

Rocky Flats Coalition of Local Governments Board Meeting Minutes
Monday, December 4, 2000
8:00 – 11:00 a.m.
Mt. Evans Room in the Terminal Building
Jefferson County Airport, Broomfield

Board members in attendance: Michelle Lawrence (Director, Jefferson County), Nanette Neelan (Alternate, Jefferson County), Tom Brunner* (Director, Broomfield), Hank Stovall (Alternate, Broomfield), Mike Bartleson (Alternate, Broomfield), Mary Harlow (Alternate, Westminster), Carol Lyons* (Alternate, Arvada), Paul Danish (Director, Boulder County), Lisa Morzel (Director, City of Boulder), Matt Magley (Alternate, Superior).

*Arrived/Departed at time indicated

Coalition staff members and consultants in attendance: David Abelson (Executive Director), John Marler (Technical Advisor), Kimberly Chleboun (Program Assistant), and Barbara Tenney (Icenogle, Norton, and Seter, P.C.).

Members of the Public: John Corsi (Kaiser-Hill), Dave Shelton (Kaiser-Hill), Jeremy Karpatkin (DOE), John Rampe (DOE), Tom Lukow (DOE), Rob Henneke (EPA), Steve Tarlton (CDPHE), Noelle Stenger (RFCAB), Gerald DePoorter (RFCAB), Kristi Pollard (Senator Allard), Doug Young (Congressman Udall), Theresa Sauer (Governor Owens), Nancy Hunter (Congressman Schaffer), Doris DePenning (Friends of the Foothills), Roman Kohler (RF Homesteaders), Sonja Groghegan (Citizens Concerned about Nuclear Waste Impacts), Dan Chesshir (RFSOIU Local #1), John Whitney (RFSOIU Local #1), John Barton (USWA Local Union 8031), Gail Bange (Wackenhut Services, LLC), John Kiekbusch (Jefferson County Sheriff's Office), Beth Wohlberg (The Daily Camera), Cliff Franklin (DOE), Bruce Rosenlund (USFWS), Robin Romero (USFWS).

Convene/Agenda Review

Michelle Lawrence called the meeting to order at 8:10 a.m. There were no proposed changes to the agenda.

Business Items

- 1) **Motion to Approve Consent Agenda** – Mary Harlow requested the following be added to her comments under “Arvada” in the Round Robin: “Mary Harlow added that Westminster has sent many letters relating to its’ concerns on both the Woman and Walnut Creek drainages. Westminster wants to be on the front end not the back end of decisions related to water quality in both these drainages to ensure that water quality leaving the site is properly protected.” Barb Tenney also requested a correction to her statement in the same section

under “Jefferson County.” She asked that the sentence “Barb Tenney recommended that no matter what the Board determines, they should consider this new task they are taking on and possibly amend the intergovernmental agreement to reflect land use decision making” be replaced with “Barb Tenney stated that whether the Board agreed or disagreed with using the area for the Jeffco firing range facility, the final determination would be done through a process described in the Bill. She also noted that the Coalition is limited by the authority conferred to it in its IGA, and that if greater authority is needed, it may need to amend its IGA.” Lisa Morzel motioned to approve the consent agenda with these corrections to the minutes. Tom Brunner seconded the motion. The motion passed 7-0.

- 2) **Executive Director’s Report** – David Abelson advised the Board the Coalition had received an additional \$50,000 from DOE for FY00, and that he would be discussing FY01 funding this week with Gary King in Washington, D.C. He will also be attending a conference in Washington and, time permitting, research additional Coalition funding options. Second, David stated he had received a call from Kaiser-Hill on December 1st regarding a water quality exceedance at a point of compliance at pond B5. The water quality standard is 0.15 picocuries per liter over a 30 day average, and the exceedance was 0.152. David related that under the RFCA, Kaiser-Hill could be fined. They are also evaluating why it occurred. John Rampe added that it likely the water had not reached the site boundary since they were not releasing the ponds at that time. Hank Stovall asked what time period it occurred over, and what was the maximum reading of the period. Dave Shelton responded it was in September, and he would have to get information to Hank on the maximum reading.
- 3) **FY 01 Budget Hearing** – Barb Tenney reminded the Board that the Coalition, as a public entity, is required by law to adopt its budget for fiscal year 2001 by December 31, following a public hearing. She noted that David Abelson had caused a notice of this budget hearing to be published in the newspaper. Michelle Lawrence then opened the budget hearing for public comment. Upon absence of public comment, Michelle Lawrence closed the public hearing. Ms. Tenney presented for the Board’s consideration a proposed resolution approving the budget and appropriating the funds for fiscal year 2001. Paul Danish motioned to adopt the budget. Lisa Morzel seconded the motion. The motion passed 7-0.

