx Sta 189+75.
20. Line C, Sheet 8. Sta 208+07 plan shows a ditch crossing (Trout Creek Ditch?) that is not identified on the profile. Also Sheet 9, Sta 223+93.
21. Line C, Sheet 10. Sta 228+41, May 4 plans showed beginning Concrete cap over pipeline at this location, which is not shown on this set. (See also comment 16, above).
22. Line C, Sheet 11 and Line D, Sheet 3.. Sta 243+87 shows an ARV and manhole. Is this the end of Line C and the beginning of Line D, or is beginning of Line D at HDD entry point? The plans for the River Crossing Option Line D show the beginning of Line D at Sta 243+87.
23. Line D, Sheet 1. The General Notes do not include Note 8, referring to ditch crossings, referenced on Line D Sheet 3.
24. Line D, Sheet 1. The revegetation Notes are different than those on Lines A, B, and C.
25. Line D, Sheet 1. The trench cross section stationing does not match that shown on plans.
26. Line D, Sheet 2. The stationing for the HDD and trench sections do not match that shown on plans.
27. Line D, Sheet 4. The end of the line shows a manhole on the profile, but not identified in construction notes or on the plan.

Please feel free to contact me with any questions or comments.

Copy Distribution:

Original, with full application as attachment – Board of Commissioners Project file  
Copy, with applicant narrative as attachment – Individual Commissioners  
Copy, with applicant narrative as attachment – County Attorney  
Copy, without attachment – NWNA (Mike Allen representative)



Nestlé Waters North America Inc.

777 WEST PUTNAM AVENUE  
GREENWICH, CT 06830

TEL: 203 531 4100  
www.nestlewatersnorthamerica.com



January 27, 2010

ARROWHEAD

Mr. Don Reimer, P.E., AICP  
Chaffee County Development Director  
Chaffee County  
P.O. Box 699  
Salida, CO 81201

DEER  
PARK

CALISTOGA

**RE: Nestlé Waters North America Inc. ("NWNA") Application for  
Technical Revision to 1041 Permit and SLUP Permit Regarding  
Pipeline Alignment**

ICE  
MOUNTAIN

Dear Mr. Reimer:

Ozarka

As discussed on September 28, 2009, NWNA informed the County that it would like to revise the size of the water transmission pipeline to a 6 inch-outside diameter ("OD") and slightly revise the Pipeline Alignment in some locations. Finalizing the pipeline plans, both in size and alignment, dictate the need for this request. In response to the County's request, NWNA submits this application for a Technical Revision to its 1041 Permit and SLUP (collectively referred to as "Permits").

Poland  
Spring

Zephyrhills

This request for Technical Revision to NWNA's Permits is independent of the Request for Technical Revision for Alternative Method of River Crossing dated January 21, 2010. Regardless of the County's determination of NWNA's January 21, 2010 Technical Revision request, NWNA desires to revise the size of the pipeline and modify the Pipeline Alignment as contained herein.

Nestlé  
PureLife

perrier

### **SUBMITTAL REQUIREMENTS**

PANNA

In accordance with Section 5.3 of the 1041 Permit and Section 3(c) of the SLUP, NWNA must submit the following information:

★  
S.PELLEGRINO

#### ***Documentation of the current Permit approval.***

Contrex

On September 23, 2009, the Board of County Commissioners approved NWNA's Permits for its spring water development project ("Project"), which are incorporated by reference. These Permits allow NWNA to construct the Pipeline Alignment as depicted on the Ruby Mountain Springs and Bighorn Springs Site Plans, the Pipeline Plan and the Profile Plans, A through D, which NWNA submitted on May 4, 2009.

On November 2, 2009, the County granted approval of NWNAs Technical Revision # 1 to its Permits, which accommodates an office use within the Truck Loading Station approved square footage and associated additional parking spaces.

***Drawings and plans of proposed changes to the project.***

As provided in Exhibit A, the revised Pipeline Plan and the Profile Plans illustrate the revised proposed Pipeline Alignment and pipeline OD. Revisions to all four Pipeline Segments ("A" through "D") are presented herein and are contained with "clouded" areas on pertinent drawings for ease of review.

***Description of changed circumstances.***

While finalizing its pipeline design, NWNAs determined that the Project would only require a 6-inch OD pipeline, as opposed to the originally contemplated 8-inch OD pipeline.

Also during finalization of the pipeline design, NWNAs determined that the Pipeline Alignment required minor realignments along some segments between the Ruby Mountain Springs Parcel and the Truck Loading Station because (1) the Project no longer included pumping at the Bighorn Springs; and (2) the pipeline would be afforded more protection within easements on private property as opposed to within County Road Right of Way ("ROW") and within the Union Pacific Railroad ROW.

Because NWNAs no longer plans to pump at the Bighorn Springs and does not require access to boreholes, the Pipeline Alignment shifts north, at the most 100 feet, from its original alignment on the Bighorn Springs Parcel to more closely parallel the north property boundary.

From the Bighorn Springs Parcel to the north, NWNAs proposes to shift the Pipeline Alignment from 15 to 25 feet from its approved alignment out of the County Road and UP ROW where the pipeline can be built within easements on private property.

Specifically, the following changes to Pipeline Alignment are proposed. (Note: all Station references herein are based on the pipeline beginning at 1+00 rather than 10+00 as submitted on May 4, 2009.)

**Pipeline Segment "A" Sheet #3 and Sheet # 4 .**

The Pipeline Alignment has been moved about 20 feet to the west out of the County Road ROW onto Cogan property between Stations 10+44 and 18+20. From Station 18+20 to Station 24+00, the pipeline curve has been slightly modified to reflect this change onto Cogan property.

**Pipeline Segment "A" Sheet #5 and Pipeline Segment "B" Sheet #3.**

The change of the Pipeline Alignment on this portion of Segment A and B stems from removing Bighorn Springs pumping from the Project. Beginning at Station 31+00, the pipeline bears northwest to approximately Station 37+00 at which point the pipeline turns west and parallels the Bighorn Springs north property line until it meets the railroad right-of-way. NWNAs revised the Pipeline Alignment so that the pipeline is approximately 30 feet south of the north property line instead of 130 feet it was on the previously approved plans.

There are relatively steep depressions in the topography at approximately Station 44+22 and Station 47+92. Where the pipeline crosses these depressions, to avoid excessively deep trenching and to provide freeze protection for the pipeline, construction requires 5 to 8 feet of fill and 36 inch-diameter culverts to all for unimpeded flow. Refer to Exhibit B for supporting information for sizing the culverts.

**Pipeline Segment "B" Sheets #3 and #4.**

NWNA proposes to shift the Pipeline Alignment approximately 20 feet to the east to remove the pipeline from the UP ROW and onto McMurry property between Stations 51+60 and 65+75.

**Pipeline Segment "B" Sheet #8 and Pipeline Segment "C" Sheet #3.**

Between Stations 116+00 and 120+50, NWNA proposes to shift the Pipeline Alignment approximately 20 feet to the east to remove the pipeline from the UP ROW and between Stations 120+50 and 123+00 from County Road ROW onto River Rock Ranch property.

**Pipeline Segment "C" Sheets #4 through #9.**

NWNA proposes to shift the Pipeline Alignment approximately 20 feet to the east to remove the pipeline from the County Road ROW and onto Cogan property between Stations 136+60 and 162+81. Along this pipeline segment from Station 139+47 to Station 162+70, the Helena Ditch will be straightened to be adjacent to and entirely east of the pipeline. The ditch will be resealed using bentonite according to the Ditch Agreements between NWNA and the ditch owners.

From approximately Station 163+05 to Station 217+11 the proposed Pipeline Alignment will be shifted 20 feet to the east/northeast to remove the pipeline from the County Road ROW and onto Moltz property. Along this pipeline segment from Station 170+90 to Station 174+70, the Trout Creek Ditch will be straightened to be adjacent to and entirely east of the pipeline. The ditch will be resealed using bentonite according to the Ditch Agreements between NWNA and the ditch owners.

Between Stations 217+00 to 218+50, the revised pipeline alignment is about 15 feet to the south from the previously approved plans.

**Pipeline Segment "D" Sheets #3 and #4.**

NWNA proposes to shift the Pipeline Alignment between Stations 249+00 and 258+00 from 0 to 20 feet to the north so that the pipeline avoids the County Road 310 ROW. The proposed alignment slightly adjusts the alignment on the Moltz and Chaffee County property, and then is entirely within a private easement on the Gunsmoke properties before reaching the NWNA Truck Loading Station property.

***Description of additional or changed mitigation plans.***

The Pipeline Alignment changes have no substantive impact on the Project operation or construction, as they are minor changes to the Pipeline Alignment and construction details. As a result, NWNA does not need to provide additional mitigation.

***Any additional information that the County Staff requires.***

At the September 28, 2009 meeting, staff stated that additional information needed included:

- (1) Executed easement agreements allowing for installation of the NWNA pipeline on private properties.
- (2) Executed ditch-crossing agreements that address NWNA pipeline crossings of the Helena, Trout Creek, and Bray ditches.

#### **ALLOWED TECHNICAL REVISIONS**

In accordance with Section 5.1 of the 1041 Permit and Section 3(a) of the SLUP, the County will allow a technical revision if staff determines the following:

***Permittee and the Project are in compliance with all terms and conditions of the original Permit at the time the County Staff receives notice of the proposed technical revision.***

In compliance with 1041 Permit Condition 4.10, NWNA timely submitted a Letter of Credit to the County to cover restoration costs for the proposed pipeline construction.

In compliance with 1041 Permit Condition 4.12, NWNA timely submitted the required funding for the Cost Reimbursement Fund and has reimbursed the County for all invoiced costs.

In compliance with conditions 4.13, 4.14, 4.15 and 4.16, NWNA met with the County on September 3, 2009 to discuss elements that the County will require to finalize NWNA's various plans. NWNA has received County comments and consultant and agency reviews of these plans, and is working with the County staff to finalize each plan.

In compliance with 1041 Permit Condition 4.18, NWNA has executed a right-of-way Deed to the County for County Road 300 through NWNA's Bighorn Springs Parcel.

In compliance with 1041 Permit Condition 4.21, NWNA has begun working with the CDOW to establish a permanent fishing easement and access on the Bighorn Springs Parcel. NWNA and CDOW are currently working to prepare this Fishing Easement and Access Agreement.

In compliance with 1041 Permit Condition 4.24, NWNA has submitted to the County and the County has approved a Construction Management Plan.

In compliance with 1041 Permit Condition 4.32(b), NWNA has begun submitting to the County monthly accounting reports detailing Aurora's water supply and demand operations within the Arkansas River Basin.

In compliance with 1041 Permit Condition 4.32(c), NWNA has submitted to the County Aurora's 2001-2008 Colorado River and Arkansas River Diversions summary report.

In compliance with 1041 Permit Condition 4.35, NWNA has begun submitting to the County monthly surface flow measurements of the Ruby Mountain Upper Ditch Flume and Outfall Weir on the Ruby Mountain Springs Parcel.

NWNA is in compliance with the various conditions of the 1041 Permit and SLUP and therefore complies with this criterion.

***There will be no increase in the quantity of water or size of the area affected by the Project***

The revisions to the pipeline OD and Pipeline Alignment do not increase the quantity of water NWNA will withdraw in its operations. The slight modification of Pipeline Alignment only relocates the pipeline and does not change the area of the pipeline. Therefore, the revisions meet this criterion.

***There will be no increase in the nature or intensity of impacts caused by the Project from those contemplated by this Permit.***

NWNA does not anticipate increase in the nature or intensity of its Project impacts as a result of the change in size of the pipeline or realignment of the pipeline. The proposed revisions actually reduce the contemplated pipeline size and improve the Project by moving some of the pipeline out of the County Road onto private property. As a result, there is no increase in the nature or intensity of impact caused by the Project. Therefore, the revisions also meet the following Permit criterion.

***Only minor changes to the terms or conditions of this Permit would be required to ensure that the Project will continue to comply with all applicable Chaffee County regulations and intergovernmental agreements as they exist at the time the County receives notice of the proposed technical revision.***

NWNA maintains that these proposed revisions are nominal and do not require any changes or additions to the 1041 Permit or SLUP conditions.

Please review the enclosed information, and contact me, or Mike Allen with Apex Development Services, if I can provide you with any additional information needed to grant this technical revision in accordance with Section 5.4 of the 1041 Permit and Section 3(d) of the SLUP. I appreciate your consideration and look forward to hearing from you.

