

Rocky Flats Coalition of Local Governments Board Meeting Minutes
Monday, January 7, 2002
8:00 – 11:00 a.m.
Mt. Evans Room in the Terminal Building
Jefferson County Airport, Broomfield

Board members in attendance: Hank Stovall (Director, Broomfield), Mike Bartleson (Alternate, Broomfield), Sam Dixon (Director, Westminster), Ron Hellbusch (Alternate, Westminster), Ken Fellman (Alternate, Arvada), Lisa Morzel (Director, City of Boulder), Paul Danish (Director, Boulder County), Michelle Lawrence (Director, Jefferson County), Karen Imbierowicz (Director, Superior).

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

Members of the Public: John Corsi (Kaiser-Hill), Dave Shelton (Kaiser-Hill), Nancy Tuor (Kaiser-Hill), Anna Martinez (DOE), Joe Legare (DOE), John Rampe (DOE), Jeremy Karpatkin (DOE), Rick DiSalvo (DOE), John Schneider (DOE), Mark Sattelberg (USFWS), Steve Gunderson (CDPHE), Kathleen Rutherford (CDPHE), Tim Rehder (EPA), Ken Korkia (RFCAB), Michelle Kump (RFCAB), Shirley Garcia (City of Broomfield), Al Nelson (City of Westminster), Bob Nelson (City of Golden), Maria Vanderkolk (City of Arvada), Doug Young (Congressman Udall), Nancy Hunter (Congressman Schaffer), Doris DePenning (Friends of the Foothills), Hildegard Hix (Sierra Club), Roman Kohler (Rocky Flats Homesteaders), Gail Bange (Wackenhut), Dan Chesshir (RFSOIU Local #1), Filiberto Cruz (RFSOIU Local #1), Berny Morson (Rocky Mountain News), Steve Smith (Xcel Energy), Mark Stutz (Xcel Energy).

Convene/Agenda Review

Chairman Danish called the meeting to order at 8:23 a.m. Hank Stovall motioned to add a 10-minute update from Xcel and DOE at 9:15 a.m. Lisa Morzel seconded the motion. The motion passed 7-0.

Business Items

- 1) Approval of New Board Member -** Barbara Vander Wall stated due to the vacancy left by Mary Harlow Westminster City Council had voted to appoint Ron Hellbusch as the Second Alternate for the Coalition Board. The Coalition Board now needs to approve his appointment and Barbara will provide him with an oath of office for signature. Lisa Morzel motioned to approve Ron Hellbusch as Westminster's Second Alternate. Hank Stovall seconded the motion. The motion passed 6-0. (Westminster did not yet have a voting member in attendance).
- 2) Motion to Approve Consent Agenda –** Lisa Morzel motioned to approve the consent agenda. Ken Fellman seconded the motion. The motion passed 7-0.

3) **Executive Director's Report** - David Abelson advised the Board there was an incident at the Site last week in which several workers were exposed to hazardous chemicals. Nancy Tuor will explain it further during her presentation. Second, David said the standoff with the governor of South Carolina still continues, and Senator Allard and Representative Udall have stated it could jeopardize 2006 closure. The Congressmen sent a letter to Condoleezza Rice, the National Security Advisor, raising questions about the Administration's review of the U.S. and Russian coordinated disposition strategy for excess plutonium and the potential impacts. David said it still remains unclear how the disposition plan issue could affect shipments to the Savannah River Site. Third, David noted that the Board would soon need to engage on the development of the refuge management plan. He will be meeting with Dean Rundle (USFWS) this week, and will also be speaking with the Governor's office, DOE, and the natural resource trustees to begin designing the planning process. He suggested the Board may also want to include their open space personnel in future discussions. Fourth, David said he would be attending the annual Community Reuse Organization (CRO) winter director's meeting starting January 15, 2002. He hopes to learn more about potential changes in the role of DOE's Office of Worker and Community Transition and how it might impact future Coalition funding. Fifth, David confirmed the Coalition lobbying dates of March 5 and 6, which should not conflict with conferences to be held by ECA, the National League of Cities, and the Counties. Sixth, David provided the Board with the Site's most recent finance report.

Public Comment

Doug Young stated the President had signed the national refuge act on December 28 which triggered several tasks, including drafting the memorandum of understanding (MOU), a report on the Rocky Flats museum, and the USFWS planning process. He said the refuge bill mandated an extra layer of involvement by additional parties, including the Coalition, in the planning process.

Adopt FY02 Strategic Plan

David Abelson explained he made one change to the strategic plan since the last meeting to incorporate Ken Fellman's suggestion regarding more proactive involvement in the weed management planning process, including potential prescribed burns as well as other management options. Ken asked if David would also speak to USFWS about funding issues and David suggested adding the funding issue to the congressional lobbying materials. Ken Fellman motioned to approve the FY02 Strategic Plan. Lisa Morzel seconded the motion. The motion passed 7-0.

