

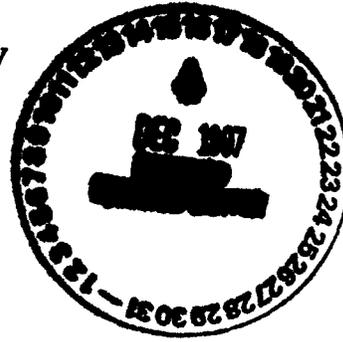
To: Administrative
Record



Department of Energy

ROCKY FLATS FIELD OFFICE
P O BOX 928
GOLDEN, COLORADO 80402-0928

DEC 1 0 1997



97-DOE-05585

Mr Tim Rehder
Rocky Flats Team Leader
U S Environmental Protection Agency, Region VIII
999 18th Street, Suite 500
Denver, Colorado 80202-2466

Mr Steve Tarlton
Colorado Department of Public Health and Environment
4300 Cherry Creek Drive South
Denver, Colorado 80222-1530

Gentlemen

I have received letters from each of you, to which I provide this response

With regard to the letter dated November 6, 1997, containing Environmental Protection Agency's (EPA) proposed Action Level Framework (ALF) modification language relating to the proposed Site Treatment Plant outfall, and the letter dated November 20, 1997, from the Colorado Department of Public Health and Environment (CDPHE) marked "Notice of Dispute ALF Modification," the Department of Energy (DOE) offers the following comments

First, we reiterate that modification of the Rocky Flats Cleanup Agreement (RFCA) and the ALF, as proposed by the EPA in its November 6, 1997, letter is unnecessary. The existing language in RFCA and ALF adequately address concerns that water leaving the Site be externally regulated for radionuclides under the Comprehensive Environmental Response, Compensation and Liability Act

Second, as indicated in DOE's November 18, 1997, response to the EPA's November 6, 1997, proposed ALF modification, it is clear that the parties do not agree on the need to modify RFCA to add what DOE believes would constitute an additional RFCA POC. While DOE in its November 18, 1997, letter did indicate an interest in following the RFCA Part 15B dispute resolution process in accordance with RFCA paragraph 252, the November 18, 1997 letter should not be construed as the "Written Notice of Dispute" as

ADMIN RECORD
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DEC 14 1997

required under RFCA paragraph 192 for invoking the formal dispute process of RFCA. I believe that informal dispute resolution should be continued, including discussions with our respective management. This will speed issue resolution, while preventing negotiations from becoming adversarial. I believe this is an important part of collaborative decision making. DOE, however, does believe that a meeting between Dave Holm of the CDPHE Water Quality Control Division, Dave Shelton from Kaiser-Hill Company, John Law from Rocky Mountain Remediation Services, yourselves, and Howard Roitman, Max Dodson, and Joe Legare, in an effort to resolve this issue prior to invoking a formal RFCA dispute, would be beneficial. To this end, a meeting is being arranged to discuss these issues.

If you have any questions regarding the comments, please call Gail Hill at 966-3424 or John Stover at 966-9735.

Sincerely,

A handwritten signature in cursive script, appearing to read "S. Slaten".

Steve Slaten
RFCA Project Coordinator