

CSMRI  
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# STATE OF COLORADO

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*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

Jonathan Spencer  
New Horizons Environmental Consultants, Inc.  
6585 W. Wright Street  
Littleton, CO 80127-4806

Dear Mr. Spencer:

Subject: RML 617-01 - Acceptance of the Project Work Plans by New Horizons Environmental, Consultants, Inc. for the Colorado school of Mines Research Institute for the Creekside Site Environmental Assessment.

Radiation Services staff have reviewed the Project Work Plans by New Horizons Environmental, Consultants, Inc. for the Colorado School of Mines Research Institute Creekside Site Environmental Assessment, a meeting on September 9, 2002 and the two letters dated September 30, 2002 entitled, *Concrete / Asphalt Disposal from the CSMRI Site* and *Response to Comments, Project Work Plans for the Colorado School of Mines Research Institute Site Environmental Assessment*. We accept your responses with the following clarifications as discussed with Mr. Robert Krumberger and Mr. Phil Stoffey on October 9, 2002.

*I. Concrete / Asphalt Disposal from the CSMRI Site letter*

The letter should specify what the disposition is of material that fails the surface standard, perhaps in the second bullet. According to staff notes from the meeting, it appeared that material that did not meet the surface standard would be precluded from recycle, and therefore would need to go to the permitted RCRA Subtitle D landfill.

*II. September 9, 2002 Meeting and Agreement Regarding Regulatory Status of Concrete and Asphalt Disposition and Response to Comments, Project Work Plans for the Colorado School of Mines Research Institute Site Environmental Assessment.*

Staff does not completely agree with the summary provided in the response letter. Radiation Services (RS) staff clearly stated in the meeting that the materials are under the radioactive materials license due to the simple fact that the license was issued after the removal action and the State regulates all radioactive material, not just those captured by the Atomic Energy Act. **Please refer to the CDPHE letter of September 2000.**

Plans that are approved by the Department for work conducted under the license become requirements under the license. **The Department will add the Work Plans to your license "tie-down" condition with contested paragraphs excised. The license and referenced documents are what you will be inspected against.** The School is required to have its contractor follow the requirements. The contractor is also required under its license, CO-1033-01 to perform work under approved plans.

### III. Response to Comments in CDPHE August 26, 2002 Letter, Task Plan, Specific Comments

1. The final plan should reflect the outcome of the resolution meeting and those modifications to the original Project Work Plans should be incorporated into the Plans and be available at the site for review.

2. Soil samples will be generally described as to color and soil type, such as silty clay or clayey gravel. If water is encountered, it should be recorded and at what depth.

If you have any questions with regards to this letter, please call Mr. Phil Stoffey of my staff at 303.692.3065.

David A. Butcher, Director  
Laboratory and Radiation Services Division

db/pss