

NOTHING BUT THE.....

FAX

Date: 9/1/95

To: Steve Hahn, Operations, Kaiser-Hill, L.L.C.
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From: Dan Booco, Site Wide Action Group, RMRS, L.L.C.
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Subject: OU 11 DRAFT RESPONSIVENESS SUMMARY

Number of Pages (including this cover sheet) 5

Comments:

Steve:

Please find FAXed the draft Responsiveness Summary to Public Comments on the Proposed Plan for OU 11. Please review and provide comments to me by close of business today, September 1st, 1995.

Copies of the draft Responsiveness Summary have been FAXed to Dave George (DOE) and Melinda Kassen (Kaiser-Hill) for comment per our telephone conversation.



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RESPONSIVENESS SUMMARY

Proposed Plan/Draft Modification of the Colorado Hazardous Waste Permit for Rocky Flats Operable Unit 11: West Spray Field

James S. Stone, Technical Advisor, Rocky Flats Cleanup Commission:

Comment 1

Comment: It takes a great leap of faith to believe that OU 11 is not grossly contaminated. It is more logical to believe DOE desperately needs some positive action, but this is no way to get it. This field represents over 100 acres of otherwise beautiful landscape that has been contaminated for years by millions of gallons of toxic waste water containing high levels of nitrates, metals, radionuclides, volatile organic compounds, and semi-volatile organic compounds. The organic compounds will be assimilated with time. The nitrates may help grass to grow and reduce wind dispersion of the metals and radionuclides, but the radionuclides and some metals will be there awaiting dispersion for thousands of years.

Given the proximity of this site to the Metro Denver Area and development potential, I suggest that DOE provide more evidence of the alleged benign risks to human health. I request a copy of the Final Combined Phases RFI/RI Report and other data that may support DOE's proposal.

As you may know, the RFCC is a completely independent organization dedicated to the safe and expedient cleanup of RFETS. It is authorized under Superfund to assess technical documents regarding the cleanup of the RFETS superfund site, as in this case. Our main problem is timely notice of the preliminary design data and a copy of the final document. We would appreciate your help. Thanks for your consideration.

Response: The Operable Unit 11 Final Combined Phases RFI/RI Report provides a comprehensive discussion of the OU 11 field investigation, site physical characteristics, nature and extent of contamination, contaminant fate and transport, and risk assessment for human health and the environment. This report has been available for review at public reading rooms since June 26, 1995. Mr. Stone has been provided with a copy of the report.

Charles C. McKay, Church Ranch:

Question 1

Question: When did the site first be considered contaminated?

Response: The West Spray Field was identified as a hazardous waste management unit regulated by the Resource Conservation and Recovery Act (RCRA) in 1986 because it was known to have received water containing hazardous constituents from the Solar Evaporation Ponds. This designation was made soon after the termination of spray operations in October 1985.

Question 2

Question: Was site considered contaminated prior to this report?

Response: Yes. The site has been recognized as potentially contaminated since its designation as a hazardous waste management unit under RCRA in 1986.

Question 3

Question: Was the contaminated site the full 105 acres prior to the report?

Response: The OU 11 boundary was established as part of the Identification of the West Spray Field as a hazardous waste management unit under RCRA in 1986. Based on the operational history of the site the OU 11 boundary was established to encompass all spray areas, but not all areas within the OU 11 boundary received direct spray application.

Question 4

Question: This report concludes that the site is within acceptable levels of contamination for a residential use for a 30 year estimate. Does this mean the property can be used for commercial mining for the underlying mineral owners, as was previously approved and permitted?

Response: OU 11 has met the criteria for No Action under the Colorado Department of Public Health and Environment (CDPHE) Conservative Risk Screen using a residential use scenario, as documented in the Final RF/RI Report. The CDPHE Screen is designed so that any site meeting the No Action criteria is open for unrestricted use. The residential use scenario integrated into the CDPHE Screen utilizes more conservative exposure criteria than a mining scenario, and therefore, risk under a mining scenario would be less than presented within the Final RF/RI Report. Thus, commercial mining of the site would not be affected with regard to OU 11.

