

Rocky Flats Coalition of Local Governments Board Meeting Minutes
Monday, May 7, 2001
8:00 – 11:30 a.m.
Mt. Evans Room in the Terminal Building
Jefferson County Airport, Broomfield

Board members in attendance: Michelle Lawrence (Director, Jefferson County), Tom Brunner* (Director, Broomfield), Hank Stovall (Alternate, Broomfield), Mike Bartleson* (Alternate, Broomfield), Sam Dixion (Director, Westminster), Mary Harlow* (Alternate, Westminster), Ken Fellman* (Director, Arvada), Carol Lyons* (Alternate, Arvada), Lisa Morzel (Director, City of Boulder), Karen Imbierowicz* (Director, Superior).

Note: Boulder County was not in attendance and initially Superior was not in attendance so there were only five, and then six, voting Board members.

*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 Vander Wall (Seter & Vander Wall, P.C.).

Members of the Public: John Corsi (Kaiser-Hill), Dave Shelton (Kaiser-Hill), Jeff Stevens (Kaiser-Hill), Dyan Foss (Kaiser-Hill), Lee Norland (Kaiser-Hill), Lane Butler (Kaiser-Hill), John Rampe (DOE), Jon Dreger (DOE), Fred Gerdeman (DOE), Jeremy Karpatkin (DOE), Hank Dalton (DOE), Steve Tarlton (CDPHE), Steve Gunderson (CDPHE), David Kruchek (CDPHE), Tim Rehder (EPA), Rob Henneke (EPA), Noelle Stenger (RFCAB), George Vancil (Arvada), Kristi Pollard (Senator Allard), Theresa Sauer (Governor Owens), Doug Young (Congressman Udall), Katie Paris (Trust for Public Land), Doris DePenning (Friends of the Foothills), Hildegard Hix (Sierra Club), Tom Hoffman (Friends of the Foothills), Paula Elofson-Gardine (Environmental Information Network), Gail Bange (Wackenhut), Dan Chesshir (RFSOIU Local #1), John Barton (USWA Local #8031), Beth Wohlberg (The Daily Camera), Berny Morson (Rocky Mountain News), Bob Nelson (citizen), Dan Fernandez (CU), Nick Faes (Xcel Energy), Terry Staley (Xcel Energy), Steve Smith (Xcel Energy), Mark Stutz (Xcel Energy), Anne MacRae (Xcel Energy), Kenneth Pacheco (Tierra Environmental Consultants).

Convene/Agenda Review

Sam Dixion called the meeting to order at 8:18 a.m. There were no proposed changes to the agenda.

Business Items

1) **Motion to Approve Consent Agenda** – Before the Board approved the consent agenda, David Abelson raised the issue of the appropriate protocol for drafting and reviewing Coalition letters. This issue arose in reference to the letters of thanks he drafted to Carolyn Huntoon and Barbara Mazurowski for their efforts in getting the steelworkers 70-point retirement plan approved. Following discussion, the Board decided to continue to give discretion to David in drafting letters of routine matters, but to require local government staff review and editing for letters which reflect Coalition “policy” and/or which are of a substantive nature. The Board then reviewed the consent agenda. Lisa Morzel motioned to approve the consent agenda. Tom Brunner seconded the motion. The motion passed 5-0.

*Ken Fellman arrived at 8:20 a.m.

2) **Executive Director’s Report** – David Abelson advised the Board the nuclear worker compensation program will be administered by the Department of Labor, just as the Board had recommended in its letter to the Office of Management and Budget. Offices to assist workers with their claims will be set up in the Federal Center and near the Site. Second, David discussed the worker safety/771 worker exposure issue, and explained Kaiser-Hill had already delivered its corrective action plan to DOE. Additionally, the DOE office of environmental health has issued its report and Barbara Mazurowski and Alan Parker have offered to brief the Board on this issue at the next meeting. Next, David said the federal budget released on April 4th reflected the expected cut from the Environmental Management program, but the President is proposing full funding for Rocky Flats and Rocky Flats receiver sites. Fourth, David directed the Board’s attention to the letter from Paul Golan, DOE, in response to the Coalition letter concerning the Protected Area reconfiguration. Paul responded that DOE is addressing the stated issues and concerns. Fifth, David distributed copies of a letter he received from Senator Allard requesting Tom Norton be invited to brief the Coalition on transportation issues related to Rocky Flats. David clarified that no attempts to contact the Coalition had been made by Mr. Norton to date. Kristi Pollard also clarified Senator Allard was not endorsing anything, but just asking for information to be presented in order for the Board to make well informed decisions. Sixth, David suggested the Coalition create a website and confirmed there would be money in the budget for this project. He estimated it would cost approximately \$1000 to get the site up and running and then Kimberly Chleboun could maintain it. The Board agreed. Last, David announced the June meeting will be held at Broomfield City Hall, the July meeting will be moved to July 9th, and the November meeting may be moved to the second week due to elections.

