

**Rocky Flats Coalition of Local Governments Board Meeting Minutes**  
**Monday, October 4, 2004**  
**8:30 – 11:00 a.m.**  
**Mt. Evans Room in the Terminal Building**  
**Jefferson County Airport, Broomfield**

**Board members in attendance:** Gary Brosz (Director, Broomfield), Lori Cox (Alternate, Broomfield), Mike Bartleson (Alternative, Broomfield), Lorraine Anderson (Director, Arvada), Clark Johnson (Alternate, Arvada), Sam Dixion (Director, Westminster), Jo Ann Price (Alternate, Westminster), Ron Hellbusch (Alternative, Westminster), Michele Lawrence (Director, Jefferson County), Nanette Neelan (Alternate, Jefferson County), Karen Imbierowicz (Director, Superior), Devin Granbery (Alternate, Superior), Shaun McGrath (Director, City of Boulder), Alice Guthrie (Alternative, City of Boulder), Hank Stovall (*ex-officio*), Lisa Morzel (*ex-officio*).

**Coalition staff members and consultants in attendance:** David Abelson (Executive Director), Kimberly Lohr (Assistant Director), Rik Getty (Technical Program Manager), Joan Fritsche (Seter & Vander Wall, P.C.).

**Members of the Public:** Dave Shelton (Kaiser-Hill), John Corsi (Kaiser-Hill), Joe Legare (DOE), John Rampe (DOE), Karen Lutz (DOE), Frazer Lockhart (DOE), Dean Rundle (USFWS), Andrew Todd (USFWS), Mark Sattelberg (USFWS), Rob Henneke (EPA), Steve Gunderson (CDPHE), Edgar Ethington (CDPHE), Marion Galant (CDPHE), Shirley Garcia (Broomfield), Al Nelson (Westminster), Dave Davia (Westminster), Bob Nelson (Golden), Ken Korkia (RFCAB), Doug Young (Rep. Udall), Danielle De Vere (Rep. Beauprez), Jeanette Alberg (Senator Allard), Roman Kohler (Rocky Flats Homesteaders), Ron DiGiorgio (USWA Local 8031), Chuck Miller (USWA Local 8031), Dan Chesshir (RFSOIU #1), Phil Cruz (RFSOIU #1), Darryl Dubrovin (RFSOIU #1).

**Convene/Agenda Review**

Chairwoman Karen Imbierowicz convened the meeting at 8:35 a.m.

**Business Items**

**1) Motion to Approve Consent Agenda – Lorraine Anderson motioned to approve the consent agenda. Gary Brosz seconded the motion. The motion passed 5-0 (Boulder County and Jefferson County were not present).**

**2) Executive Director's Report -** David Abelson reported on the following items.

- He will be attending an ECA meeting on risk based end-states in Chicago this week.
- Regarding the Local Stakeholder Organization (LSO), David added ideas from the last Board meeting to the strawman document outlining purpose, responsibilities and scope.

He also requested input from the Rocky Flats Citizens Advisory Board (CAB) and the Rocky Mountain Peace and Justice Center. Thus far he has received one response back from the CAB which was favorable, but Erin Hamby of the Peace Center was initially reluctant to provide feedback until the issue of Board composition and non-elected membership is discussed.

- The draft Rocky Flats Stewardship Agreement (a/k/a post-closure RFCA) was reviewed at the last Stewardship Working Group meeting and it appears the agencies are making substantial progress developing a solid framework, particularly the legal relationship being defined between the State and the EPA. Open issues that remain, among others, include the State covenant bill and the natural resource damage claims.
- The Agency for Toxic Substances and Disease Registry, which was established in conjunction with the Superfund law, has published a draft health assessment which is out for public comment. The report concludes that past and current exposures to site-related contaminants do not pose harmful health effects for residents near Rocky Flats. Additionally, their recommendations are in agreement with current Site practices and recommendations such as access restrictions and water quality monitoring.
- The Coalition's quarterly finance report is available.
- Final surveys of Building 771 have found 1.3 grams of plutonium spread over 77,000 square feet in the deep basement (area remaining six feet below grade), which is substantially less than expected. Rik Getty added that the measure is of plutonium dioxide and it equates to less than a teaspoon or 0.1 curies. Lorraine Anderson said her main concern in that area is the carbon tetrachloride plume, and Rik responded that the Site had removed the source and expects the remaining hillside plume to eventually flush out.

### **Public Comment**

Dave Shelton (Kaiser-Hill) advised the Board that the Site had made the decision to develop a plan for mechanical demolition for Building 371, as opposed to using explosives. The decision was based on their experience in the difficulties decontaminating Building 771 and further information gained about location of the contamination in B371.

