

ROCKY FLATS STEWARDSHIP COUNCIL

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Jefferson County -- Boulder County -- City and County of Broomfield -- City of Arvada -- City of Boulder
City of Golden -- City of Northglenn -- City of Westminster -- Town of Superior
League of Women Voters -- Rocky Flats Cold War Museum -- Rocky Flats Homesteaders -- Ken Foelske

Board of Directors Meeting – Agenda

Monday, September 11, 2006, 8:30 – 11:30 AM
Jefferson County Airport, Terminal Building
11755 Airport Way, Broomfield, Colorado

- 8:30 AM Convene/Agenda Review
- 8:35 AM Business Items
1. Consent Agenda
 - Approval of June 5, 2006, Meeting Minutes
 - Approval of Checks
 2. Executive Director's Report
- 8:45 AM Public Comment
- 8:55 AM Receive Coalition 2005 and 2006 Financial Audits (briefing memo attached)
- As part of the transfer of assets from the Rocky Flats Coalition, the Stewardship Council agreed to conduct audits of the Coalition's 2005 and 2006 finances.
 - At this meeting the Board will be briefed on the results of the audits.
- Action item:** Accept Coalition 2005 and 2006 Financial Audits
- 9:20 AM Briefing on Maintenance Work on Groundwater Treatment Systems (briefing memo attached)
- One of the items included in the draft letter to DOE on the Proposed Plan concerns problems with the operation of the Solar Ponds groundwater treatment system.
 - DOE will brief on the system – need for the system, operational performance, and recent maintenance.
- 9:50 AM Discussion of Proposed Plan and Approval of Board Policy on Plan (briefing memo attached)
- The Proposed Plan, which is out for public comment until September 13th, identifies DOE's preferred final remedy for Rocky Flats and provides the rationale for the preference.
 - The Plan allows the public an opportunity to comment on the proposed remedy as well as alternatives evaluated.

- Final remedy decision will be documented in the CAD/ROD.

Action Item: Approve Board Policy on Proposed Plan

- 10:40 AM Meet with Mike Owen, Director, DOE's Office of Legacy Management (briefing memo attached)
- Mike Owen has served as the Director of DOE's Office of Legacy Management (LM) since Congress established the office in December 2003.
 - LM manages DOE's post-closure responsibilities, including long-term surveillance and maintenance, records management, work force restructuring and benefits continuity, property management, land use planning, and community assistance.
 - As the Local Stakeholder Organization for Rocky Flats, the Stewardship Council is an LM organization.
 - The meeting is an opportunity for the Board to meet with Director Owen to better understand LM's focus and goals for Rocky Flats and to discuss any issues, concerns or questions.

11:15 AM Public comment

- 11:25 AM Updates/Big Picture Review
1. Executive Director
 2. Member Updates
 3. Review Big Picture

Adjourn

Next Meetings: October 2, 2006
 November 6, 2006

Business Items

Consent Agenda

- June 5, 2006 Draft Board meeting minutes
- List of Stewardship Council checks

Rocky Flats Coalition of Local Governments 2005 & 2006 Financial Audits

- Cover memo

(copies of audits are bound separately)

Rocky Flats Stewardship Council Board Meeting Minutes

Monday, June 5, 2006

8:30 a.m. – 11:30 a.m.

Jefferson County Airport, Broomfield

Board members in attendance: Jennifer Bray (Alternate, City of Boulder), Lori Cox (Director, Broomfield), Mike Bartleson (Alternate, Broomfield), Jo Ann Price (Director, Westminster), Lorraine Anderson (Director, Arvada), Clark Johnson (Alternate, Arvada), Jim Congrove (Director, Jefferson County), Kate Newman (Alternate, Jefferson County), Karen Imbierowicz (Director, Superior), Jane Uitti (Alternate, Boulder County), Bob Nelson (Alternate, Golden), Martin Toth (Alternate, Superior), Sheri Paiz (Director, City of Northglenn), Ken Foelske (Director), Marjorie Beal (Alternate, League of Women Voters), Jeannette Hillery (Director, League of Women Voters), Kim Grant (Director, Rocky Flats Cold War Museum), Roman Kohler (Director, Rocky Flats Homesteaders).

Stewardship Council staff members and consultants in attendance: David Abelson (Executive Director), Rik Getty (Technical Program Manager), Barb Vander Wall (Seter & Vander Wall, P.C.), Erin Rogers (consultant).

Members of the Public: Marion Galant (CDPHE), Carl Spreng (CDPHE), Rob Henneke (EPA), Amy Thornburg (USFWS), Mark Sattleberg (USFWS), Dean Rundle (USFWS), Frazer Lockhart (DOE), Erin Minks (Senator Salazar), Jennifer Bohn (Stewardship Council accountant), David Kruchek (CDPHE), Al Nelson (City of Westminster), Scott Surovchak (DOE), Larry Kimmel (EPA), Mark Aguilar (EPA).

Convene/Agenda Review

Chair Lorraine Anderson convened the meeting at 8:35 a.m.

Business Items

1) **Consent Agenda** – Bob Nelson moved to approve the consent agenda. Lori Cox suggested a clarification of the May 1, 2006, meeting minutes. In the last paragraph on page 7, she thought the wording could suggest that Broomfield did not believe there would be a need for data exchange meetings if there were no water discharges. She would like the minutes changed to clarify that there would still be a need for meetings. The Board decided to simply remove the sentence in question. The motion was seconded by Jeannette Hillery. The motion passed 12-0.