*Karen Imbierowicz arrived at 8:34 a.m.

Public Comment

John Barton distributed copies of an email that concerned him. The email described a report, “From Waste to Wilderness: Maintaining Biodiversity on Nuclear-Bomb-Building Sites”, in which a Bush advisor urges DOE to abandon cleanup at the five most contaminated DOE sites and fence them off as wildlife refuges in order to avoid wasteful spending. The report’s author,

Robert Nelson of the Competitive Enterprise Institute, calls the funding “pork-barrel spending” and a “boondoggle.”

Lisa Morzel said it is important to differentiate this irresponsible wildlife refuge concept from the Allard-Udall proposal to turn Rocky Flats into a wildlife refuge, which is not a cheap cleanup. Ken Fellman agreed, but added there are people suggesting the Rocky Flats refuge designation is a way to stop spending money on cleanup, even though land use designation does not drive cleanup by itself. He said this is bad policy and urged the Board to be concerned and prepared to speak out. Sam Dixon added the Board should continue its lobbying efforts for the best possible cleanup. The Board discussed responding to the issue via letter, op-ed, or website statement. Mary Harlow noted although Robert Nelson has no credibility in Washington, ECA is tracking the document in case it becomes an issue. Tom Brunner agreed to have ECA follow it. Ken said the Competitive Enterprise Institute is an extremely conservative think tank, and Michelle Lawrence said she doesn't believe the document deserves the level of attention it has received. Hank Stovall said extremists, whether left or right, should not be ignored. After further discussion the Board agreed to send a letter to the Colorado congressional delegation reaffirming the Coalition's commitment to cleanup and funding. They also agreed to make an affirmative public statement supporting the Rocky Flats wildlife refuge by writing an op-ed, which would tie into the idea of a thorough and safe cleanup.

D&D Briefing

John Marler reminded the Board of what had been discussed in the first session of the four-part D&D presentations, reviewing the issues captured from last month's discussion, and describing the issue of decontamination which would be covered in the current session. He also distributed copies of a February 9, 2001 letter from DOE that describes the sitewide independent verification plan. He then introduced Jeff Stevens, of Kaiser-Hill, to continue the presentation.

Jeff Stevens' briefing focused on decontamination and the verification process, which will prove the buildings meet the free-release criteria. Jeff explained prior to decontamination there is an initial characterization process, and the facilities are typed based on the level of contamination present, Type 1 having no contamination to Type 3 having significant contamination. This information is then used to plan decontamination activities, which can include size reduction, component removal, and in-process characterization. Jeff said actual decontamination techniques vary, based on the extent and type of contamination, and he then described them:

- Wiping/scrubbing/washing
- Vacuuming
- Strippable coatings
- Hydrolasing
- Grinding/scarifying/scabbling/abrasive/grit blasting/ CO₂ blasting
- Chipping hammer/spalling
- Complete removal

Jeff stated once all components and walls have been removed, the pre-demolition survey is conducted to verify that the facility has been decontaminated to meet the unrestricted release criteria. The pre-demolition survey plan (PDSP) must be approved by CDPHE and the EPA, and a report will be prepared that must be approved by CDPHE prior to initiating demolition. Additionally, the data associated with the pre-demolition survey receives verification by Kaiser-Hill, DOE, and CDPHE. Lisa Morzel asked if there would be independent analysis, and Jeff responded Kaiser-Hill quality assurance requires two independent contractors for that.

