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To: <walter.avramenko@state.co.us>
CC: Sandy Jaquith <sjaquith@earthlink.net>
Date: 11/30/2010 8:37 PM
Subject: comments on NFA policy

Dear Mr. Avramenko, I have just a couple of comments related to the No Further Action Draft CDPHE policy. Thank you for the opportunity to comment and for meeting with the SSAB. Best regards, Dr. Dorothy Colagiovanni (MT, DABT)

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MicrosoftInternetExplorer4

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```

When reviewing this draft policy, there are several areas that are not entirely clear and could be improved with clarifications:

- 1) Clearly state if established remedies can be negated because of this policy.
- 2) Do these regulations ever supercede RODs? If so, explain how and if not explain more clearly why not.
- 3) If the PRP is requesting the NFA designation, is there a mechanism in place for additional sampling to be conducted at that time to verify natural attenuation and lack of “hot spots”?
- 4) On the Checklist define “reasonable period of time” and provide more information on “what constitutes public notice”.
- 5) A preamble of the Colorado State Law for Environmental Covenants would be extremely helpful in understanding how this policy can be applied.
- 6) What will be the mechanism for abandoned sites to follow the NFA policy?