



*Sent Via Email and USPS*

September 13, 2006

U.S. Department of Energy,  
Attention: Proposed Plan Comments  
Rocky Flats Environmental Technology Site  
12101 Airport Way, Unit A. Broomfield, CO 80021-2583

RE: Rocky Flats Environmental Technology Site Proposed Plan, dated July 2006

Dear Mr. Lockhart:

The City of Northglenn (Northglenn) is providing comments to the *Rocky Flats Environmental Technology Site Proposed Plan*, dated July 2006 and the *Remedial Investigation/Corrective Measures Study- Feasibility Study Report (RI/FS)* for the Rocky Flats Environmental Technology Site (RFETS) dated June 2006 (the document i.e. Proposed Plan and RI/FS). Northglenn considers these documents to be the foundation for the Corrective Action Decision/Record of Decision (CAD/ROD) and the final Post-Rocky Flats Clean-up Agreement (RFCA).

It is difficult to evaluate the Proposed Plan and the preferred alternative without knowing the details of the technical and regulatory aspects of the post-RFCA. We do not understand the need for concealment, nor do we understand the change in policy to keep downstream communities from participating in language that protects our communities and preserves our assets in a fiscally and environmental manner. We reserve the right to readdress our comments and concerns identified in this letter once we have an opportunity to evaluate the language in the post-RFCA. It is relevant that the post-RFCA document be released to the public for comment with a minimum of 60 days for review. Past practice for formal review of the RFCA document should justify a formal review of the final post-RFCA or any other post-closure document.

With remaining residual contamination on-site, Northglenn wants sufficient reassurance that the site will remain in a safe configuration to protect human health and the environment for the life of the contaminants. Given the lack of detail on several key, post-closure management issues, Northglenn is hesitant to fully endorse the Proposed Plan without additional commitments to ensure the downstream communities will not be affected.

Northglenn is concerned with the following general categories that will be addressed in more detail in this letter:

ADMIN RECORD

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SW-A-006067

1. **Involvement with Downstream Asset Holders**
2. **Long-term Monitoring and Surveillance Plan**
3. **Institutional and Access Controls/Proposed Central Operable Unit Boundary**
4. **Original Landfill and Present Landfill**
5. **991 Area**
6. **Treatment Units/ Remedial Action Objectives**
7. **Administrative Record and Reading Room**
8. **De-listing the Site, Land Transfer, and Natural Resource Damage Evaluation**
9. **Public Involvement Plan**
10. **Post-Rocky Flats Clean-up Agreement and 5-year Review**

1. **Involvement with Downstream Asset Holders**

*Community Involvement with Downstream Asset Holders*

**Revise the Proposed Plan to include language that local municipalities impacted by surface water from the RFETS shall be part of the technical process to evaluate and develop monitoring specifications for the post-closure monitoring and maintenance plan and develop consensus recommendation to the decision-makers post-closure.**

For years, downstream communities have had an integral role with the development of monitoring criteria during technical group discussions to implement changes to the monitoring plans at the site. Their role was clearly delineated in the RFCA and detailed in the *Integrated Water Management Plan for the Rocky Flats Environmental Technology Site*, dated August 1996. The Water Working Group's purpose as stated in the RFCA, Appendix 5, is *to develop consensus recommendations to the decision-makers regarding decisions and actions related to water quality at, or downstream of RFETS*. These discussions identified the needs and changes in monitoring scope as dictated by changes in the Rocky Flats Environment Technology Site operations and infrastructure. In addition the working group was tasked to work towards a long-term stewardship monitoring system that would continuously evaluate and support data quality objectives.

