
Proposed Plan for Amendment of the Corrective Action Decision/ Record of Decision (CAD/ROD) and Rocky Flats Legacy Management Agreement (RFLMA) Attachment 2 Proposed Modifications

Public Meeting June 16, 2011



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ENERGY**



**Colorado Department
of Public Health
and Environment**



Meeting Agenda

- Introductions
- Sign-in sheet reminder
- Presentation
- Public comment – time limit is 3 minutes per commenter to give each commenter a chance to speak
- Adjourn



Purpose of This Meeting

- Provide information regarding the proposed CAD/ROD amendment and where additional detailed information can be found
 - Includes proposed modification to RFLMA Attachment 2 to incorporate the amendment
- Transcribe discussion and comments provided at today's meeting
- Encourage submission of written comments
- U.S. Department of Energy (DOE), Colorado Department of Public Health and Environment (CDPHE), and U.S. Environmental Protection Agency (EPA) will consider all comments in the CAD/ROD amendment decision
- Public comment period extended from July 8, 2011, to August 2, 2011, to provide 60-day comment period



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September 29, 2006, CAD/ROD

- CAD/ROD based on the June 26, 2006, Proposed Plan
- The Central Operable Unit (OU) is the portion of Rocky Flats Site that requires additional response actions under the CAD/ROD
- The response actions selected for the Central OU in the CAD/ROD are institutional controls (ICs), physical controls, and continued monitoring
- Remedy implementation requirements are in the RFLMA between DOE, CDPHE, and EPA



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Proposed CAD/ROD Amendment

- No change to the remedy – formal amendment process followed to adhere to language in CAD/ROD
- CAD/ROD amendment clarifies description of ICs for excavation and soil disturbance to meet the IC objective and rationale in CAD/ROD
- CAD/ROD amendment provides that any future modification or termination of ICs will follow regulations and guidance in effect at that time
- Formalizes regulatory review and approval process already applied by RFLMA parties for activities otherwise prohibited by ICs



Proposed CAD/ROD Amendment IC-2

- Current CAD/ROD – Excavation, drilling, and other intrusive activities below a depth of three feet are prohibited, except for remedy-related purposes and routine or emergency maintenance of existing utility easements, in accordance with pre-approved procedures.
- Proposed Clarification – Excavation, drilling, and other intrusive activities below a depth of three feet are prohibited without prior regulatory review and approval pursuant to the Soil Disturbance Review Plan in RFLMA Attachment 2.



Proposed CAD/ROD Amendment IC-2

No Change to Objective:

- Prevent unacceptable exposure to residual subsurface contamination.

No Change to Rationale:

- Contaminated structures, such as building basements, exist in certain areas of the Central OU, and the CRA did not evaluate the risks posed by exposure to this residual contamination. Thus, this restriction eliminates the possibility of unacceptable exposures. Additionally, it prevents damage to subsurface engineered components of the remedy.



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Proposed CAD/ROD Amendment IC 3

- Current CAD/ROD – No grading, excavation, digging, tilling, or other disturbance of any kind of surface soils is permitted, except in accordance with an erosion control plan (including Surface Water Protection Plans submitted to EPA under the Clean Water Act) approved by CDPHE or EPA. Any such soil disturbance will restore the soil surface to preexisting grade.
- Proposed Clarification – No grading, excavation, digging, tilling, or other disturbance of any kind of surface soils is permitted, except in accordance with an erosion control plan (including Surface Water Protection Plans submitted to EPA under the Clean Water Act) approved by CDPHE or EPA. Soil disturbance that will not restore the soil surface to preexisting grade or higher may not be performed without prior regulatory review and approval pursuant to the Soil Disturbance Review Plan in RFLMA Attachment 2.



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Proposed CAD/ROD Amendment IC-3

No Change to Objective:

- Prevent migration of residual surface soil contamination to surface water.

