



July 30, 2020

David Lucas, Complex Manager
U.S. Fish and Wildlife Service, Mountain-Prairie Region
Rocky Flats National Wildlife Refuge
6550 Gateway Road
Commerce City, CO 80022

Submitted via email to rockyflats@fws.gov

RE: Colorado Department of Public Health and Environment's Comments on the Improved Visitor Access at the Rocky Flats National Wildlife Refuge, Environmental Assessment

Dear Mr. Lucas:

The Colorado Department of Public Health and Environment (CDPHE) appreciates the opportunity to provide comments on the U.S. Fish and Wildlife Service (FWS)'s 2020 *Improved Visitor Access at the Rocky Flats National Wildlife Refuge, Environmental Assessment* (EA).¹ According to the EA, FWS intends to determine whether (1) improved access is needed at Rocky Flats National Wildlife Refuge (Refuge), and (2) the select alternative will have a significant impact on the quality of the human environment.

CDPHE conducts National Environmental Policy Act (NEPA) reviews and provides comments as a cooperative agency to ensure compliance with applicable Federal and State requirements intended to avoid or minimize impacts to public health and the environment. In addition, because of CDPHE's regulatory history and role with the U.S. Department of Energy Rocky Flats Site, we are submitting this letter to provide additional information that may be of interest to FWS.

CDPHE supports FWS' proposed open space alternative and does not believe it presents any significant risk to human health or the environment. To date, environmental testing and information continue to support the conclusions from the Rocky Flats investigation and cleanup. Furthermore, this alternative will help minimize potential soil erosion. While CDPHE

¹U.S. Fish and Wildlife Service. 2020. Environmental Assessment: Improved Visitor Access at the Rocky Flats National Wildlife Refuge. U.S. Department of the Interior, Fish and Wildlife Service, Rocky Flats National Wildlife Refuge.



agrees with FWS' proposed mitigation efforts, our Air Division requests additional information from FWS regarding Refuge visitor use.

Based on its review of the EA for the proposed project, CDPHE provides the following comments and questions for your consideration.

Hazardous Materials and Waste Management

From a hazardous waste perspective, there are no significant human health or environmental threats posed by the FWS' open space alternative because this area was found to be unimpacted by hazardous wastes. The Rocky Peripheral Operable Unit generally covers what is now the Rocky Flats National Wildlife Refuge (the Refuge includes other land acquired separately). The Peripheral Operable Unit was not remediated because CERCLA/RCRA investigation data showed contamination in this operable unit was below levels of regulatory concern. Investigation and risk assessment data did not show an unacceptable risk to human health and the environment. Based on the results of the investigation, CDPHE, DOE, and EPA concluded that the Peripheral Operable Unit was unaffected by site activities from a hazardous waste perspective: no hazardous wastes or constituents have been placed in or migrated to the Peripheral Operable Unit. While soil samples from the Peripheral Operable Unit showed Rocky Flats radionuclide contamination, concentrations were low and did not pose an unacceptable risk. At the time of site closure, the Peripheral Operable Unit was already in a state protective of human health and the environment. In 2007, the Peripheral Operable Unit was delisted from the National Priorities List of CERCLA sites. While small amounts of plutonium remain in the soil, reported post-closure soil sampling results from 2019 are consistent with the findings of the Rocky Flats investigation and cleanup. The most recent CERCLA Five-Year Review for Rocky Flats affirmed that the Rocky Flats Central Operable Unit remedy remains protective of human health and the environment. While the Refuge was not the focus of the 2017 Five-Year Review, the Five-Year Review examined changes to toxicity factors and found that Peripheral Operable Unit lands remain suitable for unlimited use and unrestricted exposure.

Air Quality

As described in the EA, the project will cause temporary emissions from the use of motorized equipment and land disturbance while constructing trails on the Refuge. CDPHE supports the project's use of emission minimization measures and dust abatement to minimize potential impacts to air quality during construction, referenced on page 9 of the EA. The EA states that the entrance road to the Refuge would change from crushed fines to a gravel, unpaved surface, presumably to reduce fugitive dust emissions caused by motorized vehicle traffic.



