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ARKANSAS VALLEY CONDUIT

DRAFT ENVIRONMENTAL IMPACT STATEMENT

PUBLIC HEARING HELD WEDNESDAY, SEPTEMBER 26, 2012

LA JUNTA, COLORADO

(Whereupon, the formal testimony of the public hearing was opened at 7:22 p.m.)

MS. LAMB: I will formally open the public testimony section of this hearing. During this portion of the hearing, Erin will be recording all that is said. So quick review, October 30th is the deadline. We are accepting written and verbal comments. Tonight is your opportunity to submit the verbal comments. Written comments, again, can be provided this evening on a comment card or on a future date via e-mail or regular mail to Signe's attention, and her information is on the card.

This hearing will proceed in the following manner. We ask that speakers please keep your comments to five minutes. I will call speakers to the microphone. If I call your name and you are not present, you will be moved to the end of the list. Again, five minutes to speak, and during testimony we ask that folks please remain quiet and not comment in any way during the speaker's testimony. If you have extensive comments, we ask that you please summarize your comments during your five minutes and then

1 submit the full version in writing, which you can do, of
2 course, attached to the comment card.

3 To help you accurately gauge the time, we're using
4 these three lights over here on the right. The green
5 light indicates that the five minutes has started. The
6 yellow light will indicate that there are 30 seconds left,
7 and the red light will indicate that your time has
8 elapsed. At that point we will call for the next speaker.
9 When it is your turn to speak, please clearly state your
10 name, and if you're representing a group, your
11 affiliation.

12 Please remember that this is a formal hearing and
13 Erin our court reporter is recording your comments. It is
14 important that you speak clearly and not really go too
15 fast so she can keep up with the typing. If you do not
16 feel comfortable standing in front of the group but would
17 like to make verbal comments, you may come up after the
18 hearing is concluded and give your comments to Erin and
19 she can record them at that time also.

20 We are here to listen and not to respond. So
21 during the verbal comments, we will not respond to what
22 you're saying or answer questions. We are here to receive
23 those comments and to hear what you have to say.

24 All right, any questions about that? Yes, sir?

25 UNIDENTIFIED COMMENTER: Will all the comments be

1 on the website some place so we can read them?

2 MS. LAMB: They will be in the final environmental
3 impact statement, and they will be responded to in there.

4 MS. SNORTLAND: And we have posted -- on other
5 environmental impact statements I have worked on, we have
6 posted each comment as we get it, but we wait until the
7 public comment period has closed and then we post them.

8 MS. LAMB: Okay.

9 MS. SNORTLAND: And I'm assuming that's what we'll
10 do this time.

11 MS. LAMB: We definitely can do that. All right.
12 So when you come up to speak, please be sure, don't be
13 shy, to adjust the microphone so you're comfortable with
14 it so we can hear. Because it helps Erin hear what she
15 needs to be typing.

16 Our first speaker is Mr. Norman Noe.

17 MR. NOE: Hi. My name is Norman Noe. I'm
18 currently the operator of South Swink Water Company, one
19 of the companies who is under enforcement action from the
20 Colorado Department of Public Health and Environment to
21 meet standards. We are happy to see the progress on this
22 EIS, and the conduit would help us to meet water quality
23 standards. And we actually could have used it built
24 yesterday. Thank you.

25 MS. LAMB: That microphone is not -- oh, neither

1 was this one. This microphone is having a little
2 difficulty picking up, so it's hard to hear in the back.
3 So if the speakers don't mind to bring it right up here to
4 where you are. You don't have to touch it.

5 MR. NOE: I didn't want to go in the first place.

6 MS. LAMB: You did very well. Our next speaker is
7 Mr. Keith Goodwin.

8 MR. GOODWIN: And I am shorter than Norm, so I
9 have to adjust this. My name is Keith Goodwin,
10 commissioner of Otero County, and I'm a positive supporter
11 of this activity in that in Otero County particularly we
12 have 28 independent water companies that most are having
13 troubles with radionuclides, variety of things, and the --
14 they're using the conduit as a method of solving or
15 hopefully solve the problems with the water quality with
16 the Department of Health waiting for the conduit to come
17 along. I'm sure that the Department of Health would not
18 wait forever.

19 So the expediency of getting this is important,
20 and also the importance of government funding so that it
21 can go on. You've seen the numbers up there, and we don't
22 have that kind of money laying around. So it's built on
23 being funded and then paid back over a 50-year period.
24 And we're okay with paying back, we just need the funding
25 up front to get the project done. Thank you.

