

Richard Walker
Chairman of the Board
Metro Wastewater Reclamation District
6450 York Street
Denver, CO 80229-7499

September 21, 2001

Dear Mr. Walker.

Metro Wastewater Reclamation District has waged an illegal and retaliatory five-year campaign against Adrienne Anderson, a public employee representative, and attempted to silence her voicing serious public health concerns of radioactive contamination from Lowry Superfund Site being funneled through Metro Waster Treatment facilities. The recent ruling in Adrienne Anderson v. Metro Wastewater Reclamation District, 1997-SDW-7, (9/18/01), awards \$425,000 plus attorney fees to Ms. Anderson and clearly states that Metro's "campaign of defamation... with the intent to destroy her career for her protected activities" was illegal and deserving of punitive damages." (1997-SDW-7 at 69, 72). **On behalf of Public Employees for Environmental Responsibility (PEER), we request that Metro Wastewater comply with the judge's ruling and not pursue the matter further.**

PEER is a national, nonprofit alliance of local state and federal resource professionals -- scientists, land managers and resource officers-- dedicated to upholding environmental laws and values. PEER is a service organization for government employees and contractors charged with safeguarding the nation's natural resources. PEER works with and on behalf of employees on the inside to affect change in the way their resource agencies conduct the public's business.

PEER was dismayed to learn through our Colorado Open Records Act research that approximately \$200,000 has already been spent to defend the actions of Metro Wastewater that Judge Di Nardi determined to be egregious. Significant taxpayer resources have already been wasted defending Metro's illegal actions, and reason dictates that further expenditures to defend these prohibited activities are ludicrous. This amount, coupled with the recent award and lawyer fees, amounts to close to one million dollars--one million dollars that should instead have been spent protecting worker safety and public health by investigating the plan to accept wastewater, containing plutonium and other radioactive nucleotides, from the Lowry Superfund Site.

It would be foolish to incur interest payments, and additional attorney fees to fight what the judge describes in his detailed, eighty-page opinion, as a case about "a dedicated, conscientious and public-spirited citizen who, in following the tradition of Karen Silkwood [and] Erin Brokowitch" (at 56-57) and in contrast describes Metro Wastewater's actions as those that "shock the conscience." (at 73). In order to dissuade Metro from appealing the judgment, **PEER requests to be placed on the agenda of the next Board of Directors meeting to discuss the considerations in pursuing the case.**

Further, in light of the court's ruling that Metro Wastewater "engaged in a smear campaign" (at 67) and specifically found public relations officer, Mr. Steve Frank, "completely distrustworthy and unreliable" (at 65), PEER requests that Metro Wastewater take appropriate procedural actions to impose disciplinary measures commensurate with the seriousness of the wrongdoing. We would hope that in the future Metro Wastewater and personnel assigned to dealing with the public, would commit to welcoming and considering reasoned public opinion when establishing plans that significantly impact public health. Mr. Frank's "attack" (at 67) against others, as evidenced against Dr. Ron Forther were unprofessional, vicious and possibly illegal. **PEER requests a response on how Metro Wastewater plans to deal with management that endorsed and supported this illegal behavior.**

Finally, PEER requests that Metro Wastewater review their interpretation of the Colorado Open Records Act. Judge Di Nardi's condemnation of the policy (at 62, 64-65) and PEERs' own difficulties obtaining public information under such a restrictive policy, indicate that the current policy is clearly contrary to the intent of the legislation and a democratic government.

We hope to hear from you soon.

Sincerely, Chandra Rosenthal Rocky Mountain Director

Cc:

Senator Wayne Allard
Congresswoman Diane De Gette
Mr. Judd Gilman, PACE 5-477
Ms. Robert Greene, AFL-CIO
Ms. Elizabeth Hoffman, President, University of Colorado
Governor William Owens
Ms. Joan Seeman, Hazardous Waste Chair, Sierra Club
Congressman Mark Udall
Ms. Debbie Thomas, Environmental Protection Agency
Mayor Wellington Web
Metro Wastewater Litigation Committee, Executive Committee