BLM Colorado State Office: 9/11/15

- This is my protest of the parcels of land for oil and gas lease sales of all the Pawnee National Grasslands and all of the Royal Gorge parcels currently under review for sale in November 2015.

- The BLM for the State of Colorado should see the Department of the Interior, the US Department of Justice, the Securities and Exchange Commission Office of the Whistle blower, the Commodities Futures Trading Commission Office of the Whistleblower, the EPA and the Inspector General for the EPA for guidance on these matters.

- Enclosed are a bundle of documents that I want as part of my public comment to the BLM Colorado State Office, and are most certainly part of the issues that have been raised to the above mentioned regulatory and

2015 SEP 14 AM 7:40
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law enforcement agencies. Expect that many of these issues are under federal investigation and should be approached with caution considering the DOJ's new position on "white-collar" crime, and accessory-after-the-fact laws that would apply in these lease sales of Royal Gorge & Pawnee Grassland parcels.

- Any and all parcels under consideration for sale in/on the Pawnee Grasslands and the Royal Gorge should be revoked or rescinded. There is more to this than meets the eye, and our state regulators and individuals acting on behalf of the "industry" demanding these parcels put up for sale have been hiding big secrets from the public.

- The contamination of the Pawnee Grasslands and the Royal Gorge Parcels is well known to

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DOJ-BLM
CO STATE OFFICE
COSO

the Colorado Dept. of Health, the Nuclear Regulatory Commission, EPA etc., yet they have the BLM undermine, and criminally contribute to the non-stop abuse of public health and public interest as public servants. Do you know what you are really doing in this situation? Probably not. Take a look at these documents and draw as many conclusions as you can.

- The superfund disaster in Canon City is related to these parcels on the Pawnee and in the Royal Gorge and should not be allowed to continue. The US Dept of Justice is watching - I assure you of this fact. Choose wisely -

— Meghan Belaaler

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3

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Sept 14th deadline
Royal Gorge & Pawnee
via mail

Bureau of Land Management to offer more than 100 parcels for lease for oil and gas

0
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Greeley Tribune, Colo.

Colorado's Bureau of Land Management's quarterly competitive oil and gas lease sale is scheduled for 9 a.m. Nov. 2 at the Colorado State Office in Lakewood.

The BLM will offer 19 parcels totaling 10,050 acres within the Royal Gorge Field Office and 102 United States Forest Service parcels totaling 19,487 acres within the Pawnee National Grassland, according to a Monday news release.

Every BLM lease includes terms and stipulations designed to protest air, water, wildlife habitat and historic and cultural resources as well as reclamation requirements.

The Forest Service analyzed the Pawnee National Grassland parcels separately and gave the BLM consent to offer them in the November sale.

All Forest Service parcels have a No Surface Occupancy stipulation, the release said, which means the lessee will have the right to access the subsurface minerals but will not be able to undertake any surface disturbance on the lease. Leases with a No Surface Occupancy stipulation are normally accessed by directional or horizontal drilling.

The state receives 49 percent of the proceeds of each lease sale. The state made about $169 million last year from royalties, rentals, bonus bid payments for all federal minerals, including oil and gas. More than 22,900 jobs are tied to mineral and energy development on public lands.

A map of all the proposed parcels can be found at the BLM website, www.blm.gov/co/st/en/BLM_Programs/oilandgas/oil_and_gas_lease/2015/november_2015_lease.html.

The public has 30 days to protest any of the parcels being offered in the sale. The deadline for submitting protests is 4 p.m. Sept. 14. To submit a protest, mail to BLM Colorado State Office, 2850 Youngsfield St., Lakewood, CO 80215.

For more information visit http://www.blm.gov/co/st/en/BLM_Programs/oilandgas/oil_and_gas_lease.html.

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From the Denver Business Journal :http://www.bizjournals.com/denver/blog/earth_to_power/2015/08/blm-to-auction-off-drilling-rights-in-pawnee.html

BLM to auction more drilling rights on Pawnee National Grassland

Aug 14, 2015, 12:53pm MDT Updated: Aug 14, 2015, 1:26pm MDT

Grover Test Site on Pawnee Nuclear testing...

Cathy Proctor
Reporter- Denver Business Journal
Email | Facebook | Twitter

For sale to the highest bidder: Thousands of acres of federally owned mineral rights in two southern Colorado counties and in the Pawnee National Grassland near the Colorado-Wyoming border.

Grassland-area drilling would only be allowed from private parcels adjacent to federal property, however.

The federal **Bureau of Land Management** (BLM) said Friday it will offer at its November lease auction 19 parcels totaling 10,050 acres in three counties: Weld, Huerfano and Las Animas. The Weld County parcel is near Fort Morgan.

See Also

- BLM leases 73 parcels of Colorado land for oil and gas devo

Also on the BLM's auction block in November are 102 parcels owned by the **U.S. Forest Service** covering 79,487 acres of underground mineral rights within the Pawnee National Grassland in Weld County — a rolling area of Colorado's eastern plains that is known internationally among bird watchers for the variety of wildlife that live in the area.

In May, the BLM sold leases to 25,215 acres o f mineral rights in the Pawnee National Grassland for $30.8 million.

The grassland area is part of Colorado's big oil boom stemming from the Niobrara rock formation and other rock layers thousands of feet underground. The state has set records for oil production in the last few years, with much of the oil coming from new Weld County wells.

The BLM said the Forest Service analyzed the grassland parcels and consented to the mineral rights lease sale. However, if an oil and gas company wants to drill on those parcels they must

abide by a "no surface occupancy stipulation," meaning while they have a right to access the underground minerals, they will not be able to disturb the surface above the mineral rights.

Typically, that means the mineral rights can be accessed using directional or horizontal drilling techniques from other surface land that doesn't have the same restriction.

A similar restriction was imposed on grassland parcels that were leased in May.

The federally owned land that's part of the Pawnee National Grassland is mixed in with a checkerboard of land owned by the state of Colorado and private individuals.

The quarterly competitive oil and gas lease sale is scheduled for 9 a.m., Nov. 12, at the Colorado State Office in Lakewood.

The public has 30 days to protest any of the parcels being offered in the sale. The deadline for submitting protests is Sept. 14.

More information about the parcels to be offered at the November least sale can be found here.

Colorado receives 49 percent of the proceeds of each lease sale. In fiscal year 2014, Colorado received about $169 million from royalties, rentals and bonus bid payments for all federal minerals in the state, including oil and gas.

Cathy Proctor covers energy, the environment and transportation for the Denver Business Journal and edits the weekly "Energy Inc." newsletter. Phone: 303-803-9233. Subscribe to the Energy Inc. newsletter

2015 SEP 14 AM 7:40

Gmail by Google

Meghan Belaski <meghanbelaski@gmail.com>

COGCC Complaint Received

1 message

COGCC Complaints <dave.kulmann@state.co.us> Tue, Jun 2, 2015 at 10:57 AM
Reply-To: dave.kulmann@state.co.us
To: Meghan.belaski@gmail.com

COGCC Received your Complaint

Column	Value
Date of Complaint	6/2/2015
Your Name	Meghan Belaski
Your Address	1212 Southridge Dr.
Your City and State	Fort Collins, CO
Your Zip Code	80521
Location of Concern	Very concerned about the fact that this authority for oil and gas in Colorado, adheres to the notion there is no such thing as "local control" or local regulation of oil and gas activity, yet it is the same "local control", say in the form of a city council, that makes the final decisions to permit oil and gas and uranium recovery in places like Fremont County, Colorado, in places like the Florence Oil Field, halfway between the superfund disaster site Cotter, with known nuclear groundwater contamination and migration off site for decades by the State of Colorado and Cotter, and the SuperMax, a federal prison in Florence, CO, which maintains the highest level of security of any federal prison in the United States, due to the fact it is housing the worlds most dangerous terrorists. Seems to me as the Colorado Oil and Gas authority for the State of Colorado, you have shot yourselves in the foot so to speak, with a locally controlled decision so egregious, and one you all apparently have no issues with, that the argument against local control is null and void by these facts. As well, the commission is not addressing sound science by failing to address and publicly acknowledge that fracking activities are causing earthquakes, that Cotter documents from 2 decades ago that the state maintains as an Agreement State with the Nuclear Regulatory Commission, indicate magnitude 5 and greater earthquakes have been recorded in Southern Colorado for decades, prior to the modern day fracking industry dominating any and every space they could, and with the higher earthquake risk now associated with fracking through sound science, and state and federal laws which require proper disclosure to the public when a "normal" activity carries a higher risk of a dangerous outcome, why none of the people who are charged with upholding public interest and the health and well-being of the public per their job descriptions as public servants, are raising hell when decisions like these are being made? Because of this poor decision and lack of oversight, obviously, I posed the same questions to the Bureau of Prisons, and their parent, the Department of Justice in the last week to try and figure out what in the hell is going on in Colorado since apparently it's not a big deal to possibly cause an earthquake by a federal prison with the worlds most dangerous terrorists inside. That the lack of oversight here is mind blowing to say the least, and begs the question of the legitimatcy in the regulatory authority for the State of Colorado at this time.
Do you know who the oil	

and gas company is? If so, please specify and if you contacted them already please indicate that and who you talked with.	Austin Exploration is but 1 of many shell companies in this particular Florence Oil Field.
Email Address	Meghan.belaski@gmail.com
Would you like to answer additional optional questions related to the issues you are experiencing? If so, click the appropriate issue from the below list. If not, click "NO". Then click "Continue".	NO – I JUST WANT TO SUBMIT NOW
Is it happening right now?	,
Is it happening right now?	,
Detailed description of the issue or issues.	,See above. Also see Tischa Schuller and Robert Frick bio's as it concerns their roles for the nuclear materials industry, and what appears to be several significant conflicts of interest in Fremont, Weld and Larimer Counties.
Type of Complaint (Click all that apply)	Ground Water/Water Well, Property Damage, Federal Prison Infrastructure
Detailed description of the issue or issues.	,See above. Also see Tischa Schuller and Robert Frick bio's as it concerns their roles for the nuclear materials industry, and what appears to be several significant conflicts of interest in Fremont, Weld and Larimer Counties.
Have you contacted any other agencies or local governments related to this	yes... office of the Whistleblower office of the Whistleblower office of the Whistleblower... SEC OWB over 1 year ago as well as CFTC, DOJ, IG EPA. Involving many players.

2015 SEP 14 AM 7:13

issue or issues? If so, please provide details.	
What is your preferred method for the COGCC to communicate with you throughout the investigation? (Select all that apply)	None
Waste Management Additional Comments (The more details the better)	,,
Waste Management Additional Comments (The more details the better)	,,
Waste Management Additional Comments (The more details the better)	,,

2015 SEP 16 AM 7:19

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Comments sought on Cotter plan

BY TRACY HARMON THE PUEBLO CHIEFTAIN
Published: June 8, 2015; Last modified: June 9, 2015 11:30PM

CANON CITY — State and federal health officials are inviting the public to submit informal preliminary comments on the Cotter Corp. Uranium Mill's Draft Quality Management Plan.

The 53-page plan outlines quality assurance, training, implementation of work, record keeping, response and corrective action protocols for the now-defunct mill as it moves toward decommissioning. The mill has been an EPA Superfund site since 1984 due to the seeping of uranium and molybdenum contamination into groundwater and soil which was caused by the use of unlined tailings ponds.

The draft plan can be viewed on the state's Cotter website at recycle4colorado.ipower.com/Cotter/docspubreview.htm.

Comments can be sent to state health department project manager Jennifer Opila at Jennifer.opila@state.co.us. Deadline is Aug. 1.

tharmon@chieftain.com

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Gmail

Meghan Belaski <meghanbelaski@gmail.com>

Help us improve community involvement at Cotter

2 messages

Smith - CDPHE, Warren <warren.smith@state.co.us> Wed, Jun 10, 2015 at 11:02 AM
To: "Smith, Warren" <Warren.smith@state.co.us>
Bcc: meghanbelaski@gmail.com

Good Day:

The Colorado Department of Public Health and Environment and the U.S. Environmental Protection Agency are updating the Lincoln Park/Cotter Mill Superfund Site Community Involvement Plan (CIP) and you can help! We are looking for members of the Cañon City and Fremont County community willing to be interviewed about their site knowledge, informational needs and preferred ways of providing public input to decision makers about the cleanup project. The confidential interviews feature a series of questions that help guide community outreach at the site. Interview responses will be summarized in the updated CIP, which will be posted on the state's Cotter website for public review and comment prior to completion.

We will be conducting in-person interviews in Cañon City during the week of June 15th. If you are interested in scheduling an interview, please contact Jasmin Guerra at (303) 312-6508 or via email at Guerra.jasmin@epa.gov.

As always, the public is encouraged to attend monthly Community Advisory Group meetings. This month's meeting will be held from 1 p.m. to 4 p.m. on Thursday, June 18 at the Fremont County Department of Health and Environment, Garden Park Building, 201 North Six Street in Cañon City.

Thank you.

Warren

–
Warren Smith, APR

Community Involvement Manager
Community Involvement Unit

COLORADO
Hazardous Materials
& Waste Management Division
Department of Public Health & Environment

P 303.692.3373 | TF 1.888.569.1831 x 3373 | F 303.759.5355 | C 303-912.1849
warren.smith@state.co.us | www.colorado.gov/cdphe/hm

Meghan Belaski <meghanbelaski@gmail.com> Wed, Jun 10, 2015 at 12:46 PM
To: Tony Matonis <falcn62@msn.com>

[Quoted text hidden]

2015 SEP 14 AM 7:41

Gmail

Meghan Belaski <meghanbelaski@gmail.com>

Cotter interviews Canon City

1 message

Meghan <meghanbelaski@gmail.com> Thu, Jun 11, 2015 at 11:51 AM
To: "Guerra.jasmin@epa.gov" <Guerra.jasmin@epa.gov>

Hello Jasmin,

I would like to set a time and date for an interview about Cotter in Canon City. Is it possible to do it by phone or is it an in-person interview? I ask because I am sure my entire family would like to participate, we just happen to have my mother in the hospital all next week for in-patient chemotherapy Monday-Friday at University in Denver, and it would be difficult to do it in person. My folks live within a 2 mile zone of Cotter and it is extremely important for us to get these opinions/facts on record. Thanks for your help.

Best,

Meghan Belaski

719 429 9939

Sent from my iPhone

Gmail by Google

Meghan Belaski <meghanbelaski@gmail.com>

Notification: New Event COTTER INTERVIEW @ Tue Jun 23, 2015 8:55am - 9:55am (meghanbelaski@gmail.com)

1 message

Google Calendar <calendar-notification@google.com> Tue, Jun 23, 2015 at 8:44 AM
Reply-To: Meghan Belaski <meghanbelaski@gmail.com>
To: Meghan Belaski <meghanbelaski@gmail.com>

New Event COTTER INTERVIEW

more details »

When	Tue Jun 23, 2015 8:55am – 9:55am Mountain Time
Calendar	meghanbelaski@gmail.com
Who	• Meghan Belaski - organizer

moved

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You are receiving this email at the account meghanbelaski@gmail.com because you are subscribed for notifications on calendar meghanbelaski@gmail.com.

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Gmail by Google

Meghan Belaski <meghanbelaski@gmail.com>

Notification: Cotter interview 9 am @ Wed Jun 24, 2015 1pm - 2pm (meghanbelaski@gmail.com)

1 message

Google Calendar <calendar-notification@google.com> Wed, Jun 24, 2015 at 12:54 PM
Reply-To: Meghan Belaski <meghanbelaski@gmail.com>
To: Meghan Belaski <meghanbelaski@gmail.com>

Cotter interview 9 am

more details »

When	Wed Jun 24, 2015 ~~1pm – 2pm~~ Mountain Time 9am
Calendar	meghanbelaski@gmail.com
Who	• Meghan Belaski - organizer

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Gmail

Meghan Belaski <meghanbelaski@gmail.com>

CORRECTION - PROPOSED CHANGES TO COLORADO RADIATION REGULATIONS - PARTS 1, 3, AND 18

1 message

RadiationStatutesAndRegs - CDPHE, CDPHE <cdphe_radiationstatutesandregs@state.co.us> Tue, Jul 21, 2015 at 9:53 AM
To: CDPHE RadiationStatutesAndRegs - CDPHE <cdphe_radiationstatutesandregs@state.co.us>
Bcc: meghanbelaski@gmail.com

*****CORRECTION TO STAKHOLDER MEETING DATES*****

deadline Sept 11th

Attention Stakeholders - The email notification recently sent for the proposed changes to radiation regulations Parts 1, 3, and 18 incorrectly indicated the dates of some stakeholder meetings. Stakeholder meetings will be held on Wednesday August 5, Tuesday August 18, and Wednesday August 19 at the times and locations specified on the regulations webpage at:

https://www.colorado.gov/pacific/cdphe/regulations-development-parts-1318

We apologize for this error and any inconvenience this may have caused.

Note that there are NO stakeholder meetings scheduled for July 22 or August 31 (as indicated in the original email notice).

Below is a corrected notification indicating the correct dates, times, and locations for stakeholder meetings.

AG of Missouri

***

deliver to: cdphe_radiationstatutes andregs@state.co.us

Good Day:

james.jarvis@state.co.us

todd.hartenberry - aide to Hullinghorst

The Colorado Department of Public Health and Environment Radiation Program invites stakeholders to comment on proposed revisions to the Colorado Rules and Regulations Pertaining to Radiation Control (6 CCR 1007), Parts 1, 3, and 18. The regulations are being updated to implement amendments made to the Colorado Radiation Control Act during the 2014 and 2015 legislative sessions, and incorporate recent amendments to federal rules of the U.S. Nuclear Regulatory Commission necessary for compatibility.

michael bennet aide

Further details on the impacts and topics of the proposed changes as well as redlined copies of the radiation regulations can be found on the state's "Radiation management regulations" webpage under the "Stakeholder Processes" heading. https://www.colorado.gov/pacific/cdphe/radregs

Stakeholder meetings to gather comments and discuss the proposed changes to the radiation regulations have been scheduled for the following dates and locations:

Denver: 3:30 p.m. - 6 p.m., Wednesday, August 5 in the Sabin-Cleere Room at the Colorado Department of Public Health and Environment, 4300 Cherry Creek Drive South. Details about teleconferencing capability will be provided as they become available.

