

# ROCKY FLATS STEWARDSHIP COUNCIL

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City of Golden -- City of Northglenn -- City of Westminster -- Town of Superior  
League of Women Voters -- Rocky Flats Cold War Museum -- Rocky Flats Homesteaders  
Karen Imbierowicz

## Monthly Status Report – January 2009

### Board meeting summary:

There was no meeting this month.

### Legacy Management monthly site inspection summary:

January 2009 site activities included:

- The Colorado Water Quality Control Commission (WQCC) heard DOE's petition to change the site-specific water quality standard for uranium. The WQCC set the new standard at 16.8 micrograms/liter (roughly 11.5 pCi/L). The old standard had been 10 pCi/L. The WQCC also agreed to review additional data at a future date which could result in a further relaxation of the site standard. The old standard was based on water quality conditions during production and early cleanup years; the new is based on EPA's health-based standard for uranium heavy metal toxicity (especially kidney function).
- As part of DOE's evaluation of the effectiveness of the October 2008 repairs to the Solar Ponds Plume Treatment System (SPPTS), DOE sampled North Walnut Creek and the SPPTS. Preliminary data show that the existing treatment cells cannot handle the increased flow and nitrate concentrations. Upgrades to the existing treatment cells are planned for Phases II and IV of the SPPTS project.
- Surveys conducted of the red-tailed hawk and great horned owl nests near the SPPTS showed no activity at this time. Because the Phase III SPPTS upgrades are scheduled for this spring, observations of the nests and potential nesting deterrent measures will be conducted to prevent the birds from nesting at these locations during the project activities.
- Installation of the stoplog structures began at Dams A-1, A-2, and B-3. The subcontractor completed forming/pouring the stoplog structure and also completed fine grading at Dam B-1. Boulder grouting was finished at Dam B-2. The subcontractor completed forming/pouring the stoplog structure at Dam B-4; excavation continues at this dam.

### Rocky Flats Workers:

On Friday January 16, 2009, Bush Administration Secretary of Health and Human Services, Michael Leavitt, denied an appeal by former Rocky Flats workers to limit class of recipients under the Energy Employees Occupational Illness Compensation Program Act (EEOICPA). This decision came despite the request by seven members of Colorado's Congressional delegation to allow the incoming Obama Administration rule on the workers' appeal. It is unclear what recourse the Obama Administration might have to review the denial of this appeal

and what action, if any, they might take to address the workers' ongoing concerns. More likely than not Congress will need to revise the EEOICPA to address the many flaws in implementing the program.

In a related matter, due in part of the efforts of Senator (then Representative) Udall, in determining eligibility under the EEOICPA the National Institute of Occupational Illness and Health has agreed to use Colorado data showing worker radiation exposures where such data is missing from federal records. As discussed in the December 2008 update, state and federal officials have been grappling with how to address worker claims where federal records are missing but state records are not. In a December 13, 2008, article in the *Rocky Mountain News*, Laura Frank explored the case of a former worker who was denied compensation based in part on the lack of federal records. The state records, which show neutron exposure, were not used by the federal government due to concerns that the federal government could not ensure state privacy rules would be met. The agreement Senator Udall and others reached should remedy this problem.

### Congressional update:

On January 20, 2009, Senator Ken Salazar was sworn in as the Secretary of the Interior. Michael Bennet was appointed to fill his Senate seat. Bennet will run for reelection in 2010. Much of Salazar's Colorado staff will continue to work for Senator Bennett but the DC ranks have been thinned as many staff have either made the move to Interior or have taken other jobs with Congress.

### Colorado House Bill 1060:

Colorado Representative Wes McKinley (D) introduced House Bill 1060, "Concerning Information to be provided to Visitors at Rocky Flats". This bill, with a few very minor differences, passed the House in 2006 but died in the Senate; in 2005 a somewhat different version died in the House. The House Agriculture, Livestock and Natural Resources heard testimony on the bill on January 21, 2009, and on a 7-5 vote killed the bill for this legislative session.

Overview of the bill: The central tenant of the bill is to provide information to any future visitors to the Rocky Flats National Wildlife Refuge. ("Future" is key as the Refuge is not yet open to the public and, unless Congress provides funding, will not be open for the foreseeable future.) The bill would codify in law specific language about the history of the site and ongoing risks that the state of Colorado would need to provide to visitors. The bill also provides school children, as part of school-sponsored field trips, could not enter the refuge without first receiving a written copy of the information specified in the bill. (The 2005 bill mandated parents sign a waiver.) Further, the bill would provide members of the public shall be provided the information "prior to entering the refuge." The Colorado Department of Transportation would be the agency responsible for designing and constructing the signage and the other information systems as provided in the bill. In order to address potential budgetary issues, the bill further provides the state shall seek reimbursement for costs under the 1996 Rocky Flats Cleanup Agreement, an agreement which has been superseded by the Rocky Flats Legacy Management Agreement.

Flaws with the bill: Among the many flaws is that the proposed language is not objective and presents a slanted view of the history of the cleanup and ongoing risk posed to future visitors. Second, USFWS, working with DOE, CDPHE, EPA and the Stewardship Council, among others, has already agreed to language for entrance signs to the sites. That language can be found at: <http://www.fws.gov/rockyflats/Signage/Final%20Rocky%20Flats%20Sign%20Text%202.23.07.pdf> Third, much of the testimony in support of the bill was based on outdated, inaccurate or irrelevant information. Lorraine Anderson (Arvada Council) and Jeannette Hillery (League of Women Voters) testified in opposition to the bill.

### Site document update:

None at this time.

### DOE Records Storage Facility:

Under CERCLA, the federal Superfund law, DOE is required to maintain an official record of the cleanup. A key question community members had as DOE approached completion of site remediation activities in 2005 concerned where DOE would house the official record. Many in our community, including some Stewardship Council governments, argued for a local facility. In 2005 DOE's Office of Legacy Management decided to build a central storage facility to house all of the documents under their management, including Rocky Flats documents. Due to political considerations, Morgantown, WV, home to numerous DOE offices, was chosen. The facility will be a General Services Administration (GSA) 'build to suit' lease. Construction starting in October 2008 with occupancy planned for December 2009.

### Stewardship Council update:

In February Lorraine Anderson (Arvada Council) and David Abelson (Executive Director) will attend the Energy Community Alliance conference and board meeting in Washington, D.C. Lorraine, Andrew Muckle (Superior Mayor) and David will also meet with Members of Congress and/or their staffs, and with DOE personnel.

Next meeting: April 6, 2009