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Task Order LM00-501
Control Number 09-0744

May 11, 2009

U.S. Department of Energy
Office of Legacy Management
ATTN: Jalena Dayvault
Site Manager
2597 B ¾ Road
Grand Junction, CO 81503

SUBJECT: Contract No. DE-AM01-07LM00060, Stoller
Transmittal of *Monticello Site Management Plan*, Section 5.0, 2008,
Annual Update

REFERENCE: Task Order LM00-501-06-502, Monticello, UT, Site

Dear Ms. Dayvault:

This letter accompanies five copies of the subject document that incorporates final revision following the teleconference call with the U. S. Environmental Protection Agency (EPA) and Utah Department of Environment Quality (UDEQ) on Wednesday, May 6, 2009. This annual update provides milestones and project targets for the Monticello National Priorities List sites for fiscal years 2009, 2010, and 2011. In addition, the update provides a summary of tasks completed in 2007 and the current status of the sites. Please forward two copies to Ms. Christina Wilson, EPA, and two copies to Mr. Rik Ombach, UDEQ. Please retain one copy for your use.

Please call Tim Bartlett at (970) 248-7741 if you have any questions.

Sincerely,

Carl Jacobson
Site Lead

CJ/TB/lb

Enclosures (5)

cc: Tim Bartlett, Stoller
Carl Jacobson, Stoller
Linda Sheader, Stoller
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5.0 Project Schedules and Milestones (FYs 2009–2011)

5.1 Establishing Project Schedules and Milestones

As stated in Section 1.1.2, the SMP establishes the overall plan for remedial actions at the MMTS and milestones against which progress can be measured. The SMP also documents the overall plan for remedial actions at the MVP Site, which was deleted from the NPL on February 28, 2000. The SMP was first prepared in 1995 and was revised annually from 1998 through FY 2003. As of FY 2004 (October 1, 2003, through September 30, 2004), only Section 5.0 of the SMP, “Project Schedules and Milestones,” is updated yearly (in September) to reflect revised schedules agreed to by DOE, EPA, and UDEQ. The current update of Section 5.0 of the SMP contains project schedules and milestones for FYs 2009 through 2011. The stipulated penalty milestones listed in this section are the enforceable milestones unless superseded by revised schedules agreed to by DOE, EPA, and UDEQ, or by amendments to the FFA.

5.1.1 FFA Requirements

Section XXX of the FFA states that “... [a]ll terms and conditions of this Agreement which relate to interim or final remedial actions, including corresponding timetables, deadlines, or schedules ... shall be enforceable.” The FFA required DOE to submit a Work Plan establishing how DOE would complete the tasks required by the FFA and specific timetables and a schedule for completing remedial actions. The FFA Work Plan was completed in May 1989 and established the enforceable timetable for completing primary documents identified in the FFA and for completing remedial action.

The scope of work, timetable, and schedule for remedial actions presented in the FFA Work Plan were superseded by the RDWP (DOE 1992b). The RDWP was identified as a primary document and was submitted as a final document in January 1992. The RDWP established a revised timetable with specific stipulated penalty milestones. The stipulated penalty milestones were associated with the submittal of primary design documents that would be generated as part of the remedial design and notice of award to subcontractors for remedial action work.

The timetable in the RDWP was superseded by the timetables established in the 1995 version of the SMP. DOE, EPA, and UDEQ concurrence in the SMP has been the basis for establishing new enforceable milestones and nonenforceable target dates for all activities extending through completion of the Monticello Projects. The SMP is a primary document, and, per the FFA, the corresponding timetables, deadlines, or schedules are enforceable.

