UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VIII
999 18th STREET - SUITE 500
DENVER, COLORADO 80202-2466

JUN 0 2 1992

Ref: 8HWM-FF

Mr. Frazer Lockhart
U.S. Department of Energy
Rocky Flats Plant
P.O. Box 928
Golden, CO 80402-0928

Re: OU 8 Draft Work Plan

Dear Mr. Lockhart:

The Colorado Department of Health, Hazardous Materials and Waste Management Division (CDH) and the U.S. Environmental Protection Agency (EPA) have conducted a preliminary review of the document entitled "Draft Final Phase I RFI/RI Work Plan for OU 8 (700 Area), Rocky Flats Plant", dated May, 1992. This letter is to inform you of our conclusion that this Work Plan fails to meet the requirements of the Interagency Agreement (IAG) Statement of Work (SOW). It is our contention that DOE failed to exercise reasonable diligence in preparing this document, specifically by failing to obtain necessary contract services in a timely manner.

We are very disturbed to see that procurement continues to be cited as a cause for requesting delays for milestone dates and is apparently the cause for submittal of an inadequate OU 8 RFI/RI Work Plan, despite previously being the subject of dispute resolution. We believe that EG&G and DOE have failed to develop a procurement process that assures timely and adequate preparation of submittals. This was a commitment made by DOE within the resolution of the OU 2 dispute. Recent correspondence indicating progress in addressing procurement issues aside, schedules continue to be adversely affected by problems in this area. The process of procurement, though burdensome, is not justification for the failure of management to secure timely support. DOE must resolve its procurement problems.

DOE must begin to cure the work plan deficiencies by making all necessary efforts to compile a complete Field Sampling Plan (FSP) for the OU 8 sites. We are available to assist in this process and to work toward the September 28, 1992, milestone for the Final Work Plan, which remains valid and enforceable under the terms of our agreement.

In addition, we want to take this opportunity to express our concern that an underlying set of related issues have contributed to the submittal of the substandard documents like the OU 8 Work Plan, caused schedule delays, and hindered communication. These underlying issues may have the potential to have significant impact on projects other than OU 8 and are discussed in the following paragraphs.

The IAG provides an orderly program of site investigation and cleanup designed to expeditiously remediate the site. Since the agreement was signed, EPA and the CDH have exercised considerable restraint and granted numerous schedule extensions. Often, these extension requests have been delivered in a time frame which could preclude informal resolution of problems cited as the cause for delay. We continue to encourage DOE to notify EPA and CDH early on of issues that have the potential for delaying IAG delivery milestones, and, more importantly, to involve EPA and CDH in formulating necessary plans and schedule adjustments to accommodate other ongoing programs at Rocky Flats.

ADMIN RECORD

A good example of this problem is the Protected Area (PA) IM/IRA reportedly under development. Although DOE has included EPA and CDH staff in a preliminary meeting on the concept of consolidating most Operable Units within the Protected Area (PA) into a single IM/IRA due to access and operating restrictions, DOE has not formally proposed this option to EPA and CDH, and apparently continued to develop a work plan which may not be implemented. We feel it is imperative that the work plan preparation process for affected OUs recognize and evaluate, to the extent possible, the effects of such an action on the field sampling plan design and execution. Likewise, DOE should be forthright in discussing and working with the agencies to evaluate the impact of Decommissioning and Decontamination (D&D) efforts, which we all recognize could dramatically alter the technical and logistical aspects of the activities identified in the IAG. DOE's failure to ensure cross-cutting programmatic coordination may result in further delays, duplication of work, and extension requests, which, if not granted, may evolve into IAG violations.

The foregoing discussion exemplifies the delays and communication failures that continue to plague the remedial investigation efforts and undermine the intent of the IAG. DOE must work cooperatively with the regulatory agencies to resolve existing problems to ensure that future IAG milestones are met. We urge you to take this opportunity to meet with us to identify means of resolving these concerns.

Sincerely,

Gary Baughman, Unit Leader
Hazardous Waste Facilities
Hazardous Materials and
Waste Management Division
Colorado Dept. of Health

Martin Hestmark, Manager
Rocky Flats Project
U.S. Environmental Protection
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