



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

MAY 4 2012

Ref: 8EPR-SA

Carol Affleck, Preservation Spokesperson, and
Jody Harper, Secretary/Treasurer
Valmont School District No. 4 Cemetery Association
P.O. Box 265
Niwot, CO 80544

Dr. LeRoy Moore and Betty Ball
Rocky Mountain Peace and Justice Center
P.O. Box 1156
Boulder, CO 80306

Re: Public Petition March 23, 2012

Dear Ms. Affleck, Ms Harper, Dr. Moore and Ms. Ball:

Thank you for submitting your petition to the U.S. Environmental Protection Agency (the EPA) requesting the Agency to conduct a Preliminary Assessment and Site Reassessment under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) at the Valmont Butte site at 3000 North 63rd Street in Boulder County, Colorado. The EPA is currently unable to perform additional CERCLA actions at the site for the reasons outlined below.

The EPA has evaluated the Valmont Butte site multiple times to determine if it was eligible for listing on the National Priorities List. The EPA conducted its most recent CERCLA Site Assessment in 2004. That Site Reassessment confirmed on-site contamination consisting primarily of lead, arsenic, radium containing construction debris, and gamma radiation. However, soil samples collected from yards north and down gradient of the site did not contain detectable levels of uranium or arsenic. The levels of lead detected off-site were two to five times less than the EPA's residential screening level of 400 parts per million and align with expected background levels in the area. Similarly, there were no elevated sampling results for drinking water that could be attributed to metals or radioactivity from the site. Further, background samples collected from up gradient groundwater and upstream surface water locations contained similar, and in some cases higher, levels of metals and radiological constituents. Due to the lack of off-site migration, as well as the limited nature and infrequent use of the site by the public, the EPA did not pursue further CERCLA action at Valmont Butte.

The 2009 Casey Resources, Inc. study that you refer to in your petition was designed to define the areal extent and depth in soil of elevated radiation areas and elevated metal concentration areas so that the

owner of the site, the City of Boulder, and its contractor could develop an appropriate cleanup and soils management plan that would be protective of human and environmental health. It is not surprising that additional areas of contamination were identified, given the greater density of sampling locations in the Casey Resources, Inc. study. However, any off-site migration from these additional areas of contamination would have been captured in the off-site sampling results of the 2004 Site Reassessment. Further, the number of potential receptors have not increased and although the cemetery itself was not part of the characterization effort by the EPA or Casey Resources, Inc., cemetery users are not present at frequencies or durations that will increase their risk of exposure to metals at or near 800 ppm or gamma radiation in the area that ranges near background levels.

Contamination at the site is currently being addressed under authority of the Colorado Department of Public Health and Environment's Voluntary Cleanup Program (VCP). The City of Boulder is performing cleanup activities at the site under this program. The EPA encourages you to continue engaging the State of Colorado and the City of Boulder to discuss specific concerns regarding the Valmont Butte cleanup and the implementation of the Voluntary Cleanup Program. If you have additional questions or require more specific information regarding this response to your petition, you may contact Daniel Heffernan of my staff at 303-312-7074.

Sincerely,



Martin Hestmark
Acting Assistant Regional Administrator
Office of Ecosystems Protection
and Remediation

cc: Amelia Piggott, EPA
Daniel Heffernan, EPA
Sabrina Forrest, EPA
Martha Rudolph, CDPHE
Mark Rudolph, CDPHE
Steve Tarlton, CDPHE
Bill Boyes, City of Boulder