5.1.2 Enforceable Milestones and Nonenforceable Targets

DOE, with EPA and UDEQ concurrence, has developed a 3-year (FY + 2 years) rolling milestone approach for establishing a schedule for completing remedial action activities at the Monticello NPL Sites. Under this approach, schedule dates are designated as either “milestones” or “target dates.” Milestones and target dates are established in consideration of the Monticello Projects environmental budget allocation. Milestones are enforceable deadlines established for near-term (FY + 2 years) activities for which greater fiscal and technical certainty exists. Target dates are nonenforceable deadlines for longer-term activities (greater than FY + 2 years) and may

be converted to milestones on an annual basis. Target dates may also be established in the FY plus the next 2 years, and beyond, for completing activities associated with a stipulated penalty milestone. Each year, after receipt of the Approved Funding Program that reflects the final Congressional appropriation for the current FY, existing milestones are reviewed and adjusted if necessary. An additional year of milestones is also established, adjusting the previous target dates if necessary.

Enforceable milestones and nonenforceable target dates for the Monticello Projects are described in Table 5–1 and Table 5–2, respectively. Enforceable milestones are identified for those activities in FYs 2009, 2010, and 2011 for which stipulated penalties may be assessed against DOE. The penalty date for the respective document listed in Table 5–1 is defined as the date the document is received in draft final form by EPA and UDEQ. As work on the projects progresses, additional documents may be submitted. Additional documents will be identified in the FFA quarterly report as soon as it is determined that they are required.

Under DOE’s rolling milestone approach, DOE, EPA, and UDEQ consider a variety of factors during the annual review and establishment of milestones and target dates. These include funding availability; latest information on cost estimates; site priorities identified through consultations among DOE, EPA, UDEQ, and stakeholders; new or emerging technologies; and other relevant factors. Milestones may be renegotiated if there are insufficient Congressional appropriations. Out-year nonenforceable target dates are established using realistic assumptions. DOE, EPA, and UDEQ recognize the uncertainties associated with long-term target dates that lay out DOE’s strategic vision of how it ultimately plans to accomplish projects. Furthermore, DOE provides the regulatory agencies and other stakeholders with an opportunity to assist in developing priorities at the site. Beginning in September 2004, DOE, EPA, and UDEQ concurrence on updates to Section 5.0, “Project Schedules and Milestones,” became the basis for establishing new enforceable milestones and nonenforceable target dates.

EPA and UDEQ agree to meet with DOE annually to renegotiate the milestones and target dates established in the SMP. The enforceable milestones described in Table 5–1 for those activities in the current FY (2009) and the two subsequent FYs (2010 and 2011) may only be modified as part of this renegotiation or through the already existing procedures of the FFA. Further, EPA and UDEQ reserve the right to initiate any action deemed necessary to enforce these milestones. DOE, EPA, and UDEQ agree to abide by the existing procedure for resolving disputes (Section XIV Resolution of Disputes, Monticello FFA [DOE 1988b]) and will make all reasonable efforts to informally resolve any disputes involving insufficient funding before invoking formal dispute procedures.

5.2 Site Status

Remedial actions at the Monticello NPL sites have been completed in accordance with the RODs for the corresponding OUs. The remedial actions are protective of current and anticipated land and water use; however, they do not allow for unlimited use and unrestricted exposure in all areas. This is because contamination remains in the on-site repository, in the soil at locations where supplemental standards were applied, and in groundwater and surface water. Under CERCLA, these circumstances obligate DOE to conduct 5-year reviews of the site to ensure that the remedies remain protective of human health and the environment.

The most recent 5-year review of the MVP and MMTS, finalized in June 2007, concluded that the remedy for all OUs of the MVP remained protective of human health and the environment. The review of the MMTS concluded that the remedy for all OUs remained protective of human health and the environment, except that the remedy for OU III was not fully protective because of possible excess risk to ecological receptors from recent redistribution of selenium in surface water and sediment. Follow-up activities to address this ecological issue are ongoing (see Section 5.3.4). In addition, follow-up activities, including a contingency remedy for OU III, are in progress to address water quality restoration that is not progressing at rates that will attain remedial action objectives (RAOs) established in the *Record of Decision for the Monticello Mill Tailings (USDOE) Site Operable Unit III, Surface Water and Ground Water, Monticello, Utah* (OU III ROD) (see Section 5.3.4). The next CERCLA 5-year review is due in 2012.

