



**Rocky Flats Citizens Advisory Board
Recommendation 2003-7**

**Comments on Draft RFCA Standard Operating Protocol
for the Consolidated Water Treatment Facility**

Approved September 4, 2003

Letter to:

Mr. Joe Legare
U.S. Dept. of Energy
Rocky Flats Field Office
10808 Hwy. 93, Unit A
Golden, CO 80403

Mr. Tim Rehder
U.S. EPA
999 18th St. Ste. 500
Denver, CO 80202

Mr. Steve Gunderson
CDPHE
4300 Cherry Creek Dr. South
Denver, CO 80246

Dear Mr. Legare, Mr. Rehder and Mr. Gunderson:

In the last few months the Citizens Advisory Board (CAB) reviewed the recent modifications, comments, and regulatory responses to the Rocky Flats Cleanup Agreement and the Stewardship Strategy (Strategy). As we shared with you at the August CAB meeting, we are disappointed at the lack progress and delivery of agency commitments on long-term stewardship at the site. We strongly urge the Department of Energy (DOE) to work with the stakeholders, local governments, and the community to devise and implement a sound long-term stewardship strategy that is enforceable and clearly defines state and EPA involvement post-closure. With closure quickly approaching, it is in the best interest of the RFCA parties to identify the long-term stewardship obligations and how stewardship will be enforced at the site. We ask that the Stewardship Plan be drafted and approved expeditiously.

The CAB supports many of the issues raised by both the Rocky Flats Coalition of Local Governments and the Stewardship Working Group. Some of the apprehensions we have date back to 2001. These concerns are as follows:

ADMIN RECORD

- enforceability of the Long-term Stewardship Plan
- applicability of key permits and regulations (RCRA/CHWA, CERCLA, Clean Water Act, Clean Air Act, and NRC)
- legal role of DOE, EPA, and CDPHE post-closure
- specification and implementation of Institutional Controls for the Site
- applicability of the State of Colorado's Covenants Law, and
- lack of long-term stewardship considerations in key planning documents
- specification and details of long-term monitoring and surveillance of remedies
- structure and details of a Contingency Plan
- specification of information management and dissemination of information
- more frequent CERCLA reviews for the first 9 years post-closure
- scope of DOE and local presence post-closure to address long-term stewardship obligations

We understand CDPHE is currently working on establishing a milestone for the development of the long-term stewardship plan. The CAB concurs with this approach, and believes a milestone will provide substantive agency buy-in, expedite a plan that otherwise lacks details, and ensure long-term stewardship obligations protect human health and the environment.

Respectfully, we acknowledge that decisions of this magnitude take time and the related discussions can be arduous at best. Without a deep commitment from the RFCA parties to address an enforceable, detailed long-term stewardship, the CAB feels that the cleanup and closure timeline could be at risk.

The CAB believes it is in the best interests of the RFCA parties to begin a dialog with the CAB, local governments, and the stakeholders immediately so as not to overshadow the successful work completed to date.

We look forward to your response; however request it be clear, concise, and stocked with quantitative details on long-term stewardship, instead of generic language as has previously been demonstrated. We remain a committed partner and look forward to working with the RFCA parties on long-term stewardship and a Stewardship Plan we can all be proud to work from through this transition period until closure.

Sincerely,

Victor Holm
Chair

Dave Davia
Treasurer / SWG co-Chair

cc: Jessie Roberson, DOE

Mike Owen, DOE
Gene Schmitt, DOE
Doug Benevento, CDPHE
Max Dodson, EPA
Dean Rundle, FWS
Governor Bill Owens
Senator Wayne Allard
Representative Mark Udall
Representative Bob Beauprez
Attorney General Ken Salazar
David Abelson, RFCLoG

The Rocky Flats Citizens Advisory Board is a community advisory group that reviews and provides recommendations on cleanup plans for Rocky Flats, a former nuclear weapons plant outside of Denver, Colorado.

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