

ROCKY FLATS STEWARDSHIP COUNCIL

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Jefferson County -- Boulder County -- City and County of Broomfield -- City of Arvada -- City of Boulder
City of Golden -- City of Northglenn -- City of Westminster -- Town of Superior
League of Women Voters -- Rocky Flats Cold War Museum -- Rocky Flats Homesteaders
Arthur Widdowfield

Monthly Status Report – March 2010

Board meeting summary:

There was no meeting this month.

Legacy Management monthly site inspection summary:

February site activities included:

- Routine inspections of the treatment systems were completed.
- The East Trenches Treatment System (ETPTS) is functionally normally.
- At the Mound Site Treatment System (MSPTS), DOE raked the gravel and inspected the influent and effluent. In addition, the system was flushed from the piping inside the vault.
- The Solar Ponds Treatment System (SPPTS) is functioning normally, with optimization of the system ongoing. Flow tests at Cell B continued, and conductivity, pH, and temperature were continuously measured.
- Finished 1st quarter 2010 groundwater sampling (samples collected at the Original Landfill). Vegetation surveys were also completed, included surveys at the Present Landfill.
- Collected the second round of samples in North Walnut Creek and South Walnut Creek in support of the ambient water quality evaluation.
- Continued groundwater well development - 85% complete.
- Prebles Meadow Jumping Mouse inspections were completed and anti-erosion wattles at the B ponds were repaired.
- Three additional brush piles were placed for wildlife habitat improvement.

Energy Employees Occupational Illness Compensation Program Act (EEOICPA):

On March 22, 2010, the General Accountability Office (GAO) released a report assessing the DOE workers compensation program. The report, “Energy Employees Compensation: Additional Independent Oversight and Transparency Would Improve Program's Credibility”, offers the following recommendations:

1. Congress: “To enhance oversight of claims adjudication under Part E of EEOICPA, Congress may wish to consider amending the act to establish an independent review board for Part E, similar to the Advisory Board on Radiation and Worker Health established under

Part B of the program. Such an independent board could review and report on the scientific soundness of Labor's implementation of Part E, including the site exposure matrix, guidance provided to claims examiners on medical evidence, and Part E probability of causation standards for radiation-related cancers. In creating such an independent board, it would be critical to develop appropriate provisions regarding its funding structure, appointment of members, and staff support. Our 2007 report on the Part B Advisory Board highlighted challenges that these three areas had presented to the board's independence and identified various options to enhance board independence in each area.”

2. Department of Labor: “To enhance oversight and transparency of EEOICPA, the Secretary of Labor should strengthen the quality control measures in place for Part B lung disease claims and Part E processes with independent reviews. Such measures should include, for example, instituting periodic peer reviews of sampled reports by Part E consulting physicians, arranging for technical review of detailed information in the site exposure matrix, and obtaining periodic expert review of medical evidentiary requirements for the Part B claims related to lung diseases.”
3. Department of Labor: “To enhance oversight and transparency of EEOICPA, the Secretary of Labor should establish a formal agreement and action plan with the Secretary of Energy to release more information, where appropriate, in the site exposure matrix database in order to allow greater public access and input. In doing so, Labor should actively seek additional information from worker representatives and site experts about job descriptions, processes, and potential exposure.”
4. Department of Labor: “To enhance oversight and transparency of EEOICPA, the Secretary of Labor should develop formal action plans, within Labor's scope of authority, in response to the Labor Ombudsman's reports regarding major claimant concerns and make the plans and updates on their subsequent status publicly available. One such plan should offer Labor's response to the Ombudsman's reports about consistent problems with customer service.”

The report can be found at: <http://www.gao.gov/new.items/d10302.pdf>

State Legislation -- Rep. McKinley Rocky Flats Sign Bill:

On March 11, 2010, The State, Veterans, & Military Affairs Committee voted 8-3 against Rep. McKinley’s Rocky Flats sign bill. The motion to Postpone Indefinitely, which kills the bill for the rest of the session, passed 6-5. While the bill failed, there is concern amongst committee members about the quality of the cleanup and entrance signs USFWS adopted.

The vote followed more than five hours of testimony. Some of the questions committee members had concerned:

1. What is the value of placing signs on both federal property and non-federal property?
2. If manufacturing took place on lands that are not part of the Refuge, what is the risk to a person visiting the Refuge?
3. Much of the data McKinley’s supporters used to support their arguments was quite old. Some committee members asked if there is more current data.

4. What does cleanup mean from a risk-reduction standpoint?

CDPHE testified in strong opposition to the bill. In prior years CDPHE only worked behind the scenes and did not testify. Rep. Hullinghorst offered an amendment which was accepted by the Committee. That amendment, which was in essence a rewrite of the bill, was what was voted down 8-3.

Throughout the hearing Rep. McKinley and many of his supporters who testified in support of the bill put forth inaccurate or misleading information. Examples include:

1. DOE only monitors every five years as part of the CERCLA Five Year review
Fact: DOE monitoring is ongoing. Quarterly reports are presented at Rocky Flats Stewardship Council meetings and are available on the web.
2. DOE did not test the Refuge lands for contamination
Fact: DOE did take surface soil samples from the Refuge. Also, throughout cleanup there was water monitoring in the lands that now comprise the Refuge. That monitoring is ongoing.
3. The refuge opened in 1995 or 1997 (although he noted people are not yet allowed to visit it)
Fact: The Refuge is not open. The Refuge was officially created in 2007.
4. DOE and USFWS have not tested animal carcasses for contamination
Fact: DOE and USFWS tested deer carcasses in as recently as 2004. Those carcasses are still being retained by USFWS should further testing be needed.

Finally, prior to the vote Rep. McKinley testified that the Stewardship Council voted at its February meeting 8-2 in FAVOR of the bill, but that it was not a final vote because we need 9 votes. To clarify, the Stewardship Council voted 8-2 AGAINST the bill but, as Rep. McKinley notes, we need 9 to approve any motion.

Site Document update:

On March 15, 2010, DOE posted on its website a new contact record, "Non-Rocky Flats Legacy Management Agreement (RFLMA) Surface Water Monitoring Project for North and South Walnut Creeks." CR 2010-03, http://www.lm.doe.gov/Rocky_Flats/ContactRecords.aspx.

The contact record addresses water quality testing which is not mandated by the Rocky Flats Legacy Management Agreement (RFLMA). The main impetus of the testing is to better understand the changing hydrological conditions in North Walnut Creek and South Walnut Creek. Testing will focus in nitrate and radioisotope levels in surface water. The data collected during this study will be used to better understand the current and future conditions of surface water in these drainages.

The following four activities are scheduled to occur over a 3-4 month period:

- Collect grab samples at eight locations on North Walnut Creek for nitrate analysis;
- Collect grab samples at 12 locations in both North Walnut Creek and South Walnut Creek for total uranium analysis;

- Collect grab samples at 12 locations in North Walnut Creek and South Walnut Creek for LANL testing to determine natural vs. man-made uranium levels; and,
- Establish automated storm event composite sampling at six locations in North Walnut Creek and South Walnut Creek for plutonium, americium and total suspended solids (analysis to determine effect of storm events on contaminant levels in surface water).

Stewardship Council update:

Next meetings: June 7, September 13 (2nd Monday), November 8th (2nd Monday)