

TO: Board of Directors, Rocky Flats Stewardship Council (RFSC)  
US Department of Energy (USDOE), Legacy Management (LM)  
Colorado Department of Public Health and Environment (CDPHE)  
US Environmental Protection Agency (USEPA)  
via Rocky Flats Stewardship Council (RFSC)

FROM: Jon Lipsky, MAS and FBI, Retired //s//

DATE: October 31, 2021

SUBJECT: US DOE/LM, RFS, Quarterly Report (Q2 2021) Briefing - Surface Water  
Monitoring: PFAS - Public Comment/Inquiry

ADMIN: All comments to be in writing per RFSC COVID-19 announcement,  
USDOE has agreed to respond in writing, comments and USDOE  
responses to be posted on RFSC web site per RFSC Meeting Packet  
for November 1, 2021 scheduled meeting.

#### PUBLIC COMMENT/INQUIRY

Since at least September 2018 PFOA, PFOS and its anions have been regulated by CDPHE as hazardous constituents with a standard, separately or combined, at 70 ppt to include corrective action plans. Lindsay Masters has repeatedly asserted CDPHE regulatory jurisdiction of PFOA/S at RFS yet no RFLMA Contact Record has been published for RFLMA enforcement or public consumption. In July 2019 Location ID 2784 results for PFOA/S exceeded the 70 ppt standard and on June 25, 2019 and October 9, 2019 Location ID 33502 results for PFOA/S exceeded the 70 ppt standard.

After over three (3) years of CDPHE jurisdiction of PFOA/S when will the RFLMA Contact Record be published?

Where exactly is sample location 2784 and why is not a current sampling location for PFOA/S at RFS?

When will the public be informed of RFS, PFOA/S corrective action measures?

When do we expect that CDPHE, USDOE and USEPA will conclude its PFOA/S investigation at RFS?

Is USDOE at RFS subject to the decision of the Colorado Water Quality Control Commission (WQCC) and regulation of the Colorado Hazardous Waste

Regulation, Part 261, within the jurisdiction of CDPHE regarding PFOA, PFOS and its anions and not only the RFLMA?

For reference, AFFF (CDPHE focus) was first manufactured in the mid-1960s however Teflon, PFOA and PFOS have been manufactured since the 1930s. The former Rocky Flats Nuclear Weapons Plant manufacturing of weapons-grade plutonium-239 triggers began in 1952 and concluded in 1989. USDOE/LM excluded a number of other RFS manufacturing buildings and waste stream areas where Teflon, PFOA or PFOS should be sampled. For example, tritium reservoir-to-pit delivery systems, amounting in the tens of thousands that contained Teflon; valve gaskets; other plating operations including Building 460; Buildings 776/777 and fire debris in the Triangle Area and its outfall from the May 1969 fire; potentially 320 tons of PFOA/S contaminated soil from the May 1969 fire east of Building 881; and, 207 Solar Evaporation Ponds, Building 774, Building 995 and the Present Landfill (PLF) concerning filtration or evaporation of 1969 fire effluent and sewage sludge disposal.

RFS has many other potential PFOA/S sampling locations when will these other locations be scoped for evaluation and potential corrective action?

Along the same lines as PFAS, protectiveness of the public and the remedy; at least since 2012, 1,4-Dioxane (dioxane) and Pentachlorophenol standards were more stringent. In its 2017 Fourth 5-Year Review, USDOE/LM stated that dioxane and pentachlorophenol were not identified as analytes of interest nor contaminants of concern. No data exists for dioxane and pentachlorophenol was not detected. The 2017 RFS review also states that a change in the standards for dioxane does not effect protectiveness of the remedy.

Evidence indicates that the former Rocky Flats Nuclear Weapons Plant utilized and maintained an inventory of dioxane that was utilized in conjunction with an RFS contaminant of concern, TCA. Why did USDOE/LM decide not to sample and analyze for dioxane after the standard was established in 2009 and more stringent in 2012 and how is this inaction protective of the remedy?

What assurances exist that dioxane is not present, at the more stringent standard, when USDOE/LM does not sample and analyze dioxane?