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Department of Energy

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93-DOE-09085

AUG 09 1993

Mr. Martin Hestmark
U.S. Environmental Protection Agency, Region VIII
ATTN: Rocky Flats Project Manager, 8HWM-RI
999 18th Street, Suite 500, 8WM-C
Denver, Colorado 80202-2405

Mr. Gary Baughman
Hazardous Waste Facilities Unit Leader
Colorado Department of Health
4300 Cherry Creek Drive South
Denver, Colorado 80222-1530

Gentlemen:

Enclosed (Enclosure 1) are the meeting minutes from the July 15, 1993, meeting on DOE's extension request for the Interagency Agreement (IAG) Table 6 milestones for Operable Unit No. 3 (OU-3), and the meeting minutes from the July 21, 1993, meeting with the Jefferson County Open Space group concerning offsite property development.

Also enclosed (Enclosure 2) is the additional information requested by the EPA OU-3 project manager, Bonnie Lavelle, at the above mentioned July 15, 1993, meeting. This information was also faxed to Ms. Lavelle on July 29, 1993. DOE understands that EPA now has all the pertinent information necessary for EPA to grant a "good cause" extension of the IAG Table 6 milestones for OU-3, under IAG PART 42, EXTENSIONS.

If there are any questions or discrepancies concerning these enclosures, please call Robert H. Birk of my staff at 966-5921.

Sincerely,



[Signature]
James K. Hartman
Assistant Manager for Transition
and Environmental Restoration

Enclosure

cc w/Enclosure:
A. Rampertaap, EM-453
B. Brainard, OPA. RFO
Administrative Record

**ROCKY FLATS OU 3 STATUS MEETING
WITH EPA AND CDH
July 15, 1993**

These meeting minutes document the July 15, 1993 status meeting between EG&G, DOE, EPA, and CDH. The attendees were as follows:

- Bob Birk/DOE
- Michael Guillaume/EG&G
- Bonnie Lavelle/EPA
- Carl Spreng/CDH
- Karen Wiemelt/CH₂M Hill

The purpose of the meeting was to discuss the schedule extension request. EPA and CDH comments on Technical Memorandum No. 2 Exposure Scenarios were also discussed.

Schedule Extension Request

EPA requested additional information on the permit (property access) process. Michael Guillaume/EG&G presented the following:

1. DOE at Rocky Flats historically has not done much offsite work. Therefore, agreements had to be developed. DOE and EG&G did work with Los Alamos which has done a lot of offsite work.
2. Michael Guillaume/EG&G explained that first locations and respective property owners were identified. Some locations were moved from highly disturbed areas (plowed fields, back yards, etc.) to less disturbed areas. The moves were based on aerial photographs and site visits. Then the property owners were contacted. The first contact was by phone to determine if the owners were receptive. If they were, access agreements were sent.
3. Michael Guillaume/EG&G presented the following maps:
 - Original work plan soil sampling location map
 - Working map that showed location movement
 - Updated location map with preliminary values
4. DOE and EG&G did not pursue court action against landowners denying access for sampling. DOE did not wish to unnecessarily harass its neighbors or pursue litigation that would unlikely provide an outcome within the IAG-imposed schedule. Also, technically, it did not matter if the locations were moved. EPA agreed that the important issue was the number of samples to obtain sufficient power in the data.
5. The Interagency Agreement specified 21 days for property access.

6. Michael Guillaume/EG&G presented a log that showed when contacts were made. EPA approved the work plan March 17, 1992. The first contacts were made in late March. Access was granted relatively soon from FRICO, Jeffco, City of Westminster, and City of Broomfield. This allowed several locations to be sampled since they are the largest land owners in the area. Approximately 50 percent of the sample locations were within these property owners' land.
7. Michael Guillaume/EG&G provided examples of timing. Some access agreements took up to 8 months to receive. During this time, several alternative locations would be identified and the respective property owners would be contacted. Owners were reluctant to grant access due to the potential effect on property values. City of Boulder and Boulder County required a lot of negotiations which were time-consuming. Another example is Ball Corporation. They were first contacted in September 1992 but an agreement was not reached until June 1993.
8. The work plan specified that 60 soil samples would be collected. On May 28, 1993, the 60th sample was collected. At that point, DOE and EG&G quit trying to gain access at the remaining locations.
9. Once access agreements were in place for 10 to 12 locations, surveying and sampling would begin. It is very inefficient to survey and sample one location at a time.
10. Another issue that arose during negotiations was indemnification. Several owners wanted 100 percent indemnification and DOE's policy does not allow 100 percent indemnification. Owners were worried about accidents that could occur during sampling. To alleviate their concerns, EG&G and CH₂M Hill provided evidence of insurance.
11. EPA requested that EG&G compile the information and present it as follows:

Time Period	Owners Contacted	Date Agreement Rec'd/Denied
12. EG&G and DOE stressed that the access agreement issue was only one of several issues that contributed to the need for a schedule extension. Their letter requesting the extension discusses the other issues.

