



Department of Energy

ROCKY FLATS FIELD OFFICE
P.O. BOX 928
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JAN 0 4 1994

94-DOE-12948

Mr. Joe Schieffelin, Unit Leader
Hazardous Waste Facilities
Colorado Department of Public Health and the Environment
4300 Cherry Creek Drive South
Denver, Colorado 80222-1530

Dear Mr. Schieffelin:

Enclosed is the signed dispute resolution for the Programmatic Preliminary Remediation Goals dispute.

As we discussed on the telephone on the morning of January 3, 1995, DOE cannot agree to give up our right to dispute. We have therefore deleted the last sentence from paragraph 3 of your proposal of December 28, 1994.

If you have any questions, please call me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Steven W. Slaten".

Steven W. Slaten
IAG Project Coordinator
Environmental Restoration

Enclosure

cc w/Enclosure:

J. Ahlquist, EM-45, HQ
C. Gesalman, EM-453, HQ
K. Klein, OOM, RFFO
J. Roberson, AMER, RFFO
T. Howell, OCC, RFFO
S. Slaten, ER, RFFO
M. Hestmark, EPA
Administrative Record

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Resolution of Dispute - Programmatic Preliminary Remediation Goals (PPRGs)

Through previous agreement among DOE, EPA, and CDPHE, the PPRGs were to function as both preliminary remediation goals and Risk Based Concentrations (RBCs) used in the Conservative Risk Screen. On November 15, 1994 (received by DOE on November 29, 1994) CDPHE disapproved the PPRGs because, in their role as RBCs, They were not calculated using methodology acceptable to CDPHE. Specifically, the method used by DOE to assess risk to children was not acceptable. On December 12, 1994, DOE invoked the IAG dispute resolution process based on CDPHE's disapproval of the final PPRGs, citing alternative methodology for assessing childhood risk.

On December 20, 1994, the IAG coordinators from CDPHE, EPA, and DOE met to informally resolve this dispute. The resolution is as follows:

1. The parties recognize that conflicting technical opinions exist within the scientific community regarding how to assess risk to children from environmental contamination. Both the CDPHE and DOE positions and proposed methodologies for assessing childhood risk have advocates within the scientific community. The method proposed by CDPHE is slightly more conservative than that proposed by DOE.
2. Therefore, CDPHE approves the PPRGs, as currently calculated, for use as both PRGs and RBCs.
3. However, CDPHE reserves the right to disapprove a "No Further Action" proposal make by DOE for any source areas where the Conservative Screen ratio sum, as calculated by DOE, is near 1.0. If a disapproval occurs, any calculations and technical research performed by CDPHE to evaluate these source areas using the conservative screen methodology, but including the more conservative RBCs, will be presented to EPA and DOE.
4. DOE's response to CDPHE comments #4 and #5 (CDPHE comments to draft PPRGs - September 9, 1994) as embodied in their October 17, 1994 (94-DOE-10695) and December 12, 1994 (94-DOE-12204) correspondence are adequate. The PPRG document will not be revised on the basis of these comments and responses. However, DOE will implement the Conservative Screen in a manner consistent with the responses to comments #4 and #5.



Steven W. Slaten
IAG Project Coordinator, DOE

1-3-94

date

Joe Schieffelin
IAG Project Coordinator, CDPHE

date

Martin Hestmark
IAG Project Coordinator, EPA

date