Message

From: Masters - CDPHE, Lindsay [lindsay.masters@state.co.us]
Sent: 2/14/2017 12:18:05 AM
To: Moritz, Vera [Moritz.Vera@epa.gov]
CC: Carl Spreng [carl.spreng@state.co.us]
Subject: Re: DRAFT response to Dave Abelson's question re 5YR

Good edits.

The two comments I would add are -

(1) Change "4rth" to "4th."
(2) Specify what/where are you referencing here: "See the second question clarifying the scope of the AMP vs. 5 YR; 3rd and 4rth questions, about whether sample results would be included, etc."

-Lindsay

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On Mon, Feb 13, 2017 at 4:56 PM, Surovchak, Scott <Scott.Surovchak@lm.doe.gov> wrote:

My cuts.

From: Moritz, Vera [mailto:Moritz.Vera@epa.gov]
Sent: Monday, February 13, 2017 4:46 PM
To: Carl Spreng; Masters - CDPHE, Lindsay; Surovchak, Scott; Hooten, Gwen
Subject: DRAFT response to Dave Abelson's question re 5YR

DRAFT DRAFT DRAFT

Please review and see if it clarifies our position about 5 YR discussions

Dave – In 2012 the State and EPA RFLMA coordinators (Carl and Vera) met with the communities and had discussions about the 5 year review process and scope. In other words, questions about "will item xx be included in the 5 year review?"

For example see the second question clarifying the scope of the AMP vs. 5 YR; 3rd and 4rth questions, about whether sample results would be included, etc. All of these questions relate to process and scope of the review.

Several of the questions summarized in the response to comments (public participation summary) related to topics other than 5 year review process and scope. For example, the last question is about OLF closure, and you can see that the response describes the OLF regulatory process. The next to the last question (on dam breaching) is a RFLMA question.

The position of the lead federal agency (DOE) and the regulatory agencies is that we're happy to talk to anyone about regulatory process and scope any time. What we cannot discuss is the conclusions of the review.

From: David Abelson [mailto:dabelson@rockyflatssc.org]
Sent: Sunday, February 12, 2017 8:55 PM
To: Moritz, Vera <Moritz.Vera@epa.gov>; Spreng - CDPHE, Carl <carl.spreng@state.co.us>
Cc: Rik Getty <rgetty@rockyflatssc.org>
Subject: FW: question about the five year review

Hello Vera and Carl --

Last week Gwen and Scott informed me that DOE would not be able to discuss the substance of the CERCLA Five Year Review and could only discuss the process. This conversation was triggered by the Board's request at the end of the February meeting to discuss with DOE at the April meeting the issues raised in the four comments submitted to the agencies as part of the review. Their reason is that until DOE and the EPA agree on the protectiveness determination, they do not publicly discuss any substantive issues. I was told that over the past year, DOE and EPA have wrangled over a number of protectiveness determinations at other sites, and the two agencies have a policy of not discussing any substantive issues at this phase of the process.

It was subsequently brought to my attention that during the 2012 review, DOE did discuss the review with the Stewardship Council and, particularly, the downstream communities the review. Please note, at the

Stewardship Council's February 2012 meeting, DOE did not discuss in any detail the substance of the review despite what Appendix E from that review suggests. Last Friday, I emailed Gwen and Scott and asked how their current position aligns with the agency's actions from 2012. (See the email below and the attached documents.) I would appreciate understanding how your agencies would respond to the question I posed in my email below.

Thanks for your help.

David

Cc: Rik

David M. Abelson

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From: David Abelson [mailto:dabelson@rockyflatssc.org]
Sent: Friday, February 10, 2017 9:58 AM
To: Hooten, Gwen; Surovchak, Scott
Subject: question about the five year review

Hello Gwen and Scott --

In follow up to our call from Monday, can you review the public engagement activities from the 2012 review? I am specifically interested in knowing whether the February 2012 conversations DOE had with the Stewardship Council and downstream communities/Woman Creek Reservoir Authority are distinguishable from the substantive conversation some members of the Stewardship Council are currently seeking. You can find mention of those meetings on page 62 of the 2012 review and in Appendix E. Notably, those conversations included briefings and discussions in February 2012; the final approved document is dated July 2012.

Thanks for taking a look and helping me understand how those public engagement activities differ from the current request.

David

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