

Rocky Flats Coalition of Local Governments Board Meeting Minutes
Monday, December 2, 2002
8:40 – 11:25 a.m.
Mt. Evans Room in the Terminal Building
Jefferson County Airport, Broomfield

Board members in attendance: Hank Stovall (Director, Broomfield), Tom Brunner (Alternate, Broomfield), Mike Bartleson (Alternate, Broomfield), Clark Johnson (Alternate, Arvada), Jane Uitti (Alternate, Boulder County), Karen Imbierowicz (Director, Superior), Michelle Lawrence (Director, Jefferson County), Nanette Neelan (Alternate, Jefferson County), Lisa Morzel (Director, City of Boulder), Mike Weil (Alternate, City of Boulder), Sam Dixion (Director, Westminster), Ron Hellbusch (Alternate, Westminster).

Coalition staff members and consultants in attendance: David Abelson (Executive Director), Kimberly Chleboun (Program Manager), Melissa Anderson (Technical Program Manager), Barbara Vander Wall (Seter & Vander Wall, P.C.).

Members of the Public: John Corsi (Kaiser-Hill), Dave Shelton (Kaiser-Hill), Bob Nininger (Kaiser-Hill), Carol Deck (Kaiser-Hill), Lane Butler (Kaiser-Hill), Pat Etchart (Kaiser-Hill), Rick DiSalvo (DOE), Joe Legare (DOE), John Rampe (DOE), Liz Wilson (DOE), Laurie Shannon (USFWS), Mark Sattleberg (USFWS), Tim Rehder (EPA), Steve Gunderson (CDPHE), Carl Spreng (CDPHE), Marian Galant (CDPHE), Patricia Rice (RFCAB), Kristi Pollard (Senator Allard), Doug Young (Congressman Udall), Al Nelson (Westminster), Shirley Garcia (Broomfield), Bob Nelson (Golden), Roman Kohler (Rocky Flats Homesteaders), Doris DePenning (Friends of the Foothills), Alisha Rhines (Broomfield Enterprise/Daily Camera), Gloria Kaye (Metro State), Nancie Lairamore (Metro State) .

Convene/Agenda Review

Chairman Sam Dixion called the meeting to order at 8:40 a.m.

Business Items

1) Motion to Approve Consent Agenda – Michelle Lawrence motioned to approve the minutes. Hank Stovall provided additional detail to his question at the bottom of page four of the minutes regarding actinides and the water balance model. He then seconded the motion to approve the minutes, with the aforementioned changes. The motion passed 6-0 (Boulder County was not yet present). Hank Stovall motioned to approve the checks. Michelle Lawrence seconded the motion. The motion passed 6-0.

2) Executive Director's Report - David Abelson reported the following information to the Board:

