

ENGAGED PUBLIC OVERWHELMINGLY REJECTS
THE ROCKY FLATS CLEANUP AGREEMENT
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Rocky Mountain Peace and Justice Center (November 2005)

Background:

In 1996 the DOE and the regulators (EPA and CDPHE) adopted the Rocky Flats Cleanup Agreement (RFCA) establishing legally binding standards for cleanup of the Rocky Flats site. In November 2002 these agencies released for public comment a draft of proposed revisions to the RFCA. The deadline for receipt of comments was January 31, 2002. On June 9, 2003, the agencies issued the final RFCA, a document modified only slightly from what had been proposed the previous November. Along with the text of the changed RFCA the agencies included a "Response to Comments" section that lists all parties that commented on the proposed RFCA revisions, records their comments, and gives responses made by the government agencies. What follows is an analysis of the comments from the public.

Number of parties that submitted comments:

In a June 9, 2003, cover letter to members of the community the government agencies state that "95 sets of individual or organization comments were received." But their own attached index of those who commented shows that the number of comments received was somewhat larger. While the index lists comments numbered from 1 through 95, its number 5 is subdivided alphabetically into comments 5A through 5U, for a total of 21 comments (these comments are lumped together because they were all recorded on December 17, 2002, at the sole public meeting set up to receive comments). This brings the total number of comments to 95 + 20 or 115 comments received.

Two other adjustments must be made to this total number. First, duplications must be eliminated, so that any party that submitted multiple comments gets counted only once. Here are names and index numbers for parties that appear multiple times in the index:

- Rocky Flats Coalition of Local Governments: 1, 4, 5C
- Rocky Mountain Peace & Justice Center: 2, 5B, 5K, 5U, 61
- Rocky Flats Citizens Advisory Board: 5A, 30
- City of Westminster: 5H, 7, 47
- City of Arvada: 5M, 49, 62
- Rick Warner: 5Q, 86

The 18 index entries listed came from 6 parties and thus are here counted as only 6 separate comments. The other needed adjustment is to eliminate index items 55 and 95 because no text corresponding to these numbers is recorded in the printout of comments.

Here is a tabulation of the number of parties commenting:

95 entries in index
<u>+ 20</u> additional parties listed under index #5
115
<u>- 12</u> duplications
103
<u>- 2</u> entries for which no comment is recorded
101 total number of parties for whom comments exist

Levels of rejection and support for the proposed RFCA:

The comments submitted by the aforementioned 101 parties divide readily into two principal groups: those who accept the draft RFCA (while perhaps seeking some modification to it), and those who reject it (while perhaps recommending modifications if the agencies go with what they have proposed). Here are the numbers for each:

a) Accepting the proposed RFCA: 14 parties (13.9% of total)

b) Rejecting the proposed RFCA: 87 parties (86.1% of total)

The overwhelming majority of commenters rejected the proposed RFCA. Neither the City of Boulder nor Boulder County approved the proposed RFCA, but because they are not included in the index of comments received they are not included in the above calculation.

As noted earlier, in June 2003 the agencies adopted what they had proposed as the final cleanup plan for Rocky Flats. In October 2005 Kaiser-Hill announced completion of the cleanup according to this plan.

Some of the reasons given for rejecting the cleanup plan:

- Rocky Flats will be left harmfully contaminated if the RFCA proposals are adopted.
- Clean Rocky Flats to the maximum extent now possible.
- Clean to protect the family of a resident subsistence farmer.
- Make the polluters pay, not the taxpayers.
- Do not add to the burden of background radiation already present in this area.
- Plutonium in soil should be cleaned to 5 or less picocuries per gram (pCi/g), with subsurface cleanup determined by the depth of contamination. This would make the site safer for all users.
- Ultimate cleanup should be to background (0.04 pCi/g).
- Rocky Flats will not remain a wildlife refuge for the eons plutonium left in the environment remains hazardous.
- If the more stringent requirements of 5 pCi/g or less are ignored, the site should remain off limits to the public, especially children.
- If the RFCA parties proceed with the partial cleanup they propose, they should work with the affected public to establish a plan to research technology needed for better site cleanup as well as to get funding for all long-term stewardship costs, including contingencies.
- The current plan calls for inadequate cleanup, in order to save money and hasten our forgetting of the contamination resting there.
- We need to protect not a wildlife refuge worker who will spend 2000 hours a year on the site for the period of employment there but a resident rancher who is going to spend 8500 hours a year on the site for a lifetime. No one has any idea what that land is going to be used for hundreds and thousands of years from now.
- Scrap this plan and go back to the drawing board. Use a lower soil action level based on the resident rancher scenario. Employ citizen power to go to Congress to obtain funding necessary for a cleanup that protects the health of both present and future generations.
- Neither the DOE nor other Rocky Flats officials have bothered to even ask Congress for more funds to get a better cleanup.
- In situations of uncertainty, we should follow the precautionary principle, which says we act conservatively and put the public's health over purely economic considerations.
- The proposed modifications to the RFCA do not provide adequate assurance that the danger at Rocky Flats will end any time soon.