**Revise the Long-Term Surveillance and Maintenance Plan (LTSMP) document to state the LTSMP will be reviewed annually with the current partnership between DOE, EPA, CDPHE, and downstream municipal water users.**

The Proposed Plan refers to the Long-term Surveillance and Maintenance Plan (LTSMP) as the document that identifies the long-term stewardship criteria. The LTSMP clearly excludes the continuation of the current process to discuss technical issues associated with the monitoring and surveillance systems at the site. Northglenn was disappointed when Legacy Management decided to not adhere to the Public Participation Plan that identified the Interim Long-term Surveillance and Maintenance Plan as a public document to be released for our review and evaluation. To this date we have not received justification from Legacy Management as to why they deviated from their document and the RFCA to include participation of the Water Working Group to *maintain and guide a long-term partnership between local governments, DOE, EPA, and CDPHE*.

*Quarterly Data Exchange Meetings*

**Revise the Proposed Plan to specify quarterly data exchange meetings will be held with DOE, CDPHE, downstream municipalities, and EPA, to review data, evaluate trending, analyze sampling needs, and/or discuss corrective actions.**

We understand there may not be surface water discharges from the terminal ponds for several years, but quarterly monitoring will continue at the site and it will need to be reviewed and discussed. Legacy Management is reminded of their August 11, 2004 commitment made to downstream municipalities to continue the quarterly data exchange meetings with our communities for a minimum of 2 years. On September 11, 2006, at the Rocky Flats Stewardship Council meeting, Mike Owen committed to open communication with local governments. This commitment is a confirmation by Legacy Management to continue the much needed quarterly data exchange meetings with downstream communities to continue to evaluate an integral monitoring plan. The current communication process with downstream communities, is not intended to replace the public process with the Rocky Flats Stewardship Council (RFSC) but instead be in addition to the public involvement plan identified by Legacy Management.

*Communication and Notification Process*

**Northglenn asks that the document be revised to incorporate the previous notification and communication process as identified in Broomfield's letter to Audrey Berry, dated September 16, 2005.**

**2. Long-term Monitoring and Surveillance Plan and Integrated Monitoring Plan Process (LTMSPP and IMP)**

*Groundwater*

**Revise the LTMSPP and IMP to state: In the event stationary plumes begin to migrate, a risk evaluation will be performed for the contaminant or contaminants of concern.**

The document is lacking the means to evaluate stationary groundwater plumes and their potential risk long into the future in the event they migrate or create a new pathway. The RI/FS and the Proposed Plan do not consider the need to continue monitoring stationary plumes post-closure in the event hydrological conditions change. The RI/FS states these plumes *do not require further studies to evaluate risk to human health and the environment* and Northglenn agrees with this statement based on current data.

**Revise the document to reflect language in the RFCA Attachment 5, C, 2 that reads: Groundwater plumes that can be shown to be stationary and do not therefore present a risk to surface water, regardless of their contaminant levels, will not require remediation or management. They will require continued monitoring to demonstrate that they remain stationary.**

Based on the changes to the topography and potential hydrology at the site, there needs to be sufficient monitoring to determine if the groundwater plumes remain stationary and do

not pose a risk. The RI/FS does not address future evaluations for all identified groundwater plumes. The process outlined within the RI/FS does not evaluate impacts to the creeks holistically.

**Revise the document to state all exceedances of groundwater action levels shall be reported to downstream communities once DOE becomes aware of the data.**

In addition, the data shall be reported quarterly and summarized annually to all parties, including downstream municipalities.

**Revise the document to add “downstream communities” to the notification and communication process identified in the Plan.**

**Revise the document to include the process on implementation of institutional controls. Define how institutional controls will be implemented, how they will be evaluated, how often they will be evaluated, and by whom.**

**Incorporate language and codify it to ensure municipalities are included with any decision made at the Rocky Flats site that may impact surface water quality.**

Impacted municipalities should be part of the decision making process to reevaluate any proposed changes.

**State in the document that any revisions or justifications to change the standard/action levels for groundwater shall be based on the surface water use classifications and not jeopardize surface water quality.**

Per RFCA, the temporary modifications were developed *together with other stakeholders (i.e., the local municipalities that are impacted by surface water from the RFETS)*. This collaboration should continue post-closure.