Sincerely,



Brent Clay  
NWNA Project Engineer  
1322 Crestside Drive  
Suite 100  
Coppell, TX 75019  
Brent.Clay@waters.nestle.com

Attached Exhibits:

- A – Pipeline Plan and Profile plans (A through D)
- B – Culvert Sizing Supporting Information



**CHAFFEE COUNTY**  
**Development Services Department**

P.O. BOX 699  
SALIDA, CO 81201

PHONE (719) 539-2124  
FAX (719) 530-9208

WEBSITE [www.chaffeecounty.org](http://www.chaffeecounty.org)

**MEMORANDUM**

**Date:** March 10, 2010  
**To:** Nestle Waters North America (Mike Allen, Representative)  
**Cc:** Board of County Commissioners  
Jenny Davis, County Attorney  
**From:** Don Reimer, County Development Director  
**Subject:** Nestle Project – Technical Revision # 3  
Pipeline D

Date Submitted by Applicant: March 8, 2010

Action: REQUEST APPROVED  Date: 3/10/10

Further Action: Since this is a modification only to the pipeline alignment, staff opinion is that a technical revision to the submitted construction documents is warranted, and a revision of the conditions or language of the permits is not needed.

Process: Per 1041 Resolution 2009-42, Section 5; and SLUP Resolution 2009-43 Section 3, the staff shall notify the Permittee, the Board of Commissioners (Permit Authority), and County Attorney of a decision on the Technical Revision request within 5 working days of approval. At its discretion, the Board may hold a public hearing on the revision no more than 45 days after notice of the decision by staff. The revision will take effect 15 days from approval, or if a hearing is held, the effective date will be set by the Board.

Summary of Request: Revise pipeline alignment through the Gunsmoke property to relocate closer to the south property line, and extend the Town pipeline to US 24/285 on the west side of the Arkansas River.

Staff Findings on Request:

1. NWNA submitted a complete application for a Technical Revision (Res 2009-42 Sec 5.3, Res 2009-43 Sec 3.c)
2. Per Res 2009-42 Sec 5.1 and Res 2009-43 Sec 3.a, a Technical Revision is appropriate for this requested change because: NWNA is currently in compliance with permit terms; there will be no increase in the size of the area affected by the project; there will be no increase in the nature or intensity of impacts caused by the project; and there are no changes needed to the terms or conditions of the permits.
3. The revised alignment adjusts the pipeline alignment within the Gunsmoke parcel, and extends the Town of Buena Vista pipeline from the prior termination at CR 310, to terminate at US 24/285 at the northeast corner of the Nestle Loading Station parcel.



4. The pipeline plan changes included in the proposed technical revision are consistent with the 1041 and Special Land Use Permits, subject to minor changes described in the Staff Comments section below.

Staff Comments: These comments require resolution prior to construction and do not impact the approval of the technical revision.

1. Permit Amendment # 1, approved with Resolution 2010-20, granted the change to the construction method to allow the trenching method depicted in the plans submitted with this Technical Revision. Resolution 2010-20 also amended original permit condition # 22 as follows:

**Pipeline Requirements.** Prior to any construction, Permittee shall submit to the County Attorney executed road access permits, permits to construct within the County rights-of-way, easement and right-of-way dedications and licenses pertinent to the pipeline. In addition, Permittee shall submit executed ditch crossing agreements and comply with archaeological construction requirements.

Notwithstanding the foregoing, only within the River Crossing Segment, Permittee may initiate pipeline construction of its pipeline and the Town of Buena Vista's Pipeline when it has submitted to the County all required executed easements across property within the River Crossing Segment. No crossing of any ditch can be initiated until the required crossing agreement has been executed and submitted.

Easements from Gunsmoke, Chaffee County, and Moltz are necessary and have been submitted; however the Gunsmoke easement will have to be amended and resubmitted due to the change in alignment, and will be required prior to any work on Line D, other than the River Crossing segment depicted on Sheet 4 of the plans.

2. Ditch crossing agreements and coordination with all ditch owners in accordance with the County Right to Ranch policy is required for the proposed crossings of the Bray and Helena ditches. All agreements shall be in place prior to commencement of work; to date only the Bray Ditch agreement has been submitted to the County. Per amended condition # 22 above, the Bray Ditch can be crossed as part of the River Crossing Construction, but the Helena Ditch cannot be crossed until the executed ditch agreement has been submitted, and the Helena Ditch agreement will be required prior to any work on Line D, other than the River Crossing segment depicted on Sheet 4 of the plans.

3. Resolution 2010-20 also added a new condition #49, related to the Town pipeline:

**Town Water Pipeline.** Prior to commencement of construction in the River Crossing Segment, Permittee shall provide to the County an executed agreement between the Town of Buena Vista and Permittee addressing installation of the Town Water Pipeline and conveyance of such pipeline to the Town. Prior to commencement of construction in the River Crossing Segment, Permittee shall provide to the County agreements, in such form satisfactory to the County Attorney, to grant easements to the Town of Buena Vista with all property owners owning property necessary to connect the Town Water Pipeline to public rights-of-way.

Agreements from Nestle, Gunsmoke, Chaffee County, and Moltz, are necessary. Chaffee County has executed an easement, and Nestle, Gunsmoke and Moltz have each submitted letters of intent in a form satisfactory to the County attorney, so this condition has been satisfied.

4. Sheet 1, General Notes # 3 references Terracon Report # B8085022 dated May 21, 2008. That report has not been submitted to the County; the copy submitted is numbered 230805051 dated November 2, 2008. This had been corrected on earlier plans.
5. Sheet 1, Trench Cross Section. Comment for clarification: the stationing is correct except that the Nestle casing ends at 252+18.
6. Sheet 1. The seed mix notes are different than those on the previously approved Line D (see Sheet 5)

Please feel free to contact me with any questions or comments.

Copy Distribution:

Original, with full application as attachment – Board of Commissioners Project file  
Copy, with applicant narrative and Gunsmoke Site Plan as attachment – Individual Commissioners  
Copy, with applicant narrative and Gunsmoke Site Plan as attachment – County Attorney  
Copy, without attachment – NWNA (Mike Allen representative)

Nestlé Waters North America Inc.

777 WEST PUTNAM AVENUE  
GREENWICH, CT 06830

TEL: 203 531 4100  
www.nestlewatersnorthamerica.com



ARROWHEAD

DEER  
PARK

March 8, 2010

CALISTOGA

Mr. Don Reimer, P.E., AICP  
Chaffee County Development Director  
Chaffee County  
P.O. Box 699  
Salida, CO 81201

ICE  
MOUNTAIN

Ozarka

**RE: Nestlé Waters North America Inc. ("NWN") Application for Technical  
Revision to 1041 Permit and SLUP Permit Regarding Gunsmoke Property  
Pipeline Alignment**

Poland  
Spring

Dear Mr. Reimer:

Zephyrhills



Perrier

PANNA

S.PELLEGRINO

Contrex

As you are aware, February 22, 2010, the Chaffee County Board of County Commissioners approved an Amendment to NWN's 1041 and Special Land Use permits ("Permits") allowing for an Alternative River Crossing to include trenching across the Arkansas River to install NWN's water pipeline as well as a water pipeline for the Town of Buena Vista ("Town"). Based on the Town's request, the County required that easements be negotiated that would allow for the Town's pipeline to ultimately intersect with a public right-of-way ("ROW"). Letters of Intent from the owners of the affected properties (Moltz and Gunsmoke (Hansen) were submitted to the County indicating the intentions of the owners to grant the Town such easements. The Town's stated preference was for the easement across the Gunsmoke property to intersect the US Highway 285/24 ROW.

Since the time of the Permit Amendments, the Gunsmoke owners have indicated to NWN and the Town that they are willing to provide the Town an easement across their property which will ultimately intersect the US Highway 285/24 ROW. The Gunsmoke owners are making this easement available to the Town with the condition that the location of the NWN and Town pipelines be located as close to the south boundary of the Gunsmoke property as possible to minimize encumbrance of the property which would limit future commercial development of the property. Therefore, NWN submits this application for a Technical Revision to its 1041 Permit and SLUP (collectively referred to as "Permits") allowing for a minor adjustment to the alignment of NWN's pipeline on the Gunsmoke property.

## **SUBMITTAL REQUIREMENTS**

In accordance with Section 5.3 of the 1041 Permit and Section 3(c) of the SLUP, NWNA must submit the following information:

### ***Documentation of the current Permit approval.***

On September 23, 2009, the Chaffee County Board of County Commissioners ("BOCC") approved NWNA's Permits for its Project, which are incorporated by reference. These Permits allow NWNA to construct the Pipeline Alignment as depicted on the Ruby Mountain Springs and Bighorn Springs Site Plans, the Pipeline Plan and the Profile Plans, A through D, which NWNA submitted on May 4, 2009.

On November 2, 2009, the County granted approval of NWNA's Technical Revision to its Permits, which accommodates an office use within the Truck Loading Station, approved square footage and associated additional parking spaces.

On February 22, 2010, the BOCC granted approval of amendments to NWNA's Permits (Resolutions 2010-20 and 2010-21), which provides for an Alternative River Crossing Method and to install an additional Pipeline for the Town of Buena Vista, conditioned on the issuance of a US Army Corps of Engineers 404 Permit to NWNA for the river crossing.

On February 23, 2010, the County granted approval of NWNA's Technical Revision to its Permits allowing for a minor realignment of its pipeline, which removes the pipeline from significant lengths of County Road ROW.

On December 22, 2009, NWNA dedicated to the County a County Road right of way ("ROW") through the Bighorn Springs Parcel. The BOCC accepted the Bighorn Springs ROW dedication on January 19, 2010. This ROW Agreement contains deed restrictions requiring NWNA to provide the deed restriction document to the County in each Annual Report. (Please see attached in Appendix A.)

On January 12, 2010 the BOCC issued to NWNA a License for NWNA's pipeline to occupy County Road ROW. On January 15, 2010 the County issued to NWNA a County Road Access Permit for the Ruby Mountain Parcel. On February 5, 2010 the County issued to NWNA Permits to Construct within County Road ROW.

On January 19, 2010 the BOCC approved Granting NWNA an Easement for NWNA's pipeline to cross County property along the Arkansas River south of Johnson Village.

On January 20, 2010, the County issued to NWNA a Demolition Permit to remove the Gunsmoke liquor store from NWNA's Gunsmoke property.

### ***Drawings and plans of proposed changes to the project.***

A revised Site Plan for the Gunsmoke property is presented in Exhibit A. The revised Pipeline Plan and the Profile Plans presented in Exhibit B illustrate the revised proposed Pipeline Alignment.

***Description of changed circumstances.***

In order for NWNA to assist the Town in acquiring an easement across the Gunsmoke property to the US HW 285/24 ROW and to minimize encumbrance of a valuable commercial property, the NWNA pipeline alignment across the Gunsmoke property requires minor adjustment southward to place it along the southern property boundary. (Note: Station references herein are based on the attached drawings in Exhibit B.)

**Pipeline Segment "D" Sheets #2.**

A Section Detail (1) has been added to this sheet showing the configuration of a Transition Manhole. This manhole is shown on the plans (Sheet #3) to be located at the end of the NWNA pipeline on the NWNA (Liquor Store) property.

**Pipeline Segment "D" Sheets #3 and #4.**

The Pipeline Alignment has been moved about 20 feet to the south between Stations 252+00 and 255+00. The Town and Nestle pipelines will be constructed within this easement to prevent unnecessary encumbrance and future disturbance of the Gunsmoke property in this location. The Town and NWNA pipelines will avoid the CR 310 ROW, though the Town may choose to exercise easement access to the CR310 ROW at some time in the future. From Station 255+00 proceeding west, the Town and NWNA pipelines will be constructed within the previously-permitted easement alignment.

At approximate Station 257+35, the Town's pipeline will begin to turn north and separate from the NWNA pipeline and terminate at Station 258+00. NWNA has agreed to construct the Town's pipeline to this point during construction of the NWNA pipeline. At some future time, the Town will be able to construct the continuation of its pipeline to the north within contiguous easements granted to it by NWNA (5 feet wide) and Gunsmoke LLC (15 feet wide).

From Station 257+30, THE NWNA pipeline will proceed to the west along the previously-permitted easement until it reaches the NWNA property at which point it will turn to the north and terminate at the Transition Manhole at Station 259+63

***Description of additional or changed mitigation plans.***

The Pipeline Alignment changes have no substantive impact on the Project operation or construction, as they are minor changes to the Pipeline Alignment and construction details. As a result, NWNA does not need to provide additional mitigation.

***Any additional information that the County Staff requires.***

On March 8, 2010, the County staff stated that additional information needed included:

- (1) Revised Letter of Intent from Gunsmoke LLC indicating support for Town easement across Gunsmoke property to US Highway 285/24.
- (2) Letter of Intent from NWNA indicating support for Town easement across NWNA property to US Highway 285/24.

## **ALLOWED TECHNICAL REVISIONS**

In accordance with Section 5.1 of the 1041 Permit and Section 3(a) of the SLUP, the County will allow a technical revision if staff determines the following:

***Permittee and the Project are in compliance with all terms and conditions of the original Permit at the time the County Staff receives notice of the proposed technical revision.***

In compliance with 1041 Permit Condition 4.10, NWNA timely submitted two Letters of Credit to the County to cover restoration costs for the proposed pipeline construction and the River Crossing.