The FWS' 2005 *Final Comprehensive Conservation Plan, Environmental Impact Statement*, includes a strategy to make all motorized access and parking areas unpaved, to maintain the natural and aesthetic vision of the refuge.² Road management plays a significant role in visitor experience, safety, environmental impacts, and costs. The EA states that the proposed action would increase public use in some areas of the Refuge. The EA does not provide a discussion of considerations related to Refuge management and increased population, economic activity, vehicle miles traveled, and outdoor recreation activity in the Denver Metropolitan/North Front Range area over the past two decades. Visitor statistics for this Refuge are not provided in the EA or in periodic FWS Refuge Reports.³ CDPHE's Air Division requests clarification on whether or not these factors have been considered in relation to the short- and long-term management of the Refuge, specifically related to dust management and motor vehicle emissions.

Under Colorado air quality regulations, land development refers to all land clearing activities, including but not limited to land preparation such as excavating or grading, for residential, commercial or industrial development. Land development activities release fugitive dust, a pollutant regulated by the CDPHE Air Division. Small land development activities are not subject to the same reporting and permitting requirements as large land activities. Specifically, land development activities that are less than 25 contiguous acres and less than 6 months in duration do not need to report air emissions to the Air Division. It is important to note that even if a permit is not required, the fugitive dust control measures included the Land Development APEN Form APCD-223 must be followed at the Refuge. The Air Division recommends the following fugitive dust control techniques:

- Restricted vehicles speeds on disturbed surface areas and unpaved roads, including posted speed limits.
- Cease earthwork activities when an agreed-upon wind speed is exceeded.
- Limit the amount of disturbed surface area during construction to the smallest practicable areas needed for construction.
- Watering, covering, compaction, and/or revegetation of disturbed land as applicable.
- Washing of vehicle wheel tires and daily cleanup of mud and dirt carryout to paved areas.

The Land Development APEN Form APCD-223 and guidance document can be found here: <https://www.colorado.gov/pacific/cdphe/air/air-permit>. For more details about permits,

² U.S. Fish and Wildlife Service. 2004. Final Environmental Impact Statement: Rocky Flats National Wildlife Refuge. U.S. Fish and Wildlife Service, Division of Refuge Planning, Lakewood, Colorado.

³ U.S. Fish and Wildlife Service. 2020. Refuge Reports. <https://www.fws.gov/refuges/about/refugereports/>



please contact Matt Burgett, Permit Program Manager, at 303-692-3183 or matt.burgett@state.co.us.

Water Quality

This project will have temporary impacts on two streams, Rock Creek and Woman Creek. The Environmental Assessment did not provide water quality data, but there are existing impairments on both segments that should be considered with this project.

Woman Creek is located in the Big Dry Creek watershed on Segment 4a and is currently listed as impaired for total iron on Colorado's 303(d) List of Impaired Waters. Rock Creek is located in the Boulder Creek watershed in Segment 1 and is on the Monitoring and Evaluation List for *E. coli* and the 303(d) List of Impaired Waters for selenium. *E. coli* is a standard put into place to protect recreational uses in the water. With the addition of the paths there is a potential for wading and water play by children it will be important to minimize additional *E. coli* loading to these streams.

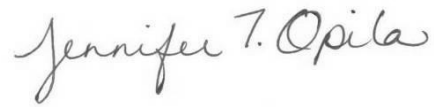
Other considerations:

- Based on our understanding of the project, the new trails are all outside of the Central Operable Unit located in Big Dry Creek Segment 5. The Water Quality Control Commission did not adopt the primary contact recreation use on this segment because of an understanding that these portions of the streams were to be fenced off with no public access. If the trails were to be included in this area, WQCD would have some concerns about the correct use being adopted and a change in the use should be considered in future rulemaking hearings with the Water Quality Control Commission.
- Standley Lake and Great Western Reservoir are both located downstream of the proposed project and Standley serves as a water supply reservoir for the cities of Westminster, Thornton and Northglenn. We understand that the impacts to the streams will be temporary. We recommend that best management practices be put into place to minimize sediment loads entering the streams that may impact downstream reservoirs.
- Big Dry Segments 4a, 4b, and 5 all have ambient based standards for uranium, plutonium, americium and tritium. At this time, there are no impairments indicated for these segments for these parameters.

Thank you again for the opportunity to comment. CDPHE appreciates FWS' efforts to protect wildlife and natural habitats, and foster access to and a love of the outdoors. We admire the important work you do.



Sincerely,



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