

# ROCKY FLATS STEWARDSHIP COUNCIL

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Jefferson County -- Boulder County -- City and County of Broomfield -- City of Arvada -- City of Boulder  
City of Golden -- City of Northglenn -- City of Westminster -- Town of Superior  
League of Women Voters -- Rocky Flats Cold War Museum -- Rocky Flats Homesteaders -- Ken Foelske

## Monthly Status Report – February 2006

### Coalition Board meeting summary:

#### *Rocky Flats Stewardship Council Draft Bylaws*

The Coalition governments and their partner governments on the Rocky Flats Stewardship Council, the cities of Golden and Northglenn, continued to discuss the draft Stewardship Council bylaws. When the Stewardship Council Board is formed, the bylaws will again be reviewed to allow the new non-governmental Board members an opportunity to provide their input.

After some discussion, the governments that will be part of the Stewardship Council determined that Golden will serve the first year as the rotating party; Northglenn will serve the second year, and they will continue to rotate annually. In years when they are not the rotating Stewardship Council Board member, either city will be able to participate on the Stewardship Council Board but not as a voting member.

#### *Review of Residual Contamination Reports*

Rik Getty briefed the Coalition Board on 12 reports he authored on remaining soil contamination from various site locations. The locations ranged from buried building foundations from major plutonium production buildings (371/374, 771/774, and 776/777) to major environmental restoration projects including the 903 Pad and surrounding lands and the Solar Evaporation Ponds. The Coalition voted to accept these reports and staff is in the process of incorporating them into the new Stewardship Council website which is currently under development.

#### *Rocky Flats Stewardship Council Board Membership Interviews*

Eight groups/individuals applied for the four non-governmental positions of the Stewardship Council Board of Directors. The applicants represented a very well-qualified pool of groups and individuals.

The following applicants were chosen as new Rocky Flats Stewardship Council Board members:

- League of Women Voters
- Rocky Flats Cold War Museum
- Rocky Flats Homesteaders (Rocky Flats retirees)
- Ken Foelske

These names were subsequently forwarded to Mike Owen, Director, DOE's Office of Legacy Management, for his approval. Director Owen has since approved these members to the Stewardship Council Board of Directors.

### Legacy Management site inspection summary:

Scott Surovchak, DOE's Office of Legacy Management (LM) site manager, produces a weekly update on LM activities at Rocky Flats. In the monthly Stewardship Council Status Report we will summarize the highlights for each month. If Board members would like additional details, please let us know and we can forward to you Surovchak's weekly updates. His updates are typically three-to-four pages in length and describe the following activities at the site:

- General project management;
- Environmental (includes groundwater monitoring, surface water monitoring, ecology, and the three passive groundwater treatment systems – Mound site plume, Solar Evaporation Ponds plume and East Trenches plume);
- Site monitoring (landfill inspections, site maintenance, and site security);
- Public Affairs
- Records Management (includes CERCLA Administrative Records, Freedom of Information Act requests, searches for information relating to former worker health issues, and other general requests).

For February, there are several site activities to mention. In general, LM's contractors work in the field Monday through Friday with some weekend coverage. Water samples are collected from surface water monitoring locations as well as groundwater monitoring wells. On a weekly basis they also inspect the three groundwater treatment systems to ensure they are functioning properly. Some deficiencies have been observed which have been corrected through maintenance repairs. The field crews also perform daily inspections to monitor pond status and to confirm proper operation of telemetry equipment and monitoring equipment.

Another significant activity performed by the field crews is inspections of erosion control measures. Several erosion control measures, which are typically straw wattles and matting, were damaged in February as a result of high winds or water run-off.

The field crews also inspect the Present Landfill and Original Landfill on a monthly basis, although informal visual observations can occur more frequently. The site discovered a new groundwater seep near a berm of the Original Landfill, so the site as began conducting visual and water quality monitoring.