In compliance with 1041 Permit Condition 4.12, NWNA timely submitted the required funding for the Cost Reimbursement Fund and has reimbursed the County for all invoiced costs.

In compliance with conditions 4.13, 4.14, 4.15 and 4.16, NWNA met with the County on September 3, 2009 to discuss elements that the County will require to finalize NWNA's various plans. NWNA has received County comments and consultant and agency reviews of these plans, and is working with the County staff to finalize each plan. NWNA has revised each of the referenced plans according to the County's review and will resubmit to County staff by March 15 for County review and approval.

In compliance with 1041 Permit Condition 4.18, NWNA has executed a ROW Deed to the County for County Road 300 through NWNA's Bighorn Springs Parcel.

In compliance with 1041 Permit Condition 4.21, NWNA has begun working with the Colorado Division of Wildlife ("CDOW") to establish a permanent fishing easement and access on the Bighorn Springs Parcel. NWNA and CDOW are currently working to prepare this Fishing Easement and Access Agreement.

In compliance with 1041 Permit Condition 4.23 prior to any demolition, NWNA obtained from the County a Demolition Permit for the Gunsmoke Liquor Store on January 22 and NWNA subsequently removed the building.

In compliance with 1041 Permit Condition 4.24, NWNA has submitted to the County and the County has approved a Construction Management Plan.

In compliance with 1041 Permit Condition 4.32(b), NWNA has begun submitting to the County monthly accounting reports detailing Aurora's water supply and demand operations within the Arkansas River Basin. NWNA's December 14, 2009 letter from Applegate Group Inc. to the County provided information for Aurora's water supply and demand operations from 2001 through the 2009 water year ending in October 2009. In addition, the Applegate letter also meets the Condition 4.32(b) requirement that requires NWNA to summarize on an annual basis the monthly Aurora reports. The Applegate letter is attached as Appendix B for your reference.



In compliance with 1041 Permit Condition 4.32(c), NWNA has submitted to the County Aurora's 2001 through October 2009 Colorado River and Arkansas River Diversions summary report.

In compliance with 1041 Permit Condition 4.35, NWNA has begun submitting to the County monthly surface flow measurements from the Ruby Mountain Upper Ditch Flume (also known as the Ruby Parshall 1 or Upper Flume) and Ruby Weir (also known as the Lower Weir) on the Ruby Mountain Springs Parcel.

In compliance with 1041 Permit Condition 4.40, NWNA submitted its Substitute Water Supply Plan ("SWSP") to the County on November 10, 2009 for County review. After revising the SWSP application based on the County's comments, NWNA submitted its SWSP application to the State Engineers Office ("SEO") on December 5, 2009. The Comment Period for the SEO application ended January 4, 2010.

In compliance with 1041 Permit Condition 4.8, NWNA submitted its 2009 Annual Report to the County on March 1, 2010.

NWNA is in compliance with the various conditions of the 1041 Permit and SLUP and therefore complies with this criterion.

***There will be no increase in the quantity of water or size of the area affected by the Project***

The revisions to the pipeline OD and Pipeline Alignment do not increase the quantity of water NWNA will withdraw in its operations. The slight modification of Pipeline Alignment only relocates the pipeline and does not change the area of the pipeline. Therefore, the revisions meet this criterion.

***There will be no increase in the nature or intensity of impacts caused by the Project from those contemplated by this Permit.***

The minor realignment of the pipeline does not change the nature nor does it increase the intensity of its Project impacts. The proposed revision improves the Project by allowing for the Town's pipeline to intersect the US Highway 285/24 ROW and reducing encumbrance of a valuable commercial property. Therefore, the proposed revision also meets the following Permit criterion.

***Only minor changes to the terms or conditions of this Permit would be required to ensure that the Project will continue to comply with all applicable Chaffee County regulations and intergovernmental agreements as they exist at the time the County receives notice of the proposed technical revision.***

NWNA maintains that these proposed revisions are nominal and do not require any changes or additions to the 1041 Permit or SLUP conditions.

Please review the enclosed information, and contact me, or Mike Allen with Apex Development Services, if I can provide you with any additional information needed to grant this technical revision in accordance with Section 5.4 of the 1041 Permit and Section 3(d) of the SLUP. I appreciate your consideration and look forward to hearing from you.

Sincerely,

Brent Clay  
NWA Project Engineer  
1322 Crestside Drive  
Suite 100  
Coppell, TX 75019  
Brent.Clay@waters.nestle.com

A handwritten signature in cursive script that reads "Brent Clay".

Attached Exhibits:

- A – Gunsmoke Properties Site Plan
- B – Pipeline Segment ("D") Plan and Profile Drawings

## **Gunsmoke Truck Stop**

**12916 HWY 285**

**Buena Vista, CO 81211**

**719-395-2833**

March 9, 2010

Sue Boyd  
Town of Buena Vista  
PO Box 2002  
Buena Vista, CO 81211

Sue,

This letter serves to capture our conversations this week regarding easements for installation of a Town water line on our property. An easement has been provided for the waterline, commencing at the termination of the County *easement on the west bank of the Arkansas River to County Road 310*. We will continue to pursue good faith efforts with the Town of Buena Vista to provide an easement through the Gunsmoke Property for the purpose of a Town waterline from County Road 310 to the west extent of our property, which is the eastern boundary of the Nestle property. From there we are also pursuing good faith *efforts to create an easement that will be split on the property line between Nestle and Gunsmoke* for the purpose of installing the Town water line north to 285.

Sincerely,

*C. E. Hansen*

*Steve Hansen*

Steve and Cindy Hansen

Exhibits removed per Chaffee County Attorney's Office



**CHAFFEE COUNTY**  
**Development Services Department**  
P.O. BOX 699  
SALIDA, CO 81201  
PHONE (719) 539-2124  
FAX (719) 530-9208  
WEBSITE [www.chaffeecounty.org](http://www.chaffeecounty.org)

**MEMORANDUM**

**Date:** April 5, 2010  
**To:** Nestle Waters North America (Mike Allen, Representative)  
**Cc:** Board of County Commissioners  
Jenny Davis, County Attorney  
**From:** Don Reimer, County Development Director  
**Subject:** Nestle Project – Technical Revision # 4  
Pipeline D

Date Submitted by Applicant: April 1, 2010

Action: REQUEST APPROVED  Date: 4/5/10

Further Action: Since this is a modification for a change in a portion of the operations, and will not increase project withdrawals or exports of water, staff opinion is that a technical revision to the submitted construction documents is warranted, and a revision of the conditions or language of the permits is not needed.

Process: Per 1041 Resolution 2009-42, Section 5; and SLUP Resolution 2009-43 Section 3, the staff shall notify the Permittee, the Board of Commissioners (Permit Authority), and County Attorney of a decision on the Technical Revision request within 5 working days of approval. At its discretion, the Board may hold a public hearing on the revision no more than 45 days after notice of the decision by staff. The revision will take effect 15 days from approval, or if a hearing is held, the effective date will be set by the Board.

Summary of Request: Add a 4-inch discharge line to Pipeline D between the Loading Station and the point of discharge at the Bray Ditch. The discharge line will be used to dispose of excess spring water that will not be transported to the bottling plant in Denver. The original plan for this discharge was to infiltration basins on the Loading Station site.

Staff Findings on Request:

1. NWNA submitted a complete application for a Technical Revision. (Res 2009-42 Sec 5.3, Res 2009-43 Sec 3.c)
2. Per Res 2009-42 Sec 5.1 and Res 2009-43 Sec 3.a, a Technical Revision is appropriate for this requested change because: NWNA is currently in compliance with permit terms; there will be no increase in the size of the area affected by the project; there will be no increase in the nature or intensity of impacts caused by the project; and there are no changes needed to the terms or conditions of the permits.

3. The revision results from a minor change to part of the operation for the project. NWNA indicates that on an occasional basis, they will not be able to utilize some of the spring water pumped from the borehole to the loading station. They need to dispose of this excess potable water. The original plan was to discharge to the raingardens on site; they instead will discharge through the new pipeline to the Bray Ditch. This potable water discharge is permitted under state regulation. The change will allow spring water to infiltrate back into the aquifer and Arkansas River closer to the original pumping location, and on the same side of the river.
4. The proposed change will require an updated agreement with the owner of the Bray Ditch that includes the proposed discharges to the ditch. A ditch crossing agreement was previously submitted. **The connection to the Bray Ditch pipeline shall not be made until the Bray Ditch carriage agreement has been submitted.**
5. The pipeline plan changes included in the proposed technical revision are consistent with the 1041 and Special Land Use Permits, subject to minor changes described in the Staff Comments section below.

Staff Comments: These comments require resolution prior to construction and do not impact the approval of the technical revision.

1. Sheet 1, General Notes # 3 references Terracon Report # B8085022 dated May 21, 2008. That report has not been submitted to the County; the copy submitted is numbered 230805051 dated November 2, 2008. This had been corrected on earlier plans.
2. Sheet 1. The seed mix notes are different than those on the previously approved Line D (shown on Sheet 5). Is the seed mix shown on Sheet 1 for the remainder of Line D (the area outside of the River Crossing)?
3. Sheet 2, Trench Cross-section 258+00 – 259+62. This set of plans adds a separated trench for the Buena Vista pipeline. Sheet 3 shows the end of the Buena Vista pipeline at Sta 258+00. Is this section of Town pipeline intended to be installed concurrently with this project, or is this a detail for future completion of the Town pipeline?

Please feel free to contact me with any questions or comments.

Copy Distribution:

Original, with full application as attachment – Board of Commissioners Project file  
Copy, with applicant narrative as attachment – Individual Commissioners  
Copy, with applicant narrative as attachment – County Attorney  
Copy, without attachment – NWNA (Bobbi McClead, Natural Resources Manager)  
Copy, without attachment – NWNA (Mike Allen, representative)  
Copy, without attachment – NWNA (Crabtree Group, engineer)



3. The revision results from a minor change to part of the operation for the project. NWNA indicates that on an occasional basis, they will not be able to utilize some of the spring water pumped from the borehole to the loading station. They need to dispose of this excess potable water. The original plan was to discharge to the raingardens on site; they instead will discharge through the new pipeline to the Bray Ditch. This potable water discharge is permitted under state regulation. The change will allow spring water to infiltrate back into the aquifer and Arkansas River closer to the original pumping location, and on the same side of the river.
4. The proposed change will require an updated agreement with the owner of the Bray Ditch that includes the proposed discharges to the ditch. A ditch crossing agreement was previously submitted. **The connection to the Bray Ditch pipeline shall not be made until the Bray Ditch carriage agreement has been submitted.**
5. The pipeline plan changes included in the proposed technical revision are consistent with the 1041 and Special Land Use Permits, subject to minor changes described in the Staff Comments section below.

Staff Comments: These comments require resolution prior to construction and do not impact the approval of the technical revision.

1. Sheet 1, General Notes # 3 references Terracon Report # B8085022 dated May 21, 2008. That report has not been submitted to the County; the copy submitted is numbered 230805051 dated November 2, 2008. This had been corrected on earlier plans.
2. Sheet 1. The seed mix notes are different than those on the previously approved Line D (shown on Sheet 5). Is the seed mix shown on Sheet 1 for the remainder of Line D (the area outside of the River Crossing)?
3. Sheet 2, Trench Cross-section 258+00 – 259+62. This set of plans adds a separated trench for the Buena Vista pipeline. Sheet 3 shows the end of the Buena Vista pipeline at Sta 258+00. Is this section of Town pipeline intended to be installed concurrently with this project, or is this a detail for future completion of the Town pipeline?

Please feel free to contact me with any questions or comments.

Copy Distribution:

Original, with full application as attachment – Board of Commissioners Project file  
Copy, with applicant narrative as attachment – Individual Commissioners  
Copy, with applicant narrative as attachment – County Attorney  
Copy, without attachment – NWNA (Bobbi McClead, Natural Resources Manager)  
Copy, without attachment – NWNA (Mike Allen, representative)  
Copy, without attachment – NWNA (Crabtree Group, engineer)



Nestlé Waters North America Inc.

777 WEST PUTNAM AVENUE  
GREENWICH, CT 06830

TEL: 203 531 4100  
www.nestlewatersnorthamerica.com



March 31, 2010

ARROWHEAD  
DEER PARK  
Mr. Don Reimer, P.E., AICP  
Chaffee County Development Director  
Chaffee County  
P.O. Box 699  
Salida, CO 81201

CALISTOGA  
RE: Nestlé Waters North America Inc. ("NWNA") Application for  
Technical Revision to 1041 Permit and SLUP Permit Regarding 4"  
Spring Water Discharge Pipeline

ICE MOUNTAIN

Dear Mr. Reimer:

Ozarka  
Petaland Spring  
Zephyrhills  
Since NWNA received its 1041 and SLUP permits in September 2009, it has re-evaluated the need for flow continuance of its pipeline system during periods when weather may hamper transportation of spring water to its Denver bottling plant, or during short term plant shutdowns. By continuing to operate the system during periodic breaks in trucking associated with the above mentioned occurrences, water quality can be maintained through these time periods to eliminate the need for extensive startup procedures which would delay the resumption of bottling.