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

- David noted that he will be making a proposal at the end of the meeting to consolidate the Stewardship Council's upcoming meeting schedule. These changes are based on a delay in the release of the Proposed Plan.

- Lorraine and David met with State Representative McKinley following the May Board meeting. David said the visit was reminiscent of when he and Shaun McGrath (as chairman of the Rocky Flats Coalition of Local Governments) met with Rep. McKinley in 2005. Lorraine and David invited Rep. McKinley to meet with the Stewardship Council, and although he seemed to have some interest, David is not sure whether he will take them up on the offer. It appears that he is not interested in making changes to his bill, and assuming Rep. McKinley gets reelected, David presumes he will reintroduce the bill in the next session. David said that the debate boils down to difference between ‘warning’ (Rep. McKinley’s approach) and ‘informing’ (Stewardship Council’s approach). Rep. McKinley mentioned to a colleague sitting in on the meeting that the Stewardship Council does not want to tell the public what happened at Rocky Flats. David noted Rep. McKinley was incorrect and also noted that if the Stewardship Council believed it needed to post warnings at the site, the issues would not be about signage issue, but would instead signal that the cleanup was inadequate.
- David will soon begin working with the Board on developing an outreach plan, which will include determining how best to tap into the existing resources of member organizations in order to reach out to a broader audience. For instance, he would like to have Stewardship Council members forward staff monthly reports to their members. Another idea he is exploring is videotaping DOE’s quarterly public meetings and broadcasting them on city cable stations.
- The Stewardship Council website is on-line, although it is not yet finalized. David has been discussing with the Rocky Flats Citizens Advisory Board (CAB) the idea of folding their website in the Stewardship Council’s when the CAB ceases operations in June 2006.
- David said he believes the Coalition’s 2005-2006 audit has begun or is about to begin. The Stewardship Council, as the successor entity, will need to accept the audit at its September meeting.
- The Stewardship Council has not yet received documentation from DOE regarding the grant, but David has been told it has been approved.
- David will be distributing a second draft of the Coalition history report by early July. He is working to incorporate comments and concerns from the first draft.
- During the Big Picture discussion at the end of the meeting, the board needs to discuss the topic of scheduling meetings in Washington, D.C. The board needs to look at when to meet, what is the message, and if September makes sense as a time to go. David said he will be there in November for an Energy Communities Alliance meeting. Jeannette Hillery asked about the pros and cons of going in the fall, as opposed to the spring. David said he usually went four times a year for the Coalition, and that spring is best, because that is when things are being pulled together. He said to avoid August because of the recess.

Lorraine added a comment about the meeting with Rep. McKinley. It is her opinion that Rep. McKinley does not want to change the wording in his Rocky Flats bill for any reason.

Public Comment

Mark Sattleberg (USFWS) announced that his agency has granted an extension for the public comment period on draft refuge sign language until June 22.

Lorraine Anderson announced that the last meeting of the Rocky Flats Citizens Advisory Board will be June 22 at College Hill library in Westminster.

2006 Stewardship Council Budget Hearing

Barb Vander Wall explained that the Stewardship Council must formally adopt its budget. The Council has published a notice for this meeting, as required by law.

There were no public comments. Chair Lorraine Anderson officially closed the hearing.

Jo Ann Price asked about the line-item for the Rocky Flats Coalition history project that David is drafting. Specifically, JoAnn wanted to know if the \$8,100 line-item is the balance owed (not including expenses) on the contract. David responded that Jo Ann is correct and that the total amount of the contract has not been modified. Kim Grant asked if the administrative expenses were not in the draft budget that the Board reviewed at the May 2006 meeting. David said that was right.

Karen Imbierowicz moved to approve the FY06 Stewardship Council budget. The motion was seconded by Lori Cox. The motion passed 12-0.

DOE Briefing – Final Remedial Investigation/Feasibility Study (RI/FS) and Proposed Plan

Frazer Lockhart (DOE) gave a presentation on the Final RI/FS and Proposed Plan. He began by explaining that the Proposed Plan will be coming out within the next several weeks.

Rocky Flats has had accelerated cleanup actions and removal of waste materials in accordance with Federal and State laws and regulations. The Proposed Plan is the primary document for public review and comment. It summarizes in layman's terms the alternatives that were studied in the RI/FS, and highlights the preferred alternative and the rationale for choosing it. The Proposed Plan and RI/FS form the basis for EPA and CDPHE's selection of the preferred alternative. This document will also delineate the boundaries for both DOE-retained and USFWS land. It will outline the cleanup, administrative controls and signage, as well as indicate any additional remediation if needed.

The Proposed Plan will be issued within several weeks, along with the RI/FS, for a 60-day public comment period. A notice of availability and announcement of the public comment period and public hearing will be placed in a local newspaper.

The RI/FS is a document that contains a multitude of data collected at Rocky Flats, as well as analyses of the data leading to the identification of proposed alternative responses. The body of the RI/FS will comprise about three notebooks of materials.

This longer document was issued in draft form last October for informal feedback from regulators and stakeholders. The site has been working on this draft for several months. Many changes have been made based on regulator comments and in order to make it easier to review and comment, but the fundamental conclusions have not changed.

The Comprehensive Risk Assessment (CRA) will be issued along with the RI/FS as an appendix. The CRA outlines data collected at Rocky Flats over the past 15 years and analyzes the data to determine what risks remain after the cleanup response is completed. This will make up about 18 volumes, including detailed analysis of data, numerous tables, charts, and maps.