Montrose: 6 p.m.-8:30 p.m., Tuesday, Aug. 18 at the Holiday Inn Express Hotel and Suites, 1391 S. Townsend Ave. Details about teleconferencing capability will be provided as they become available.

Cañon City: 6 p.m.-8:30 p.m., Wednesday, Aug. 19 at the Best Western, 110 Latigo Lane. Details about teleconferencing capability will be provided as they become available.

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The agenda for each meeting will be the same:

Introductions and Opening Remarks

Overview of Proposed Changes

Questions and Public Comment

Adjournment

Written comments about the proposed changes are encouraged and can be made via e-mail to cdphe_radiationstatutesandregs@state.co.us or via U.S. Mail to:

Colorado Department of Public Health and Environment

Radiation Program

HMWMD-B2

4300 Cherry Creek Drive South

Denver, CO 80246

ATTN: James Jarvis

Comments will be posted on the website, so please let us know if you prefer to have your name omitted. Comments will be accepted until Wednesday, Sept. 16, 2015.

If you have any questions, please contact James Jarvis at:

Email: james.jarvis@state.co.us

Phone: 303-692-3454

Toll Free (outside metro Denver): 1-888-569-1831, ext. 3454

Thank you. We look forward to hearing from you.

Sincerely,

James Jarvis

DOLPHIN
CO STATE OFFICE
2015 SEP 14 AM 7:41

Translate

COLORADO
Department of Public Health & Environment

2015 SEP 14 AM 7:41

Regulations Development Parts 1,3,18

Back to radiation management regulations

The Radiation Program of the Colorado Department of Public Health and Environment is proposing changes to several parts of the Colorado Rules and Regulations Pertaining to Radiation Control, 6 CCR 1007.
Changes are being proposed for:

- Part 1, titled "General Provisions"
- Part 3, titled "Licensing of Radioactive Material"
- Part 18, titled "Licensing Requirements for Uranium and Thorium Processing"

The proposed rule changes are necessary

- To incorporate changes to state law (the Colorado Radiation Control Act or RCA) that occurred in 2014 and 2015.
- To incorporate changes to federal rules of the U.S. Nuclear Regulatory Commission (NRC).
- To correct and clarify language in the rules.

Due to the basis and overlapping nature of some portions of these rule changes, all three regulatory parts will be amended concurrently.
The proposed rule changes to Parts 1, 3, and 18 are specific to radioactive materials use and will not impact facilities or entities who only utilize x-ray machines.

What do the proposed regulatory amendments address?

The regulatory amendments will address the following major topical areas:

ok — which one?

- The deletion, modification or addition of multiple definitions for consistency with the RCA and federal rules (Parts 1, 18);
- The introduction of specific limits, regulatory sections and requirements pertaining to "small quantities of source material" and "unimportant quantities of source material" consistent with these terms as used in federal rule (Part 3);Clarification and updating of the public processes and some timelines and requirements for uranium and thorium (source material) milling facilities (Part 18);
- Clarification of existing requirements and the addition of new requirements pertaining to financial surety for long-term care and decommissioning for facilities required to have surety (Parts 3, 18);
- Clarification that NRC approval is required for alternative groundwater standards for uranium and thorium milling facilities (Part 18);
- Clarification that jurisdiction pertaining to long term transfer of title for lands used for the disposal of byproduct material resides with NRC (Part 18);
- Added specificity to limits for source material possession and use under a general license (dispersible forms; annual limits; drinking water residuals; laboratory samples) (Part 3);
- Added restrictions on abandonment of source material under a general license (Part 3);
- Added language permitting 1.1 lb (0.5 kg) of source material to be transferred for disposal to recipient that is exempt from licensing (Part 3);
- Added licensing requirements for initial transfer/distribution of source material (excluding labs returning samples) (Part 3);
- Clarified requirements and added (percent U/Th by weight) limits pertaining to "unimportant quantities of source material"/exempt items in certain end products including glassware and optical lenses and mirrors (Part 3);
- Added licensing requirements for initial distribution of exempt items containing source material (Part 3);
- Added/expanded (end user) exemptions for (low risk) static elimination devices, ion generating tubes, gas and aerosol detectors, and certain industrial devices (Part 3).

2015 SEP 14 7:41 CO STATE OFFICE

Other Changes

- Changed surety requirements for site long term care to 1 percent (from 6

percent) to be consistent with NRC (Part 3).

- The correction of typographical, spelling and cross-reference errors (Parts 1, 3, 18)

Who is impacted by the proposed rule changes?

The types of facilities or industries that may be impacted are expected to be:

- Facilities that process uranium or thorium for the purpose of recovering byproduct material;
- Facilities that may possess, use or transfer - under general license - small quantities of source material, including laboratories, and drinking water processing facilities;
- Facilities that initially transfer or distribute materials to entities who are exempt from the regulations (e.g., exempt distribution).

Rulemaking Timeline

The Radiation Control program is encouraging stakeholders and interested parties to review the proposed changes and provide comments on or before **Wednesday, Sept. 16, 2015.** Comments received after this date will be considered only if time allows. Refer to the request for public comment, draft rule, and other documents below for further information on the proposed changes to Parts 1, 3, and 18.

The Colorado Department of Public Health and Environment will hold several stakeholder meetings to discuss the proposed changes.

2015 SEP 14 AM 7:41

Stakeholder Process

Stakeholder meetings will be held at the following dates, times and locations:

- Wednesday, August 5, 2015, Denver.
  - Stakeholder meeting presentation
- Tuesday, August 18, 2015 from 6 p.m. to 8:30 p.m. at the Holiday Inn Express, 1391 South Townsend Avenue, Montrose, CO 81401.
  - Call-in information for August 18 meeting:
    Dial in number: 1-877-663-3863.
    Conference ID: 6923303.
    Note: The system can accommodate up to 23 callers.
- Wednesday, August 19, 2015 from 6 p.m. to 8:30 p.m. at the Best Western, 110 Latigo Lane, Cañon City, CO 81212.
  - Call-in information for August 19 meeting:
    Dial in number: 1-877-663-3863.
    Conference ID: 6923303.

Note: The system can accommodate up to 23 callers.

A request for rulemaking before the Colorado Board of Health for Parts 1, 3, and 18 is currently scheduled for **October 21, 2015.** Refer to the Board of Health website for further detail as schedules and topics of Board of Health meetings are subject to change. Following the Board of Health request, and pending board approval, a public notice will be issued and a final rulemaking hearing will be scheduled 60 days following the request. The final rulemaking is currently scheduled for **December 16, 2015.**

Written comments about the proposed changes are encouraged.

Email: cdphe_radiationstatutesandregs@state.co.us
Colorado Department of Public Health and Environment
Radiation Program
HMWMD-B2
4300 Cherry Creek Drive South
Denver, CO 80246
ATTN: James Jarvis

Stakeholders are encouraged to refer back to this website periodically as new or revised documents or other information may be updated or posted.

Additional links and information - are contained within the side-margin notes of the proposed draft rules (below).

- Proposed Part 1 draft rule
- Proposed Part 3 draft rule
- Proposed Part 18 draft rule

- 2015 Radiation Control Act changes
- 2014 Radiation Control Act changes

2015 SEP 14 AM 7:41
CO STATE ARCHIVES

Contact

DRAFT A 06/24/15 * — Same day as my "confidential" interview

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Hazardous Materials and Waste Management Division

RADIATION CONTROL - GENERAL PROVISIONS

6 CCR 1007-1 Part 01

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

Adopted by the Board of Health on December 16, 2015.

PART 1: GENERAL PROVISIONS

1.1 Purpose and Scope.

1.1.1 Authority.

1.1.1.1 Rules and regulations set forth herein are adopted pursuant to the provisions of sections 25-1-108, 25-1.5-101(1)(k), 25-1.5-101(1)(l), and 25-11-104, CRS.

1.1.2 Basis and Purpose.

1.1.2.1 A statement of basis and purpose accompanies this part and changes to this part. A copy may be obtained from the Department.

1.1.3 Scope.

1.1.3.1 This part includes provisions generally applicable throughout all parts of these radiation control regulations.

1.1.4 Applicability

1.1.4.1 Except as otherwise specifically provided herein, these regulations apply to all persons who receive, possess, own, acquire, use, process, store, transfer, or dispose any source of radiation.

1.1.4.2 Nothing in these regulations shall apply to any person to the extent such person is subject to regulation not relinquished by the U.S. Nuclear Regulatory Commission.[1]

1 Regulation by the State of source material, byproduct material, and special nuclear material in quantities not sufficient to form a critical mass is subject to the provisions of the agreement between the State and the U.S. Nuclear Regulatory Commission and to 10 CFR Part 150 (January 1, 2010) of the Commission's regulations.

1.1.5 Published Material Incorporated By Reference.

1.1.5.1 Published material incorporated in Part 1 by reference is available in accord with Section 1.4.

1.2 Definitions.

1.2.1 Definitions of general applicability to the *Rules and Regulations Pertaining to Radiation Control* promulgated by the Department pursuant to provisions of sections 25-1-108, 25-1.5-101(1)(k),

Comment [JJ1]: EDITORIAL NOTE 1: ALL COMMENTS (SUCH AS THIS ONE) SHOWN IN THE RIGHT SIDE MARGIN OF THIS DOCUMENT ARE FOR INFORMATION PURPOSES ONLY TO PROVIDE ADDITIONAL INFORMATION AND TO AID THE READER IN UNDERSTANDING THE PROPOSED AMENDMENT DURING THE DRAFT REVIEW PROCESS.

THESE COMMENTS ARE NOT PART OF THE RULE AND ALL COMMENTS WILL BE DELETED PRIOR TO FINAL SUBMISSION.

EDITORIAL NOTE 2:
IN ORDER TO MAINTAIN AGREEMENT STATE STATUS, COLORADO RULES ARE REQUIRED TO BE COMPATIBLE WITH FEDERAL U.S. NUCLEAR REGULATORY COMMISSION (NRC) REQUIREMENTS.

INFORMATION ON NRC COMPATIBILITY CATEGORIES MAY BE FOUND AT: http://nrc-stp.ornl.gov/procedures/sa200.pdf

REQUIRED CHANGES TO THE FEDERAL RULES OF NRC ARE CONVEYED TO AGREEMENT STATES THROUGH THE NRC REGULATORY ACTION TRACKING SYSTEM (RATS). UPDATES AND CHANGES TO FEDERAL RULE ARE ISSUED PERIODICALLY AND INFORMATION CAN BE FOUND AT: http://nrc-stp.ornl.gov/rss_regamendents.html

Comment [JJ2]: This reflects the anticipated date of approval by the Colorado Board of Health. The effective date is typically within 60 days following this date.

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25-1.5-101(1)(l), and 25-11-104, CRS, are set forth in section 1.2.2 and shall be liberally construed to protect the public health by controlling excess radiation.

1.2.2 As used in these regulations, each term below has the definition set forth. A cross-reference is provided for each common abbreviation. Any additional definition used only in a single part of these regulations is found in that part.

[* * * = Indicates omission of unaffected rule sections or definitions.

Note – some unchanged definitions are retained in the draft for ease of review of the draft or for cross-reference.]

* * *

"Byproduct material" means:

(1) Any radioactive material, except special nuclear material, yielded in or made radioactive by exposure to the radiation incident to the process of producing or ~~utilizing~~ using special nuclear material;

(2) The tailings or wastes produced by the extraction or concentration of uranium or thorium from ore processed primarily for its source material content, including discrete surface wastes resulting from uranium or thorium solution extraction processes (underground ore bodies depleted by these solution extraction operations do not constitute "byproduct material" within this definition);

(3) (a) Any discrete source of radium-226 ~~material~~that is produced, extracted, or converted after extraction, before, on, or after August 8, 2005, for use for a commercial, medical, or research activity; or~~, that:~~

(ab) Any material that:~~Is a discrete source of radium-226; or~~

(bi) Has been made radioactive by use of a particle accelerator; ~~or~~and

(ii) Is produced, extracted, or converted after extraction, before, on, or after August 8, 2005, for use for a commercial, medical, or research activity; and

(4) Any discrete source of naturally occurring radioactive material, other than source material, that:

~~(a) Is extracted, or converted after extraction, for use for a commercial, medical, or research activity; and~~

(ba) The NRC, in consultation with the administrator of the Environmental Protection Agency, the Secretary of Energy, the Secretary of Homeland Security, and the head of any other appropriate federal agency, determines would ~~is determined by NRC to~~ pose a threat ~~to the public health and safety or the common defense and security~~ similar to the threat posed by a discrete source of radium-226 to the public health and safety;~~.~~ and

Comment [JJ3]: The definition for "Byproduct material" is updated for consistency with the 2015 Radiation Control Act (RCA) changes (via HB 15-1145). The RCA change is consistent with the same definitions in 10 CFR Part 30, and Part 40.

House Bill 15-1145
NRC Compatibility = H&S

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(b) Before, on, or after August 8, 2005, is extracted, or converted after extraction, for use for a commercial, medical, or research activity;

* * *

"Carrier" means a person engaged in the transportation of passengers or property by land or water as a common, contract, or private carrier, or by civil aircraft.

* * *

~~"Classified material" means radioactive materials that are one or more of the following types:~~

~~(1) "Type 2 byproduct material" as byproduct material is defined in 42 U.S.C. sec. 2014 (e) (2);~~

~~(2) Naturally occurring (NORM) or technologically enhanced naturally occurring radioactive material (TENORM);~~

~~(3) Non-11 e (2) material; or~~

~~(4) Ore.~~

"Collective dose" means the sum of the individual doses received in a given period of time by a specified population from exposure to a specified source of radiation.

"Commencement of construction" means taking any action defined as "construction" or any other activity at the site of a facility subject to the regulations that has a reasonable nexus to radiologic health and safety.~~any clearing of land, excavation or other substantial action related to a proposed activity that might adversely affect the natural environment of a site. this term does not include changes desirable for the temporary use of the land for public recreational uses, limited borings to determine site characteristics as necessary for environmental assessment or other pre-construction monitoring to establish background information related to the suitability of a site, or to the protection of environmental values.~~

* * *

"Construction" means the installation of foundations, or in-place assembly, erection, fabrication, or testing for any structure, system, or component of a facility or activity subject to the regulations in Parts 3, 18, and 19 that are related to radiological safety or security. The term "construction" does not include:

(1) Changes for temporary use of the land for public recreational purposes;

(2) Site exploration, including necessary borings to determine foundation conditions or other preconstruction monitoring to establish background information related to the suitability of the site, the environmental impacts of construction or operation, or the protection of environmental values;

(3) Preparation of the site for construction of the facility, including clearing of the site, grading, installation of drainage, erosion and other environmental mitigation measures, and construction of temporary roads and borrow areas;

Comment [JJ4]: This definition is added consistent with the new (2013) federal rule 10 CFR Part 37(pertaining to security of high risk materials). The definition here is equivalent to that currently found in Part 17, and Part 22**.

The definition is used in Parts 4, 17, and 22**. Future amendments to Part 17 and 22 will allow removal of the same definition from those parts.

(**Colorado Part 22 has an effective date of July 14, 2015)
Compatibility = [B] [10 CFR 37.5]
NRC RATS 2013-1

Comment [JJ5]: Consistent with the 2015 changes to the Colorado Radiation Control Act, the term "Classified material" is deleted.

House Bill 15-1145
Asio Ref: NRC Ltr 10/24/11
http://nrc-sto.ornl.gov/special/regs/coregs111024.pdf

Comment [JJ6]: This definition is updated consistent with a change to federal rule which occurred in 2011. This definition is modified for compatibility with equivalent definitions found in 10 CFR Parts 30.4, 36.2, 40.4, 70.4 and 150.31(b)(3)(iv)(A). (Certain language removed from the current definition is contained within the definition of "construction".)

This definition – used in conjunction with the definition "construction" – clarifies what is and is not considered to be part of the construction process for a facility. The definition applies to those types of sites which typically involve significant amounts of "physical" property and are often built from vacant land.

Compatibility = C [40.4; 150.31]; and
= D [30.4; 36.2; 70.4]
NRC RATS 2011-2

Comment [JJ7]:
Consistent with a federal rule change in 2011, this definition is added and is necessary for compatibility with equivalent definitions found in 10 CFR Parts 30.4, 36.2, 40.4, 70.4, and 150.31(b)(3)(iv)(B).

This definition clarifies what is and is not considered construction, for those types of sites which typically involve significant amounts "physical" property and are often built from vacant land. The definition is most often used in conjunction with the definition "commencement of construction".
Compatibility = C [40.4; 150.31]; and = D [30.4, 36.2, 70.4]
NRC RATS 2011-2

(4) Erection of fences and other access control measures that are not related to the safe use of, or security of, radiological materials subject to Parts 3, 18, and 19;

(5) Excavation;

(6) Erection of support buildings (e.g., construction equipment storage sheds, warehouse and shop facilities, utilities, concrete mixing plants, docking and unloading facilities, and office buildings) for use in connection with the construction of the facility;

(7) Building of service facilities (e.g., paved roads, parking lots, railroad spurs, exterior utility and lighting systems, sanitary sewerage treatment facilities, and transmission lines);

(8) Procurement or fabrication of components or portions of the proposed facility occurring at other than the final, in-place location at the facility; or

(9) Taking any other action that has no reasonable nexus to radiological health and safety.

