



Department of Energy
Office of Legacy Management

September 25, 2007

Mr. Paul Frohardt, Administrator
Colorado Water Quality Control Commission
OED-OEP-A5
4300 Cherry Creek Drive South
Denver, CO 80246-1530

Subject: October 9 Issues Scoping Hearing – Regulation Number 38 South Platte River Basin Triennial Review

Dear Mr. Frohardt:

This correspondence is to provide information related to issues for the subject scoping hearing. Rocky Flats is owned by the United States and Big Dry Creek segments 4a, 4b, and 5 of the South Platte River Basin are located on portions of Rocky Flats property under the jurisdiction and control of DOE.

Rocky Flats was listed on the Comprehensive Environmental Response, Compensation, and Liability Act National Priorities List in 1989. The final remedy was selected in the September 29, 2006, Corrective Action Decision/Record of Decision after completion of cleanup and closure by DOE under the *Rocky Flats Cleanup Agreement*. The final remedy is being implemented in accordance with the *Rocky Flats Legacy Management Agreement (RFLMA)*.

RFLMA includes surface water standards in regulation #38 for Big Dry Creek segments 4a, 4b, and 5 as remedy performance standards. Thus, DOE has an active interest in the rulemaking and believes that several issues of importance in implementing the remedy should be addressed as part of the triennial review. This correspondence is not intended to foreclose the identification of other issues prior to the close of the triennial review issues identification process.

1. Issues for the June 2009 hearing that should be considered at the scoping hearing:

- Temporary Modifications (TMs) in segment 5 for six organic parameters and nitrate/nitrite are set to expire December 31, 2009. The remedy includes ground water treatment systems that treat ground water with these TM parameters, among other parameters. These systems reduce the surface water loading of these parameters and progress is evaluated at performance monitoring locations. At this time it is not possible to predict whether there will be a need to request an extension to the expiration of any of the TMs. Performance monitoring will continue to facilitate formation of issues for the June 2009 hearing.

ADMIN RECORD

19901 Germantown Road, Germantown, MD 20874	<input type="checkbox"/>	2597 B 3/4 Road, Grand Junction, CO 81503
3610 Collins Ferry Road, P.O. Box 880, Morgantown, WV 26507	<input type="checkbox"/>	626 Cochrans Mill Road, P.O. Box 10940, Pittsburgh, PA 15236
1000 Independence Ave., S.W., Washington, DC 20585	<input type="checkbox"/>	11025 Dover Street, Suite 1000, Westminster, CO 80021-5573

REPLY TO: Westminster, CO Office

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- We believe the Commission intends to address the basin standards for arsenic based on the 2005 revision to the statewide basic standard for the water supply classification of 0.010 mg/L for this parameter. The arsenic standards for water supply classification segments of Big Dry Creek are currently above the revised standard. A revision to basin standard may impact RFLMA remedy performance standards.
- On February 22, 2007, EPA published a notice regarding the availability of revised aquatic life water quality criteria for copper. EPA is using a new model (the bioligand m) to get a more accurate measure of the true toxicity of dissolved metals. This accuracy is attained through the use of 11 water quality parameter inputs compared to the current method based on a single parameter, hardness. Dissolved metal parameters are included in the RFLMA remedy performance standards. While the adoption of the new methodology is not on the immediate horizon, the issue of increased water quality analytical requirements should be noted.

2. Issues to be addressed prior to the June 2009 hearing:

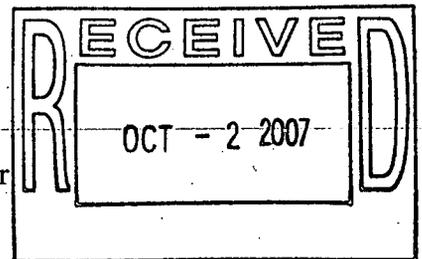
- On July 31, 2007, DOE filed with the Commission a *Petition for Rulemaking Regarding Uranium Standards for Woman Creek and Walnut Creek Segments 4a, 4b, and 5 of Big Dry Creek, South Platte River Basin*. Although we have not yet had a formal response, the Petition was considered by the Commission at its August 2007 hearing. We believe that the rulemaking is now set for the Commission's January 2009 hearing.

The contact information is:

U.S. Department of Energy (DOE)
Office of Legacy Management
11025 Dover Street, Suite 1000
Westminster, CO 80021-5573

Attn: Scott Surovchak, Rocky Flats Manager

Phone Number: 720-377-9682
Fax Number: 720-337-3829
Email: Scott.Surovchak@lm.doe.gov



If you have any questions or require additional information, please call me at (720) 377-9682 or Rick DiSalvo, Assistant Project Manager for DOE's Rocky Flats Legacy Management Contractor. Rick can be reached at (303) 819-7150.

Sincerely,

A handwritten signature in cursive script, appearing to read "Scott Surovchak".

Scott R. Surovchak
LM Site Manager

Mr. Frohardt

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Enclosures

cc:

C. Spreng, CDPHE

L. Kaiser, Stoller

Project File: RFS 510.20.05 (Thru S. Willson)

Administrative File (Thru A. Montoya)

Post Closure AR (Thru H. Young)

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