

Rocky Flats Coalition of Local Governments

Boulder County City and County of Broomfield Jefferson County
City of Arvada City of Boulder City of Westminster Town of Superior

8461 Turnpike Drive, Suite 205
Westminster, CO 80031

(303) 412-1200
(303) 412-1211 (f)
www.rfclog.org

October 8, 2001

Mr. Joe Legare
Department of Energy
Rocky Flats Environmental Technology Site 10808 Highway 93, Unit B
Golden, CO 80403

Dear Mr. Legare:

On behalf of the Board of Directors of the Rocky Flats Coalition of Local Governments, I am submitting the following comments on the *Draft Environmental Restoration RFCA Standard Operating Protocol for Routine Soil Remediation (ER RSOP)*. The Coalition appreciates the opportunity to provide feedback on this important document and we look forward to receiving your written reply.

The Coalition considers itself a partner with the Department of Energy and Kaiser-Hill in achieving the safe cleanup and closure of Rocky Flats. We appreciate the Site's continuing commitment and willingness to working with us on this document and others. This draft of the ER RSOP is strong and it addresses and answers many of the concerns we have raised with the Site in prior discussions. We would like further clarification, however, on the following issues.

Interim versus Final Clean-Up Actions

The Coalition is concerned about the statement found in Section 1.0 suggesting that remedial actions under the ER RSOP are interim and not final. While the Rocky Flats Cleanup Agreement (RFCA) provides for accelerated interim actions, the success of the closure project by 2006 requires that remedial actions are indeed final. As discussed at the RFCA Stakeholder Focus Group and other forums, the RFCA parties agree on this important principle. Therefore, we recommend amending Section 1.0 (page 2, paragraph 3) by adding a sentence along the lines of "all actions under the ER RSOP should be completed in a manner such that each remediation site meets the no further action requirements."

Furthermore, the presumption that accelerated actions are final actions necessitates integrating the various facets of cleanup, including remedy selection and stewardship

considerations. To suggest that the actions are interim and not final could serve to undermine this key principle. That is one of the reasons why the Coalition has been pushing for a thorough stewardship analysis, and why we are concerned about language in Section 1.0 which provides "because the RSOP addresses accelerated actions, long-term stewardship activities cannot be fully addressed at this time." We would argue that while the long-term stewardship activities cannot be "fully" addressed, they can and should be substantially addressed. We discuss this argument further in the following section.

Stewardship Evaluation

Stewardship is of great importance to the Coalition and must be integrated with remedy selection decisions to ensure the long-term protection and viability of selected remedies. We recognize and appreciate the incorporation of a stewardship analysis in the ER RSOP. Yet, as we have discussed with DOE and Kaiser-Hill staff, we remain concerned that the document does not comprehensively explain the basis and scope of future long-term stewardship analyses.

DOE has noted at various meetings the crux of the stewardship analysis is not contained in the document. The Coalition is concerned that the Site is both purposely leaving this analysis open, as the details of the site-wide stewardship controls are still unclear, and arguing that the ER RSOP shall serve as a model for long-term stewardship.

Toward this end, while Section 5.2.1 provides an overview of potential controls that could be used to protect and enforce remedies, this section can and should be expanded. The Stewardship Working Group has done a considerable amount of work on this issue that we believe can serve to add specificity to the stewardship analysis. These issues have been raised in the working group's report entitled "Hand in Hand: Stewardship and Cleanup" and in the "toolbox" that they have been developing, as well as at various other forums. Likewise, as raised at Stewardship Working Group meetings, we further suggest incorporating one of the issues that the National Research Council raised in its report to DOE on long-term stewardship, which is the need for duplicity to account for the risk of failure of stewardship controls.

Finally, lack of detail is evident in several stewardship decision trees in the ER RSOP, such as Figure 8, where "consider additional remediation" is specified as an endpoint. Please provide additional detail as to what "consider additional remediation" constitutes, and the process and basis for determining when an area will require additional remediation.

As we have discussed at the Stewardship Working Group meetings, we appreciate your bringing these issues to the table and look forward to continuing to work with DOE on these issues. We request that the ER RSOP both address the above ideas and acknowledge that complete details of the long-term stewardship analysis will be determined at a later date and incorporated into future decisions.

Routine versus Non-routine Actions

The Coalition understands the ER RSOP addresses routine remediation of soil and associated debris at the Site. One concern is the basis for determining what is routine and what is non-routine. We appreciate the extent to which Kaiser-Hill has addressed this issue at public meetings. Their attention to this matter has greatly clarified the basis for how the Site will make the determination, but we think the document could better address this analysis. Let us cite a few examples.

