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Date: December 1, 2022 at 11:54:01 AM MST

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Subject: RE: Kilmer Landfill, Arvada CO

Dear Mr. Gerbatsch,

Thank you for your October 12 email. We've spent some time reviewing the information contained in your email, as well as conferring once again with the Colorado Department of Public Health and Environment (CDPHE). The following information is offered in response to your questions and requests concerning:

1. The details of additional sampling and assessment activities that will be undertaken by the VCUP applicant to ensure that bordering communities, the environment, and the ecology are not harmed;
2. Historical site data are better qualified, and
3. Opportunities for public engagement related to future testing and assessment activities

1. Details of Additional Sampling/Assessment Activities Agreed to by the Applicant

EPA understands that the Voluntary Cleanup (VCUP) applicant withdrew their application on September 2nd. The CDPHE will require any future VCUP applicant to generate current data on the property to include surface water and groundwater to evaluate potential runoff or leachate of contaminants. The specific details of the future sampling and assessment activities are to be determined, pending submittal of a VCUP application to the CDPHE.

2. Historical Site Data

We've reviewed the May 10, 2022 email attached to your October 13 email and are familiar with the reports included with that email, which are dated between 1982 – 1995. While the data included in those reports provides historical insight, it will be important to collect current site data. As mentioned above, the CDPHE requires that VCUP applicants conduct site characterization activities. Characterization efforts will be designed with consideration of site history and previous data. The results of that future site characterization will be reviewed by the State. If site characterization indicates cleanup actions are necessary, CDPHE will identify specific actions the applicant must conduct to certify that cleanup of the property is complete.

3. Opportunities for Public Engagement

The CDPHE will require that any future applicant hold a public meeting to address the concerns raised by the public. The public meeting will be followed by a public comment period for a minimum of 30-days, during which time the public and residents living near the site may provide comments regarding any new applicant's plans for the property.

Please be assured that the CDPHE, as the lead regulatory agency, will continue to provide programmatic oversight for any future VCUP applicant all throughout the process of cleanup, in order to ensure compliance with environmental laws, appropriate land use, and established environmental standards. The best contact at CDPHE for questions concerning the Kilmer Landfill is Mr. Fonda Apostolopoulos, fonda.apostolopoulos@state.co.us.

Nancy

Nancy R. Morlock, Acting Director

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