### **CDPHE Briefing on Regulator Oversight Responsibilities**

David Abelson explained that understanding the roles of the regulators is important when considering independent review of the Site cleanup. Steve Gunderson (CDPHE) then began his briefing by first stating his key message is the fact that the regulators are very engaged in all aspects of the Site cleanup at several levels, from field activities to approval of cleanup decisions.

Steve provided a history of CDPHE involvement at Rocky Flats, starting in 1969 with CPDHE monitoring air emissions from the site. He also summarized the key innovations of the Rocky Flats Cleanup Agreement (RFCA) -- a combined CERCLA/RCRA agreement, and six key

CDPHE functions: RFCA project coordination and planning; environmental monitoring; regulatory compliance in addition to RFCA; decontamination and decommissioning (D&D) oversight; environmental restoration/cleanup; and, emergency preparedness. Steve then described these six functions in further detail. In particular, environmental monitoring includes State air monitoring, water sampling and analysis, as well as closely monitoring surface water, air, and groundwater analytical samples collected by the Site. The EPA also does site-specific air monitoring and soil sampling.

The State also ensures regulatory compliance with the Colorado Hazardous Waste Act (State version of RCRA), Colorado Clean Air Act, and Clean Water Act. Steve said the State issued the Site RCRA permit and reserves the authority to issue a post-closure permit as an additional regulatory layer. He noted that the State has filed almost \$4 million in penalties against DOE and/or its contractor.

Under the RFCA the State is the lead regulatory agency in the Industrial Area and thus implements EPA's CERCLA authority there, while the EPA is the lead regulatory agency in the Buffer Zone. Steve reviewed umbrella D&D decision documents CDPHE has been involved in:

*First Level*

- Decommissioning Program Plan
- Decommissioning Program Characterization Protocol
- Reconnaissance Level Characterization Plan
- Pre-demolition Survey Plan

*Second Level*

- RFCA Standard Operating Protocols (RSOPs) for: Building Rubble, Component Removal, and Facility Disposition
- Decommissioning Operations Plans for major plutonium buildings

Steve also detailed CDPHE involvement in routine D&D at the building-specific level and explained that all steps require CDPHE approval or concurrence, including frequent consultation between the Site and regulator staff with interim decisions documented in Contact Records.

Environmental Restoration and Cleanup umbrella documents consist of:

- RFCA Attachment 5: Action Level Framework
- Soil Remediation RSOP (ER RSOP)
- Buffer Zone and Industrial Area Site Sampling and Analysis Plan (SAP)

Unique projects are captured in project-specific decision documents (Interim Measure/Interim Remedial Action). CDPHE is routinely involved in annually updating the Hazard Release Report and the SAP Addenda for specific Individual Hazardous Substance Sites. The State also regularly reviews ER RSOP notifications and closeout reports. Again, all steps require regulator approval or concurrence. Karen Imbierowicz asked if confirmation sampling is performed at the time of the closeout report. Steve explained that the Site samples an area, remediates, samples again to confirm the cleanup level was achieved, and documents it in the closeout report, which is then reviewed by CDPHE. Gary Brosz asked if CDPHE samples to confirm a building meets

free-release standards prior to demolition, and Steve responded they do not do so normally, but they are present during Site survey and independent verification and validation by ORISE.

Steve next discussed emergency preparedness and said that the State is responsible for offsite emergency planning, training, drills, and exercises to prepare for an unlikely catastrophic emergency at Rocky Flats, including radioactive waste transportation emergencies. However, D&D and remediation activities have substantially diminished current Site risks.

Regarding regulatory closure and post-closure, the State is and will be extensively involved in working out the details on such documents as the post-closure RFCA, Corrective Action Decision/Record of Decision, and the delisting and transfer of the Site to USFWS. Steve stated that CDPHE will be the implementing agency post-closure, overseeing DOE's monitoring and maintenance of the remedy, while EPA will be involved in a more secondary role but will retain all of its CERLCA authority, including periodic reviews of the remedies.

Gary noted that the Coalition's independent review committee determined that an "outside expert" should not have been involved in the original design of the cleanup, thus he asked the extent of CDPHE involvement in the actual cleanup creation. Steve replied that it is the State's view that they have strong independent autonomy as they do not benefit from early closure. He acknowledged they are intimately involved in defining performance standards and the scoping process. Karen asked if the change in plans to demolish Building 371 mechanically, as mentioned earlier, was required by CDPHE. Steve said Kaiser-Hill had just notified him of the change as well. He recounted the difficulties encountered in decontaminating B771, and noted it was the criteria in the regulatory document that forced them to make that decision.

