

August 7, 2003

Julie Roth, Executive Director
DSCSOC

Julie,

As I understand the situation, comments on the response to comments on the DOE/Weiss Associates' redraft of the Remedial Investigation report for the LEHR Superfund site DOE Areas are due tomorrow, August 8, 2003. On April 7, 2003, I provided DSCSOC, and DSCSOC passed on to the RPMs and PRPs, the comments that I had developed on the draft DOE Remedial Investigation report dated February 28, 2003. On July 16, 2003, DOE provided responses to the RPM comments on the DOE Areas RI and some revised pages for its report. However, as far as I can find, DOE has not responded to the comments that DSCSOC submitted on the February 28, 2003, DOE RI report. I wish to reiterate that the issues discussed in DSCSOC's comments on the deficiencies in the DOE RI report, including the recent modifications in response to the RPM comments, are issues that will have to be addressed to gain my recommendation to the public/DSCSOC that they support the remedial investigation as being adequately conducted for the DOE Areas.

Unsaturated Modeling

As I have repeatedly discussed since DOE first proposed the unsaturated modeling effort, this is not a reliable approach for predicting the transport of potential groundwater pollutants that are present in the soils/subsurface strata at the LEHR site, derived from UCD's mismanagement of wastes in the DOE Area. So long as no attempt is made to utilize the modeling effort to in any way restrict the amount of groundwater monitoring that will have to be done, then the Weiss Associates/DOE modeling effort can be looked on as simply an academic exercise of limited utility.

The Weiss Associates' (on behalf of DOE) response to my April 7 comments on the unreliability of the unsaturated zone modeling effort did not address several key issues that must be addressed to make this modeling potentially more reliable. Several of these issues have previously been repeatedly raised, such as percent moisture assumed, unreliable Kd, etc.

Constituents of Concern

Another issue discussed in the April 7 comments on the redraft of this DOE report was with respect to addressing the constituents of concern. As we have discussed, DSCSOC expects that any RI report for the LEHR site clearly delineate that the listed constituents of concern can readily represent only part of the pollutants that are present in the waste deposited at the LEHR site, and that, at some time in the future, when additional work is done at this and/or other hazardous chemical sites, it may be found that the constituents of concern that the RPMs have allowed the PRPs for the LEHR site to define are inadequate. This could readily lead to having to reopen a ROD, and DOE having to spend substantial additional funds in remediating soils and groundwater for constituents that were not properly identified in the initial RI. As I have stated in the past, this is what has happened with respect to perchlorate at the Aerojet site, and many other sites across the country. DOE did not address the repeated comments that I have made on

their failing to acknowledge that the remedial investigation conducted by DOE can readily be deficient in defining constituents of concern. This will have to be included in any final RI that can be supported by the public.

If there are questions on these comments, please contact me.

Fred