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- Barbara Vander Wall will be sending out her annual request to each government asking for written designation of directors and alternates. She will need this information back by the February 1st meeting.
- Revised draft RFCA language was released for a 60-day public comment period on November 12th. The changes will be reviewed later in the meeting and the Board will need to decide if it wants to submit comments in addition to the Coalition end-state letter already sent.
- Excavation has begun on the 903 Pad, and initial field testing indicates that radionuclides are being remediated to less than 50 pCi/g (in accordance with the new RFCA language).
- The city of Golden sent a letter to USFWS on refuge scoping, which focused on the designation of the 300-foot right-of-way for a potential transportation corridor. The City's comments are geared toward challenging the need for the right-of-way, and steps they believe USFWS must take per the refuge bill and federal regulations.
- Per a directive from DOE Headquarters to Rocky Flats, some materials originally bound for the Savannah River Site (SRS) will now be sent to WIPP. This change will result in reduced shipments to SRS.
- President Bush signed the Homeland Security Act, which will transfer three DOE programs to the new Department of Homeland Security: Information and Infrastructure, Science and Technology, and Emergency Response.
- David received a funding commitment from the Office of Worker and Community Transition (OWCT) during his November Washington, D.C. trip. They will fund the Coalition \$150,000 in December, and \$150,000 in January. \$300,000 is the maximum the Coalition is allowed to receive under the block grant program.
- While in Washington, D.C., David also learned that the issue of orphan waste is becoming more time sensitive and needs to be resolved in the near-term. Rocky Flats has 10,000 drums of waste with no receiver sites identified or permitted. There is still not much progress in getting Hanford permitted to receive some of this waste. The waste includes such items as low-level mixed waste greater than 10 nCi/g, PCBs, depleted uranium, and volatile organic compounds (VOCs). This issue will be an issue to raise while lobbying in March.
- DOE is considering moving the Office of Long-Term Stewardship out of Environmental Management (EM) and into OWCT. This move could elevate the importance of long-term stewardship, but it could also result in a division of reporting requirements for the Site. This move and its impacts may also be a lobbying issue.
- Bob Beauprez was elected to the new Congressional district, and it will be important for the Coalition to develop a relationship with him and his staff. The Coalition should try to schedule a meeting for the March lobbying trip.
- David asked Barbara Vander Wall to review the employee manual and determine if revisions should be made. Barbara surveyed local government policies and provided a revised draft which should be reviewed at the January Board meeting. Changes focus on clarifying provisions to reinforce employees are employed "at-will", changes in law or lessons learned, and adopting a family and medical leave policy.

- The Coalition will be making the annual Washington, D.C. lobbying trip in March, scheduling meetings Tuesday, March 4th and the morning of Wednesday, March 5th.

Finally, David showed the Board an overlay map which delineates Rocky Flats lands that may remain in DOE's control, including areas that will require institutional controls and areas currently permitted for mining. This potential land under DOE primary jurisdiction at closure amounts to approximately 1800 acres. Sam Dixon asked for a map of what can and cannot be mined, and Nanette Neelan said Jefferson County should be able to put that together. Steve Gunderson (CDPHE) emphasized that the map is a preliminary worst-case scenario and includes the ponds (which USFWS does not want to manage) and the Ash Pits (which DOE intends to remove). Hank Stovall asked if the Utah waste initiative had passed, which would increase Envirocare fees. David said the initiative had failed by 60-65%.

Public Comment

There was no public comment at this time.

FY 03 Budget Hearing

Barbara Vander Wall explained that as a unit of local government the Coalition is required to submit a budget annually by the end of December. The budget serves to identify revenues and expenditures for the upcoming fiscal year, and appropriate funds. The draft budget resolution was in the Board packet. Sam Dixon opened the budget hearing for public comment. Upon absence of public comment Sam Dixon closed the public hearing. She then requested comment from the Board. Ron Hellbusch asked how salaries are set, as the range of increase is 2% to 12%. David Abelson explained that he determines staff salaries, and his salary is determined by the Board. Raises are based on performance, recognizing the general range for salary increases within the governments. As he explained at the last Board meeting, David receives his annual review each March, thus his projected salary is based on his current salary for the first three month of the year, and the last nine months are based on previous years percentage increases. David said adopting the budget does not establish his salary level. Hank Stovall motioned to adopt the FY03 budget, the budget resolution, and appropriate the FY03 funds. Michelle Lawrence seconded the motion. The motion passed 7-0.

FY 03 Strategic Plan

David Abelson said he had not received any requests for changes to the draft FY 03 Strategic Plan since the November meeting. Tom Brunner referred to the "Rocky Flats Workforce" section and noted the Site is looking at some significant workforce reductions soon. He asked if Coalition staff still attend the labor meetings hosted by Rep. Udall's office. David said Kimberly Chleboun attends the meetings, but participation from union representatives has been dropping off recently. Tom suggested the Coalition bring strategies for restructuring to the attention of DOE and Congress while in Washington, D.C. Michelle Lawrence motioned to approved the FY03 Strategic Plan. Lisa Morzel seconded the motion. The motion passed 7-0.