No Change to Rationale:

- Certain surface soil contaminants, notably plutonium-239/240, were identified in the fate and transport evaluation in the RI as having complete pathways to surface water if disturbed. This restriction minimizes the possibility of such disturbance and resultant impacts to surface water. Restoring the soil surface to preexisting grade maintains the current depth to subsurface contamination or contaminated structures.



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Proposed CAD/ROD Amendment IC-7

- Current CAD/ROD – Activities that may damage or impair the proper functioning of any engineered component of the response action, including but not limited to any treatment system, monitoring well, landfill cap, or surveyed benchmark, are prohibited.
- Proposed Clarification – Activities that may damage or impair the proper functioning of any engineered component of the response action, including but not limited to any treatment system, monitoring well, landfill cap, or surveyed benchmark, are prohibited. The preceding sentence shall not be construed to prohibit the modification, removal, replacement or relocation of any engineered component of the response action in accordance with the action determinations in RFLMA Attachment 2.



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Proposed CAD/ROD Amendment IC-7

No Change to Objective:

- Ensure the continued proper functioning of engineered portions of the remedy.

No Change to Rationale:

- This restriction helps ensure the integrity of other engineered components of the remedy, including monitoring and survey points.



Proposed CAD/ROD Amendment

- Current CAD/ROD –The selected remedy/corrective action will be implemented through a modification to the Rocky Flats Environmental Covenant [the May 22, 2006 Environmental Covenant] to include all of the institutional controls required for the Central OU.
 - The May 22, 2006 Environmental Covenant was modified as required on December 4, 2006
- Proposed CAD/ROD –Pursuant to the CHWA (§ 25-15-317, *et seq.* C.R.S.) the selected remedy/corrective action will be implemented through a modification to the Rocky Flats Environmental Covenant [the December 4, 2006, Environmental Covenant] (environmental covenant) or through an Environmental Use Restriction (restrictive notice) that replaces the environmental covenant to include all of the institutional controls required for the Central OU.



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Proposed CAD/ROD Amendment

- Current CAD/ROD – For the purposes of this CAD/ROD, DOE may not modify or terminate these institutional controls without the approval of EPA and CDPHE, by formal amendment to this CAD/ROD.
- Proposed CAD/ROD – For the purposes of this CAD/ROD, DOE may not modify or terminate the institutional controls without the approval of EPA and CDPHE. Institutional controls will be modified or terminated in accordance with the requirements of CERCLA and CHWA, including CERCLA and CHWA implementing regulations and guidance in effect at that time. The public will also be notified of the modification or termination and be given an opportunity to review and comment, pursuant to RFLMA requirements for public notification and public comment in effect at that time.



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Proposed Modification to RFLMA

Attachment 2 – Soil Disturbance Review Plan

DOE will provide to CDPHE and EPA for review and approval prior to work subject to IC-2 and IC-3:

- A description of the proposed project, including the purpose, the location, and the lateral and vertical extent of excavation.
- Information about any remaining subsurface structures in the vicinity of the proposed project (or state that there are none if that is the case).
- Information about any former Individual Hazardous Substance Sites, Potential Areas of Concern, or other known or potential soil or groundwater contamination in the vicinity of the proposed project (or state that there is no known contamination).



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Comment Submittal

- Proposed Plan and RFLMA Attachment 2 Modification posted on Community Involvement page of the LM website www.lm.doe.gov/Rocky_Flats/Sites.aspx?view=5
 - Includes links to documents incorporated by reference
- Comment due date is Tuesday, August 2, 2011
 - E-mail rfnfo@lm.doe.gov
 - Put “Rocky Flats Site Proposed Plan Comments” in the subject line
- Via U.S. mail (postmarked by due date) or hand delivery to:
 - Rocky Flats Site Proposed Plan Comments
U.S. Department of Energy
11025 Dover St., Suite 1000
Westminster, CO 80021
- If you have any difficulty accessing the website, e-mail Bob Darr at bob.darr@lm.doe.gov or call (720) 377-9672 for assistance



Conclusion

- Any clarifying questions on presentation
- Public comments
 - Don't forget to sign in