1 MS. LAMB: Our next speaker is Joe Kelley.

2 MR. KELLEY: I noticed these other guys didn't use
3 all their time, so I request that we not start at the
4 light. I'm here -- my name is Joe Kelley, and I'm the
5 director of City of La Junta Water Utilities. A few
6 comments. Hopefully I can make it quick, not just a few
7 comments, but several.

8 The Arkansas Valley Conduit, I believe, is
9 essential to the future of all the communities east of
10 Pueblo, and it has been for decades. And it's an
11 essential part of the original project, Fry-Ark project
12 authorization. And in the words of Bill Long, current
13 president of the Southeast District, is that if we don't
14 complete this conduit, then the project has been a
15 failure. We haven't done 100 percent. So I just want to
16 point that out. I don't think Bill is here. If he was,
17 he wouldn't mind me repeating that.

18 Sometimes we think of what's going to happen to us
19 today and tomorrow only. To me, a lot of perspective that
20 folks have is in terms of the time period that they think
21 about where they think about, okay, what's this going to
22 do for me? Or what's this going to do for my children or
23 my grandchildren? And what's going to happen in the
24 future? And the only lessons that we can get about the
25 future are the ones that we get from the past.

1 And having been in water treatment for over 30
2 years now, I can guarantee you that it's not going to get
3 any easier or any cheaper to treat our water. We talk
4 about radioactive waste and the problems of radioactive
5 water contamination and the problems that we have today.
6 We need to consider that the EPA sets maximum contaminant
7 levels which don't always correspond with their maximum
8 contaminant level goals. And their goals are set based on
9 the technology available to measure how much contaminants
10 are in the water.

11 And I can promise you that as technology gets more
12 precise in measuring those, the limits that we have to
13 face in our drinking water, among other things in our
14 lives, will become more and more stringent. So future
15 costs that we see seem maybe to be not quite -- not quite
16 so expensive could in the future be considerably more
17 expensive.

18 We also need to consider how we're going to treat
19 this. The -- what I've read so far and no action
20 alternatives suggest that we'll use reverse osmosis and
21 connect to the folks that are already doing it, that we've
22 already got this great water, which we do by the way.
23 Everybody's welcome to try some. But the problem is, is
24 that what do we do with the waste and what is the cost of
25 the waste or the byproduct that comes from treating with

1 reverse osmosis or actually anything else? There's always
2 going to be a byproduct. Okay, so in that case, I just
3 want to make sure that what we look at when we look at no
4 action alternative, it's more than just pipelines, that
5 perhaps we need to make sure that we evaluate what
6 disposal and operating and costs are involved there.

7 One point, just a kind of side point as I ramble
8 on here, is that this -- it needs to be pointed out that
9 by doing pipeline to these communities, a lot of the
10 communities are already utilizing the water, the project
11 water that's available, or other water in the Pueblo
12 Reservoir. Pipeline will cut down on the -- it's kind of
13 a passive conservation method that will cut down on the
14 amount of water that's lost in transport from Pueblo
15 Reservoir to here, to Lamar, which Lamar has huge, huge
16 losses.

17 Okay. I want to speak one -- a little bit to the
18 Master Contract. Master Contract, over the years that
19 I've worked on this, and I can guarantee you it's a lot of
20 years. I go to meetings now, and I look around and
21 there's only young people there. I was one of them at one
22 time. And we need to use the Pueblo Reservoir
23 consistently and use the entire space, and that's
24 important. Master Contract is a must for Arkansas Valley
25 Conduit to work efficiently. We need to consider that

1 there's -- if there's no Arkansas Valley Conduit, then
2 it's going to change the Master Contract.

3 MS. LAMB: Mr. Kelley?

4 MR. KELLEY: I understand there was a light. I
5 was hoping I would get somebody else's time.

6 MS. LAMB: Wait, hold on, hold on. Is anyone else
7 interested in commenting tonight? Otherwise we'll have
8 Mr. Kelley continue. Please proceed.

9 MR. KELLEY: I'll try fast, 15 seconds here. Most
10 of these people know me. They'll tell you he can talk
11 forever if you let him.

12 One thing that I want to point out, it's pretty
13 significant, if you look at the -- all of the alternatives
14 compared to the no action alternative, even though no
15 action alternative capital cost seems lower if we've
16 considered all of these other points, is that the annual
17 operating cost saves us somewhere around 33 percent, from
18 the 5 million down to 4 million or less, which would be 20
19 percent down to 30 percent, something like that.