* * *

"NARM". See "naturally occurring or accelerator-produced radioactive material" (NARM).

* * *

"Natural radioactivity" means radioactivity of naturally occurring nuclides.

"Natural thorium" means thorium with the naturally occurring distribution of thorium isotopes (essentially 100 weight percent thorium-232).

"Natural uranium" means uranium containing the naturally occurring distribution of the uranium isotopes 234, 235 and 238 (approximately 0.711 weight percent uranium-235 and the remainder by weight essentially uranium 238) that is neither enriched nor depleted in the isotope uranium 235.

"Naturally occurring or accelerator produced radioactive material"(NARM) means any radioactive material that is not source or special nuclear material or byproduct material types (1) or (2).

"Naturally occurring radioactive material" (NORM) means any nuclide that is radioactive in its natural physical state and is not manufactured. "Naturally occurring radioactive material" does not include source material, special nuclear material, ~~that is not~~ byproduct material, ~~source, or special nuclear material, produced in an accelerator,~~ or by-products of fossil-fuel combustion, including bottom ash, fly ash, and flue-gas emission by-products.

Comment [J38]: Consistent with the 2015 changes to the Colorado Radiation Control Act, the definition "Naturally Occurring Radioactive Material (NORM)" is modified.

House Bill 15-1145

* * *

~~"Non-11 e (2) material" means byproduct material that is not type 2 byproduct material or ore. "Non-11 e (2) byproduct material" does not include depleted or enriched uranium as defined by Colorado or federal statute or rule.~~

Comment [J39]: Consistent with the elimination of this definition from the 2015 amendment to the Colorado Radiation Control Act, the definition "Non-11 e (2) material" is deleted.

House Bill 15-1145

* * *

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"NORM". See "naturally occurring radioactive material" (NORM).

* * *

"Ore" means naturally occurring uranium-bearing, thorium-bearing, or radium-bearing material in its natural form, to be processed for its uranium or thorium content, prior to chemical processing including but not limited to roasting, beneficiating, or refining, and specifically includes material that has been physically processed, such as by crushing, grinding, screening, or sorting.

* * *

"Regulations of the DOT" means the regulations in 49 CFR Parts 100-189 and Parts 390-397 (October 1, ~~2009~~2014).

Regulations of the NRC" means the regulations in 10 CFR Parts 1-50 and Parts 51-199 (January 1, ~~2010~~2015).

* * *

"Residual radioactivity" means radioactivity in structures, materiel, soils, groundwater, and other media at a site resulting from activities under the licensee's control.

(1) This includes radioactivity from all licensed and unlicensed sources used by the licensee, but excludes background radiation.

(2) It also includes radioactive materials remaining at the site as a result of routine or accidental releases of radioactive material at the site and previous burials at the site, even if those burials were made in accordance with the provisions of Part 4.

* * *

"Source material" means uranium or thorium, or any combination of uranium or thoriumthereof, in any physical or chemical form, including ores that contains, by weight, one-twentieth of 1 percent (0.05 percent) or more, of uranium, thorium or any combination thereof. Source material does not include special nuclear material.

"Source material milling" means any activity that results in the production of radioactive material that meets byproduct material definition (2).

* * *

"Technologically enhanced naturally occurring radioactive material" (TENORM) means naturally occurring radioactive material whose radionuclide concentrations are increased by or as a result of past or present human practices. "TENORM" does not include:

(1) Background radiation or the natural radioactivity of rocks or soils;

(2) "Byproduct material" or "source material", as defined by Colorado statute or rule; or

(3) Enriched or depleted uranium as defined by Colorado or federal statute or rule.

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Comment [JJ10]: Consistent with the 2015 changes to the Colorado Radiation Control Act, the definition of "Source material" is modified.

House Bill 15-1145

* * *

"Unrefined and unprocessed ore" means ore in its natural form prior to any processing, such as grinding, roasting or beneficiating, or refining. Processing does not include sieving or encapsulation of ore or preparation of samples for laboratory analysis.

Comment [JJ11]:
Consistent with the amendments to 10 CFR 40.4 (2013), the definition for "Unrefined and unprocessed ore" is modified.

NRC Compatibility = B
NRC RATS = 2013-2

* * *

COMMUNICATIONS AND REFERENCED MATERIALS

1.3 Communications.

1.3.1 All communications and reports concerning parts of these regulations, and applications filed thereunder, should be addressed to the Department.

1.4 Referenced Materials.

1.4.1 Parts of these regulations incorporate by reference (as identified within a particular section) materials originally published elsewhere. These regulations do not include amendments to or editions of incorporated materials published later than the effective date of the particular section.

1.4.2 Materials incorporated by reference will be available to the public for inspection during regular business hours or for copying at reasonable charge at the offices of the Hazardous Materials and Waste Management Division, Colorado Department of Public Health and Environment, 4300 Cherry Creek Drive South, Denver, CO 80246-1530.

1.4.3 The addresses of the Federal Agencies and Organizations originally issuing the referenced materials are available on the Division website at http://www.cdphe.state.co.us/hm/index.htm.

1.4.4 In accordance with Section 24 4 103(12.5)(c)(ii)(C), CRS, copies of any material that has been incorporated by reference have been provided to the State Publications Depository Library and Distribution Center and are available for interlibrary loan. The incorporated materials may be examined at any state publications depository library.

* * *

EDITOR'S NOTES

6 CCR 1007-1 has been divided into separate parts for ease of use. Versions prior to 04/01/2007 are located in the first section, 6 CCR 1007-1. Prior versions can be accessed from the All Versions list on the rule's current version page. To view versions effective on or after 04/01/2007, select the desired part of the rule, for example 6 CCR 1007-1 Part 01 or 6 CCR 1007-1 Part 10.

History

Part 01 entire rule eff. 08/30/2007.

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222 Part 01 entire rule eff. 07/01/2010.

223 Part 01, Rules 1.1.4, 1.2 eff. 07/30/2010.

224 Part 01, Rules 1.2, 1.4.2, 1.4.3 eff. 04/30/2011.

2015 SEP 14 AM 7:41
CO STATE REGISTER

Cotter mill comment open

Published: August 15, 2015; Last modified: August 15, 2015 11:30PM

CANON CITY — The Colorado Department of Health is accepting informal public comment on documents relating to the Cotter Corp. Uranium Mill decommissioning.

The documents will figure prominently in the remedial investigation and feasibility study and will help health officials make the ultimate selection of a plan to decommission the site, said Warren Smith, community involvement manager for the state health department.

Comments should be submitted to Jennifer Opila at jennifer.opila@state.co.us by Oct. 31. Documents in the collection can be accessed at recycle4colorado.ipower.com/Cotter/hxdocs.htm.

Nonprofit grants put on hold

SALIDA — City grants to area nonprofits are on hold pending resolution of the city's operating budget shortfall.

The program may be discontinued or scaled back if sales tax revenue is not available. New restrictions on the use of a portion of the city's sales tax revenue, passed by voters in March, essentially defunded some government operations and budget priorities are being reassessed, said Christian Samora, deputy city clerk.

— Compiled by Tracy Harmon

* Legislative amendments (comments) due Sept 16, 2015

How much more is there left to say? Enough!
* Forward the CFTC/SEC/WOTUS docs to DOI/BLM and CDPHE as well as Board of Health

2015 SEP 14 AM 7:41
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DOCS DEPT

Florence Oil Field

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Canon City Royal Gorge

1 CHANDLER
2 WOLF CREEK
3 FORKED GULCH
4 SAND CREEK
5 WILLOW CREEK
6 FAWN HOLLOW
7 GRAPE CREEK SUB BASIN

FIGURE 11

TITLE: WATER SHEDS

JOB NUMBER: 9-4642.82

DATE: JAN. 1986

GeoTrans

RMC

Cotter "Zones"

Royal Gorge

N
10K
Canon City
Orchard Park
Pleasant Park
Fremont Park
Highland Park
STATE PRISON FARM
County Airport
Williamsburg
Coal Creek
Union Highland Cem
Florence
RAILROAD
GRADE
Creek
Arkansas River
Grape Creek
Texas Creek
Coal Creek
Sand Creek
Dry Creek
Stop Hollow
Cooper Canyon
Cottonwood Canyon
Dry Canyon
Rock Canyon
Pine Canyon
Cedar Canyon
Sand

Cotter Earthquake Doc

FIGURE 7

Intensity Measured on Modified Mercalli Scale

COTTER CORPORATION	
CAÑON CITY MILL	
EARTHQUAKE EPICENTER MAP State of Colorado	
DRAWN BY S.W.	SCALE NONE
DATE 2-84	REVISIONS

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Subject: [Fwd: Fw: CCG - nuclear.html]
Date: Thu, 26 Sep 2002 22:38:28 -0700

COTTER HAS NEVER HAD AN ENVIRONMENTAL IMPACT STATEMENT COMPLETED BY THE NRC OR CDPHE.....

The NRC responded recently that the State of Colorado would have to complete one since they are an NRC agreement state...

Seems the NRC forgot their statement in the late 1970's that assured the NWF that they would complete the EIS. NRC was sued by the National Wildlife Federation (NWF). NWF was trying to stop the construction of the new surface impoundments SOoooo.....close to the general public and in conflict with the NRC regulation that states:

In judging the adequacy of existing tailing sites they should be

REMOTE FROM POPULATED AREAS.....

Should the tailings be moved to another location??? Colorado has removed approximately 14 uranium mill tailing sites that were threatening rivers and streams.....How about the threat to Lincoln Park residents?

Joan S

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20 STATE OFFICE
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6 of 6 PDF letter

Meghan Belaski <meghanbelaski@gmail.com> Tue, Sep 16, 2014 at 1:25 AM
To: warren.smith@state.co.us, jeannine.natterman@state.co.us

My name is Meghan Belaski and I have submitted 342 pages of documentation (6 PDF's) related to the public comment period concerning Cotter Corp., in Canon City,Colorado. I would like all of the documents in the 6 PDF's I've sent made public at this time.

Most of the documents I've submitted were obtained through the work of my father and his role with CCAT many years ago. While I am not personally affiliated with CCAT, I'm personally invested in the community and decided to submit these documents for review after digging through my dad's old boxes. And because this story must be told.

The proposed settlement is absurd and offensive and is no where near good enough to address the public health crisis that festers in Canon City, Colorado from both Cotter and the State of Colorado's failures to uphold the interest of public health and well-being over future plans and profit. Not to mention the lack of any semblance of environmental justice for the humans or the earth under this agreement state status that Colorado has operated under, and abused, for decades upon decades. Enough is enough.

The State of Colorado should have its agreement state status withdrawn by the NRC due to the deliberate and likely criminal conduct that has occurred in an apparently corrupted process.The State of Colorado and Cotter need more oversight than what the EPA Region 8 could possibly offer at this time, and none of these entities should be making decisions in any capacity about the Cotter facility, or its terms for the proposed settlement, which is why I have asked the NRC, the FBI and the Senate sub-committee for the Environment and Public Works and Superfund to intervene on behalf of my friends and family who still live in Canon City and have been lied to by the entities we are told will keep us safe.

Sincerely,

Meghan Belaski

2015 SEP 14 AM 7:41
CO STATE OFFICE

9-15-02

TO: Tony Hamilson - FAX 303-344-9989
Phil Stotler
Colorado Dept of Health

FR: Tony Belaski
CCAT - Canon City

SUBJ: Resnikoff/Plutonium Memo *

As promised, here is a copy of the Resnikoff memo concerning plutonium contamination in Fremont County.

If you have any questions please call me at 719-275-9565.

If you would, please give Phil Stotler a copy as he was interested as well.

Thanks for coming last night.

2015 SEP 14 AM 7:41
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Massive Plutonium Contamination in Canon City Royal Gorge

Memorandum

To: R Lorenz, M Bush, K Hannon

From: M Resnikoff, RWMA

Date: ~~January 28, 1998~~

Subject: Pu Findings

2015 SEP 14 AM 7:41
COLORADO DEPARTMENT OF PUBLIC HEALTH

Review of the recent Pu and Pb measurements consisted of statistically analyzing the measurements on a spreadsheet and comparing the results with Rocky Flats and background measurements. We also discussed measurements issues with CEP. We are convinced that the Pu and Pb findings are correct and that interference with other alpha emitters has been eliminated. This memo summarizes our findings to-date, which, of course, could change with additional information.

Pu-239

The Pu-239 concentrations appear, within a 95th percentile confidence interval, to be background. Two values, for J Blue and S Clear, Penrose, are high, but the average of all plutonium-239 measurements is within background. [Note: we have substituted 1/2 of the detectable limit for all numbers less than detectable limits. This is a standard assumption. That is, for <0.03, we take 0.015 as the value, since the possible number could be anywhere between 0.00 and 0.]. As seen in the table, the mean of Pu-239 values is 0.04389 ± 0.01691. All values between these limits are within the 95th percentile confidence limits. The lower bound is background at Rocky Flats, that is, the value 7 miles upwind at Rocky Flats.[1]

We have also reviewed the data for Penrose for the period 1970 through 1986. This mean is within the 95th percentile. There is no rise between 1978 and 1986. We conclude that the Pu-239 mean is within background.

Pu-238

The Pu-238 concentrations and particularly the ratio Pu-238/Pu-239 are highly unusual and statistically significant. The mean is 2.8695 ± [illegible]. This ratio can be

[1] "Rocky Flats Soil Plutonium [illegible] Survey from 1970 to 1[illegible]," Colorado Department of Health, June 199[illegible], Denver.

2015 SEP 14 AM 7:41

compared to the global fallout ratio[2] 1.35 x 10^{-4}. That is, the average ratio at Cotter is 10,000 times greater than expected. If one considers the ratio of plutonium inventories released by atmospheric explosions and the burnup of the SNAP 238Pu space reactor, then the ratio of Pu-238 to Pu-239 should be 9.2/253 = 3.6 x 10^{-2}. That is, the ratio near Cotter is 100 times greater than expected from fall-out. We conclude that Pu-238 contaminated waste has been processed at Cotter.

Pu-244

The Pu-244 concentrations around Cotter are also elevated. This also is quite unusual and is probably due to the processing of monazite sands at Cotter, perhaps for thorium.

Correlations

Though the Pu-238 and Pu-244 concentrations are elevated, there is not a correlation with distance from the Cotter mill. This was to be expected since there was no correlation with distance for uranium or thorium either. This may be due to the fact that wind patterns at Canon City are quite unusual. Canon City sits within a bowl and is somewhat sheltered from wind patterns, unless particulates are greatly elevated by a high stack and heat buoyancy. This result is quite puzzling; some concentrations in Westcliff, with a 2000' mountain range between Canon City are much higher than those near Cotter. Also, the radiation measurements have a high associated uncertainty. The most highly correlated pair of measurements is Pb-210 and Pu-238; the correlation is statistically significant to a 95th percentile confidence level. However, the pair Pb-210 and Pu-239 is not correlated. Since Pu-239 appears to be background, this is not surprising. As expected, total Pb and Pb-210 are not correlated. We know that total Pb was released from the lead smelter stack, whereas Pb-210 was released from the Cotter stack. We have not corrected any of these measurements for irrigation and this may account for the lack of correlation, that is, some radionuclides may be more soluble than others and dissolved in the intervening years.

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[2] Krey, PW and BT Krajewski, "Plutonium Isotopic Ratios at Rocky Flats," in Hardy, EP, *Health and Safety Laboratory, Fallout Program Quarterly Summary Report (December 1, 1971 through March 1, 1972)*, Rep. HASL-249, Health and Safety Laboratory, US AEC, New York.

IN THE UNITED STATE DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 91-Z-1861

JOSEPH DODGE, et al.,

Plaintiffs,

COTTER CORPORATION,

Defendants.

PLAINTIFFS' OPPOSITION TO MOTION TO
EXCLUDE PLUTONIUM DOSE REPORTS

INTRODUCTION

Defendants move this Court for an order excluding expert testimony concerning calculations of plutonium doses and two memorandum reports in which this subject is discussed. Plaintiffs oppose.

Dr. Resnikoff's plutonium calculations were performed subsequent to submission of his original report and were disclosed in the second round of expert reports at the time set by stipulation of the parties and order of the Court. They were disclosed in February 1998, the same month this Court determined that Dr. Resnikoff would not be permitted to do any plutonium sampling at the Cotter facility — information he had planned to incorporate into the calculations prior to submission. See Declaration of Dr. Resnikoff in Support of Motion to Compel, Exhibit A hereto.

236

299

submission of the report, measurements of plutonium in the
a around the Cotter site were taken and analyzed. Dr.
nikoff had this done to follow up on a statement Mr. James
e made to Dr. Resnikoff and Dr. Leigh that there was a
tonium incinerator at Cotter. Dr. Resnikoff performed
culations based on the measurements and requested an
portunity to take additional measurements on the Cotter site
if so that those measurements could also be incorporated into
opinions on plutonium exposure.

Dr. Resnikoff's opinions based on the off-site
tonium measurements alone were developed and provided to
intiffs' counsel for consideration in working memorandum form
October of 1994, over three months after submission of his
inal report. Discovery and investigation were continuing at
e time. Cotter had still not permitted plaintiffs to inspect
documents, nor had it permitted sampling on site. Dr.
nikoff expressed in the two memoranda that the opinions "of
ne, could change with additional information." See Exhibit
memorandum, first full paragraph of first page.

