

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 – May 2009

Board meeting summary:

There was no meeting this month.

Legacy Management monthly site inspection summary:

The May site update will be included in the June update.

Energy Employee Compensation:

According to *Weapons Complex Monitor*, in early May, the National Institute of Occupational Safety and Health (NIOSH) awarded Oak Ridge Associated Universities (ORAU) a new contract to provide dose reconstructions in support of the Energy Employees Occupational Illness Compensation Program Act (EEOICPA). *Weapons Complex Monitor* reports the contract is set to run for one year, with an option for four additional years. ORAU had received 14 extensions to its previous contract, which expired in late 2007.

Under the new contract, ORAU will have “increased production numbers,” thereby requiring ORAU to increase the number of dose studies it conducts. As of April 30, 2009, the Department of Labor had referred 29,354 claims to NIOSH for dose reconstructions, and NIOSH has returned 82 percent—or 24,044—of the claims to DOL. The results help determine whether sick nuclear weapons workers are eligible for federal compensation under EEOICPA.

Agency update:

The Office of Legacy Management, which handles post-closure liabilities at Rocky Flats and more than 80 other sites throughout the country, would receive approximately \$189.8 million under DOE’s Fiscal Year 2010 budget request. The request is a slight increase from the office’s current funding level of \$185.9M. Funding also covers management of pension and benefit claims for former contractor employees at six sites, including Rocky Flats, as well as consolidating records from various locations into LM’s new facility in Morgantown, West Virginia.

Congressional update:

The House of Representatives has begun hearings on fiscal year 2010 appropriations. Included are DOE programs. The House and Senate Armed Services Committees have also begun

oversight hearings in preparation for the annual Defense Authorization Bill. These committees oversee numerous elements of DOE programs, and the annual authorization bill is often a vehicle for legislative action concerning the DOE complex. (The 2001 bill, for example, included the Rocky Flats Refuge Act.) The 2010 bill could be a vehicle for Congress approving “The Charlie Wolf Nuclear Workers Act,” but at this time there is no indication that the authorization bill will include the workers bill.

The Senate confirmed six DOE nominees, including Daniel Poneman (Deputy Secretary), Kristina Johnson (Under Secretary for Energy), Steven Koonin (Under Secretary for Science), Scott Blake Harris (General Counsel), David Sandalow (Assistant Secretary for Policy and International Affairs), and Ines Triay (Assistant Secretary for Environmental Management). No announcements have been made regarding Director of the Office of Legacy Management, the program office that manages Rocky Flats.

Site document update:

In May DOE issued its calendar year 2008 monitoring report. The report is several hundred pages and can be found at:

http://www.lm.doe.gov/land/sites/co/rocky_flats/annualreport2008.htm

The executive summary follows:

The U.S. Department of Energy (DOE) Office of Legacy Management (LM) is responsible for implementing the final response action selected in the *Final Corrective Action Decision/Record of Decision for Rocky Flats Plant (USDOE) Peripheral Operable Unit and Central Operable Unit (CAD/ROD)* issued September 29, 2006, for the Rocky Flats Site (Site).

Under the CAD/ROD, two Operable Units (OUs) were established within the boundaries of the Rocky Flats property: the Peripheral OU (POU) and the Central OU (COU). The COU consolidates all areas of the Site that require additional remedial or corrective actions, while also considering practicalities of future land management. The POU includes the remaining, generally unimpacted portions of the Site and surrounds the COU. The response action in the Final CAD/ROD is no action for the POU, and institutional and physical controls with continued monitoring for the COU. The CAD/ROD determined that conditions in the POU were suitable for unrestricted use. The U.S. Environmental Protection Agency (EPA) subsequently published a Notice of Partial Deletion from the National Priorities List for the POU on May 25, 2007.

DOE, EPA, and the Colorado Department of Public Health and Environment (CDPHE) have chosen to implement the monitoring and maintenance requirements of the CAD/ROD under, and as described in, the *Rocky Flats Legacy Management Agreement (RFLMA)*, executed March 14, 2007. RFLMA Attachment 2 defines the COU remedy surveillance and maintenance requirements. The requirements include environmental monitoring; maintenance of the erosion controls, access controls (signs), landfill covers, and groundwater treatment systems; and operation of the groundwater treatment systems.

The *Rocky Flats Site Operations Guide* was prepared by LM to serve as the primary internal document to guide work to satisfy the requirements of RFLMA and implement best management practices at the Site.

This report addresses all surveillance and maintenance activities conducted at the Site during Calendar Year 2008 (January 1 through December 31, 2008). Highlights of the surveillance and maintenance activities are as follows:

- RFLMA references the use of contact records to document CDPHE approvals of field modifications to implement approved response actions. RFLMA Attachment 2 references the use of contact records to document the outcome of consultation related to addressing any reportable conditions. This report discusses RFLMA contact records issued in 2008 and their status as of December 31, 2008.