The Corrective Action Decision/Record of Decision (CAD/ROD) is the document that will select and document the remedy, and certify that the remedy selection process was carried out in accordance with applicable regulations. The CAD/ROD will describe the technical parameters of the remedy to protect human health and the environment. It will be issued after all public comments have been received and will include a responsiveness summary.

The public meeting schedule includes an informational meeting, which was held on May 30th. This meeting was scheduled prior to the issuance of the Proposed Plan, and its purpose was to explain timing and expectations. After the Proposed Plan and final RI/FS are released, a first informational meeting will be held to walk interested parties through the various documents. A second informational meeting will be scheduled later in the comment period to respond to questions regarding the documents or the process. Then, toward the end of the comment period, a formal hearing will be held. Comments will only be accepted within the comment period either verbally at the meeting or in writing.

Mike Bartleson asked if there will be an opportunity for technical discussions on the documents. Frazer said they would be interested to hear what was desired and that DOE would be willing to participate. Frazer mentioned a guide available on EPA's website for more information about the documents. He also pointed to Bob Darr as a point of contact for information and meetings. DOE is interested in hearing any comments on how they could make improvements to the public process.

DOE intends to make the documents widely available to the public, in as many locations as possible, as well as on the website. The reports will also be put on DVDs to be distributed through libraries and other locations.

Jeannette Hillery asked what kind of comments DOE received at the first meeting. Frazer said there were comments about the availability of the document. He said the intent is to make the electronic versions of the documents available as soon as possible, but not start the comment period until the hard copies have been printed.

Jane Uitti asked what the anticipated timeframes are for each of the documents and meetings. Frazer said they hope to release the document within several weeks. The exact dates have not been sent. They plan to hold the first informational meeting approximately two weeks after the documents are released. A second meeting will be held 2-3 weeks later, followed by a formal hearing near the end of the comment period. Once the comment period closes, DOE will work with the regulators to develop a responsiveness summary. They are not sure how long this will take, since it will be based on the nature and extent of comments.

Ken Foelske asked if the Proposed Plan will include monitoring plans. Frazer said it will, as it is one of the most important parts of the plan.

Jane Uitti asked under what circumstances air monitoring would or could be considered in the future at the site. Frazer said this is based on risk and whether there is a problem to be addressed. The CRA will include the analyses of air pathways and the rationale for why there is no air monitoring in the plan. In the past, most of the air monitoring was based on operations and remediation. It was stopped because there was no ongoing need.

Ken Foelske suggested that if the air monitoring did not show any contamination, that would be good data to share and that it would show no further need for monitoring.

Jeannette Hillery suggested that DOE monitor for one or two years, and if the data shows that no further monitoring is needed DOE would have developed the baseline to prove additional air monitoring is not necessary. This process could serve to ease public concerns about residual contamination or the potential spread of contamination during fires. Frazer pointed out that most of the air monitoring has already been taken down and that while this topic is a fair one, all data points to the need for no more air monitoring.

Karen Imbierowicz said that she has learned recently that some municipalities have monitors downwind of Rocky Flats and asked the cities to confirm. Al Nelson reported that the community-run COMRAD stations have been down for some time and are in the process of being removed. Karen also said that she would be interested in hearing some options for short-term monitoring efforts. Frazer said DOE will not be making any changes until the comment period closes.

David responded that this issue was not pushed by the Coalition due to an extensive review of air monitoring data which showed that there is no reason to continue such monitoring. The data set also included air monitoring the site conducted during prescribed burns, during which time air monitors were placed directly in the smoke plumes.

Frazer said air monitoring is a topic that is covered in the documents. He said that if needed information cannot be found in the documents, stakeholders should feel free to submit comments or questions to DOE.

Scott Surovchak said there are three air monitors left onsite. There is one upwind and two downwind. DOE was supposed to take them down, but they were left in place in order to verify compliance with NESHAPS regulations.

Karen added that public education needs to be done on this topic.

Rik Getty said that he understands that Alternative 2 has been revised by replacing boundary markers around the DOE-retained lands with plans for a fence and asked Frazer if this was the case. Frazer said Rik was correct.

In response to Jeannette's question about the public's comments at the first DOE Proposed Plan and RI/FS meeting, David pointed out that there really is not much actual 'public' attendance at these meetings.

David also mentioned that Rik's memo in the Board packet lists four issues that the Coalition was tracking related to these documents, but pointed out that these are not the only issues the Stewardship Council can or will follow. He encouraged members to let staff know if there are additional issues that should be looked at as the documents are reviewed and comments are prepared. He also told the Board not to worry about where issues might fit in the documents, just send them along to staff and they will make sure to incorporate in the proper context. Also, members should feel free to use the staff for any questions about terminology or technical issues.

Karen asked how the Stewardship Council will be able to comment on these documents if they do not have an August meeting. David responded that the September meeting will occur very close to the end of the comment period, and that if the Stewardship Council's comments miss the deadline by a few days, they will still be accepted.

David noted that the Coalition was never able to agree on the issue of how to restrict access to DOE-retained lands. This group will have to discuss the reasons behind the need for access restrictions, which should then inform options for restricting access. If the need is based on safety concerns, the group would be implying that the cleanup was not adequate. Therefore, further discussion needs to take place.

