

# STATE OF COLORADO

Bill Owens, Governor  
Dennis E. Ellis, Executive Director

Dedicated to protecting and improving the health and environment of the people of Colorado

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Colorado Department  
of Public Health  
and Environment

November 29, 2006

Lorraine Anderson, Chairman  
Rocky Flats Stewardship Council  
P.O. Box 17670  
Boulder, CO 80308-0670

Dear Ms. Anderson:

*LORRAINE*

I am writing in reply to your letter of November 6, 2006. The Colorado Department of Public Health and Environment (the department) agrees that the collaborative relationships between the state and federal agencies and the local communities that existed during the cleanup process were important to the success of that effort. We continue to value those relationships and expect that there will continue to be opportunities both through the Stewardship Council and directly with its members to review data, discuss issues, and work on solutions together.

As stated in your letter, the Integrated Monitoring Plan (IMP) was developed through a collaborative process with input from the communities. Post-closure monitoring set up in the Rocky Flats Legacy Management Agreement (RFLMA) will be a continuation of the monitoring established in the IMP with some minor updates and modifications to conform to post-closure requirements.

As described in the RFLMA, quarterly and annual reports will provide the Stewardship Council with all the data collected – the same data available to the regulators. In addition, if conditions necessitate immediate consultation with the regulators, the results will be documented in contact records, which will be made available to the Stewardship Council and communities' designated technical staff. The RFLMA also states that the downstream communities will be specifically notified along with the regulators if exceedances occur at specific monitoring locations. The department continues to be committed to communicating directly with the Stewardship Council as well as directly with its members so that pertinent information is effectively and quickly transferred.

The department continues to support holding technical briefings, as necessary, for all interested parties to allow technical issues to be more thoroughly discussed. As your letter states, DOE and EPA have also agreed to engage any interested parties outside of Stewardship Council board meetings.

With regard to annual sampling of the ponds, the department feels that the decision in the CAD/ROD, and the response to comments on the Proposed Plan, is still the right conclusion. Neither annual pond sampling nor pre-discharge sampling was previously required by the Rocky Flats Cleanup Agreement or by the IMP. Pre-discharge sampling, however, will now be required by the new RFLMA and that data, together with upstream monitoring, will provide sufficient information for our decision-making purposes.

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Closure of the Rocky Flats site has brought about a great reduction in the level of remaining contamination as well as activities required to maintain regulatory compliance and protection of public health and the environment. The funding and resources that our department will be able to apply to oversight will likewise be greatly reduced. However, the department remains committed to ensuring that affected citizens and communities will have all the necessary information and opportunities to engage the appropriate agencies in the future.

Sincerely,

A handwritten signature in black ink, appearing to read "Dennis E. Ellis". The signature is fluid and cursive, with a large initial "D" and "E".

Dennis E. Ellis  
Executive Director  
Colorado Department of Public  
Health and Environment

cc: Senator Wayne Allard  
Senator Ken Salazar  
Representative Mark Udall  
Representative Bob Beauprez  
Mike Owen, DOE  
Frazer Lockhart, DOE  
Scott Surovchak, DOE  
Robert Roberts, EPA  
Mark Aguilar, EPA  
Dean Rundle, USFWS