

0011195



# Citizens Intelligence Network

REFER TO:	
<input checked="" type="checkbox"/>	Area Mgr
<input checked="" type="checkbox"/>	Dept. Ar Mgr
<input type="checkbox"/>	Comm
<input type="checkbox"/>	CH Gen Br
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## STATEMENT OF POSITION ON ROCKY FLATS

Enclosed you will find Citizens Intelligence Network's position on the studies done on the Rocky Flats facility. We encourage and solicit your comments and recommendations.

We are hoping that this statement will be the beginning of constructive cooperation towards resolving the problems at Rocky Flats, which will be in the best interests of all concerned.

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Jan 5, 1987

MHS  
ADMIN RECORD 27-2

SW-A-003842



January 5, 1987

87A050

To: Al Whiteman  
DOE-Albuquerque Operations Office  
Rocky Flats Area Office  
P.O. Box 928  
Golden, Colorado, 80402-0928

Dear Mr. Whiteman:

Citizens Intelligence Network (C.I.N.), is a research and consulting organization concerned with the abuse that toxic and radioactive materials cause on the environment, and to the citizens who are affected by that abuse. Our purpose is to facilitate immediate practical solutions to pollution problems through cooperative efforts between industry, government, and private citizens. We encourage application of the best clean up, treatment, and monitoring technologies as well as political action to promote compliance with existing regulations. We are not a grass roots activist organization, however, we are deeply concerned with the health and welfare of the environment and it's inhabitants. It is in this capacity that we have written this statement of our position concerning the Rocky Flats plant near Denver, Colorado.

Based upon a review of the available documents that have been released about the plant, it is our conclusion that the Rocky Flats site is badly contaminated and is, in fact, currently in violation of both Superfund and RCRA regulations that govern past and present disposal practices. Evidence of off-site contamination makes the situation even more serious.

Adequate monitoring is lacking of both the current activities as well as the migration of past contamination. Past disposal practices and activities have been addressed only minimally. Present contamination problems may be coming from many varied sources, not just from known disposal pits. Current production activities produce large amounts of toxic and radioactive by-products. Where are these wastes being taken, stored or sposed of?

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Public participation has not been as involved as much as it could have been because of the supposed confidentiality of the plant's operation. The issue has not been faced that confidentiality is not as important as public health. The citizens living with the pollution problems in their neighborhoods do not want to invade the privacy of government secrets, they simply want to be assured of a clean and safe environment in which to raise their families. Confidentiality is not an excuse for not working cooperatively with the local citizens toward a mutually agreeable solution to a serious problem that directly impacts their lives.

There seems to be no clear authority over the site. In spite of a Compliance Agreement between the Department of Energy (DOE) and the Colorado Department of Health (CDH), under CERCLA, the Environmental Protection Agency (EPA) still maintains primary authority under sections 104 and 106 of CERCLA: Executive Order 12316, (46 Federal Register 42237), and Executive Order 12088, (43 Federal Register 47704). We see no evidence that the EPA has done any independent site investigations that are essential to properly oversee the activities at the site.



We therefore make the following requests:

To the EPA

1. Explain the EPA's authority over DOE under CERCLA and RCRA.
2. Immediately send in the Field Investigation Team (FIT) to investigate past contamination of the site under CERCLA. Oversight by the EPA of past disposal practices and the results of those practices cannot be done properly at a site as complex as this, without an independent preassessment conducted by the EPA.
3. Review the authority of the EPA to enforce corrective action under current RCRA regulations. If the EPA has no authority, documentation as to why it does not should be submitted.
4. Does the NPDES permit cover domestic sludges only or are toxics and heavy metals treated or disposed of through the permitted system?
5. Investigate whether spray irrigation activities are in violation of RCRA.
6. Clarify, in writing, the EPA person(s) responsible for oversight of the Rocky Flats facility. Describe their professional discipline (air, water, waste management, RCRA, CERCLA), academic degrees, and the nature of their involvement and the amount of time committed to enforcement at the site.
7. Define and describe the interaction between CDH and EPA and how often these agencies meet to discuss the site, and what actions are taken.
8. Under CERCLA, is Dow Chemical Company a PRP at the Rocky Flats site?



