



Department of Energy  
Office of Legacy Management

SEP 23 2010

Mr. George DiCiero  
City and County Manager  
City and County of Broomfield  
One DesCombes Drive  
Broomfield, CO 80020

Subject: Rocky Flats Site – Broomfield letter of August 5, 2010

Dear Mr. DiCiero:

Thank you for your letter of August 5, 2010, to the Secretary of Energy. As part of our ongoing public outreach program, the U.S. Department of Energy (DOE) Office of Legacy Management (LM) welcomes input from neighboring cities and other interested parties regarding our stewardship of legacy management sites. As the Director of the Office of Site Operations within LM, I have authority for the Rocky Flats Site (RFS) and have been assigned to respond to your letter.

The cleanup and closure of the Rocky Flats Site (RI/FS) under the *Rocky Flats Cleanup Agreement* (RFCA) resulted in a thorough investigation and characterization of RFS. The final response action for RFS is specified in the final *Corrective Action Decision/Record of Decision* (CAD/ROD) and was based on the information in DOE’s *RCRA Facility Investigation-Remedial Investigation/Corrective Measures Study-Feasibility Study Report for the Rocky Flats Environmental Technology Site* (RI/FS) which was approved by U.S. Environmental Protection Agency (EPA) and the Colorado Department of Public Health and Environment (CDPHE). The remedy is being implemented under the *Rocky Flats Legacy Management Agreement* (RFLMA) among DOE, EPA and CDPHE, and the purpose of RFLMA is to assure that the remedy remains protective of human health and the environment.

DOE believes its proposals as referenced in your letter are consistent with the requirements of the CAD/ROD and RFLMA. DOE/LM continues to hold periodic technical briefings for all interested parties to allow technical issues to be more thoroughly discussed. DOE/LM has consulted and will continue to consult with CDPHE and EPA pursuant to the RFLMA consultative process in relation to the RFLMA aspects of the proposals. The documents related to the proposals are available to the public via the Rocky Flats web site at: [http://www.lm.doe.gov/Rocky\\_Flats](http://www.lm.doe.gov/Rocky_Flats). All records referred to in the following paragraphs are also available at this web site, and we have also provided specific links to the website in documents where appropriate.

2597 B 3/4 Road, Grand Junction, CO 81503	<input type="checkbox"/>	99 Research Park Road, Morgantown, WV 26505
1000 Independence Ave., S.W., Washington, DC 20585	<input type="checkbox"/>	11025 Dover St., Suite 1000, Westminster, CO 80021
10995 Hamilton-Cleves Highway, Harrison, OH 45030	<input type="checkbox"/>	955 Mound Road, Miamisburg, OH 45342
232 Energy Way, N. Las Vegas, NV 89030	<input type="checkbox"/>	

REPLY TO: Grand Junction Office

Mr. George DiCiero

-2-

DOE/LM actively considers all comments received from our public review process and will provide written responses to comments in the relevant decision documents.

At the September 27, 2010, meeting we plan to discuss the development of an Adaptive Management Plan (AMP) within the Rocky Flats Surface Water Configuration Environmental Assessment. The AMP development timeline would be established in the EA/Decision document as well as the major elements that would be covered by the AMP. We anticipate that six months would be an appropriate timeframe.

While the intent of the AMP would be to address critical concerns identified on the proposals, I have provided below some of our positions on specific concerns expressed in your letter.

### **Concern regarding levels of plutonium and americium**

We are not in concurrence with Broomfield's interpretation of the data in the 2009 Annual Report. The total plutonium and americium loading has decreased significantly since closure. The post-closure concentration levels detected are very low and the relative percentages of loading for a particular area are less important than the significant reduction indicated by the post-closure total isotopic activity. Most importantly, the data suggests no unexpected sources of residual contamination or trends are indicated by the loading evaluation.

Monitoring data shows that the surface water concentrations and loads of plutonium and americium have decreased dramatically since closure and all values are orders of magnitudes below the applicable standards.