5.3 Long-Term Surveillance and Maintenance (LTSM)

In addition to 5-year reviews required under CERCLA, DOE conducts routine (weekly, monthly, and quarterly) inspection and surveillance—and annual site inspections—as an ongoing evaluation of remedy effectiveness. These activities are directed under the DOE LTSM program initiated in October 2001. DOE’s LTSM program is currently implemented under the DOE Office of Legacy Management. LTSM activities at the Monticello NPL sites comprise periodic surveillance and inspection of affected properties, operation and maintenance of the on-site repository, monitoring for compliance with institutional controls that restrict land and groundwater use, groundwater and surface water monitoring, and the appropriate documentation and reporting (see *Long-Term Surveillance and Maintenance Plan for the Monticello NPL Sites*, June 20, 2007, Rev. 0, which supersedes the *Monticello Long-Term Surveillance and Maintenance Administrative Manual* [September 2005] and associated Volumes I to IV).

5.3.1 Millsite Remediation and Restoration

Soil contamination removal activities were concluded at the former millsite in July 1999. DOE transferred ownership of the former millsite property and several adjacent (“peripheral”) properties to the City of Monticello in June 2000. Site restoration activities were completed in fall 2001. The associated wetland areas were fully restored by 2004. By condition of the land transfer agreement, the City maintains the transferred properties for public recreation. DOE continues to monitor the properties for compliance with institutional controls that restrict land and water use and to ensure that the remedy remains protective.

5.3.2 Repository and Pond 4

The repository and Pond 4 leachate monitoring system was upgraded in August 2007 with new water level sensors, pump controls, and data transmitting equipment (“telemetry system”). The telemetry system is integrated with the DOE System Operation and Analysis at Remote Sites for data management. Leachate production, reported quarterly, was normal for the year except for above-average pumping that occurred in the Pond 4 leachate collection sump during April and May 2008 because of extensive snowmelt. Data indicated that neither the repository nor Pond 4 experienced leakage into the leachate detection systems that underlie the leachate collection sumps.

5.3.3 Monticello Mill Tailings Site OU II—Peripheral Properties

Completion reports, RARs, and closeout documentation have been completed for the remediation of contaminated soil and sediment on all OU II properties. Twenty-two of the OU II properties without contaminated surface water or groundwater were deleted from the NPL on October 14, 2003. Twelve of the OU II properties impacted by contaminated groundwater cannot be deleted from the NPL until surface water and groundwater remediation goals are met. DOE submitted a Property Certification Letter to the City of Monticello on May 7, 2008, for City-owned peripheral properties MP-00391 and MP-01077. This letter also addressed City-owned millsite properties MS-00893 and MP-00181. DOE continues to perform long-term surveillance of the OU II properties to ensure protectiveness of the implemented remedies.

5.3.4 Monticello Mill Tailings Site OU III—Surface Water and Groundwater

On June 2, 2004, the remedy for MMTS OU III was selected and documented in the OU III ROD. The OU III ROD was prepared following the submittal of *Remedial Investigation Addendum/Focused Feasibility Study, Final*, January 2004, as a basis for OU III remedy selection. That document updated human health and ecological risk assessments, and updated conceptual and numerical models of groundwater flow and contaminant transport from the 1998 RI/FS. The groundwater model predicted groundwater restoration would be complete within about 42 years of 2002 (by 2045).

The selected remedy presented in the OU III ROD consists of monitored natural attenuation (MNA), institutional controls, and an evaluation of selenium concentration trends and the potential impacts of selenium concentrations at specific locations on ecological receptors. The OU III ROD also specifies the criteria for removing the permeable reactive barrier (PRB), installed in 1999 as a full-scale treatability study of in situ groundwater treatment using ZVI as the reactive media. Monitoring is conducted in accordance with the Post-ROD Monitoring Plan.

