

Rocky Mountain Peace & Justice Center

Working for Nonviolent Social Change for Over 20 Years

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October 31st, 2007

TO: Boulder Mayor Mark Ruzzin, Members of the Boulder City Council
and Boulder City Council Candidates

RE: Valmont Butte and Proposed Sale to Trust for Public Lands

Dear Mayor Ruzzin, City Council Members and City Council Candidates:

We would like to bring important information to your attention regarding the Valmont Butte site, as the City of Boulder is now planning to sell the largest share of the Valmont Butte property it purchased in 2000.

For several years, the RMPJC has been part of the Valmont Butte Heritage Alliance in support of shared goals for restoring land considered sacred by Native Americans and protecting it from further development and degradation. While those aims remain unchanged, we recently advised the VBHA of our serious concerns over the adequacy of disclosures about the site and related clean-up plans.

From a recent review of the City of Boulder's actions on this site, it appears that the Boulder City Council was not made fully aware of the extent of the onsite contamination, nor of the evidence of offsite contamination from this site when they were considering the purchase of the Valmont Butte property in 2000. At that time, the City's stated intended uses of the property were for sewage sludge processing and fire training activities.

We have also concluded from our recent public records investigation that the City of Boulder may have relied upon misleading, *even false* representations – (made by the Colorado Department of Public Health and Environment under the previous administration of Governor Bill Owens, and the Region VIII office of the U.S. Environmental Protection Agency under the administration of George W. Bush) - about actual site conditions and known offsite contamination, with significant related potential for future environmental liabilities. Such misleading and possibly false representations have great importance at this time as decisions are being made concerning the Valmont Butte site clean-up and proposed acquisition by the Trust for Public Lands for ultimate re-sale to Native American tribes and/or community groups.

Public records we have obtained conclusively show that county, state and federal officials have known for several decades that radioactive and other toxic contamination from onsite activities, and from disposal of materials at this site, has impacted surface and groundwater both on and offsite, and has contaminated downgradient domestic wells in the vicinity of the butte. Instead of known potentially liable parties being held responsible for the costs of a comprehensive cleanup of the site and mitigation of offsite impacts – (including Allied Chemical, Tusco and Hendricks Mining, as well as other entities who used the Butte as a disposal site for other sources of radioactive and other toxic wastes) – it appears that the costs for any remedial actions have been passed onto the citizens of Boulder. For a brief summary of these significant events and records, as obtained by University of Colorado students during a 1998 research project for an Environmental and Ethnic Studies class, see the attached letter to the Valmont Butte Heritage Alliance.

Given the significant disparity in the information known and that which was disclosed, and the importance of that information for the long-range public and environmental health in Boulder County, we believe there is an urgent need for the Boulder City Council to swiftly commence a comprehensive investigation and reassessment prior to any further sale of this contaminated property. Such an investigation, we recommend, would include inquiry into the: a) apparent inadequacy of disclosures of known conditions and potential liabilities by the prior owners and

potentially liable parties at this site; b) apparent failure of city/county, state and federal agencies to fully disclose, or perhaps even misrepresent, to Boulder elected officials, important facts of record about the site and its on- and offsite contamination, especially with regard to the known radiological contamination of water in the vicinity of the Butte; c) any possible failure on the part of the City of Boulder to exercise proper due diligence in considerations of the 2000 acquisition of the Valmont Butte property with taxpayer funds; and d) the adequacy of past/proposed clean-up actions for this site.

We are hopeful that the Boulder City Council – presently, and as it will be reconstituted after this upcoming election – will agree that any further sale of this property would only complicate an already murky situation regarding the responsible parties who should pay for the level of clean-up and offsite mitigation that is clearly needed for public and environmental health protection.

We urge that any plans for the resale of this property to the Trust for Public Lands or any other entity be suspended pending: a) completion of the recommended investigations and obtaining of answers as to how the citizens of Boulder unknowingly became owners of an extensively contaminated radioactive waste dump without being made aware of the contamination of neighboring water supplies and other possible offsite impacts and related potential future liabilities; and b) development of a remediation plan that would remove all of the contamination that is a present or future threat to public health and the environment.

We would appreciate the opportunity to meet with any or all City of Boulder council members and candidates for public office who wish to discuss these findings from public records and our recommendations. We are currently in the process of expanding upon and updating a chronology of pertinent documents beyond those CU students obtained in 1998. As our independent review of public records continues, in the public interest, we'll be happy to provide further information from our investigation for your review.

Sincerely yours,

-s-

LeRoy Moore, Ph.D., Judith Mohling, Adrienne Anderson
Nuclear Nexus Project: Working to End Local Hazards and the Global Threat

Attachment: October 3, 2007 letter from Adrienne Anderson, RMPJC's Nuclear Nexus Project Coordinator, to the Valmont Butte Heritage Alliance

Cc, with attachment: Boulder County Commissioners