

# Rocky Flats Coalition of Local Governments

Boulder County      City and County of Broomfield      Jefferson County  
City of Arvada      City of Boulder      City of Westminster      Town of Superior

8461 Turnpike Drive, Suite 205  
Westminster, CO 80031

(303) 412-1200  
(303) 412-1211 (f)  
www.rfclog.org

January 25, 2005

Mr. Bob Birk  
US Department of Energy  
10808 Highway 93, Unit A, MV72  
Golden, CO 80403-8200

Dear Mr. Birk:

On behalf of the Board of Directors of the Rocky Flats Coalition of Local Governments, I am submitting the following comments on the *Draft Interim Measure/Interim Remedial Action for the Original Landfill*. The Coalition appreciates the opportunity to provide feedback on this important remedial action document.

The Board has had numerous briefings on the Original Landfill (OLF) over the last few years from which has emerged a set of common interests. These common interests were communicated to the RFCA parties and Kaiser-Hill in a May 20, 2003 memorandum from the Coalition (attached). The four common interests of the Board enumerated in the memorandum were:

- stability of the OLF and the ability to further stabilize it
- protection of water quality
- long-term stewardship planning
- characterization of the OLF

These issues are addressed below.

## **Stabilization of the OLF**

As the Coalition has commented numerous times, it remains important that the OLF be stabilized to ensure there is no slippage into Woman Creek. These concerns over the stability of the OLF were based in part on its location on a slope above the Woman Creek drainage. The Coalition understands that while the geotechnical study accompanying the IM/IRA does not include a buttress, both CDPHE and EPA are requesting that a buttress be added at the toe of the OLF. The regulators believe the buttress will add an additional measure of safety to the remedy and enhance public confidence in the remedy design. The Coalition therefore strongly supports the regulators' approach for a cap/buttress remedy and requests this proposal be formally added as part of the preferred alternative in the IM/IRA.

### **Protection of water quality (cap design)**

Another strong interest of the Coalition is protection of water quality. As the Board expressed at its January 2005 Board meeting, the Coalition supports the use of a Subtitle D cap with Subtitle C ARARs. However, while the Coalition supports this approach, the details are still lacking. The design of the cap/buttress is not included in the IM/IRA so as the design progresses, the Coalition wants to make sure the Site incorporates design features into the remedy that will be protective of water quality. Although the design documents will not be issued for public comment, the Coalition looks forward to updates by the Site as the design process unfolds.

The City of Westminster has never supported this position. In addition, the Woman Creek Reservoir Authority is having a technical peer review of the proposed remedy conducted and will be providing comments on the proposal after the review is completed and discussed. The Coalition requests the Site provide Westminster and the Reservoir Authority the opportunity to discuss their position on cap designs with the Site.

### **Long-Term Stewardship Planning**

One of the Coalition's core beliefs is the necessity for comprehensive long-term stewardship (LTS) planning. With closure looming we are again disappointed that the IM/IRA lacks any real clarity of the type and extent of LTS controls that will be used to implement the remedy. Although the IM/IRA includes a LTS section, like most Site remedial action documents it is somewhat generic when it comes to specific LTS plans. More specific details are relegated to future documents or determinations made during project construction.

An example citing future documentation capturing LTS requirements may be found in *Section 10.0 Additional Long-Term Stewardship Considerations*, quoted as follows:

"...Additionally, these requirements will ultimately be captured (along with post-closure care requirements from other accelerated actions at Rocky Flats) in post-closure regulatory documents, which may include the Final CAD/ROD for Rocky Flats or a post-closure RFCA-type agreement."

An example of a determination made during project construction is found in *Section 7.5.7 Institutional Controls*, quoted as follows:

"To avoid adverse impacts, roads and trails will not be allowed on the cover or the immediate vicinity of the cover. Signs may be erected that indicate vehicles are prohibited from specific areas and that direct vehicle traffic appropriately. A determination will be made during project construction as to whether signs or barriers will be used as the preferred means of restricting access."

Towards this end, we are concerned that the details of the post-closure water quality monitoring program are missing. An effective post-closure water quality monitoring network for the OLF remedy is an important component of the Board's interest in LTS planning. Coalition and local government staff were told by the Site that post-closure groundwater and surface water monitoring locations would be identified in the IM/IRA. However, no specific post-closure water quality monitoring locations are identified in the IM/IRA. This omission needs to be addressed. We have been informed by the Site (via email 1/12/05) that a new section detailing post-closure water quality monitoring locations will be added to the IM/IRA.

While we applaud this expected addition to the IM/IRA, we are concerned about the process the Site used to identify these monitoring locations. As we understand it, the proposed post-closure monitoring locations have been selected by the OLF remedy design group. The Coalition believes the post-closure monitoring locations should have been selected by the collaborative Integrated Monitoring Plan (IMP) group instead of the OLF remedy design group. The IMP group has served in an advisory role to the RFCA parties in a productive manner over the years and we believe local government and Coalition interests have been well-represented as part of the IMP group. Thus, the Coalition believes that the IMP group should formally review the proposed OLF monitoring locations. The IMP group would then determine if any modifications need to be made to the proposed monitoring locations and pass on any recommendations to the RFCA parties for their consideration.

Again, the Coalition remains concerned that the specific details of LTS implementation are being pushed to future decisions. Detailed LTS implementation needs to be incorporated into the remedial actions at the Site as they are planned and executed. We would encourage the Site to engage the Coalition in the decision process as LTS planning unfolds.

### **Characterization**

Local government staff expressed concern at the Site's IM/IRA public availability session on January 11, 2005 that actual characterization data of the OLF was not included in the IM/IRA. The IM/IRA only described sample locations and types of analysis performed, not sample results. Subsequently, the Site delivered the actual sample result data to those interested the next day in CD format. We are hopeful this data will provide the necessary background that some local government staff are seeking. However, our review of the sample data is in process and we may have additional issues after further review.

### **Other Issues**

The Coalition has acted in good faith with the Site as the remedial action for the OLF has been developed over the past few years. We are therefore disappointed that the Site rejected our request for an extension to the public comment period for the IM/IRA. As stated by some Coalition Board and staff members at the public availability session, the Coalition does not believe an additional 13 working days (so the Board can approve the Coalition response at the next Board meeting) for further review will compromise the project's schedule. This very short time period pales in comparison to the lengthy delays by the Site in the issuance of the IM/IRA.

Furthermore, the draft IM/IRA that was released on December 6, 2004 was incomplete. As previously mentioned, it did not include post-closure water quality monitoring locations. In addition, we did not receive the detailed ARARs analysis for the proposed remedy cover until December 21, 2004. Although the IM/IRA contains information on relevant and appropriate ARARs in section 8 and Appendix A, it did not include the analysis of why the proposed relevant and appropriate ARARs were chosen. So, with these facts in mind, we question the Site's determination to close the public comment period on January 19, 2005.

We therefore are not submitting this letter within the specified timeframe. We trust our tardiness will not be a problem.

As always, thank you for the opportunity to comment on this important document and for your continuing commitment to work with the Coalition on the safe and timely closure of Rocky Flats. If you have any questions about the Coalition's comments, please call me at (303) 412-1200.

Sincerely,

/s/

David M. Abelson  
Executive Director

cc:

Joe Legare, DOE  
Steve Gunderson, CDPHE  
Mark Aguilar, EPA  
Karen Lutz, DOE  
Bob Davis, Kaiser-Hill  
John Corsi, Kaiser-Hill  
Rocky Flats Coalition of Local Governments  
Rocky Flats Citizens Advisory Board