

## **COLORADO SCHOOL OF MINES RESEARCH INSTITUTE**

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### **A Colorado Not-for-Profit Corporation**

c/o EHS Department  
1500 Illinois Street, Golden CO 80401  
Phone (303) 273-3998, Fax (303) 384-2081

February 22, 2009  
Edgar Ethington  
Radiation Control Program  
Colorado Department of Public Health & Environment  
4300 Cherry Creek Dr. S.  
Denver, Colorado 80246-1530

### **SUBJECT: CSMRI SITE CHARACTERIZATION PLAN SCHEDULE MODIFICATION REQUEST**

Dear Mr. Ethington:

On January 8, 2010 the Colorado School of Mines Research Institute transmitted a Draft Work Plan to you to address the CSMRI Flood Plain area (Work Plan). The Work Plan included a proposed schedule that placed the start of work on March 8, 2010. Although you have approved the Work Plan and the schedule, several factors have arisen since our submission of the Work Plan on January 8 that will delay the proposed start date in the schedule.

One primary concern involves our effort to obtain the approval of the U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers (ACOE) for work in areas that contain wetlands and threatened species. The School has contacted the ACOE, and Mr. Terry McKee at that agency had initially been optimistic that an approval process could be used that could be completed prior to the proposed March 8 work start date. However, the School was informed after January 8, when CSMRI submitted the proposed schedule to you, that the full ACOE "Nationwide 38" permitting process would be required. That process will require completion of a formal biological assessment of the area and subsequent review of the assessment by the ACOE and the U.S. Fish and Wildlife Service. Although the biological assessment has been completed and submitted to the agencies, receipt of approval by March 8 now seems unlikely.

Without ACOE and Fish & Wildlife approvals in hand, characterization and excavation in wetland portions, and perhaps other areas, of the Site cannot begin. If it is determined that contamination extends into the wetlands area, the investigation in that area could not then be completed as proposed in the original work schedule. This creates a significant risk of starting the project in March, but being unable to complete the work prior to the start of the spring runoff.

Additionally, the School was required to comply with State of Colorado rules for contracting for construction services to complete the rerouting of the storm water sewer line away from the flood plain area. Engaging this contractor took longer than expected, and, as a result, this sewer line work will not be completed, at the earliest, until the first week of March. This will not allow the planned work area sufficient time to dry out prior to the scheduled start of work. This, combined with heavy precipitation anticipated in

the month of March, may contribute to the work area being impassible for heavy equipment during much of the scheduled window for site work.

Furthermore, the initial draft of the Work Plan was developed prior to our convening our Technical Committee, a committee comprised of technical experts from various PRP entities. Since their review of the Plan, the Technical Committee representatives have raised various issues that we believe we must address to ensure an effective approach to the site work and to mitigate against potential risks.

The Work Plan development and submittal had been expedited in an effort to utilize the very narrow available window of time that will close with the start of the spring runoff. As that window may now be unavailable, the School is proposing to use the time between March 8, 2010, and late summer when the Creek flow has subsided sufficiently to allow work to commence, to complete the following steps:

1. To accomplish further refinement of the Work Plan that may not have been possible during the initial development.
2. To seek additional participation from the community in the refinement and implementation of the Work Plan.
3. To complete the permitting process required by the ACOE and U.S. Fish and Wildlife service.
4. To allow additional time for completion of the work following mobilization. The existing schedule included a hard deadline set by the anticipated start of spring runoff. By starting after the runoff, the schedule would allow for the flexibility to add several weeks of Site work following mobilization, if Site contamination is found to be more extensive than anticipated.
5. To address technical and other issues raised by the Technical Committee.

We thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "L. D. Havelick". The signature is written in a cursive, flowing style.

Linn D. Havelick, RSO

CC: Gary Baughman  
Kirsten Volpi