

August 10, 2010

Mr. Dave Geiser
Director, 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

Mr. Gary Baughman
Division Director, Hazardous Materials and Waste Management
Colorado Department of Public Health and the Environment
4300 Cherry Creek Drive South
Denver, CO 80246

RE: Rocky Flats Legacy Management Agreement – Proposed Removal of Terminal Ponds and New Surface Water Monitoring and Compliance Points

Dear Messrs. Geiser, Martin and Baughman,

Jefferson County Public Health appreciates the opportunity to comment on the proposed removal of the terminal ponds and the points of compliance. At this time we feel that the removal of these features is premature. While we appreciate the efforts of the Department of Energy – Office of Legacy Management (DOE-LM) to control the costs related to the operation and maintenance of these features, we are of the opinion that a sound public health case for the removal of these features has not been made. While not part of the final remedy, it is our understanding that these features serve in some manner to protect human health and the environment of the communities located downstream of Rocky Flats.

Until the DOE-LM can clearly demonstrate with a long term record of compliance that they can consistently meet the performance standards set for the off-site migration of the contaminants of concern, we request that the terminal ponds A-4, B-5, C-2, and the present Landfill Pond be retained and that the existing point of compliance and enforcement standards be maintained. We request that the terminal dams be safely operated and maintained in a manner that protects the

downstream communities. And finally, we request that the DOE-LM adhere to the conditions set forth in the Environmental Covenants held by the Colorado Department of Public Health and Environment for this property.

Sincerely,



Mark B. Johnson, MD, MPH
Executive Director
Jefferson County Public Health

cc: Doug Young, Senator Udalls' Office
Zane Kessler, Senator Bennet's Office
Andy Schultheiss, Representative Polis' Office
Bill Holden, Representative Perlmutter's Office
Dr. Steven Chu, Secretary of Energy
Ray Plienness, DOE-LM
Scott Surovchak, DOE-LM
Carol Rushin, USEPA
Larry Svoboda, USEPA
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Martha Rudolph, CDPHE
Howard Roitman, CDPHE
Joe Schieffelin, CDPHE
Carl Spreng, CDPHE
Steve Berendzen, USFWS
George Di Ciero, Broomfield City and County Manager
Jeff Stoll, Broomfield Public Health Officer
David Allen, Broomfield Deputy Director of Public Works
Brent McFall, Westminster City Manager
Bill Simmons, Northglenn City Manager
David Abelson, Rocky Flats Stewardship Council
Ralph Schell, Jefferson County Administrator
Kate Newman, County Administrator's Office, Jefferson County
Dr. Jim Dale, Director, Environmental Health Services, JCPH
Roy Laws, Environmental Engineer, JCPH