Section 1.0 contains language stating that remediation of a portion of the Original Process Waste Lines (OPWL) may be considered non-routine, but as stated in a subsequent paragraph, OPWLs could also be remediated under the ER RSOP as a routine action. Subsequently, Section 6.5 indicates that soil and associated OPWLs that are contaminated above agreed upon cleanup levels may not be excavated but may require a "different action." Because routine actions cover only excavation in the ER RSOP, we presume these other actions are considered non-routine. Is this assumption correct? Please specify the criteria used to determine whether remediation of the OPWLs is routine or non-routine, and when a "different action" may be required.

Similarly, as clearly stated in the document, soil removal at some areas of the Site is a routine action. As noted in Section 5.2.1 (page 55), however, the use of an engineered barrier such as a cap or diversion ditch that is paired with a removal action would be considered under a separate decision document. Our understanding is that cleanup decisions are then going to be split and elements will be considered in different documents. What is the technical or planning basis for splitting a cleanup decision into two separate decision documents? We have raised this issue in the past but the concern remains that if a control is considered separately from the remedy analysis, the multiple facets of cleanup are not integrated.

Additionally, Section 5.2 states that if a given area has the potential to affect water quality and is remediated to agreed-upon cleanup levels, it will be backfilled, stabilized, and revegetated. Since the ER RSOP addresses routine actions, it may be surmised that this procedure is considered routine. Protecting water quality by stabilizing and revegetating other areas such as the 903 Pad lip and americium zone, however, is considered non-routine. How is the determination made whether an action is routine or non-routine if it could be either?

Lastly, the ER RSOP indicates characterized tanks (Section 6.8) and drums (Section 1.0) will be remediated under the ER RSOP as routine actions. In Section 6.9, the document states that "[previously unidentified] areas requiring remediation that are identified during ER characterization or remediation...will result in extension of the AOC [Area of Concern] and will not require additional...paperwork." Will an AOC extension cover tanks and/or drums discovered during characterization or do they fall under a separate decision document as non-routine?

While we believe this draft does a solid job of defining routine versus non-routine, the document should go one step further and clarify the types of issues discussed above.

Use of "Evaluate or Manage" in Decision Trees

In Figures 6, 7, 12, and 13, the term "Evaluate or Manage" is used as the endpoint to several questions regarding soil contaminant levels and remediation. The Coalition has asked Kaiser-Hill to clarify this term but there is lingering confusion on our part. Please define the term "Evaluate or Manage" and incorporate the definition and process for making this determination into the document.

Relationship between ALARA and Stewardship

We understand the relationship between ALARA and stewardship when making remedial decisions is still being refined. Nevertheless, some apparent discrepancies regarding this relationship emerge in the ER RSOP. In Figure 6, it appears that ALARA is only considered if the stewardship analysis demonstrates that additional remediation should be considered. If the stewardship analysis suggests additional remediation should not be considered, ALARA is bypassed. In Figure 8, however, an ALARA analysis both precedes and follows the stewardship analysis. Please clarify the relationship between ALARA and stewardship.

Additional Clarifications

The remedial action objective for surface soil is to prevent exposure to contaminated surface soils exceeding Tier 1 action levels. We know the DOE, EPA, and CDPHE are currently reevaluating the radionuclide soil action levels (RSAL) specified in the RFCA. Among the issues under review are the future use scenario and the use of a tier system to define the clean-up level. Our understanding is that when the RSALs are finalized, this document and others will be adjusted to reflect that change. Is this assumption correct? Will this change constitute a major or minor modification to the document? The Coalition believes it is very important for local governments to be informed of major modifications to the ER RSOP and requests that the document indicate we are to be notified in writing of any such modifications.

Another issue for clarification involves staging piles. We understand concrete and excavated soil meeting the specified criteria could be used as backfill and stored in staging piles until such time as it is needed, as outlined in Section 6.11. We seek clarification as to how the Site will implement identified ARARs to protect water and air quality from the potential spread of further contamination due to erosion of the staging piles.

Finally, the ER RSOP, Actinide Migration Evaluation, Site-Wide Water Balance, and Land Configuration Design Basis Study will all likely influence the end-state of Rocky Flats. We would like a better explanation of how these studies and documents will be integrated and how new technologies, as applicable, will be used to meet end-state objectives.

Thank you for the opportunity to comment on this document and for your continuing commitment to work with the Coalition on the safe and timely closure of Rocky Flats. If you have any questions about the Coalition's comments, please call me at (303) 412-1200.

Sincerely,

/s/

David M. Abelson
Executive Director

cc: Norma Castaneda, DOE
John Rampe, DOE
Lane Butler, Kaiser-Hill
Steve Gunderson, CDPHE
Tim Rehder, EPA
Rocky Flats Coalition of Local Governments
Rocky Flats Citizens Advisory Board