

Rocky Flats Coalition of Local Governments Board Meeting Minutes
Monday, August 2, 2004
8:30 – 10:15 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 (Alternate, Broomfield), Clark Johnson (Alternate, Arvada), Jane Uitti (Alternate, Boulder County), Sam Dixon (Director, Westminster), Jo Ann Price (Alternate, Westminster), Ron Hellbusch (Alternative, Westminster), Michelle 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 (Alternate, 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), Jerry Long (Kaiser-Hill), Joe Legare (DOE), John Rampe (DOE), Karen Lutz (DOE), Scott Surovchak (DOE), Rick Schassburger (DOE), Frazer Lockhart (DOE), Laurie Shannon (USFWS), Andrew Todd (USFWS), Rob Henneke (EPA), Marion Galant (CDPHE), Steve Gunderson (CDPHE), Shirley Garcia (Broomfield), Patricia Rice (RFCAB), Kimberly Cadena (Rep. Beauprez), Chuck Miller (USWA Local 8031), Ron DiGiorgio (USWA Local 8031), Roman Kohler (Rocky Flats Homesteaders), Fran Stearns (citizen).

Convene/Agenda Review

Chairwoman Karen Imbierowicz convened the meeting at 8:37a.m.

Business Items

1) Motion to Approve Consent Agenda – Shaun McGrath motioned to approve the consent agenda. Gary Brosz seconded the motion. The motion passed 5-0 (Arvada and Jefferson County were not yet present).

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

- Staff and the Executive Committee reviewed issues raised by Sam Dixon regarding the pond configuration at the last Board meeting, and have determined it is not necessary to issue a Coalition letter.
- Regarding the Cook case, the House general counsel and plaintiff and defense attorney reached agreement to drop the subpoena and drop David Abelson from the witness list.

- Waste shipments to Hanford are on hold for an undetermined length of time due to state and citizen suits against DOE. Thus, DOE is back at the drawing board to consider options for disposing of the vast majority of Rocky Flats orphan waste.
- David will be in Washington, D.C. the first week of September, and he plans to focus on the Coalition's FY05 funding, the Legacy Stakeholder Organization, and orphan waste.
- The Coalition is scheduled to discuss the post-closure organization at the September Board meeting and David believes they should invite the Citizens Advisory Board in order to get their ideas on elements of a successful organization.
- David attended the ECA peer exchange two weeks ago on long-term stewardship and risk-based end states. The valuable meetings provided opportunity for member governments (including Westminster and Arvada) to swap ideas about how to address cross-cutting issues.

David then discussed the Site's plan to ship low level waste (from B776 and 903 Lip) offsite using rail, which has recently generated press coverage. David said there are benefits to the approach, including the ability to ship more waste at once with fewer trucks on the road. Prior to the meeting he pulsed local government staff for their opinion, resulting in questions from Boulder County and Broomfield. Boulder County's questions regarding security and volume were answered, and Broomfield's questions are being addressed by the Site. From what he can tell there is support for the proposal, but he asked the Board if anyone had any further questions.

Gary Brosz asked if the packaging would survive a derailment. Jerry Long (Kaiser-Hill) stated the Department of Transportation packaging requirements for waste less than ten nanocuries would be met. He described packaging of high integrity, but noted it is possible material could spill in the event of a derailment thus emergency response protocols are in place. Also, once waste is consigned to a carrier, the state in which the materials are located would be the lead regulatory agency. Gary asked if similar protocols are in place for trucking. Jerry confirmed they would maintain similar conditions, but it is not a normal transportation issue. Gary asked if he had information on the rail route, and Jerry said after the rails reach the Denver north yard they head north via two paths up to Cheyenne, and then west to Utah. Gary asked if the cars would be fully assembled onsite or at the rail yard. Jerry responded that if there is not enough trackage onsite the cars would be assembled at the yard, although they can only stay at the yard 48 hours. He said the contractor is incentivized to do unit trains.

Jo Anne Price asked about waste piles, and Jerry said the whole idea behind using rails is to load the cars directly resulting in minimal piles, although there may be some piling for sorting. Jo Anne asked if they had heard of any opposition from the states the waste would be traveling through, and he stated they are working through the Western Governors Association to achieve agreement with Wyoming and Utah.

Public Comment

Frances Stearns asked how the rail cars would be labeled. Jerry Long responded that waste less than two nanocuries (903 Pad) would not be placarded, and waste over that (B776) would be labeled as radioactive material. Frances also asked where she could find simple morbidity tables for central Colorado circa 1950-2000. Steve Gunderson and Marion Galant (CDPHE) said they would help her find it.

Independent Verification and Validation

David began by explaining that the number one question the Board has said the independent verification and validation (IVV) should address is: when Rocky Flats gets to closure, is the level of contamination actually there what we believe to be there. However, the scope of work still needs further defining. A recent press release from the Rocky Mountain Peace and Justice Center regarding acknowledgement of remaining contamination and the need for IVV is indicative of the nature of challenges faced in scoping this work. He then reviewed the following issues to consider:

1. What are each government's goals and how much political capital is each government willing to invest?
2. Who is the target audience for such a review?
3. What do the elected officials need in order to feel comfortable with the final cleanup? Are there any steps within reason that the federal government can take that would increase your confidence level? How do these steps compare to work already completed at the Site, including the various independent and quasi-independent reviews (see memo from June 7, 2004 Board packet)? What value would this proposed review add to that body of information?
4. Given that Paul and Michelle (and perhaps Sam) will not be elected officials when the Site closes in late 2005 or early 2006, what might your successors or governments need to embrace the final cleanup?
5. What do your constituents need, and how do these needs align with the needs of your individual government?
6. What level of community buy-in does each government need? In other words, how much dissension from the community is your government willing to tolerate?