Technical Memorandum No. 2

1. EPA and CDH distributed their final comments on TM No. 2. The approach to addressing them is as follows:
 - DOE, EG&G, and CH₂M Hill will review them.
 - All parties will meet and discuss the comments.
 - If there is a consensus that the comments will be addressed, EPA will issue a letter stating that the TM is approved with the understanding that the comments will be addressed as part of the Human Health Risk Assessment.
2. Plant uptake was discussed. EG&G discussed the low solubility of plutonium. EPA expressed concern about uranium.

MEETING MINUTES
JEFFERSON COUNTY OPEN SPACE MEETING
July 21, 1993

The following notes document the July 21, 1993 the Jefferson County Open Space meeting held at the Jefferson County Open Space Building in Golden, Colorado.

ATTENDEES

The attendees for the July 21, 1993 meeting were the following:

- Jim Fisher/North Jeffco Parks and Recreation District
- Lorraine Ross/EPA, Office of Regional Counsel
- Martin Hestmark/EPA
- Steve Tarlton/CDH
- Bob True/CDH
- Carl Spreng/CDH
- Rich Schassburger/DOE, Rocky Flats
- Mell Roy/DOE, Rocky Flats, OCC
- Jeffrey Ciocco/DOE HQ
- Mike Elms/City of Arvada, Planning Department
- Mary Lynn Tucker/Jefferson County Attorney's Office
- Dennis Smith/EG&G
- Amy Lange/CH₂M Hill
- Bob Birk/RFO/DOE
- Jean Jacobus/Jeffco
- Michael Guillaume/EG&G
- Lynn Wodell/Jeffco Open Space

TOPICS DISCUSSED

An agenda and package of information (Attachment 1) regarding OU 3 was handed out by Lynn Wodell/Jeffco Open Space. Michael Guillaume made a presentation to the group on the status of OU 3. The following topics were briefly discussed:

- Historical Data
 - Remedy Report
 - Krey & Hardy Report
 - Seed Report
 - Annual Environmental Monitoring Report, 1997
 - Area of Concern Report
- RI Work Plan
 - Boundaries - not defined
 - Field Program - complete except air and quarterly groundwater monitoring

- RI Report - 1994 Completion Date

The discussion focused on the Area of Concern Report (DOE, 1993). The Area of Concern Report has been reviewed by EPA and CDH. Their comments have been incorporated and within several days the revised Area of Concern Report will be transmitted to EPA and CDH.

A summary of the significant issues discussed follows:

- Jean Jacobus/Jeffco asked if the recreational land used covered activities such as golf course construction. Michael Guillaume answered that CDH has a construction action level for plutonium of 0.9 pCi/g, well below the levels detected on the property proposed for recreational development.
 - Martin Hestmark/EPA asked what data was used to develop the isocontour presented in the Area of Concern (AOC). Michael Guillaume answered that the OU 2 RI data were used for the contours on the RFP and the 1991 Settlement Agreement sampling data were used for east of the RFP. The Krey & Hardy data were not used because we do not have specific coordinate locations for that data. The OU 3 RI soil data have not been incorporated into the AOC Report. The highest value detected in the OU 3 data received to date is 3.4 pCi/g. The value falls between the 5 and 1 isocontour presented in the AOC, as predicted.
 - Martin Hestmark/EPA iterated that the residential exposure scenario is the highest risk. The recreation risks are much less for the plutonium concentrations. Based on the AOC, there is no area of concern for recreational use at OU 3.
 - Jim Fisher/North Jeffco asked about the exposure of an employee at a golf course who is on the premises all year. Michael Guillaume responded that the golf course is further south than the area of concern for residential use (within the 1 pCi/g isoconcentration).
 - Lynn Wodel/Jeffco Open Space asked for an explanation of the agency roles. Martin Hestmark/EPA responded that DOE has the lead cleanup responsibility and EPA/CDH have the lead regulatory responsibility. At OU 3 EPA has the regulatory lead. Because EPA has the lead they have veto power - they can disapprove the RI, RA, etc. DOE can then go to dispute resolution. The ultimate decision maker is the EPA Regional Administrator.
 - Jean Jacobus/Jeffco asked how the land use affects decisions. Martin Hestmark/EPA responded that the reasonable maximum exposure scenario is applied to an area. If industrial land use is used, the decision is allowing some contamination to remain. Several different land uses will be presented. For OU 3, the exposure scenarios include:
 - Residential
 - Recreational
 - Light Industrial
 - Dennis Smith/EG&G iterated that the risk based soil reference levels (based on plutonium and are considered acceptable levels) are based on a 10^{-6} human health risk
-

level. For recreational use, the soil reference level is 100 pCi/g. For residential, the soil reference level is 3.5 pCi/g.