Discussion of Signage for Rocky Flats National Wildlife Refuge

Lorraine invited Dean Rundle to participate in this discussion. Dean noted that because of strong interest USFWS agreed to conduct a public process to decide on sign language for access points at the refuge. At the end of April, they put out a press release, sent letters to all previous commenters, and posted on their website regarding a proposed 400-word sign. This sign language is included in a 4-5 page Refuge step-down plan. Although there have been no formal requests for a comment extension, there was some concern that 30 days was not long enough. Therefore, USFWS has agreed to take comments through June 22nd. So far they have received six sets of comments, which range from accusations of a 'cover-up' to compliments on a great sign. Dean said he was looking forward to comments from this group or from individual governments.

Dean noted this plan was not intended to address any additional signs. Additional plans will be prepared and developed by interpretive specialists. These will be also done as part of a public process, but they are not a priority at the moment. These initial signs will be posted within 60 days of the land transfer, which is expected in the first quarter of calendar year 2007.

Jane Uitti said she thought there were some ways to make the language more clear and factual, as well as more specific. She provided some suggested wording changes in the Board packet. Dean noted that the purpose of the sign is not to tell the entire story of what happened at Rocky Flats. He said he appreciates her comments, but has not yet had a chance to review them. He is sure some changes will be made, based on the public comment.

Dean noted that they have been discussing the issue of risk communication internally. Other public sites do not address risks of lightning strikes, animal attacks, and the like, but many are expecting that risks be addressed at this site. There are risks at most sites, such as climbing deaths due to falls. He noted the language in the signs about weather, animals, etc. is standard refuge sign language.

Jeannette Hillery said she had concerns about the original language. She likes the language proposed by Boulder County, as she sees it as more balanced. Her first reaction about including a numerical cancer risk was that it was questionable, but she thinks it is good to give the information so people can make their own decisions. She noted that some public places do post warnings, such as golf courses.

Ken Foelske proposed adding language about the protection of plant and wildlife species.

Clark Johnson said he is concerned that the risk number mentioned in Boulder County's proposed language is not relevant to the visitor since it is based on the refuge worker. He agrees that some of the initial language was questionable, but the revised language also does not capture everything that happened at the site. He feels more balance is needed. He added that the term 'buffer zone' is not relevant any more, as in the future there will only be the Refuge and DOE-retained lands.

David Abelson brought up the question that if you ask the question if one part of the site is safe, then you could inadvertently imply that other parts are not safe.

Karen Imbierowicz highlighted the need to include language explaining that not only accidents or spills occurred throughout the site's history. Also, she thinks it is fine if people infer that DOE-retained lands are unsafe, as they would be more likely to stay away from them if they did.

Lorraine Anderson said she thought all of the comments have been good. She likes the idea of acknowledging the workers. She also likes what David said about the whole site being safe. She said we need to clarify that we want to keep people off DOE-retained lands in order to protect the remedies. She also emphasized that we need honesty in the signs, as this points to the integrity of the cleanup and the good intentions of everyone involved.

Jo Ann Price thanked Dean for taking comments and listening. She asked if there would be any opportunities to change the language once the decision has been made. Dean said he does not think they will be able to come up with a sign that everyone likes. But, after comments have been accepted and responded to, the USFWS will meet again with this group. He said this process is not governed by strict regulations, so they do have some flexibility. They will

continue to meet with stakeholders and make it as good as they can. However, he does not want to have it drag on too long.

Dean asked if he would be able to get a transcript of the comments given at this meeting. David Abelson put the question to the Board about whether they want to send individual comments or pull together a position as a Board. Dean said USFWS will also be working closely with EPA/CDPHE, and that many people think it is important to tell story of why these sites were here in the first place.

Clark Johnson asked if the interpretative signs, which will be developed in the future, will simply interpret from an ecological perspective, or if they will deal with site history. Dean said these will likely include some cultural background, maybe even information about the pre-DOE Rocky Flats. Lorraine asked if it would be safe to say that they will be working with volunteer groups on interpretive signage. Dean said that they have interpretive specialists who know how to put messages together, but that it is a public process, and they are always open to volunteers.

David suggested modifying the draft language so that it meets intents of Board. He suggested moving the sentence about people working there back to the earlier section about plant history. Jeannette added a change on the second paragraph, 4th line down, change to 'waste handling practices of the times'. They will also remove the 'buffer zone' reference. In the section 'Is the Refuge safe for public recreation?' David suggested adding 'less than 1 in 200,000, and significantly less for visitors'. They will also add a reference to wildlife safety here. Lori Cox interjected that the sign reader will not understand the 1 in 200,000 risk level, and that they will not be able to put in perspective.

Karen Imbierowicz said she agreed with Dean that you do not see numerical risks posted in other public locations. She suggested making this level of detail available if people are interested, but not on the sign. Lorraine said that she agreed it would be best to leave it out. David said that if this is the general sense of the Board, he would leave out the risk number. This could be replaced by a statement about the level of cleanup and what uses it would support. Jo Ann Price said she agreed with moving forward this way.

David pointed out that this letter can serve as a very clear statement that this group does indeed want to inform the public about the history of Rocky Flats. He pointed out one typo in the letter, which will be fixed. Jane asked if David would send a copy of the letter to Rep. McKinley. Karen added a request to send a copy to each of the co-sponsors of Rep. McKinley's bill.

Ken Foelske suggested making the signs as vandal resistant as possible, as he expects them to be vandalized.

Jeannette Hillery moved to approve sending the letter with the changes discussed at the meeting. The motion was seconded by Jo Ann Price. Lori Cox asked if approving this letter would preclude individual governments from sending their own comments. Lorraine responded that the member organizations are free to send whatever comments they want. David said he will add a statement in the letter that individual governments may be providing additional comments.

