



Department of Energy
Office of Legacy Management

April 8, 2010

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

Subject: Responsive Pre-Hearing Statement for Revisions to The Basic Standards and Methodologies For Surface Water Regulation #31 (5 CCR 1002-31)

Dear Mr. Frohardt:

This correspondence is to transmit the enclosed original and 13 copies of the subject Responsive Pre-Hearing Statement in this matter.

If you have any questions regarding this correspondence or the enclosure, please call me at (720) 377-9683 or Rick DiSalvo, Assistant Project Manager, at (720) 377-9674.

Sincerely,

Scott R. Surovchak
LM Site Manager

RJD/abm

Enclosure

cc:

Carl Spreng, CDPHE
David Moon, EPA Region 8
Linda Kaiser, Stoller
Rick DiSalvo, Stoller
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COLORADO WATER QUALITY CONTROL COMMISSION
STATE OF COLORADO

RESPONSIVE PRE-HEARING STATEMENT OF THE U.S. DEPARTMENT OF ENERGY

REVISIONS TO THE BASIC STANDARDS AND METHODOLOGIES FOR SURFACE
WATER REGULATION #31 (5 CCR 1002-31)

Introduction

The Colorado Water Quality Control Division (Division) is proposing to revise the current table value criterion for uranium for the water supply use from the current single value based on a maximum contaminant level (MCL) to a hyphenated human-health-based standard/MCL standard of 16.8–30 µg/L. (Division Proponent's Pre-Hearing Statement, p.37.)

The U.S Department of Energy Office of Legacy Management (DOE) provides the following information for clarification in relation to the proposed revision of the uranium table value standard.

Clarifying Information

The Division noted that the proposed hybrid criterion is not without precedent, but mistakenly stated that a site-specific hyphenated human-health-based/MCL uranium standard for Big Dry Creek, segments 4a, 4b, and 5, was previously adopted by the Commission. (Division's Proponent's Pre-Hearing Statement, p.39.) The Commission adopted only the health-based standard of 16.8 µg/L for these segments after the Commission's rulemaking hearing on January 12, 2009. See, *Statement of Basis, Specific Statutory Authority and Purpose: January 12, 2009 Rulemaking; Effective March 30, 2009*, Regulation #38 (5 CCR 1002-38), section 38.71.

DOE has no other responses to the Pre-Hearing Statements filed in this proceeding at this time. DOE may provide additional information to the Commission in a Rebuttal Statement based on the Responsive Pre-Hearing Statements and/or Rebuttal Statements of other parties to this proceeding.

Witnesses

The following persons may provide testimony regarding this matter. Other witnesses may be identified based on consideration of any Rebuttal to this Responsive Pre-Hearing Statement.

Scott Surovchak, DOE
Richard DiSalvo, S.M. Stoller Corporation (Legacy Management Support Contractor)

Respectfully submitted this 8th day of April 2010.



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CERTIFICATE OF SERVICE

I do hereby certify that a true and exact copy of the Responsive Pre-Hearing Statement of the U.S. Department of Energy in the matter of the rulemaking hearing for consideration of Revisions to the Basic Standards and Methodologies for Surface Water, Regulation #31 (5 CCR 1002-31), was mailed or e-mailed to the following mail addresses and/or e-mail addresses on the 8th day of April 2010:

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U.S. Department of Energy's Responsive Pre-Hearing Statement Revisions to the Basic Standards and Methodologies for Surface Water, Regulation #31 (5 CCR 1002-31)

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By: Richard DiSalvo