Jeff then described the three classes of survey units and said survey and sample locations are random as well as biased, and surveys consist of fixed measurements, scans, loose measurements, and samples. He noted that in building 779 this amounted to 2 million measurements. Mary Harlow asked what role CDPHE would play, and Jeff explained they are involved from the start of reconnaissance characterization by periodically reviewing data, approving the PDSP, and surveying work. They can also take their own samples and review the independent analysis. Sam Dixon asked how the floor grid would work and how many samples would be taken. Jeff explained that survey unit guidance, which determines the size and number of survey units, is based on the statistical potential for contamination. He described several scenarios, varying based on the potential for contamination, which involve 15-30 measurements per survey unit. The survey units get progressively smaller the more contaminated the area. Jeff also discussed the success of the Building 779 project, including how these previously described processes were followed and all criteria were met. Lisa asked how they decided where to sample the Building 779 rubble pile for water or solids, and if they looked at solid sediments. Jeff said the highest potential for contamination had been in the southeast corner of the building and yes, they had looked at solid sediments. Mary asked if they had reports listing this sampling, and Jeff responded yes. Next, Jeff related the independent verification process conducted by DOE and/or CDPHE. The verification may consist of oversight, data review, survey, and/or sample collection, and will be conducted on all Type 3 facilities, a percentage of Type 2, and a few Type 1. As previously mentioned, DOE will hire a contractor to perform the independent verification. Jeff concluded his presentation by describing upcoming decontamination challenges involving high contamination levels and removal of cumbersome components. He added that beryllium contamination is also challenging since there is no real time monitoring yet. The floor was opened for additional questions.

Carol Lyons asked if decontamination created waste. Jeff said the secondary waste is normally low-level, but in a few instances it has been hotter. He added the liquid from decontaminating the tanks from Building 371 will be transuranic. Also, in process characterization allows them to keep waste streams from becoming mixed. Doug Young asked if they generate much orphan waste, and Jeff said there is orphan waste that will fall under the orphan waste stream they already have, but it only accounts for approximately 3% of the waste generated. In reference to the independent verification, Hank Stovall questioned if that will also include work in the field as well as the paper work. Jeff explained the independent contractor would verify, in the field, the Site is actually doing what their work plan stated, and that data was appropriately transcribed. The contractor would also verify when a sample is taken and the custody forms that accompany it. Hank asked about the quality assurance percentage, and Jeff responded the base standard is a

95% confidence level, and they are currently well above that number. Tom Brunner acknowledged that CDPHE and EPA have the opportunity to do independent sampling, but asked if they actually do. Steve Tarlton said they scrutinize the process from beginning to end, and then review the data. If anything is questionable they may request additional sampling, or decide if they want independent sampling. He noted that EPA had a contractor provide independent sampling on Building 779. Steve also said they expect to scrutinize sampling for Type 3 facilities and may do independent sampling on random buildings but they don't have a strategy for that yet. Tom commented the confidence level would be higher if independent sampling were to be done. Paula Elofson-Gardine asked Jeff if they wait for the water, used for dust suppression, to dry before surveying. Jeff answered the walls and/or floor must be dry since the liquid could interfere and act as a shield. John Marler closed the discussion by describing the future D&D briefings, which will include demolition, project specific monitoring, and endstate.

Buffer Zone Sampling and Characterization

David Abelson introduced the briefing by reiterating the importance of buffer zone sampling and characterization in supporting projects such as the Xcel transmission lines and the controlled burn, as well as for regulatory closure of the Site.

Lane Butler, of Kaiser-Hill, first described the buffer zone and directed the Board's attention to several maps that depicted boundaries, drainages, areas of contamination, and areas of sampling. Lane explained that early investigations starting in 1986 began identifying Individual Hazardous Substance Sites (IHSSs) based on process knowledge and historical records. This process continued under the Interagency Agreement of 1991 with documentation in the Historical Release Report. He then outlined major remedial investigations that were conducted 1991-1995:

- OU-2 (903 Pad, Mound, East Trenches)
- OU-5 (Woman Creek Drainage, Original Landfill, Ash Pits, C-Ponds)
- OU-6 (Walnut Creek Drainage, A&B-Ponds, East Spray Fields)
- OU-7 (Present Landfill)
- OU-11 (West Spray Field)