Karen said she would like to see the draft letter via email. David said he will send it out for review, and that there is time for this. The motion passed 12-0.

Dean said he appreciated the hard work by this group, and he will be happy to meet with any organizations prior to making a final decision.

Lorraine asked if the Stewardship Council could invite state legislators on an upcoming site tour. David said that they are already close to the maximum number people that can be accommodated on this tour and suggested arranging a separate tour for legislators.

Public Comment

There were no comments

Updates/Big Picture

Upcoming topics for Council meetings include:

- Accept RFCLOG audit
- Begin Reviewing DC Briefing Packets
- DOE and USFWS Updates on Condition of Rocky Flats
- Approve Position on Proposed Plan
- Begin Discussing Outreach Plan
- Approve DC Meeting Packets
- Post-Closure Monitoring and Maintenance
- Post Closure RFCA (RFCA II)
- Continue Discussing Outreach Plan

David said he could go to Washington, D.C. in September 2006 after the September 11th Stewardship Council meeting. Jo Ann Price said the group would need some pretty strong reasons for him to take this trip. David responded that just having a presence and ongoing dialogue is beneficial, so that you are not only going to Washington, D.C. when you need help.

Lorraine suggested scheduling a site tour with state legislators in August instead of the meeting. Jeannette replied that election issues may not make this a very good time for the tour. Lorraine agreed. Clark pointed out that the Stewardship Council only needs to focus on those representing this area. David also noted that moisture conditions/revegetation concerns may affect the ability to schedule tours.

Karen offered that the Big Picture should also identify a time to discuss staffing needs. David noted that this would be another reason to have more meetings in the fall rather than the summer. In response to a question, Barb Vander Wall stated that the Board does not need a formal motion to cancel the August meeting. The Board will meet in September, October, and November.

At 10:55 a.m. Lorraine Anderson moved that the Board enter into Executive Session for the purposes of discussing personnel issues, and to receive legal advice on such issues, as authorized

under Sections 24-6-402(4)(a), (b), (e) and (f), C.R.S. Bob Nelson seconded the motion. The motion passed 12-0.

The Board reconvened from Executive Session at 11:15 a.m. and affirmed that no actions had been taken during Executive Session.

Jim Congrove moved to approve the contract with Crescent Strategies, LLC. The motion was seconded by Jane Uitti. The motion passed 12-0.

David reiterated that he really needs feedback on outreach activities. He needs input on what to communicate, how to communicate it, and what resources are available within member organizations.

Kim Grant said that some Rocky Flats Cold War Museum Board members are going to the Nevada Test Site museum to participate in a DOE-sponsored heritage preservation discussion. They will also be touring the test site.

Rik Getty discussed logistics for next Monday's Rocky Flats tour.

David noted that at some point the Stewardship Council will need to discuss the role it wants to play with helping the Cold War Museum moving forward. This role could be helping the museum to build broader political support. David said this could be one of the messages he brings to Washington, D.C. in September. Lorraine mentioned to Kim that ECA has peer exchanges which could pay for museum board members to visit the Oak Ridge museum, which is in the process of being turned over to a private enterprise to run.

The meeting was adjourned at 11:25 a.m.

Respectfully submitted by Erin Rogers.

8:58 AM

08/28/06

Rocky Flats Stewardship Council
Check Detail
May 24 through August 28, 2006

Type	Num	Date	Name	Account	Paid Amount	Original Amount
Check		5/31/2006		CASH-Wells Fargo-Operating		-2.00
				Admin Services-Misc Services	-2.00	2.00
TOTAL					-2.00	2.00
Check		5/31/2006		CASH-Wells Fargo-Savings		-15.00
				Admin Services-Misc Services	-15.00	15.00
TOTAL					-15.00	15.00
Check		6/30/2006		CASH-Wells Fargo-Operating		-2.00
				Admin Services-Misc Services	-2.00	2.00
TOTAL					-2.00	2.00
Check		7/31/2006		CASH-Wells Fargo-Operating		-2.00
				Admin Services-Misc Services	-2.00	2.00
TOTAL					-2.00	2.00
Check	1032	5/27/2006	UCN	CASH-Wells Fargo-Operating		-8.16
				Telecommunications	-8.16	8.16
TOTAL					-8.16	8.16
Check	1033	5/27/2006	HUB SW	CASH-Wells Fargo-Operating		-2,961.00
				Insurance	-2,961.00	2,961.00
TOTAL					-2,961.00	2,961.00
Check	1034	6/1/2006	Excel Micro	CASH-Wells Fargo-Operating		-8.75
				Telecommunications	-8.75	8.75
TOTAL					-8.75	8.75
Check	1035	6/1/2006	Mountain Marsh Web Design	CASH-Wells Fargo-Operating		-990.00
				Website	-990.00	990.00
TOTAL					-990.00	990.00
Check	1036	6/1/2006	Crescent Strategies, LLC	CASH-Wells Fargo-Operating		-9,379.18
				Personnel - Contract	-8,900.00	8,900.00
				Misc Expense-Local Government	-96.52	96.52
				Meeting Expense	-191.58	191.58
				Supplies	-9.10	9.10
				Telecommunications	-98.32	98.32
				TRAVEL-Local	-83.66	83.66
TOTAL					-9,379.18	9,379.18
Check	1037	6/1/2006	Crescent Strategies, LLC	CASH-Wells Fargo-Operating		-3,371.42
				Personnel - History Project	-3,200.00	3,200.00
				Misc Expense-Local Government	-138.48	138.48
				TRAVEL-Local	-32.94	32.94
TOTAL					-3,371.42	3,371.42

