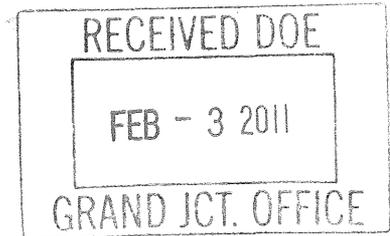




February 1, 2011

Ms. Martha Rudolph
Executive Director
Colorado Department of Public Health and Environment
4300 Cherry Creek Drive South
Denver, CO 80246-1530



RE: Request to Postpone RFLMA Decisions Pending AMP Process Completion

Dear Ms. Rudolph:

Proposal

The City and County of Broomfield hereby requests that the Colorado Department of Public Health and Environment ("CDPHE") temporarily postpone any decisions with regard to changes to the Rocky Flats Legacy Management Agreement ("RFLMA") pending completion of the discussions being undertaken with the U.S. Department of Energy ("DOE") in the context of the Adaptive Management Plan ("AMP") process.

Our Goal

As indicated in a joint letter to CDPHE, DOE, and the Environmental Protection Agency dated November 30, 2010, the goal of the communities affected by Rocky Flats is to ensure an open and transparent communication process during which all substantive issues related to current proposals can be fully vetted (i.e., fully appraised, verified, and checked) and subsequently resolved **before** decisions related thereto are made by the agencies. These proposals include:

- (1) breaching the dams at the site (the subject of the draft Environmental Assessment ("EA"), and
- (2) revising the points of compliance locations and protocols (the subject of the RFLMA changes),

We submit that a piecemeal approach only adds to the feeling of anxiety and distrust which DOE fostered over several decades of operations at the Rocky Flats site.

DOE and CPDHE representatives at the AMP meeting on January 13, 2011, acknowledged that there are no statutory or regulatory deadlines which are driving the current timetable. In addition, we understand that there are no substantive reasons to separate the timelines for either (1) final decisions related to the Environmental Assessment related to the dam breaching, or (2) responding to public comments and finalizing the suggested changes to the RFLMA, other than a desire to move ahead on the schedules the agencies have identified, to date.

E-mailed copy to J. Paulsen & J. Powell 2/3/11

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Indeed, it appears the primary driving force to proceed on separate paths is an unyielding, yet we believe unsupported, desire to "stick to an arbitrarily imposed timetable."

It is a simple matter to revise the timetable. Therefore, please postpone making any final decisions on the proposed changes to RFLMA in order to allow the parties to coordinate their resources and focus on all the substantive issues with the RFLMA and the AMP process, simultaneously.

Thank you, and we look forward to continuing our work in a cooperative manner that meets all needs.

Sincerely,



George Di Ciero

City and County Manager

cc: Doug Young, Governor's Office
Carolyn Boller, Senator Udall's Office
Zane Kessler, Senator Bennet's Office
Andy Schultheiss, Representative Polis' Office
Stuart Feinhor, Representative Polis' Office
Bill Holen, Representative Perlmutter's Office
Dave Geiser, DOE-LM
Thomas Pauling, DOE-LM
Jane Powell, DOE-LM
Scott Surovchak, DOE-LM
James Martin, USEPA
Carol Rushin, USEPA
Larry Svoboda, USEPA
Vera Moritz, USEPA
Howard Roitman, CDPHE
Joe Schieffelin, CDPHE
Gary Baughman, CDPHE
Carl Spreng, CDPHE
Steve Berendzen, USFWS
John Watson, Esquire, Berenbaum Weinshienk PC
Lori Cox, Broomfield Councilmember
Jeff Stoll, Broomfield Public Health Officer
David Allen, Broomfield Deputy Director of Public Works
Mike Smith, Westminster Director of Public Works
David Willett, Northglenn Director of Public Works
Bud Elliot, Thornton Deputy City Manager – Infrastructure
David Abelson, Rocky Flats Stewardship Council