Nestlé  
Pure Life

perrier

PANNA

NWNA initially proposed in its 1041 application to accommodate this short term infrequent flushing of its spring water by discharging to the rain gardens on NWNA's Truck Loading Facility property ("NWNA's Loading Facility"). NWNA has re-evaluated the reliability of discharging its spring water within on-site rain gardens. This re-evaluation has revealed that there is an alternative that offers better reliability. This proposed alternative relies on constructing a 4" diameter Spring Water Discharge Pipeline from NWNA's Loading Facility to the Bray Irrigation Ditch ("Bray Ditch") on the east side of the Arkansas.

★  
S.PELLEGRINO

Contrex

Therefore, NWNA submits this application for a Technical Revision to its 1041 Permit and SLUP (collectively referred to as "Permits") allowing for construction of the Spring Water Discharge Pipeline.

rec'd 4/1/10



## **SUBMITTAL REQUIREMENTS**

In accordance with Section 5.3 of the 1041 Permit and Section 3(c) of the SLUP, NWNA must submit the following information:

### ***Documentation of the current Permit approval.***

On September 23, 2009, the Chaffee County Board of County Commissioners ("BOCC") approved NWNA's Permits for its Project, which are incorporated by reference. These Permits allow NWNA to construct the Pipeline Alignment as depicted on the Ruby Mountain Springs and Bighorn Springs Site Plans, the Pipeline Plan and the Profile Plans, A through D, which NWNA submitted on May 4, 2009.

On November 2, 2009, the County granted approval of NWNA's Technical Revision to its Permits, which accommodates an office use within the Truck Loading Station, approved square footage and associated additional parking spaces.

On December 22, 2009, NWNA dedicated to the County a County Road right of way ("ROW") through the Bighorn Springs Parcel. The BOCC accepted the Bighorn Springs ROW dedication on January 19, 2010. This ROW Agreement contains deed restrictions requiring NWNA to provide the deed restriction document to the County in each Annual Report. (Please see attached in Appendix A.)

On January 12, 2010 the BOCC issued to NWNA a License for NWNA's pipeline to occupy County Road ROW. On January 15, 2010 the County issued to NWNA a County Road Access Permit for the Ruby Mountain Parcel. On February 5, 2010 the County issued to NWNA Permits to Construct within County Road ROW.

On January 19, 2010 the BOCC approved Granting NWNA an Easement for NWNA's pipeline to cross County Property along the Arkansas River south of Johnson Village.

On January 20, 2010, the County issued to NWNA a Demolition Permit to remove the Gunsmoke liquor store from NWNA's Loading Facility property.

On February 22, 2010, the BOCC granted approval of amendments to NWNA's Permits (Resolutions 2010-20 and 2010-21), which provides for an Alternative River Crossing Method and to install an additional Pipeline for the Town of Buena Vista ("Town"), conditioned on the issuance of a US Army Corps of Engineers 404 Permit to NWNA for the river crossing.

On February 23, 2010, the County granted approval of NWNA's Technical Revision to its Permits allowing for a minor realignment of its pipeline, which removes the pipeline from significant lengths of County Road ROW.



On March 2, 2010 the County issued an Easement to NWNA for NWNA's pipeline crossing of County property along the Arkansas River.

On March 10, the County granted approval of NWNA's Technical Revision to its Permits allowing for a minor realignment of its pipeline on the Gunsmoke Properties.

***Drawings and plans of proposed changes to the project.***

The revised Pipeline Plan and the Profile Plans for Pipeline Segment D presented in Exhibit A illustrate the proposed Spring Water Discharge Pipeline.

***Description of changed circumstances.***

Re-evaluation of NWNA's anticipated operations schedule, which is influenced by many factors including weather related trucking limitations, has revealed the need for a more reliable method of accommodating spring water discharges.

Specific changes to the pipeline construction plans follow. Proposed changes to previously-submitted drawings are "clouded".

**Pipeline Segment "D" Sheets #1 and 2.**

The cross section of the trench and pipeline detail has been modified to include the 4" diameter HDPE Spring Water Discharge Pipeline.

**Pipeline Segment "D" Sheets #3 and #4.**

A note has been added indicating installation of the Spring Water Discharge Pipeline between Pipeline Stations 249+80.10 and 259+62.93. Also, a note (#29) has been added indicating that an electro-fusion tapping "T" shall be installed for the Spring Water Discharge Pipeline at the Bray Ditch, which is enclosed in a 30" diameter HDPE conduit at Pipeline Station 249+80.10.

**Pipeline Segment "D" Sheet #4.**

The River Crossing Section detail has been modified to include the 4" diameter HDPE Spring Water Discharge Pipeline.

***Description of additional or changed mitigation plans.***

The installation and utilization of the Spring Water Discharge Pipeline have no substantive impact on the Project construction or operation. Regarding construction, the Spring Water Discharge Pipeline would be installed concurrently with and adjacent to NWNA's 6"-diameter water transmission pipeline using the permitted trenching plans and alignment. For crossing the Arkansas River, the Spring Water





Discharge Pipeline would be installed by pulling it through the existing 16" diameter sleeve, thus requiring no disturbance of the river.

The discharge of NWNA's spring water to the Bray Ditch is allowed by Colorado Department of Public Health and Environment policy (see Exhibit B). The Spring Water Discharge Pipeline shall not be used for disposing of water generated occasionally during system sanitizing. Sanitation water shall be discharged to the Buena Vista Sanitation District sanitary sewer system. The Spring Water Discharge Pipeline shall be mechanically separated from the purge water system in order to prevent cross-contamination. The Spring Water Discharge Pipeline shall only be used for the discharge of spring water not transported by truck to NWNA's bottling plant in Denver.

NWNA's discharge will be subject to a Carriage Agreement between NWNA and the owner of the Bray ditch. Due to the short term infrequent discharges, and high soil permeability, spring water discharged to the Bray Ditch will likely be returned to the aquifer via infiltration through ditch loss.

Installation of the Spring Water Discharge Pipeline is a minor change to the pipeline construction details. Periodic use of the Spring Water Discharge Pipeline does not change the quantity of water used by the project or how it is used, but only affects where a relatively small quantity of spring water is returned ultimately to the Arkansas River.

***Any additional information that the County Staff requires.***

County staff has indicated that additional information needed includes:

1. Carriage Agreement from the owner of the Bray Ditch allowing for NWNA's spring water discharge.

**ALLOWED TECHNICAL REVISIONS**

In accordance with Section 5.1 of the 1041 Permit and Section 3(a) of the SLUP, the County will allow a technical revision if staff determines the following:

***Permittee and the Project are in compliance with all terms and conditions of the original Permit at the time the County Staff receives notice of the proposed technical revision.***

In compliance with 1041 Permit Condition 4.10, NWNA timely submitted two Letters of Credit to the County to cover restoration costs for the proposed pipeline construction and the River Crossing.



In compliance with 1041 Permit Condition 4.12, NWNA timely submitted the required funding for the Cost Reimbursement Fund and has reimbursed the County for all invoiced costs.

In compliance with conditions 4.13, 4.14, 4.15 and 4.16, NWNA met with the County on September 3, 2009 to discuss elements that the County will require to finalize NWNA's various plans. NWNA has received County comments and consultant and agency reviews of these plans, and is working with the County staff to finalize each plan. NWNA has revised each of the referenced plans according to the County's review and will resubmit to County staff by March 15 for County review and approval.

In compliance with 1041 Permit Condition 4.18, NWNA has executed a ROW Deed to the County for County Road 300 through NWNA's Bighorn Springs Parcel.

In compliance with 1041 Permit Condition 4.21, NWNA has begun working with the Colorado Division of Wildlife ("CDOW") to establish a permanent fishing easement and access on the Bighorn Springs Parcel. NWNA and CDOW are currently working to prepare this Fishing Easement and Access Agreement.

In compliance with 1041 Permit Condition 4.23 prior to any demolition, NWNA obtained from the County a Demolition Permit for the Gunsmoke Liquor Store on January 22 and NWNA subsequently removed the building.

In compliance with 1041 Permit Condition 4.24, NWNA has submitted to the County and the County has approved a Construction Management Plan.

In compliance with 1041 Permit Condition 4.32(b), NWNA has begun submitting to the County monthly accounting reports detailing Aurora's water supply and demand operations within the Arkansas River Basin. NWNA's December 14, 2009 letter from Applegate Group Inc. to the County provided information for Aurora's water supply and demand operations from 2001 through the 2009 water year ending in October 2009. In addition, the Applegate letter also meets the Condition 4.32(b) requirement that requires NWNA to summarize on an annual basis the monthly Aurora reports. The Applegate letter is attached as Appendix B for your reference.

In compliance with 1041 Permit Condition 4.32(c), NWNA has submitted to the County Aurora's 2001 through October 2009 Colorado River and Arkansas River Diversions summary report.

In compliance with 1041 Permit Condition 4.35, NWNA has begun submitting to the County monthly surface flow measurements from the Ruby Mountain Upper Ditch Flume (also known as the Ruby Parshall 1 or Upper Flume) and Ruby Weir (also known as the Lower Weir) on the Ruby Mountain Springs Parcel.



In compliance with 1041 Permit Condition 4.40, NWNA submitted its Substitute Water Supply Plan ("SWSP") to the County on November 10, 2009 for County review. After revising the SWSP application based on the County's comments, NWNA submitted its SWSP application to the State Engineers Office ("SEO") on December 5, 2009. The Comment Period for the SEO application ended January 4, 2010.

In compliance with 1041 Permit Condition 4.8, NWNA submitted its 2009 Annual Report to the County on March 1, 2010.

In compliance with 1041 Permit Amendment dated February 22, 2010, NWNA has completed work in the Arkansas river for NWNA's and the Town's Pipeline River Crossing prior to the March 15<sup>th</sup>, 2010 deadline.

NWNA is in compliance with the various conditions of the 1041 Permit and SLUP and therefore complies with this criterion.

***There will be no increase in the quantity of water or size of the area affected by the Project***

The installation of the Spring Water Discharge Pipeline and release of water to the Bray Ditch do not increase the quantity of water NWNA will withdraw for its operations. Therefore, the revision meets this criterion.

***There will be no increase in the nature or intensity of impacts caused by the Project from those contemplated by this Permit.***

The installation of the Spring Water Discharge Pipeline concurrently with NWNA's water transmission line and utilizing the existing pipeline sleeve under the Arkansas River does not change the nature, nor does it increase the intensity, of its Project impacts. The proposed revision allows for the ability to maintain continuous pipeline flow during times when NWNA is not tankering water. Therefore, the proposed revision also meets the following Permit criterion.

***Only minor changes to the terms or conditions of this Permit would be required to ensure that the Project will continue to comply with all applicable Chaffee County regulations and intergovernmental agreements as they exist at the time the County receives notice of the proposed technical revision.***

NWNA maintains that these proposed revisions are nominal and do not require any changes or additions to the 1041 Permit or SLUP conditions.

Please review the enclosed information, and contact me if I can provide you with any additional information needed to grant this technical revision in accordance with Section 5.4 of the 1041 Permit and Section 3(d) of the SLUP. I appreciate your consideration and look forward to hearing from you.





Sincerely,

A handwritten signature in black ink, appearing to read 'Bobbi E. McClead', written in a cursive style.

Bobbi E. McClead  
Natural Resource Manager  
Nestlé Waters North America  
614.273.5209  
bobbi.mcclead@waters.nestle.com

Attached Exhibits:

- A – Gunsmoke Segment (D) Pipeline Plan and Profile Plans
- B - Low Risk Discharge Guidance: Discharges of Potable Water



## EXHIBIT A

### **Gunsmoke Segment (D) Pipeline Plan and Profile Plans**

4/5/10 - plan stored w/ current construction plans



## **EXHIBIT B**

### **Low Risk Discharge Guidance: Discharges of Potable Water**



# STATE OF COLORADO

Bill Ritter, Jr., Governor  
James B. Martin, Executive Director

Dedicated to protecting and improving the health and environment of the people of Colorado

4300 Cherry Creek Dr. S.  
Denver, Colorado 80246-1530  
Phone (303) 692-2000  
TDD Line (303) 691-7700  
Located in Glendale, Colorado

Laboratory Services Division  
8100 Lowry Blvd.  
Denver, Colorado 80230-6928  
(303) 692-3090

<http://www.cdphe.state.co.us>



Colorado Department  
of Public Health  
and Environment

## **LOW RISK DISCHARGE GUIDANCE:**

### **DISCHARGES OF POTABLE WATER**

**Revised August 2009**

This discharge guidance has been developed in accordance with WQP-27, Low Risk Discharges. The Division has previously had coverage for some discharges of potable water under the Treated Water Distribution Permit (COG380000), however, this permit is only available to entities that produce, store and distribute potable water supplies. The Division does not intend to renew the Treated Water Distribution Permit as all authorized discharges under this permit are potable water related. Other discharges of potable water have been covered under the Minimum Industrial Discharge Permit (COG600000); however, this permit is in process of being dismantled as it has evolved into covering numerous facility and discharge types.