Update on Closure Performance (Budget and Scope)

Nancy Tuor (Kaiser-Hill) provided the Board with an update on Kaiser-Hill's progress on the closure project. They are one-quarter way (29%) through the project, 2.8% under cost, and 0.8% ahead of schedule. Nancy said they are optimistic in meeting the target contract cost of \$3.9

billion and closure by December 2006, however, significant challenges remain such as offsite shipping of special nuclear materials (SNM). She then explained how they track performance.

The closure project is tracked using "cost and schedule variance" in which cost variance is the difference between planned and actual cost, and schedule variance is the difference between the dollar amount of work scheduled and work completed. Nancy stated the cost variance is +\$32 million and the schedule variance is +\$8 million, based on baseline estimates including 11,000 scheduled activities and a contract budget of \$3.963 billion. This positive performance thus far has helped to create a cushion to help deal with unexpected events that may arise in the future. She also presented a chart which reflected the cost and schedule variance from June FY00 to December FY02. The chart showed a downward trend until April FY01, when a steady upward improvement began and continues to date.

Nancy explained the improvement in performance has been due to strong safety and compliance practices. To provide examples of the technical challenges they face, Nancy described two recent worker safety incidents. The first occurred in B444 while surveying chemicals in preparation for transfer out of the facility. A sealed bag containing a chemical cartridge was not properly taped shut, and then the cartridge was laid on its side instead of in the upright position. A small amount of liquid containing trichloroethane dripped inside the bag, releasing vapors which made two workers nauseated. The affected workers were sent offsite to a medical facility where they were evaluated and released. The second incident occurred on December 5 in B776 when a drum crew discovered that a drum had been estimated to be packaged with 205 grams of plutonium. The posted limit is 200, although the criticality limit is higher. Nancy said this type of attention to detail must be rigorous and every worker onsite must be conservative in their decision making in order to maintain a strong performance.

Next, Nancy listed recent key accomplishments in the areas of material and waste packaging and shipping, D&D, residue processing, safeguards and security, and the protected area reconfiguration. Technical challenges will remain, including safety, the plutonium stabilization and packaging production, D&D of the plutonium facilities, TRU waste shipping production, and the morale and transition of the Site workforce. Nancy said Kaiser-Hill plans to maintain momentum by: implementing a site-wide commercial D&D model based on the success of B111; implementing the southside strategy and accelerating D&D of non-plutonium buildings, and; deploying building trades early in buildings 771 and 776. She also listed potential roadblocks, including finding receiver sites for SNM and orphan waste, and the availability of transportation systems and shipping containers. Jeremy Karpatkin (DOE) confirmed that after conversations with the DOE Deputy Secretary there should be fewer problems obtaining the necessary transportation systems and shipping containers. However, he has no additional information on plutonium disposition other than recent news releases, which have stated the Administration is on the verge of issuing a policy on plutonium disposition in order for some materials to ship on schedule. Nancy concluded by saying they are making solid progress toward a safe 2006 closure, but the largest short term risk is shipping SNM offsite.

Hank Stovall asked how they were able to improve the performance so dramatically since July 2001. Nancy explained they had accelerated work in some areas and started some projects early by mining money and using it to do work not yet scheduled. She also said for every major activity they were behind on they had developed recovery plans to get back on schedule. Hank asked if this had been done through outsourcing the work, and Nancy replied it had been accomplished, in part, by identifying work for building trades to start early.

Xcel Transmission Lines

Steve Smith (Xcel Energy) described a contract dispute Xcel is having with DOE over the easement requested for a transmission line through the Site. Xcel has been working with DOE and the community, including the Coalition, to approve this alignment and received DOE's letter of approval October 21, 2001. However, what they actually received, in the words of Steve, was a "revocable" permit which they find unacceptable. Steve explained there are three conditions, as outlined by the Atomic Energy Act, under which the easement would be revocable: 1) nonuse for two years; 2) the user is out of compliance with the approved easement use, and; 3) at the will of the grantor. Steve said this third condition is unacceptable to Xcel as they spend \$1 million for each mile of transmission line. He also stated the masts must be in the ground by February 1st in order to have service to the north area by May 2002. Steve said if this service is not in place by then there will be rolling blackouts by summer.

Joe Legare (DOE) said DOE tried to incorporate comments from the public and Xcel into their easement approval, however they will not remove the revocability clause. He said DOE was surprised this was an issue since Xcel already has an easement from DOE with this same language for a gas line, and this language is also included in Broomfield's easement for their access ditch. Joe said they would like to find some way to provide an assurance that DOE would not exercise this right frivolously. He could not foresee why they would cause Xcel to move the lines, but they need that clause to protect the interests of the government.

Mike Bartleson asked if the clause was statutory, or if it could be removed since they now know the Site's future use. Joe said there is some flexibility and it is a matter of policy to retain the right, although they have never exercised it. Doug Young said the refuge bill doesn't grant an easement, but allows for a right-of-way for the existing line. The Board then discussed the issue at length and generally agreed this is a contract dispute to be resolved by the two parties and not an issue in which the should Coalition become involved. However, there was also general agreement to continue to support the approved alignment, and support the federal government retaining control over the land.

