

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: 12-month rolling average uranium and plutonium
concentrations - 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.

Attached includes the June 14, 2021 email from Andrew Keim, USDOE/LM, to Lindsay Masters, CDPHE, and Jesse Aviles, USEPA and others; and, Lindsay Masters, CDPHE, email dated June 15, 2021, to Andrew Keim, USDOE/LM and Jesse Aviles, USEPA and others entitled "Informal Notification of Reportable 12-Month Average Plutonium Concentrations at SW017 (sic)."

BACKGROUND

In the attached June 14, 2021 email Mr. Keim, USDOE/LM, notified CDPHE and USEPA, with RFLMA chapter and verse requirements, of a reportable condition at the Rocky Flats Site (RFS), RFLMA Point of Evaluation SW027. USDOE/LM cites a calculated value 12-month rolling concentration for plutonium on April 30, 2021 of 0.9 pCi/L which exceeds the RFLMA Attachment 2, applicable Table 1 Standard of 0.15 pCi/L. "This 12-month rolling average includes results for the period from May 1, 2020 through April 30, 2021." The subsequent two plutonium sample results collected between May 3, 2021 and May 20, 2021 are well below 0.15 pCi/L. Plutonium concentrations at the downstream Point of Compliance, WOMPOC, remain below the 0.15 pCi/L standard. On June 15, 2021 Ms. Masters, CDPHE, acknowledged Mr. Keim's reportable conditions within Rocky Flats: one for plutonium at SW-027 and one for uranium at GS-10.

The RFSC published the RFSC Notice for 11-1-21 and RFSC Board meeting packet for 11-1-21 on October 22, 2021. On PDF pages 49-50 of the RFSC Board meeting packet for 11-1-21 Melissa Weakley, under RFSC letterhead,

documented on October 21, 2021 USDOE/LM's Quarterly Report (Q2 2021) Briefing outline. The statements of interest are (emphasis added):

"The 12-month rolling average uranium concentration at Point of Evaluation (POE) GS10 was 18.1 micrograms per liter (ug/L) on April 30, 2021, exceeding the 16.8 ug/L RFLMA standard and triggering a reportable condition. As of May 31, 2021, the 12-month rolling average for uranium at GS10 was 12.4 ug/L, ending the reportable condition;" and,

"The 12-month rolling average plutonium concentration at POE SW027 was 0.9 picocuries per liter (pCi/L) on April 30, 2021, exceeding the 0.15 pCi/L RFLMA standard and triggering a reportable condition. As of May 31, 2021, the 12-month rolling average for plutonium at SW027 was 0.061 pCi/L, ending the reportable condition."

PUBLIC COMMENT/INQUIRY

Ms. Weakley's report states that the reportable conditions for uranium and plutonium ended the April 30, 2021 reportable condition with the May 31, 2021, 12-month rolling average.

Just exactly how does the RFLMA authorize the 12-month rolling average from May 1, 2020 through April 30, 2021 include samples of plutonium and uranium in May 2021, outside the previous 12-month rolling average time frame?

USDOE/LM acknowledged in its email it must submit a plan and schedule to address the condition to the regulators for an evaluation to address the condition within 30 days (on or before July 3, 2021) of receiving the validated data for the reportable condition.

What is the date of the meeting that USDOE/LM submitted its required plan and schedule to address the condition with CDPHE and USEPA?

What are the details of USDOE/LM's plan and schedule to address the above mentioned plutonium and uranium conditions for protection of the remedy?

Did USDOE/LM share validated analytical results for plutonium and uranium samples collected in May 2021, and outside the previous 12-month rolling average period, with CDPHE and USEPA at the RFLMA mandated July 3, 2021 meeting or before that meeting?

Or, was the RFLMA mandated consultation meeting for the April 30, 2021 results on or before July 3, 2021 delayed to consider the May 2021 validated analytical

results for plutonium and uranium from the 12-month rolling average beginning May 1, 2021?

On June 15, 2021 Lindsay Masters, CDPHE, wrote in her email of June 15, 2021 to Andrew Keim, USDOE/LM: "At this point, DOE has not provided notice of a reportable condition at a point of compliance."

RFLMA Contact Records for GS10 (uranium) and SW027 (plutonium), points of evaluation (POE) were not published on the RFS USDOE/LM web site for public consumption or comment. What criteria was utilized during the RFLMA Tri-party consultation for the 12-month rolling average from May 1, 2020 through April 30, 2021 to decide not to publish RFLMA Contact Records?

What discharge permit (CWA, RCRA, CERCLA or RFLMA) regulates hazardous constituents or substances, that exceed standards, at RFS Points of Compliance (WALPOC and/or WOMPOC) and discharge into navigable waters of the US?