Analysis of groundwater monitoring data, presented in the annual groundwater reports, indicates that water quality restoration at present rates is not attainable within the allowed 42-year restoration period. This was first recognized in the 2006 Annual Groundwater Report. The OU III ROD specified the method by which the water quality data would be analyzed and presented in the annual reports. An additional specification of the OU III ROD was to apply a separate statistical analysis to evaluate concentration trends if restoration progress evaluated by the initial method was less than expected. The statistical analysis, completed in August 2007, provided results and conclusions similar to those of the initial method (see *MMTS OU III Analysis of Uranium Trends in Ground Water*, August 2007).

This led DOE, in concurrence with EPA and UDEQ, to implement a contingency remedy for OU III. The decision to implement a contingency remedy and the scope of the contingency remedy are documented in an ESD. The ESD was provided for public review in December 2008 and became effective in March 2009. In accordance with the ESD, DOE will operate a groundwater pump-and-treat enhancement upgradient of the PRB until RAOs are met or another remedy is selected. Further studies will be conducted during the current CERCLA 5-year review period to determine whether the contingency remedy of pump-and-treat enhancement, with MNA, is a viable remedy at the surface and groundwater OU and if it can achieve RAOs as described in Section 8 of the OU III ROD. The ESD also adopted the protection standard for uranium in surface water recently enacted by the state of Utah.

The pump-and-treat enhancement comprises an ex situ treatment system installed in 2005 as a technology demonstration project using ZVI. DOE installed this system after it became apparent that mineral fouling had significantly reduced the capacity of the PRB to transmit and treat the groundwater and prevent potential adverse land use effects. The ex situ treatment enhancement adopted under the contingency remedy can treat up to about 13 gallons per minute (gpm) as currently configured with one extraction well and two treatment vessels. As allowed by the Utah Division of Water Quality, up to 10 gpm of the treated water is discharged to Montezuma Creek, and the remaining flow is diverted to an infiltration trench.

To evaluate the contingency remedy, DOE prepared a Water Quality Compliance Strategy (Attachment A of this Revised Section 5.0 of the SMP) that describes the work elements, schedule, and data use objectives of the contingency remedy tasks. The strategy presents a conceptual, phased approach in attaining compliance goals. More specific work scope and detail will be provided as new information is obtained. DOE will use Program Directives and FFA quarterly reports to document specific work scope or revisions to the compliance strategy. Annual updates of Section 5.0 of the SMP will summarize completed or revised elements of the compliance strategy. Results and discussion of the completed activities will be documented in the annual groundwater reports.

A primary goal of the contingency remedy evaluation is to determine if current RAOs (water quality contaminant levels and allowed remediation time) are feasible by MNA with pump-and-treat enhancement and to evaluate risk reduction and costs associated with the contingency remedy. If current RAOs are not feasible, and in accordance with the ESD, DOE will petition EPA and UDEQ for an ARAR waiver to reestablish RAOs based on technical impracticability.

Biomonitoring

The biomonitoring component of the OU III ROD (see Appendix C of the OU III ROD) provides that data collection and analysis be initiated and continued until sufficient information allows a protectiveness determination regarding potential risk to ecological receptors from selenium in surface water, sediment, and benthic macroinvertebrates at specific wetland areas of OU III. The following biomonitoring was conducted on OU III properties in FY 2008:

- Sediment and surface water sampling at Wetland 3 and the Sediment Pond for selenium analysis.
- Benthic macroinvertebrate sampling at Wetland 3 and the Sediment Pond for diversity analysis and selenium analysis.
- Bird surveys in the area of Wetland 3 and the Sediment Pond (May to August 2008).

Biomonitoring results were reported to the OU III biological technical assistance team (BTAG) in winter 2008. The BTAG will review the results in spring 2009 and determine the need or scope of future biomonitoring work. Biomonitoring will be terminated or significantly reduced in scope if no consistent increases in selenium are observed in water or sediment; if biota concentrations remain below trigger levels (if biota sampling is required) for 3 successive years, biomonitoring can be discontinued.