Discovery continued, and after overcoming the many
es imposed by Cotter, plaintiffs were permitted to inspect
ents at the Cotter facility in 1996. Plaintiffs
quently undertook review of the voluminous documents and
follow-up investigation. Nothing was found to contradict Mr.
recollections of a plutonium incinerator, and no new
mation was found that Dr. Resnikoff assessed as potentially
ing his calculations. We requested testing on the Cotter

2015 SEP 14 AM 7:41
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expose that in cross-examination. The issues raised in that regard go to the weight of the plutonium dose testimony, and do not support its exclusion. Dr. Resnikoff testified in deposition that Mr. Blue told him he personally worked on a nighttime plutonium operation, and that six others he worked with died of lung cancer. Mr. Fixman testified in deposition that plutonium was present at the Cotter facility:

Q: Are you aware of plutonium being present at the Cotter facility?

A: I believe so as best I can recall.

Q: When do you recall plutonium being present?

A: I think that was of the materials that came in with the some of the materials called residue.

Q: Can you tell me what residue it was?

A: The materials we received from St. Louis that had been previously worked on, chemically extracted. They were tailings from I believe it was Mallenkraut Chemical Works in St. Louis.

* * *

Q: Would that be material that might be referred to as St. Louis raffinates?

A: That's right.

* * *

Q: What entities sent those to Cotter?

A: I believe we purchased them.

* * *

Q: How is it, sir, that the St. Louis raffinates contained plutonium?

A: I think we had a laboratory analysis sent to us before it was purchased.

* * *

2015 SEP 14 AM 7:42
CO STATE DEPOSITION

1 period, are you, or are you not aware that there had been
2 elevated levels of arsenic identified in the Lincoln Park
3 community?
4 A. Yes. There have been. And I hope I didn't mislead anyone.
5 There is arsenic there. The arsenic contamination was
6 discussed in the original remedial investigation done by Geo
7 Trans of the site. They calculated that the arsenic
8 concentrations were higher closer to the mill. And that was
9 one of the reasons that I was -- that I pointed out that the
10 omission of arsenic in the 1991 report was a serious oversight
11 and should have been corrected.
12 Q. Now, finally, Doctor, you mentioned background. Was -- did
13 you have concern about the way background exposures, if any,
14 were analyzed in the risk assessment?
15 A. The original risk assessment attempted to parcel out, sort
16 of divide background from mill contribution. And conceptually,
17 in some ways that that may make some sense; but in another way
18 it doesn't. And the way it doesn't make sense is that a person
19 who lives in Lincoln Park is exposed to the entire
20 concentration of that radionuclide or that chemical and doesn't
21 have any choice about whether it's from the mill or whether
22 it's from natural sources. So what drives the risk is the
23 total exposure to a person.
24 And if there is an excess cancer risk, as has been
25 demonstrated for, for example, for water and for air in this

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1 community, it's the total risk that's important to me; and the
2 division of risk into background and mill-derived is difficult
3 to do and contentious.
4 Q. But in terms of an individual's actual risk to contracting
5 cancer or some other serious disease, do you, or do you not,
6 have an opinion that the background and any contaminants should
7 be added together?
8 A. My opinion is very clearly that the -- in order to
9 determine the risk, you must add the background and any other
10 external sources to get the total concentration and calculate
11 the total risk.
12 Q. And finally, if you exclude background, do you over- or
13 underestimate the true risk?
14 A. If you exclude the background?
15 Q. Yes.
16 A. If you exclude the background, you would underestimate the
17 true risk.
18 MS. SMITH: Thank you.
19 Thank you, your Honor.
20 THE COURT: Cross, please.
21 MR. WATSON: Your Honor, do you want me to take you to
22 the lunch hour at noon? I'm comfortable breaking --
23 THE COURT: Well, usually we've been taking lunch hour
24 at 12:30, but is there any chance that we can finish Dr. Reif?
25 MR. WATSON: Not before 12:30, your Honor, no.

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1 *THE COURT:* Why don't you just go ahead for a while,
2 then, please.
3 **CROSS-EXAMINATION**
4 *BY MR. WATSON:*
5 *Q.* Good morning, Dr. Reif. It's good to see you.
6 *A.* Good morning, Mr. Watson.
7 *Q.* How was the trip down from Fort Collins?
8 *A.* Uneventful, and that's good.
9 *Q.* Graduated there 30 years ago, and you and I know it's
10 changed a lot since then.
11 *MS. SMITH:* Your Honor, excuse me. I do object to the
12 personal comments of Counsel.
13 *THE COURT:* The objection is sustained. The jury will
14 strike them. Let's continue.
15 *BY MR. WATSON:*
16 *Q.* Sir, the report that you did in 1992 focused on the 1991
17 health risk assessment, correct?
18 *A.* Correct.
19 *Q.* And your concerns were expressed in your report that you
20 published and provided to the public in Lincoln Park, the
21 Lincoln Park citizens, and to the State and to Cotter and
22 indeed reviewed those in a public meeting there, isn't that
23 true?
24 *A.* That's true.
25 *Q.* Subsequent to your concerns expressed in 1992, is it

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1 correct that your concerns and concerns expressed by others
2 about what was either appropriate in that report or not were
3 then subsequently reviewed and discussed in the 1996
4 supplemental report by Dr. Brattin and the 1998 supplemental
5 health risk assessment done by Dr. Brattin?
6 A. Many of the concerns that I raised and that other
7 commenters raised following the 1991 report were, in fact,
8 incorporated into the 1996 and 1998 documents. Many of them.
9 A few of them weren't.
10 Q. Sir, could you turn to page 51 of your report, the 1992
11 report. You list there nine recommendations in 1992 that you
12 felt would be appropriate to revisit, correct?
13 A. I listed nine recommendations, yes.
14 Q. Let's just go through each one of them. You said nine
15 years ago your Recommendation 1 is to revise the risk
16 assessment in accordance with comments and suggestions made in
17 this report and, you say, include an assessment of other
18 metals, arsenic, nickel, lead, and cadmium. And the
19 supplemental reports did that, didn't they?
20 A. Yes, they did.
21 Q. And you suggest: Provide calculations for an RME, which
22 includes life time exposure, etc.
23 What is an RME? It's a reasonable maximum exposure.
24 Is that correct?
25 A. Yes, it's correct.

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4Φ-8Φ35

UNITED STATES NUCLEAR REGULATORY COMMISSION
OFFICE OF INSPECTION AND ENFORCEMENT

REGION III

IE Investigation Report No. 3/76-01

Subject: Cotter Corporation
Hazelwood, Missouri
License No. SUB-1022 (Terminated)

Allegations regarding the disposal of uranium ore residues were partially substantiated.

Period of Investigation: June 22-24, and August 11, 1976

Investigators: G. A. Phillip (6/22-24/76) — 1-4-77 (Date)

J. B. Grant (6/22-24/76 and 8/11/76) — 1-4-77 (Date)

A. G. Januska (8/11/76) — 1/4/77 (Date)

B. L. Jorgensen — 1/4/77 (Date)

Reviewed By: G. T. Lonergan, Chief, Materials Radiological Protection Section — 1/5/77 (Date)

G. A. Pagliaro, Chief, Environmental and Special Projects Section (10/20/76) — 1/5/77 (Date)

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REASON FOR INVESTIGATION

Following receipt of a letter dated June 2, 1976, from the Missouri Department of Natural Resources, forwarding newspaper articles containing allegations regarding the disposal of uranium ore residues, Region III initiated an investigation.

SUMMARY OF FACTS

A report on an inspection conducted by Region III on April 10 and 21-24, 1974,[1/] stated that according to licensee representatives the stockpile of the source material previously stored by Cotter Corporation under License No. SUB-1022 at 9200 Latty Avenue, Hazelwood, Missouri, had been shipped to its facilities in Canon City, Colorado by mid-1973 with the exception of 8700 tons of leached barium sulfate. The report further states: "Records maintained by Cotter Corporation showed that this material contained from 0.05% to 0.1% or approximately 7 tons of uranium as U_3O_8. Licensee representatives stated, and records of invoices paid to B&K Construction Company show, that this material along with approximately 38,000 to 39,000 tons of soil removed from the top 12 to 18 inches of the Latty Avenue site was disposed of in St. Louis County sanitary landfill area No. 1 on Old Bridge Road over the period July 31 through October 12, 1973." The report further states: "This material was hauled to the landfill area and used as cover for part of the several hundred truckloads of garbage and refuse that are shipped to the landfill area site every week. The licensee estimates that the barium sulfate is probably buried under 100 feet of garbage at this time. The trucks were hosed out after hauling this material."

Subsequently, on November 13, 1974, in response to a request from Cotter Corporation, License No. SUB-1022 was terminated.

By letter dated June 2, 1976, the Director, Division of Environmental Quality, Missouri Department of Natural Resources, sent copies of news articles appearing on May 30 and June 1, 1976 in the St. Louis Post-Dispatch which indicated that the information in the inspection report was inaccurate. Specifically, the news articles indicated that:

a) Only 9 tons of waste rather than nearly 40,000 tons of waste and soil had been moved from the Latty Avenue site.

b) The material was dumped at West Lake Landfill rather than St. Louis County landfill No. 1.

In his letter the Director, Division of Environmental Quality, stated that the depth at which the material was reportedly buried must be

1/ RO Inspection Report No. 040-8035/74-01.

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incorrect since no St. Louis area landfills contained 100 feet of fill. the Latty

It was ascertained that:

a. During the period July 16 to October 9, 1973, over 43,000 tons of waste and soil were removed from the Latty Avenue site.

b. The 43,000 tons of waste and soil were dumped at the West Lake Landfill.

c. The material dumped at West Lake Landfill is covered by about 3 feet of other soil.

The inaccurate information in Inspection Report No. 040-8035/74-01 regarding the identification and location of the landfill area apparently resulted from miscommunication between the inspector and the B&K Construction Company representative. The erroneous information regarding the depth at which the residue was reportedly buried was based upon information furnished by the licensee who expressed this offhand opinion.

Environmental samples were taken and beta-gamma surveys were made at the Latty Avenue and West Lake Landfill sites on August 11, 1976. The Latty Avenue site and environs was revisited on October 20, 1976, for additional environmental samples and alpha, beta-gamma direct surveys. The report for the October 20, 1976 visit appears as Attachment D in this report. The Latty Avenue environmental samples confirm the removal of the bulk of materials but show that some residues remain. The Latty Avenue surveys showed radiation levels exceeding NRC criteria for decontamination of land areas prior to return to unrestricted use. The West Lake Landfill surveys indicated that radioactive material is buried there, and one environmental sample showed a slightly elevated natural uranium concentration. Based on the direct radiation surveys, neither site presents an immediate radiological health hazard to the public.

For the environmental transport pathways evaluated, a hazard analysis indicates that the material disposed of at the West Lake Landfill does not pose any immediate hazard to the public presuming the presence of 7 tons of natural uranium.

Solubility tests of the soil samples were not conducted; however, U_3O_8 combined with barium sulfate is known to be insoluble in water. Groundwater was not available for sampling at the West Lake Landfill site. A sediment and surface water sample was taken from a creek near the Latty Avenue site.

No items of noncompliance were identified during this investigation.

SCOPE OF INVESTIGATION

This investigation was conducted to determine the circumstances relating to the disposition of about 8700 tons of leached barium sulfate from the former licensee's facility at Hazelwood, Missouri and consisted of a review of pertinent records, independent sampling and measurements and interviews of individuals.

CONCLUSIONS

1. About 8700 tons of leached barium sulfate containing about 7 tons of U_3O_8 were mixed with about 39,000 tons of soil at the Latty Avenue site as reported by the licensee during the April, 1974 inspection. The residue-soil mixture was transported to the West Lake Landfill area in St. Louis County where it is covered by approximately 3 feet of other soils instead of 100 feet as reported by the licensee during the April, 1974 inspection.

2. Environmental soil samples indicate the continuing presence of some uranium and thorium ore process residues at the Latty Avenue site. Beta-gamma surveys performed by IE:III personnel at that site on August 11 and October 20, 1976, indicate levels of direct radiation exceeding the criteria established by NRC for decontamination of land areas prior to release for unrestricted use. Further, these levels were found to be greater than those reported by the licensee in his application for termination of the license dated May 10, 1974.

3. Based on direct radiation measurements of the material present at the West Lake Landfill and at the Latty Avenue site, neither location presents an immediate direct radiation health hazard to the public.

4. It is estimated, using uniformly conservative assumptions, that the concentration of natural uranium in the West Lake Landfill could result in increased airborne concentrations of radon 222 and its progeny, directly over buried materials, of about one-half of the 10 CFR 20 limits for unrestricted areas.

5. It is known that significant increases in indoor radon 222 concentrations can be experienced in dwellings built in or on disposed tailings. Physical and chemical differences between tailings materials, however, prohibit a direct comparison between what might occur in dwellings constructed in the West Lake Landfill as against the results of previous studies. A complete environmental impact analysis, specific to the materials at the landfill, should be performed to quantify the potential for radon buildup in dwellings built at the landfill.

DETAILS

Introduction

By letter dated June 2, 1976, Mr. Kenneth M. Karch, Director, Division of Environmental Quality, Missouri Department of Natural Resources, forwarded to Region III copies of articles published in the St. Louis Post-Dispatch on May 30 and June 1, 1976 which he stated in his letter ". . . presented evidence that some seven tons of uranium were dumped in 1973 at the West Lake Landfill in St. Louis County by an Atomic Energy Commission subcontractor removing radioactive waste material from a site in Hazelwood, Missouri." Mr. Karch stated in his letter that: "The investigation by the Post-Dispatch indicates that AEC did not know the correct location of the dumping, the local geology, nor the actual concentration of uranium dumped. The depth cited must also be incorrect since no landfills in the St. Louis area contained 100 feet of fill." A copy of Mr. Karch's letter with news articles attached is attached to this report as Exhibit A.

By letter dated June 17, 1976, Region III responded to Mr. Karch pointing out that Cotter Corporation, which was responsible for the burial, was an AEC licensee, not an AEC subcontractor and advising him, therefore, that the matter would be investigated by NRC. A copy of Region III's letter is attached to this report as Exhibit B.

Background

In early 1966 the Continental Mining and Milling Company, Chicago, Illinois, purchased from the Atomic Energy Commission ore residues which were stored at the St. Louis Airport. The material was moved from that site during 1966 to the 9200 Latty Avenue, Hazelwood, Missouri site. Continental Mining and Milling Company possessed License No. SMA-862 for this program. In January 1967 the Commercial Discount Corporation of Chicago, Illinois took physical possession of the stockpile. License No. SMC-907 was issued to Commercial Discount Corporation on December 29, 1966 allowing possession of the residues, removal of moisture and shipment to the Cotter Corporation facilities in Canon City, Colorado. In December 1969 the remaining source material was sold to Cotter Corporation who obtained License No. SUB-1022 dated December 31, 1969. The AEC's invitation to bid listed the following residues for purchase: 74,000 tons of Belgium Congo pitchblende raffinate containing about 113 tons of uranium; 32,500 tons of Colorado raffinate containing about 48 tons of uranium; and 8700 tons of leached barium sulfate containing about 7 tons of uranium.

In August 1970, Cotter Corporation began drying and shipping the remaining residues from the St. Louis site to their mill in Canon City, Colorado at the rate of about 400 dry tons of material per day. This operation was performed for Cotter Corporation by B&K Construction

Company and continued until about November 1970. During the August to November period, all of the residues were shipped to Canon City with the exception of approximately 10,000 tons of Colorado raffinate and 8700 tons of leached barium sulfate. There was no further activity at the Latty Avenue site until mid-1973.

During an inspection conducted in April 1974, a Region III inspector was informed that during the period July-October 1973, the remaining Colorado raffinate was shipped to Canon City without drying and the leached barium sulfate along with 38,000 to 39,000 tons of soil had been disposed of in a landfill area in St. Louis County. The leached barium sulfate contained from 0.05% to 0.1% uranium as U_3O_8. Twelve (12) to eighteen (18) inches of the topsoil was stripped from the Latty Avenue site and disposed of with the leached barium sulfate.

Visit to Cotter Corporation, Lakewood, Colorado

On June 22, 1976, the following information was obtained during a visit to the Cotter Corporation, Lakewood, Colorado offices. Mr. David P. Marcott, Executive Vice President of Cotter Corporation, stated that all of the source material once stockpiled at the Latty Avenue site had been shipped by rail to its facility in Canon City, Colorado, except the approximate 8700 tons of leached barium sulfate. The material had very low concentrations of uranium, from 0.05% to 0.1%, and it was considered commercially impractical to further process this material to remove the uranium. He indicated that it would be necessary to process the material with several hundred pounds of hydrochloric acid to leach a pound of uranium from each ton of the barium sulfate. If the uranium could be leached out using water the licensee would certainly have processed the material rather than disposing of it. He indicated that for this reason he was confident that the uranium remaining in the leached barium sulfate now located in a landfill would not leach out into the groundwater. He said that the average uranium content of ore currently being processed by the mining industry was 0.16% which is greater than that disposed of in the St. Louis area. He indicated that some ore being processed by Cotter Corporation contains 0.65% uranium. He indicated that in his opinion the uranium contained in the leached barium sulfate did not constitute any threat to the environment wherever it is now located.

Marcott further advised that he visited the site on more than one occasion in 1973. He indicated that on one occasion Mr. Robert Davis of B&K Construction Company drove him around the area and pointed out to him the landfill area where the material would be dumped. He said he could not recall the name or location of the area. It was his recollection that the landfill area had a large deep pit. It was on this basis that he had expressed the opinion that the material was probably buried under 100 feet of soil and garbage. He indicated that he also visited the Latty Avenue site on another occasion and personally saw the trucks removing the dirt from the premises.

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Broken Clouds

West Lake Landfill may be more contaminated than previously thought, company says

July 22, 2015 11:15 pm • By Jacob Barker

43

A sign warns of radiation at the West Lake landfill in Bridgeton on March 13, 2012. Photo by Laurie Skrivan, lskrivan@post-dispatch.com

(1) More Photos

Updated at 6:45 p.m. with more details

In a revelation that could shake up oversight and liability at the contaminated West Lake Landfill, one of the companies involved says some of the radioactive waste may have come from sources officials have yet to acknowledge.

