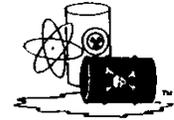


**Environmental Information Network (EIN), Inc.**  
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February 3, 2018

Rocky Flats Stewardship Council  
Attn: David M. Abelson, Executive Director  
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Re: Colorado Department of Public Health and Environment Presentation

Formal Statement to RFSC and CDPHE

Please consider this, along with the hard copy attachments provided at the meeting to be EIN's formal statement regarding the CDPHE presentation entitled "Myths and Misunderstandings" concerning Rocky Flats.

**1. CDH Position: The level of radiation at Rocky Flats is not abnormal and dangerous.**

In the July 14, 1986 Briefing from Mary L. Walker to DOE's Admiral Foley, General Counsel Farrell and Under Secretary Romatowski regarding Rocky Flats Interagency Agreement negotiations, it illustrates that DOE has had a history of downplaying and misrepresenting the degree of contamination issues in respect to Rocky Flats and other facilities. These damning statements bear repeating in this case.

- **Section II Major Points To Be Made At The Meetings** (with EPA, DOE and DOJ), it was stated that: "C. The compliance posture of Rocky Flats makes it a poor candidate for testing fine points of law."

- **Section III Major Points Expanded Upon A, Paragraph 6:**

"In fact, this language does not use the word "enforcement" that DOE General Counsel (GC) has found so offensive, but which it could based on the language in the Agreement in Principle."

"Our allowing the Rocky Flats effort to fall through because of our rejection of the language that is in the Agreement of Principle will make DOE look like it is welching on the deal that was struck on June 4, smack of bad faith, and generally discredit the Department."

- **Section III Major Points Expanded Upon C:**

"The compliance posture of the Rocky Flats facility makes it a poor candidate for testing fine points of law." "Rocky Flats, an NPL candidate, is in **poor condition generally in terms of environmental compliance.**" "We have basically no RCRA groundwater monitoring wells, our permit applications are grossly deficient (**some of the waste facilities there are patently "illegal"**). **We have serious contamination, and we have extremely limited environmental and waste characterization data for a site of this complexity.** There are CERCLA problems here which are within EPA's exclusive jurisdiction."

"Much of the good press we have gotten from the Agreement in Principle has taken attention away from **just how really bad the site is.**" "If we scrap the agreement and let ourselves fall into litigation, we are likely to find ourselves trying to win issues in a less than favorable context we have now finessed or avoided".

- **Section III Major Points Expanded Upon D:**

“Failure to bring the Rocky Flats effort to a final agreement would set back, if not destroy, the credibility of the Secretary’s environmental program”.

- **Section III Major Points Expanded Upon E:**

“The failure to complete the Rocky Flats process will impact on other sites.”

“The ultimate failure of this effort will jeopardize DOE’s future ability to negotiate and resolve peacefully with the regulators its problems at other sites.”

“The inability of DOE to bring this to fruition will suggest that direct, harsh, enforcement action, e.g., Fernald, will be more expeditious and productive.”

“In any event the underlying issue of EPA’s authority to issue orders to DOE under 3008 should be to this level at once as it is present with regard to a number of Federal facilities compliance “agreements” now being negotiated, viz., Fernald, Idaho, and Hanford.

**2. Assertion: Rocky Flats data and records are not available to the public.**

Unfortunately, the Rocky Flats Stewardship Committee has not tracked phone calls and contacts asking about buying property in the area – nor have they referred them to local citizens groups focusing on these issues for a “balanced and independent viewpoint.” The RFSC has failed to properly capture minutes and statements made for all meetings for any interested public to review. Is this in compliance with the Government in the Sunshine or Colorado Open Records Act?

**3. Assertion: No standards have been established by EPA or CDPHE for airborne radionuclides.**

We don’t believe that there should be a standard for plutonium (Pu) in the air OR soil. The State of Colorado (CDH) set a standard for plutonium based on existing contamination at Rocky Flats.

*Civil Action No. 75-M-1162 Perry S. McKay, Plaintiffs, William C Ackard, Intervenors, V. United States of America, et al., Defendants* was settled for \$8,750,000 due to plutonium and americium contamination to the land from the Rocky Flats Nuclear Weapons Plant. This is why soil guidelines entitled “R.H. 4.21” made a “Procedure for Remedial Action” for soil sampling, mixing, reseeding...in an effort to reduce any such concentrations of plutonium and americium in the soils of such lands to or below the Colorado Department of Health’s plutonium-in-the-soil standard.

**EIN:** This is similar to how Broomfield has in the past, had to co-mingle with Denver Water until the radionuclide concentration dropped to “acceptable” ranges. Following the discovery of the Tritium contamination of Great Western Reservoir from Rocky Flats, Dr. Carl Johnson was rightly concerned that Broomfield residents may have been ingesting Tritium from their GWR drinking water supply. Dr. Johnson did a small scale study based on 1,200 residents to see how much Tritium from Rocky Flats might be present in their urine. He found between 12,000-18,000 pCi/L of Tritium per resident tested.