Revised RFCA End-State Language

Joe Legare (DOE) described the draft RFCA modifications package released for public comment, including changes to RFCA Attachment 5, Attachment 10, the new Attachment 14, and a CD-ROM with technical backup reports. Lisa Morzel said the City of Boulder did not receive the information, and David Abelson responded he would work with DOE Communications to get it to them.

Joe began his description of the proposed modifications, starting with RFCA Attachment 5. The proposed changes to the regulatory framework for soil and water are as follows:

- Soil remediation is in terms of radionuclides *and* non-radionuclides (i.e VOCs, metals, and uranium)
- Radionuclide soil action level (RSAL) of 50 pCi/g for soils to three feet below surface
- RSAL of 3 nCi/g for soils from three to six feet at 80m² (this is a threshold number, dependent on risk analysis)
- 10⁻⁵ risk and surface water protection regardless of contamination levels (conservative catch-all)
- Surface water points of compliance locations unchanged
- Maintain 30-day average at Site boundary points of compliance
- Move from 30-day to annual averaging at onsite points of compliance

Joe then described the following modifications to Land Use and Post-Closure Care under Attachment 5:

- Wildlife refuge identified as most likely future land use
- Institutional controls will be part of the final remedy as appropriate to ensure protection of human health and the environment
- The need for specific post-closure care requirements will be identified in the Facility Investigation-Remedial Investigation/Corrective Measures Study-Feasibility Study (legal process and terminology under RCRA and CERCLA)
- Appropriate requirements for institutional controls and other long-term activities will be described as part of the preferred alternative in the Proposed Plan
- Post-closure care requirements will be contained in the final CAD/ROD, the post-closure CHWA permit, and the post-closure RFCA (which are all enforceable by the State and the EPA)

Joe also said the modifications include a map which identifies anticipated areas of future institutional controls, as was previously discussed by David Abelson during his Executive Director's Report. Joe explained the RFCA parties think this map depicts an area which captures issues of post-closure care such as ponds, caps, and residual contamination. These are areas for which DOE would remain primarily accountable. The figure reflects a contiguous space for management purposes, but the exact shape is still to be determined. He also noted the line would be transparent due to continuous surface management of all areas by USFWS. Jane Uitti said the language "most likely future land user" is vague, and Steve Gunderson (CDPHE) explained that

it is regulatory language. Joe added that processes in RCRA and CERCLA require a remedy to consider long-term protectiveness. Sam Dixon asked if that means the institutional controls will never be spelled-out. Joe said they would be contained in the final CAD/ROD and other post-closure documents as described above.

Joe then described modifications to Attachment 10, which assert that the Original Process Waste Lines (OPWL) system was abandoned and not used after November 19, 1980 and therefore is not subject to interim status closure requirements. This modification means that RCRA is not directly applicable and thus alternative closure standards enable the Site to use a risk-based approach. David asked if the lack of RCRA applicability decreases DOE's responsibility to do cleanup. Rick DiSalvo (DOE) explained that since the OPWLs are not considered interim status units under RCRA (which only applies to hazardous waste, and not radionuclides) DOE has regulatory flexibility, but it does not diminish their cleanup responsibilities. He said closure requirements in RCRA are prescriptive, such as a RCRA cap or cover. Steve added that it creates large complications to have interim status units next to radiological units requiring different remedies. Joe said this risk based approach is consistent with their radiological unit approach, thus entire areas can be treated in a consistent manner.

Joe next described Attachment 14, stating the new attachment describes the characterization approach to the PWLs, identifying known and suspected leaks which will be subjected to biased sampling. He also described other components of the integrated end-state which are not captured in the RFCA modifications but will be seen in future regulatory documents under the RFCA Standard Operating Protocol for Environmental Remediation. These other components include removal of soil and materials from the Ash Pits, Trench 7, and the Trench 3/4 burrito.