- Several Colorado Water Quality Control Commission (WQCC) proceedings related to surface water standards for stream segments at Rocky Flats occurred in 2008. WQCC accepted DOE's petition for a rulemaking hearing, set for January 2009, to revise the Site specific uranium (U) surface-water standard to the statewide surface-water standard, which is the drinking water standard, and to eliminate the gross alpha and gross beta Site-specific standards. These changes were requested due to changed conditions resulting from cleanup and closure of the Site. WQCC also ruled in December 2007 that the current surface-water temporary modifications did not require change or elimination and that the current expiration date of December 31, 2009, remains in effect. DOE submitted information at WQCC's October 2008 issues identification hearing for the triennial review of the South Platte River Basin surface-water standards, set for June 2009.
- Conditions that warranted further repair and that triggered further investigation were found at the Original Landfill (OLF) beginning in 2007. These conditions involved the localized slumping and settling of the OLF cover, seeps observed to daylight intermittently on the cover, and the development of a continuous seep at the eastern toe of the buttress (identified as Seep 8). Investigation fieldwork for the OLF Phase 2 geotechnical work began in December 2007 and was completed in April 2008. The Phase 2 work revealed that a clay layer containing organic materials at or near the bedrock contact appears to be a weak interface area. Modeling predicts small-scale instability due to percolating moisture that lubricates this weak interval. The OLF buttress is providing stability as intended, and there is no large-scale instability predicted; therefore, the observed conditions do not appear to indicate a need for urgent or major responses. Maintenance and repairs were made in 2008 after completion of the geotechnical investigation to address the observed conditions. The actions included adding soil to raise diversion berm heights to meet design criteria, constructing an extension to the Seep 7 drain, and adding fill to and regrading the west diversion channel to improve slope stability.
- Phase I upgrades to the Solar Ponds Plume Treatment System (SPPTS) were completed and implemented in October 2008. In an effort to improve water quality in North Walnut Creek, the upgrades were designed to capture and treat more contaminated groundwater that would otherwise discharge, without treatment, to the creek. A collection sump (the Interceptor Trench System Sump [ITSS]) was constructed adjacent to the former Interceptor Trench Pump House, and the east and west Interceptor Trench System manifolds were connected to the ITSS. Water that collects in the ITSS is pumped up the hill into the collection well installed within the groundwater intercept trench. The water is then pumped into the SPPTS treatment cells. Sampling of the SPPTS and North Walnut Creek locations was increased to support an evaluation of the effects of Phase I improvements to the system and to support planning for additional system upgrades to effectively treat the additional flow and higher concentrations of contaminants resulting from Phase I.
- Surface-water flow volumes show expected reductions resulting from land configuration changes and removal of impervious surfaces.
- All surface-water Points of Compliance showed acceptable water quality for the entire year.
- Point of Evaluation (POE) location GS10 continued to show reportable values for total U. Evaluation has suggested that these reportable values are due to changes in hydrologic conditions, which have caused groundwater with naturally occurring U to make up a larger proportion of streamflow at GS10. All other POEs and all other analytes at GS10 showed acceptable water quality for the entire year.
- Surface-water monitoring at the Present Landfill Treatment System showed four analytes as periodically above applicable standards. Additional monitoring was performed as required by the RFLMA data evaluation process. Results of the additional monitoring did not indicate water-quality levels requiring consultation between the RFLMA parties.
- The groundwater treatment systems at the Site continued to successfully remove contaminant loading to surface water from groundwater plumes.
- Groundwater quality and flow at the Site were generally consistent with previous years. Statistical trending calculations indicated numerous significant concentration trends. More trends were found to be decreasing than increasing (54 versus 44).
- The reportable condition reported at Area of Concern well B206989 in 2007 due to elevated concentrations of nitrate in groundwater samples persisted through 2008. Concentrations were consistent with previous data, but statistical trending incorporating 2008 data now indicates a decreasing trend in nitrate concentrations that is statistically significant at the 80 percent confidence level. Additional consultations will be held to confirm the path forward.

- The well that had monitored the hillside south of former Building 991, and which was abandoned in 2007 to support regrading of that slumping hillside, was replaced. The new well, 45608, is artesian. Analytical data are generally consistent with those from the original well, 45605, and with the former French drain outfall location, SW056.
- All RFLMA-required ecological data collection, analysis, and reporting were completed as scheduled.
- Revegetation monitoring data continues to document the establishment of the desirable grassland species at the Site.
- The annual data quality assessment showed that the Site continues to collect high-quality data sufficient for decision making.

Stewardship Council update:

In late May Stewardship Council staff donated new items to the CU Archives. Boxes included cleanup documents that staff kept following closure of the Rocky Flats Coalition of Local Governments, as well as Stewardship Council meeting packets and letters to Congress, DOE and others. The Stewardship Council will continue to periodically send copies of its documents to the Archives.

Next meetings: June 1; September 14