Lane emphasized a buffer zone study done in 1994 showed more than 90% of plutonium and americium activity occurs in the upper five-inches of the soil. Next, he described what is known about the 99 buffer zone potential contaminant release sites: 38 have been accepted as no-further-action, including 8 completed remedial actions; 61 sites are left to disposition, and of those, 19 are expected to require additional remediation. Anticipated remediations include the Present Landfill, 903 Pad and Lip Area, Ash Pits, East Trenches, and Walnut Creek ponds. Potential contaminants of concern in these areas may include radionuclides, volatile organic compounds, PCBs, and metals. Lisa Morzel asked Lane about the ash pits and if they are sufficiently protected. Lane replied there used to be an old incinerator located there, and a couple feet of surface soil and vegetation now bury the pits. Monitoring shows no contamination movement in the soil or water. He then discussed status of present characterization efforts and referred to the sampling maps, which showed 3700 locations that had been sampled resulting in 10,650 samples. There were 24,800 analyses performed resulting in 321,600 analyte records.

Lane reiterated some areas have substantial subsurface and surface data from earlier investigations, and there is also data on some surface, subsurface and stream sediment data on eastern and western "White Space," areas on the maps not marked as contaminated. Lane said there are additional ongoing reviews such as the Historical Release Report, which is updated annually, as well as reports from field staff if they identify unusual appearing locations. Additionally, CDPHE in 1999 performed a comprehensive review of apparent soil disturbances. This study identified 30 locations: one new potential area of concern (PAC) was identified; three IHSSs were expanded; 6 locations will be sampled, and; 20 locations required no action. Mary asked where the new PAC is located, and Lane said it is the firing range in the Americium Zone.

Lane went on to explain the path forward for characterization. There will be one sampling and analysis plan, the Buffer Zone SAP, which will incorporate in-process sampling at multiple locations simultaneously. Only post-remediation samples will be sent offsite, other sampling will occur real-time in the field. White Space will be sampled based on a grid and supported by other methods. Lisa asked if they anticipated finding pits they didn't know about, and Lane said they have good confidence in their knowledge of what is out there, and they already did bore samples to determine the ash pit boundaries. Lane also explained the type of instrumentation and statistical approach to be used and told Mary they do not have the ability to measure beryllium in air yet. Lane concluded by stating the draft Buffer Zone SAP should be ready for distribution this summer and finalized by October 2001, and they also anticipate awarding the characterization and remediation contracts by October 2001. The floor was opened for additional questions.

Karen Imbierowicz asked what is the standard method of measuring beryllium. Lane said they currently must collect a sample and send it to a lab, which has a turnaround time between 5 to 21 days. David Abelson said he assumed this level of sampling would be for regulatory closure, and asked if they anticipated a sampling level above this for the controlled burns. Lane explained from a technical and statistical point of view this data would support the burns, but the real issue is whether everyone believes the data. He said they may take other samples to support their findings, but they must be consistent with their data quality objectives. Lisa Morzel asked if they also collect plant and root samples on a seasonal basis, noting the time of the season is an important factor. Lane said it is not currently in the sampling and analysis plan, but they would discuss it and get back to her. John Rampe said FWS is also available to sample biota, and they would solicit their opinion. Lisa also expressed anger over the Site only now revealing the location of these ash pits, but one year ago when they were burning she was not aware the pits were there, and she is concerned something else might be in the buffer zone that she is not informed of. John Rampe and Jeremy Karpatkin responded the pits have been shared information and on record for quite some time, and the proposed burn area was well removed from the ash pits. Tom Brunner noted some information may be institutional knowledge, but it may still require explanation if the information is old. Hank Stovall asked for clarification of the number of analyses vs. analytes. Lane explained they can run one sample for a number of different contaminants resulting in multiple records for each sample. Mary stated she is concerned about plant uptake of uranium since it is soluble, as well as heavy metals from the sprayfields. David said it would be helpful to have an overlay map showing known areas of