**Revise the Long-term Monitoring and Surveillance Plan and Integrated Monitoring Plan to clarify the process to site a groundwater well in the refuge in the event a well is needed to evaluate the potential migration of a groundwater plume.**

**Revise the Proposed Plan to include an overlaid map of the DOE retained lands and the refuge area maps to reflect the location of the monitoring stations in relation to the boundary. Also revise the maps identifying surface and groundwater monitoring locations.**

**Revise the Proposed Plan to state ICs will apply to the boundary wells. Revise maps and figures to include a delineation of the groundwater boundary wells. The Plan should also include a statement that the land/area the wells are located in will be retained by DOE.**

Northglenn is concerned the Proposed Plan does not address any institutional controls to prevent siting groundwater wells in the refuge to be used for irrigation or for other uses. The Proposed Plan states: *the construction or operation of groundwater wells is prohibited; except for remedy related purposes.*

**Revise the document to clarify how groundwater wells will be secured and identified.**

We expect to have a fence around the perimeter of the groundwater wells that are located outside of the DOE-retained lands. These wells have to be clearly marked and labeled to prevent public access and intrusion.

**The fence for the boundary wells should be identified as a legal control to protect the monitoring system for the remedy.**

Layering is of utmost importance in the event one control fails. The need to protect these wells is founded on the importance to gather groundwater data to evaluate the remedy.

**Revise the document to state all groundwater monitoring data and any changes in hydrologic conditions will be reported quarterly and summarized annually to all parties and impacted municipalities. Any exceedances of groundwater action levels will be reported to all parties and impacted municipalities concurrently.**

The document refers to the Long-term Surveillance and Monitoring Plan. Once changes or physical conditions exist that could impact surface water quality, downstream municipalities should be notified via telephone or fax.

*Surface Water-*

**Revise the Proposed Plan to state that any temporary modifications will revert to the stream standards once the final remedy has been completed.**

Temporary modifications were developed together with local municipalities that are impacted by surface water from the RFETS. RFCA states: *following completion of active remediation, the surface water must be of sufficient quality to support any surface water use classification in both Segments 4a/4b and 5.* Stream standards must be met at the point of discharge, once the temporary standards expire in 2009

**Revise the document to state how the institutional controls will apply to the surface water monitoring stations inside and outside of the DOE retained lands.**

**Define how the institutional controls will be implemented for the use of surface water, how they will be evaluated, how often they will be evaluated, and by whom.**

Any information associated with institutional controls should also be relayed to the public and downstream communities. The application of ICs at the Indiana Street POCs are of particular concern to downstream communities.

**Revise the document to identify how the institutional controls will be enforced and the schedule to implement corrective actions in the event a control fails.**

**Revise the document to state the surface water monitoring stations outside of the DOE-retained land will be managed consistently with the surface water monitoring stations within the DOE-retained lands.**

**Revise the document to state a legally mandated fence will be constructed around the perimeter of the surface water monitoring stations outside of the DOE-retained lands.**

These surface water monitoring stations should be clearly marked and labeled to prevent public access and intrusion.

**The fence for the surface water monitoring stations outside of the DOE-retained lands and the fence around the DOE retained lands should be identified as a legal control in the Proposed Plan to protect the monitoring system for the remedy.**

Layering is of utmost importance in the event one control fails. The need to protect these surface water monitoring stations is founded on the importance to gather surface water data to evaluate the remedy and protect surface water quality downstream of Rocky Flats.

**Revise the document to state all surface water monitoring data will be reported quarterly and summarized annually to all parties and impacted municipalities.**

The document refers to the Long-term Surveillance and Monitoring Plan. Any changes in concentrations or exceedances of surface water action levels and/or standards should be relayed concurrently to impacted municipalities and the regulators. Once changes or physical conditions exist that could impact surface water quality DOE should notify downstream communities concurrently with the regulators.