Joe reviewed other areas of Coalition interest which will be addressed separately from the integrated end-state proposal. The Original Landfill will be remediated, and remedy alternatives are currently being evaluated. The Present Landfill will also be remediated, and the regulatory document has been released for public comment. The B-Series pond sediments will be remediated per the closure baseline and according to long-term water quality issues. The need for points of evaluation and performance monitoring points will be addressed, as necessary, in the CAD/ROD.

Joe then outlined areas where the RFCA parties proposed integrated end-state differed from the Coalition's end-state vision. The primary differences lie in the subsurface cleanup and in long-term stewardship commitment. The RFCA subsurface proposal is for 3 nCi/g at 3-6 feet, versus the Coalition's recommendation of 1 nCi/g. Joe stressed the fact characterization and remediation will occur with real time involvement and a consultative process with the regulators, and that decisions will not be made by only DOE and Kaiser-Hill. In terms of stewardship commitment, Joe said some monitoring, maintenance and operation features can be forecast today, but specific commitments and enforceable mechanisms are not yet ripe for discussion. He also said the RFCA parties are committed to a robust public process on the development of the stewardship plan, as well as requirements to be captured in the CAD/ROD and post-closure RFCA.

Last, Joe reviewed the practical application of the proposed integrated end-state as follows:

- Remove OPWL to three feet
- Remove valve vaults to at least six feet, some will likely be entirely removed (valve vaults are junction boxes for pipes and likely leak candidates)
- Characterize OPWL between three to six feet during the next two to three years
 - Some suspected leak areas will be hot and will require removal action
 - Other suspected leak areas will be sampled and determined clean or below 1 nCi/g
- Characterize and remove under building contamination (UBC)
- Characterize remainder of Industrial Area per Industrial Area Sampling and Analysis Plan (IASAP), and implement removal actions when triggered
- Remove 903 Lip Area soils to 50 pCi/g
- Remove material in Trench 3/4 burrito, Trench 7, Ash Pits
- Public involvement during implementation will include –
 - Report back on results as OPWL, UBC, SAP characterization are completed
 - Report back on all removal actions triggered and not triggered
 - Consultative process for contamination detected between 1 and 3 nCi/g

David asked Joe to further explain the RSAL of 3 nCi/g for soils from three to six feet at 80 m². Joe said the Site will perform biased sampling where they expect there could be a PWL leak, and then verify if it has migrated through step-out sampling. He illustrated on the white-board how step-out sampling methodology works. Joe stated the subsurface approach is predicated upon institutional controls preventing human access, but also accounts for not controlling prairie dogs and their impact to the surface RSAL of 50 pCi/g. Joe said the calculation resulting in the area of 80m² takes into account values taken from literature as well as free release standards. He then described the technicalities of how the calculation works and how the framework would be applied. He noted some areas of concentration might not exactly fit this definition, and in these cases the Site would consult with the State on a cost/benefit analysis. David said under this proposal, it means there could be a situation where there are concentrations as high as 9 nCi/g at three to six feet that the Site would not remediate. Joe responded that if it was at less than 80 m², then yes, it would not be automatically triggered for remediation. Lisa Morzel said she did not understand why the calculation was for surface instead of volume. Joe said volume would be less conservative than an area, and additionally, the most likely migration pathway for contaminants is flowing along a pipe and thus would be planar. Joe said they will be able to determine much from the first sample. Lane Butler (Kaiser-Hill) further clarified that they will use a geoprobe to take a core sample. Lisa asked if it would just be easier to remove the PWLs and clean underneath them, instead of spot cleaning and costly characterization. Joe said the Kaiser-Hill closure baseline predicts 17% of the PWLs will be removed. He explained that the premise of the integrated end-state, and the surface versus the subsurface approach, is based on the Coalition recommendation to remove PWLs if they present a risk. Steve stated there are seven miles of lines, and it does not make sense to spend money to remove them if they are clean. He added that cleanup under RFCA requires a consultative process between all the RFCA parties, and it is also reviewed in-depth by local government staff. Nanette Neelan asked why they did not just use a subsurface RSAL of 3 nCi/g, instead of the complicated calculation

involving the prairie dog scenario. Joe said they needed to determine what could cause a disturbance of the surface RSAL of 50 pCi/g, and most of the complication comes from the sampling methodology. He also said that the RSAL of 10 nCi/g under six feet, in lieu of additional characterization, is an additional conservative measure.

