

**Rocky Flats Citizens Advisory Board
Meeting Minutes
July 7, 2005
6 to 9 p.m.
College Hill Library, Room L-107
Front Range Community College, Westminster, Colorado**

Board Chair Jerry DePoorter called the meeting to order at 6:00 p.m.

BOARD / EX-OFFICIO MEMBERS PRESENT: Suzanne Allen, Jerry DePoorter, Erin Hamby, Bill Kossack, Mary Mattson, Mike Maus, Bill McNeill, Andrew Ross, Hank Stovall / Dean Rundle (USFWS), Mark Aguilar (EPA), Scott Surovchak (DOE-LM)

BOARD / EX-OFFICIO MEMBERS ABSENT: Joe Downey, Earl Gunia, Phil Tomlinson / John Rampe (DOE-RFPO), Steve Gunderson (CDPHE)

PUBLIC / OBSERVERS PRESENT: Pam Tumler (GAO), Bob Nininger (Kaiser-Hill), Bob Darr (DOE-RFPO), Roman Kohler (RF Homesteaders), Ted Auker (CLTC), Mark Sattelberg (USFWS), Jeanette Alberg (Senator Allard), Glenn Fischer (GAO), Claire Cyrnak (GAO) / Ken Korkia (RFCAB staff), Patricia Rice (RFCAB staff)

PUBLIC COMMENT / NEW BUSINESS:

There was no public comment.

The following were new business items:

- 1) The Board confirmed a meeting date for its annual planning retreat. The retreat will be held on August 27. Staff will work on securing a location.
- 2) Due to a conflict with the September EM SSAB Chairs meeting, the Board approved moving up its September Committee Night meeting to the 14th.
- 3) Erin Hamby distributed a press release from the Institute for Energy and Environmental Research concerning the recent National Academy of Science report on radiation risk. The press release analyzes findings from the report.

BRIEFING ON LEGISLATION TO PURCHASE MINERAL RIGHTS AT ROCKY FLATS:

Jeanette Alberg with Senator Allard's office was present to discuss the legislation recently introduced by the Senator concerning the mineral rights at Rocky Flats. The legislation would allow the Department of Energy to use up to \$10 million to purchase mineral rights at Rocky Flats as part of its settlement of natural resource damage claims. The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) makes provisions for those who damage natural resources such as air, land, and

water to pay compensation for those damages. The money is then used to further mitigate harm done to the environment.

Jeanette stated that the mineral rights have been a point of contention between the Departments of Energy and Interior in finalizing a memorandum of understanding for management of the future Rocky Flats National Wildlife Refuge. Senator Allard has worked with all the major parties involved, including those in the federal and state government to draft this legislation. In settling a natural resource damage claim, CERCLA establishes natural resource trustees, which for Rocky Flats includes the state of Colorado (represented by the Department of Public Health and Environment, the Department of Natural Resources, and the Attorney General), and the federal Departments of Energy and Interior. The trustees must agree on what the damages are and the settlement for those damages. The agreement is then signed off by the Department of Justice. Jeanette noted that normally the settlement comes after the determination of the damages, but in the case of this legislation, the settlement is being negotiated first.

Jeanette said there are three key concepts behind the legislation. The first is that there must be a willing seller of the mineral rights, i.e., there will be no forced sales or condemnation. Second, the seller must receive fair market value. Lastly, the \$10M would be used to settle all the natural resource damage claims.

Because timing is critical, the legislation waives the need for preparing an environmental impact statement. Normally, there is a public involvement process involved, mainly to describe how data will be collected to determine the damage. In the case of Rocky Flats, it is unlikely that new data will be collected given the amount that already exists about the site.

DOE is now working to appraise the value of the mineral rights holdings. These do not include oil and gas rights. The identified sites have been selected because of the stands of tall grass prairie that exist on them. In response to a question, it was confirmed that the mineral rights holders would be able to seek their own appraisals.

A question was raised how DOE can be both a resource trustee and the responsible party. DOE takes on this dual role because it is the federal entity that "owns" the land. Another member asked whether EPA is a trustee and the response is that it is not.

A Board member suggested that any money left over should be into a trust for preserving or further restoring lands at the site.

Jeanette updated the Board on the status of the legislation. Senator Allard was joined by Senator Salazar in pushing for approval of appropriations for the mineral rights. The Senate approved the appropriations measure. Included along with the mineral rights was \$15M to extend worker benefits to those workers who will soon be leaving the site. Jeanette noted that there are two parts to federal legislation, authorization and appropriations. While the appropriation has been approved, the authorization (in essence the approval to spend the money that was appropriated) still needs Senate approval. Also, the House of Representatives still needs to consider and approve this legislation. Jeanette asked the Board to consider drafting a recommendation in support of the legislation.