**Revise the LTSM Plan to state as a minimum the terminal ponds on Walnut Creek will be sampled annually for analytes identified in Attachment 5 of RFCA.**

The Long-term Surveillance and Monitoring Plan (LTSM Plan) is referred to in the Proposed Plan as the document that identifies the monitoring and surveillance post-closure. As written in the LTS&M Plan, surface water quality in the terminal ponds will be measured only when there is a pond discharge. To effectively evaluate the remedy, the water quality in the terminal ponds or an identified location at the site should be performed annually as a minimum. Woman Creek is unique in that not all the runoff of surface water is captured in C-2, therefore language should be added to the Plan for

Legacy Management to work with Westminster and the Woman Creek Reservoir Authority to identify a location that accurately reflects the effectiveness of the remedy on the south side of the site.

**Revise the Proposed Plan to include the following language:**

**The Surface Water and Groundwater Working Group will be tasked to develop an Integrated Water Management Plan to develop a consensus recommendation to the decision-makers regarding decisions and actions related to water quality at, or downstream of RFETS. The group will identify necessary actions necessary to protect water quality and the watershed and recommend programmatic activities to effectively manage water resources. The group will provide a comprehensive management tool to identify the actions to take regarding pond management. This tool will maintain and guide a long-term partnership between local governments, DOE, EPA, and CDPHE. The goal of the group will be to provide a comprehensive management tool to implement DOE's long-term commitment for protecting water and related ecological resources.**

It is imperative to include this language within the body of the Proposed Plan and the CAD/ROD to ensure a comprehensive water management plan is developed based on diminished flows, protection of ecological resources, and application of institutional controls necessary to protect water for all uses.

**Include language stating that the City of Westminster and/or the Woman Creek Authority reserves the right to sample surface water quality on an annual basis to determine surface water quality within the C-2 terminal pond or specified location on Woman Creek.**

**Include language that the City & County of Broomfield will sample surface water quality during a discharge into Walnut Creek and they reserve the right to sample surface water quality on an annual basis to determine surface water quality within the terminal ponds on Walnut Creek.**

If the regulators do not have enforceability responsibilities in the refuge area to ensure surface water quality, the City & County of Broomfield, City and Westminster, City of Northglenn, and the Woman Creek Reservoir Authority may seek to have the POCs, groundwater wells, and drainage measuring stations placed at the Central OU boundary.

*Integrate Monitoring Plan Process and Water Working Group*

**Revise the language in the Proposed Plan to ensure the IMP/Water Working Group process continues post-closure.**

To assess the direction and magnitude of contaminant movement and groundwater migration, it is essential to evaluate data as generated to compare it against predetermined outcomes and identify whether reported concentrations are routine or indicative of worsening conditions. The Integrated Monitoring Plan (IMP) served to:

- Develop data quality objectives with a goal to ensure compliance for surface water,
- Develop objectives and monitored pond discharges,
- Develop objectives and monitored discharges for the terminal detention pond discharges,
- Develop objectives and monitored off-site discharges for community water supply management,
- Develop objectives and monitored groundwater interactions,
- Develop objectives and monitored special project activities such as D&D of buildings including close-in air monitoring and placement of groundwater wells to track migration or impacts of groundwater plumes near the buildings,
- Develop objectives and monitored discharges from treatment units,
- Develop objectives and monitored the Present Landfill and Original Landfill,
- Develop objectives and monitored air,
- Develop ecological objectives and monitored flora and fauna, and
- Review National Permit Discharge Elimination System (NPDES) proposed revisions. To minimize the need for several meetings post-closure, we recommended the Water Working Group and the Quarterly Data Exchange meetings be combined. During these meetings the monitoring plans could also be evaluated annually.

**3. Institutional and Access Controls/ Proposed Central Operable Unit Boundary**

*Institutional Controls and Access Controls-*

**Revise the document to include language that fencing as an enforceable control and will be used to secure the POCs**

The document does not state how and if institutional controls will apply at the point-of-compliance monitoring stations, boundary groundwater wells, or other monitoring stations outside of the proposed boundary. The document is silent on physical controls and Institutional Controls for the Points-of-Compliance (POCs). We understand the language in the post-closure document will have boundary signs mandated as a legal control. We do not understand the issue the RFCA Parties have with mandating the fence as a legal control. It is ironic that the only two enforceable surface water monitoring stations will not be secured and protected from the general public. In the event the POCs have to be relocated, the RFCA Parties will work with the impacted communities during the relocation process.

