

**Rocky Flats Citizens Advisory Board  
Meeting Minutes  
November 6, 2003  
6 to 9 p.m.**

**College Hill Library, 3705 West 112th Avenue, Room L-211, Westminster**

Victor Holm, the Board's chair, called the meeting to order at 6:05 p.m.

**BOARD / EX-OFFICIO MEMBERS PRESENT:** Dave Davia, Joe Downey, Jim Fabian, Anne Fenerty, Shirley Garcia, Earl Gunia, Erin Hamby, Victor Holm, Bill Kossack, Mary Mattson, Mike Maus, Bill McNeill, Eric Morris, Sean Rea, Andrew Ross, Conrad Stoldt / John Rampe (DOE), Carl Spreng (CDPHE), Mark Aguilar (EPA).

**BOARD / EX-OFFICIO MEMBERS ABSENT:** Joe Legare (DOE), Dean Rundle (USFWS)

**PUBLIC / OBSERVERS PRESENT:** Ralph Stephens (Denver), Alan Trenary (Westminster), Bob Davis (Kaiser-Hill), Frazer Lockhart (DOE), Roman Kohler (Rocky Flats Homesteaders), Leah Urynowicz (Metro State student), Rob Henneke (EPA), Ray Plienness (DOE-LM40), Sam Marutzyn (SM Stoller), Jerry Henderson (RFCAB staff), Ken Korkia (RFCAB staff), Patricia Rice (RFCAB staff)

**PUBLIC COMMENT PERIOD / NEW BUSINESS:**

**Comment:** Alan Trenary, citizen: In commenting on the Board's budget cutbacks, Alan stated he believes the Board needs to have more resources, not less, as it begins to look at issues transitioning the site from cleanup to long-term stewardship. He thanked the Board for its continued good work. He also mentioned an acquaintance that is ill who used to work at Rocky Flats. Alan asked if someone could provide him with a contact at the site so that the acquaintance could have his illness reviewed to determine whether it might be work-related. John Rampe agreed to provide Alan with a contact.

**New Business:** Victor Holm: Victor reported on a recent meeting the Executive Committee had with DOE representatives concerning the Board's budget. They were assured the Board would receive \$175K in new funding for 2004, but not to expect any more. Although the Board will not receive any additional funding from Environmental Management, Victor advised that the Board might consider other sources for funding such as Legacy Management. He also reported that the Board would have a larger carryover into 2004 than originally anticipated, closer to \$75K rather than \$40-50K.

Victor next suggested the Board form a committee to work on aligning the budget with available resources and asked Dave Davia to serve as Chair. Mary Mattson and Jim Fabian also volunteered for the committee.

Dave Davia thanked Dotti Whitt and John Rampe, both with DOE, for their support in

helping the Board develop its budget. He stated that he would contact the volunteers for the budget committee within the next week.

Anne Fenerty asked that the budget committee look into how we now have more carryover for 2004 than originally estimated. Ken Korkia reported that he had done a recalculation of the carryover from 2002, which was higher than the estimate that was used previously to make a projection for this year's carryover.

**INTRODUCTION OF FRAZER LOCKHART:** Victor Holm next introduced Frazer Lockhart, who recently was appointed the manager of the Rocky Flats Field Office for DOE. Frazer then provided some brief remarks noting that he was the original DOE ex-officio for the Board when it began so he is quite familiar with the Board. He noted how the Board's work has helped the site over the years and hoped it would continue as the work nears completion. He noted he would be available as an observer or an active participant with the Board if that will help bring Rocky Flats closer to its closure goal. Victor Holm thanked Frazer for coming to the meeting.

**PRESENTATION BY RAY PLIENESS:** Ray Plieness, of the DOE's Grand Junction Office, gave a presentation on the Office of Legacy Management. Ray is the Rocky Flats Transition manager overseeing the transition of Rocky Flats from cleanup and closure to stewardship.

