



U.S. DEPARTMENT OF  
**ENERGY**

Legacy  
Management

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# The Rocky Flats Legacy Management Agreement and the Consultative Process at the Rocky Flats, Colorado, Site

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Track 4.3

# Rocky Flats Regulatory History

- Compliance Agreement (1986)
- Rocky Flats Plant listed on the National Priorities List (1989)
- Interagency Agreement (1991)
- Rocky Flats Cleanup Agreement (RFCA) (1996)
- Rocky Flats cleanup completed (2005)
- Corrective Action Decision (CAD)/ Record of Decision (ROD) signed (2006)
- Rocky Flats Legacy Management Agreement (RFLMA) (2007)



# Rocky Flats Cleanup Agreement: Key to Successful Cleanup

- Interagency Agreement
  - Traditional Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)/Resource Conservation and Recovery Act (RCRA) cleanup framework
    - Focused on enforceable milestones (221 milestones over 10 years)
    - High-risk sites competed with lower-risk sites for cleanup resources
  - Unrealistic schedule and cost assumptions
    - Budget cuts impacted milestones
    - Re-negotiation of milestones took focus away from cleanup
    - Documents required approval of both regulators
      - Colorado Department of Public Health and Environment (CDPHE)
      - U.S. Environmental Protection Agency (EPA)
    - Adverse impacts to DOE relationships with regulators and communities

# Rocky Flats Cleanup Agreement: Key to Successful Cleanup (continued)

- RFCA
  - Streamlined CERCLA/RCRA cleanup framework
    - Focused on actions, not milestones
    - Highest risks given priority
  - Consultative, accelerated action approach
    - Increased sharing of information between DOE and regulators
    - Accelerated review and approval process



# Legacy Management at Rocky Flats

- RFCA was superseded by RFLMA in 2007
  - Agreement between DOE, CDPHE, and EPA
  - Implements the final remedy in the CAD/ROD
    - Institutional controls and physical controls
    - Maintenance and inspection requirements (landfills, groundwater treatment systems)
    - Monitoring requirements (surface water, groundwater)
    - Establishes enforceable remedy performance standards
  - Consultative process is key provision
    - Consensus among three parties
  - Reportable conditions
    - Triggered by monitoring results or conditions
    - May involve additional sampling, evaluation, inspections





# Panel Members

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# Consultative Process: Example

- Walnut Creek Point of Compliance (WALPOC) - Surface water monitoring location on Walnut Creek at the eastern edge of Central Operable Unit
  - Remedy performance standard is based on 12-month rolling average
    - Standard was exceeded for uranium in 2015
  - Reportable condition
  - Consultation among RFLMA Parties
  - Contact record
    - Approved evaluation plan
      - Additional sampling
      - CDPHE split sample
      - High-resolution uranium analyses
      - Posted on LM website and stakeholders notified
      - Reported in annual report