5.3.5 MVP Site OUs A Through H

Remediation of the MVP site was completed on September 30, 1999. The direct and final rule to delete the MVP site from the NPL became effective on February 28, 2000. DOE continues to perform long-term management of certain MVPs through annual inspections, enforcement of institutional controls, and monitoring. The affected properties are the city streets and utility corridors in Monticello and private property MS-00176 where contamination was left in place and supplemental standards were applied.

During spring 2008, the City of Monticello started an extensive upgrade of utilities beneath the following streets within city limits: Highway 191, Highway 491, and Uranium Drive. Upgrades continued into winter 2008, with additional upgrades planned for summer 2009. UDOT plans on repaving excavated areas of Highways 191 and 491 after the City completes utility upgrades. Repaving may occur in 2009 but may be delayed until 2011.

As part of the utility upgrades and street improvements, radioactively contaminated soil was excavated and transported to the TSF at the Monticello repository. DOE provided the required monitoring and radiological controls during these activities. Radioactively contaminated soil and debris stored in the TSF were transferred to the Grand Junction Disposal Site in September 2008.

5.3.6 Long-Term Decommissioning Activities and Site Deletions

Components of the MMTS infrastructure that require eventual decommissioning are (1) the PRB, (2) Pond 4 (leachate evaporation pond), (3) OU III monitoring wells, and (4) the water diversion flap of the embedded lysimeter.

Plans to decommission the PRB are in progress. The decommissioning plan will be documented in a remedial action/remedial design work plan that will be subject to EPA and UDEQ concurrence. The decommissioning plan will include plans to replace the PRB wall with a system that will provide for the continued containment and treatment of the contaminated groundwater upgradient of the PRB.

Decommissioning Pond 4 is contingent on the rate of leachate production from the disposal cell. The rate of leachate production has decreased significantly since final waste encapsulation in 1999. The current rate of leachate production is about 8,000 gallons per month. Pond 4's capacity (16 million gallons) and evaporation rate greatly exceed the rate of leachate production. Pond 4 is eligible for decommissioning only if the repository leachate is managed by other means. Pond 4 is not currently in consideration for near-term (within 5 years) decommissioning, and an out-year (>5 years) date has not been determined.

Groundwater monitoring for OU III will be conducted until water quality has attained acceptable levels established by DOE, EPA, and UDEQ. Monitoring wells will be decommissioned when the water quality objectives are met. Monitoring well decommissioning may occur in phases as regions of the aquifer meet RAOs.

DOE continues to monitor the large lysimeter embedded in the 7.5-acre facet comprising the northeast corner of the repository cover. The lysimeter captures water that infiltrates the vegetated cover and reaches the underlying geomembrane liner. The lysimeter construction includes a synthetic flap that is glue-welded to the underlying synthetic liner. The flap diverts

infiltration water to gauging instruments. If the piping or gauging equipment malfunctions, a response action will be required to prevent possible saturation of the overlying soil layers that constitute the cover. This condition could destabilize the cover or cause leakage into the underlying waste (mill tailings). The eventual strategy to decommission the lysimeter will include a provision to breach the flap to prevent saturation of the soil cover. Routine monitoring of the lysimeter confirms that it is functioning properly and continues to provide water-balance data.

MMTS OU II properties (peripheral properties) that have been remediated for soil and sediment contamination but underlain by contaminated groundwater are not eligible for deletion from the NPL until water quality RAOs are achieved. Similarly, OU III of MMTS is not eligible for deletion until that time.

5.4 Milestones and Targets

Enforceable milestones applicable to the MVP and MMTS for the current milestone period of FYs 2009, 2010, and 2011 are listed in Table 5–1. Table 5–2 lists significant target dates and activities within the current CERCLA 5-year review period (through June 2012). Table 5–3 and Table 5–4 list recent activities and documents leading to the OU III remedy status.