DOE created the Office of Legacy Management (LM) in February 2002, to oversee long-term stewardship at Rocky. Long-Term Stewardship had previously been under the auspices of the Office of Environmental Management. Legacy Management was to have been up and running by October 1, 2003, but congressional appropriations have yet to be approved in Congress. The Grand Junction Office will likely manage day-to-day activities of stewardship at the site.

Ray said the mission of LM is to manage the effects of changes and ensure the future protection of human health and the environment. Ray said legacy management consists of long-term surveillance and maintenance, preservation of legacy records, assurance of worker pension and medical benefits, management of legacy land and assets, and mitigation of community impacts resulting from cleanup and changing departmental missions.

The Office of Legacy Management, headquartered in Washington, is comprised of five units plus a top management layer. The units are LM-10 – Business and Resource Management, LM-20 – Legacy Benefits, Workforce Restructuring and labor Management Relations, LM-30 – Property Management and Community Assistance, LM-40 – Policy and Site Transition, and LM-50 – Land and Site Management. The Policy and Site Transition group will oversee the handoff of Rocky from Environmental Management to Legacy Management and will help coordinate the Long-Term Surveillance and Maintenance Plan for long-term stewardship.

Ray said Legacy Management is committed to working with Environmental Management, the DOE office responsible for cleanup of Rocky Flats, to ensure a smooth transition to stewardship. They intend to

manage the transition as a project unto itself. With respect to the transition of Rocky Flats, he said, teams are already meeting to develop the scope of transition tasks and management and team meetings are being held. He said the Legacy Management team is committed to continue working closely with stakeholders.

**PRESENTATION BY JOHN WATSON:** Next to speak was John Watson, a local attorney hired by the Board to provide independent review of regulatory questions associated with the closure of the Present Landfill. He summarized the findings of his review. One of the questions had to do with the regulatory implications of the fact that the Present Landfill never received interim status under RCRA. Mr. Watson noted that, because the facility is undergoing closure under CERCLA (Comprehensive Environmental Response, Compensation and Liability Act), any previous operational deficiencies are now likely to be irrelevant. Carl Spreng with CDPHE (Colorado Department of Public Health and Environment) provided the historical perspective that in the mid-1980s, when hazardous wastes sites were being identified at Rocky Flats, the Present Landfill was identified as having received some hazardous waste. However, regulatory discretion was exercised to allow the landfill to continue operating as a solid waste disposal facility, with the caveat that further disposal of hazardous waste at the Present Landfill would be prohibited after 1986. A closure plan was developed and the closure requirements postponed at that time are now coming due.

Mr. Watson was asked whether there is a practical difference between closing the landfill under CERCLA versus RCRA (Resource Conservation and Recovery Act). He said there is no difference in terms of substantive cleanup requirements.

Another question pertained to the regulatory status of the East Landfill Pond. Leachate from the landfill is impounded there. This would technically be considered unlawful under RCRA, but the critical issue, according to the Site, is that leachate hovers around the surface water standards and poses little risk to human health and the environment. Nonetheless, they have been treating the leachate with passive aeration. Going forward as part of the closure, such treatment will occur inside a tank to satisfy all of the technical requirements. At that point, leachate discharged from the tank effluent should be eligible for a wastewater treatment unit exemption.

Following Mr. Watson's prepared remarks, there was a chance for the Board to ask general questions regarding the landfill. The Site was asked why many of the conclusions in the Interim Measure/Interim Remedial Action (IM/IRA) document are based on modeling rather than actual data. The Site responded that the modeling is based on physical data and compared against actual seep flows and groundwater well levels. A concern raised was the fact that the data used in the model is all from the mid-1990s, to which the Site said that based on more recent data from the seep and groundwater, there is no reason to believe that the hydrology of the landfill has changed.