*Carol Lyons arrived at 8:20 a.m.

Public Comment

John Barton, vice president of the USWA Local Union 8031, advised the Board that he and the steelworker’s union president, Tony DeMaiori, felt it necessary to keep the public and the Coalition informed as to the status of worker safety events. Last week three stop work orders were issued by their union for safety violations. The first involved power respirators in building 771, the second was a total building shutdown of 771 due to plutonium inhalations, and the third involved lack of respirators for work to be done in building 776, a building known for beryllium contamination. Kaiser-Hill apparently told the workers that two layers of protective clothing (NICs) would be sufficient protection against the type of contamination in the area. John added that Kaiser-Hill had contacted the national union to complain about the stop work orders. In reference to wasting government funds, John stated 1000 trash bags which are normally used for

disposal of contaminated materials were misordered and are now being used for regular trash. It is also of concern because these trash bags are going into the sanitary landfill and future workers will not know if they actually contain hazardous materials or not, since trash is no longer scanned. The Board questioned John about the circumstances of the inhalations and he explained stop work orders are not common, and they had only issued two over the past three years. An inspector noticed an air sampler had been out of calibration for a month and a half, paperwork was not submitted for air samples taken, thus the safety inspector, Mark Spears, ordered bioassays for the 11 workers in that tent. 10 of them tested positive for plutonium in their fecal samples, but their actual dose is still being determined. It also seems there were no filters in the tent exhaust system so contamination may have spread outside the tent to the building. Normally, people in the building are monitored annually unless there is an incident. Barbara Mazurowski has requested the Office of the Inspector General to investigate these claims. John commented that it appears to be a widespread cultural problem. Michelle Lawrence asked him to inform David Abelson if there are any future stop work orders. Further discussion led to agreement to hear presentations from Kaiser-Hill, DOE, and the Defense Nuclear Facility Safety Board on worker safety issues at the next Board meeting.

John Kiekbusch from the Jefferson County Sheriff's Office provided informational handouts supporting the proposed firing range discussed at the last Board meeting. He emphasized this is a very serious issue for law enforcement and a long-term solution for many agencies.

Doris DePenning encouraged the Board to make the final step at the January Board meeting and endorse the Allard-Udall bill as it stands. She also urged the Board to examine incentives to retain quality workers.

Barb Tenney reminded the Board that the directors' current office terms expire in February, and that each party to the Coalition needs to designate its directors and alternate directors for commencement of the new terms in February 2001. She also added that pursuant to the Coalition's amended Bylaws, the new officers will be selected in accordance with the Board's adopted procedure. The Secretary/Treasurer will become the Vice Chair, the Vice Chair will become the Chairperson, and a name will be drawn out of a hat of members who have not yet held a seat to become the next Secretary/Treasurer.

Stewardship Update

David Abelson began by explaining what stewardship consists of and why it is so important. Cleanup does not mean elimination of contamination and related risks. There will still be engineered and institutional controls that will require long-term monitoring and maintenance. David relayed the National Research Council's caution that site planners must be aware of the potential fallibility and uncertainty involved with these types of controls. To best protect long-term human health and the environment site planners must integrate contaminant reduction, contaminant isolation and stewardship in the remedy selection process in addition to planning for stewardship at closure. He noted that there are some cleanup decisions at the site that do not appropriately account for stewardship needs. David then presented a slide reflecting the proper

analytical framework which would incorporate these stewardship needs into remedy selection. He also presented an analytical toolbox being developed by the Stewardship Working Group that should assist in analyzing the stewardship elements within a remedy. David emphasized the goal is not to change the cleanup remedy, but to make better informed decisions that include long-term considerations. The Stewardship Working Group has made progress in changing the nature of the dialogue at Rocky Flats as well as becoming involved in the national stewardship discussion. David concluded by describing the Working Group's work plan to prepare a stewardship report, continue development of the toolbox as, well as analysis of stewardship elements in forthcoming cleanup documents. The floor was then opened for questions.