Hank Stovall asked if there are known tritium sources mixed in with other areas of contamination onsite. Lane said that although they have had a couple of minor hits in the Original Landfill and some small releases in various sites, there is no known big tritium plume or source onsite. He also said tritium has a short half-life. Hank then asked what would be in a post-RFCA agreement that would not be in the CAD/ROD. Steve replied the post-RFCA agreement could include specific language about post-closure long-term stewardship obligations that might be very broad and general in the CAD/ROD. Rick said the RFCA administrative process would not be captured in the CAD/ROD.

David commented that he now better understands the approach to remediating the PWLs. He said the decision to remove or not remove a PWL below three feet is based on the extent of contamination outside the PWL and not the PWL itself. Thus, subsurface contamination and the PWL are not considered separately, and if there is subsurface contamination around the PWL, the PWL will be removed. Joe said it would depend on how contamination is manifested, but if it is found migrating along a PWL it is simpler to cut the pipe and remove it. Lisa asked if they could include a glossary of acronyms with future presentations. David said staff is still trying to determine whether to recommend submitting additional comments on the draft RFCA modifications, to be approved at the January Board meeting. Hank said Broomfield is reviewing the modifications and is in the process of drafting comments. He asked David if he thought it would be possible to integrate all the governments' positions into one Coalition document. David said he is still waiting for feedback from all the governments.

Original Landfill

Melissa Anderson reviewed Original Landfill topics discussed to date, including a September briefing and the issues she raised at the October Board meeting. The current discussion will continue to lay groundwork for discussion of the alternatives analysis and preferred remediation strategy, and afford the Site time to respond to previously raised concerns.

Lane Butler (Kaiser-Hill) provided a brief history of the Original Landfill and then described characterization and process knowledge. He explained that characterization in the mid-1990s focused on surface and subsurface soils and the potential landfill impacts on groundwater and surface water. Characterization included:

- 24,964 analyses from 45 boreholes – no locations found above Tier I
- 31,171 analyses performed from 50 groundwater sampling points over 15 years – two locations found with levels above Tier I for U-238
- 25,384 analyses performed at 15 surface water locations over 10 years – no significant difference between upstream and downstream water quality

Lane said characterization indicates that the risk associated with the landfill is primarily stability and mass wasting that could expose the waste. He also displayed slides which illustrated the grid pattern of sampling, plus biased sampling locations, and explained that since the landfill is heterogeneous it is not always possible to sample below all surface samples.

Lane then described process knowledge. He stated that information sources included the Historical Release Report, CERCLA Administrative Record, interviews with Site personnel, and previous construction/excavation activities such as the South Interceptor Ditch (SID). The SID runs through the landfill and captures runoff from the hillside, terminating at the C2 pond, the terminal pond on Woman Creek. Lane said soils and debris from the SID excavation were sampled with no hits. Records and interviews also indicate that the landfill was designated for construction debris and eventually became the repository for general plant waste, but radioactive wastes were not routinely disposed there. Additionally, radiological surveys were conducted to assess waste disposal requirements. Lane stated there were fourteen other active disposal areas in use, specified for radiological/hazardous waste streams, while the Original Landfill was being used.