**Revise the boundary map to include stamped areas retained by DOE for the Points-of-Compliance, stamped areas retained by DOE for the groundwater wells at the site boundary, and stamped areas retained by DOE for surface water stations located outside of the DOE retained lands.**

*Proposed Central Operable Unit Boundary-*

**It is Northglenn's position that all monitoring stations and wells be maintained, operated, and funded by DOE.**

We believe remedy evaluation and remedy protection have far greater justification to determine a boundary than the land management practicalities that were provided as justification for the proposed boundary.

**Revise Plan maps to expand the DOE retained lands to include GS-05 and GS-09. Revise the Proposed Plan to address the process to potentially locate future monitoring systems outside of the DOE retained lands.**

There is no justification to exclude GS-05 and GS-09 water stations from DOE retained lands. They are not located in steep areas, nor are they in riparian areas. These monitoring stations, located outside of the DOE-retained lands, provide crucial data. This data allows a proactive approach to identify a potential issue close to the source rather than a reactive approach that could impact water quality in the creeks or ponds.

**Allow the downstream communities consultant or technical staff to assist with a final determination of the southern boundary.**

Based on proposed activities identified in the Comprehensive Conservation Plan (CCP) drafted by the Fish and Wildlife Service, the southern portion of the refuge will have much more activities than the north side. Activities such as hunting, horseback riding, and other off-trail activities could jeopardize the integrity of the monitoring stations near the Original Landfill. Our concern is the potential of public damage to the remedies and the monitoring stations that evaluate the remedy.

**Revise the document to state the fence around the Central OU will be an enforceable control associated with the remedy and placed around DOE-retained lands and monitoring systems outside of the DOE retained lands.**

**Include the 903 Americium area within DOE retained lands. Revise associated maps.**

To state: *These levels of radioactivity are also far below the 231 pCi/g activity level for an adult rural resident that equates to the 25 mrem/year dose criterion specified in the Colorado Standard for Protection Against Radiation* may be simplifying the risk based on dose. The issue with this area is to prevent digging to prevent dust dispersion and to control erosion to protect surface water quality. As this area is not within the Central OU, no IC's will be associated with this area. It would be irresponsible to allow digging or installation of groundwater wells for irrigation or other domestic use in this area. Activities in this area should not be allowed, especially horseback riding, trails, or any activity that could generate additional dust or increase the potential for erosion.

Based on the Independent Verification and Validation review by ORISE in the 903 Pad and Inner Lip Area, there were additional hot spots that were identified in the 903 Pad and Inner Lip area. We therefore question the potential for hot spots in the Americium Area. Revise the map to include the Americium Area in the DOE retained lands.

We are also concerned that if grazing were allowed in the Americium Area, erosion would increase. This could potentially impact water quality in Woman Creek. The run-off in this area would not be captured in C-2 and could potentially leave the site without being monitored.

**4. Original Landfill/Present Landfill**

*Original Landfill –*

**Revise the Proposed Plan to include language to allow for adding to the monitoring system outside of DOE retained lands if warranted by an evaluation of the RFCA Parties and the Water Working Group.**