8:58 AM

08/28/06

Rocky Flats Stewardship Council
Check Detail
May 24 through August 28, 2006

Type	Num	Date	Name	Account	Paid Amount	Original Amount
Check	1038	6/2/2006	VOID	CASH-Wells Fargo-Operating		0.00
TOTAL					0.00	0.00
Check	1039	6/2/2006	Jennifer A. Bohn	CASH-Wells Fargo-Operating		-1,402.50
				Accounting Fees	-1,402.50	1,402.50
TOTAL					-1,402.50	1,402.50
Check	1040	6/12/2006	Erin Rogers	CASH-Wells Fargo-Operating		-700.00
				Personnel - Contract	-700.00	700.00
TOTAL					-700.00	700.00
Check	1041	6/12/2006	Purchase Power	CASH-Wells Fargo-Operating		-200.00
				Postage	-200.00	200.00
TOTAL					-200.00	200.00
Check	1042	6/12/2006	Qwest	CASH-Wells Fargo-Operating		-26.86
				Telecommunications	-26.86	26.86
TOTAL					-26.86	26.86
Check	1043	6/12/2006	Qwest	CASH-Wells Fargo-Operating		-77.72
				Telecommunications	-77.72	77.72
TOTAL					-77.72	77.72
Check	1044	6/19/2006	ViaWest Internet Services, Inc.	CASH-Wells Fargo-Operating		-64.95
				Telecommunications	-64.95	64.95
TOTAL					-64.95	64.95
Check	1045	6/19/2006	Premier Global Services	CASH-Wells Fargo-Operating		-47.47
				Telecommunications	-47.47	47.47
TOTAL					-47.47	47.47
Check	1046	6/19/2006	Seter & Vander Wall, P.C.	CASH-Wells Fargo-Operating		-2,205.80
				Attorney Fees	-2,205.80	2,205.80
TOTAL					-2,205.80	2,205.80
Check	1047	6/19/2006	Blue Sky Catering, Inc.	CASH-Wells Fargo-Operating		-225.00
				Misc Expense-Local Government	-225.00	225.00
TOTAL					-225.00	225.00
Check	1048	6/19/2006	The Hartford	CASH-Wells Fargo-Operating		-507.00
				Insurance	-507.00	507.00
TOTAL					-507.00	507.00
Check	1049	6/19/2006	Pitney Bowes, Inc.	CASH-Wells Fargo-Operating		-18.69

8:58 AM

08/28/06

Rocky Flats Stewardship Council
Check Detail
May 24 through August 28, 2006

Type	Num	Date	Name	Account	Paid Amount	Original Amount
				Postage	-18.69	18.69
TOTAL					-18.69	18.69
Check	1050	7/4/2006	UCN	CASH-Wells Fargo-Operating		-9.02
				Telecommunications	-9.02	9.02
TOTAL					-9.02	9.02
Check	1051	7/4/2006	Pitney Bowes, Inc.	CASH-Wells Fargo-Operating		-10.92
				Postage	-10.92	10.92
TOTAL					-10.92	10.92
Check	1052	7/4/2006	Pitney Bowes, Inc.	CASH-Wells Fargo-Operating		-163.10
				Postage	-163.10	163.10
TOTAL					-163.10	163.10
Check	1053	7/4/2006	Robert Butterworth Constructions	CASH-Wells Fargo-Operating		-135.00
				Website	-135.00	135.00
TOTAL					-135.00	135.00
Check	1054	7/4/2006	Erin Rogers	CASH-Wells Fargo-Operating		-500.00
				Personnel - Contract	-500.00	500.00
TOTAL					-500.00	500.00
Check	1055	7/4/2006	Office Depot Credit Plan	CASH-Wells Fargo-Operating		-144.10
				Supplies	-144.10	144.10
TOTAL					-144.10	144.10
Check	1056	7/4/2006	Mountain Marsh Web Design	CASH-Wells Fargo-Operating		-570.00
				Website	-570.00	570.00
TOTAL					-570.00	570.00
Check	1057	7/4/2006	Crescent Strategies, LLC	CASH-Wells Fargo-Operating		-3,946.08
				Personnel - History Project	-2,800.00	2,800.00
				Misc Expense-Local Government	-146.08	146.08
				Admin Services-Misc Services	-1,000.00	1,000.00
TOTAL					-3,946.08	3,946.08
Check	1058	7/4/2006	Crescent Strategies, LLC	CASH-Wells Fargo-Operating		-9,250.66
				Personnel - Contract	-8,900.00	8,900.00
				Misc Expense-Local Government	-47.04	47.04
				Postage	-69.00	69.00
				Printing	-31.01	31.01
				TRAVEL-Local	-117.06	117.06
				Telecommunications	-86.55	86.55
TOTAL					-9,250.66	9,250.66
Check	1059	7/4/2006	Jennifer A. Bohn	CASH-Wells Fargo-Operating		-1,335.00