Mary Harlow emphasized the importance of having a voice in remedy selection and minimizing the need for institutional and engineered controls in order to reduce the possibility of failures. Lisa Morzel asked if the Working Group has reviewed features to be left in the ground and David explained the group would be analyzing cleanup documents as they are issued. Paul Danish stated only the federal government will be capable of these stewardship responsibilities and he also stressed the importance of institutional memory for future generations. Hank Stovall asked if FWS had been consulted about the use of fences yet. David said the group is not yet focusing on specific issues like that, but is instead focusing on the relationship between cleanup and stewardship needs. Hank also asked what a geosynthetic cap is, and Jerry DePoorter explained it is a cap made of natural and manmade materials, such a geotextiles, to keep soils from mixing together. They have a lifetime of approximately 50 years since the plastics don't last long in this environment. Tom Brunner stated stewardship is a new subject and the Working Group will most likely become a gadfly for many of these issues. He also said it is an issue of "pay now or pay later" and since there is a finite amount of money available it is important to try to avoid future costs. In reference to Hank's question about the fences, Lisa Morzel stated that although the fence issue is important these larger cleanup issues should be dealt with first. Dave Shelton defended Kaiser-Hill's stewardship record by stating there is no on-site disposal, they reduced the number of caps to a minimum due to stewardship issues, and they were also trying to develop evapotranspiration caps for better performance. He stated they were leading the complex with stewardship sensitive remedies for groundwater treatment that involve a low-maintenance passive treatment system. In response to Lisa's question about process waste lines, Dave said the baseline assumes 17% are contaminated and will be dug up. Dave also said stewardship is not a new idea, but thinking about it in the larger terms of the DOE complex is new. John Rampe agreed with David about the change in thinking at the site, but he said he would be surprised if any remedies would need to be changed to better incorporate stewardship needs.

Technical Issues Update

John Marler provided the Board with an update on three current technical issues. First he described the progress of the radionuclide soil action level (RSAL) review and explained how Coalition recommendations are being incorporated into the review. John explained in detail the five tasks involved in determining the RSAL: a regulatory analysis, a model evaluation, a parameter evaluation, a review of new science, and a review of cleanup levels at other sites.

John then updated the Board on the Erosion and Sediment Transport Modeling Report, which is the first report from the Actinide Migration Studies group. The report is an important part of planning remediation activities that will be protective of surface water quality by determining how actinides move in the environment as well as major actinide source areas. Report findings conclude most erosion is caused by large, infrequent storms and the site will need a combination of techniques to protect surface water. John also described weaknesses in the report including insufficient site-specific data and an understanding of the amount of uncertainty associated with the model's results. Future work by the study group will include particle size distribution analysis, collecting surface water samples, runoff experiments, channel erosion modeling and other modeling parameters. Next, John reviewed the Industrial Area Sampling and Analysis Plan (IASAP) and the need for these plans pre- and post-closure to determine actual contamination levels. Industrial Area sampling will occur for under building contamination, subsurface lines, and white spaces – areas which have not been previously sampled. The SAPs are necessary for pre-remedial characterization, waste volume calculations, waste characterization, cleanup confirmation, and comprehensive risk analysis. John explained the main purpose of the IASAP is to serve as a decision document to guide sampling and streamline the decision process, and that it is critical in supporting closure.

Lisa Morzel, Paul Danish, and Hank Stovall posed questions relating to sampling methodology, timelines and proper sequencing, the extent and depth of process lines and if they will be evacuated. John Rampe replied the lines are six feet deep and there are infrastructure maps, but he would need to get back to the Board with more detailed information. Michelle Lawrence suggested the Board put their questions in writing and have John return to a future meeting to answer them. John said he would work with John Marler to address the Board's concerns.

*Tom Brunner left at 10:05 a.m.

Rock Creek Reserve Briefing

Cliff Franklin, DOE, explained that as part of the interagency agreement between DOE and FWS to manage the Rock Creek Reserve, FWS completed an Integrated Natural Resources Management Plan. This Plan completes the required NEPA analysis while considering stakeholder values and is expected to last through site closure. Cliff emphasized it would not relieve Kaiser-Hill from any of their natural resource management responsibilities. He then reviewed the five key FWS recommendations in the Plan. First, the reserve boundary would be expanded from 800 acres to 1700 acres, based on ecosystem considerations such as the drainages and the tallgrass prairie. Second, an enhanced vegetation management program would include prescribed burns, herbicide use, and increased biological control of knapweed. Third is the introduction of native species and a recovery plan for targeted species. Lisa Morzel confirmed with Bruce Rosenlund, FWS, that they would also work to reduce the non-native bass population. John Rampe added the plan does not allow for introduction of threatened or endangered animals, but it does allow for introduction of threatened or endangered plants. The fourth FWS recommendation is a Trails and Access Plan to be prepared after coordination with adjacent open space managers. The fifth is to deny livestock grazing as livestock fencing would

fragment the Buffer Zone. Mary Harlow asked what had happened to the comments provided last year on the original plan. Cliff responded FWS had tried to take all of the comments received and incorporate them into the new draft plan.