It is premature to assume there is sufficient data to evaluate the remedy for the Original Landfill. Northglenn questions the integrity of the cover on the landfill and the ability to keep the buried waste segregated from groundwater infiltration and infiltration from precipitation. Our concern is with the current seeps on the cover that now have a higher potential to release contaminants directly into Woman Creek that previously were not mobile or at the surface to flow directly into Woman Creek. Per the document, the cover is effective and protective based on the identified pathways that were evaluated. With the current seeps we now have a pathway that was not evaluated. We question the integrity of the cover and the numerous seeps that have developed since the placement of the cover. Westminster, the City and County of Broomfield, and their Professional Consultants voiced concerns with the placement of a shallow cover to prevent groundwater passing through the waste and surfacing at the cover. There was nothing in the landfill closure document to prevent the groundwater from passing through the waste and into Woman Creek. The remedy has exacerbated the situation by causing the groundwater to seep to the top of the cover and potentially have a new pathway that was not evaluated. Northglenn is concerned with the Original Landfill IM/IRA statement: monitoring of the Original Landfill will consist of quarterly monitoring until the first CERCLA review. We understand the next 5-year review will be in spring of 2007 and with the current status of the integrity of the cover, DOE would not show due diligence if they did not continue to monitor quarterly until the next review in 2012. At this later time, there would be sufficient data to evaluate the remedy and assess effects from hydrologic changes in this area.

Northglenn supports the City of Westminster's right to ask for periodic sampling of the South Interceptor Ditch if warranted.

Northglenn agrees with the list of analytes to be evaluated at the Original Landfill identified in Attachment 5, table 1.

Northglenn questions the success of the restoration effort on the cover as areas still do not have established growth. We are concerned that without a successful restoration effort; Woman Creek will be vulnerable to mass loading of sediment.

*Present Landfill-*

**Revise the document to provide justification for allowing a release of surface water without demonstrating compliance.**

The effluent from the treatment facility is not meeting stream standards for boron and manganese. The RFCA standard for boron is 750 µg/L and the result was 1,930 µg/L. Manganese standard was 1,858 µg/L and the result was 5,650 µg/L. Northglenn is concerned that water is allowed to discharge from the Present Landfill Pond into No Name Gulch knowing the effluent exceeds surface water standards. Northglenn is concerned with the language in the Present Landfill IM/IRA that states the pond will be sampled based on a “decision rule”. We have no role in the decision, yet the City and County of Broomfield may be directly impacted.

Northglenn supports all actions that are protective of the City and County of Broomfield’s water supply.

Northglenn does not agree with measuring compliance with the Present Landfill at the POC at Indiana.

The POC for the Present Landfill should be at the outfall of the treatment unit before it is released to waters of the State. This is consistent with CDPHE policy and regulations

**The constituents causing discoloration and foam observed at the August 21, 2006 field trip need to be identified.**

**5. 991 Area**

**Northglenn recommends DOE have a geotechnical engineer inspect the areas and suggest actions that could stabilize the slope.**

There is severe subsidence and cracking in the 991 area. We are concerned that the floor of FC-4 is experiencing uplift. This area has a high potential to have both radioactive and VOC contamination that was not adequately characterized. Based on the risk analysis of the contamination, there was no pathway for the radioactive contamination. The area has massive cracks and now may have a pathway that was not analyzed in the risk analysis.

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We strongly disagree with DOE and the regulators that this *is not a CERCLA issue* as there is no longer functioning groundwater monitoring stations in this area. Any groundwater or surface water from this area flows directly into South Walnut Creek. GS-10 is directly downgradient of this area. Elevated concentrations continue to be measured at this station. To state: Well 45605 will continue to be monitored in accordance with

the IMP for as long as that is feasible, in itself speaks of the need to monitor this area because of residual contamination.

## 6. Treatment Units/ Remedial Action Objectives

**Revise the document to state: once all the treatment units are meeting their remediation action objectives, DOE will propose to de-list the site.**

### *Solar Ponds Treatment System*

**We ask that DOE provide a plan and assurances that the 10mg/L standard will be met by 2009 as measured at both the effluent of the Solar Ponds treatment unit and at the discharge point of the Discharge gallery for the Solar Pond Unit.**

The Solar Pond Treatment Unit is unable to meet the temporary modification nitrate standard. Northglenn remains concerned that the treatment facility will not be able to meet the more stringent standard of 10mg/L in 2009 when the temporary modification expires. Northglenn expects the standard to be met prior to mixing with waters of the State.