**RECOMMENDATION ON THE PRESENT LANDFILL INTERIM MEASURE/INTERIM REMEDIAL**

**ACTION DOCUMENT (IM/IRA):** The Board discussed, made some minor changes to, and then approved a draft recommendation on the Present Landfill IM/IRA. The

recommendation first addresses the need for a brief explanation in the IM/IRA Executive Summary of the rationale for the change from an evapotranspiration cover to a RCRA Subtitle C Guidance Cover. It also discussed uncertainties with the source of the landfill seep. Previously, it had been stated that lateral groundwater inflow accounted for 40% of the seep flow with surface infiltration making up the difference. In contrast, the modeling done this year estimates that more than 90% of the seep flow comes from surface precipitation.

A major topic in the recommendation was the long-term stewardship implications of the proposal. Under the proposal, monitoring of groundwater would cease in two years, as opposed to the 30-year post-closure care period for monitoring that is considered the standard time period in the RCRA regulations. The Board raised concerns that this time period would be inadequate to assess whether placement of the cover will change the potential for groundwater migration from the landfill. The Site proposes that the Rocky Flats Cleanup Agreement (RFCA) Parties will reevaluate the need for further seep monitoring after four years, and again, the Board questioned the adequacy of this time period. Other stewardship comments related to inspections, security/site control, maintenance and enforceability.

The recommendation also addressed the subject of surface water, with the particular concerns being compliance with the National Pollutant Discharge Elimination Systems (NPDES) requirements, pond management, and possible future delisting of the leachate. Finally, comments regarding cover design and applicable or relevant and appropriate requirements (ARARs) under CERCLA rounded out the recommendation.

**CORPORATE MEMBERSHIP TERM RENEWALS:** The Rocky Flats Citizens Advisory Board is both a federal advisory committee and a non-profit corporation. While most of the time, matters of the Board are related to its status as a federal advisory committee, sometimes it must act as the corporation. One of these actions is the renewal of corporate membership terms. Seats on the Board are divided into three groups, with a different group's membership term expiring every two years. The Board established this pattern of term renewals for continuity in order to ensure that no more than a third of the membership could turn over at one time.

Those members whose terms expired this year included Dave Davia, Earl Gunia, and Victor Holm. The Board approved the renewals by unanimous consent.

**BOARD OFFICER ELECTIONS:** The other corporate obligation for the Board is election of officers. Those running for the various offices included Dave Davia and Victor Holm for Chair; Shirley Garcia and Bill Kossack for Vice-Chair; Joe Downey and Anne Fenerty for Secretary; and Jim Fabian unopposed for Treasurer. The officers elected are: Victor Holm as Chair, Shirley Garcia as Vice-Chair, Anne Fenerty as Secretary and Jim Fabian as Treasurer.

**AGENDA FOR UPCOMING COMMITTEE NIGHT AND NEXT BOARD MEETING:** The Board listed

topics for consideration at the next meeting and then prioritized within the list. The Board will have its monthly committee night on Thursday, November 20, 6 – 9:00 p.m. at the College Hill Library, Room L200. The main topic of discussion will be to prepare comments on the Building 771/774 Groundwater Collection System Proposed Action Memorandum (PAM). The December Board meeting will be on Thursday, December 4. The two main agenda topics will be approval of a recommendation on the Building 771/774 Groundwater Collection System PAM and a presentation and discussion on the Building 371 Decommissioning Operations Plan (DOP) modification.

**NEXT MEETING:**

*Date: December 4, 6 to 9:00 p.m.*

*Location: College Hill Library, Room L107, Front Range Community College, 3705 W. 112<sup>th</sup> Avenue, Westminster*

- Agenda:*
- *Introductory Presentation and Discussion on Modifications to the Building 371 Decommissioning Operations Plan*
  
  - *Consideration and Approval of Comments and Recommendations on the Building 771/774 Groundwater Collection System Proposed Action Memorandum*

**MEETING ADJOURNED AT 9:00 p.m. \***

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

RESPECTFULLY SUBMITTED:

Joe Downey, 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.

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