"There's some evidence that there could be other waste streams there," said Craig Nesbit, a spokesman for Exelon Generation.

He said Exelon supports "proposed science-based efforts to understand all historical radiological material placed in the West Lake landfill."

The news has already spurred the St. Louis area's congressional delegation to call for a new review to determine whether the site should be added to a special nuclear cleanup program. In a letter to the Department of Energy, they indicated some of the waste may have been under the DOE's jurisdiction.

Neighbors of the Bridgeton-area landfill have long said the U.S. Army Corps of Engineers' Formerly Utilized Sites Remedial Action Program, or FUSRAP, is better suited to force a cleanup. The corps is cleaning up several other sites around the region contaminated from Mallinckrodt Chemical Works' uranium processing work for the government during the Manhattan Project.

Right now, the West Lake Landfill is under the Environmental Protection Agency's jurisdiction as a Superfund site, and neighbors have long been impatient with the pace of action.

Chicago-based nuclear power and utility giant Exelon is one of three entities potentially liable for the West Lake Landfill cleanup. Exelon retained liability from Cotter Corp., a Denver-area uranium producer now owned by General Atomics in San Diego. A contractor for Cotter, B&K Construction, illegally dumped radioactive waste in West Lake in 1973, a year before Exelon owned cotter.

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WEST LAKE LANDFILL HISTORY

1973 • Cotter Corp contractor illegally dumps a reported 8,700 tons of material left over from uranium processing

1990 • Site is added to the Environmental Protection Agency's Superfund National Priorities List.

2008 • EPA proposes capping contamination but reconsiders after public outcry

2010 • Underground fire discovered in adjacent Bridgeton Landfill

May 2015 • After indications radioactive waste may also be in the northern part of the Bridgeton Landfill, EPA orders new testing of West Lake and part of the Bridgeton Landfill

"Technically, it's their deal," Nesbit said of Cotter. "We just have to write the check at the end of the day."

Phoenix-based waste hauler Republic Services currently owns the landfill, and it has taken the lead on much of the monitoring at the site. It also has been the company managing a smoldering underground fire that broke out in the adjacent Bridgeton Landfill, which some worry could spread to the contaminated area of West Lake.

The DOE is the other potentially responsible party.

In May, the EPA approved a new round of on-site testing at the landfill to better characterize the waste dumped there. Critics of the cleanup effort have questioned the government's official record of what was actually dumped in Bridgeton 40 years ago, warning it could be much worse.

But the new information didn't come from the on-site testing, Exelon's Nesbit said. He said Cotter found some evidence looking at old shipping receipts, among other documents.

"It's more document-oriented than it is an analysis of soils," Nesbit said.

Nesbit emphasized that Cotter's contractors will need to verify the information with testing at West Lake. "The question right now is what is it and does it have any environmental impact?"

He added there's no indication now that it does have an environmental impact.

Nesbit referred specific questions on the type, location and source of the possible waste to Cotter, which did not immediately have a representative available to speak about the issue.

The presence of new waste could justify shifting oversight of the contaminated West Lake Landfill from the EPA to the corps' FUSRAP, the St. Louis area's Congressional delegation said in a Friday letter to DOE Secretary Ernest Moniz.

"We understand that in making its initial determination, that the West Lake site did not qualify for inclusion in the (FUSRAP), DOE relied upon the fact that an intermediate commercial entity, Cotter Corporation, had purchased the radiological material that was placed at the West Lake and that therefore it had not been under the direct control of DOE or its precursors," the letter states.

The letter from Missouri's two senators, Republican Roy Blunt and Democrat Claire McCaskill, and U.S. Reps. William Lacy Clay, D-St. Louis, and Ann Wagner, R-Ballwin, goes on to say that new waste from non-Cotter sources "may be present" at West Lake and Bridgeton landfills. Some of it may be "material that was possibly under the jurisdiction of DOE and its precursors when it was" dumped.

"Should such material in fact be present, a renewed inquiry into the sites (sic) inclusion in the FUSRAP would be merited," the letter says.

The DOE declined to comment.

Representatives from the Congressional offices said they had no further details or did not respond to Post-Dispatch inquiries for more information about the waste.

The EPA declined to comment beyond an emailed statement: "If any party has credible scientific information about material in the landfill that can be

independently and scientifically verified, EPA will welcome the opportunity to review it."

EPA has promised to issue a plan around the end of 2016, before the agency's top ranks are shaken up by a new presidential administration. In 2008, it recommended capping the waste, but outcry from residents who wanted it removed sent it back to the drawing board.

West Lake was never included in FUSRAP, originally a DOE program that is now operated by the corps. Instead, it was put under EPA jurisdiction in 1990. Nearby residents complain the EPA process doesn't have enough teeth and that they've been waiting for EPA to act for 25 years.

"I'm very encouraged," said Dawn Chapman, one of the local activists who has long followed the issue. "I think we're going to get this moved to FUSRAP."

Republic seemed to suggest such a move would slow the process. The potentially responsible parties "have complied with every EPA study request for decades" Republic Services spokesman Richard Callow said in a statement.

Ha!

"To start the process over just because a few people don't like the answer science provides seems a waste and unreasonable as a delay," he said. Callow declined to comment further.

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Tags United States Army Corps Of Engineers, Waste, Department Of Energy, West Lake, Environmental Protection Agency, Radioactive Waste, Fusrap, Hazardous Waste, Landfills In The United States, Landfill, Superfund, Ernest Moniz, Roy Blunt, Claire Mccaskill, Uranium Producer

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Overcast

Exelon: waste from Mallinckrodt downtown site shipped to West Lake

July 23, 2015 11:00 pm • By Jacob Barker 22

Exterior shot showing a section of the West Lake landfill Tuesday March 13, 2012, in Bridgeton. The EPA is assessing whether to stick to a 2008 plan to leave tons of Cold War era radioactive waste buried at the West Lake landfill or shift plans and excavate it. Photo by Laurie Skrivan, lskrivan@post-dispatch.com

(1) More Photos

Silent on the issue for years, one of the companies potentially liable for contamination at the West Lake Landfill has suddenly gone public in its push for additional testing at the Bridgeton site.

Chicago-based utility company Exelon says it has new information indicating some of the waste in West Lake could have come directly from a downtown St. Louis campus where uranium and other radioactive materials were processed by Mallinckrodt chemical works.

Further, the small amount of waste could have been transported to West Lake against Mallinckrodt's wishes — by a company now owned by a subsidiary of West Lake owner Republic Services.

If tests show new waste from Mallinckrodt at West Lake — and it actually turns out to be radioactive or hazardous — it could shift liability between Exelon and Republic as they look to divvy up a West Lake cleanup tab that could run into the hundreds of millions of dollars. Exelon's new testing requests could delay the Environmental Protection Agency's final cleanup decision.

Exelon's entry into the fray of West Lake has also laid bare disagreements between it and Republic in the approach to an expensive cleanup that has become increasingly political.

John McGahren, an attorney representing Exelon, provided the Post-Dispatch with a 1995 Mallinckrodt response to the EPA admitting that 20 cubic yards of "nonhazardous building demolition debris" was "mistakenly" taken to West Lake by Able Industries, which operated as Johnny on the Spot.

A local business registered as Johnny on the Spot, which has the same address as Able Industries, is owned by CWI of Missouri Inc., a Republic subsidiary.

"The disposal of this material in the West Lake Landfill was not approved by Mallinckrodt — the Browning Ferris Industries Missouri Pass Landfill in Maryland Heights, Missouri, was the disposal facility designated and approved by Mallinckrodt for receipt of this material," Mallinckrodt

Calls mount for Corps of Engineers to take over West Lake

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Congressional delegation asks U.S. Department of Energy to look into putting Corps of Engineers in charge of radioactively contaminated landfill.

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attorney Cathleen Bumb wrote.

"It is unknown by Mallinckrodt why Able Industries ... transported the material to the West Lake Landfill," Bumb wrote in the 1995 letter to EPA.

EPA records only definitively say that leached barium sulfate from processing activities is in the landfill. It was illegally dumped there by a contractor for uranium producer Cotter Corp. in 1973. Cotter had bought the waste for reprocessing, and Exelon retained Cotter's pollution liability after it sold the company in 2000.

Now, McGahren says his client wants additional testing to confirm what the document says.

"It's well documented the materials that Cotter handled, which was leached barium sulfate, but we proposed additional testing in the areas with the highest concentration of radionuclides," he said.

Some residents and activists have long called for more testing of a site some say could have more radioactive material than the government has ever acknowledged.

McGahren said his clients believe that Cotter's material is only in one portion of the contaminated area under EPA's authority. They have proposed testing there and in other areas to confirm that some of the material "predates Cotter."

"We want to know because I think the public is insisting on knowing, what's in the landfill," McGahren said. "What we want to do is further testing to demonstrate that the material does not leach, that's its inert, and that it's safe to be capped and contained in the landfill."

He said there's no reason to believe the material is unstable or unsafe and the testing would demonstrate that.

Until now, Republic has been the lead on much of the site testing and it has cautioned that new testing could slow down the process as EPA nears a cleanup decision, possibly at the end of 2016. Republic spokesman Richard Callow questioned the relevance of the new document.

"The basis for Mr. McGahren's argument is nonhazardous demolition waste sent to a landfill in 1995 — decades into the decommissioning of Mallinckrodt and the investigation of West Lake," Callow said in a statement. "And, EPA was made aware of it at the time — 2 decades ago — and has never found it relevant."

It's unclear what the material is or if it's dangerous. The 20 cubic yards detailed in the report is described as nonhazardous, but Mallinckrodt also says that "no analysis was performed to this load of demolition debris."

At the same time, the invoice says the waste was going to be sent to a local landfill anyway, just in Maryland Heights instead of Bridgeton. Yet, it came from a Mallinckrodt building that was listed in cleanup documents with the Nuclear Regulatory Commission.

The additional testing could strengthen a link between some landfill waste and Republic, possibly shifting more costs of a final cleanup to the waste operator. It also could provide a stronger link to the Department of Energy, the third party EPA considers potentially liable for West Lake cleanup.

McGahren said EPA would allow Exelon's requested testing after Republic and the DOE agreed, but his client does not yet have access to the site.

Republic, in response to a Post-Dispatch inquiry, provided a letter from one of their attorneys to McGahren that says it would allow the testing subject to its final approval of a plan.

"Despite our disagreement with Exelon's sampling proposal, and in the spirit of expeditiously moving toward (an EPA resolution), we feel there is little to be gained by preventing your inexplicably aggressive one-off push for additional data that EPA concedes 'may provide some additional insight' into site conditions," Republic's attorney, William Beck of Lathrop and Gage, wrote.

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2015 PULITZER PRIZE WINNER

69°
Overcast

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Army Corps confirms radioactive contamination in yards by Coldwater Creek

2 hours ago • By Jacob Barker 4

1/7/04: Coldwater Creek overflowed its banks Sunday, running onto the St. Louis Airport Site near Banshee and McDonnell Douglas Blvd. The area is now frozen over and work has been suspended until it thaws. It will then be refilled with fill from a quarry. Work continued Wednesday as laborers fill train cars with contaminated earth on the site. PHOTO BY KAREN ELSHOUT

(1) More Photos

New documentary walks viewers through St. Louis' nuclear history

Filmmaker focuses on the factory workers exposed to radiation Read more

Army Corps finds 'low-level' radioactive contamination in two parks along Coldwater Creek

St. Cin and Duchesne Parks along Coldwater Creek will be cleaned up over the next four months. Read more

HAZELWOOD • Officials in charge of cleaning up pollution left over from the country's early nuclear weapons program say there's radioactive contamination in several residential yards that back up to Coldwater Creek.

The Army Corps of Engineers confirmed Wednesday that it had discovered what it described as "low-level" radioactive contamination from thorium 230, a uranium decay product. It has likely been on the properties for decades, carried by a creek that flows through several miles of subdivisions in north St. Louis County.

It is the first time in more than 15 years of Corps-directed cleanups in the region that the government has confirmed radioactive contamination on residential properties.

"We've spoken with those homeowners and let them know what we're dealing with and what the risk is," said Corps spokesman Mike Petersen. "We have discovered it in backyards, which is not too surprising based on what we've found along Coldwater Creek. There's a lot of this contamination that has spread over the years."

Petersen said he did not have an exact number of properties with confirmed contamination because some samples are still being validated. Where it has been found, it's several inches under the soil surface and isn't dangerous unless it is exposed.

"In the near term, it's low risk," he said. "We've told them don't dig, we're going to come out and restore the ground with clean fill soil."

Most of the affected properties are along Palm Drive, located in a subdivision just northeast of Lindbergh Boulevard and Interstate 270. The Corps is still testing there, Petersen said, and it plans to begin testing properties along Alma Drive, St. Cin Lane and Foxtree Drive nearby.

It could be months before the Corps cleans up the properties because of other contaminated sites and limited federal funds.

For more than 15 years, the Corps has been remediating

Coldwater Creek, which was contaminated with uranium processing waste stored at sites near Lambert-St. Louis International Airport. The Corps is also cleaning up a site north of downtown St. Louis where Mallinckrodt, a former chemical company that now makes medical products, used to process uranium for the Manhattan Project and the early nuclear program.

"We have not had confirmation that we actually had radionuclides in people's backyards," said Jenell Wright, who lived in the area near the creek for almost 30 years and sits on a panel overseeing the cleanup. "This is massive."

But she and others who have pushed for more testing along the creek's floodplain aren't surprised.

"We were hoping maybe they would prove us wrong," Wright said. "Unfortunately our worst fears are being confirmed."

The Corps operates the Formerly Utilized Remedial Action Program, or FUSRAP, to identify and remove radioactive waste from the early nuclear weapons program. It has identified radioactive contamination on private commercial property near the airport, but this is the first time it has found contamination on residential properties.

"It's alarming for a lot of homeowners," Petersen said. "We've been working on this project since 1997 and a lot of folks don't know it because it wasn't literally in their backyard."

The Corps says it has removed the source of the contamination from a site near the airport, where the government allowed uranium processing waste to be stored. It plans to follow Coldwater Creek all the way to the Missouri River looking for contamination that spread during flooding.

In late June, the Corps told Hazelwood residents it had identified contamination in St. Cin Park, a portion of Duchesne Park and some Archdiocese property adjacent to St. Ferdinand Cemetery.

It is in the process of cleaning up St. Cin Park and Petersen said it will move on to cleaning up residential yards after that. It could be nearly the end of the year before work starts, though Petersen said he wasn't sure on timing.

Petersen said the Corps understands that "it sounds very alarming" when Corps representatives tell homeowners parts of their yards are radioactively contaminated. But he said "there's nothing on the surface that we've found" that would pose a high risk.

"We've taken the homeowners out and shown them where we've found it so they know," he said.

Wright noted that when Coldwater Creek flooded while she was growing up, it would cause sewer backups into people's basements, and she suspects some contamination could have entered there. She also noted that development in the area may have moved contamination beyond the creek's floodplain.

She and others have begun tracking cancer rates in former residents, and she said two of her friends recently died. One was in his 40s.

All of this work was not in the original FUSRAP cleanup budget, Wright said. As the Corps continues to test more property along the creek and follow the trail of radiation, she said Congress needs to step up with more funding. The Corps is doing a good job, she said, but a backlog of cleanup projects could continue to grow without the budget.

"We have a huge problem," she said. "They understand they're at the tip of the iceberg."

The Corps will host a meeting at 6 p.m. Thursday at the Hazelwood Civic Center East at 8969 Dunn Road to discuss the cleanup. St. Louis County Health Department Director Faisal Khan is also expected to update residents on a cancer survey his department is conducting.

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Tags United States Army Corps Of Engineers, Greater St. Louis, Flood, Radioactive Contamination, Missouri River, Army Corps, Mike Petersen, Coldwater Creek, Radioactive Waste, Uranium Decay Product, Mallinckrodt, Manhattan Project, St. Ferdinand Cemetery, St. Louis, Lambert-st. Louis

2004

Colorado Department of Public Health And Environment
Hazardous Materials & Waste Management
4300 Cherry Creek Drive South HMWMD-B2-ADM
Denver CO 80246-1530 Mail Code: RM3210

Colorado Department of Public Health and Environment

DENVER
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TONY BELASKI
734 EVELYN DRIVE
CANON CITY, CO 81212

Lincoln Park Citizens' Update

Colorado Department of Public Health and Environment

EPA

Vol. 14, No.1
April 2004

Public Meeting Scheduled for Tuesday, May 11, 2004

Who: Colorado Department of Public Health and Environment & U.S. EPA
What: 1. To update citizens on Lincoln Park Superfund remedial activities
2. To update the status of the Natural Resource Damages projects

Where: Quality Inn, Canon City

When: **Tuesday, May 11, 2004 7:00-9:00 p.m.**

CO STATE OFFICE
SEP 14 AM 7:42

Public Meeting Scheduled for Thursday, May 20, 2004

Who: Colorado Department of Public Health and Environment
What: Informal Licensing meeting for additional questions and input
Where: Quality Inn, Canon City

When: **Thursday, May 20, 2004 6:30-9:00 p.m.**
This will not be a formal hearing, but an additional chance for citizens to provide input as the Colorado Department of Public Health and Environment reviews Cotter Corporation's operating license application.

Permeable Reactive Treatment Wall (PRTW)

A permeable reactive treatment wall (PRTW) was installed in June 2000 below the Soil Conservation Service (SCS) Dam to filter out residual uranium and molybdenum from ground water. The system was installed to remove contaminants from up to three gallons per minute that passed by the clay barrier built in 1988. The hydrologic clay barrier stops more than ninety percent of the contaminated ground water from entering Lincoln Park and pumps it back to the impoundment.