ROCKY FLATS INTERIM SURVEILLANCE AND MONITORING PLAN:

Scott Surovchak of the Department of Energy Office of Legacy Management gave a presentation on the Interim Surveillance and Maintenance Plan (ISMP). This plan will cover the period between physical closure, which is expected to be in October, and regulatory closure, which will be some time next year.

Activities outlined in the plan include public involvement; records management; monitoring of the ground water, surface water, air, and ecology; operations and maintenance at the site; access control monitoring; data management; regulatory compliance; inspections; and reporting.

The first step toward the ISMP was to develop the post-closure Public Involvement Plan, a draft of which was published in February. Scott said the final Public Involvement Plan should be out soon. The second step was the creation of the Local Stakeholder Organization, which will disseminate site information to stakeholders. The development of the LSO is continuing. Scott said quarterly and annual public meetings will be held for the first two years the site is managed by LM. He said funding for the Reading Room at Front Range Community College is assured through December 2006.

Scott said the most significant part of LM's responsibility is Records Management. He said there are or were 350 to 400 databases and applications used at the site. About 150 of them will be useful to LM for data retrieval. These databases will be incorporated into the LM Records Management system. Scott said records will be maintained and accessible on the Internet. Scott said the Administrative Record, which must be kept under the Comprehensive Environmental, Response, Compensation, and Liability Act (CERCLA), will also be accessible on the Web. Scott said LM is building a facility in Morgantown, West Virginia, for storage of physical records.

With regard to environmental monitoring, Scott said the ISMP would incorporate the 2005 Integrated Monitoring Plan (IMP). The IMP covers monitoring of groundwater, surface water, air, and ecology. The monitoring is done to protect human health and the environment. Scott showed maps of groundwater and surface water monitoring station locations. He showed a photo of the surface water monitoring station numbered GS-10 on the east side of the site. In this photo, Scott drew attention to the revegetation efforts in the area of GS-10.

Scott said Operations and Maintenance under the ISMP will include three groundwater treatment systems, pond and surface water operations, and covers for the Present and Original Landfills.

Scott said the plan would include "Access Controls." Such controls have usually been referred to as "Institutional Controls," however, Scott said that LM was trying to avoid the appearance of already having made decisions about such controls before the Record of Decision (ROD) was signed. The access controls will include fences, gates, signs, and limited road access. He said that LM is also working with Jefferson County on a memorandum of understanding on law enforcement of the site.

Scott said the access controls would encompass the state covenant on at least a portion of the property, but he said that has not been settled for the interim period. He said that in the post-closure period after the ROD is signed, the state covenant will likely encompass most of the land. Other restrictions on the site will include prohibition on permanent buildings, groundwater use, well drilling (except for monitoring purposes), and excavation or surface disturbance without DOE controls.

Ecological monitoring of the site will include oversight of threatened and endangered species, vegetation,

noxious weeds, and wetlands. Scott said there is a tradeoff on controlling noxious weeds. The weeds do act as erosion controls, which keep residual radioactive contamination from migrating. He also said care must be taken in weed control not to kill off newly sprouting prairie vegetation. He said he does not anticipate that weed control will be "super aggressive, at least for the immediate future. Scott said monitoring of wetlands would include those that are natural at the site and those that have been created. Scott showed a photo of human-made wetlands south of the former site of Building 991.

Scott said that under the plan onsite LM staff will monitor conditions of the site to verify cleanup actions are performing as expected. Site inspections will be done quarterly with notices sent to regulators and the LSO 30 days prior to the inspection. Follow-up inspections will be done as necessary. Scott said LM anticipates the site will have a significant amount of erosion control upkeep in the next five years. He said erosion control is the greatest near-term challenge.

Quarterly meetings will be held to present data and activities. The annual meeting will be held after the annual report is completed. The annual report will cover data tables, evaluations, and recommendations.

Scott said that environmental monitoring will continue until contamination levels in surface and ground water are below regulatory limits.

In answer to a question, Scott said a draft of the ISM plan should be ready by the next Board meeting.

Scott said the Interim plan is a "dress rehearsal" for the long-term surveillance and maintenance plan.

Jerry DePoorter said he believes the CAB, as well as the LSO, should be involved in the plan, as the CAB will be in existence until regulatory closure.

In answer to a question, Scott said Stoller Corp. would be performing the work for LM at the site. He also said LM and the Fish and Wildlife Service are working out the details on what kind of work the Service would do for LM.

AIR MONITORING DURING ENVIRONMENTAL REMEDIATION AND BUILDING DEMOLITION:

Robert Nininger of Kaiser-Hill gave a presentation on air monitoring during cleanup activities.

