

# ROCKY FLATS STEWARDSHIP COUNCIL

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League of Women Voters ~ Rocky Flats Cold War Museum ~ Rocky Flats Homesteaders

## Monthly Status Report – September 2017

### **Board Meeting Summary**

#### 2018 Work Plan and Budget

The Board reviewed the draft work plan and budget. Both will be approved at the October 30<sup>th</sup> meeting.

#### DOE Quarterly Update – 1<sup>st</sup> Quarter 2017

Highlights include:

1. At the Original Landfill (OLF), the mean concentrations for all analytes were below the applicable RFLMA water quality standards.
2. Sampling at the Present Landfill indicated that the applicable water quality standards were met.
3. At SW027, a surface water monitoring station found on Woman Creek, the 12-month rolling average for plutonium remained reportable as there was no flow from June 2, 2016, through the first quarter of 2017. As of April 30, 2017, plutonium is no longer reportable at SW027.
4. Concentrations at the Woman Creek point of compliance (WOMPOC), downstream of SW027, were not reportable.
5. At WALPOC, which is the point of compliance on Walnut Creek, uranium concentrations based on the 30-day average were reportable for December 8, 2016 to April 3, 2017. RFLMA Contact Record 2017-02 addresses this condition. The 12-month rolling average uranium has remained below the reportable level.
6. At the Solar Ponds Plume Treatment System (SPPTS), DOE continued to treat nitrate to below detection limits in the full-scale test lagoon.
7. At the Original Landfill, site personnel performed three monthly inspections (January 23, February 22, and March 22, 2017). They also surveyed eight settlement monuments on March 13. Vertical settling at each monument was within the allowable limits, and additional drainage pipes were installed through Berm 7 to facilitate surface drainage.
8. At the North Walnut Creek slump, site personnel investigated the hillside. In preparation for regrading work at the site, the area was mowed to increase visibility for locating cracks and discourage use by wildlife for cover and nesting.

#### CERCLA Five-Year Review

Vera Moritz (EPA) discussed the CERCLA Five-Year Review and the determination that the remedy remains protective. Highlights include:

1. Institutional controls are in place and effective in meeting the objectives presented in Table 2. Physical controls are in place and effective at preventing human health exposures from contaminated groundwater, surface water, and soil.
2. Required groundwater and surface water monitoring is ongoing and supports achievement of the Remedial Action Objectives (RAOs) in the long term.
3. Operation and maintenance of remedy components at the OLF, PLF, and groundwater treatment systems is ongoing and supports the achievement of RAOs in the long term.
4. The exposure assumptions, toxicity levels, cleanup levels, and RAOs used at the time of the remedy remain valid.
5. There were no changes in exposure pathways or assumptions.
6. Revisions/changes to surface water quality standards and toxicity levels were assessed and determined to not impact the remedy.
7. The remedy remains protective despite high precipitation events and extreme weather variability

### **Legacy Management Monthly Site Activities Summary**

DOE reports the following for August.

#### Groundwater Treatment Systems

- East Trenches Plume Treatment System (ETPTS): DOE reports the system, which also treats contaminated water that was previously treated by the Mound Site Plume Treatment System, is working as designed.
- Solar Ponds Plume Treatment System (SPPTS): DOE reports the nitrate treatment system is working as designed. The system continues treating uranium using microcells and new test media. DOE also subcontracted a subject matter expert to support uranium treatment evaluations.

#### Original Landfill

- DOE conducted a weather-related inspection following significant rain on August 7 (more than 1 inch of rain in a 24-hour period). Personnel backfilled two cracks that were identified during this inspection.

#### Present Landfill

- The Present Landfill was inspected due to significant rain on August 7. Personnel also completed the third quarter landfill inspection. No issues were identified.

### **Peace Center et al Lawsuit Against USFWS et al re: Refuge Planning**

On September 29<sup>th</sup>, US District Court Judge Christine M. Arguello dismissed without prejudice the plaintiffs' Motions for Reconsideration and Leave to Amend, and granted the Defendants' Motion to Dismiss. Dismissal without prejudice allows the plaintiffs to re-petition the court. The court also awarded the Defendants costs, which can include attorney fees.

The court's Final Judgement is attached.

### **Stewardship Council Update**

Upcoming 2017 Board meetings: October 30

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Civil Action No. 17-cv-01210-CMA

ROCKY MOUNTAIN PEACE & JUSTICE CENTER,  
CANDELAS GLOWS/ROCKY FLATS GLOWS,  
ROCKY FLATS RIGHT TO KNOW,  
ROCKY FLATS NEIGHBORHOOD ASSOCIATION, and  
ENVIRONMENTAL INFORMATION NETWORK (EIN), INC.,

Plaintiffs,

v.

UNITED STATES FISH AND WILDLIFE SERVICE,  
JAMES KURTH, in his official capacity as Acting Director of the United States Fish and  
Wildlife Service, and  
RYAN ZINKE, in his official capacity as Secretary of the Interior,

Defendants.

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**FINAL JUDGMENT**

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In accordance with the orders filed during the pendency of this case, and pursuant to Fed. R. Civ. P. 58(a), the following Final Judgment is hereby entered.

Pursuant to the Order Denying Plaintiffs' Motions for Reconsideration and Leave to Amend and Granting Defendants' Motion to Dismiss (Doc. No. 36 ) of Judge Christine M. Arguello entered on September 29, 2017 it is

ORDERED that the Plaintiffs' Motion for Reconsideration of Preliminary Injunction, and in the Alternative, Permission to Appeal a Controlling Question of Law Inherent in the Court's Order (Doc. No. 18) is DENIED. It is

FURTHER ORDERED, that Defendant's Motion to Dismiss (Doc. No. 20) is GRANTED. It is

FURTHER ORDERED that Plaintiffs' Motion for Leave to Amend (Doc. No. 29) is DENIED. It is

FURTHER ORDERED that Plaintiffs' claims, as set forth in the Amended Complaint, are DISMISSED WITHOUT PREJUDICE. It is

FURTHER ORDERED that judgment is entered in favor of the Defendants, United States Fish and Wildlife Service, James Kurth, and Ryan Zinke and against the Plaintiffs, Rocky Mountain Peace & Justice Center, Candelas Glow/Rocky Flats Glows, Rocky Flats Right to Know, Rocky Flats Neighborhood Association, and Environmental Information Network, Inc. It is

FURTHER ORDERED that, as the prevailing party, the Defendants, United States Fish and Wildlife Service, James Kurth, and Ryan Zinke are awarded their reasonable costs pursuant to Fed. R. Civ. P. 54(d)(1) and D.C.COLO.LCivR 54.1.

DATED: September 29, 2017.

FOR THE COURT:  
JEFFREY P. COLWELL, CLERK

By: s/S. West  
S. West, Deputy Clerk