

ROCKY FLATS STEWARDSHIP COUNCIL

P.O. Box 17670
Boulder, CO 80308-0670
www.rockyflatssc.org

(303) 412-1200
(303) 412-1211 (f)

Jefferson County -- Boulder County -- City and County of Broomfield -- City of Arvada -- City of Boulder
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 – March 2009

Board meeting summary:

There was no meeting this month.

Legacy Management monthly site inspection summary:

Following is a summary of site activities for March:

- All first quarter 2009 groundwater sampling was completed. A total of 10 wells were sampled.
- The annual Site inspection was conducted. Annual inspection and monitoring for evidence of significant erosion and violation of institutional controls are required in accordance with the Rocky Flats Legacy Management Agreement. Staff walked down the entire Central Operable Unit (COU), evaluating three categories of potential concerns. Field observations are currently being reviewed to determine whether any significant issues exist. Areas evaluated were:
 - evidence of significant erosion in the COU,
 - effectiveness of institutional controls as determined through any evidence of their violation, and
 - evidence of adverse biological conditions, such as unexpected morbidity or mortality.
- Construction activities for the B-series dam breaches (B-1, B-2, B-3, and B-4) are complete. Final re-vegetation and installation of erosion controls for the B-series project area were conducted and all construction equipment was demobilized. This effort completes Phase 1 (A-1, A-2, B-1, B-2, B-3, and B-4) of dam breaching operations. Phase 2 (A-3, C-2, and the Present Landfill dam) will be performed in about 2012. Phase 3 (terminal dams A-4 and B-5) will complete all dam breaching in about 2017.
- An intensive design effort for upgrading the Solar Ponds Plume Treatment System (SPPTS) was completed in March. Construction activities for the Phase 2 SPPTS upgrades will commence on April 6 and last into May. Upon completion of construction the site will begin Phase 2 SPPTS operations to effectively treat contaminated groundwater (uranium and nitrate contamination).

Congressional update – nuclear workers:

On March 31, 2009, Senator Udall introduced the “Charlie Wolf Nuclear Workers Compensation Act”, a bill to amend the Energy Employees Occupational Illness Compensation Program Act of 2000.” Senator Bennet (D-CO) and Senator Udall Tom (D-NM) cosponsored the bill. A companion bill was introduced in the House by Representative Polis (D-CO). Reps. Perlmutter, Coffman, DeGette and Salazar co-sponsored the bill.

The bill makes a number of important changes to the EEOICPA, including:

1. Expands the list of cancers for which individuals are eligible to receive compensation; this change requires amending the relevant part of another law, the Radiation Exposures Compensation Act (RECA), because EEOICPA adopts that law's list by reference.
2. Shifts the presumption of compensation to the claimant; it does so by presuming that an individual with cancer sustained that cancer while performing his or her duty and places the burden of proof of rebutting that presumption on the National Institute for Occupational Safety and Health (NIOSH) to prove by clear and convincing evidence that the exposure did not cause the illness. To prove something by “clear and convincing evidence” and thus deny compensation, NIOSH must show that it is substantially more likely than not that the illness was not caused by the exposure but by some other factor.
3. Requires the Department of Labor (DOL), which administers the EEOICPA, to provide a list of physicians qualified to perform medical and impairment screenings from independent medical associations and institutions of higher education; and requires claims examiners to provide written notice to claimants who file under either Part B or Part E of the EEOICPA of potential monetary or medical compensation for which they may be eligible.
4. Requires DOL to provide the public with access to the “site exposure matrix” and any other databases or site profiles used to evaluate claims for compensation.
5. Broadens the definition of “covered illness” that is eligible for compensation to include a specific, but not exhaustive, list of specific illnesses; it also allows claimants who heretofore were denied compensation for a specified illness the ability to reapply for compensation due to this clarification.
6. Requires the DOL to pay a claimant’s estate should a claimant die after filing their claim but before receiving payment and leave no survivors.
7. Allows compensation for a covered illness even if that illness may not have been the sole cause of the claimant’s disability.
8. Requires any federal agency with jurisdiction over the program to provide information to claimants in easily understandable language and, if a claim is denied, provide claimants with a detailed, written explanation of all reasons for the denial and the additional documents, evidence, or information necessary to meet the burden of proof on appeal; and prohibits the Departments of Energy (DOE) and Labor from destroying original documents related to any DOE facility that might reasonably be expected to be used by workers in support of filing claims under EEOICPA.

Agency update:

As the Obama Administration appoints top DOE officials, one post still vacant is Director of the Office of Legacy Management. Dave Geiser, who has worked with LM since its inception, is serving as the acting director.

Site document update:

On March 5, 2009, DOE posted on its website contact record 2009-01 for phases II and III upgrades to Solar Ponds Plume Treatment System (SPPTS). This action follows the October 2008 installation of a collection sump, solar powered pumping system, and effluent piping upgrade to the SPPTS. That upgrade is phase I. Data collected subsequent to phase I are intended to inform further SPPTS upgrades. This contact record documents the phase II and phase III upgrades. The data collection associated with these phases is intended to inform evaluation of alternatives for final system upgrades (Phase IV).

The goal of the proposed phases II, III, and IV is to optimize treatment so that the underlying water supply standards of 10 mg/L for nitrate and 16 ug/L for uranium can be met. The Phase II objective is to install a new uranium treatment cell upstream of the two existing treatment cells. The Phase III objective is to install pilot-scale nitrate treatment cells to evaluate improved nitrate biotreatment technologies. Construction of phase II and III is scheduled to begin in the spring of 2009.

The contact record can be found at:

http://www.lm.doe.gov/documents/sites/co/rocky_flats/rflma/cr200901/Final.pdf

Stewardship Council update:

Next meeting: June 1