Since the Old Tailings Ponds were removed in 1982, there is no longer a large source feeding metals into the ground water. However, residual ground water contamination remains.

The treatment wall system operates by straining water through a wall of iron filings, much the way a home disposable furnace filter cleans air in your home. Both upgradient and downgradient ground water shows uranium and molybdenum levels are declining over time.

For the first two years the system worked well, reducing the uranium by 99% and the molybdenum by approximately 50%. However, based on an annual Environmental and Occupational Performance Report and ALARA Review from Cotter received June 30, 2004, the system had stopped allowing water to pass through it.

To insure that no contaminated water enters Lincoln Park, Cotter is pumping the water from behind the PRTW back to the Primary Impoundment while the problem is being studied by Cotter, the EPA and CDPHE. From this pumping we have learned that less than one gallon per minute is passing the clay barrier at the Soil Conservation Service dam.

This treatment wall technology is in use at more than 90 locations around the US and Canada, including at Rocky Flats and the Denver Federal Center in Lakewood. The purpose of these is to remove solvents in ground water. This system is also used at several other sites specifically to remove metals and uranium. Many of these treatment walls are having some blockage problems.

The U. S. EPA initiated a teleconference of technical staff from the U.S. Department of Energy and EPA to share information and experience, hoping to find a way to rehabilitate the wall. Lincoln Park program manager Phil Stoffey is participating in those conference calls. In addition, the state, EPA and Cotter met in early April to discuss what else, if anything, Cotter will do to enhance the effectiveness of the treatment wall, or if other technologies should be reconsidered.

Natural Resource Damage Project Update by Jim Hoar, Cañon City Area Recreation and Parks District

These funds have been provided by Cotter Corporation as part of the Superfund site settlement agreement. The local work group, made up of representatives from the Cañon City Area Recreation and Park District, Fremont County, City of Canon City and the Town of Brookside received approval for Phase I funding amounting to $1,153,500 for local projects they had recommended to the Trustees:

- Doug Benevento, Executive Director of the Colorado Department of Public Health and Environment;
- Ken Salazar, Attorney General of the State of Colorado;
- Ronald W. Cattany, Director of the Division of Minerals and Geology, to whom the executive director of the Colorado Department of Natural Resources has delegated his trustee duties.

Property purchases completed to date amount to approximately 170 acres and total $755,000. DHM of Denver, a planning and design firm, was awarded the contract for the new regional sports park/county events center facility.

The Wildlife Enhancement Project work continues in John Griffin Regional Park. The restoration of the Phelps Irrigation ditch is substantially completed with the new pump and pipeline system in place and working. Recreation District crews are busy extending the earthen ditches, removing invasive weeds and tree species such as Tamarisk and Russian Olive and removing unnatural debris from the park.

Phase I of the trail extension projects has been completed and opened. Natural Resource Damage funds were utilized to provide riverbank stabilization along the Arkansas River next to the new trail. The approved street improvement project to Sell Avenue is scheduled to start construction in April. Natural Resource Damage project funding expended to date totals $78,473.

The completed property acquisitions and projects represent 72% of the approved Phase I funding. Additional approved matching grant funding to date totals $917,000, including those from Great Outdoors Colorado, Colorado Department of

Transportation and foundation funding. Local government contributions to date total $190,000 in matching funds or in-kind services. It is anticipated that the Phase II process will start this summer, leading to the award of the approximately $1 million remaining in the Natural Resource Damage Fund. Web information is still on schedule to be posted sometime this summer.

Web Site Update

The state health department team who work on Cotter issues met in early April to review the Cotter web page on our web site www.cdphe.state.co.us/hm/cotter.cotterhom

We have made what we hope are some improvements to get you more directly to things that interest you. We are in the process of updating the site description, and including plume maps for the Lincoln Park area. Access to site data on the web is on schedule for this summer.

We are also routinely asking entities who send us reports to submit them both hard copy and electronic format, and we are requesting that the electronic versions are broken up into chunks so that they don't overwhelm some computers. If you are interested in reading something that we receive that you don't see on the web, please call Marion Galant at 1-888-569-1831, extension 3304, and she will see if we have an electronic copy to make available.

Radioactive Materials License Renewal

Review of the application by the state is proceeding. State staff have reviewed most parts of the application and have submitted Requests For Information (RFIs) to Cotter requesting additional data or missing portions of documents. Submittals and RFIs are posted on the state Cotter document web site, where a tracking system also identifies new submittals and RFIs for each portion of the application. The state objective is to have a completed review and any final RFIs completed by May 15, so that all information will be received before the end of June. The state then will draft a decision analysis and preliminary license by December 14, 2004.

Two technical work groups continue to meet to develop greater detail for the approach to decommissioning of the site and for the development of better estimates of financial surety required in the renewed license. Results of each work group are captured in meeting minutes posted on the web site.

The Fremont County Commissioners' consultants completed their review of the environmental assessment portion of the application, and this document and a cover letter was transmitted to the Department on March 19. The state's information request related to the socioeconomic analysis and cost/benefit portions of the application was submitted to Cotter on April 2.

Cotter attorneys continue to press their lawsuit asking the court to force the state health department to grant approval for acceptance of the Maywood soils. The health department contends that the Maywood soils question is best addressed in the license renewal.

A public meeting to take additional comments or ask questions is set for Thursday, Mary 20, 2004 at the Quality Inn at 6:30-9:00 p.m. This meeting is in addition to the two required public hearings held earlier.

Results of the Cañon City Lead Study

The Environmental Protection Agency has recently prepared a Data Compilation Report to review historic data pertinent to the evaluation of lead in the Cañon City area.

A review of historical files identified six different smelting and milling operations that were located in the area at some time. Of these, three appear to have been smaller facilities that ceased operations in either the late 19th or early 20th century. No

site investigations or cleanups were conducted on these three facilities.

The remaining facilities have had numerous environmental investigations and sampling efforts over the last 20 years. As a result, cleanups have been performed at College of the Canons and U.S. Smelter. Following clean-up activities, lead concentrations at the facilities were shown to be below action levels..

Samples taken by CDPHE as part of testing for plutonium last winter did not detect significant levels of lead on the Cotter property.

Of the 244 soil samples collected from the Lincoln Park residential area, four contained lead at concentrations greater than 500ppm, and one had a concentration greater than 1000ppm. Based on these results, there is no evidence of widespread soil lead problems in the area, and no further action is expected regarding community soils.

Although there is evidence of elevated lead in attic dust, there are no programs at EPA or CDPHE with the authority to perform in-home cleanups. The cause of these elevated levels of dust in attics remains unknown.

The public is encouraged to review and comment on the Data Compilation Report. Comments will be accepted by the EPA until June 15, 2004. The document is on the EPA web site at **www.epa.gov/region8/superfund/sites/co/lincpark** The EPA will respond to comments in a Responsiveness Summary to be appended to the report.

2015 SEP 14 AM 7:42
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CO STATE OFFICE
COSO

FOR MORE INFORMATION, CONTACT:	
Colorado Department of Public Health and Environment Hazardous Materials and Waste Management Division Radiation Management Unit 4300 Cherry Creek South Denver, Colorado 80246-1530 (303) 692-3300 http://www.cdphe.state.co.us/lr/rs/li_hom.asp Phil Stoffey, Project Manager (303) 692-3452 Toll Free: 1-888-569-1831, Extension 3452 E-mail: phil.stoffey@state.co.us Phil Egidi, Radioactive Materials Licensing Lead (303) 692-3447 Toll Free: 1-888-569-1831, Extension 3447 E-mail: phil.egidi@state.co.us Marion Galant, Community Involvement Manager (303) 692-3304 Toll Free: 1-888-569-1831, Extension 3304 E-mail: marion.galant@state.co.us	**U.S. Environmental Protection Agency** 999 18th Street Suite 500 Denver, Colorado 80202 1-800-227-8917 (toll free) Rebecca Thomas, Remedial Project Manager (303) 312-6552 Toll Free: 1-800-227-8917, Extension 6552 E-mail: thomas.rebecca@epamail.epa.gov Ted Linnert Community Involvement Coordinator (303) 312-6119 Toll Free: 1-800-227-8917, Extension 6119 E-mail: linnert.ted@epa.gov

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Small FR Box includes $50.00 insurance			
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%% USPS Tracking #: 9505 5000 2185 4260 0001 16			
Issue Postage:			$5.95
$5.95 Stamp	1	$5.95	$5.95
Total:			$11.90
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Meghan Belaski <meghanbelaski@gmail.com>

EPA-HQ-OW-2011-0880

23 messages

Meghan Belaski <meghanbelaski@gmail.com> Fri, Nov 14, 2014 at 3:07 PM
To: ow-docket@epa.gov

2015 SEP 14 AM 7:42
001-PH-H
CO STATE OFFICE

- WOTUS1.pdf
- WOTUS2.pdf
- WOTUS3.pdf
- WOTUS4.pdf
- WOTUS5.pdf
- WOTUS6.pdf
- WOTUS7.pdf

Please take the following 7 attachments, including various newspaper articles, internet sources with attached website references, and Google and Bing maps, as my public statement to the critical and necessary role of why the EPA and the Army Corps of Engineers must address Waters Of The US for the health of our environment and not the health of the wealthiest in the world.

Our "1000 year" flood event in September 2013 made everything navigable. Please see photos.

The NRC Agreement state status held by Colorado since the 1960's, and the announcement by US Defense Secretary, Chuck Hagel, today, November 14, 2014, regarding the fragile state of our US nuclear military infrastructure, is somewhat related to the WOTUS issues I've raised in this public comment to the EPA, and I would like all 7 WOTUS attachments to this email made public at this time.

I would also like the Department of Health and Environment and the Department of Natural Resources for the State of Colorado to explain to the public, and hopefully a DOJ prosecutor, how state and federal employees, some elected, some appointed, with privileged information related to the security of our country, can seemingly years later use the privileged information to benefit financially.

A big thanks to the State of Colorado for looking the other way all these years. Hope I get the chance to pay it forward to you someday. All of it.

Sincerely,

Meghan Belaski

From: **Meghan Belaski**
Subject: Additional Information
Date: January 28, 2015 at 2:10 PM
To: scheduling@warren.senate.gov

Good afternoon,

2015 SEP 14 AM 7:42
CO STATE OFF OF

I sent 3 attachments the other day regarding some activity in Colorado that I believe your office would be interested in, as well as a request to meet with Senator Warren regarding steps I intend to take as a private citizen, and the ones I believe are worthy of a Congressional investigation.

I wanted to direct the attention of Senator Warren's staff to the fact that the Nuclear Regulatory Commission should be investigated for corruption and conflict of interest in consistently failing to report legally required disclosures to the public regarding toxic and hazardous waste release and contamination, possible criminal cover-up of nuclear power plant/milling infrastructure deficiencies, and for failing to revoke Agreement State Status from states like Colorado that have never been forthright with the public.

Colorado is responsible for protecting the public health and well-being under its Agreement State Status all while permitting and licensing the entities they collude with behind the scenes that are the worst offenders. NRC's response to my public comment on Cotter's proposed settlement, and the approx. 350 pages of documentation I sent in September 2014, to the Senate Sub-Committee for the Superfund for the Majority (at the time), as well as the NRC, regarding Cotter in Canon City, CO, bears witness of the failure of the NRC to continue allowing Colorado to maintain an Agreement State Status. This status should be revoked as soon as possible and without delay as lives are literally at stake.

Additionally, The State of Colorado needs to be investigated for multiple offenses. Because of some of these offenses, I am seriously considering challenging the Supreme Court *Citizens United* decision and may consider asking for a reversal of decision based on the fact that elected officials from the State of Colorado, who received a "benefit" from one of the same entities who committed fraud on my property, have corrupted the process and turned Colorado into something that

resembles RICO run enterprise that has unjustly robbed me of my constitutional rights to due process, personal property rights, and an expectation that once I have petitioned my government for a redress of my grievances, I could expect a result according to the law.

That never happened. I complained multiple times in writing, by phone, and in person to the Attorney General for Colorado and never heard a word otherwise. How is it that the CFPB can have the same material in "litigation assessment", receive an RMBS acknowledgement letter from the SEC OWB, yet never hear another word from the State of Colorado about the same issues? It's not possible. Colorado and its interests failed.

Because the State of Colorado Departments of Health and Environment and Division of Natural Resources have been corrupted by nepotism, favoritism and insider "trading" information, a decision to revoke the Agreement State Status Colorado currently maintains would be the ultimate loss to the criminal enterprise that is running my state. And I should know. My dad was federal prison warden and my mom a SIS officer at the SuperMax Federal Prison in Colorado when she retired. I know criminals and these people are criminals no doubt.

Colorado is playing fast and loose with the health and environmental responsibilities it has as an Agreement State, and public safety is at stake from the corrupted relationship it has with the uranium industry it oversees for Colorado. The Halliburton Loophole seems as if was designed to cover up the fact that the toxins in the fracking fluids we are all focused on are actually already in the ground and groundwater. The industry "proprietary secrets" mantra is a red herring to keep the truth buried; the toxins are already buried or in the groundwater from years of nuclear testing, missile silo sites, and nuclear power generation from the "cradle to the grave" activity, including improper nuclear and hazardous waste disposal they now intend to take advantage of using in-situ uranium mining. This is no accident. They knew for a long time what they were doing and appear to have intentionally polluted the groundwater in certain places in Weld County in order to extract the uranium from it later. Much later.

2015 SEP 14 AM 7:4
CO STATE

I've included a few more details that I think the staff for Senator Warren might enjoy. I can't say 100% for sure that there is a connection in the images I've sent with this attachment, but the similarity is uncanny. Senator Warren should find out if the Republicans know why the Keystone Pipeline seems to follow the same path...

Thanks again,

Meghan Belaski

2015 SEP 14 AM 7:43
CO STATE OFFICE

DOI-BLM
CO STATE OFFICE
2015 SEP 14 AM 7:43

Gmail

Meghan Belaski <meghanbelaski@gmail.com>

CDPHE Plutonium disclosure failure

1 message

Meghan Belaski <meghanbelaski@gmail.com> Thu, Feb 5, 2015 at 1:12 PM
To: Wendy Highby <weldairandwater@gmail.com>

Hello,

I sent some documents the other day related to the proposed changes of Waters of the US and their particular relevance in Weld County. I apologize for a few typos in my emails...I have been really sick the past several days and on cold medicine which is not a good combination with a rage fueled fury.

You may wonder about my intent asking for a Congressional investigation into the role of the CDPHE and the NRC in perpetrating environmental fraud in Colorado and the basis for my allegations other than sending you my WOTUS documents which are obviously vague.

There are 2 attachments to this email related to the failure of the CDPHE and NRC to acknowledge or investigate testimony under oath and scientific evidence indicating that illegal and criminal plutonium incineration occurred under the watch of the CDPHE and NRC at the Cotter Superfund site in Canon City, CO several years ago. Unfortunately for all of us plutonium has a half life of way longer than you or I.

I mentioned my father was a retired federal prison warden that helped lead a fairly effective fight against Cotter until his own lung cancer diagnosis in late 2003. The 2 attachments to this email are the basis for my contempt and disdain for the CDPHE, and why the NRC response to the documentation and my request to them in November 2014, is inappropriate and negligent and further evidence of an ethically questionable relationship between the NRC and Colorado that must not be ignored any longer considering what is now happening in Weld County.

In combination with the documents I've made public to the EPA and WOTUS, as well as the documents I recently made public for the proposed Cotter settlement, it does not take too much digging in public records to find the connections between the decades of activity in Canon City at the Cotter site, with the decades of activity in Weld County, sometimes by the very same entities at the very same times, and the role of Colorado as an Agreement State as licensed by the NRC since 1968.

As some of you know, some radioactive waste is deemed "construction waste", and is purposely meant to evade public scrutiny of radioactive waste "remediation", handling and disposal. And that Weld County certainly received aquifer exemptions for fracking wastewater disposal in Greeley in 2011 and 2012. Near the poorest people on earth. Literally. By the homes that many of the refugee families from East Africa and Burma are living in. It's highly questionable that no one from the public protested the COGCC's request for the aquifer exemption to the EPA. It's statistically impossible and should be publicly questioned by organizations like yours.

The CDPHE is a gatekeeper entity for oil, gas and the nuclear industry, and have failed time and time again to protect the citizens of Colorado per their simple job descriptions. These attached plutonium documents say it all. My dad has often said he thought the State of Colorado was invested in backroom deals with Cotter, and thought it was indicative of criminal activity, he just couldn't prove it back then and then he got sick.

Please pay attention to: Severance drinking water 2011-2012. Why did the CDPHE only do 1 SAMPLE when the MCL for the 1 SAMPLE indicated that it had met the recommended level for the MCL in radiation exposure from the surface water? Wouldn't that result alone demand additional tests be run?

How does a non-tributary "closed loop" water right terminate in the Poudre River per the 2006 Town of Windsor development plan via the Halliburton facility at the old Kodak Great Western site?

Did you notice any discrepancies in the reported townships, sections, range, PM etc.?

Are you aware that old Army Corp of Engineers documents indicate that there is a closed loop groundwater system that is oversaturated at the surface in several areas that appears to run underground at the Atlas 12 missile site across the Poudre river in Windsor? Flows several miles NE per the Army Corps records. FYI-I heard a rumor from a very good source that the high end homes to the north of Severance, just off to the right before HWY 14, and just a little south of the Black Hollow Reservoir, have had "flooding" problems for over a year now and that all of the ditch managers and engineers have come out and said it's not their issue, and no one can determine where the water is coming from...

That's all I can offer at this time...best of luck to you Weld Air and Water Folks! Let me know if you need anything at all. Thanks again for your hard work.