When the provisions of this guidance are met, the Division will not actively pursue permitting or enforcement for the discharge of potable water, unless on a case-by-case basis the Division finds that a discharge has resulted in an adverse impact to the quality of any state waters receiving the discharge.

Discharges of potable water are a type of industrial activity with short term infrequent discharges that with proper management are not expected to contain pollutants in concentrations that are toxic or in concentrations that would cause or contribute to a violation of a water quality standard. The typical pollutant of concern is total residual chlorine, however, depending on how the discharge occurs, total suspended solids and oil and grease may become pollutants of concern. These pollutants can be handled using dechlorination techniques, filters, oil booms, and other best management practices (BMPs).

There are a large number of discharges of potable water, some of which are covered under the previously mentioned General Permits. Numerous discharges occur without permit coverage. These types of discharges may occur at all times of the year, and require a resource intensive effort to permit, without resulting in a clear general benefit to environmental quality.

The following conditions must be followed by anyone discharging potable water:

- The discharge of cleaning materials or chemicals, including dyes, is strictly prohibited, and should be sent to the sanitary sewer, with permission of the local wastewater treatment facility, or otherwise collected and disposed of.





- The potable water shall **not** be used in any additional process. Processes include, but are not limited to, any type of washing, heat exchange, manufacturing, and hydrostatic testing of pipelines not associated with treated water distribution systems.
- The discharge shall be from a potable water distribution system, tank or storage that has been maintained for potable water distribution use. Discharges from a distribution system, tank or storage that is used for conveyance or storage of materials other than potable water is not authorized under this policy.
- The discharge shall not cause erosion of a land surface.
- The discharge shall not contain solid materials in concentrations that can settle to form bottom deposits detrimental to the beneficial uses of the state waters or form floating debris, scum, or other surface materials sufficient to harm existing beneficial uses.
- All discharges must comply with the lawful requirements of federal agencies, municipalities, counties, drainage districts, ditch owners, and other local agencies regarding any discharges to storm drain systems, conveyances, ditches or other water courses under their jurisdiction.
  - The guidance included in this document in no way reduces the existing authority of the owner of a storm sewer, ditch owner, or other local agency, from prohibiting or placing additional conditions on the discharge.
- If the discharge is directly to a State surface water (any stream, creek, gully, whether dry or flowing), it must not contain any residual chlorine. The operator is responsible for determining what is necessary for removing chlorine from the discharge. If the discharge is to a ditch, chlorine content may be limited by the owner of the ditch. However, if the ditch returns flow to classified state waters, it must not contain any residual chlorine at the point where it discharges to the classified state water. .

BMPs should be implemented as necessary to meet the conditions above, by anyone discharging potable water. These BMPs have been developed by the Division to help ensure that the discharge will not negatively affect water quality.

- For discharge to the ground, the water should not cause any toxicity to vegetation. When discharging, allow the water to drain slowly so that it soaks into the ground as much as possible.
- If discharge is to the sanitary sewer, contact the local wastewater treatment facility prior to discharge. System owners may grant blanket authorization to discharge to their systems. This must be done to ensure that the facility is able to accept the discharge. Not all facilities are able to accept such discharges. Note that additional restrictions or local guidelines may apply.
- Removal of any residual chlorine must be done for any direct discharge to state surface waters, or for any discharge to a storm sewer or conveyance where the chlorine will not dissipate prior to reaching a state surface water. Dechlorination, if necessary, may be achieved by allowing water to stand uncovered until no chlorine is detected, or by dechlorination using a portable dechlorinator. Pay particular attention when handling super-chlorinated waters. A longer time is needed to dissipate chlorine from super-chlorinated waters.
- The discharge should be conducted to minimize the potential to pick up additional suspended solids. When possible, a best management practice, or combination of practices, for filtering or settling suspended solids and other debris, or a combination of practices, should be used to remove suspended solids or other debris. Examples of suspended solid removal practices include, but are not limited to check dams, filter bags, and inlet protection. These devices should be used and maintained in accordance with the manufacturers specifications.



- The discharge should be conducted to minimize the potential that it will not pick up any oil and grease. When possible, an absorbent oil pad, boom or similar device should be used to eliminate oil from the discharge.

**Contact Information:**

Questions regarding this action should be forwarded to Nicole Rolfe at: [nicole.rolfe@state.co.us](mailto:nicole.rolfe@state.co.us)





**CHAFFEE COUNTY**  
**Development Services Department**

P.O. BOX 699  
SALIDA, CO 81201

PHONE (719) 539-2124  
FAX (719) 530-9208

WEBSITE [www.chaffeecounty.org](http://www.chaffeecounty.org)

**MEMORANDUM**

**Date:** April 23, 2010  
**To:** Nestle Waters North America (Tracy Vandaveer, Representative)  
**Cc:** Board of County Commissioners  
Jenny Davis, County Attorney  
**From:** Don Reimer, County Development Director  
**Subject:** Nestle Project – Technical Revision # 5  
Pipeline C

Date Submitted by Applicant: April 22, 2010

Action: REQUEST APPROVED  Date: 4/23/10

Further Action: Since this is a modification only to construction specifications for a road crossing portion of the pipeline, and will not increase project withdrawals or exports of water, staff opinion is that a technical revision to the submitted construction documents is warranted, and a revision of the conditions or language of the permits is not needed.

Process: Per 1041 Resolution 2009-42, Section 5; and SLUP Resolution 2009-43 Section 3, the staff shall notify the Permittee, the Board of Commissioners (Permit Authority), and County Attorney of a decision on the Technical Revision request within 5 working days of approval. At its discretion, the Board may hold a public hearing on the revision no more than 45 days after notice of the decision by staff. The revision will take effect 15 days from approval, or if a hearing is held, the effective date will be set by the Board.

Summary of Request: Install a 12-inch pipe sleeve in CR301 to expedite the road crossing construction.

Staff Findings on Request:

1. NWNA submitted a complete application for a Technical Revision by e-mail. (Res 2009-42 Sec 5.3, Res 2009-43 Sec 3.c)
2. Per Res 2009-42 Sec 5.1 and Res 2009-43 Sec 3.a, a Technical Revision is appropriate for this requested change because: NWNA is currently in compliance with permit terms; there will be no increase in the size of the area affected by the project; there will be no increase in the nature or intensity of impacts caused by the project; and there are no changes needed to the terms or conditions of the permits.
3. The change is intended to expedite the road crossing and will not have any detrimental effect to surrounding properties. This change will expedite the road crossing construction, and reduce lane closures on CR 301.

4. The pipeline plan changes included in the proposed technical revision are consistent with the 1041 and Special Land Use Permits, subject to minor changes described in the Staff Comments section below.

Staff Comments: Nonc.

Please feel free to contact me with any questions or comments.

Copy Distribution:

Original, with full application as attachment – Board of Commissioners Project file  
Copy, with applicant narrative as attachment – Individual Commissioners  
Copy, with applicant narrative as attachment – County Attorney  
Copy, without attachment – NWNA (Bobbi McClead, Natural Resources Manager) (by e-mail)  
Copy, without attachment – NWNA (Mike Allen, representative) (by e-mail)  
Copy, without attachment – NWNA (Crabtree Group, engineer) (by e-mail)



Exhibits removed per Chaffee County Attorney's Office





**CHAFFEE COUNTY**  
**Development Services Department**

P.O. BOX 699  
SALIDA, CO 81201

PHONE (719) 539-2124  
FAX (719) 530-9208

WEBSITE [www.chaffeecounty.org](http://www.chaffeecounty.org)

**MEMORANDUM**

**Date:** June 14, 2010  
**To:** Nestle Waters North America (Mike Allen, Representative)  
**Cc:** Board of County Commissioners  
Jenny Davis, County Attorney  
**From:** Don Reimer, County Development Director  
**Subject:** Nestle Project – Technical Revision # 6 - REVISED  
Pipeline D - Discharge Pipeline

Date Submitted by Applicant: June 11, 2010

Action: REQUEST APPROVED  Date: 6/14/10  
**Subject to Conditions:**

1. The construction of this section of discharge pipeline and trench shall not occur until an executed easement with Moltz has been submitted.

Further Action: Since this is a modification for a change in a portion of the operations, and will not increase project withdrawals or exports of water, staff opinion is that a technical revision to the submitted construction documents is warranted, and a revision of the conditions or language of the permits is not needed.

Process: Per 1041 Resolution 2009-42, Section 5; and SLUP Resolution 2009-43 Section 3, the staff shall notify the Permittee, the Board of Commissioners (Permit Authority), and County Attorney of a decision on the Technical Revision request within 5 working days of approval. At its discretion, the Board may hold a public hearing on the revision no more than 45 days after notice of the decision by staff. The revision will take effect 15 days from approval, or if a hearing is held, the effective date will be set by the Board.

Summary of Request: Modify the 4-inch discharge line approved by Technical Revision # 4. The discharge line will be used to dispose of excess spring water that will not be transported to the bottling plant in Denver. The original plan for this discharge was to infiltration basins on the Loading Station site. Technical Revision # 4 approved discharge to the Bray Ditch; the revision proposes discharge to a discharge trench on the Moltz property.

Staff Findings on Request:

1. NWNA submitted a complete application for a Technical Revision. (Res 2009-42 Sec 5.3, Res 2009-43 Sec 3.c)
2. Per Res 2009-42 Sec 5.1 and Res 2009-43 Sec 3.a, a Technical Revision is appropriate for this requested change because: NWNA is currently in compliance with permit terms; there

will be no increase in the size of the area affected by the project; there will be no increase in the nature or intensity of impacts caused by the project; and there are no changes needed to the terms or conditions of the permits.

3. The revision results from a minor change to part of the operation for the project. NWNA indicates that on an occasional basis, they will not be able to utilize some of the spring water pumped from the borehole to the loading station. They need to dispose of this excess potable water. The original plan was to discharge to the raingardens on site; approval was granted to discharge to the Bray Ditch by Technical Revision # 4. This revision will allow discharge through a trench to the Arkansas River. This potable water discharge is permitted under state regulation. The change is required as Nestle could not obtain a carriage agreement for discharge to the Bray Ditch.
4. The proposed change will require an additional easement from Paul Moltz for the trench. An easement has not yet been submitted. **The construction of this section of discharge pipeline and trench shall not occur until the executed easement has been submitted.**
5. (REVISED) The alignment proposed for the discharge line crosses the Bray Ditch in two locations: adjacent to the main spring water pipeline, and at approximately Sta 1 +10. The revised plan submitted June 11, 2010 shows that both crossing locations are within the crossing area described in the Bray Ditch Agreement. **Based on the revised plan, an amended Bray Ditch Agreement is not required.**
6. The pipeline plan changes included in the proposed technical revision are consistent with the 1041 and Special Land Use Permits.

Please feel free to contact me with any questions or comments.

Copy Distribution:

Original, with full application as attachment – Board of Commissioners Project file

Copy, with applicant narrative and construction drawing as attachment – Individual Commissioners

Copy, with applicant narrative and construction drawing as attachment as attachment – County Attorney

Copy, without attachment – NWNA (Bobbi McClead, Natural Resources Manager)

Copy, without attachment – NWNA (Mike Allen, representative)

Copy, without attachment – NWNA (Crabtree Group, engineer)

Exhibits removed per Chaffee County Attorney's Office





**CHAFFEE COUNTY**  
**Development Services Department**

P.O. BOX 699  
SALIDA, CO 81201

PHONE (719) 539-2124  
FAX (719) 530-9208

WEBSITE [www.chaffeecounty.org](http://www.chaffeecounty.org)

**MEMORANDUM**

**Date:** June 23, 2010  
**To:** Nestle Waters North America (Brent Clay, Representative)  
**Cc:** Board of County Commissioners  
Jenny Davis, County Attorney  
**From:** Don Reimer, County Development Director  
**Subject:** Nestle Project – Technical Revision # 7  
Truck and Tanker Size

Date Submitted by Applicant: June 16, 2010

Action: REQUEST APPROVED  Date: 6/23/10

Further Action: Since this is a modification to the size of truck and tanker, which will result in a net decrease in truck traffic and an insignificant net overall change in emissions, and will not increase project withdrawals or exports of water beyond what is allowed by the permit, staff opinion is that a technical revision to the project operations is warranted, and a revision of the conditions or language of the permits is not needed.

