

Rocky Flats Coalition of Local Governments

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Ms. Barbara Mazurowski
U.S. Department of Energy
Rocky Flats Field Office
10808 Highway 93, Unit A
Golden, CO 80403

Mr. Doug Benevento
CDPHE
4300 Cherry Creek Dr. South
Denver, CO 80246

Mr. Jack McGraw
EPA
999 18th Street, Suite 500
Denver, CO 80202

Dear Ms. Mazurowski, Mr. Benevento, and Mr. McGraw:

On behalf of the Board of Directors of the Rocky Flats Coalition of Local Governments, we are submitting the following preliminary recommendation on the RFCA parties' review of surface radionuclide soil action levels (RSAL). Once the peer review process is completed and the RSAL public-comment period opens, the Board expects to forward a more detailed recommendation.

This preliminary recommendation addresses two key policy issues on which the RFCA parties will decide prior to the release of the draft RSAL later this winter: risk range and future use scenario. As the RFCA parties debate these two policy matters, the Coalition believes it is imperative that you understand where the Board stands so that our views can be addressed while the draft RSAL is developed.

The Coalition governments have been integrally involved with RSALs since the current action levels were first announced five years ago. Throughout the process we have focused on achieving the best cleanup possible given the current technical and fiscal constraints. Central to a successful cleanup is the establishment of an RSAL that is protective of human health and the environment. Cleanup, however, includes a plethora of additional considerations such as protection of water quality and long-term stewardship. Thus, the Coalition offers this preliminary

RSAL recommendation within the broader context of what the Board understands to be the key elements to achieving an endstate that is protective of a range of interests.

Future Use Scenario

The Coalition understands CERCLA requires cleanup to be protective of a reasonable anticipated future user. The Coalition has been actively involved in the development of "The Rocky Flats National Wildlife Refuge Act of 2001", legislation that would protect Rocky Flats as a national wildlife refuge after closure. Given this legislation recently became law, the Board believes a wildlife refuge worker represents the most likely future user and, as such, should be the scenario used in setting the surface RSAL.

Risk Range

The Board also recognizes EPA regulations provide a wide range for acceptable risk to a future user, from 10^{-4} (1 in 10,000) to 10^{-6} (1 in 1,000,000). As recent national priorities have brought potential budget concerns to light, we support a minimum risk value of 1×10^{-5} for surface soil onsite. An ALARA analysis should then be applied to determine if further cleanup to a lower risk level is warranted.

Please be aware this 10^{-5} risk value does not speak to where the Board may stand on a DOE staff suggestion that DOE employ a sitewide risk-based approach to cleanup. The Board will certainly evaluate this idea as more information becomes available regarding the nature and extent of onsite contamination.

Integrated Endstate

As noted above, the Coalition has consistently asserted RSALs are one component, albeit an important one, of achieving an endstate that is protective of on- and off-site users. Surface RSALs, while being protective of future users, should also serve as a starting point for addressing the bigger picture: an endstate that meets the myriad of Coalition interests. The Board welcomes the opportunity to work with the RFCA parties on a comprehensive, integrative endstate conversation.

We believe the key components of such a conversation will include surface and subsurface cleanup, surface water and ground water remediation and protection, implications of cleanup decisions on long-term stewardship requirements, and alternatives for maximizing the long-term effectiveness of the final remedies. For instance, because an RSAL does not ensure the current RFCA water quality standard will be met, the Board welcomes discussing the options for protecting water, such as additional source removal and the use of engineered controls. Similarly, since a surface RSAL does not address subsurface contamination, we believe this integrated endstate conversation must also examine the potential for contaminant migration in the subsurface resulting from both natural processes and human disturbance.

The Board offers this preliminary recommendation recognizing there are a number of unknowns that would directly affect the setting of an RSAL and, in turn, final cleanup levels. The Board both expects to comment on the Task 3 report and reserves the right to revisit this preliminary RSAL recommendation as we receive more information regarding the scope of contamination and related cleanup costs.

The Coalition considers itself a partner in achieving the safe cleanup and closure of Rocky Flats, and appreciates the Site's continuing commitment and willingness to work with us on this important issue. Should you have any questions about the Board's position, please contact David Abelson at (303) 412-1200.

Sincerely yours,

/s/
Paul Danish
Chairman

/s/
David Abelson
Executive Director