All the Best,

Meghan Belaski

CDPHE PLUTONIUM 1.pdf
12152K

DOI-BLM
CO STATE OFFICE
COSO
2015 SEP 14 AM 7:43

From: **Meghan Belaski**
Subject: "CO2 WELLS" FW: CDPHE's Plutonium Problem
Date: March 11, 2015 at 4:53 PM
To: RGFO_Comments@blm.gov

Good day,

I am writing briefly to ask the BLM to deny any current or future permitting to any party seeking to tap any type of " CO2 wells" for energy production in Colorado at this time. It seems the State of Colorado cannot handle its past or current responsibilities regarding public health and environmental stewardship, and certainly could not meet the demands of the responsibilities that come along with CO2 sequestration, now, or in the future.

Per NASA, the 4 Corners area near Durango, Colorado, currently has a massive methane cloud the size of Delaware situated right near where some of these proposed CO2 sequestration wells/pipelines will likely sit. This haphazard proposal will only make things worse as far as air quality and water quality are concerned. And we cannot afford anymore toxins in our air, water, soil, rocks and bodies in Colorado. We're overwhelmed already.

Colorado is 1 of 5 states in US that has recently been reported to have some of the highest levels of toxic and poisonous gases emitting from the wells linked to hydraulic fracturing in Western and Northern Colorado. Hundreds of dangerous "high priority" wells in Colorado have never been inspected by the same regulators charged with overseeing the activities associated with CO2 capture here in Colorado.

Lastly, I am forwarding 2 emails I recently sent to a legislative aide to the speaker of the house here in Colorado. I have been researching these issues for some time now based on personal experiences with the CDPHE and the Superfund facility in Canon City, Colorado, as well as the FUDS sites in Northern Colorado. These emails were intended to be a one-on-one dialogue between the recipient and myself, but at this time, I could give a rat's ass considering the implications. These people are either so clever they think they'll never get caught, as they always have a plan C, or are so narcissistic they have blinded themselves with their nepotistic and inbred ambitions, and cannot see clearly anymore. Clearly.

Please read the attached documents regarding plutonium incineration and contamination in Canon City, Colorado, that indicated a background 10,000 times higher than the average fallout ratio worldwide. Much of this was deposited in the mountains near Westcliffe and near the proposed CO2 well site in Gardner, Colorado. Given the half-life of plutonium in soil, one must ask what else these bastards intend to sequester.

Thank you kindly,

2015 SEP 14 AM 7:43
CO STATE OFFICE

From: Meghan Belaski
Subject: FW: Plutonium Problem cont.
Date: March 11, 2015 at 4:54 PM
To: RGFO_Comments@blm.gov

From: Meghan Belaski
Sent: 2/26/2015 1:20 PM
To: Todd Faulkenberry
Subject: Plutonium Problem cont.

The Colorado Department of Health and Environment is a bad actor. Likely a criminal one too. They have never been forthright with the public (for a reason) and were willing to lie about plutonium incineration in Canon City (for a reason). There is some rampant nepotism at work in these circles. FYI...and the same applies to the fracking "regulation" and "oversight" in Colorado. The Colorado Department of Health is nothing more than an industry backed group that has the full authority as an Agreement State to oversee all nuclear materials handling and production.

NASA is a big part of the uranium/plutonium conundrum too, as is Russia. Think about the private space industry groups here in Colorado and what their future plans entail; includes a private spaceport launch facility right near DIA. When you get a chance check out the creepy DIA conspiracy theories and actual landmarks and paintings at DIA...WTF? I especially like the time capsule that the "New World Order" Airport Commission and Lockheed Martin buried inside the terminal and will open in 2094. Good times.

2015 SEP 14 AM 7:43
CO STATE OFFICE

From: **Meghan Belaski**
Subject: FW: Information
Date: March 12, 2015 at 1:35 PM
To: weldairandwater@gmail.com, intern_co@bennet.senate.gov, scheduling@warren.senate.gov, james_thompson@bennet.senate.gov

The info you all received from me some time ago was sent in its entirety recently to a helpful person by the name of Todd Faulkenberry in Speaker Hullinghorst's office. I believe he had a fairly strong grasp of the situation which also includes the SEC Office of the Whistleblower portion of the disclosure some of you knew about in fragmented pieces.

The whistleblower info I sent the SEC, DOJ and OIG for the EPA in early spring 2014, details oil and gas and water rights fraud attached to LIBOR rates on mortage notes through additions of fee simple estates added to appraisals for re-finances issued in the pre-crisis era. I know because I have oil, gas and water rights in Weld County. On the wrong rate for the note as it's publicly recorded today. That showed up in an appraisal. 10 years ago...

This was all non-public info I sent to the SEC in February 2014...and then the Commodities Futures Trading Commission in April 2014. Using my mortgage documents (which are vast) and recorded Weld County property records (which are shocking) I was able to rationalize that the Halliburton Loophole exists not to protect proprietary info about fracking fluids, but the already contaminated soil and groundwater that could be tapped via "fracking" for all kinds of radioactive materials and thusly explaining why the Navy, Halliburton, Chevron, Koch, Southland Corp. etc., were at or near my future address in the 1940's. And the connection of the activities in Weld County to the superfund disaster known as Cotter in Canon City, Colorado, is apparent in the announcement of the resignation of Tisha Schuller, the CEO of the Oil and Gas Industry Association in Colorado. Please see forwarded email below.

Anna in Colorado Springs from Senator Bennet's called last week and left a message that she would get in touch with me after she got back into town, but I would like you all to be aware of these issues now.

From: Meghan Belaski
Sent: 3/12/2015 12:38 PM
To: Todd Faulkenberry
Subject: Information

2015 SEP 14 AM 7:44
2014-BLM
CO STATE OFFICE

Hi Todd. It's Meghan Belaski. I hope you are well. I Sent you some info a couple of weeks ago. Do you have a direct phone number you could give me so we can catch up on a couple of things? I have some new info your office could raise publicly at this time, and probably should for the sake of public health and well-being.

It has to do with the current CEO of the Colorado Oil and Gas Industry Association resigning. Her name is Tisha Schuller. Look at her background and you will see a company called Greystone, and another called Tetra Tech she's worked for in the past. Both are significant government contractors. Tetra Tech has international development contracts with USAID.

Attached is a picture of a document I have in my possession related to the Cotter Corp., in Canon City, Colorado from 2003. It's the same company that hid plutonium incineration #'s from the public with the help of the CDPHE; forwarded in the documents I sent to you recently. My computer shut down so I have to send a pic for now. Apologies.

Please note in 2003 the company Greystone is listed as a contributor to the assessment for Cotter, as is a person named Shepard Miller. The address for Mr. Miller is the same address and suite # for Tetra Tech in Fort Collins today. This is not a coincidence. Neither is the fact that the "Miller's" are part of the nepotistic crew I mentioned before (it's literally "Miller Time"), or that Greystone is now called Arcadis, and is the same company currently bringing radioactive waste from out of state to the Weld County Landfill...that then flows from the landfill through a "ditch" called John Law, past a couple of odd fracking operations and then through the Halliburton Loophole/facility at the old Kodak site directly into the Poudre River. All of which pass through, under, and over, Formerly Used (nuclear) Defense Sites via the John Law and Loup Reservoir System.

I would like to hear what your thoughts are, and what, if anything, your office can do with the information I've sent you. Thanks again for your time.

Best,

Meghan Belaski

2015 SEP 14 AM 7:43
DOI-BLM
CO STATE OFFICE
CSO

From: **Meghan Belaski**
Subject: More Public Comments regarding Cotter aka GA aka Commonwealth Ed
Date: April 9, 2015 at 11:59 PM
To: jennifer.opila@state.co.us

Good Evening: April 9, 2015

2015 SEP 14 AM 7:43
001-BLM
CO STATE OFFICE

My name is Meghan Belaski. This is the 2nd time I have submitted public comments about Cotter and the CDPHE's plans for the future of Cotter.

Cotter and the CDPHE should be investigated for corruption and crimes against the citizens of Canon City. The decades long relationship upheld by the NRC's negligent oversight of the CDPHE and thus Cotter, has long fallen on deaf ears. I'm writing tonight to tell you that's about to change.

Any requests by Cotter or the CDPHE to minimize the liability they carry for failing Cotter employees and the citizens of Colorado year after year, and decade after decade, has more than offended my family at this point; we are fighting mad, and will see the proper price paid for the harm YOU have caused the people I am standing up for this evening. And the list grows longer by the day.

The NRC is equally responsible for the crimes that have occurred under the criminal misconduct of the CDPHE, and quite frankly, it is beyond comprehension that any of you should have any say in these decisions at all. The only thing most of you should be asking for a reduction of the sentences you will serve in federal prison for good behavior. And Warren...I don't care if you're taking this personally. You shouldn't have this job if you are taking these things personally. And it probably means you should be investigated for a conflict of interest if you are. What is being taken personally is the list of friends and family and strangers that grows by the day of those afflicted with cancer. In Canon City.

Hopefully some of you will be able to spend as many months in one of Canon's 13 prisons as it takes to become radiated to the point of merkel cell carcinoma, Diffuse large B cell lymphoma, lung cancer etc. And that's just my immediate family.

Here are a few more docs the FBI, SEC, DOJ and the OIG for the EPA received over a year ago when I turned you in for securities fraud. Enjoy...there are more coming...

DOI-BLM
CO STATE OFFICE
COSP-PUBLIC
2015 SEP 14 AM 7:43

From: **Meghan**
Subject: Mineral rights fraud in Weld County
Date: April 24, 2015 at 5:08 PM
To: attorney.general@state.co.us

Joining the lawsuit with North Dakota and Wyoming against the BLM is a waste of time and taxpayer money. What you should be concerned about is the fact you think Colorado regulators are doing a good job as is; that is patently false. They are criminals. And I can prove it. Starting with Robert Frick and Tischa Schuller.

I've been contacting the relevant regulatory authorities letting them know about the mineral and water rights fraud, in addition to the mortgage and foreclosure fraud that has occurred in Weld County on my property which includes the SEC Office of the Whistleblower, the Commodities Futures Trading Commission, The Office of the Inspector General for the EPA and the IG for the Nuclear Regulatory Commission as well as the Department of Justice Division of Natural Resources. Over a year ago. With thousands of pages of succinct and detailed documentation spelling out YEARS of fraud committed at the behest of the state and industry via the corrupted regulatory oversight you are calling "good enough" as is. What a joke. Without federal law in place in regards to fracking regulations, you take away the power of people like me to file false claims against entities like Bank of America, Halliburton, JP Morgan, the Towns of Winsdor and Severance, PDC Energy, the U.S. Navy, Colorado State University, Cotter, Military Veterans Affairs, the Broe Group, Great Western, PetroCanada, the JOHN LAW RESERVOIR GROUP, The State of Colorado, etc., etc...and that's just the oil, gas and uranium piece of the puzzle.

Wait until you hear how this is related to Weld County, WATERS OF THE US, and nuclear material. And my drinking water. That's what you should be spending taxpayer money on. Meeting the obligations the state can't even get straight now. Incomplete water records, oil and gas applications granted without the proper permitting information in place, 1 inspector for every 2000 wells is doing a good job? In places like Garfield County where over 200 high risk pollution wells have never been inspected? Dead babies and high rates of birth defects? Where oil and gas operators are required by law to remediate the land after a well is developed and we have thousands that have been abandoned? In what world is this doing a

2015 SEP 17 PM 3:50
DOI-BLM
CO STATE OFFICE

good job? This is ridiculous and there comes a point in time when false information delivered to the public becomes a criminal liability. That's where we are now. Your office is fighting a battle they won't win when it comes to the fracking rules and the BLM because I am prepared to sue your office for obstructing justice. Repeatedly. First with the mortgage and foreclosure fraud, and then in the royalty right and water rights and failing to uphold the letter of the law for years. Your state regulators are liabilities and it will not go unpunished that they operated a massive fraud against the citizens of Colorado.

I am just getting started. Been waiting to see how massively Colorado would screw this up and now I know. And I for one am not standing for it anymore and will see you all in a courtroom somewhere soon. Looking forward to finally telling my story to the public and asking for all of you to be removed from your positions of public service. You don't belong in public service. You belong in prison.

Sincerely,

Meghan Belaski

Sent from my iPhone

2015 SEP 14 AM 7:43
001-BLM
CO STATE OFFICE

DOI-BLM
CO STATE OFFICE
2015 SEP 14 AM 7:43

Meghan Belaski Ashe
1212 Southridge Dr.
Fort Collins, CO 80521

May 22, 2015

U.S. Department of the Interior
Bureau of Land Management
Ely District Office
Caliente Field Office
P.O. Box 237, Caliente, NV 89008
Attn: 2015 Oil & Gas Lease Sale

Dear Carisa Shilling and Chris Hanefeld,

I am writing today in response to the open public comment period that ends today, May 22, 2015, regarding the 2015 Oil & Gas Lease Sale in White Pine County, Nevada, through the BLM. At this time I would ask you to postpone or rescind the proposed lease sale in White Pine County due to the fact the Great Basin National Park lies within the boundaries of White Pine County, Nevada, is an endorheic or closed basin, so the watershed is both delicate and wild at the same time, and cannot afford the disruptions, pollution and contamination that occurs from oil and gas development, as well as in-situ uranium mining, atop of endorheic basins in places like White Pine County, Nevada.

The BLM should also be aware of the fact that their General Land Office Records for the BLM indicate that many White Pine County, Nevada, patents have not been checked against the Legal Land Patent records which are maintained by the National Archives and Records Administration in Washington, DC. Because I was in Washington, DC, last summer, I was able to look through a few tract books for White Pine County, Nevada, and found that a special exemption had been issued for White Pine County, Nevada, by the federal government, and seemed to indicate it was the only county in all of Nevada that had been issued this exemption.

The exemption was issued by the United States around the same time many of the reported clashes with the Native American Tribes and Mormon Pioneers in Utah and Nevada occurred, and some of those occurred around what is now the Great Basin National Park. The Legal Land Patent records should be verified further for accuracy due to the cultural and historic significance of the area that will most certainly be lost on the last wild landscape of the west to oil and gas development, and pollute the delicate basin as well.

Lastly, I would like to convey that Mary Tilford, one of the daughters of John and Sarah Tilford, was my grandmother. John and Sarah Tilford, as well as Boone and Mary (Cherry) Tilford, were pioneers of what is now the Great Basin National Park in White Pine County, Nevada. Mary Tilford was my dad's mom, and died in 1978 when I was 2 years old. This weekend my Great Aunt Elinor will be honored at the age of 99, the last living offspring of John and Sarah, with a

dedication in the Great Basin National Park, of cabin that was re-built by the park, to recognize the contribution of the Tilford family to the area in her honor. I could not be more thrilled for her as I know it is something she has been looking forward to for several years now.

2 years ago my husband and I decided to take Highway 50 home to Colorado from California so we could pass through this place called the Great Basin I had only visited 1 time as a teen, for 1 day with my dad in the 1990's. My dad knew very little of his roots, so I knew very little of his roots, and as I've grown older, I've felt the call to know why I am the way I am, and who I come from, and the best way I figured to do that, was to climb the tree, starting with the roots. In the past 2 years I have discovered much about the family I never knew, and admittedly, have been a bit confused by some of the discoveries as well, including the fact the Tilford offspring of Sarah and John Tilford are recognized as Native Americans on Tribal Rolls, as are their children (my dad), for the California Miwok of Northern California, through John Tilford, and are also direct descendants of a band of Mormon Pioneers with the Martin Handcart Co., through Sarah Tilford, or Sarah Overson, which was in direct contrast to the recorded history of the Native Americans and Mormons in Utah and Nevada during this time, and I would respectively request that the BLM postpone or rescind the 2015 Oil and Gas Lease Sale in White Pine County, Nevada, due to the environmental harms that will occur, and because my family deserves more time to research our history and protect the cultural, historical, and environmental treasures of this unique desert landscape. Thank you for your time and consideration.

Sincerely,

Meghan Belaski Ashe

2015 SEP 14 AM 7:43
DOI-BLM
CO STATE OFFICE
COSO

From: **US Forest Service** webmaster@fs.fed.us
Subject: No Subject
Date: June 23, 2015 at 2:14 PM
To: **Meghan Belaski** meghan.belaski@gmail.com

Thank you for contacting the Forest Service webmaster. Due to the high volume of email, you may not receive an immediate response. If your email asks for specific information, it may be referred to a subject matter expert for response. In that case, you may not receive a reply from this inbox, but rather from that of the subject matter expert. Please be sure your security settings are set to allow receipt of messages from fs.fed.us.

2015 SEP 14 AM 7:43
DOI-BLM
CO STATE OFFICE

This is an Automated Message, Please Do Not Reply.

Submitted on Tuesday, June 23, 2015 - 16:14

And they should be burning the Pawnee other, Nuclear contamination everywhere

Here is the information we received:

Name: Meghan Belaski
Email: meghan.belaski@gmail.com
Subject: Federal Firefighters
Comment/Questions: Hoping maybe the USDA could pipe in and suggest to states like mine, Colorado, that if they don't want federal rules for federal public lands in hydraulic fracturing operations, and want to sue the BLM on behalf of the oil and gas industry to prevent these rules from being enacted, then to say goodbye to the federal firefighting response on these public lands as well. The USDA needs to stand up for its firefighters and say enough is enough. No federal firefighter should be fighting fire on these public lands as an employee of the USDA if Colorado State does not want federal hydraulic rules in play. The oil and gas industry is using chemicals that are not publicy disclosed per the state laws. The federal rules would change that and give our wildland firefighters the safe disclosures they deserve. The USDA needs to step up to the plate and demand nothing less than full disclosure on these federal lands. Otherwise the USA may find our federal firefighters refusing to fight fires for all the right reasons in the future.