### **Prior requests for information:**

#### **Request #1. Provide Information Supporting DOE-LM's Plans to Excavate greater than 3 feet.**

Contact Record, RFLMA CR 2010-02, *Approval of Excavation Greater Than 3 Feet Below Grade to Breach Dams A-3, A-4, B-5, C-2 and the present Landfill Dam*, was approved by CDPHE on April 15, 2010. The Contact Record was also posted to the Rocky Flats website, in accordance with the RFLMA public participation protocols. When RFLMA Contact Records are approved and posted to the website, stakeholders, including local municipality staff members (including those in Broomfield), are notified by e-mail.

Excavation and other intrusive work below a depth of three feet are prohibited under the institutional controls for the Central Operable Unit unless approved under RFLMA.

DOE/LM believes that the excavation is not contrary to the objective and rationale for the stated restriction in the CAD/ROD and the appropriate implementation of RFLMA requirements is reflected in CR 2010-02. DOE/LM does however; expect to assure future non-emergency contact records are discussed in a broader context in the future prior to requesting regulatory approval.

Mr. George DiCiero

-3-

All of the information that Broomfield has requested is discussed in CR 2010-02, with references to the supporting documentation provided. The references are also available on the website in the Administrative Record file.

**Request #2. Maps.**

DOE/LM believes that the RFS maps requested have been and are available via the Rocky Flats web site.

We expect to discuss with you at our September 27, 2010, meeting that DOE and CDHPE have developed a map that provides summary level characterization information. We hope the newly generated map helps communicate the residual picture at RFS. During the cleanup and closure under RFCA, Broomfield representatives were very actively engaged with the Rocky Flats staff regarding RFS characterization, through working groups and informational meetings. The RI/FS fully describes the extensive RFS characterization process and the development and implementation of the process included input from Broomfield staff. Broomfield staff was always provided hard copies and/or compact discs containing all proposed RFCA decision documents for review and comment and Broomfield submitted review comments on virtually all of these, including the RI/FS.

Maps and historic information used in developing the RI/FS and CAD/ROD are contained in the extensive Rocky Flats Administrative Record, which is a searchable data based available on the Rocky Flats web site. As Broomfield points out, there are "reams and reams of reports and data" that provide the full details of "what was and what remains buried at Rocky Flats". Concise information regarding the location of remaining subsurface infrastructure, pits and trenches, and groundwater plumes is presented in RFLMA Attachment 2, Figures 2, 3 and 4.

The RFLMA monitoring regime is designed to monitor the residual contaminants to assure the remedy remains protective of human health and the environment, and DOE/LM does not believe its proposals weaken this goal.

**Request #3. Disposition of Broomfield's Comments on the Draft Environmental Assessment (EA) to Breach the Dams on the Ponds.**

The Draft EA was released for public review and comment on April 30, 2010, and the public comment period ended on June 1, 2010. DOE/LM has received many comments and is in the process of responding to each one, and incorporating any changes into the EA as applicable. DOE/LM is still evaluating the proposed action under the NEPA process. The Final EA will include an appendix with a comprehensive response to comments. During our upcoming meeting we would like to discuss our plan of having the Final EA released concurrently with the decision document on the assessment, and posted on the DOE/LM web site with the appropriate parties notified of its availability prior to completing the AMP.

Mr. George DiCiero

-4-

A few of the significant changes being made in the final EA are provided below. First the inclusion of the AMP commitments is a critical opportunity for more consistent communication with Broomfield and surrounding stakeholders and communities.

Based on public comments, DOE/LM has also determined that postponing breaching the terminal dams A-4, and B-5 until the 2017 to 2020 timeframe would be appropriate. The Proposed Action described in the Final EA would also entail breaching the terminal dam C-2 during the same timeframe as breaching terminal dams A-4 and B-5 (2017 to 2020).

**Request for an Immediate Halt to the DOE-LM's Proposal**

It is our intent to continue to work toward a proposal that provides opportunities to move toward a final surface water configuration that is environmentally sound and protective of human health and the environment with active participation from Broomfield and other stakeholders.

Based on the discussions with you and your staff on September 27, 2010, we hope that many of your concerns stated in your August 5, 2010, letter can be addressed and that the AMP can establish continued communication links to resolve any outstanding concerns. We look forward to continuing our productive and cooperative relationship.

Sincerely



Raymond M. Plienness, Director  
Office of Site Operations

cc:

T. Pauling, DOE

S. Surovchak, DOE

File: RFS 120.02 (rc-rfs)