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Dedicated to protecting and improving the health and environment of the people of Colorado

HAZARDOUS MATERIALS AND WASTE MANAGEMENT DIVISION

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Colorado Department
of Public Health
and Environment

December 30, 1994

Mr. Steven W. Slaten
U. S. Department of Energy
Rocky Flats Office, Bldg 116
P.O. Box 928
Golden, Colorado 80402-0928

RE: Draft Proposed Plan for Reorganization and Remediation of the Industrial Operable Units at the RFETS, October 19, 1994

Dear Mr. Slaten,

The Colorado Department of Public Health and the Environment, Hazardous Materials and Waste Management Division (the Division), has reviewed the above referenced document submitted by DOE and prime operating contractor, EG&G. We have attached our comments.

We can not approve this proposal because it 1) does not reflect the most recent discussions which have occurred in negotiation of the Cleanup Workplan (CWP), 2) contradicts, in some cases, important DOE positions in negotiations of the Rocky Flats Cleanup Agreement (RFCA) and the Cleanup Workplan (CWP), 3) contains certain proposed decision criteria that are not appropriate, and 4) does not make a clear and definitive proposal or define any schedules for the industrialized area IHSSs.

Negotiations on the CWP and RFCA are now expected to resume in early January, 1995. As such, we look forward to discussing the ideas and concepts contained in this document and in past versions of "SPIRIT" and arriving at a better, faster, and cheaper way of remediating the industrialized area. It is our belief that finalization of the new agreement will eliminate the need to modify the IAG.

If you have any questions regarding these matters, please call me at 692-3356.

Sincerely,

Joe Schieffelin, Unit Leader
Rocky Flats IAG Unit
Hazardous Waste Control Program

cc: Martin Hestmark, EPA
Dan Miller, AGO
Steve Tarlton, CDPHE-OE
Sue Stiger, EG&G

Colorado Department of Public Health
and the Environment

Review and Comment

Draft Proposed Plan for Reorganization and Remediation of the
Industrial Operable Units at the RFETS
October 19, 1994

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General Comments:

1. This document does not reflect the negotiations on the Cleanup Workplan (CWP) portion of the RFCA.
2. The Division and EPA have commented on "SPIRIT" twice before, and yet many of our comments to that document, which is an obvious predecessor of this document, have yet to be addressed. Worse still, many of the issues have only become more pronounced in the intervening months. For example, DOE has known of the impending waste management problems resulting from cleanup for several years. We are now discussing possible remedial actions at OU 1, but removal and disposal options are extremely limited for OU 1 because DOE has not dealt with the waste management issue and strategically planned any options. Through the CWP negotiations, the Division and EPA have agreed to sit down with DOE and agree to programmatic goals for environmental restoration implementation that can begin to address some of these problems and issues. However, DOE must take the responsibility for putting these goals and ideas into action. We are committed to aid this effort in whatever way possible.
3. This document lays out the methodology used to define early actions in the various IA OUs. It then lists the early action candidates that resulted from application of the methodology. However, it does not define what will be done with the rest of the IHSSs in the OUs that are not candidates for early actions other than to say that they will be periodically updated. Attachment 1 categorizes all such sites under the confusing term "defer." In addition, no schedules for either the early or "deferred" actions are included.

Specific Comments:

1. Section 3.0: The text suggests that TMs which amend already approved RFI/RI Workplans should be added in to the IAG as new IAG milestones. We would like to point out that this concept is inconsistent with DOE positions presented to the regulators during RFCA and CWP negotiations.
2. Section 4.1: The text suggests that there is a need for a mechanism to close specific IHSSs within OUs. We agree that this would be a strategic improvement to the cleanup process. However, several initiatives have already begun to address this problem. These include:
 1. All parties' agreement to implement the Conservative Risk Screen. One product of implementation of the screen is the delineation of IHSSs that are probable "No Further Action" candidates.

2. Negotiations associated with the RFCA/Cleanup Workplan (CWP) have already contemplated re-designating all industrialized area IHSSs into new OUs based on the feasibility and appropriateness of early cleanup action.

3. CWP negotiations have begun to discuss returning to a RCRA "closure" approach for appropriate IHSSs. As proposed, this process would handle each closing IHSS through separate closure plans, as we believe DOE is proposing in this document.

4. The PAM process already enables DOE to disposition IHSSs separately. Even though implementation of a PAM does not have to constitute a final remedy of an IHSS, in appropriate circumstances final cleanup could be achieved.

Nevertheless, the Division agrees that OU designation of IHSSs within the industrialized area may create an extra layer of administration that is not needed. Creation of a new process that avoids OU-designation, however, and makes IHSS-by-IHSS cleanup decisions could cause significant additional time and resource commitments. These may be more than offset by actual cleanup implementation and a reduction in the number of IHSSs carried forward year after year through the process. Therefore, the Division strongly supports further discussions evaluating the pro's and con's of this concept.