8:58 AM

08/28/06

Rocky Flats Stewardship Council
Check Detail
 May 24 through August 28, 2006

Type	Num	Date	Name	Account	Paid Amount	Original Amount
TOTAL				Accounting Fees	-1,335.00	1,335.00
					-1,335.00	1,335.00
Check	1060	7/14/2006	Qwest	CASH-Wells Fargo-Operating		-77.17
				Telecommunications	-77.17	77.17
TOTAL					-77.17	77.17
Check	1061	7/14/2006	Qwest	CASH-Wells Fargo-Operating		-27.25
				Telecommunications	-27.25	27.25
TOTAL					-27.25	27.25
Check	1062	7/14/2006	Simplified Computer Solutions, I...	CASH-Wells Fargo-Operating		-787.50
				Consultants	-787.50	787.50
TOTAL					-787.50	787.50
Check	1063	7/27/2006	Seter & Vander Wall, P.C.	CASH-Wells Fargo-Operating		-1,857.07
				Attorney Fees	-1,857.07	1,857.07
TOTAL					-1,857.07	1,857.07
Check	1064	7/27/2006	Excel Micro	CASH-Wells Fargo-Operating		-19.25
				Telecommunications	-19.25	19.25
TOTAL					-19.25	19.25
Check	1065	7/27/2006	UCN	CASH-Wells Fargo-Operating		-9.84
				Telecommunications	-9.84	9.84
TOTAL					-9.84	9.84
Check	1066	7/27/2006	Office Depot Credit Plan	CASH-Wells Fargo-Operating		-32.80
				Admin Services-Misc Services	-32.80	32.80
TOTAL					-32.80	32.80
Check	1067	7/27/2006	Mason Russell West LLC	CASH-Wells Fargo-Operating		0.00
TOTAL					0.00	0.00
Check	1068	7/27/2006	VOID	CASH-Wells Fargo-Operating		0.00
TOTAL					0.00	0.00
Check	1069	7/27/2006	Mason Russell West LLC	CASH-Wells Fargo-Operating		-2,500.00
				Annual Audit	-2,500.00	2,500.00
TOTAL					-2,500.00	2,500.00
Check	1070	8/7/2006	Excel Micro	CASH-Wells Fargo-Operating		-19.25
				Telecommunications	-19.25	19.25

8:58 AM

08/28/06

Rocky Flats Stewardship Council
Check Detail
 May 24 through August 28, 2006

Type	Num	Date	Name	Account	Paid Amount	Original Amount
TOTAL					-19.25	19.25
Check	1071	8/7/2006	Qwest	CASH-Wells Fargo-Operating		-74.09
				Telecommunications	-74.09	74.09
TOTAL					-74.09	74.09
Check	1072	8/7/2006	Qwest	CASH-Wells Fargo-Operating		-26.86
				Telecommunications	-26.86	26.86
TOTAL					-26.86	26.86
Check	1073	8/7/2006	Jennifer A. Bohn	CASH-Wells Fargo-Operating		-1,027.50
				Accounting Fees	-1,027.50	1,027.50
TOTAL					-1,027.50	1,027.50
Check	1074	8/7/2006	Exchange Monitor Publications	CASH-Wells Fargo-Operating		-395.00
				Subscriptions/Memberships	-395.00	395.00
TOTAL					-395.00	395.00
Check	1075	8/7/2006	Crescent Strategies, LLC	CASH-Wells Fargo-Operating		-9,216.62
				Personnel - Contract	-8,900.00	8,900.00
				TRAVEL-Local	-49.40	49.40
				Telecommunications	-167.22	167.22
				Subscriptions/Memberships	-100.00	100.00
TOTAL					-9,216.62	9,216.62
Check	1076	8/17/2006	Office Depot Credit Plan	CASH-Wells Fargo-Operating		-1.50
				Admin Services-Misc Services	-1.50	1.50
TOTAL					-1.50	1.50
Check	1077	8/17/2006	Setzer & Vander Wall, P.C.	CASH-Wells Fargo-Operating		-31.07
				Attorney Fees	-31.07	31.07
TOTAL					-31.07	31.07
Check	1078	8/17/2006	UCN	CASH-Wells Fargo-Operating		-9.64
				Telecommunications	-9.64	9.64
TOTAL					-9.64	9.64

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League of Women Voters -- Rocky Flats Cold War Museum -- Rocky Flats Homesteaders -- Ken Foelske

MEMORANDUM

TO: Board

FROM: David Abelson

SUBJECT: Rocky Flats Coalition of Local Governments' 2005 & 2006 Financial Audits

DATE: August 31, 2006

Attached for your review are the draft 2005 and 2006 financial audits of the Rocky Flats Coalition of Local Governments. As a successor entity to the Coalition, the Stewardship Council agreed to conduct the Coalition's 2005 and 2006 audits. Part of the transfer of funds from the Coalition to the Stewardship Council included monies to conduct the audits.

Mason Russell West, LLC conducted these audits. Ray Russell will discuss the audits at the meeting and will be prepared to answer any questions. Please let me know what questions you have and either I will answer them or ask Ray to address them at the meeting.

The Stewardship Council will need to formally accept the audits at the meeting.

Action Item: Approve motion accepting Coalition's 2005 and 2006 audits.

PLEASE NOTE: DUE TO THE SIZE OF
THE 2005 AND 2006 COALITION
AUDITS (2MB EACH) THE
DOCUMENTS HAVE NOT BEEN
INCLUDED IN THIS ELECTRONIC FILE.

IF YOU WOULD LIKE COPIES OF THE
AUDITS PLEASE EMAIL DAVID
ABELSON
DABELSON@ROCKYFLATSSC.ORG

Groundwater Treatment System Briefing

- Cover memo

Proposed Plan Discussion

- Cover memo
- Draft letter to DOE

Meeting with Mike Owen, Director, DOE Office of Legacy Management

- Cover memo

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MEMORANDUM

TO: Stewardship Council Board

FROM: Rik Getty

SUBJECT: Status of groundwater treatment systems

DATE: August 30, 2006

We have scheduled 30 minutes for DOE to brief the Stewardship Council on the status of the site's four groundwater treatment systems. As you know the groundwater treatment systems play a key role in treating contaminated groundwater before it emerges as surface water at the site. In addition the treatment systems are important components of the Proposed Plan.