Detailed listings of milestone and target date activities and documents related to the selection, implementation, and documentation of the remedies for the MVP and MMTS were included as Table 5–2 and Table 5–3 in SMP revisions prior to the FY 2007 submittal. With the completion and documentation of remedial actions for the affected properties, many of which have been deleted from the NPL, and with the transition of the MVP and MMTS to the DOE Office of Legacy Management for LTSM, the respective tables of historical activities and documentation have been discontinued, excepting OU III, as unnecessary in the annual revisions to the SMP. A continued listing of recent OU III activities and documents is provided because investigation of certain components of the OU III remedy (biomonitoring, groundwater compliance) is ongoing and the restoration objectives for water quality have yet to be achieved.

Table 5–1. Penalty Milestones in FYs 2009, 2010, and 2011

Milestones	Stipulated Penalty Dates
FY 2009 revision of Section 5.0 of Site Management Plan (draft-final)	September 30, 2009
FY 2010 revision of Section 5.0 of Site Management Plan (draft-final)	September 30, 2010
FY 2011 revision of Section 5.0 of Site Management Plan (draft-final)	September 30, 2011
FY 2009 Annual Site Inspection Report	December 31, 2009
FY 2010 Annual Site Inspection Report	December 31, 2010
FY 2011 Annual Site Inspection Report	December 31, 2011

Table 5–2. MMTS and MVP Targets

Activity/Document	Purpose	Target Date/Scope
Explanation of Significant Difference for the OU III remedy	Documents OU III contingency remedy.	Effective as of March 2009.
Water Quality Compliance Strategy	Strategy to evaluate OU III contingency remedy.	Attachment A of this Revised Section 5.0 of SMP. Implement through current 5-year review period.
Annual Groundwater Report	Evaluate water-quality restoration progress. Document evaluation of contingency remedy through 2012.	September of each year.
PRB Decommissioning	Remove PRB in accordance with a construction-design and compliance plan.	Tentative for 2013.
Biomonitoring	Evaluate selenium in abiotic and biotic media at OU III wetlands.	FY 2008 scope completed and reported. Next biomonitoring event in FY 2010.
Repository Vegetation	Quantitative comparison of cover vegetation to numeric performance criteria.	August–September FY 2009 and FY 2010. DOE, input from EPA and UDEQ, to reestablishing vegetation criteria, FY 2009 or FY 2010.
Semiannual FFA meeting	Review project status, goals, and schedule.	Spring and fall of each year.
FFA quarterly report	Summarize project scope, status, and schedule.	10th of January, April, July, and October.
Fourth CERCLA 5-year review	Evaluate site-wide protectiveness of the MVP and MMTS remedies.	June 2012.

Table 5–3. OU III Guiding Documents

Document	Milestone
RI/Focused FS (Post-IRA)	
Remedial Investigation Addendum/Focused Feasibility Study, Draft-Final	September 2, 2003
Surface Water/Groundwater Decision Documents	
ROD	June 2, 2004
ESD	Effective March 2009
LTSM and Monitoring	
Draft-Final Post-ROD Monitoring Plan	August 27, 2004
LTSM Plan for the Monticello NPL Sites	Revision 0 issued June 25, 2007
MMTS OU III Analysis of Uranium Trends in Ground Water	August 16, 2007
CERCLA Reviews	
Third Five-Year Review Report for Monticello Mill Tailings (USDOE) Site, City of Monticello, San Juan County, Utah	June 12, 2007

Table 5-4. MMTS OU III Program Directives in Effect

Program Directive Number	Description
MNT-2009-01	Modify surface and groundwater sampling analyte list: TDS hold time, isotopic uranium, gross alpha, and gross beta.
MNT-2009-03	Ex situ treatment system sampling and analysis plan.
MSG-08-02	Bird survey in wetlands and sediment retention pond areas (completed).
MSG-08-03	Macroinvertebrate sampling and analysis (completed).

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