



## COLORADO

Department of Public  
Health & Environment

June 14, 2019

Mr. Bill Ray  
Executive Director  
Jefferson Parkway Public Highway Authority  
P.O. Box 1108  
Arvada, CO 80001-1108

Sent via email to [jppha.admin@gmail.com](mailto:jppha.admin@gmail.com)

Dear Mr. Ray:

Thank you for consulting with the Colorado Department of Public Health and Environment (CDPHE) about the Jefferson Parkway Public Highway Authority's ("Parkway Authority") project.

After this consultation, CDPHE's Radiation Program and the Colorado Attorney's General Office have determined the Parkway Authority is not subject to the requirements of Radiation Program Regulation 4.60.1, 6 CCR 1007-1, Part 4, because the Parkway Authority is not licensed or registered under the Colorado Radiation Control Act. In addition, the 2006 *Corrective Action Decision/Record of Decision* for the Rocky Flats Plant (USDOE) Peripheral Operable Unit and Central Operable Unit determined the Peripheral Operable Unit<sup>1</sup> (which includes the Parkway Authority's right-of-way area) was suitable for unrestricted use and unlimited exposure. What this means is that, while there are small amounts of plutonium in the surface soil, these levels are within regulatory limits and the area can be used as a transportation corridor.

However, CDPHE has heard concerns about the Parkway Authority's project from members of the community. To address these concerns and assure minimal impact, CDPHE's various Divisions and Programs have certain requirements (described below) and recommend the Parkway Authority use the following best practices should construction move forward.

The Parkway Authority will be required to secure a construction permit for dust pursuant to Colorado Air Quality Control Commission Regulations 1 and 3. The Land Development APEN Form APCD-223 and guidance document can be found here:

<https://www.colorado.gov/pacific/cdphe/air/air-permit>.

Under Colorado air quality regulations, land development refers to all land disturbance activities for the purpose of land development, including but not limited to activities such as excavating or grading, for residential, commercial or industrial development. Land development activities release fugitive dust, a pollutant regulated by the Division. Land development activities greater

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<sup>1</sup> Available on-line at [https://www.lm.doe.gov/Rocky\\_Flats/Regulations.aspx](https://www.lm.doe.gov/Rocky_Flats/Regulations.aspx).



than 25 contiguous acres will require reporting and a construction permit. Fugitive dust control techniques commonly used are included in the table below.

Control Options for Unpaved Roadways	
Watering	Use of chemical stabilizer
Paving	Controlling vehicle speed
Graveling	
Control Options for Mud and Dirt Carry-Out Onto Paved Surfaces	
Gravel entryways	Washing vehicle wheels
Covering the load	Not overfilling trucks
Control Options for Disturbed Areas	
Watering	Application of a chemical stabilizer
Revegetation	Controlling vehicle speed
Compaction	Furrowing the soil
Wind Breaks	Minimizing the areas of disturbance
	Synthetic or Natural Cover for Slopes

The Water Quality Control Division has two general types of permits that most construction projects need to get from the Permits Section: (1) a Stormwater Associated with Construction Activity general permit and (2) a Construction Dewatering Discharges or Remediation Activities Discharging to Surface Water general permit. Information for these permits can be found at:

<https://www.colorado.gov/pacific/cdphe/wq-construction-general-permits>.

The determination on if the Parkway Authority will need coverage under a Construction Dewatering or the Remediation Activities general permit depends on the results from a groundwater sample. However, CDPHE recommends the Parkway Authority construct as if water permits applied, regardless of groundwater sampling. This would ensure that any discharges from their construction site do not pollute surface waters. It would also ensure the development and implementation of a stormwater management plan and control measures/best management practices for dewatering activities like bridge footings and stream crossings.

Additionally, CDPHE recommends radiological air monitoring to address community concerns. Specifically:

- 1) a best practice is to hire a consultant that employs a Health Physicist; and,
- 2) when sampling for plutonium in air, the following should be considered: interference with Radon Daughters on samples; special attention paid to detection limits (counting systems, volumes of air, as well as duration of sample collection need to be considered to ensure that ample constituents of concern are being collected and that the total amount of materials on an air filter would not prevent the plutonium alpha's from getting out of the sample for detection), and; special attention should be paid to particle size and appropriate filter selection.

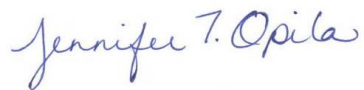
The Department would like to speak with the Parkway Authority about the possibility of entering into a Memorandum of Understanding regarding implementation of recommended

best practices for construction of the Jefferson Parkway. Please contact me at (303) 692-3403 or [jennifer.opila@state.co.us](mailto:jennifer.opila@state.co.us) to arrange for a meeting.

For more details about permits, best practices, technical assistance, etc., please contact CDPHE's Air Pollution Control Division and Water Quality Control Division. For questions concerning air permits, please contact Matt Burgett, Acting Permit Section Supervisor, at 303-692-3183 or [matt.burgett@state.co.us](mailto:matt.burgett@state.co.us). For questions concerning water permits, please contact Lisa Knerr, Environmental Protection Specialist, at (303) 692-3004 or [lisa.knerr@state.co.us](mailto:lisa.knerr@state.co.us).

Please do not hesitate to contact us if you have any questions.

Sincerely,



Jennifer T. Opila, MPA  
Hazardous Materials and Waste Management Division Director  
Colorado Department of Public Health & Environment

cc: Jill Hunsaker Ryan, Executive Director, CDPHE  
Karin McGowan, Deputy Executive Director, CDPHE  
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HMWMD Records Center