To the Colorado Department of Health.

1. Explain CDH's authority over DOE under CERCLA and RCRA.
2. Enforce corrective action under RCRA and enforce compliance with current RCRA requirements. If unable to do so, explain why, in writing.
3. Clarify, in writing, the CDH person(s) responsible for oversight of the Rocky Flats facility. Describe their professional discipline (air, water, waste management, RCRA, CERCLA), academic degrees, and the nature of their involvement and the amount of time committed to enforcement at the site.
4. Define and describe the interaction between CDH and EPA and how often these agencies meet to discuss the site, and what actions are taken.
5. Does the NPDES permit cover domestic sludges only, or are toxics and heavy metals treated or disposed of through this system?
6. Investigate whether spray irrigation activities are in violation of RCRA.
7. Define the CDH version of "wastes" versus "mixed wastes". Explain the exemptions of certain wastes allowed in the Compliance Agreement between CDH and DOE and the reasons for such exemptions.
8. Explain the regulatory authority that CDH relinquished under RCRA or CERCLA in order to accomplish the signing of the Compliance Agreement and the reasons for such action.
9. Under CERCLA, is Dow Chemical Company a PRP at the Rocky Flats facility because of it's past activities at the site?

Due to the inadequacies and ambiguities of the EIS, CEARP and the Compliance Agreement as well as the inconsistencies between these documents, and the lack of adequate citizen input, C.I.N. takes the position that the Compliance Agreement cannot possibly be the definitive agreement regarding clean up, compliance, and monitoring of the Rocky Flats site.

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Citizens Intelligence Network requests of the above agencies, the following:

1. Access to copies of all documents pertaining to studies of the Rocky Flats facility. If these documents are not available to the public, we request an answer in writing as to why they are unavailable. Again, confidentiality is not an excuse when public health is at risk.

2. The draft of the Part B application, or a meeting with CDH to review the application.

3. CEARP, phases 1 through 5.

C.I.N., believes the current Rocky Flats Monitoring Committee to be inadequate in three respects:

1. The committee has failed to function in the manner mandated by Governor Lamm.

2. The committee has no power to enforce recommendations.

3. Procedures and criteria used to choose committee members have not been defined or explained.

C.I.N. therefore requests the Governor of the State of Colorado to appoint equal and unbiased representation to the committee, and give it direction and authority to:

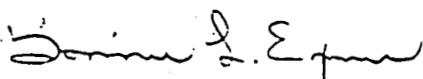
1. Provide pertinent and timely information to be exchanged between citizens, site operators and agencies.

2. Provide an effective mechanism for citizens to discuss their concerns with the site operators and agencies.

3. To recommend to the agencies and to assist them in enforcing adequate containment, clean up and treatment methods to be implemented without further delay to prevent additional contamination and health problems.

C.I.N. would appreciate prompt replies in writing to these important questions and concerns, in the interest of establishing a more satisfactory working relationship between the citizens and the operators and agencies responsible for ensuring their health and safety.

Respectfully,



Bonnie L. Exner, Pres.  
Director, Environmental Activities

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cc: President Ronald Reagan  
Lee Thomas, National EPA  
Governor Richard Lamm  
Governor Elect Roy Romer  
Senator Timothy Wirth  
Senator William Armstrong  
Senator Gary Hart  
Congresswoman Patricia Schroeder  
John Welles, Region VIII EPA  
Al Whiteman, Department of Energy  
Representative Sam Williams, House District 53  
Representative David Skaggs  
Dr. Thomas Vernon, Colorado Department of Health  
Roy Dawson, Chair, Rocky Flats Monitoring Committee.  
Rich Ferdinandsen, Jefferson County Commissioner  
Marjorie Clement, Jefferson County Commissioner  
Donald Stanbro, Jefferson County Commissioner  
Jefferson County Health Department  
Colorado Board of Health  
Denver Regional Council of Governments  
American Friends Service Committee

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