



# City of Thornton

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July 28, 2011

Scott Surovchak  
Department of Energy  
Office of Legacy Management  
110255 Dover Street, Suite 1000  
Westminster, CO 80021

Carl Spreng  
Colorado Department of Public Health and the Environment  
4300 Cherry Creek Drive South  
Denver, CO 80246-1530

Vera Moritz  
Environmental Protection Agency, Region 8  
1595 Wynkoop Street, Mail Code 8EPR-F  
Denver, CO 80202-1129

RE: Rocky Flats Site Proposed Plan Comments

Dear Mr. Surovchak, Mr. Spreng, and Ms. Moritz:

The City of Thornton (Thornton) submits the following comments for consideration by the Department of Energy (DOE), Colorado Department of Public Health and Environment (CDPHE), and the Environmental Protection Agency (EPA) in the final decision regarding the Proposed Plan for Amendment of the Corrective Action Decision/Record of Decision (CAD/ROD) for the Rocky Flats site. In addition, as a member of the Woman Creek Reservoir Authority (Authority), Thornton fully endorses the comments, concerns and requests of the Authority regarding the proposed amendments.

According to the DOE, CDPHE, and EPA, the proposed amendments accomplish the following:

1. Clarifies the description of certain Institutional Controls (ICs) and provides a regulatory review and approval process to implement ICs.

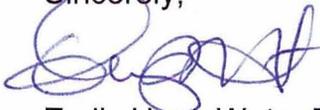
2. Requires amending the current environmental covenant or issuance of a restrictive notice to incorporate the CAD/ROD amendment ICs clarifications.
3. Provides that any future modifications or termination of ICs follow regulations and guidance in effect at that time.

Thornton is concerned that if this proposal is approved as presented it will significantly degrade the protections that were put in place in the original 2006 CAD/ROD. The proposed amendment removes the requirement for a formal amendment process for future changes to the ICs and replaces it with a process that requires only regulatory approval through the CDPHE and EPA. Thornton opposes this approach; regulatory approval is not the same as allowing the public the opportunity and process to voice concerns prior to decisions being made that could potentially weaken existing protections. Any future modifications to the ICs should be undertaken in an open and transparent process that allows the public to remain involved to ensure that our resources and citizens remain safe.

Currently, the Rocky Flats Legacy Management Agreement (RFLMA), which establishes the regulatory framework for implementing the response action in the CAD/ROD, requires public comment for amendments only if the change is deemed to be "significant". Under RFLMA, the approach to defining whether or not a change is significant is not detailed and is presumably left strictly in the hands of the RFLMA parties. Thornton believes that the proposed process is circular and flawed. It is inconsistent with the spirit of the original CAD/ROD, and the recently implemented DOE Adaptive Management Plan (AMP), both of which emphasize transparency and cooperative engagement of stakeholders.

In closing, Thornton is requesting that DOE, CDPHE, and EPA revise this Proposed Plan to limit the clarifying language to the stated and intended purpose: implementation and performance of necessary site maintenance activities. Further, we request that the DOE, CDPHE, and EPA retract the portion of this Proposed Plan that would remove requirements for formal amendment to the CAD/ROD in the event of future changes to ICs.

Sincerely,



Emily Hunt, Water Resources Manager

EH:kybf

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cc: Doug Young, Governor's Hickenlooper'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  
James Martin, USEPA  
Chris Urbina, CDHPE  
Bud Elliot, Deputy City Manager – City of Thornton  
Ed Lanyon, Water Resources Administrator – City of Thornton  
David Abelson, Rocky Flats Stewardship Council  
Josh Nims, Woman Creek Reservoir Authority  
Shelley Stanley, Woman Creek Reservoir Authority  
David Allen, City and County of Broomfield