



NOV 09 2005

November 4, 2005

Joe Schieffelin
Colorado Department of Public Health and Environment
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530

Charles Johnson
Colorado Department of Public Health and Environment
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530

Re: Disposal of Creekside Site Remediation Materials at the Foothills Landfill

Dear Joe and Charles:

Thank you for meeting with me and my colleagues on October 17, 2005, and again on November 1, 2005, to discuss the implementation of your letter of August 23, 2005 regarding the above-referenced subject. I write to memorialize our mutual understandings on this topic.

Based on our lengthy discussions involving the Foothills' Landfill Design and Operations Plan ("EDOP"), no revision of the EDOP will be required prior to acceptance of the Creekside materials. By Creekside materials, I mean both the bagged soils which would likely be shipped to Foothills initially, as well as any remaining portions of approximately 30,000 cubic yards of Creekside remediation soils and related materials addressed by the Colorado School of Mines risk assessment ("Creekside materials"). BFI Waste Systems of

North America, Inc.'s ("BFI") disposal of these materials will be accomplished in comprehensive compliance with the items listed in your August 23, 2005 letter.

In addition, based on our discussions, BFI hereby agrees voluntarily to add to the items contained in your August 23 letter the monitoring of Foothill's leachate for gross alpha, gross beta and gamma on an annual basis. BFI will conduct this additional leachate monitoring (in conjunction with the monitoring of leachate for other constituents it currently undertakes, also voluntarily) to confirm our expectation that Foothills' leachate currently exhibits, prior to any disposal of Creekside materials, low-levels of radioactivity, and to add generally to Colorado's background database in regard to these very low levels of radioactivity.

Notably, the Creekside materials will be disposed of in a manner both geographically separated from other landfill customers simultaneously disposing of municipal solid waste ("MSW") and also physically separated from any MSW by a soil/daily cover system. Further, BFI will continue to operate existing radiation sensors at the gates of the landfill to ensure that any wastes exhibiting unexpected levels of radiation are intercepted and addressed appropriately prior to disposal. In that regard, prior to the acceptance of any Creekside material at Foothills, I will address with Mr. Johnson notification procedures so that, in the unlikely event that the Creekside materials shipments activate the radiation sensors at the landfill, appropriate personnel at CDPHE are notified and involved in determining appropriate next steps. Finally, the current Foothills detection and compliance

monitoring sampling plans will remain in place unchanged to address issues in the highly unlikely event there is leakage from the well engineered Foothills Landfill.

In addition, as provided in the August 23, 2005, letter, we will invite CDPHE staff with 72 hour notice to attend our briefing of relevant Foothills facility personnel on the safe handling of this material. At that time, we will again discuss, in detail, for CDPHE's benefit, compliance with each of the items outlined in the August 23, 2005 letter.

Finally, CDPHE and BFI agree, given BFI's existing EDOP and comprehensive response to issues raised regarding disposal of the Creekside materials, that the implementation of any other recommendations resulting from the current NORM/TENORM stakeholder process will be applied to Foothills only in the event BFI decides, in the future, to accept for disposal at Foothills NORM/TENORM in addition to the Creekside materials. This will be true even if the shipments of Creekside materials continue after the issuance of the results of the NORM/TENORM stakeholder process. In other words, Foothills' current design, current EDOP, and BFI's comprehensive compliance with the August 23, 2005 letter, as modified by the addition of certain leachate monitoring by this letter, will provide for disposal of the Creekside materials in a manner protective of human health and the environment without subsequent amendment based on the NORM/TENORM stakeholder process.

If either of you disagree in any way with this summary, please call me at 303-371-5115, ext. 108 at your earliest convenience.

Sincerely,



Elizabeth Stengl

District Environmental Manager

cc: Darrell Dearborn, CDPHE Solid Waste Unit
Mr. Linn Havelick, Colorado School of Mines
Roy Laws, Jefferson County Dept. of Health and Environment
Jefferson County Board of County Commissioners

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