

Raynes, Scott

From: Shelley Stanley [sstanley@northglenn.org]
Sent: Tuesday, October 19, 2010 10:20 AM
To: Plieness, Ray; RFIInfo; Surovchak, Scott; Martha Rudolph
Cc: Zane Kessler; David Allen; Shirley Garcia; Ed Lanyon; Cathy Shugarts; Josh Nims; Vera Moritz; Steve Berendzen; Andy Schultheiss; Doug Young; David Willett; Joyce Downing; Ray Reling; Sheri Paiz; William Simmons; David Abelson; Carl Spreng
Subject: RFLMA Attachment 2 comment letter
Attachments: RFLMA_101910.PDF

To Whom It May Concern:

Attached is a letter from the City of Northglenn providing comment on the proposed RFLMA Attachment 2 Modifications. We appreciate the opportunity to express our concerns.

Thank-you,

Shelley Stanley
Water Quality Coordinator
City of Northglenn
2350 W. 112th Ave, 80234
303.450.4067
sstanley@northglenn.org



Office of the City Manager
11701 Community Center Drive
PO Box 330061
Northglenn, Colorado 80233-8061
Phone (303) 451-8326
FAX (303) 450-8708
TDD (303) 450-8805

Sent Via Email to rinfo@LM.doe.gov and U.S. Mail

RFLMA Attachment 2 Modification Comments
United States Department of Energy
11025 Dover Street, Suite 1000
Westminster, CO 80021

October 19, 2010

RE: Comments on the proposed RFLMA Attachment 2 Modifications

To Whom It May Concern:

The City of Northglenn ("Northglenn" or "City") appreciates the opportunity to comment on the proposed changes to the RFLMA Attachment 2 Modifications. Northglenn requests that the RFLMA parties (DOE, EPA, and CDPHE) withdraw the proposal due to unresolved issues associated with the rationale for the proposal as outlined in this letter. Furthermore, Northglenn requests that a committee comprised of asset holders and RFLMA parties be formed to resolve issues related to water quality. Barring these outcomes, the City's comments are outlined below.

Institutional Controls

It is Northglenn's belief that the construction of the new Point of Compliance monitoring stations in the Woman Creek and Walnut Creek drainages may be in violation of Institutional Control #2 which prohibits excavation below three feet for purposes that are not remedy-related. Any proposal to modify the institutional controls would require amending the Corrective Action Record/Record of Decision ("CAD/ROD"), the Environmental Covenant ("EC") and the RFLMA. Amendments to the CAD/ROD, similarly to the RFLMA, are a public process. The Colorado Department of Public Health and Environment ("CDPHE") has approved Contact Records 2010-02 (dam breach) and 2010-04 (revision of monitoring points); each with provisions requiring excavation below three feet for purposes that are not remedy-related. The Department is urged to rescind approval of the aforementioned contact records.

RFLMA/Environmental Assessment

At the time of writing, the final decision on the Environmental Assessment ("EA") for dam breaching has not been issued. As a result, public comment on the EA has not been addressed. The two documents (RFLMA and EA) are related, answers to EA questions have a bearing on the proposed RFLMA changes. The disconnect between the two documents, creates a concern for Northglenn that some of our comments submitted in this letter may not be applicable. Furthermore, Northglenn is concerned that the RFLMA Attachment 2 Modifications, presupposes the breaching of the dams. Case in point, pre-discharge pond sampling has been eliminated in the RFLMA Attachment 2 Modification document, yet the determination to breach the dams has not been made.

RFLMA Public Meeting

Northglenn has previously expressed concern over the lack of a contingency plan in our comment letter related to the dam breaching EA; those concerns will not be reiterated in this letter. Northglenn does however, disagree with the statement made by the regulators at the August 10, 2010 public meeting, that sensitive water quality standards at the POC's, up gradient and down gradient water quality sampling, the Standley Lake Protection Project facilities and replacement of Broomfield's drinking water source are considered a contingency plan.

Justification

The existing points of compliance ("POC"), GS-01 and GS-03, both at Indiana Street, have a long and rigorous water quality record. Historically, these POC's have been used to confirm that all relevant water quality standards are being met. The DOE's proposal is to move these points of compliance approximately three quarters of a mile upstream to the Central Operable Unit boundary, abandon the Indiana Street Points of Compliance, and construct new points of compliance on DOE retained land. The regulatory justification for moving the POC's to the Central Operable Unit is not given. Before abandoning a long and rigorous water quality record for a new, untried location, Northglenn requests that the DOE supply a copy of the document directing them to locate monitoring sites on DOE retained land. Maintaining the points of compliance at their current locations provides our citizens with assurances that water leaving the former Rocky Flats Site meets relevant water quality standards.

Water Quality Standards

Groundwater use designation for the Site is surface water protection. Currently, groundwater samples are filtered (Site Operations Guide, Doc. No. S03037-2.0). Regulation 41, Radioactive Materials Standards Table, footnote 2 states: Radionuclide samples for these materials should be analyzed using unfiltered (total) samples. The footnote refers to Americium and Plutonium 239/240, identified in the table. The City requests that this apparent disconnect be addressed *prior to adopting any changes to the RFLMA, Attachment 2.*

Technical comments specific to RFLMA Attachment 2 Modifications

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Modification to Section 5 – It is unclear, in this table or in the figures located at the end of the document, whether the new POC's will have the full enforceability as GS-01 and GS-03.

