

## ROCKY FLATS CITIZENS ADVISORY BOARD

### MINUTES OF WORK SESSION

January 7, 1999

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**FACILITATOR:** Reed Hodgins, AlphaTRAC

Jim Kinsinger called the meeting to order at 6:10 p.m.

**BOARD / EX-OFFICIO MEMBERS PRESENT:** Carol Barker, Shawn Burke, Gerald DePoorter, Derek Dye, Tom Gallegos, Mary Harlow, Victor Holm, Bob Kanick, Jim Kinsinger, Tom Marshall, Mary Mattson, LeRoy Moore, Bryan Taylor / Steve Gunderson, Jeremy Karpatkin, Tim Rehder

**BOARD / EX-OFFICIO MEMBERS ABSENT:** Alan Aluisi, Susan Barron, Ray Betts, Tom Clark, Tom Davidson, Eugene DeMayo, Beverly Lyne, David Navarro, Linda Sikkema

**PUBLIC / OBSERVERS PRESENT:** Kenneth Werth (citizen); Roman Kohler (citizen); Mark Wickers (citizen); Jim Stone (RFCC); Doug Croucher (citizen); Mark Sautman (DNFSB); Norma Castaneda (DOE-RFFO); Mary Jo Strong (DOE-RFFO); Anna Martinez (DOE-RFFO); Dave and Doris DePenning (citizens); David Ridenour (REV Engineering); Anne Callison (ITRC); Ken Korkia (CAB staff); Erin Rogers (CAB staff); Deb Thompson (CAB staff); Brady Wilson (CAB staff)

**REGULATOR UPDATE (EPA):** Tim Rehder gave a brief update on Rocky Flats issues being tracked by EPA:

- While backfilling **Trench T-1** on December 18, soil was dislodged from the north face of the trench, which exposed a 5-gallon container. The container was surveyed and found to be radioactive. There was no worker exposure or release to the environment. The site will conduct a survey to determine if any other containers are present in the area, then remove the container and any new ones found.
- The site has prepared a draft **Proposed Action Memorandum on the East Trenches Plume**. Groundwater originating from this source contains chlorinated organic compounds, which exceed Tier I action level concentrations. The site proposes to construct a subsurface groundwater collection system (like a French drain), along with a reactive metals treatment system. The proposed system is similar to the Mound Site Plume Reactive Treatment System, located in the same drainage. This proposal will be discussed at CAB's meeting on January 19.
- A groundwater barrier for the **Solar Ponds Plume** is planned for the contaminated

groundwater emanating from the solar ponds. This would be similar to the treatment system planned for the East Trenches Plume. A decision document should be ready for public comment by April.

- CDPHE will ask the Water Quality Control Commission to modify the water quality criteria for the upper segments of Big Dry Creek. This request is being made in order to satisfy concerns that CDPHE has with wording in the **NPDES permit**. It is hoped the Commission will agree to those modifications this spring, and the NPDES permit can finally be issued at that time.
- Last spring, EPA issued a \$45,000 **penalty against DOE for exceeding surface water standards** for plutonium and americium at Walnut Creek and Indiana. Negotiations have been ongoing, but the matter has now been referred to an administrative law judge. In December, in response to EPA's complaint, DOE provided an answer arguing the standards were not violated because "the reported exceedance was based on a water sample that was insufficient in volume to permit proper testing in accordance with the established sampling protocol."

**LOW LEVEL WASTE SEMINAR FOLLOW-UP DISCUSSION:** CAB again reviewed recommendations and suggestions made by SSAB members participating in the Low Level Waste Seminar, sponsored by the Nevada Test Site CAB. Board members agreed on several comments and suggestions, and those where agreement was found will be forwarded to the NTS CAB. Depending on issues and areas of agreement between the boards, a joint recommendation from SSABs across the complex will be sent to DOE-HQ. The Board found no concerns with the following comments, suggestions and recommendations (summarized):

- DOE needs to provide compensation to communities that will assume the increased burden of low-level waste disposal.
- DOE should use life-cycle cost/benefit analysis, and include a complex-wide perspective.
- DOE should improve its definition and characterization of low-level waste.
- DOE should improve communication with affected communities and the general public; improve worker health and safety and emergency response training; and encourage improved communication among DOE sites and between agencies/regulators.
- Improve the regulatory status of low-level waste by moving toward external regulation, improving the sites' permitting status, and verifying comprehensive worker medical monitoring.
- Minimize and/or treat low-level waste from ongoing/new operations and implement financial incentives to reduce waste generation.
- DOE should follow policies and executive orders regarding how it interacts with states, tribes and local governments.
- DOE should develop a legally binding mechanism for funding its commitments.
- Work to improve communication between DOE-HQ and field offices; create an integrated environmental program; convene a task force to look at regulations, order, process, etc. to improve its effectiveness; and maximize the effectiveness of closure funds.
- Establish a focus for stewardship within DOE.
- Establish a process for broad stakeholder participation in complex-wide transportation

issues.