Bob said air monitoring for radionuclides is performed using a system of monitors called the Radioactive Ambient Air Monitoring Network (RAAMP). This network has shrunk somewhat in the last year as the site nears physical completion. Action levels for air monitoring are set using guidance from and regulatory limits set by the Environmental Protection Agency (EPA) for dose protection of the public. He said the sample turnaround time is less than two weeks.

There are three action levels with the lowest set at 1 millirem for a two-week period. One millirem is 1/10th the standard of 10 millirems. At the border of the site, the action level equates to a dose of about 1 percent of the dose from the air sampler.

As an example of the type of air monitoring that is done for a cleanup action, Bob said there were nine air

samplers around the 903 Pad during that cleanup operation. Bob showed a graphic of where the air samplers were located. No air monitor showed samples that exceeded the action level during cleanup of the 903 Pad.

Bob next showed a graphic of a typical industrial area air sampling network. He said the RAAMP network has shrunk somewhat in the last year.

Bob next talked about the demolition of Building 779, which was the first major demolition project. That occurred from June 1999 to March 2000. Air monitoring levels were well below all action levels.

Bob showed a graph of Industrial Area Project Monitoring between January 2003 and February 2004. It showed one exceedance of the first action level during that time. Bob said investigation showed that the air exceedance was due to removal of Original Process Waste Lines (OPWLs). He said OPWL removal did not have the same type of controls over air emissions as building demolition does.

Bob explained action levels. He said an exceedance of the first action level would trigger an investigation into the cause. An exceedance of the second action level would cause the project team to defend what is going on. Bob said there has never been an exceedance of the third action level. Bob presented a graph of air monitoring results for radionuclides from January 2005 to June 2005 during the B707 slab removal, B444 demolition and B776 demolition. Bob said there was no exceedance of the action levels. He said a lot of the results for radionuclides in air monitoring were due to natural uranium. Generally, the levels at the site were typical of background levels found nearby and offsite.

Bob said beryllium (Be) is also done at the site. Three buildings have required Be monitoring – B865, B883, and B 444/447. Bob showed a graphic of an example of the Be monitoring network. Results from Be monitoring show samples below the action levels. However, there were spikes in Be monitoring caused by the loading of material from the demolition of B883 and B444. Cleanup crews were alerted and steps were taken to change the loading procedures.

Mark Aguilar with EPA briefly discussed his agency's efforts connected with environmental monitoring. Because of earlier public concern about the proximity of the site's air monitors, EPA and the state agreed to do close-in sampling. Their action level was 0.05 picocuries per cubic meter of air. The highest level they detected was one-tenth of this amount, so the levels of air contamination were very low. They will continue to perform air monitoring through the demolition of building 371.

EPA has also conducted water, sediment and soil sampling along Women Creek adjacent to the Original Landfill in order to complete their risk assessments. They have just now received preliminary data that shows that generally no contamination exists. They have seen some exceedances of their ecological screening level, mainly for chromium, but not for any radionuclides. This screening level is set very low and when exceeded calls for further investigation. Mark will distribute a report to the Board when it is finished.

Mark also announced that EPA has convinced the Site to conduct water and sediment sampling in all the onsite ponds. While some recent data exists for some of the ponds, for others more data needs to be collected to satisfy EPA headquarters. They will sample for volatile organic compounds, metals and radionuclides.

PLANNING FOR UPCOMING MEETINGS:

For the July 20 Committee Night, the Board will discuss developing a recommendation on the mineral rights purchase legislation. They also will discuss any new developments in the creation of a Local Stakeholder Organization for Rocky Flats.

For the August Board meeting, the main topic of discussion will be a conversation with DOE and the regulators concerning activities the Board should include in its work plan for 2006. There also will be presentations on the preliminary results of the aerial and ground gamma surveys conducted at the site and on the completion of the Original and New Process Waste Lines remediation projects.

EXECUTIVE SESSION:

In Executive Session, the Board discussed the staff's annual performance evaluations. They agreed to a 5% salary increase for both Ken Korkia and Patricia Rice. They also upgraded Patricia's job title to Senior Program Coordinator. The members also discussed incentives to keep the staff until the Board goes out of existence. They agreed to seek funding from DOE to offer a three month severance package to the staff if they remain until the Board's end.

NEXT MEETING:

Date: August 4, 2005 6 to 9:00 p.m.

Location: College Hill Library, Room L-211, Front Range Community College

- Agenda:*
- *Presentation and Discussion on Closeout of the Original and New Process Waste Lines Remediation Project*
 - *Presentation and Discussion Results of Aerial Gamma Survey*
 - *Discussion with DOE and Regulators Regarding Board's 2006 Work Plan Activities*
 - *Other items as necessary*

MEETING ADJOURNED AT 9:00 p.m. *

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

RESPECTFULLY SUBMITTED:

Bill Kossack, Secretary
Rocky Flats Citizens Advisory Board

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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