Process: Per 1041 Resolution 2009-42, Section 5; and SLUP Resolution 2009-43 Section 3, the staff shall notify the Permittee, the Board of Commissioners (Permit Authority), and County Attorney of a decision on the Technical Revision request within 5 working days of approval. At its discretion, the Board may hold a public hearing on the revision no more than 45 days after notice of the decision by staff. The revision will take effect 15 days from approval, or if a hearing is held, the effective date will be set by the Board.

Summary of Request: Change truck-tanker combination from 400 horsepower truck- 6500 gallon tanker to a 500 horsepower truck- 8200 gallon tanker combination.

Staff Findings on Request:

1. NWNA submitted a complete application for a Technical Revision. (Res 2009-42 Sec 5.3, Res 2009-43 Sec 3.c)
2. Per Res 2009-42 Sec 5.1 and Res 2009-43 Sec 3.a, a Technical Revision is appropriate for this requested change because: NWNA is currently in compliance with permit terms; there will be no increase in the size of the area affected by the project; there will be no increase in the nature or intensity of impacts caused by the project; and there are no changes needed to the terms or conditions of the permits.
3. The operational changes included in the proposed technical revision are consistent with the 1041 and Special Land Use Permits.

Staff Comments:

1. Air Pollution. The change to the larger tanker will require a larger truck to maintain speeds with the heavier tanker load. The larger truck produces slightly greater emissions on a per truck basis; however annual emissions for the project will remain essentially the same. Therefore, no increase is expected in air pollution impacts generated by the proposed change.
2. Traffic Impacts. The change to the larger tanker, paired with a greater horsepower truck, should result in a similar performance on the highway system, and therefore not impact the level of service of the highway corridor. The proposed change reduces the maximum number of trucks permitted to be utilized for the project on an annual basis from 9,125 to approximately 8,000.
3. Water withdrawals. Condition 4.33 of the 1041 Permit and the approved Temporary Substitute Water Supply Plan establish the following pumping limitations for the project:
  - 200 gallons per minute (288,000 gallons per day)
  - 1 acre-foot per day (325,851 gallons per day) (note, irrelevant due to 200 gpm limit)
  - 16.6 acre-feet per month (180,304 gallons per day average)
  - SWSP – 196.2 acre-feet per year (176,156 gallons per day average)
  - a) At the maximum daily permitted number of 25 trucks per day for 365 days, the initially proposed 6500-gallon tankers could haul 162,500 gallons per day, which is less than the daily average for the maximum monthly withdrawal permitted. On an annual basis, the project could withdraw 182 acre-feet per year due to the trucking limitations
  - b) At 25 trucks per day, the proposed 8,200 gallon tanker could haul a maximum of 205,000 gallons per day, so if 25 trucks per day were utilized, the monthly limit of 16.6 acre-feet could be reached in 27 days. Averaging for the full month would result in 22 trucks per day to reach 16.6 acre-feet.
4. The 6500-gallon tanker size effectively limited the potential withdrawals of the project to approximately 182 acre-feet per year. However, tanker size was not a condition of the permit; it was used in the emissions and traffic analysis. The updated emissions analysis and traffic report included with the Technical Revision request indicate no increase in impacts of the change in tanker size to either emissions or traffic. The increased tanker size will allow NWNA to withdraw the full volume of water allowed in Condition 4.33 of the 1041 Permit, without requiring a change to the Permit Conditions.

Please feel free to contact me with any questions or comments.

Copy Distribution:

Original, with full application as attachment – Board of Commissioners Project file  
Copy, with application as attachment – Individual Commissioners  
Copy, with application as attachment – County Attorney  
Copy, without attachment – NWNA (Bobbi McClead, Natural Resources Manager)  
Copy, without attachment – NWNA (Mike Allen, representative)





**CHAFFEE COUNTY**  
**Development Services Department**

P.O. BOX 699  
SALIDA, CO 81201

PHONE (719) 539-2124  
FAX (719) 530-9208

WEBSITE [www.chaffeecounty.org](http://www.chaffeecounty.org)

**MEMORANDUM**

**Date:** August 18, 2010  
**To:** Nestle Waters North America (Bobbi McClead, Representative)  
**Cc:** Board of County Commissioners  
Jenny Davis, County Attorney  
**From:** Don Reimer, County Development Director  
**Subject:** Nestle Project – Technical Revision # 8  
RMBH-3 and Wellhouse

Date Submitted by Applicant: July 21, 2010

Action: REQUEST APPROVED  Date: 8/18/2010

Further Action: Since the modification will not impact water withdrawals, the aquifer, surface water flows and wetlands, and visual impact is mitigated by new landscaping, staff opinion is that a technical revision to the project operations is warranted, and a revision of the conditions or language of the permits is not needed.

Process: Per 1041 Resolution 2009-42, Section 5; and SLUP Resolution 2009-43 Section 3, the staff shall notify the Permittee, the Board of Commissioners (Permit Authority), and County Attorney of a decision on the Technical Revision request within 5 working days of approval. At its discretion, the Board may hold a public hearing on the revision no more than 45 days after notice of the decision by staff. The revision will take effect 15 days from approval, or if a hearing is held, the effective date will be set by the Board.

Summary of Request: Nestle is commencing design and construction of well RMBH-3. RMBH-3 construction and operation was addressed in the 1041 Permit with the following two conditions:

**4.33 Pumping Well Operational Restrictions.** The Permittee shall install and operate a maximum of two production wells at the Ruby Mountain site known as RMBH 3 and RMBH 2. The well designated RMBH 1 is an existing test borehole and will not be used for production. RMBH 2 is an existing well and RMBH 3 is a well to be completed. Permittee shall not operate RMBH 3 and RMBH 2 simultaneously. RMBH 2 will be the principal production well and RMBH 3 will be a back-up well in case RMBH 2 fails or is temporarily unavailable (i.e., due to maintenance). Diversions from either RMBH 3 or RMBH 2 will not exceed 200 gallons per minute, nor more than one (1) acre foot per day, or 16.6 acre feet in any one month.

**4.34 Construction of Pumping Wells.** RMBH 3 will be completed within 200' of RMBH 2. Both RMBH 3 and RMBH 2 shall be constructed similar in

depth and completion, including the screened interval and depth of the pump setting, as existing RMBH 2. RMBH 3 and RMBH 2 shall not be operated in a manner that will cause the water levels in the well to drop below one foot (1') above the top of the screen.

Three requests were included in the proposed Technical Revision, related to well construction, operation of RMBH-3 as the primary well, and changes to the size of the well house. (The underlined sections of the conditions above are the pertinent sections relative to RMBH-3 and this proposed technical revision). Neither the 1041 Permit nor Special Land Use Permit Conditions specifically refer to the size of the RMBH-3 wellhouse, with the exception of Condition 4.1.a, which includes that the permit “include all agreements and representations of Permittee made during the public hearing process”, which staff interprets to include site plans and depictions submitted during the hearing process. The requested changes to RMBH-3 are summarized as follows:

1. Operate RMBH-3 as the primary well and RMBH-2 as the backup well.
2. Increase the casing diameter from 8 inches to 10 inches.
3. Lower the screened interval depth by five feet (from approximately 40 feet to 45 feet from grade to top of screen).
4. Shorten the screen interval by five feet, for a 10-foot interval compared to a 15-foot interval for RMBH-2 (the bottom of the screen will remain at approximately 55 feet below grade).
5. Lower the pump depth by five feet.
6. Increase the size of the RMBH-3 wellhouse from approximately 206 square feet and 12 feet, 9 inches height to 352 square feet and 13 feet, 6 inches height.
7. Add a new monitoring well (RMMW-1) within 150 feet of RMBH-3.

Staff Comments:

1. With NWNA's consent, the proposal was submitted to the County's hydrogeology consultant on the Nestle project, Gary Thompson of W.W. Wheeler & Associates. Mr. Thompson provided comments related to the proposed changes, in an e-mail dated August 11, 2010, attached as Appendix 1.
2. Wheeler indicates that because of the proximity of the two wells, he cannot identify any discernable difference that would occur if more water is pumped at RMBH-3 rather than RMBH-2.
3. Wheeler indicates that changes to construction of RMBH-3 versus RMBH-2 including casing diameter, screened interval depth and length, and pump depth will not result in any significant difference to aquifer conditions or natural spring discharge, or the wetlands at the site; and that the changes reflect good engineering practices for system efficiency.
4. The size of the RMBH-3 wellhouse is being increased by nine inches in height and the footprint by approximately 70 percent to accommodate instrumentation, pumping, pipeline sanitation, and treatment equipment. The photos submitted indicated that the increased height is not going to change the visual impact from either CR 300 or from the Arkansas

River. The site plan proposed also includes landscaping including trees to mitigate the visual impact of the larger wellhouse from CR 300.

5. New Monitoring Well RMMW-1 will be added to the project Surface Water and Groundwater Monitoring Plan.

Staff Findings on Request:

1. NWNA submitted a complete application for a Technical Revision. (Res 2009-42 Sec 5.3, Res 2009-43 Sec 3.c).
2. Per Res 2009-42 Sec 5.1 and Res 2009-43 Sec 3.a, a Technical Revision is appropriate for this requested change because: NWNA is currently in compliance with permit terms; there will be no increase in the size of the area affected by the project; and there will be no increase in the nature or intensity of impacts caused by the project.
3. Permit Res 2009-42 Sec 5.1.d indicates a technical revision is allowed if “Only minor changes to the terms or conditions of this permit would be required ...”. Condition 4.33 specifies that RMBH-2 will be the primary well and RMBH-3 will be the backup. Our consultant (Wheeler) indicates there will be no impact resulting from using RMBH-3 as the primary well, or minor changes to the well construction. Staff therefore finds that this is a “minor change to a condition of the permit”, so a technical revision is appropriate.
4. The structural and operational changes included in the proposed technical revision are consistent with the 1041 and Special Land Use Permits.

Please feel free to contact me with any questions or comments.

Appendix 1 E-mail correspondence from W.W. Wheeler

Copy Distribution:

Original, with full application as attachment – Board of Commissioners Project file  
Copy, with application as attachment – Individual Commissioners  
Copy, with application as attachment – County Attorney  
Copy, without attachment – NWNA (Bobbi McClead, Natural Resources Manager)

Blank Page

**Don Reimer**

**From:** Gary Thompson [gary.thompson@wwwwheeler.com]  
**Sent:** Wednesday, August 11, 2010 3:07 PM  
**To:** 'Don Reimer'  
**Subject:** RE: Nestle - proposed well changes

Don:

I have reviewed the submittal documents concerning construction of the new well RMBH-3, together with the proposed design parameters. Specifically, Nestle Waters is proposing to construct the new RMBH-3 well as a backup operational well, instead of using the existing RMBH-2 well. The new well would be located within about 100 feet of RMBH-2, it would have a larger casing size to allow for instrumentation and better operational characteristics, and it would extend about five feet lower. Because of the close proximity of these wells to each other, I am not aware of any discernable difference that would occur if more of the water is pumped at RMBH-3 versus RMBH-2. Therefore, in my opinion, none of these changes would result in any significant difference to the aquifer conditions or the natural discharge at the nearby springs. Also, I believe these changes would not impact wetlands or other environmental aspects of the site. In my opinion, the proposed changes simply reflect good engineering practices, with the goal of allowing the diversion system to operate more efficiently.

I will review the matter of the monitoring well location and respond in a separate email.

**From:** Don Reimer [mailto:dreimer@chaffeeconomy.org]  
**Sent:** Thursday, July 29, 2010 9:55 AM  
**To:** gary.thompson@wwwwheeler.com  
**Subject:** Nestle - proposed well changes

Gary

Thank you for taking the time to speak with me on Tuesday. As we discussed, attached is Nestle's proposal for changes to the proposed new well at the site, RMBH-3. Also attached is a site plan, showing the approximate location of new well RMBH-3 relative to RMBH-1 and 2. This document also discusses some site plan changes, which you do not need to review. The only thing not provided was the photographs in Appendix D, as they made the file too large, but I can provide them if desired (they are intended to depict visual impact of the well house, nothing really to do with the hydrogeology of the site).

As you may recall, RMBH-1 was the original test well, RMBH-2 was a test well converted to be the primary operations well, and RMBH-3 was approved in the 1041 permit as a supplemental operational well, to be constructed with similar characteristics as the RMBH-2 well. The narrative provided by Nestle for the proposed changes indicates their experiences with operations of RMBH-2 have led to the desired changes. To summarize the well changes:

1. Increase casing size from 8" to 10", to allow room for instrumentation.
2. Lower the screen depth by 5 feet (from 40 to 45 feet below grade to top of screen)
3. Shorten the screen interval length from 15 feet to 10 feet (apparently from 40 to 55 feet below grade to 45 to 55 feet below grade), add an artificial .
4. Lower the pump depth by 5 feet
5. Use new RMBH-3 as the primary production well.
6. Install a new monitoring well (RMMW-1) within 150 feet of RMBH-3

Before the County (me) approves the technical revision, I would like an opinion on whether the changes would have any impact on the local aquifer conditions, and if there is a likelihood on that may be observed

8/11/2010

in the surface flows in the springs below. Also, if you have any thoughts on where the new monitoring well would best be located to supplement the existing wells, that would also be appreciated. Nestle is in process of drilling pilot core holes now, so if you could provide a report by the end of next week (August 6) it would be appreciated.

