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Interim Executive Director

March 12, 1992

Mr. Frazer Lockhart
U. S. Department of Energy
Rocky Flats Office
P.O. Box 928
Golden, Colorado 80402-0928

RE: Operable Unit 2 Draft Proposed Subsurface Interim Measure/
Interim Remedial Action Plan/Environmental Assessment and Decision
Document, March 2, 1992

Dear Mr. Lockhart,

The Colorado Department of Health (CDH), Hazardous Materials and Waste Management Division (the Division), has received the above referenced document submitted by DOE. This document includes both a discussion of Applicable or Relevant and Appropriate Requirements (ARARs) in Section 3.2.1 and a presentation of the proposed ARARs for groundwater contaminants in Appendix C. These sections represent the very serious differences in approach to determining ARARs that exist between DOE and CDH.

These differences, outlined below, are so serious that we will allow this document to be released to public comment only if this letter, in its entirety, is included in the document as a part of the Executive Summary. This allows us to make our concerns on the ARAR issue clear to the public, while allowing the already much delayed IM/IRA schedule to proceed. We would also like to point out that, if these issues are not resolved, the Division will be unable to approve a final version of the document on August 28, 1992, as is currently planned.

After a review by the Hazardous Materials and Waste Management and Water Quality Control Divisions of CDH, and the Office of the State Attorney General, it was determined that inadequate or incorrect treatment was given to the following:

- Because of the uncertain chemistry of the groundwater that may be recovered beneath the pilot study areas, a

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comprehensive list of chemical-specific ARARs needs to be proposed. This list could include the Target Analyte List (TAL) Metals, and the Target Compound List (TCL) Volatiles and Semi-Volatiles, but should include any constituents for which there are standards.

- The Colorado Water Quality Control Act is applied consistently throughout Colorado by the Water Quality Control Commission (WQCC). The resulting standards differ by stream segment for a variety of reasons including different classified uses needing protection and variations in natural background water quality. Therefore, even though Rocky Flats has segment-specific standards for Walnut Creek and Woman Creek the state statute and regulations and the methodology for arriving at these standards are generally applicable throughout the state. In addition, segment-specific standards are enforceable through State and Federal statutes and through NPDES permits. Therefore, all WQCC standards should be included in this document as ARAR.

- A goal qualifier indicates that "the waters are presently not fully suitable but are intended to become fully suitable for the classified use." It is important to note that the goal qualifier for classified uses results in only a temporary modification to numerical standards. The possible active lifetime of this IM/IRA will almost certainly outlast the current temporary modifications. Therefore the "goal" qualifier cannot be used to abrogate certain standards to TBC status.

We strongly urge DOE to revive and expedite the site-wide ARAR discussions. The issues presented above will certainly be a part of these discussions and resolution depends on continuing communication.

If you have any questions regarding these matters, please call me at 331-4847 or Joe Schieffelin of my staff at 331-4421.

Sincerely,



Gary W. Baughman

Unit Leader, Hazardous Facilities Unit
Hazardous Materials and Waste Management Division

cc: Charlotte Robinson, AGO
Judy Bruch, RFPU
Paul Frohardt, WQCC
Martin Hestmark, EPA