contamination and the proposed burn areas, complete with a scale to show distance. John Rampe said they have separate maps with this information so they should be able to create an overlay. Doug Young asked about the percentage or acreage of the 61 sites left to disposition. Lane said he wasn't sure of the acreage, but it may amount to approximately 4% of the site. Doug also pointed out that of those 61 sites, there were only 19 additional remediations expected, so what would happen to the others? Lane answered they expect low contamination, so there would probably be no further action. Paula Elofson-Gardine said it has been 12 years since the last aerial survey and they are overdue to have a more thorough survey to look for contaminant migration. She also questioned the status of the burn alternatives analysis as well as soil sampling database profile discrepancies. Lane again replied they are confident their soil sampling data is good, and the sampling and analysis plan will address her concerns. John Rampe also reminded her there would be an additional burn public process. Lisa agreed an updated aerial gamma survey should be performed.

John Rampe then presented the surface soil sampling results for the Xcel transmission line proposal. He noted the results are fairly consistent with what they know of contamination patterns resulting from windblown dispersal from the 903 Pad. Referring to the data sheets, John said the access road showed the highest concentration of plutonium with 18.8 picocuries per gram, and there was a high amount of variability in the data. He also emphasized that all the numbers are below the current soil action level being contemplated, and they did not see anything that would overtly eliminate any of the alignments from consideration. David asked if there was a preferred alignment, and John said before DOE considers where to grant the easement they must also consider biologic data from consultation with FWS and long-term land use issues. Tom asked if CDPHE or EPA had reviewed this data yet, and Steve Gunderson said this is the first time they had seen it. John Rampe said DOE would be meeting with Xcel within a few days to review the Public Involvement Plan, which the Public Participation Focus Group had already provided comments on. He stated they hoped to start the public process by June 1st.

Round Robin

Arvada – Ken Fellman referred to the letter from Howard Roitman, CDPHE, to DOE, which was in the Board packet. CDPHE has offered to take the lead in planning the Long-Term Stewardship Plan, and Ken said the Coalition might want to support this. David said members of the Stewardship Working Group have discussed and are supportive of this process, but they still need to scope out the conceptual framework of the project. Mary Harlow said DOE should also be included in the conversation. Steve Gunderson said CDPHE had not yet received a response from DOE. The Board agreed to discuss it at a future meeting.

City of Boulder – Lisa Morzel asked David about the status of the panel to review the controlled burn. David responded he would circulate the issues to the Board by the end of the week.

Westminster – Mary Harlow commented on the RSAL workshop and how it was useful in explaining what the models can and cannot do. She also suggested the Coalition send a letter of congratulations to Alan Parker. The Board agreed.

Broomfield – Hank Stovall asked that the Coalition and local government staff work to come up with a proposal for a health effects workshop, which would include national experts describing how the human body deals with radiation dose. He wants clarification on the shift from toxicity of inhalation to the toxicity of the digestive tract. Tom Brunner spoke of Xcel's powerline project and stated due to upcoming power problems it is important to make sure the project is not delayed.

Public Comment

The public offered no further comment.

Big Picture

David Abelson reviewed the big picture. At the June 4th meeting the Board will continue the D&D discussion and receive a briefing on worker safety issues from Barbara Mazurowski and Alan Parker.

*Tom Brunner, Mary Harlow, Carol Lyons, and Mike Bartleson departed at 11:00 a.m.

At 11:00 a.m. Michelle Lawrence motioned to move into Executive Session for the purposes of discussing personnel matters and receiving legal advice on such issues. Lisa Morzel seconded the motion. The motion passed 6-0.

The Board, having reconvened from Executive Session at 11:30 a.m., determined that no action had been taken during Executive Session. The Board discussed a proposal to give a performance bonus to the Executive Director to commend his performance of service as Executive Director in the past year, and revisit discussion of additional contribution to his IRA by the end of the year. Hank Stovall motioned to approve the proposal. Lisa Morzel seconded the motion. The motion passed 6-0. Ken Fellman motioned to transfer the Coalition's general counsel legal work to the firm of Seter & Vander Wall, P.C., so the Coalition can continue working with Barbara Vander Wall. Karen Imbierowicz seconded the motion. The motion passed 6-0.

The meeting was adjourned by Sam Dixon at 11:31 a.m.

Respectfully submitted by Kimberly Chleboun, Program Assistant