### *Mound and East Trenches Treatment Systems*

Northglenn disagrees with the statement in the Proposed Plan and the RI/FS that *Continued operations of these four systems serves to protect surface water quality over short-and-long intermediate-term period by removing contaminant loading to surface water. This protection also serves to meet long-term goals for returning groundwater to its beneficial use of surface water protection.* We agree the systems should serve as a final remedy, but they currently do not function as per design.

### *Remedial Action Objectives-*

**Revise the Plan to state an annual report to the regulatory agencies and communities will include language pertaining to the failure of controls. Notification of any failure of controls should be made to the regulatory agencies and impacted communities as soon as DOE becomes aware of the failure. Any corrective action should also be reported to the regulatory agencies and the impacted communities and identified in quarterly and annual reports.**

Remedial action objectives are clearly developed to provide the foundation of clean-up actions at a site for all impacted media such as groundwater, surface water, soil, and environmental protection. It is clearly understood if the objectives are not met there are specific mechanisms such as institutional controls to ensure protection of human health and the environment. Of the seven remedial action objectives that were evaluated for the feasibility study, not one objective is completely met. Northglenn is concerned there are no controls in place to prevent digging within the Wind Blown Area, a potential Pu 239/240 source. Controls need to be in place for the life of the contaminant as long as it poses a risk. Impacts to Woman Creek also have to be considered as soils enter the creek. If the details of the controls are to be addressed in the post-RFCA document we

ask for a 60 day comment period for time to evaluate the details of the long-term stewardship plan and controls.

**7. Administrative Record and Rocky Flats Reading Room**

*Administrative-*

**Provide a schedule of when DOE anticipates the record will be available and functioning electronically. Northglenn also asks for assurances to have public input as to what document should be in the record.**

Accessing information on the electronic administrative record continues to be problematic. Northglenn is concerned that the site will be de-listed prior to resolution of the problem resulting in lack of access to vital information. This information, per CERCLA, section 113, *requires that an administrative record be established "at or near the facility at issue."* *The record is to be compiled contemporaneously and must be available to the public and include all information considered or relied on in selecting the remedy, including public comments on the proposed plan.* If the record is not accessible, it is not available. Most of the maps in the electronic version of the administrative record are in black and white. The maps and associated legends do not add any value to the record. Based on a \$7 billion dollar clean-up, it would have behooved DOE to enter the information into the system so that the community could access information that is of value and can be understood and evaluated. Northglenn is disappointed to have a regulatory representative state *the record has to be available electronically, but the regulation does not state it has to be operable.* This statement is in direct contrast to the requirement of the law.

*Rocky Flats Reading Room-*

Northglenn requests the reading room be maintained until the electron version of the administrative record is fully functioning, that the status of the reading room be clarified, and that the clarification process be public.

The Rocky Flats Reading Room, located at the College Hill Library, has served as a valuable tool to the community. Legacy Management has committed to work with the downstream communities regarding the disposition of the documents in the reading room. This commitment has not been met.

**8. De-listing the Site, Land Transfer, and Natural Resource Damage Evaluation**

*De-listing the Site-*

**Clarify the delisting process. Answer, how the de-listing process differs from the certification process. Answer: How will the Covenant's Bill be enforced if the state has no jurisdiction in the refuge outer perimeter associated with the monitoring system?**

**Prior to delisting the site, identify deficiencies and any corrective measures regarding work products.**

Northglenn specifically asks for a description of the deficiency for the Solar Pond Treatment Unit, the 991 area, and the cover at the Original Landfill. We ask the RFCA Parties prepare a plan as to how these issues will be resolved and a schedule of when actions will be taken to mitigate the issues prior to approval of the CAD/ROD.

*Land Transfer-*

**Identify the evaluation process the RFCA parties will utilize when reviewing community acceptance based on comments received in writing and at the public meeting held on August 31<sup>st</sup>.**

The document lacks the details of how the land transfer from DOE to the Fish and Wildlife Service will occur. Community acceptance criterion should be addressed in the CAD/ROD.