20 And then just one last negative comment on one
21 portion of it is that I do not believe, considering
22 everything else that I've said, that the River South is
23 a -- let me put it a different way. Considering
24 everything else that I've said, I consider that the River
25 South is an unacceptable alternative because it may work

1 today, it may work ten years, but I have my doubts on
2 whether it's going to work 20 or 30 years, and we'll end
3 up building a pipeline from that point to Pueblo
4 Reservoir. Thank you.

5 MS. LAMB: Thank you very much. I do not have any
6 other speaker cards. Is there anyone else who wishes to
7 speak that might have changed your mind perhaps? All
8 right. If we do not have any other speakers this evening,
9 then that concludes our formal public hearing, and I thank
10 you all for coming out tonight to join us, giving us your
11 time and your comments. We really appreciate it. We will
12 be staying here in this room if you would like to have
13 some additional discussion with members of the team. And
14 Erin will be here, too, if you do decide you wish to make
15 a private comment. Yes, sir?

16 UNIDENTIFIED COMMENTER: Will there be any more
17 hearings after you release the chosen alternative?

18 MS. LAMB: I don't know that. Signe?

19 MS. SNORTLAND: No. We have one more hearing
20 tomorrow. After the final environmental impact statement
21 is released, if you want a copy, just let us know and when
22 you signed it, if you indicated you wanted a final
23 environmental impact statement, we will be sure you get a
24 copy. And take a draft with you when you leave if you
25 didn't get one delivered to your mailbox. But there is no

1 public hearing after the final is released, but it will be
2 posted. You'll get the information, you can read it, and
3 then we'll make sure you get the record of decision when
4 that's done. Yes, sir?

5 UNIDENTIFIED COMMENTER: I don't want to push
6 this, but the -- when the final alternative is suggested,
7 chosen by the Bureau, that's it?

8 MS. SNORTLAND: Okay, when we identify it?

9 UNIDENTIFIED COMMENTER: Well, I know you'll
10 identify it, but there's no comment on it after?

11 MS. SNORTLAND: That's correct. What people do is
12 when we identify the alternative, we'll post it on the
13 website. We also send out newsletters. I don't know if
14 you've gotten any. If your name is down there, you've
15 given your address, we will have a newsletter going out
16 that will have an alternative, and you'll have my e-mail
17 address if you could send me a comment if you'd like, but
18 there will be no formal comment response period.

19 But scoping really never ends in an environmental
20 impact statement process. We're always looking for input.
21 So we won't ignore you. We want to hear from you, and you
22 do influence what we do. You really do. And I'm so glad
23 we finally have a written comment, and I'm so glad we had
24 people speak up in the public hearing.

25 MS. LAMB: I do want to add something to what you

1 were saying. Also on the website, if you have not
2 received newsletters so far, we do have the newsletters
3 posted on the website so you can download them from there.
4 And if you prefer to get your information electronically,
5 we can send you everything via e-mail as well. When you
6 submit your e-mail address tonight, it goes on our e-mail
7 list. And you can always go to the website, as Signe
8 mentioned earlier, see where we are, what we're doing.
9 And at the top of next week, we'll have tonight's
10 presentation also posted on the website so you can view it
11 if you would like.

12 MS. SNORTLAND: And for your friends who may have
13 missed it, they can go on the website and take a look at
14 the slide show. And you can walk them through it.

15 MS. LAMB: And the entire draft EIS is on there as
16 well.

17 MS. SNORTLAND: Oh, yay, yes.

18 MS. LAMB: If you can't get enough of the
19 engineering reports here, you can get them there. So with
20 that, we will conclude this evening's hearing and feel
21 free to stick around and have more discussions with us if
22 you like. And eat cookies; otherwise we will.

23 MS. SNORTLAND: Thank you.

24 (The formal testimony portion of the public
25 hearing was closed at 7:38 p.m.)

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REPORTER'S CERTIFICATE

I, ERIN R. DONATO, Registered Professional Reporter, Certified Realtime Reporter and Notary Public within Colorado, appointed to stenographically record the public hearing of the Arkansas Valley Conduit, do certify that hearing was taken by me at the Otero Junior College, 2001 San Juan Avenue, #116, La Junta, Colorado, on September 26, 2012, then reduced to typewritten form consisting of 12 pages herein; that the foregoing is a true transcript of the proceedings had.

In witness hereof I have hereunto set my hand this 2nd day of October, 2012.

Erin R. Donato, RPR, CRR
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