3. Section 4.2: The Division acknowledges that the future land-use of the IA will probably remain industrial. Therefore, the Division believes that industrial standards will probably be the initial point-of-departure for remedy selections within the IA. However, this will not change the Division's position regarding the assessment of future residential receptors in any risk evaluation done for IA IHSSs. We will require that this continue to be accomplished for three reasons:

1) If a remedy is selected that does not attain unrestricted use cleanup levels, it is very important for the risk managers and the public to understand what risk is being institutionalized. Institutional controls will be required to manage risks above unrestricted use levels for IA IHSSs that are remediated to industrial exposure levels.

2) For many IHSSs, remediation to unrestricted use levels may be attainable for little or no incremental cost above that planned for remediation that will occur anyway. Unless unrestricted use risk levels are evaluated, there is no way to know what the incremental cost would be.

3) As agreed to by all parties, IHSSs that already meet residential risk levels as calculated by the conservative screen of 10^{-6} for carcinogens and a hazard quotient of one for noncarcinogens can become immediate candidates for a NFA ROD/CAD, pending evaluation of ARARs and dermal exposure.

The Division echoes the frustration presented in the text regarding possible future use of the buildings and continuing into Section 4.3 (Economic Development), that being that a lack of DOE strategy for the industrialized area continues to limit the planning capabilities for programmatically dealing with the IA cleanup. We strongly support any DOE initiative to make decisions on future use of IA buildings. This has many advantages including:

1) combining and achieving economies of scale in cleaning up areas of the plantsite once, minimizing the danger of recontamination, and addressing both environmental and building cleanup together,

2) "mortgage reduction" - elimination of costly maintenance and safety infrastructures at buildings that are no longer strategically necessary can allow reprogramming of the saved monies to better and higher priorities,

3) consolidation of plutonium and other SNM would limit the inaccessible portions of the plant, allowing cleanup to progress time- and cost-effectively.

4. Sections 4.4 and 4.5: The Division strongly supports the concepts presented in these sections of the text.

5. Section 4.6: Why has DOE not put effort behind the proposal in this section to construct the on-site interim retrievable storage unit? The Division will evaluate any and all proposals which are made pursuant to the RCRA/CHWA regulations and strongly urges DOE to make such proposals. This could include both on-site and off-site alternatives.

Any option for long term waste disposal or management has substantial cost and time commitments for both DOE and the regulators. However, the Division would place a high priority on resolving issues surrounding any of these options and giving DOE as rapid an evaluation as to their feasibility as is possible.

Additionally, public concerns may or may not be significant for any option proposed. However, until something is proposed, little progress on waste management, or the public acceptance of the proposed methodology, will be made. This is the fundamental cleanup issue currently facing DOE and the regulators. Not dealing with this issue now will severely limit our options in the future.

6. Section 5.1.1: Attachment 1 does not include Remedial Action Categories 3 and 4; 3 = traditional RI/FS and 4 = Transition/D&D. The text states that these were combined under "defer." However, the RI/FS is already underway and cannot be deferred. In addition, the Division is very interested to know which IHSSs have been categorized by DOE as transition/D&D. This proposed grouping and categorization of IHSSs is not consistent with the CWP negotiations.

7. Section 5.1.2: The Division has commented before on the proposed methodology for "scoring" the IHSSs and using the score to categorize the IHSS. Nevertheless, until we see the actual scoring that was done, it is hard to evaluate just the proposed methodology. We may disagree with your methods, but not with your results. Please forward the scoring to us for our evaluation. This would be valuable for CWP negotiating sessions as well.

8. Section 5.3.1: The proposed actions in each OU presented in this section look OK. However, to date we have not received PAMs for these actions (with the exception of the OU 10 IHSS 129 tank removal PAM) and, as such, do not have much to evaluate the actions against. Rather than propose these actions in this document, DOE should prepare PAMs for them.

9. Section 6.0: We agree that risk-based criteria should be applied either to IHSSs or source areas, depending on how the CWP negotiations end up. However, we do not support the use of the programmatic PRGs (PPRGs) for use as one of the criteria. PRGs are, by definition, preliminary and by previous agreement between all parties, do not by themselves establish cleanup levels or justify no further action.

10. Section 6.1: The background comparison proposed here is contradictory to previous agreement between all parties on how the background comparison is to be

performed. In addition, Rock Creek data may be superseded soon by the larger-scale background soil study being performed by DOE.

11. Section 6.2: The Division will not agree to the proposed closure criteria for IHSSs presented in this section. We could agree that an IHSS with a sum of ratios of the maximum concentrations actually detected to the PRGs associated with a 10^{-6} cancer risk (industrial land use) or a non-cancer hazard quotient of 1 (industrial land use) could be institutionally controlled. However, we can not agree that these IHSSs are "clean closed" to levels below regulatory concern. Therefore, these IHSSs would not be "NFA." However, consistent with comment #3 above, IA IHSSs that already meet a residential risk levels no greater than 10^{-6} for carcinogens or a residential hazard quotient of 1 for noncarcinogens could become candidates for an "NFA" ROD/CAD, pending an ARARs and dermal exposure assessment.

12. Section 6.4: The Division is confused by the past-tense used in this section: "ARARs were applied . . ." Discussions involving the correct universe of potential ARARs is still ongoing. It is unclear which ARARs were applied.

13. Section 6.5: See comment 11 above.

14. Section 7.0: See comment 2 above.