Due to two instances of significant vehicular trespass at the site in December 2005, LM is issuing a request for proposals for a site surveillance subcontract. Both instances involved vehicles crashing through site gates/fences (one on the west side and the other on the east side). The west side trespass involved a drunk driver; the east side trespass involved crashing through the fence along Indiana Street and then driving west to a location near the 903 Pad/East Trenches area. On the return jaunt the vehicle crashed through a gate to get back onto Indiana Street. Local law enforcement responded to the west side drunk driver episode and detained the driver. There are no suspects in the east side trespass.

LM is also concerned about poaching. The Colorado Department of Wildlife has provided LM with information suggesting poachers are interested in the site. LM field crews have been informed to be on the lookout for any suspicious activity occurring on the site or near site boundaries.

### Congressional update:

The President's fiscal year 2007 budget submittal to Congress included \$156,790,000 for DOE's Office of Legacy Management, an increase of 404% over fiscal year 2006 appropriations.

### Other issues:

A federal jury awarded \$553.9 million to property owners who live downwind of Rocky Flats. The case, Cook vs. Rockwell, was filed in 1990 and alleged that off-site releases from Rocky Flats diminished their property values. Dow Chemical, the original site operator and one of the defendants, has indicated it will appeal.

In response, State Rep. Wes McKinley, the foreman of the 1991-1992 special grand jury that investigated environmental crimes at Rocky Flats, told reporters he would revive his Rocky Flats bill that died during the 2005 legislative session. In 2005 Rep. McKinley argued his bill was intended to warn future visitors to the Rocky Flats National Wildlife Refuge of the remaining hazards at the site, but the Coalition governments argued his bill distorts the remaining risks. Last session, the Coalition instead offered to state legislators language that would help ensure objective information would be provided to future visitors. To date, no bill had been introduced this session but the Colorado Department of Public Health and the Environment did respond to a request to provide a fiscal note for the draft bill.

### Agency update:

We have contacted the EPA concerning the status of the revised Woman Creek sampling report. As background, last summer the EPA and their contractor performed water and soil/sediment sampling of Woman Creek near the Original Landfill (OLF). The sampling was necessary in order to more fully characterize Woman Creek as part of the site's comprehensive risk analysis. Unfortunately quality control measures were not rigorously followed when the samples were collected resulting in the need for additional sampling. The EPA has informed us the revised report for the Woman Creek sampling will shortly be issued to the public.

### Site document update:

DOE's Office of Environmental Management (EM) has released the *Final Draft Landfill Monitoring and Maintenance Plan and Post Closure Plan Rocky Flats Environmental Technology Site Present Landfill*. EPA and CDPHE have submitted initial comments which have been incorporated into the final draft. Under State of Colorado hazardous waste statutes, the site is required to submit the monitoring and maintenance plan for the Present Landfill (PLF) for a 30-day public comment period and hold a public hearing. At the state's request, the Citizen's Advisory Board has offered to host the public meeting at their March 2<sup>nd</sup> Board meeting.

EM has also requested EPA and CDPHE review and approve the Final Landfill Monitoring and Maintenance Plan for the OLF. The final document incorporates comments received from agency staff. The document is not subject to public comment as the OLF was closed in 1968, which was long before the applicable federal hazardous waste law was approved by Congress in 1976. As such the OLF does not qualify as a hazardous waste landfill and thus the State of Colorado hazardous waste statutes do not apply. Therefore there is no requirement under Colorado statutes for a public comment period and public meeting like the previously mentioned PLF.

We have contacted EM and the regulators regarding the status of the lengthy CERCLA RI/FS document (remedial investigation/feasibility study). The RFCA (Rocky Flats Cleanup Agreement) parties (DOE, CDPHE, EPA) have made progress and anticipate releasing the final regulator-approved RI/FS in March or April, 2006. After release of the final RI/FS the Proposed Plan will be released for a 60-day public comment period. The final RI/FS and Proposed Plan are tentatively scheduled as agenda briefing topics for the May 1<sup>st</sup> Stewardship Council Board meeting.

### Stewardship Council update:

Current Coalition staff eagerly awaits the formation of the Rocky Flats Stewardship Council at the March 6<sup>th</sup> meeting. The formation of this organization is the result of hard work by many groups and individuals. All governments have approved the Stewardship Council Intergovernmental Agreement and the new website is under development. The website should be ready for viewing by mid-March.