

CORRES CONTROL
INCOMING LTR NO

1181 RF 91

DUE
DATE

ACTION



Department of Energy

ROCKY FLATS OFFICE
P O BOX 928
GOLDEN COLORADO 80402-0928

MAY 6 1991

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EG&G
ROCKY FLATS PLANT
CORRESPONDENCE CONTROL

APR 30 1991

91-DOE-3273

Mr P. E Poulsen, Engineer
Hazardous Materials and Waste Management Division
Colorado Department of Health
4210 East 11th Avenue
Denver, Colorado 80601

Dear Mr Poulsen

We received your letter of February 25, 1991, requesting payment of the Hazardous Substance Fund Fee for operation of the existing ~~existing~~ landfill at the Rocky Flats Plant. Your letter states that the Rocky Flats Plant operates an "attended solid waste disposal site" and therefore, under Section 25-16-104 5 C.R.S., must pay the Hazardous Substance Fund Fee

We have reviewed the Colorado Revised Statutes applicable to payment of the Hazardous Substance Fee and have concluded that the fee does not appear to be applicable to the landfill at the Rocky Flats Plant for the following reasons

- Per section 25-16-104 5 C.R.S., the fee is only applicable to attended solid waste disposal sites. Per 25-16-102(1) C.R.S. an "attended solid waste disposal site" is defined as "a site established pursuant to 30-20-1 C.R.S. at which an attendant is present." The Rocky Flats landfill does not meet this definition because it was established prior, not pursuant, to the Solid Waste Sites Disposal Sites and Facilities Act, 30-20-1 C.R.S. Furthermore, a Colorado Department of Health letter dated January 30, 1979 (attached), stated the Rocky Flats landfill would not require a certificate of designation, thereby indicating the landfill is not considered a site established pursuant to 30-20-1 C.R.S.
- The Hazardous Substance Response Fee appears to be directed toward a facility which is attended by a person who collects a fee from off-site individuals for disposing waste at the facility. At the Rocky Flats landfill, operational personnel control access and direct compaction and covering of the waste but do not collect fees.
- No off-site waste is allowed to be disposed of at the Rocky Flats landfill.

| DIST. | LTR | ENC |
|------------------|-----|-----|
| BRETZKE, J.C. | | |
| BURLINGAME, A.H. | | |
| BOPP, R.D. | | |
| BROUCHER, D.W. | | |
| DAVIS, J.G. | | |
| EVERED, J.E. | X | |
| FERRERA, D.W. | | |
| FERRIS, L.R. | | |
| FRANKOR, F.J. | | |
| FRANCIS, G.E. | | |
| GOODWIN, R. | | |
| HEALY, T.J. | | |
| DEKER, E.H. | | |
| JENS, J.P. | | |
| KEELE, P.B. | | |
| KERSH, J.M. | X | |
| KIRBY, W.A. | | |
| KIRKBO, J.A. | | |
| LEE, E.M. | | |
| MAJESTIC, J.R. | | |
| MATHEWS, T.A. | | |
| MEURRENS, B.E. | | |
| MORGAN, R.V. | | |
| NORTH, P. | | |
| PALMER, L.A. | | |
| PIZZUTO, V.M. | | |
| POTTER, G.L. | | |
| RHOADES, J.L. | | |
| SAFFELL, B.F. | | |
| SWANSON, E.R. | | |
| WIEBE, J.S. | | |
| WILKINSON, R.B. | | |
| WILLIAMS, R.E. | | |
| WILSON, J.M. | | |
| YOUNG, E.R. | | |
| ZANE, J.O. | | |
| Ticknor, R.X. | | |
| Ogg, R.X. | | |
| Greenyard, X. | | |

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Reviewed for Addressee
Corres. Control RFP
5-3-91 Cin

DATE BY

Ref Ltr #

ADMIN RECORD

A-0007-000005

P E Poulson

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In addition, it is not apparent to us on what basis CDH would impose this fee on a federal facility without some implementing grant of authority to the State.

If you have any questions on this issue, please feel free to contact me or have your staff contact Thomas E. Lukow of my staff at 966-4561.

Sincerely,



David P Simonson
Assistant Manager
for Environmental Management

Enclosure

cc w/Enclosure
P. Harley, CDH
B Barry, Program Unit, CDH

cc w/o Enclosure
J M Kersh, EG&G/RFP
K. Ticknor, EG&G/RFP
F Gerdeman, DOE/RFO
R. Ogg, EG&G/RFP