The Buffer Zone has not had a full characterization regarding clandestine burials of highly contaminated machinery, uranium chip burning pits, contaminated “sewage” sludge spread in the buffer zone to dry was forgotten and left in the field as described in Steel Worker Union meeting minutes found in the Marcus F. Church v. U. S. Government lawsuit. There are MANY issues of concern that have not been investigated that are in the buffer zone, making hot spots an unacceptable health risk for women and children. The last known “Hot Particle” was found via the PM-10 air monitor located SE of the intersection of Indiana and Highway 72 – coincidentally RIGHT WHERE the Jefferson Parkway construction will be undertaken.

**4. CDPHE “Myth” Assertion: Parkway construction will entrain Pu in air and will certainly endanger populations.**

Bandimere Speedway was not allowed to build in Superior due to concern regarding dust resuspension that is aggravated by such activity. This is why Bandimere was located near Red Rocks. According to Dr. Herb Feeley, ERDS/DOE Environmental Measurement Laboratory, Rocky Flats Plutonium dust resuspension was the reason the World Net Monitoring System was disconnected. It was consistently >5,000 times higher than the lowest point in the world around Peru, South America. As a persistent outlier, it was deleted from the program. This is respirable dust that is highly dangerous for local residents, people driving through with windows open, or bicyclists.

In George Setlock’s 1986 Radioecology and Airborne Pathway Report, he found that radionuclide particles such as Plutonium, Americium, and Uranium were statically attracted to pine pollen and litter, especially cellophane Twinkie wrappers. Most certainly we have seen isopleths maps of the contamination moving outward from “ground zero.” The Rocky Flats Landowners Lawsuit that Berger and Montague successfully litigated was awarded over \$340 Million for property contamination and devaluation from Rocky Flats outward about 5 miles (offsite).

It is ridiculous to make any assumptions that there will NOT be danger from bulldozing and road construction activities. Pu and Am does NOT stay in the soil due to the extremely high winds we have that disperses it in the wind. Some of these studies also show plant uptake, radionuclides being released from prairie grass at a wind speed as low as 15 mph. The plant uptake brings contamination to the surface. When the plant dies and dries up, it contributes more radionuclide dust resuspension to the Plutonium Dust Bowl. This is why there should not be any “controlled burns” at Rocky Flats. The ash from the burned contaminated vegetation is redistributed by the wind to local residents and water supplies.

**5. Assertion: The distribution and risk of off-site contamination is unknown.**

Offsite distribution is well known. The risk of off-site contamination is not well known due to all the agencies DOE, EPA, CDPHE, local counties and municipalities not wanting to quantify it. The massive flooding of 2013 redistributed a large amount of contaminated soils. This alone should have triggered new assessments to determine distribution. The fact that there is lack of ongoing robust air monitoring program shows how much the DOE, County, CDPHE and developers are hiding. It is well known that bulldozing activities and vehicular traffic release plutonium and americium into the air from soil disturbance. Jefferson County Health Department along with CDPHE, EPA and local municipalities should insist on enhanced air and water monitoring for any construction activity or earth moving in this nearby area.

**6. Assertion: CDPHE is not enforcing regulations when it takes no action following surface water quality exceedances at the points of compliance.**

Environmental Information Network (EIN), Inc. is concerned that extremely “limited” air and water monitoring may be presented as if it were “robust” or meaningful data. If the air monitoring isn’t continuous it means nothing in terms of showing a “release” of some kind. Having ongoing monitoring would allow follow up after an earthmoving event. Averaging over time is misleading and erroneous. This does not address the deficiencies of the PM10 monitors, the height or number of “downwind” monitor locations. EIN suggests considering use impact cascade monitors as more accurate.

We realize much of what has gone on has been driven by the Marcus F. Church lawsuit Settlement Agreement. That said, the health and future of the community should take precedence over selling and reselling contaminated properties and misleading people about the nature of it. All parties to this lawsuit, including Perry and Charley Church McKay, Jefferson County, and Colorado Department of Health (now CDPHE) are all signatories to this action and have conflict of interest. As a SEALED lawsuit, they are prohibited from engaging in discussion or distribution of this agreement. This is driving the LACK of accountability and monitoring of the area.

We are not signatories to this action, yet have copies of this lawsuit, and are including parts of it for your perusal. Thank you for considering this input regarding citizen concerns about development in this area.

Sincerely yours,

(original signed)

Susan Elofson-Hurst  
EIN Publications Director

Paula Elofson-Gardine  
Executive Director

**Attachments:**

- Rocky Flats and the Haystack Fire
- Actinide Concentrations in Cattle Grazing Near the RFP
- Earth Island Journal "Stop the Nuclear Brushfires"
- Plutonium Hazard in Respirable Dust on the Surface of Soil
- Briefing from Mary L. Walker to DOE's Admiral Foley, General Counsel Farrell, and Under Secretary Romatowski regarding ambiguity for RF Interagency Agreements
- *Exercpts of Civil Action No. 75-M-1162 Perry S. McKay, Plaintiffs, William C. Ackard, Interveners' V. United States of America, et al., Defendants*
- Rocky Flats Worker Union Meeting Transcript Excerpts