Question 5

Question: Will any restrictions be placed on the site for future development?

Response: As stated in more detail in the response to Question 4, the CDPHE Screen has determined that the site is open for unrestricted use with regard to OU 11.

Question 6

Question: What is planned on being done to correct the public's perception that this area is still contaminated?

Response: The Final Combined Phases RF/RI Report, Final Proposed Plan, and Final CAD/ROD are all documents available for public review. Newspaper advertisements have been published in the Denver Post and Rocky Mountain News notifying the public of the remedial alternative selected for OU 11. Additional newspaper advertisements will inform the public as to the final closure of OU 11 as documented in the Corrective Action Decision/Record of Decision (CAD/ROD).

Question 7

Question: With regard to the conclusion that there is very localized perching of ground water, will the excavation of minerals from the site affect the ground water or the saturation zone?

Response: This question cannot be accurately answered without knowledge of the design details of the possible mining operation.

Question 8

Question: With regard to the conclusion that current conditions are unlikely to result in releases to the environment, would mining operations, which are not a current condition, result in such a release?

Response: The CDPHE Screen has shown that there is no significant source at OU 11 for a release. Therefore, a change in current conditions, such as the initiation of mining activities, could not result in the release of chemicals that constitute a threat to human health and the environment.

Question 9

Question: With regard to the statement that there is no current or imminent threat under present or projected land uses, do projected land uses include mining?

Response: As stated in more detail in the response to Question 4, the residential scenario integrated into the CDPHE Screen is more conservative than a mining scenario. Therefore, there is no current or imminent threat under present or projected land uses, including mining, with regard to OU 11.

Question 10

Question: Does the conclusion that there is minimal risk from dermal exposure include an assumption that mining may occur in the future and employees from a mining company may be on site excavating, etc. on a daily basis?

Response: As stated in more detail in the response to Question 4, the residential scenario integrated into the CDPHE Screen is more conservative than a mining scenario. Therefore, the risk from dermal exposure risk during mining would be less than the dermal exposure risk presented in the Final RFI/RI Report.

Question 11

Question: Does the closure plan assume that mining activities could occur? The report does not address this.

Response: As stated in more detail in the response to Question 4, the residential scenario integrated into the CDPHE is more conservative than a mining scenario. Additionally, Clean Closure under RCRA and the No Action decision under CERCLA implies no restrictions are necessary to be protective of human health and the environment, including commercial mining restrictions.

Charles B. Hecht, Attorney for Perry S. McKay and Charles C. McKay:**Comment 2**

Comment: The McKays believe that the Final Report is inadequate. The Final Report (June 1995) concerning Operable Unit 11 concludes that "OU 11 poses minimal health risks, assuming long term residential exposure." However, the Final Report fails to discuss at all let alone address the McKay's mineral interests or the fact that mining has been permitted. The Final Report therefore does not address whether the use of this property for the mining of gravel, clay, sand, and the like will pose any hazards to the human health or the environment. These issues need to be specifically addressed particularly as the Final Report does indicate the presence of Americium-241, Plutonium-239, 240, Tritium, and Nitrate/Nitrite in the surficial and subsurface soils. Identically, the effect of mining on the localized perched ground water noted in the Report must be specifically addressed. Finally, the Final Report does not address what remediation activities will be necessary to permit full use of the property or the time table for such remediation activities.

Response: The Final RFI/RI Report does not specifically include references to mining. However, the residential scenario integrated in the CDPHE Screen is more conservative than a mining scenario. Therefore, mining of this site would not pose significant risk to human health or the environment with regard to OU 11. Furthermore, RCRA Clean Closure and the No Action decision under CERCLA imply that no restrictions, including mining restrictions, are necessary to be protective of human health and the environment.