David said the Executive Committee identified three steps for the Board to address at this meeting:

1. Continue to define what we are trying to accomplish (mission, scope, process, timeline)
2. Establish committee to:
 - a. further define the goals of the review,
 - b. develop options regarding the scope of the review (including cost options),
 - c. work with DOE and the regulators to further refine the goals, etc., and
 - d. define and implement other tasks as deemed necessary.
3. Determine the meeting frequency of the committee, define who shall participate on committee, and determine whether there shall be a committee chair.

He noted that Broomfield has put a lot of effort thus far into providing evolving suggestions on these issues, as can be seen in the three Broomfield documents released that attempt to begin defining scope and process.

Sam Dixon said she supports Broomfield's ideas on verification and the reason for it. Hank Stovall said Broomfield thinks it best to set up the process first and then have the committee define the scope. Lisa agreed with Sam, and added that getting new people on the Board is helpful to bringing in fresh viewpoints, asking new questions, and helps in further refining what the constituency wants. David asked how they might project what a successor will need, and Sam said that is not possible. However, Michelle Lawrence said she represents her government and ultimately she has to know what her Board will need, although it will be different for each government, and it is up to her to let the Coalition know what the County will need. She said Jefferson County is looking for knowledge that if anything happens in the future at Rocky Flats there is something in place that will address it immediately. She added that she thinks the State should be overseeing the whole project. Shaun McGrath also agreed that Hank's suggestions for process would be a good way to approach this task, but he also sees more. He said the scope should also identify what DOE did not do and items that are unknown, and that protocol should be in place for monitoring and contingency plans.

Jane Uitti asked if the purpose for the IVV is for the Board to be comfortable with the level of cleanup rather than comfortable with the process for cleanup and how to deal with future incidents. Karen Imbierowicz said looking at cleanup levels is an entirely different conversation than IVV, and one the Board does not want to reopen. Jane asked if the Board would be expected to provide a final affirmation when the cleanup is finished, and David said the Coalition is not a signatory to any Site documents and would not have a legal role. However, it is likely the Board would be in attendance at closure, like cutting a ribbon, to state that even though it may not agree with everything, the project was nonetheless a success. Shaun suggested a final document the Coalition may want to consider would be the EPA certification. David said the final Corrective Action Decision/Record of Decision (CAD/ROD) would be more appropriate for review, and initial discussion about elements of documents that lead to regulatory closure are already underway. He also said the Remedial Investigation/Feasibility Study (RI/FS) confirms levels of contamination onsite and the systems that will be in place to manage it, and then feeds into the CAD/ROD. The document will initially be prepared by Kaiser-Hill and will then be approved by all three RFCA parties. Joe Legare (DOE) explained in detail what will be included in the RI/FS and how accelerated closure works. He also said work on defining long-term stewardship requirements started in 1995 and continues as cleanup progresses.

Clark Johnson said Arvada's hesitancy with the IVV is concern over too wide of scope, thus the committee needs to narrow the scope to where it would be most effective and be specific in targeting areas most important to the Coalition. Michelle said she assumed that the committee would bring the suggested scope back to the Board for ratification, and David agreed.

Gary Brosz said he was hearing relative consensus on the need for a committee, acknowledging that the issue is complex thus the committee will need to narrow and prioritize the list of what

should be accomplished. This list will then be brought to the Board for approval, and then the committee will work on further details. Gary said he believes that IVV will add a stamp of independence to the current body of knowledge, and although there may not be additional true data there will be the statement that the data was independently reviewed by an organization that will not benefit either way from its findings. Shaun asked about the timing of influencing decisions, and David said the committee would have to consider what documents and decisions the IVV would consider. For example, the RI/FS is not yet complete, and regulatory closure could take twelve to fifteen months. Joe Legare reviewed the RI/FS timeline and stated some chapters will be started this year and further chapters over the next year, culminating in the integration of all the chapters together by next summer. Dave Shelton (Kaiser-Hill) noted that some of the chapters may be incomplete as the work would not be completed yet.

The Board then discussed the timeline for getting work done, meetings, and the amount of work involved. The following people volunteered for the committee: Hank Stovall, Gary Brosz, Nanette Neelan, Sam Dixon (who also volunteered Al Nelson), Clark Johnson, Lisa Morzel, and Shirley Garcia. The Board agreed on having Hank steer the committee and including the RFCA parties in the conversations. The committee's first meeting is to be held Monday, August 9th.

Round Robin

There was no further Board comment.

Public Comment

Chuck Miller said Kaiser-Hill has announced intent to layoff 125 steelworkers on September 30, 2004. As previously explained to the Board, several workers will be just short of qualifying for the pension with insurance. David Abelson asked him the status of discussion between the workers and DOE regarding vesting issues and expedited cleanup. Chuck said they have discussed the issue briefly with Rep. Beauprez but he is unaware of any further discussion. He noted he has suggested that DOE use the date the Cold War officially ended, September 27, 1991 as the qualifier for insurance benefits. David said the Coalition does not interfere with a negotiated contract between the two parties, however the Coalition has also gone on record stating that it does not make sense to penalize workers for accomplishing the goal of expediting cleanup. He said Coalition staff would contact Rep. Udall's office to check the status of this issue.

Frances Stearns asked for confirmation that the purpose of the IVV is to satisfy the question of what governments need to persuade the populace that the cleanup at Rocky Flats was appropriate. Karen Imbierowicz clarified that the purpose is to verify that the level of cleanup promised has been met.

Big Picture

The Board reviewed the big picture. At the September meeting the Board will receive an update on the plutonium hotspot found in the northern buffer zone, and will have a second discussion on access restrictions. The Board will also begin considering ideas for the post-closure organization.

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

Respectfully submitted by Kimberly Lohr, Assistant Director