



Rocky Flats Citizens Advisory Board Recommendation 2002-1

Recommendations on CERCLA Five Year Review

Approved June 6, 2002

RFCAB appreciates the opportunity to comment on the public review draft of the "First Five-Year Review Report for RFETS" dated April 2002. RFCAB understands all cleanup actions that fail to meet the criteria for unrestricted use are subject to periodic review under Section 121 (c) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). The purpose of this provision is to assess the continued protectiveness of the remedy and to correct any deficiencies found during the evaluation process. These assessments must be performed once every five years at a minimum. However, RFCAB anticipates such reviews to be just one small component of DOE's post-closure obligations.

RFCAB offers the following comments and recommendations on the "First Five-Year Review Report."

Technology Review

Paragraph 254 of the Rocky Flats Cleanup Agreement (RFCA) is concerned with periodic reviews of remedial actions. In the case of remedies that rely on institutional controls (i.e. do not permit unrestricted, or residential, use of the site), RFCA says additional remedial action may be taken as technological improvements allow, as excerpted below:

"To the extent that remedies have incorporated institutional controls, EPA shall review the continuing effectiveness of such controls, and shall evaluate whether additional remedial action could be taken that would reduce the need to rely on institutional controls. In making such an evaluation, EPA shall consider all relevant factors, including advances in technology and the availability of funds."

Issue: The current review report does not acknowledge that advances in technology review must be evaluated, as required by RFCA.

Recommendations:

1. RFCAB strongly supports taking additional remedial action in order to reduce

reliance on institutional controls.

2. Evaluation of recent technological advances to see whether further remediation is warranted should be part of all periodic reviews.

3. RFCAB recommends that a section on technology review be added to the report. Even if it is considered premature to actually perform the technology review at this time, before the site-wide remedy has been fully implemented, there should be a placeholder in the report acknowledging that technology review will be included as part of the next periodic review and all subsequent reviews.

Community Involvement

Issue A: The review report frequently makes reference to supporting data found in other reports. This information is not readily available to members of the general public.

Recommendations:

1. In the interest of making the review process as open and transparent as possible, stakeholders should have access to all data used to support a protectiveness determination.

2. All such references should be available to interested stakeholders during the public comment period, and the review report should clearly identify the locations where these references can be found.

Issue B: EPA guidance suggests it is appropriate to have community representatives on the review team.

Recommendation: Invitations should be extended to interested citizens and members of community groups to actively participate in the review.

Rationale for Evaluating the Remedy

Issue: The report attempts to assess the performance of all remedial actions taken thus far at the site, including the three groundwater plume treatment systems. These systems are designed to reduce the levels of groundwater contaminants over time. Yet, the site has established no timeframe over which these systems, if operating effectively, would be expected to reduce contaminants in the groundwater plumes below their respective cleanup goals. In other words, there appears to be no standard of comparison that would enable future reviewers and stakeholders to know whether these remedies are functioning as designed.

Recommendations:

1. For all such remedies that take effect over a period of time, DOE should perform predictive modeling in order to establish milestones for remedy performance.
2. DOE should also establish a corrective action plan for use in the event of remedy failure.
3. It has been suggested that the MIKE SHE model used in the Site-Wide Water Balance Study could be customized to focus on more localized problems. DOE should investigate the utility of this model or others in evaluating the plume treatment systems.

Comprehensibility of the Report

Issue A: The report does not present data in a consistent manner. For some remedial actions, the data are presented as a verbal summary; for others, data are presented numerically in table form.

Recommendation: Tables were helpful, to the extent used. Where possible, DOE should present numerical monitoring data in the form of tables.

Issue B: In many cases the report states both cleanup goals and confirmation sampling results in the generic terms of "Tier I or Tier II Action Levels." Thus, readers must refer to RFCA Attachment 5 to find out what the actual cleanup level or sampling result was.

Recommendation: Cleanup levels and sampling results should be numerically stated for every contaminant addressed as part of each remedial action.

Review Process

Issue A: The only interviews conducted in the current review were of Kaiser-Hill personnel regarding the groundwater plume treatment systems. The report says the need for interviews was limited "due to the ongoing nature of the cleanup activities." EPA guidance suggests it may be useful to interview a variety of persons to gain information about the protectiveness of the remedy.

Recommendation: Future periodic reviews should include, at a minimum, interviews with nearby residents, frequent visitors to the refuge, and USFWS.

Issue B: Site inspections are an important part of the review. The report, however, provides few details regarding the inspections.

Recommendation: The report should document what criteria the inspectors were examining and give narrative descriptions of actual site conditions encountered in the field. This would enable stakeholders to better understand the site inspection process.

The Rocky Flats Citizens Advisory Board is a community advisory group that reviews and provides recommendations on cleanup plans for Rocky Flats, a former nuclear weapons plant outside of Denver, Colorado.

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