Modification to Figure 1, Water Monitoring Locations – deleting PLFPONDEFF and replacing with NNGS01 will allow for volatilization and potential dilution to occur between the treatment facility and the new sampling location. This is not a true measure of how well the treatment facility is working nor is it protective of the environment.

Modification to Figure 5 – Northglenn requests DOE provide documentation from the Water Quality Control Regulations that allows using the 85% in setting a nitrate standard. Multiple groundwater treatment facilities exist on site. The Site's groundwater use classification is surface water protection. Given this, why isn't the nitrate standard measured at the treatment plant outfall(s)? This would be an excellent way to determine how well the treatment plant is operating and support the use designation.

- Page 3, Sec 5.0 Northglenn requests to be notified of changes in sampling protocols, methodology, and documents related to water quality monitoring as these documents have bearing on statistical interpretation of the data.
- Page 4, Sec 5.1 Provide ARAR documentation supporting the justification for moving the POC's to the COU boundary.
- Page 6, Sec 5.4.1 Northglenn disagrees with eliminating the Boundary Wells located at Indiana Street. These wells, with their corresponding surface water POC's, are the last data collection point before water leaves the historic Rocky Flats boundary. This is an important sampling site to our citizens and to the Woman Creek Reservoir Authority. Northglenn recognizes that the wells are located in a transportation right of way and that it might be necessary to move or remove these wells in the future. Until that time, the required once a year monitoring hardly seems a hardship.
- Page 30, Figure 5 Are the calculated value and compliance value equivalent in their regulatory meaning. If they are equivalent, for clarity of record and legacy documentation, Northglenn requests language in the RFLMA to this effect. Please cite the WQCC Regulation allowing the setting of a nitrate standard at 85%.
- Page 32, Figure 7 Northglenn objects to the deletion of the Boundary Wells. The DOE performs groundwater flow calculations to estimate movement of pollutant plumes. Northglenn requests the DOE consider our recommendation (detailed in the next sentence) rather than discontinuing monitoring if the two most recent sampling results do not exceed the standard. Northglenn requests that the DOE use flow calculations to determine when the pollutant might reach the well. If the pollutant plume is not measured within the modeled/estimated time, then the flow chart would serve as the determinant as to whether sampling should be discontinued. It is Northglenn's understanding that the well monitoring program (Evaluation, Sentinel, & Area of Concern Wells) is designed to work in a series, from the source (Evaluation wells) to "early warning" (Sentinel wells) and finally, the Area of Concern Wells serving as the last point where groundwater is tested prior to day lighting as surface water. If this understanding is correct, and given that site hydrology is moving from surface to groundwater, changes in location, monitoring frequency or constituents, to AOC and Sentinel wells has the potential to impact surface water. Northglenn also requests to be notified of any proposed changes to AOC and Sentinel wells.
- Page 33, Figure 8 Two criteria are used to determine whether to discontinue monitoring. Our comments/questions are related to these criteria. Northglenn requests clarification as to the rationale for setting the uranium standard at 240 ug/L or pre-CY05 whichever is higher. Northglenn requests clarification as to the rationale for allowing an indeterminate trend at the 95% confidence level as a monitoring "out". We request clarification on the minimum number of years and sample size DOE uses for trending.
- Page 34, Figure 9 Same questions as Figure 8 on the criteria.
- Page 35, Figure 10 Northglenn requests to be notified of proposed changes to RCRA wells.

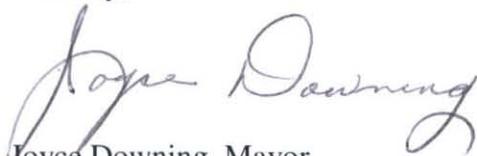
Summary of Northglenn Positions

Northglenn Requests:

1. DOE withdraw the proposed modifications to the RFLMA Attachment 2 and maintain the document in the current state.
2. DOE withdraw the dam breaching EA and CDPHE rescind the contact record related to breaching terminal dams until such time as the inconsistencies between the RFLMA and the EA can be worked out.
3. Northglenn request the formation of a working group composed of downstream communities, USFWS, and the regulators for the purpose of discussing and reaching agreements on water quality issues.

Failing complete withdrawal of the proposed RFLMA Attachment 2 Modification, Northglenn requests written responses to our questions and concerns. The City supports the positions taken, and the comments provided, by the affected downstream communities. Thank you for the opportunity to comment on the proposed revisions to the RFLMA. Do not hesitate to contact my staff, Shelley Stanley, 303.450.4067 or sstanley@northglenn.org should you have any questions.

Sincerely,



Joyce Downing, Mayor

cc: Martha Rudolph, Colorado Department of Public Health and Environment
Carl Spreng, Colorado Department of Public Health and Environment
Vera Moritz, EPA
Ray Pleinus, Legacy Management
Rocky Flats Stewardship Council
David Allen, City and County of Broomfield
Shirley Garcia, City and County of Broomfield
Ed Lanyon, City of Thornton
Josh Nims, City of Westminster
Cathy Shugarts, City of Westminster
Shelley Stanley, City of Northglenn
Steve Berendzen, USFWS
Doug Young, Senator Udall's Office
Zane Kessler, Senator Bennet's Office
Andy Schultheiss, Congressman Polis' Office