

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

October 25, 2010

Colorado Citizens Against ToxicWaste, Inc.
P.O. Box 964
Cañon City, CO 81215

Comment letter of September 15, 2011

Dear Board of Directors:

We have received your comments regarding the August 23, 2011 Lincoln Park Monitor Well Installation proposed by Cotter. We have provided responses to your comments below. Cotter's responses to EPA's comments are posted on our web site.

While we consider any comments we receive, I would like to reiterate our approach to public involvement as described in our memo to the CAG of April 13, 2011, which identified additional data needs north of the De Weese Dye Ditch as a public information item. This memo is an updated version of one provided to the CAG dated March 7, 2007. Public input is not appropriate for every action to be taken by Cotter or the regulatory agencies, but we are interested in keeping the public informed.

Responses to the specific comments below also address the General Comments.

II. Specific Comments

1. Cotter, p. 5, Well Location Map, p. 11: It is also proposed that once these new wells have been installed and sampled for four quarters, that all of the wells with unknown depths and/or screened intervals be removed from the routine groundwater monitoring program.

CCAT Comment: Depth and screen interval information, and copies of original permits and well completion reports are readily available online through "Data Search" or an "Aqua Map" search at the DWR website. Information is also available for Easting and Northing locations, showing that most of Cotter's recordings for these in the Quarterly Well Monitoring Reports are incorrect. (available online at

<http://water.state.co.us/DataMaps/DataSearch/Pages/DataSearch.aspx>)

Response: The Department will direct Cotter to update the Monitoring Well Information data base using DWR information. The "lithologic information,"

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where it exists, on the well permits is rarely of the quality needed for this project. The difference in Northing and Easting coordinates is because the DWR and Cotter are using two different origin systems.

2. Data regarding the depth to bedrock within the Lincoln Park Area are limited, particularly further north of the SCS Dam. Most wells completed with Lincoln Park are private wells for which detailed lithologic information is not available.

CCAT Comment: This claim is inaccurate, as it appears that approximately 75% of private wells in Lincoln Park (including 006, 009, and 020) do have lithologic information in the well log of their Well Completion Reports. ...

Response: Detailed lithologic information is the key phrase. The permit records for 71 wells in Section 2, 3, and 10 Township 19 South, Range 70 West indicate that 25 had no lithologic information, 14 had information of no usefulness, 8 with marginally useful information, 8 that may have some useful information, 14 had useful information (of these 9 were Cotter wells), and 2 that had good useful information. Just having an entry in the Well Log of the Completion Report does not mean it is reliable or useful.

3. CCAT Comment: This is a proposal by Cotter for locations of new well, not a final decision by Cotter on the exact location. We interpret the approval letter as relinquishing the final decision on new well locations to the Cotter Corporation, and as approval of Cotter's proposal to simply notify CDPHE of any changes.

Response: Approved locations can be moved so long as they need to be moved because of access issues. If the new locations satisfy the objectives and rationale for that particular location, then the CDPHE approval is satisfied. If the objectives and rationale are not satisfied, then there is no approval.

4. CCAT Comment: There is no guarantee that people will avoid exposure to groundwater contamination caused by the Cotter Corporation by avoiding use of their wells, because there is too much uncertainty around disclosure with renters of during transfer of property. There is also a large uncertainty in whether well-owners are knowledgeable enough about the risk of exposure to make informed choices on use of their wells, and due to the fact that people are currently using these wells. Reliance on a 5-year well survey sampling to inform residents of contamination is not protective of human health. Some of these uncertainties can be remedied by keeping private wells in the GMP.

Response: Well owners within 1 mile of contaminated ground water will be notified of the ground water contamination annually as per Title 25, Article 11, Section 107 CRS. Well owners may use this information as they see fit. In the past, we have suggested that Fremont County provide a hazard zone designation

for that portion of Lincoln Park to supplement the other action taken to prevent inappropriate groundwater use. We believe local action could be more effective in influencing local residents.

5. CCAT Comment: Cotter's generalization, claiming that access to "many" of the private wells is limited, is again inaccurate. Only five wells (114, 129, 173, 231, 274) fall into the category that generally are not sampled in the 1st and 4th Quarter of each year. A great deal of trend evaluating data would be lost if these wells were eliminated. For many years the Cotter Corporation assured residents that the Lincoln Park private wells only needed to be sampled once a year, in the summer months, though many experts have argued that irrigation water often diluted the contamination in the wells in the summer. Fortunately, EPA requested more frequent quarterly sampling in the early 2000's, providing a much better source of data for analysis from most existing wells.

Response: Results of the new monitoring wells will be compared to the replaced wells for the first year to evaluate representativeness. A final decision can be made at this time as to whether the replaced well will be put on the 5-year sampling schedule. There is a difference between evaluating the hydrologic regime and evaluating risk.

CCAT Recommendation: Rescind the approval to eliminate private wells due to lack of access during winter months or plumbing and pump conditions. Instead, require that Cotter offer private well owners the opportunity of having their wells improved, at no cost to the well owner, so that plumbing and pumps are functional and access to measure depth to water and access during winter months would be available in the current GMP.

CDPHE response: No. Cotter has no obligation at this time to improve private wells. A more effective means of controlling inappropriate use of these wells would be to formally close them through County ordinance, rather than improving them to encourage their use.

6. CCAT Comment: As stated, we are opposed to replacing private wells, and also see a need for more analysis on the choice of potential locations for new wells.

CCAT Recommendation: Rescind approval for replacement of existing wells and Cotter's decision on new well locations until the EPA and affected parties ...pending more comment.

Response: EPA and CCAT have commented on the well location picks. It is the Department's responsibility and authority to decide this issue.

EPA has been involved in picking the new well locations. We all agree it is important that data and trends for individual wells not be lost. In order to get the improved monitoring in place as soon as possible, the decision was made to install the wells this

field season. The purpose of the additional wells is to gather more representative samples and get a better idea of how this part of the Lincoln Park ground water system is working and moving. We want to ensure that wells are providing data of unquestionable reliability for the analysis of Lincoln Park groundwater to work toward an effective remedy.

We appreciate your efforts and involvement in the Lincoln Park issues. Please contact me if you have additional comments or questions.

Sincerely,

A handwritten signature in blue ink that reads "Steve Tarlton". The signature is fluid and cursive, with the first name "Steve" and last name "Tarlton" clearly legible.

Steve Tarlton, Manager
Radiation Program

Cc: Jennifer Opila, RAM
Edgar Ethington, Radiation program
Fran Costanzi. EPA