What type of document (similar to a Discharge Monitoring Report for NPDES permits) is published by USDOE/LM to report an exceedance of a hazardous constituent or substance from a RFS point of compliance?

STATE OF
COLORADO

Masters - CDPHE, Lindsay <lindsay.masters@state.co.us>

Informal Notification of Reportable 12-Month Average Plutonium Concentrations at SW017

2 messages

Keim, Andrew <Andrew.Keim@lm.doe.gov>

Mon, Jun 14, 2021 at 5:00 PM

To: "Masters - CDPHE, Lindsay (lindsay.masters@state.co.us)" <lindsay.masters@state.co.us>, "Aviles, Jesse" <Aviles.Jesse@epa.gov>

Cc: "Santi, Dana (CONTR)" <Dana.Santi@lm.doe.gov>, "Squibb, George (CONTR)" <George.Squibb@lm.doe.gov>, "Wisniewski, Ryan (CONTR)" <ryan.wisniewski@lm.doe.gov>

Lindsay and Jesse,

This notification is to inform you of a reportable condition at the Rocky Flats Site, under the Rocky Flats Legacy Management Agreement (RFLMA), Attachment 2, Section 6.0, "Action Determinations," at the RFLMA Point of Evaluation SW027.



A reportable condition was determined upon receipt of the most recently available validated analytical results for plutonium (specifically Pu-239,240) from the composite sample collected during the period 1/6/2021 12:41 to 5/3/2021 14:45. Validated results were received on June 11, 2021.

The evaluation was performed in accordance with RFLMA Attachment 2, Figure 6, Points of Evaluation, which resulted in a calculated value 12-month rolling average concentration for plutonium on April 30, 2021 of 0.9 pCi/L, which exceeds the RFLMA Attachment 2, applicable Table 1 Standard of 0.15 pCi/L.

This 12-month rolling average includes sample results for the period from May 1, 2020 through April 30, 2021. During this period there was no flow from May 1, 2020 through April 27, 2021; the 12-month rolling average on April 30, 2021 represents only three days of flow (5831 gallons) and a single sample result. The subsequent two plutonium sample results collected between May 3, 2021 and May 20, 2021 (1,062,866 gallons of flow) are well below 0.15 pCi/L. Plutonium concentrations at the downstream Point of Compliance (POC) WOMPOC remain well below the 0.15 pCi/L standard.

Pursuant to RFLMA Attachment 2, Section 6.0, Action Determinations, for a reportable condition:

- DOE must submit a plan and schedule to the regulators for an evaluation to address the condition within 30 days (on or before July 3, 2021) of receiving the validated data for the reportable condition.
- DOE will consult with CDPHE and EPA to determine if mitigating actions are necessary.
- The objective of consultation will be determining a course of action (if necessary) to address the reportable condition and ensure the remedy remains protective.
- Results of consultation will be documented in contact records and/or written correspondence.

Please contact me if you have any questions.

Regards,

Andy Keim, PG | Site Manager

U.S. Department of Energy
Office of Legacy Management
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Westminster, CO 80021

720-880-4347 (office)

202-809-6865 (cell)

Andrew.Keim@lm.doe.gov



Masters - CDPHE, Lindsay <lindsay.masters@state.co.us>

Tue, Jun 15, 2021 at 10:02 AM

To: "Keim, Andrew" <Andrew.Keim@lm.doe.gov>, "Santi, Dana (CONTR)" <Dana.Santi@lm.doe.gov>

Cc: "Aviles, Jesse" <Aviles.Jesse@epa.gov>

Hello Andy,

The Colorado Department of Public Health and the Environment (CDPHE) has received the U.S. Department of Energy (DOE)'s informal notification of a reportable condition for plutonium within 15 days of receipt of validated data.

At this point, DOE has not provided notice of a reportable condition at a point of compliance. DOE has notified CDPHE and EPA of two reportable conditions within Rocky Flats: one for plutonium at SW-027 and one for uranium at GS-10 (notification was received via email on June 8th).

We will await DOE's proposed plan and evaluation(s), and then will schedule a triparty consultation to discuss next steps.

Thank you,
Lindsay

Environmental Protection Specialist
Corrective Action Unit

6/16/2021

State.co.us Executive Branch Mail - Informal Notification of Reportable 12-Month Average Plutonium Concentrations at SW017

Colorado Department of Public Health & Environment



COLORADO
Hazardous Materials
& Waste Management Division
Department of Public Health & Environment

New! Phone: 720-644-6314
4300 Cherry Creek Drive South
Denver, CO 80246-1530

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