Robin Romero, FWS, described how they integrated NEPA into the plan format, which resembles an Environmental Assessment. Robin then explained proposed actions under water inventory and monitoring, biological resource inventory and monitoring, biological resources management, cultural resources management, and land and infrastructure maintenance. Major proposals she highlighted were the Reserve expansion, the Access and Recreation Study, the Contaminants Study, a structural evaluation of Lindsay Ranch, water quality and quantity monitoring, introduction of native species, and an increase in biological control of weeds. Robin concluded by stating the NEPA analysis supports the draft Plan since no significant environmental impacts are anticipated. If the public review process supports this, a “Finding of No Significant Impact” would be completed and an Environmental Impact Statement would not be initiated.

Hank Stovall asked how assets such as water rights and water transport would be handled, specifically referring to McKay ditch and Church ditch. Robin said easements are protected in the plan, and Cliff added they would be considered under the Access Plan. Lisa Morzel suggested FWS sample bass for actinides in order to establish baseline measurements. Bruce Rosenlund agreed this could fit be done under the Contaminant Sampling Plan. Jeremy Karpatkin urged the Board to review the Plan in the context of the future relationship between DOE and FWS, and look at the proposal as a first step in the development of that relationship. Doug Young added that the Plan could be interpreted as a model for the entire site and the Board should encourage FWS to ensure this plan would also align with possible future proposals for the refuge. Carol Lyons voiced concern over the public comment period and the FWS public process, and Nanette Neelan asked if this is a prototype of FWS public process. Bruce Rosenlund replied this is the normal public process when FWS works with other agencies; they develop a plan, hold scoping meetings and provide for public comment. Doug Young clarified public process for the refuge bill, as it is written, would be carried out by FWS as dictated under the legislation and it would have a similar public process to NEPA. David also confirmed the reserve designation would only last until closure. The Board, FWS, and DOE discussed extending the public comment period. Hank Stovall motioned to extend the public comment period until January 31, 2001. Paul Danish seconded the motion. The motion passed 7-0.

Round Robin

Westminster – Mary Harlow said Westminster is reviewing D&D documents for the potential for contamination exposure.

Broomfield – Hank Stovall said D&D documents are also being review by Broomfield, and staff will soon issue their comments. Hank restated Broomfield’s position against the use of explosives during D&D due to concern for resuspension of contamination and disturbing underground contamination. He also asked if there was a correlation between water quality

exceedances and activities that introduce contamination into the air, and cited the example of missing air filters. Mike Bartleson clarified that the language Broomfield proposed for the Allard-Udall bill does not expand their current water rights, but simply formalizes the location of their ditches. They will also survey them and record them in the county records.

City of Boulder – Lisa Morzel said the City of Boulder will be issuing a letter of support for the Allard-Udall bill. They have also reviewed Westminster’s comments regarding the use of explosives and share their concerns.

Boulder County – Paul Danish said the County also shares these concerns. Paul then voiced concern over worker safety and under building contamination, and proposed the Board state a formal position on these issues.

Jefferson County – Michelle Lawrence said Jefferson County will also be issuing a letter supporting the Allard-Udall bill. Michelle then thanked the Board for participating in a successful retreat on December 1st.

Public Comment

Doug Young urged the Board to prepare suggestions for the Allard-Udall bill as early as possible before the next meeting in order to present an acceptable proposal.

Review Big Picture

David reviewed the big picture. At the January meeting the Board will finalize their position on the Allard-Udall bill and will adopt the FY 01 Strategic Plan. Additionally, there will be briefings on worker safety issues and prescribed burns. In the meantime, David will draft a letter to the IG and ask that the Coalition remain informed of the issues raised at this meeting.

The meeting was adjourned at 11:10 a.m.

Respectfully submitted by Kimberly Chleboun, Program Assistant

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