**Northglenn requests a closeout meeting to discuss site maintenance and fence/sign installation and maintenance.**

**9. Public Involvement Plan**

**Northglenn requests that the Rocky Flats Site Post-Closure Public Involvement Plan, dated October 2006, be revised to incorporate the needs of the downstream communities.**

The Public Involvement Plan should be evaluated on an annual basis with the input from local governments. Long-term stewardship is a key aspect of the cleanup process and the downstream communities expect DOE to extend the policy to our governments. Northglenn requests that we be involved and kept apprised of the long-term stewardship controls applicable to the site. Northglenn expects that the Post-closure document will be released for review for evaluation and input.

**10. Post-Rocky Flats Clean-up Agreement and 5-year Review**

Northglenn expects to be kept apprised of the drafting of the post-RFCA. Northglenn requests that language pertaining to downstream communities and their role with water management be included in the post-closure document. The post-RFCA should include the details of the enforceability of the surface water standards, a continuation of the Water Working Group, Attachment 1 list of analytes, ICs, notifications, public participation plan, and other key factors related to long-term stewardship. Northglenn requests to be kept apprised of the upcoming 5-year review and to have sufficient time to review and evaluate the information related to the review. Northglenn requests that their technical staff be allowed to accompany the team during the physical tour of the remedy for the 5-year review.

Northglenn wanted to provide you with our views of outstanding issues and a sense of what we expect to have identified in a strong, enforceable stewardship plan:

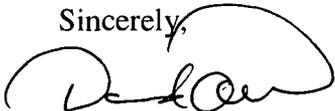
- The document is silent on several key issues including the implementation and oversight of the regulatory requirements.

9/13/2006

- There is not a clearly defined plan and procedure for institutional and physical controls.
- The record and data management system has to be in place and functioning prior to delisting.
- Language needs to be added to the plan as a commitment to downstream communities to provide a post-closure role regarding water management.

Thank you for the opportunity to comment on this crucial document. It is understood that you do not plan to disposition this document with us prior to the release of the final approved CAD/ROD and that comments to the Proposed Plan were made without clearly knowing the details of the final CAD/ROD. We commit to team with you and the regulators to work through this closure process and well into the future. The City of Northglenn expects that we will continue to be involved, informed, and allowed to participate in any decision pertaining to long-term stewardship activities. If you have any questions, please fell free to call Shelley Stanley, at 303-450-8905.

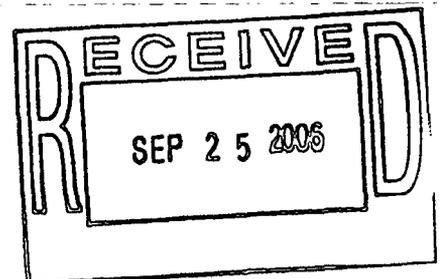
Sincerely,



David Allen

Water and Environmental Service Manager and Rocky Flats Stewardship Council Representative

Pc: Kathy Novak, Mayor, City of Northglenn  
Sheri Paiz, Council member and Rocky Flats Stewardship Council Representative  
Jeanette Alberg, Area Representative, Senator Wayne Allard  
David Hiller, state Issues Counsel, Senator Ken Salazar  
Doug Young, District Policy Director, Congressman Mark Udall  
Mark Aguilar, Environmental Protection Agency  
Ray Plienus, Legacy Management  
Scott Surovchak, Legacy Management  
Carl Spreng, Colorado Department of Public Health and environment  
David Allen, Water and Environmental Service Manager, City of Northglenn  
Lee Johnson, Woman Creek Reservoir Authority  
Shirley Garcia, Environmental Coordinator, City & County of Broomfield and  
City of Westminster  
Ron Hellbusch, Special Projects Coordinator, City of Westminster  
Rocky Flats Stewardship Council

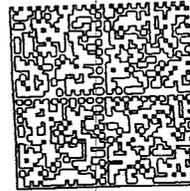


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