

Rocky Flats Coalition of Local Governments

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Mr. Joe Legare
U.S. Dept. of Energy
Rocky Flats Field Office
10808 Hwy. 93, Unit A
Golden, CO 80403

Mr. Tim Rehder
U.S. EPA
999 18th St. Ste. 500
Denver, CO 80202

Mr. Steve Gunderson
CDPHE
4300 Cherry Creek Dr. South
Denver, CO 80246

Dear Joe, Tim, and Steve,

On behalf of the Board of Directors of the Rocky Flats Coalition of Local Governments, I am writing regarding put-back levels for contaminated soils that are excavated during remediation at Rocky Flats. The Board understands the RFCA parties have recently discussed this issue in relation to the 903 Pad remediation and during revisions to the Environmental Restoration RSOP. As you decide the question of put-back levels in this document and in future documents, the Board requests the following position be considered.

Throughout our multi-year conversations with your agencies regarding amendments to the Rocky Flats Cleanup Agreement (RFCA), the Coalition was adamant that cleanup decisions not be based solely on risk. Our reasoning was and remains that there are important public policy considerations that necessitate additional remediation above and beyond risk-based determinations. One such public policy consideration is source removal.

As such, soil with radiological contamination greater than the action level prior to remediation must always be removed and should not be used as backfill. Accordingly, if during remediation soil exceeding the action level becomes diluted with "clean" soil, the Board opposes the use of this blended soil as backfill, regardless of depth. Our understanding is that this position is consistent with the RFCA.

Second, soil that is eligible for use as backfill must be returned to the location from which it was excavated. The Board does not want the basements of buildings such as 371 or 771 to be used as *de facto* low level waste dumps.

Finally, we understand that to use soil that exceeds the action level as backfill below three feet, regulator approval is required. Because any contamination left onsite could impact our communities in the future, the Coalition wants to be consulted during this approval process. The Board will examine such proposals very closely and will require a sound technical and public

policy basis for using contaminated soil as backfill. We are extremely concerned about the possibility that the contractor could use soil contaminated with plutonium concentrations of 100 pCi/g, 500 pCi/g or even as high as 1 nCi/g for backfill.

Sincerely yours,

/s/

Lorraine Anderson
Chairman