Shaun McGrath referred to the briefing at the September Board meeting regarding the elevated readings found in the north Buffer Zone, and he asked Steve for the regulator's perspective on the appropriateness of the Site response. He added the response is a precursor of things to happen post-closure. Steve stated that under the post-closure RFCA the RFCA parties are making a lot of progress identifying where to monitor post-closure and outlining steps to take in the event of an unexpected reading. With respect to the cell by Highway 128, he noted that retesting of the prior sampling showed a reading less than 3 pCi/g and EPA samples have also been sent for analysis. Steve said it is his suspicion that the lab inadvertently switched the sample with a sample from the 903 Lip Area. He emphasized that until they are comfortable with the results they will do more sampling.

### **Coalition Committee's Progress on Scoping Potential Independent Review**

David Abelson began the discussion by advising the Board that the Coalition's independent review committee has been meeting weekly since the August Board meeting. Their focus has been surface soils and groundwater, but they have also touched on the Comprehensive Risk Assessment, the Remedial Investigation/Feasibility Study, and the landfills. Today's discussion will focus on surface soils and groundwater.

David explained that during the course of the Coalition independent review conversations, DOE decided to contract with the Oak Ridge Institute for Science and Education (ORISE) to conduct an independent review of surface soils. ORISE, which is based at the DOE Oak Ridge lab as part of the Oak Ridge Associated Universities, works almost exclusively for DOE and the Nuclear Regulatory Commission doing environmental monitoring and workforce health and safety, among many other areas of expertise. ORISE also has validated cleanup levels of multiple Rocky Flats buildings. David noted that the Coalition committee had met with ORISE; he then circulated slides from that meeting as well as the scope of work ORISE has proposed to DOE. The scope of the review follows the Multi-Agency Radiation Survey and Site Investigation Manual (MARSSIM) review. This review provides detailed basis for verifying that radioactively contaminated sites have been cleaned up to the site-specific cleanup standards.

The review will address two key questions: 1) Is the data that Kaiser-Hill collected good data? (based on equipment used, lab procedures, chain of events, etc.); and, 2) With the data collected, what is the degree of confidence that the extent of site characterization accurately reflects the actual site conditions? The review will not comment on the protectiveness of the cleanup levels nor quantify remaining contamination in terms of risk.

David said the Coalition and community want to ensure that the ongoing public dialogue continues, and both DOE and ORISE have agreed. ORISE says it will work with the community on identifying scope of work and potential areas of concern. Additionally, DOE has discussed providing funds for the Coalition to hire an outside expert to help the community work through the review process and add a layer of independence. The Coalition would issue a Request for Proposal (RFP) that could advise the Coalition and community members, with the consultant likely reporting to the Coalition but being available to the community.

Hence, David advised the Board of the committee's following recommendations:

1. Support DOE's decision to hire ORISE (or, alternatively not oppose DOE's decision)
2. Review the scope of work ORISE proposes and provide comment
3. Work to identify areas of special concern (i.e., focus on areas with anticipated greater human use post-closure such as trails)
4. Identify outside experts to help with the review and to advise the Board

Hank Stovall affirmed and reiterated the information presented by David, emphasizing ORISE's unique capabilities and the assurance that stakeholder participation will continue. Gary Brosz added that having RFCAB and Rocky Mountain Peace and Justice participants at the independent review meetings was very productive, and a good model for incorporating ideas as they move forward. Sam Dixon raised the issue of having the entire review scoped, as opposed to only surface soils, prior to hiring a consultant and requesting money from DOE. David and Hank explained that the groundwater scope is still uncertain, but time is pressing since the surface soil review is beginning soon. Lorraine Anderson agreed that the committee should begin the RFP process, and if further review is warranted later they still have the option of discussing funding with DOE. Karen Imbierowicz asked if a consultant hired to provide

MARSSIM review would also be capable of providing groundwater expertise. Rik Getty said there are consulting firms that could do both.

Lisa Morzel agreed with the committee's direction to date, and emphasized the importance of the extra layer of independent review to be provided by an outside consultant in addition to ORISE in order to provide assurance to the public. Sam agreed, but noted there is no way to meet everyone's expectations. Gary said ORISE meets their definition of "outside expert" relative to Kaiser-Hill as DOE has hired them to check Kaiser-Hill and not DOE. Since this review will also consist of a check of DOE, and ORISE is affiliated with DOE and has done substantial business with them, then it makes sense to implement the independence of the review with another layer of oversight.