Thank you, and please feel free to contact me with any questions or for additional information.

Don Reimer, P.E., AICP  
Chaffee County Development Director  
719-530-5566

--  
This message has been scanned for viruses and dangerous content by **MailScanner**, and is believed to be clean.

--  
This message has been scanned for viruses and dangerous content by **MailScanner**, and is believed to be clean.

No virus found in this incoming message.  
Checked by AVG - [www.avg.com](http://www.avg.com)  
Version: 9.0.851 / Virus Database: 271.1.1/3060 - Release Date: 08/11/10 00:34:00



**CHAFFEE COUNTY**  
**Development Services Department**

P.O. BOX 699  
SALIDA, CO 81201

PHONE (719) 539-2124  
FAX (719) 530-9208

WEBSITE [www.chaffeecounty.org](http://www.chaffeecounty.org)

**MEMORANDUM**

**Date:** September 13, 2010  
**To:** Nestle Waters North America (Bobbi McClead, Representative)  
**Cc:** Board of County Commissioners  
Jenny Davis, County Attorney  
**From:** Don Reimer, County Development Director  
**Subject:** Nestle Project – Technical Revision # 9  
Load Station Tanker Parking

Date Submitted by Applicant: August 18, 2010. Amendments submitted August 31 and September 2, 2010.

Action: REQUEST APPROVED Don Reimer Date: 9/13/2010

**Conditions (for current construction):**

1. Submit engineer certification that detention basin (raingarden) capacity will not be impacted by the construction of the new employee parking area. *Crebtua letter 9/17/10*
2. Submit a copy of Gunsmoke drainage agreement along load station east property line (for swale between load station and adjacent commercial building). *Hansen letter 9/20/10*
3. Submit a copy of the approved revised CDOT access permit. *Not needed - J. in Horn letter 9/14/10*

**Conditions (for future parking area):**

1. Notify County prior to beginning construction.
2. Submit a copy of the executed and recorded Hansen easement prior to construction, to include construction easement if required.
3. Approval by Buena Vista Sanitation District for raising manhole.
4. Construct fence around parking area prior to use.

Further Action: Since the modification will not impact water withdrawals, the aquifer, surface water flows and wetlands, staff opinion is that a technical revision to the site plan is warranted, and a revision of the conditions or language of the permits is not needed.

Process: Per 1041 Resolution 2009-42, Section 5; and SLUP Resolution 2009-43 Section 3, the staff shall notify the Permittee, the Board of Commissioners (Permit Authority), and County Attorney of a decision on the Technical Revision request within 5 working days of approval. At its discretion, the Board may hold a public hearing on the revision no more than 45 days after notice of the decision by staff. The revision will take effect 15 days from approval, or if a hearing is held, the effective date will be set by the Board.

Summary of Request: Nestle proposes some changes to the Load Station site, primarily to add an employee parking area on the site, and planning for a future tanker storage and driver parking area at the southeast corner of the property on property owned by Steve and Cynthia Hansen. This change



to add employee and tanker parking is primarily due to the operational changes resulting from Permit Condition 4.26 to utilize local drivers, as previously discussed in the staff update memorandum dated July 23, 2010.

The immediate employee parking area will be constructed within a portion of the stormwater raingarden, and will consist of four parking spaces for passenger vehicles. A streetlight within the load station will be relocated to accommodate the future parking area, and a drainage swale is being added along the eastern property line to facilitate drainage between the load station and the new commercial building on the adjacent Gunsmoke property. Fencing of the loading station is modified from the original submittal to tie into perimeter fencing of adjacent properties.

The future parking area is approximately 7,200 square feet and will be gravel surfaced with the exception of a concrete pad bearing surface for the tanker trailers. Fencing of the loading station will be modified to enclose the tanker parking area.

Neither the 1041 Permit nor Special Land Use Permit Conditions specifically refer to the layout of the loading station, with the exception of Condition 4.1.a, which includes that the permit “include all agreements and representations of Permittee made during the public hearing process”, which staff interprets to include site plans and depictions submitted during the hearing process.

Staff Comments:

1. The requested revision adds a new surface occupancy to the project of approximately 7,200 square feet. The future parking area is on a parcel not owned by Nestle (owned by Steve and Cindy Hansen); however the parcel was part of the original application and originally included pipeline easements. The Hansen parcel was re-zoned to Commercial in 2008, and the prior and current use of this portion of the property is parking related to the adjacent Gunsmoke Truckstop.
2. The traffic study submitted indicates no increases in traffic will result from the changes to the load station site for either the immediate employee parking or the future parking areas.
3. The changes to the fencing plans will not significantly increase the amount of fencing on the site, and will locate the fence further from the highway, reducing the visual impact of the fencing.

Staff Findings on Request:

1. NWNA submitted a complete application for a Technical Revision. (Res 2009-42 Sec 5.3, Res 2009-43 Sec 3.c).
2. Per Res 2009-42 Sec 5.1 and Res 2009-43 Sec 3.a, a Technical Revision is appropriate for this requested change because: NWNA is currently in compliance with permit terms; there will be no increase in the size of the area affected by the project; and there will be no increase in the nature or intensity of impacts caused by the project. No changes to the terms or conditions of the permit are required.
3. The site and operational changes included in the proposed technical revision are consistent with the 1041 and Special Land Use Permits.

Please feel free to contact me with any questions or comments.



Copy Distribution:

Original, with full application and amendments as attachment – Board of Commissioners Project file  
Copy, with narrative and site plan as attachment – Individual Commissioners  
Copy, with narrative and site plan as attachment – County Attorney  
Copy, without attachment – NWNA (Bobbi McClead, Natural Resources Manager)  
Copy, without attachment – Mike Allen, Apex Development





## CHAFFEE COUNTY

### Development Services Department

P.O. BOX 699  
SALIDA, CO 81201

PHONE (719) 539-2124  
FAX (719) 530-9208

WEBSITE [www.chaffeecounty.org](http://www.chaffeecounty.org)

### MEMORANDUM

**Date:** April 19, 2010

**To:** Nestle Waters North America (Bobbi McClead, Representative)

**Cc:** Board of County Commissioners  
Jenny Davis, County Attorney

**From:** Don Reimer, County Development Director

**Subject:** **Nestle Project – Technical Revision #10 - Load Station Tanker Parking**

Date Submitted by Applicant: April 16, 2012 (by e-mail); April 17, 2012 (hard copy).

Action:

**REQUEST APPROVED**

**Date:** 4/19/12

Further Action: Since the modification will not impact water withdrawal volumes, or truck traffic volumes, or other permit conditions, staff opinion is that a technical revision to the site plan is warranted, and a revision of the conditions or language of the permits is not needed.

Process: Per 1041 Resolution 2009-42, Section 5; and SLUP Resolution 2009-43 Section 3, the staff shall notify the Permittee, the Board of Commissioners (Permit Authority), and County Attorney of a decision on the Technical Revision request within 5 working days of approval. At its discretion, the Board may hold a public hearing on the revision no more than 45 days after notice of the decision by staff. The revision will take effect 15 days from approval, or if a hearing is held, the effective date will be set by the Board.

Summary of Request: Nestle proposes some changes to the Load Station site, to add truck and tanker storage adjacent to the driveway loop and a driver vehicle parking area at the southwest corner of the property. This change to add employee and tanker parking is to allow some tankers to be based locally to increase operating efficiency related to Permit Condition 4.26, which requires that 50% of the drivers must be local.

Neither the 1041 Permit nor Special Land Use Permit Conditions specifically refer to the layout of the loading station, with the exception of Condition 4.1.a, which includes that the permit "include all agreements and representations of Permittee made during the public hearing process", which staff has interpreted to include site plans and depictions submitted during the hearing process, thus a Technical Revision is required.

The employee parking area will be constructed in a previously unused portion of the site at the southwest corner of the property and will be finished with a roadbase surface.

The truck and tanker parking area will be constructed in a portion of the site's stormwater detention basin adjacent to the driveway loop and surfaced with compacted roadbase. The submittal includes an evaluation of the volume of the site stormwater detention basin following construction of the tanker parking area, which shows that the basin will continue to be adequate to detain stormwater flows generated at the site.

Technical Revision 9, approved in September 2010, included the addition of a future truck and tanker parking area on an adjacent property, which would have been leased from the landowner. Construction of that parking area was not started; this application for TR #10 will replace the truck and tanker parking area approved in TR #9.

Staff Comments:

1. The drainage evaluation indicates that after construction the stormwater detention basin is adequate to contain stormwater flows generated at the site.
2. The traffic study submitted indicates no increases in traffic will result from the changes to the load station site related to the added truck and tanker parking.
3. TR#10 replaces the remaining construction related to TR #9.

Staff Findings on Request:

1. NWNA submitted a complete application for a Technical Revision. (Res 2009-42 Sec 5.3, Res 2009-43 Sec 3.c).
2. Per Res 2009-42 Sec 5.1 and Res 2009-43 Sec 3.a, a Technical Revision is appropriate for this requested change because: NWNA is currently in compliance with permit terms; there will be no increase in the size of the area affected by the project; and there will be no increase in the nature or intensity of impacts caused by the project. No changes to the terms or conditions of the permit are required.
3. The site changes included in the proposed technical revision are consistent with the 1041 and Special Land Use Permits.

Please feel free to contact me with any questions or comments.

Copy Distribution:

Original, with full application and amendments as attachment – Board of Commissioners Project file

Copy, with narrative and site plan as attachment – Individual Commissioners

Copy, with narrative and site plan as attachment – County Attorney

Copy, without attachment – NWNA (Bobbi McClead, Natural Resources Manager)

Copy, without attachment – Mike Allen, Apex Development

**Application Review**  
**Nestle Waters 1041 Permit TR-11**

**Date:** May 19, 2015  
**To:** Chaffee County Board of County Commissioners c/o Jon Roorda,  
Chaffee County Planning Manager  
**From:** Don Reimer, P.E., AICP, Consultant to Chaffee County  
**Subject:** Nestle Waters 1041 Permit – Request for Technical Revision Related to  
Well Operations

**SUMMARY OF REQUEST:** Nestle Waters North America (Nwana) requests a Technical Revision to the conditions of their 1041 Permit to allow simultaneous operation of their production wells at the Ruby Mountain Springs site to facilitate operational efficiency in water production. This request is designated Technical Revision TR-11. Nwana submitted two requests at the same time; the other request is designated as TR-12 and is reviewed in a separate Review Memorandum.

**APPLICANT:** Nestle Waters North America, 1322 Crestside Drive, Suite 100, Coppel, TX.

**Applicants Representatives:**

David Feckley, Natural Resource Manager Nestle Waters North America  
Mike Allen, Apex Development Services, Buena Vista

**Date Submitted by Applicant:** December 11, 2014

**Action:** REQUEST APPROVED

  
(County Staff Signature)

Date: 01/26/2016

**Further Action:** Since this is a modification only to operation of the production wells, a technical revision is warranted, and a revision of the conditions of the permit is not needed at this time. The permit language should be updated to reflect the revised operational conditions the next time the permit is amended. Suggested future modifications to the language of 1041 Permit Condition 4.33 are included at the end of this report.

**Technical Revision Process:** The 1041 Permit was approved via Chaffee County Resolution 2009-42, and subsequently amended by Resolutions 2010-21 and 2013-35. Section 5.1 of the 1041 Permit includes process and criteria for Technical Revisions to the Permit. Staff shall make a determination whether the request can be considered as a Technical Revision, or if a full Permit Amendment is required. If processed as a Technical Revision, Staff may approve the request if the required submittal materials adequately show that four criteria are met.

If all criteria are met, staff shall notify the Permittee, the Board of Commissioners (Permit Authority), and County Attorney of a decision on the Technical Revision request within 5 working days of approval. At its discretion, the Board may hold a public hearing on the revision no more than 45 days after notice of the decision by

staff. The revision will take effect 15 days from approval, or if a hearing is held, the effective date shall be set by the Board.

Because Don Reimer is a Consultant to the County for review of this request, the recommended action should be affirmed by the County Planning Manager Jon Roorda prior to distribution to County Commissioners, County Attorney, and the applicant to ensure compliance with the protocols set forth in the permit. The effective date of the revision will be 15 days following staff affirmation of the Consultant's recommendation.

**Consultant Review:** The application dated December 1, 2014 was submitted to Chaffee County and marked received on December 11, 2014. The request consisted of a letter from Mr. David Feckley summarizing the proposed changes including a narrative describing compliance with the Technical Revision criteria, and a Technical Memorandum prepared by S.S Papadopoulos & Associates, dated October 9, 2014, analyzing potential impacts of the proposed operational change.

