



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 500
DENVER, COLORADO 80202-2466

APR 21 1992

Ref: 8HWM-FF

Mr. Frazer Lockhart
Department of Energy
Rocky Flats Office
P.O. Box 928
Golden, CO 80402-0928

re: OU 1 Wetlands Mitigation

Dear Mr. Lockhart:

During construction of the French Drain, EPA visited the site for the purpose of examining expected wetland disturbances and discussing mitigation. As a Federal agency, DOE is held to a very high standard in this regard by statute and Executive Order.

Our understanding was that wetlands were to be reestablished in their original locations this Spring. EPA insisted that the plan to reestablish wetlands be part of the package submitted to support terminating the drain. The plan submitted is seriously deficient. It not only fails to commit to reestablishing the wetlands, but proposes no mitigation for several years. We see no justification for this, and emphasize that this approach completely ignores DOE's Clean Water Act obligations in actions of this nature, which constitute EPA's main concern. Further, the plan does not even serve its apparent focus. It completely disregards potential natural resource injuries other than habitat loss. DOE has repeatedly claimed a high level of concern on such issues, but does not appear eager to demonstrate it with action.

This plan must be redone in accordance with the attached comments and resubmitted on or before May 1, 1992, to avoid subsequent enforcement actions. If you have questions or would like to discuss the progress of this effort, please contact Bill Fraser (EPA) at 294-1081.

Sincerely,

A handwritten signature in cursive script, appearing to read "Martin Hestmark".

Martin Hestmark, EPA
Manager
Rocky Flats Project

Enclosure

cc: Tricia Powell, DOE
Cindy Gee, EG&G
James Hartman, DOR

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