- Establish clearly defined and consistent policies for national transportation operations.
- Provide education and timely, complete information on the benefits, safety and risk of low-level waste transportation.

**CONSIDERATION OF CAB LEAVE OF ABSENCE POLICY:** Four Board members currently are on extended leaves of absence. The Executive Committee drafted a policy regarding leaves of absence. The policy states: 1) during a leave of absence, membership will be suspended and not count toward a quorum so as not to impact the Board's ability to conduct business; 2) leaves of absence will be granted for up to six months and after that will be subject to CAB's attendance policy; 3) no more than three members may be on leave at one time; and 4) members requesting leave should do so only if they intend to return to active Board membership.

*Decision: Approve leave of absence policy, with minor changes and additions to the text.*  
**APPROVED WITH ONE ABSTENTION.**

**PRESENTATION -- THE NEPA PROCESS AND EA SCOPING:** Karen Koch, an attorney with DOE-RFFO, gave a brief presentation on the National Environmental Policy Act (NEPA). NEPA was the first major environmental law and was enacted in 1970. Through NEPA, a Council on Environmental Quality (CEQ) was also formed to provide guidance to federal agencies. DOE's implementation guidance for NEPA was last amended in 1996, at which time new categorical exclusions were added. NEPA is more a procedural statute rather than substantive. The focus is on compliance with procedures. Its purpose is to ensure that environmental values are considered in decision-making, along with economic and technical considerations. However, there is no requirement in NEPA that compels DOE to choose the environmentally preferable alternative. NEPA's basic principles are: to incorporate full disclosure and public participation; explore all reasonable alternatives; assess environmental impacts; consider mitigation; and to weigh options and explain ultimate decisions. Through CEQ, whose regulations are binding on all federal agencies, NEPA requires an accurate scientific analysis, comments from other agencies, and to allow for public scrutiny of options and decisions. There are three levels of NEPA review for proposed actions:

1. **Categorical Exclusion (CX).** These are classes of actions that DOE has determined normally do not require an environmental assessment or environmental impact statement. A categorical exclusion is appropriate if: the proposal fits within a listed class of actions that are categorically excluded; does not involve extraordinary circumstances; is not connected to other actions with potentially significant impacts; or would not adversely affect sensitive resources (such as endangered species or wetlands).
2. **Environmental Assessment (EA).** Generally an environmental assessment is performed if it is uncertain whether an environmental impact statement is necessary. A brief analysis is done to determine if an EIS is required when a class of action is not listed in the agency's regulations. An EA provides opportunity for state, tribal, and public review and input. After the assessment is completed, and based on the outcome of the assessment, an agency may issue a Finding of No Significant Impact (FONSI). However, if the assessment indicates there would be an impact, then an EIS must be prepared.

3. **Environmental Impact Statement (EIS).** An EIS must be prepared when a proposed action fits a listed class of actions that normally require an EIS, and is used for actions with potentially significant impacts. The term "significant" would consider: a) the context of the proposed action (affected region, interests, short-term and long-term effects); and b) the intensity or severity of impacts (public health and safety, unique environmental characteristics, level of technical controversy, degree to which action would set a precedent). The process for an EIS is:
- Notice of Intent
  - Scoping process (identify issues and alternatives; public meeting)
  - Prepare draft EIS
  - Public comment period (45 days; including a hearing or hearings)
  - Prepare final EIS (with responses to public comments)
  - Allow 30 days for public review
  - Agency makes decision

Then after completing the EIS, a Record of Decision (ROD) is issued detailing the chosen action. The ROD must contain a concise public record, state clearly the decision, identify alternatives considered, specify the environmentally-preferable alternative(s), discuss all factors balanced by the agency, and identify any mitigating actions adopted to minimize environmental harm.