- Lynn Wode/Jeffc Open Space asked if the property they are looking at is okay for a recreational use. She was wondering if Jeffc should proceed with acquiring land around Standley Lake. Martin Hestmark/EPA indicated it was pre-mature. He feels the earlier that Jeffc takes action, the more liability Jeffc is undertaking. The further we get into the process the less liability there probably is with Jeffc proceeding. From a purely legal view point, the RFP facility will not be delisted until all activities are completed for all OUs. From a practical point of view, certain areas may not require further action while others may require some remediation. After the RI Report and RA are completed, less liability would be assumed. Martin also mentioned that we still do not know the effects of metals in sediments.
- Jean Jacobus/Jeffc asked what the current schedule was for the RI Report. Bob Birk/DOE responded that he had met with Bonnie Lavelle/EPA to discuss the a schedule extension. Because of the long timeframe of getting access agreements the schedule for OU 3 will need to be extended. Martin said that there is a one for one exchange for a good cause delay. The tentative schedule would have a Draft due to EPA in Feb. 1994 and a Final Report in October 1994. Later in the discussion, Martin said a "stop work" provision was likely to be placed on OU 3 for work dealing with the selection of contaminants of concern (COCs), background, and data aggregation.

JEFFERSON COUNTY OPEN SPACE
MEETING AGENDA

JULY 21, 1993

I. Background/Reason for Meeting

II. Questions

A. OU3

1. What is it?
2. What are its boundaries?

B. Agency Roles

1. Environmental Protection Agency
2. Department of Energy
3. EG & G
4. State Department of Health

C. Soil Sampling

1. Who is performing the sampling?
2. What is the current timetable?
3. When will final results be available?
4. Are results available by individual landholder?

D. Recommendations Regarding Acquisition of North Jeffco
Golf Course and Community Center

III. General Discussion

IV. Conclusion

LW:lfm
7/21/93

Critical Pathway Schedule to Obtain Offsite Access Permits

Background Information

- IAG scheduled only 21 days for obtaining offsite permits
- OU3 RI Work Plan approved 3/17/92

Nine landowners were contacted for access agreements by 4/6/92 following approval of the Work Plan. These landowners included the Cities of Broomfield and Westminster, Jefferson County and the Farmers Reservoir and Irrigation Company (FRICO) and accounted for a large majority of the locations. These 4 land owners control property for all soil trench, groundwater and air sampling locations, most water, sediment and biota locations and 18 of 60 surface soil sampling locations. Prior to approval of the Work Plan, verbal contacts were made with these principle landowners, thus sufficient access agreements were obtained to begin field work on 5/16/92. All the remaining agreements were needed for the surface soil sampling locations.

As project resources were concentrated during the start of field work on training, mobilizing for field work, locating sample locations, sampling, sample shipping, etc.; the next round of owner contacts was not made until July, 1992 with nine more contacts. This group of land owners included the City of Boulder with 3 sampling locations and due to protracted negotiations, did not sign the agreement until 3/19/93. Also included in this group were two private landowners with 4 locations which were not negotiated and received by DOE until 4/24/93. These two examples alone added 8 and 9 months respectively to the permit process.

Landowners declining access added significant time to the permitting process. Two examples are shown below:

Permit for location PT 145

	<u>Date contacted</u>	<u>Date declined</u>
1st land owner	8/28/92	1/18/93
2nd land owner	12/4/92	12/8/92
3rd land owner	12/2/92	1/21/93
4th land owner	12/22/92	signed agreement 4/28/93

Permit for location PT 156

	<u>Date contacted</u>	<u>Date declined</u>
1st land owner	11/13/92	11/15/92
2nd land owner	11/30/92	12/10/92
3rd land owner	12/1/92	1/14/93
4th land owner	1/29/93	agreed to access 1/29/92

Several of the above dates overlap as several owners would be contacted at the same time for a single location. Multiple owner contacts were often made for a single location to speed the location process.