Don Reimer was contacted by the County in January 2015 and requested to perform a consultant review of the application; Reimer agreed, and also suggested that W.W. Wheeler and Associates (Wheeler) also be contracted to perform a technical review of the request (Wheeler performed the review of the hydrological aspects of the original 1041 application in 2009 and subsequent related revisions). Contracts for Reimer and Wheeler were approved by the Chaffee County Board of Commissioners on February 17, 2015 and review commenced shortly thereafter. Reimer received Wheeler's letter report dated April 27, 2015 via e-mail April 29, 2015.

**Summary of Proposed Revisions:** The 1041 Permit as amended includes 49 conditions including provisions on project construction, operation, public benefits, and permit duration. The requested Technical Revision relates only to Condition 4.33:

4.33 Pumping Well Operational Restrictions. The Permittee may operate a maximum of two production wells at the Ruby Mountain site, known as RMBH 3 and RMBH 2. The well designated RMBH 1 is an existing test borehole and shall not be used for production. Permittee shall not operate RMBH 3 and RMBH 2 simultaneously. RMBH 3 will be the principal production well and RMBH 2 will be a back-up well in case RMBH 3 fails or is temporarily unavailable (i.e., due to maintenance). Diversions from either RMBH 3 or RMBH 2 will not exceed 200 gallons per minute, nor more than one (1) acre foot per day, or 16.6 acre feet in any one month (Updated to reflect Technical Revision #8, approved August 18, 2010<sup>1</sup>).

The proposed Technical Revision would allow primary well RMBH-3 and backup well RMBH-2 to be operated simultaneously without exceeding the maximum pumping rate or daily, monthly or annual volume limitations. The applicant indicates the revision is necessary to provide operational continuity when switching production to the backup well, as internal sampling and testing protocols require 30 days of well

---

<sup>1</sup> Technical Revision 8 was originally approved in 2010, with the revisions to the specific language of Condition 4.33 incorporated into the permit upon approval and adoption of Resolution 2013-35 in October 2013.

operation before the produced water can be bottled. The result is that trucking and bottling operations have to be curtailed when switching to the backup well in those instances when the primary well is not available.

Section 5.1 of the 1041 permit outlines the following criteria for consideration of a request for technical revision:

- a. Permittee and the Project are in compliance with all terms and conditions of the original Permit at the time the County Staff receives notice of the proposed technical revision; and
- b. There will be no increase in the quantity of water or size of the area affected by the Project; and
- c. There will be no increase in the nature or intensity of impacts caused by the Project from those contemplated by this Permit; and
- d. Only minor changes to the terms or conditions of this Permit would be required to ensure that the Project will continue to comply with all applicable Chaffee County regulations and intergovernmental agreements as they exist at the time the County receives notice of the proposed technical revision.

Based on the information included in the application and Wheeler's review of the Papadapulos Technical Memorandum, all four criteria are met. Wheeler's review indicates that the simultaneous well operation will not impact the aquifer in any noticeable manner, and water diversions will not increase beyond the permitted levels as a result of the simultaneous operations. The only other potential issue is related to the third sentence in Condition 4.33: "*Permittee shall not operate RMBH 3 and RMBH 2 simultaneously*". Criterion 5.1.d allows staff to determine what is considered a "minor change to the terms or conditions" of the permit.

In this case, I concur with the applicant's statements regarding the original intent of condition 4.33 in limiting the simultaneous operation was due to the unknown potential impacts of the well operations on the aquifer. Since the project has now been in operation for four and a half years without any discernible impacts to the local aquifer, and based on the analysis by Papadopoulos as reviewed by Wheeler that simultaneous pumping will not increase impacts to the local aquifer, it is my determination that criterion 5.1.d is satisfied, and this request constitutes a minor change to the permit conditions.

**Findings on Request:**

1. NWNA submitted a complete application for a Technical Revision (Res 2009-42 Sec. 5.3)
2. Per Res 2009-42 Sec 5.1, a Technical Revision is appropriate for this requested change because: NWNA is currently in compliance with permit terms; there will be no increase in the size of the area affected by the project; there will be no increase in the nature or intensity of impacts caused by the project; and only minor changes are needed to the terms or conditions of the permit.
3. Suggested change to Section 4.33 upon next Permit Amendment:
  - 4.33. Pumping Well Operational Restrictions. The Permittee may operate a maximum of two production wells at the Ruby Mountain site, known as RMBH 3 and RMBH 2. The well designated RMBH 1 is an existing test borehole and shall not be used for

production. Permittee ~~shall not~~ may operate RMBH 3 and RMBH 2 simultaneously. ~~RMBH 3 will be the principal production well and RMBH 2 will be a back-up well in case RMBH 3 fails or is temporarily unavailable (i.e., due to maintenance); however~~ total diversions for the project from either RMBH 3 or RMBH 2 will shall not exceed 200 gallons per minute, nor more than one (1) acre foot per day, or 16.6 acre feet in any one month. (Updated to reflect Technical Revision #8, approved August 18, 2010, and Technical Revision #11, approved \_\_\_\_\_, 2015).

It has been my pleasure to assist Chaffee County in review of NWNA's request. Please feel free to contact me with any questions or comments.

Sincerely,

Don Reimer, P.E., AICP

Suggested Copy Distribution:

Original, with full application and Wheeler Consultant Report as attachments —  
Board of Commissioners Project file

Copy, with application and Wheeler Consultant Report as attachments — Individual  
Commissioners, County Administrator and County Attorney

Copy, without attachments — NWNA (Mike Allen representative)



**Jon Roorda**

---

**From:** Lauerman,Bruce,Helena,NWNA T&P National Springs  
<Bruce.Lauerman@waters.nestle.com>  
**Sent:** Tuesday, January 30, 2018 12:31 PM  
**To:** gary.thompson@wwwheeler.com  
**Cc:** Bryan Grigsby; jroorda@chaffeecounty.org; dswallow@chaffeecounty.org  
**Subject:** NWNA Chaffee

Hello Gary,

I am the NWNA representative for Chaffee County. Bryan forwarded me your message requesting additional data re his memo and in support of Technical Revision #12 request.

Per my meeting with the Dan Swallow, Jon Roorda and others at Chaffee County in early January, NWNA has requested the County to hold on further processing of our request until such time as I have had an opportunity to more closely review and evaluate our operations in Chaffee, and the pending County Engineer position is filled.

When we are ready to proceed I look forward to discussing our project with you further as needed.

Should you have any questions or concerns at this time I can be reached at the number below.

Thanks,

Bruce

---

**Bruce Lauerman RG CHG**  
**Natural Resources Manager**  
**Nestlé Waters North America**  
2690 Park Drive  
Helena, MT 59601  
(406) 449-6659  
[bruce.lauerman@waters.nestle.com](mailto:bruce.lauerman@waters.nestle.com)

--  
This message has been scanned for viruses and dangerous content by [MailScanner](#), and is believed to be clean.



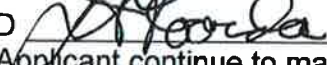
**CHAFFEE COUNTY**  
**Development Services Department**  
P.O. BOX 699      PHONE (719) 539-2124  
SALIDA, CO 81201      FAX (719) 530-9208  
WEBSITE [www.chaffeecounty.org](http://www.chaffeecounty.org)

Date: October 17, 2018  
To: Chaffee County Board of County Commissioners  
Chaffee County Attorney  
Chaffee County Administrator  
NWN Natural Resource Manager Bruce Lauerman  
From: Jon Roorda, Planning Manager  
Subject: Nestle Waters 1041 Permit – Request for Technical Revision #13

**SUMMARY OF REQUEST:** Nestle Waters North America (NWN) requests a Technical Revision to the conditions of their 1041 Permit to allow the addition of 4 new parking spaces and landscape improvements to the truck loading station in Johnson Village.

**APPLICANT:** Nestle Waters North America, 1322 Crestside Drive, Suite 100, Coppell, TX 75019  
**Applicants Representative:** Bruce Lauerman, Natural Resource Manager Nestle Waters North America

Date Submitted by Applicant: September 21, 2018

Action: REQUEST APPROVED  Date: 10/18/2018  
Subject to Condition: the Applicant continue to make best efforts to comply with the terms of Section 4.26 of Resolution 2009-42. This approval in no way waives compliance with Section 4.26 in connection with subsequent requests and reviews.

**Further Action:** Since this is a modification only to parking and landscaping at the truck load station a technical revision is warranted, and a revision of the conditions of the permit is not needed.

**Technical Revision Process:** The 1041 Permit was approved by Chaffee County Resolution 2009-42, and amended by Resolutions 2010-21 and 2013-35. Section 5.1 of the 1041 Permit includes process and criteria for Technical Revisions to the permit. Staff shall make a determination whether the request can be considered as a Technical Revision, or if a full Permit Amendment is required. If processed as a Technical Revision, staff may approve the request if the required materials adequately show that the four criteria are met.

If all criteria are met, staff shall notify the permittee, the Board of Commissioners and County Attorney of a decision on the Technical Revision request within 5 working days of approval. At its discretion, the Board may hold a public hearing on the revision no more than 45 days after notice of the decision by staff. The revision will take effect 15 days from approval, or if a hearing is held, the effective date shall be set by the Board.

**Summary of Proposed Revisions:** The 1041 Permit as amended includes 49 conditions. The requested Technical Revision relates only to condition 4.25:

4.25 Local Construction Jobs. (partial quote)

... To the extent that local workers and local material suppliers are available Permittee shall employ commercially best efforts to enter into future service contracts with local firms and/or workers.

The proposed Technical Revision would allow the applicant to proceed with parking expansion and landscape improvements.

Section 5.1 of the 1041 Permit outlines the following criteria for consideration of a request for technical revision:

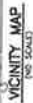
- a. Permittee and the project are in compliance with all terms and conditions original permit at the time that County staff receives notice of the proposed technical revision; and
- b. There will be no increase in the quantity of water or the size of the area affected by the project; and
- c. There will be no increase in the nature or intensity of impacts caused by the project from those contemplated by this permit; and
- d. Only minor changes to the terms or conditions of this permit would be required to ensure that the project will continue to comply with all applicable Chaffee County regulations and intergovernmental agreements as they exist at the time the County receives notice of the proposed technical revisions.

Based on the information included in the application, all four criteria are met. The Applicant has informed County staff, and staff has informed the Board of Commissioners, that the Applicant is endeavoring to comply with the terms of Section 4.26 (Local Drivers), are employing best business practices to maintain compliance with this section.

Staff does determine that the addition of parking spaces and landscaping to the truck loading station constitutes a minor change to the project and that no change to the permit conditions is required.

Staff Findings:

1. A complete application for a Technical Revision has been submitted.
2. The criteria of Section 5.1 are met. The revision will result in a minor change to part of the operation for the project.
3. Staff approval is conditioned on the Applicant continuing to make best efforts to comply with the terms of Section 4.26 of Resolution 2009-42. This approval in no way waives compliance with Section 4.26 in connection with subsequent requests and reviews.
4. No amendment to the permit conditions are needed as a result of this Technical Revision.

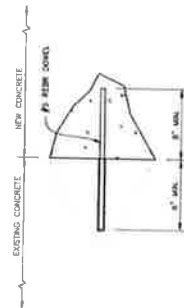


## PROJECT BOUNDARY

- [illegible]

CONSTRUCTION NOTES:

- ① FURNISH & INSTALL 6" COOT CLASS "B" CONCRETE OVER 6" MIN. CLASS 8 BASE TO LIMITS SHOWN ON PLAN.
- ② FURNISH & INSTALL 1'-4" DIAMETER REEF ROCK MULCH OVER MANHOLE. MANHOLE NEED BARRIER FENCING (OR APPROVED EQUAL) TO LIMITS SHOWN ON PLAN.
- ③ FURNISH & INSTALL ADDITIONAL ROCK MULCH TO BRING ROCK TO SIDEWALK HEIGHT.
- ④ FURNISH & INSTALL 3'x3' REBAR DOWELS TO EXISTING CONCRETE AT 1' ON CENTER TO LIMITS SHOWN ON PLAN AND PER DETAIL THIS SHEET.



DETAIL  
REBAR DOWEL  
(NO SCALE)

**OWNER:**  
**NESTLE WATERS NORTH AMERICA**  
1322 CRESTSIDE DRIVE, SUITE 100  
COPELLE, TX 75019  
PH: (972) 482-3642  
CONTACT: BRENT CLAY

PREPARED BY:

**CRABTREE GROUP INC.**  
ENGINEERING SMART GROWTH

**NOTE:** DESIGN BASED ON PREVIOUS SITE PLANS AND AVAILABLE AS-BUILT INFORMATION. FIELD VERIFY ALL DIMENSIONS AND SHOWN UTILITIES PRIOR TO CONSTRUCTION.