Integrated Endstate Conversation

David Abelson began the endstate conversation by providing an outline of the series of sessions expected to occur through August. The overall objective for these discussions is to develop a list of Coalition cleanup priorities and determine the best possible cleanup given current constraints.

Joe Legare, DOE, provided a basic presentation on endstate issues, including what is considered the RFCA intermediate Site condition compared to the closure contract completion criteria. He said the Site needs to align closure with the endstate criteria outlined in RFCA and in the closure contract with Kaiser-Hill, and with the compliance terms of CERCLA's remediation and National Priority List delisting process. The Site has a regulatory and contractual path forward, but they also want community acceptance and thus hope to better understand the communities' priorities. Joe stated it is DOE's goal to best utilize the resources they have for an optimal cleanup, and it is his belief that certain activities can be done better and perhaps they should shift what is currently planned in the baseline. He then listed current "knowns" about endstate:

- cleanup will be compliant and protective of future users;
- cleanup to background will not be achieved, necessitating some engineered and institutional controls;
- National Wildlife Refuge will be implemented by USFWS;
- some caps will be used;
- fences won't be necessary to protect against contamination for the bulk of the site, although some may be needed in the Industrial Area;
- monitoring and in-situ remedy maintenance activities will continue past contract completion and delisting;
- all waste and materials will be removed;
- all buildings will be removed;
- all IHSSs will be remediated to below the revised Tier I RSAL; and
- State standards for surface water on- and off-site will be met.

Next, Joe described open issues that could affect the endstate, including the extent of surface and subsurface removal, surface water monitoring locations and measurement regime, and remediation of the original landfill, Trench 7 and the Ash Pits. He concluded by offering three questions to the Board. The first question: Can a risk-based approach across the Site satisfy all interests? This implies more surface removal and less subsurface removal than is currently forecasted. Second: Is there enough "at play" within the framework of a compliant closure to offer a revenue neutral optimization of the application of resources? Third: Since some information gaps exist, particularly with regard to subsurface contamination, should the endstate solution include discrete decisions as well as "if then" processes that are implemented as the cleanup unfolds?

Lisa Morzel said it should still be important to consider remediating the subsurface, especially considering the alluvial surfaces and remnants in the area. She stated they should consider cleanup in four dimensions, including time. Joe said the baseline does consider substantial subsurface cleanup, however, DOE thinks money might be better spent cleaning surface soil which has clear contamination pathways. Hank Stovall said the Coalition members should not compromise their principles, however, considering limited funds they should contemplate the tradeoff of more surface cleanup and subsurface monitoring than cleaning a subsurface with no exposure pathway. Paul Danish warned to expect future generations to forget about contamination left behind and start cutting at the law, just as Xcel is already attempting

currently. Ken Fellman said more information is needed on migration analysis, but the priority should be for the surface. John Rampe (DOE) said they expect to have the sitewide water balance study by mid-year, and the actinide migration evaluation within a month or so. He added the subsurface is also contaminated with solvents and nitrates which have a more finite lifetime in the environment. Sam Dixon stated there would need to be periodic reviews, and Tim Rehder (EPA) confirmed a 5-year review is required by CERCLA. Lisa asked about onsite water quality protection. Joe explained RFCA and the closure contract both have language addressing on- and off-site water quality standards which they expect to meet, although the ponds and monitoring configuration may change. Lisa also asked if they know any more about cleanup strategy or cost for the original landfill, which they do not. Joe stated complete characterization of the Site would have a high cost, and part of what the Site may be asking the Coalition to do is to make decisions about the unknown. He then cited many unknowns including remediation of the 903 Lip Area, original landfill, Industrial Area subsurface, B-series ponds, and groundwater plumes. Lisa said it would be helpful to have a matrix showing estimated costs so they could better weigh priorities. Sam said it would also help if it included a summary of risk.

In planning for the next discussion, David said he heard three main issues: 1) timeline, in terms of how far out to look when planning cleanup and stewardship; 2) subsurface contamination and migration, and; 3) weighing the relative risks. He noted the Board would have to decide to what level of detail to become involved and begin to flag preliminary Board priorities within the range of options. The next discussion in the series is scheduled as a technical study session, based on the information available.

Public Comment

Doris DePenning thanked the Board for their position on retaining federal control over the Xcel easement. Doug Young said he would provide the Board with a matrix of timeframes triggered by the refuge bill.

Round Robin

Westminster - Ron Hellbusch introduced Westminster's new Rocky Flats coordinator, Al Nelson.

City of Boulder - Lisa Morzel said her city council will meet tomorrow and she assumes she will be reelected as the city's appointed director for the Coalition Board.

Jefferson County - Michelle Lawrence said she too should be reelected tomorrow.

Big Picture

David Abelson reviewed the big picture. At the February meeting the Board will review lobbying materials and possibly receive a report from Kaiser-Hill on the guard tower demolition.

The Board will then proceed with an extended study session on technical endstate issues. Ken Fellman said he would also like to flag issues from Doug's refuge matrix in which the Coalition will be involved, including the MOU.

The meeting was adjourned by Paul Danish at 11:00 a.m.

Respectfully submitted by Kimberly Chleboun, Program Manager

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