Shaun McGrath stated there needs to be a mechanism in place requiring DOE and Kaiser-Hill to actually implement any recommendations that ORISE may make, and a process for resolving conflict if the Coalition consultant has a different conclusion. He also voiced concern over: 1) the language in a memo from DOE to Kaiser-Hill that states that the independent verification will be conducted in cooperation with local communities; and, 2) the fact that DOE and ORISE have already apparently scoped the work. David said the scope of work Shaun is referring to is only a draft proposal from ORISE which has already been provided to the stakeholders requesting their input. John Rampe (DOE) explained it is an umbrella document, modified to include soil sampling, and ORISE will produce a project-specific plan. He added that Kaiser-Hill also must still put the soil sampling data in MARSSIM format. John also said that the term "cooperation" was used to advise the contractor that this review would be conducted in an open public forum. Shaun expressed the importance of the Coalition maintaining independence and reserving the right to disagree with DOE and ORISE. The Board agreed the Coalition would remain independent but still work closely with DOE, Kaiser-Hill and ORISE through the review process. Nanette Neelan asked if DOE funding is guaranteed, and David said all indications are positive. Michele Lawrence also confirmed that the consultant would be paid by and answer to the Coalition, not DOE.

Lorraine Anderson motioned to approve the Coalition independent review committee's four recommendations, as described above. Michele Lawrence seconded the motion. The motion passed 6-0 (Boulder County was not present).

David then provided an update on independent review of groundwater. Groundwater review focused on three primary areas:

1. Key findings and remediation activities that will be contained in the Groundwater IM/IRA;
2. Findings of the Actinide Migration Evaluation (AME) study; and,
3. Other groundwater activities/findings.

The Groundwater IM/IRA has not been issued yet, but it will contain alternatives being considered to remediate contaminated groundwater, including the effectiveness of actions to date. This document also includes an independent review of the groundwater hydrology

computer modeling and transport of radionuclides via differing pathways. The committee is waiting until the Groundwater IM/IRA comes out to determine what might require further scrutiny.

David said the committee is comfortable with the level of independent outside expertise looking at Site hydrology. Likewise, the AME study, which studied the nature of radionuclide chemical composition and movement, was the epitome of outside expertise. However, due to the slow movement of groundwater it will be years before modeling accuracy is verified, and this is the reason why the siting of the post-closure groundwater wells is so important. David noted that groundwater will be monitored for a long time, but there will be no post-closure soil sampling. He also said the stakeholders would be meeting with AME representatives the following day in order to address questions raised in the independent review meetings. Hank agreed with David's assessment. He stated groundwater modeling had been substantially independently validated, although it is still important that the model use conservative values for inputs.

Lisa was alarmed that there would be no further soil monitoring, especially in the event of a flash flood and erosion. John Rampe said there would be no routine soil sampling, although there would be surface water sampling, and they have the provision to go back to an area when warranted. Karen agreed with the committee's direction and suggested the Board wait to hear their final recommendation regarding independent review of groundwater. The Board agreed.

### **Public Comment**

Ken Korkia (RFCAB) advised the Board that if they limit the independent review work to under \$25,000 they could do a Request for Qualifications (RFQ), which involves a less specifically defined scope of work and is less easily challenged than a Request for Proposal. David thanked Ken and requested his help as they work through this selection process.

Chuck Miller (USWA Local 8031) stated he is concerned that the Site appears to be discontinuing using waste inspectors as they load the rail cars with waste rubble. Dave Shelton (Kaiser-Hill) explained that there are different requirements for different receiving facilities. They are working through the requirements for this particular receiver site, Envirocare, as well as meeting transportation requirements. He stated it has not yet been decided if a typical waste inspector will be required.

### **Updates/Big Picture Review**

**City of Boulder** - Shaun McGrath said he and the Executive Committee have followed up on the idea of a Coalition communication strategy, raised at the Board retreat in August. He has been in contact with the communication director for Western Governors Association to possibly have her come to a Board meeting. Another idea is to bring in the communication representative from each government in drafting a strategy.

**Superior** - Karen Imbierowicz said one of her Board members requested that she ask the Coalition Board if any are interested in cooperatively purchasing additional open space around the Rocky Flats border. The Board considered the question and discussed: what might still be available for purchase; not encouraging the sentiment that additional buffer is required from a health and safety standpoint; and, ecosystems and wildlife corridors requiring protection. The Board determined this question is beyond the scope of the Coalition Board and more an issue for their parks and open space departments.

**Broomfield** - Gary Brosz said Broomfield will be airing a fourteen-minute video from Kaiser-Hill, along with Broomfield commentary, on their local access communication channel. John Corsi agreed to send the video to all of the governments.

**Big Picture** - The Board agreed the November meeting will include a review of the Coalition's draft budget and draft strategic plan, a discussion of ex-officio appointments, a briefing on the Site surface water exceedances, and an update on the independent review process. David noted that both Michele Lawrence and Paul Danish have stated they have no interest in becoming ex-officio members, but both Hank Stovall and Lisa Morzel have expressed interest in continuing.

Potential topics for the December agenda include a briefing on the Groundwater IM/IRA and the final refuge Comprehensive Conservation Plan.

The meeting was adjourned by Karen Imbierowicz at 10:51 a.m.

*Respectfully submitted by Kimberly Lohr, Assistant Director*