Gmail

Meghan Belaski <meghanbelaski@gmail.com>

Attention: OMB Control Number 1004-XXXX

4 messages

Meghan Belaski <meghanbelaski@gmail.com> Tue, Jul 21, 2015 at 11:12 AM
To: oira_docket@omb.eop.gov

2015 SEP 14 AM DOI-BLM CO STATE OFFICE

BLM 1989 Oil and Gas Updates.pdf

Good Morning,

I am writing today regarding updates to the proposed regulations to "ensure accurate measurement, accountability, and royalty payments for oil and gas production from Federal and Indian leases", with a BLM proposal release date of July 10, 2015. Please use this email, and attached documentation, as my public comment.

I certainly appreciate BLM's Director Neil Kornze's personal attention to this necessary update, and would like the BLM to use my public comment to help ensure these updates are not derailed by multi-national corporations that have nothing more than self-interest invested in these lands, yet would attempt to convince the public, and most of our elected politicians, otherwise.

On May 22, 2015, I left Colorado with my 12 year-old-son, and drove to Ely, Nevada, for a dedication to the Tilford Family in the Great Basin National Park the following day; May 23, 2015. My great-aunt Elinor was honored as the last living child of John and Sarah Tilford, ancestors and pioneers of what is now known as the Great Basin National Park, and surrounding areas of White Pine, Lander, and Nye Counties in Nevada.

On my drive to Ely, NV, I stopped along the way and put together a quick set of documents, and typed a letter (in word pad without spell-check), to offer a public comment to the Ely, NV, BLM comment cycle regarding their proposed oil and gas lease sales that were to start in June 2015.

The Ely, NV, BLM public comment cycle actually ended on May 22, 2015, the same day I was driving to Ely, NV, for the dedication, so I pulled over at a Pilot Truck stop in Wendover, NV, and threw together a comment compelling enough to (hopefully) ensure a measure of accuracy in BLM lease sales in places like White Pine County, Nevada.

I have included most of those documents sent to the Ely, NV, BLM on 5/22/15
in this comment, and a few additional documents regarding a new comment cycle I was asked to contribute to ending this week on 7/24/15, to the Ely, NV, BLM.

This request is not in regards to issues I raised about the cultural, historical, or inaccurate records disclaimers made by the BLM in legal land patent records for White Pine, Nye and Lander Counties, but only as it concerns environmental aspects of the plans for White Pine County, and any interests these entities may have in surrounding areas of Nevada and Utah in neighboring counties.

I will forward this email and attachment as a public comment to the Ely, NV, BLM on Friday, but I will not be commenting solely on the environmental impacts of potential and proposed oil and gas leases and sales in White Pine County, because this is not a singular issue.

Quite frankly, the Ely, NV, BLM should understand my concerns with their proposed oil and gas sales to encompass everything their bosses are now proposing with updates in oil and gas offerings as it pertains to Federal and Indian Lands, and the accuracy of data used in these transactions. As I said before, this is not singular. It's holistic.

In addition to the Tilford/Overson family background of my family, it concerns me greatly having gone to

graduate school for a time in anthropology, and developing my own ethnographic skill-set, that it has been reported that the BLM in Salt Lake City UT, as well as the BLM for the Ely, NV, offices apparently altered ethnographic research in 2010 as it concerned the reported history of native tribes in the Spring Valley around the Great Basin National Park.

Based on my initial comment to the Ely, NV, BLM on 5/22/15, and the reports of interference by the Salt Lake City BLM, and the Ely, NV, BLM, in altering the ethnographic material of native tribes in the Spring Valley region, I would suggest to the Ely, NV, BLM, to look to their supervisors and directors in regional and national offices how to proceed with proposed oil and gas lease sales that apparently don't consider the proposed updates of the BLM at this time.

Thank you for your time and consideration.

Sincerely,

Meghan Belaski-Ashe

2015 SEP 14 AM 7:44
DOI-BLM
CO STATE OFFICE

Meghan Belaski <meghanbelaski@gmail.com> Fri, Jul 24, 2015 at 4:01 PM
To: Blm_nv_eydo_2015ogls@blm.gov

Please see forwarded email and attached documentation as my follow-up to the planned Ely, NV, BLM Oil and Gas Lease Sale in December 2015.
[Quoted text hidden]

Meghan Belaski <meghanbelaski@gmail.com> Thu, Jul 30, 2015 at 12:08 PM
To: [redacted]

No need to respond right now. I wanted you to be aware of the fact I commented on a BLM proposal in ELY to offer thousands of acres at Hoggum and Osceola for oil and gas development [redacted]. Just a super shady attempt to hand over thousands and thousands of acres of "public lands" to the biggest nuclear and oil and gas companies in the world the day before the Tilford Cabin dedication. For pennies on the dollar where strategic reserves put the estimates somewhere in the tens of billions if not a trillion dollars. Clearly the Dept of the Interior found an issue...FYI.

I am in upstate NY right now and will be back to CO in a few weeks. I will follow up and talk to you when I get back. Hope all is well.

-------- Forwarded message --------
From: Meghan Belaski <meghanbelaski@gmail.com>
Date: Tuesday, July 21, 2015

NATIONAL PUBLIC LANDS

Release Date: 07/10/15
Contacts: Matt Spangler, 202-912-7035
Beverly Gorny, 307-775-6158

BLM Seeks Comment on Proposed Rule to Modernize Oil and Gas Regulations

Updated Standards Will Help Ensure States, Tribes, Taxpayers Get Fair Return

WASHINGTON – The Bureau of Land Management (BLM) today released proposed, updated regulations to ensure accurate measurement, accountability, and royalty payments for oil and gas production from Federal and Indian leases. Aimed at preventing theft and loss of these valuable resources, the proposed rule does not impose an unreasonable financial or regulatory burden on industry or the BLM. Public comment on the rule is being sought for 60 days, through September 11, 2015.

"The proposed rule represents an important step in the BLM's modernization of its oil and gas regulations," said Assistant Secretary for Land and Minerals Management Janice M. Schneider. "These updates will help ensure that oil and gas produced from leases overseen by the BLM is properly measured, that **American taxpayers receive fair value for public resources, and that Indian tribes and allottees, States and local governments receive the full royalties they are due."**

The proposed rule will replace Onshore Oil and Gas Order Number 3 (Order 3), which has not been updated since 1989 and does not reflect modern industry operations or technology. Order 3 sets minimum standards for ensuring that oil and gas produced from leases overseen by the BLM are properly and securely handled. The BLM determined that updates to these standards were necessary based on its experience with oil and gas measurement in the field and the changes in technology and industry operations that have occurred since Order 3 was issued.

"The BLM's rules concerning oil and gas measurement are over 25 years old and are long overdue for an update," said BLM Director Neil Kornze. "The reasonable and commonsense updates we are proposing today represent an important step forward toward modernizing our program and will help us ensure that oil and gas sites are properly and responsibly managed."

Informed by tribal consultations and public listen sessions, the proposed rule also responds directly to recommendations from the Government Accountability Office (GAO), Interior's Office of the Inspector General, and the Interior Department's Subcommittee on Royalty Management, all of which expressed concerns about the adequacy of the BLM's existing requirements with respect to production accountability. *In recent years these concerns have contributed to the Department's inclusion on the GAO's High Risk List.* This rule will address many of the changes recommended by the GAO.

Specifically, the proposed rule would:

- Establish uniform procedures for designating official points for oil and gas measurement for royalty accounting purposes, known as facility measurement points, that are applicable to new and existing leases;
- Codify existing guidance related to approving commingling, i.e., the -combining of production from multiple leases, unit Participating Areas (PA), Communitized Areas (CA), or fee or State properties before the point of royalty measurement.
- Establish conditions for the approval of off-lease oil and gas measurement;
- Update requirements related to the use of valve and drain seals, prohibitions on the use of meter by-passes, and reporting requirements;
- Require operators of new and existing oil and gas facilities to provide new site facility diagrams designed to help BLM meet its oversight responsibilities; and
- Require purchasers and transporters to comply with the same standards as operators with respect to records.

The proposed rule is the next step in a process that the BLM began in 2011 with tribal consultation meetings and continued in 2013 with public listening sessions on potential changes to several of its existing Onshore Orders. The public listening sessions included representatives from Indian lands, environmental groups, other Federal agencies, and the oil and gas industry. Input from the listening sessions, stakeholder outreach, as well as tribal consultation meetings that have occurred since that time, helped inform the development of the proposed rule.

The BLM oil and gas management program is one of the most important mineral leasing programs in the Federal government. The total value of production is over $33 billion, which generates more than $3 billion in royalty revenue annually from oil and gas leasing activities on public lands (most of which is shared with state and local governments) and nearly $1 billion in royalty revenue from activities on tribal lands (all of which goes to tribes or individual allotees).

Domestic oil and gas production has grown each year since 2009. Combined with recent declines in oil consumption, foreign oil imports now account for less than 40 percent of the oil consumed in America – the lowest level since 1988. Given the magnitude of federal and tribal production and the BLM's statutory and management obligations, it is critically important that the BLM ensure that operators accurately measure, properly report, and account for oil and gas production on federal and Indian lands.

The proposed rule may be viewed online at: https://www.federalregister.gov/public-inspection.

The BLM encourages the public to participate in the process by submitting comments on the proposed rule by September 11, 2015. Submit comments through one of the following methods:

- **Federal eRulemaking Portal:** http://www.regulations.gov. Follow the instructions at this Web site.
- **Mail:** U.S. Department of the Interior, Director (630), Bureau of Land Management, Mail Stop 2134 LM, 1849 C Street NW, Washington, DC 20240 Attention: Regulatory Affairs.
- **Personal/messenger delivery:** Bureau of Land Management, 20 M. Street SE, Room 2134 LM, Attention: Regulatory Affairs, Washington, DC 20003.

The BLM manages more than 245 million acres of public land, the most of any Federal agency. This land, known as the National System of Public Lands, is primarily located in 12 Western states, including Alaska. The BLM also administers 700 million acres of sub-surface mineral estate throughout the nation. The BLM's mission is to manage and conserve the public lands for the use and enjoyment of present and future generations under our mandate of multiple-use and sustained yield. In Fiscal Year 2014, the BLM generated $5.2 billion in receipts from public lands.

--BLM--

2015 SEP 14 AM 7:44
DOI-BLM
CO STATE OFFICE

(https://www.cornell.edu)Cornell University Law School (http://www.lawschool.cornell.edu/)Search Cornell (https://www.cornell.edu/search/)

2015 SEP 14 AM 7:44
DOI-BLM
CO STATE OFFICE

Wex (/wex)

- all pages (/wex/all)
- articles (/wex/wex_articles)
- español (/wex/espanol)
- Inbox Project (/wex/inbox)
- search (/wex/search)
- FAQ (/wex/FAQ)

Definition

— simple — the Colorado BLM is now aware

Someone who assists another 1) who has committed a felony (http://topics.law.cornell.edu/wex/felony), 2) after the person has committed the felony, 3) with knowledge that the person committed the felony, and 4) with the intent to help the person avoid arrest or punishment. An accessory after the fact may be held liable for, *inter alia*, obstruction of justice (http://topics.law.cornell.edu/wex/obstruction_of_justice).

Illustrative case law

See, e.g. Com. v. Dalton, 259 Va. 249 (2000) (http://www.courts.state.va.us/opinions/opnscvwp/1990764.pdf).

that crimes have occured in Weld and Fremont County. Will you continue the trend?

See also

- Accessory (http://topics.law.cornell.edu/wex/Accessory)
- Accessory before the fact (http://topics.law.cornell.edu/wex/Accessory_before_the_fact)

Keywords: criminal law (/category/keywords/criminal_law)
wex: THE LEGAL PROCESS (/wex/category/the_legal_process)
criminal law (/wex/category/criminal_law)
criminal law and procedure (/wex/category/criminal_law_and_procedure)
wex definitions (/wex/category/wex_definitions)

Wex Toolbox

g+1 0

BUSINESS

* applies to federal employees working for Wall Street too.

2015 SEP 14 AM 7:44
DOI-BLM
CO STATE OFFICE

Feds to Wall Street: Heads are gonna roll

By Kevin Dugan
September 10, 2015 | 3:39pm

Loretta Lynch
Photo: Getty Images

Attorney General Loretta Lynch is on the Wall Street warpath and looking for scalps.

The nation's top cop has launched a new crackdown on corporate fraud that focuses on prosecuting individuals for misdeeds rather than letting companies get away with paying a fine.

The Department of Justice sent a memo on Wednesday instructing federal prosecutors across the country to pursue individuals regardless of their position or pocketbook.

Deputy Attorney General Sally Q. Yates, who wrote the memo, stressed that individuals should be pursued regardless of their position or pocketbook.

"Crime is crime," Yates said during a speech Thursday at the New York University School of Law. That's "regardless of whether they commit their crime on the street corner or in the board room."

2015 SEP 14 AM 7:44 CO STATE OFFICE

The new policy effectively buries the legacy of Lynch's predecessor, Eric Holder, who reaped hundreds of billions in fines from banks but couldn't find any top banking executives to put in prison.

Further, companies would only be given leniency during an investigation if they hand over all their records relating to individuals suspected of wrongdoing no matter how senior they are.

"It's all or nothing," Yates said during the speech. "No more picking and choosing which facts to disclose, no more partial credit."

She compared the new white-collar crime approach to a drug dealer who rats out his friends to get a plea agreement. If that drug dealer doesn't give up his information on the cartel boss, she said, the DOJ will rip up the deal.

"While this is new of the corporate world, there's really nothing radical about this concept," she said.

The memo, which was first reported by The New York Times, gives a nod to the difficulty of prosecuting individuals on Wall Street, "where responsibility can be diffuse and decisions are made various levels."

"Prosecuting senior corporate executives is difficult," said Matthew L. Schwartz, partner at Boies Schiller & Flexner.

"It is a promise to the business community that the DOJ will pursue individual accountability even if the evidence is sparse and the case is challenging — and even if there's a good chance that a judge or a jury will disagree with the DOJ."

FILED UNDER **DEPARTMENT OF JUSTICE**, **ERIC HOLDER**, **LORETTA LYNCH**, **WHITE COLLAR CRIME**

001-DLM
CO STATE PRICE
2015 SEP 14 AM 7:44

New U.S. prosecution

lawyers

REUTERS By David Ingram and Mica Rosenberg
6 hours ago

By David Ingram and Mica Rosenberg

Lawyers walk with their briefcases towards the federal court house in San Diego, California June 22, ...

NEW YORK (Reuters) - Company executives may be quicker to hire lawyers and less likely to cooperate with investigations because of a renewed push by U.S. prosecutors to put individuals in prison instead of only levying big fines on corporations that break the law, lawyers with expertise in white-collar crime cases said.

The Department of Justice, after years of criticism from lawmakers and the general public that people responsible for the 2008-09 financial crisis had not been held accountable, on Wednesday advised prosecutors to take a tougher stand against high-level executives and other employees for wrongdoing under their watch.

In future investigations, corporations will be required to give up all potential evidence against officers and other employees if the business itself hopes to get leniency for cooperating with authorities, the department said in a memo.

The policy will be incorporated into the US Attorneys' Manual, which federal prosecutors look to for guidance.

Corporations put a high value on obtaining leniency, which comes in the form of lower fines or less serious charges, so they often try to cooperate fully with authorities. They frequently hire law firms to conduct internal investigations, with the results later turned over to

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the government.

Putting into the mix an expectation that some individuals will be charged criminally is a recipe for increased internal conflict in the corporate world, lawyers said on Thursday as they sorted through the implications of the guidelines.

"They are taking an approach of pitting the individuals against the corporations," said Ellen Podgor, a professor at Stetson University College of Law in Gulfport, Florida, who specializes in white-collar crime.

Podgor and others said the result might be that executives or other corporate employees would be less willing to cooperate with an internal investigation or to report possible wrongdoing to their bosses or compliance office.

Executives "should be nervous. They should probably have their own counsel, separate from the corporate counsel," she said.

The law firm Cleary Gottlieb Steen & Hamilton said in a client alert that it expects more corporate officers and employees to seek their own attorneys at early stages of a probe.

The No. 2 official at the Justice Department, Deputy Attorney General Sally Quillian Yates, explained the revision of the guidelines in a speech on Thursday at New York University School of Law.

Yates wrote the guidelines but acknowledged challenges, including the possibility that some corporations may decide "that the benefits of consideration for cooperation with DOJ are not worth the costs of coughing up the high-level executives who perpetrated the misconduct."

Less corporate cooperation could mean fewer settlements, but "if that's what happens, so be it," Yates said, adding that accountability for individuals was the only way to truly deter corporate wrongdoing.

A Justice Department spokeswoman declined to comment beyond Yates' speech.

The interests of a business and its employees can diverge quickly during a criminal investigation, especially if the corporation's lawyers determine that wrongdoing was limited to a few people and that the corporation itself should not be liable.

The Justice Department's memo adds to the incentive for a corporation to toss its own people into the government's arms for a better chance to save itself, lawyers said.

"They are saying they want to know who is doing what all the way from the most powerful person in the company down to the janitor," said Paula Junghans, a partner at Zuckerman Spaeder in Washington who has represented corporate defendants and individuals. "Maybe the most senior person will be able to defend

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himself, but the janitor or the middle manager won't. Those are the ones that are really going to get hurt."

For corporate board members who may ultimately decide whether to report allegations to the Justice Department, there is also a complicating "human factor" if they are serving up people they know well for prosecution, said Timothy Treanor, a partner at Sidley Austin in New York.

"When it becomes about turning in individuals you know and have had good relationships with, it is perhaps a tougher mental hurdle to get over," he said.

(Reporting by David Ingram and Mica Rosenberg; Editing by Noeleen Walder and Grant McCool)

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