



Department of Energy

Washington, DC 20585

December 8, 2010

Mr. George Di Ciero
Broomfield City and County Manager
One DesCombes Drive
Broomfield, CO 80020

Mr. J. Brent McFall
Westminster City Manager
4800 West 92nd Avenue
Westminster, CO 80031

Mr. William Simmons
Northglenn City Manager
11701 Community Center Drive
Northglenn, CO 80233

Mr. Jack Ethredge
Thornton City Manager
9500 Civic Center Drive
Thornton, CO 80229

Dr. Mark Johnson
Executive Director
Jefferson County Public Health
1801 19th Street
Golden, CO 80401

Mr. Josh Nims
President, Woman Creek Reservoir Authority
4800 West 92nd Avenue
Westminster, CO 80031

SUBJECT: Response to letter to Tom Pauling, dated November 30, 2010, Regarding Rocky Flats Technical Working Group Meetings

Dear Sirs:

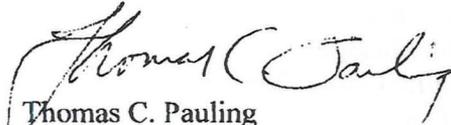
Thank you for your interest and participation in our NEPA Adaptive Management Plan (AMP) process in support of the Draft Rocky Flats Surface Water Configuration Environmental Assessment (EA). DOE is continuing to evaluate the EA and intends to continue the discussion with all parties in order to address concerns and try to reach a mutually agreeable result.



The location, analytes, frequency, and other requirements associated with water sampling and analysis at the site is a topic we have discussed with you and your staffs and will continue to do so. The recently proposed modifications to the Rocky Flats Legacy Management Agreement (RFLMA) is an entirely separate regulatory process, conducted in accordance with the Resource Conservation and Recovery Act (RCRA), Colorado Hazardous Waste Act (CHWA) and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) requirements as implemented at the Rocky Flats Site by the RFLMA. The RFLMA modifications process will not be included within LMs NEPA EA and AMP process to be consistent with the public involvement requirements of the RFLMA.

Once again thank you for your interest in the AMP and we look forward to meeting with you over the next several months. Please coordinate directly with Scott Surovchak of my staff at 720-377-9682 or Jane Powell of my staff at 513-648-3148.

Sincerely,



Thomas C. Pauling
Director
Office of Site Operations

cc:

Doug Young, Senator Mark Udall's Office
Zane Kessler, Senator Michael Bennet's Office
Andy Schultheiss, Representative Polis' Office
Stuart Feinhor, Representative Polis' Office
Chris Votoupal, Representative Ed Perlmutter
Dave Geiser, DOE
Jane Powell, DOE
Scott Surovchak, DOE
Martha Rudolph, CDPHE
Howard Roitman, CDPHE
Gary Baughman, CDPHE
Joe Schieffelin, CDPHE
Carl Spreng, CDPHE
James Martin, USEPA
Carol Rushin, USEPA
Larry Svoboda, USEPA
Vera Moritz, USEPA
Rocky Flats Stewardship Council

November 30, 2010

Sent via Email and Standard Mail

Ms. Martha Rudolph, Executive Director
Colorado Department of Public Health and the Environment
4300 Cherry Creek Drive South
Denver, CO 80246

Mr. Thomas Pauling, Director of Site Operations
Office of Legacy Management
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585

Mr. James Martin, Regional Administrator
Environmental Protection Agency
1595 Wynkoop Street
Denver, CO 80202

RE: Rocky Flats Technical Work Group Meetings

Dear Ms. Rudolph, Mr. Pauling, and Mr. Martin:

The Department of Energy, Office of Legacy Management (DOE-LM) has noticed a public meeting for December 9, 2010 regarding Implementing Adaptive Management in the proposed Rocky Flats Surface Water Configuration. The undersigned agencies strongly advocate for a more productive and beneficial approach for all the parties by addressing the proposed modifications to the *Rocky Flats Legacy Management Agreement (RFLMA) Attachment 2 – Legacy Management Requirements* and the *Draft Rocky Flats Surface Water Configuration Environmental Assessment (EA)* concurrently during these meetings.

Both the Colorado Department of Public Health and Environment (CDPHE) and DOE have agreed to technical work group meetings to address concerns related to the proposed actions. While we are anxious to begin technical discussions on an Adaptive Management Plan (AMP) for the April 2010 Draft EA, we do not believe that DOE's approach adequately addresses our written requests to establish a technical work group since it excludes discussion of the proposed changes to RFLMA. Approving either action separately and independently of the other undermines the integrity of open communications and the public involvement process. Both actions are interrelated and must be evaluated in a comprehensive manner.

For these reasons we are requesting that CDPHE, DOE-LM and EPA, as signatory parties to the RFLMA, support our position so the development of an AMP for the EA and the changes to the RFLMA can be openly discussed with the parties who provided written comments. We want to reiterate that no approvals or final decisions on the EA or RFLMA amendments should be made until the work group has had the opportunity to reach a consensus on the purpose, need, timing, and scope of the proposed changes.

As stated in previous meetings and written correspondence, we are committed to working with DOE-LM, CDPHE, and EPA in a cooperative manner. The formation of a technical work group will allow the interested parties to provide open and direct communication with each RFLMA signatory, and ensure that the long-term performance of the remedy continues to remain protective of human health and the environment.

In order to initiate the technical work group at the December 9, 2010 meeting with agreement from all parties that the scope be expanded to include the proposed modifications to RFLMA, please provide us with a written response of your support of our request by Tuesday, December 7, 2010. Thank you and we look forward to continuing to work in a cooperative manner to address the issues.

Sincerely,


George Di Ciero
Broomfield City and County Manager


J. Brent McFall
Westminster City Manager


William Simmons
Northglenn City Manager


Jack Ethredge
Thornton City Manager


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