**DISCUSSION OF POSSIBLE CAB TOUR OF WIPP FACILITY:** Board members had expressed an interest in touring the WIPP facility in New Mexico. Erin Rogers did some research into possible travel options and dates. The DOE-Carlsbad office has offered that it may be possible to send a plane, which could carry up to 48 passengers, to bring Board members and others interested to the site for a tour. The Board accepted the offer. CAB members selected Friday, February 5, as the preferred date for the tour. Erin will continue to make arrangements. All Board members present were interested in attending, except those who had already toured WIPP. In addition, DOE-RFFO will assist with finding others to attend the tour. As it is tentatively scheduled, CAB members and others will leave from Jefferson County Airport on Friday morning, February 5, tour the facility in the afternoon, stay overnight in Carlsbad, possibly meet with other stakeholder groups and local officials, then return to Denver on Saturday. The only cost will be for an overnight stay at a hotel and per diem. CAB agreed to use a portion of its budget to pay the hotel and per diem costs for Board members to attend the tour. DOE would provide the plane service to CAB free of charge.

**TRU WASTE CONTINGENCY STORAGE EA SCOPING DISCUSSION:** DOE is preparing an environmental assessment to assess the implications of various interim storage alternatives. CAB members were asked to share concerns and suggestions regarding interim storage of TRU waste at Rocky Flats. The concerns and suggestions were not developed into a consensus recommendation from CAB to DOE, but rather were collected and will be transmitted to DOE as individual comments from Board members and members of the public present at the meeting. Some of the comments are summarized below:

- Consider developing an interim storage capacity at the WIPP site as an alternative to storage at Rocky Flats
- Analyze whether TRU waste materials can be vitrified
- Perform a thorough review of all existing buildings and facilities for potential interim storage at the site
- Analyze the capabilities and necessity of environmental monitoring for new or existing facilities used for interim waste storage
- Consider using current buildings for interim storage
- Develop interim storage contingencies in case shipments of materials to Savannah River are delayed or curtailed
- Need a research program to stabilize materials in the event WIPP does not open
- Materials should not be taken out of the Protected Area and stored in non-secure areas; new facilities should not be built in areas of the site that are currently clean
- Develop a contingency in the event WIPP never opens
- Continue research into stabilization, vitrification, transmutation, or other technologies to render the wastes benign
- What are the capabilities for treatment; and are the wastes retrievable and accessible if an appropriate treatment is found?
- Ensure that no waste from other sites is brought to Rocky Flats to be stored, and ensure that construction is temporary
- Any new facility constructed will likely remain as permanent; there will be no more pressure to open WIPP
- Ensure that onsite storage is isolated from the environment, that adequate monitoring is in place, and that stored wastes remain retrievable
- Perform a thorough economic analysis for all options

**PUBLIC COMMENT PERIOD:** No comments were received.

**NEXT MEETING:**

**Date:** January 19, 1999, 6:30 - 9:30 p.m. (study session)

**Location:** College Hill Library, Front Range Community College, 3705 West 112<sup>th</sup> Avenue, Westminster

**Agenda:** Presentation by Ken Werth on proposal for pyramid storage facility at the site; slide show presentation by Erin Rogers; update on status of development — CAB vision (including section on WIPP discussion and timeline for finalizing discussions); presentation on East Trenches Plume PAM.

**ACTION ITEM SUMMARY: ASSIGNED TO:**

1. Prepare cover letter, and transmit comments and suggestions on Low Level Waste Seminar recommendations to NTS CAB - Ken Korkia

2. Continue making preparations for CAB tour of WIPP site, with assistance from DOE-RFFO - Erin Rogers
3. Transmit comments on TRU waste storage contingency options to DOE - Ken Korkia

**MEETING ADJOURNED AT 9:00 P.M. \***

(\* Taped transcript of full meeting is available in CAB office.)

**RESPECTFULLY SUBMITTED:**

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Mary Harlow, Secretary  
Rocky Flats Citizens Advisory Board

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The Rocky Flats Citizens Advisory Board is a community advisory group that reviews and provides recommendations on cleanup plans for Rocky Flats, a former nuclear weapons plant outside of Denver, Colorado.

[Top of Page](#) | [Index of Meeting Minutes](#) | [Home](#)

[Citizens Advisory Board Info](#) | [Rocky Flats Info](#) | [Links](#) | [Feedback & Questions](#)