Next, Steve Gunderson (CDPHE) described the State's views as the lead regulator on the landfill. He said Colorado has experience with a wide range of landfills, and the landfill is considered a problem if there is: 1) methane generation; 2) slump of the cover; and 3) leachate going out of the bottom. Steve said methane generation and leachate are not issues with this landfill. He added the landfill has been in place for almost half a century with nothing going out of the bottom. Steve stated the State's approach is to envelop the waste and keep it from human contact via immobilization. They would then make sure the cover is adequately maintained, and monitor for leachate. Steve emphasized that the main problem with this landfill is stability and long-term maintenance. He reviewed remedial alternatives and possible drawbacks. One alternative is to cover the landfill in place, but the Site must be able to demonstrate that this could be done stably. Other alternatives involve moving the landfill offsite or onsite. Moving it offsite, including characterization and shipping, would be an astronomical cost, perhaps as much as hundreds of millions of dollars. It also involves a higher risk to workers. Moving it onsite would involve finding a location onsite that is more stable than the current location. Steve said the State believes it may be possible to close the landfill stably in place.

Tim Rehder (EPA) said the State has lead, but the EPA must also be comfortable with the remedy chosen. He agreed there appears to be no leachate problems and no source areas for liquids. Lisa Morzel asked if onsite basements would be suitable for onsite transfer. Steve said they had looked at that possibility, but the deep basements of B771 and B881 are in high erosion areas, and B371 has engineering problems. Additionally, there is more waste than holes and they would have to distribute waste in different basements. He said they also looked at using the New Landfill, which has never been used, but there are problems with it being located in the headwaters of the Rock Creek drainage. Steve stated they also considered using the Present Landfill or area east of the Solar Ponds, but they do not have cost estimates yet. Lisa asked about landfill volume and depth. Lane said records indicate there is 75,000 cubic yards of material in place, and when mixed with soil it could be 200,000 cubic yards or more. He said

depth varies, from areas of thin veneers to depths of 30 feet. Steve added it is hummocky in nature due to piles of waste being dumped.

Lisa said she is concerned about geological reports of slip-planes up to 30-meters long. She asked if they use a retaining wall how they would account for potential slip failures. Steve responded they are considering using a series of terraced retaining walls which would require cutting through the waste and moving it around, or a big buttress at the bottom with no cutting. Scott Surovchak (DOE) said two very common methods involve cutting the head or the toe of the landfill, and they are considering a slurry wall and enhanced grass cover to cut down infiltration. Lisa said there could be changes of climate over one thousand years. Scott replied that CERCLA considers long-term liability, but no fix is ever totally permanent.

Ron Hellbusch asked if closure in-place would include extending the SID to the west for the full length of the landfill. Steve said some options include removing the SID entirely, while providing for appropriate monitoring. Scott said it would make sense to remove a lubrication source. Ron expressed concern about water quality. Steve said the alternatives analysis would review water quality issues. David asked if the alternatives analysis would evaluate the impact if the landfill slides into Woman Creek. Steve said they would have to evaluate risk. Lane said he is not sure if they would look at mitigation failure due to the wide range of possible events. Tim agreed there is not a lot of value in determining these types of impacts. David questioned the confidence level of not breaking water quality standards, and Steve again said they would have to look at risk of failure. David asked if this would be different from the risk *from* failure. Steve stated he would have to wait and see how much detail is documented in the IM/IRA, but there is no way to completely remove risk. David said it also raises the question of the confidence level of what is actually in the landfill. Scott said it is difficult to characterize a refrigerator or a concrete block. Steve said nothing has been approved yet, but it is the Site's preference to identify and remove surface hotspots and follow them, as opposed to drilling into the landfill for additional sampling. Lane said all alternatives assume the high uranium areas will be removed, making characterization of the subsurface easier.

Round Robin

City of Boulder – Lisa Morzel said the Boulder City Council agreed to send a letter to Senator Allard and Representative Udall encouraging them to continue working on mineral rights issues at Rocky Flats.

Public Comment

There was no further public comment.

Big Picture

David Abelson reviewed the Big Picture. At the January meeting the Board will receive a briefing on the Memorandum of Understanding between DOE and USFWS, and the Rocky Flats

Cold War Museum. The Board will also hear from Nancy Tuor (Kaiser-Hill) on the Site's closure performance. Business items will include a review of the employee manual.

The meeting was adjourned by Sam Dixon at 11:25 a.m.

Respectfully submitted by Kimberly Chleboun, Program Manager