The four groundwater treatment systems and the contaminants they treat are:

- Solar Ponds treatment system: lowers the levels of nitrate and uranium in groundwater before emerging as surface water in North Walnut Creek;
- East Trenches treatment system: lowers the levels of volatile organic compounds (VOCs) in groundwater before emerging as surface water in South Walnut Creek;
- Mound treatment system: same as East Trenches; and,
- Present Landfill (PLF) leachate treatment system: lowers the levels of VOCs in leachate from the PLF before it emerges as surface water in the PLF Pond.

DOE will briefly discuss some of the recent maintenance work performed at the East Trenches and Mound treatment systems, but the briefing (and thus this memo) will focus on the current operational problems associated with the Solar Ponds treatment system and impacts to future surface water quality.

Solar Ponds Plume Groundwater Treatment System Operational History

The Solar Ponds treatment system was installed in 1999 to treat groundwater contaminated with nitrates and uranium. Nitrates and uranium were disposed in liquid wastes in the Rocky Flats' solar evaporation ponds. Since the original solar ponds were not lined with impermeable barriers water containing these contaminants leaked into the surrounding groundwater and moved downgradient towards North Walnut Creek.

The current treatment system consists of the following parts:

- groundwater monitoring well network to provide data on current groundwater conditions;
- intercept trench system, 1,100 feet in length, designed to direct contaminated groundwater toward treatment system;
- two treatment cells with replaceable media, one to treat nitrates and one to treat uranium; and,
- treatment cell effluent discharge gallery located downgradient about 100 yards from the treatment cells which emerges as surface water into North Walnut Creek.

Between 1999 and spring 2005 the treatment cells effectively lowered the levels of both nitrates and uranium in contaminated groundwater. During this time over one million gallons of contaminated groundwater was treated. Nitrate and uranium levels measured at the effluent of the treatment cells dropped dramatically when compared to influent levels. However, nitrate and uranium levels measured at the downgradient discharge gallery were higher than the influent to the treatment cells. These high levels were due to the original siting of the treatment cells. The best location for the treatment cells is near the discharge gallery very close to North Walnut Creek. Unfortunately this area is also prime habitat for the endangered Preble's Meadow Jumping Mouse. Because of concerns with disrupting mouse habitat the location of the treatment cells was moved upgradient approximately one hundred yards. As a result groundwater between the treatment cells and the discharge gallery does not get treated so untreated groundwater mixes with treated groundwater as it emerges into North Walnut Creek.

Recent Operational Problems and Repair Strategy

In addition, the nitrate treatment cell began showing problems in the spring of 2005. System component failures were discovered which included both nitrate treatment media ineffectiveness and material failures (piping, valves, etc.). DOE began to take steps to troubleshoot and repair the problems. After removing all the treatment media from its cell, broken influent distribution piping was discovered which requires repair. Water monitoring results, which showed that the nitrate treatment media effectiveness had dropped, has led the site to a two-pronged approach to correcting the problem. First nitrate treatment media will be replaced in the short-term. Second a treatability study will be performed by the site and researchers from Colorado State University in an attempt to determine the most effective nitrate treatment media.

Future Impacts to Surface Water Quality

Currently the surface water standard at the site for nitrate is a temporary modification made by the Colorado Water Quality Control Commission (CWQCC) which allows for up to 100 milligrams of nitrate per liter of water (mg/l). The normal standard is 10 mg/l nitrate. The temporary modification is due to expire in 2009 at which time the 10 mg/l will be in effect. Currently, the site is using CDPHE calculations that show if the discharge gallery nitrate levels are under 500 mg/l, then by the time water is sampled in terminal pond A-4 and at the site boundary POC it will be below the temporary 100 mg/l nitrate level. However if the standard becomes 10 mg/l then the discharge gallery nitrate levels will have to drop to 50 mg/l based on CDPHE calculations in order not to exceed the 10 mg/l level at A-4 and the site boundary POC. Discharge gallery nitrate data trend analysis between 2000 and 2004 show a moderate upward trend in nitrate concentration levels.

One would expect over time that the nitrate levels arising from untreated groundwater downgradient from the treatment cells would decrease as the isolated “pocket” of nitrate contamination was flushed out. It is unknown how long the elevated nitrate levels will exist at the discharge gallery and whether or not some of the nitrate contamination is coming from another source besides the isolated pocket. If current discharge gallery nitrate levels continue until 2009 when the off-site discharge standard reverts back to 10 mg/l nitrate, the site will have a problem meeting the 10 mg/l standard. The current discharge gallery nitrate levels are much higher (most recent data provided by the site was November 2005 sample of 540 mg/l nitrate). The CDPHE calculation which shows that a limit of 50 mg/l nitrate at the discharge gallery will not exceed the 10 mg/l level for off-site discharge would imply that anything over 50 mg/l at the discharge gallery would exceed 10 mg/l for offsite discharge.

The Stewardship Council and staff should keep apprised of the conditions at the treatment cells and discharge gallery during the next several years. If nitrate levels continue to remain high at the discharge gallery DOE may choose additional actions to take. Possibilities include (1) relocating the treatment cells to the optimum location near the discharge gallery with the consent of the USFWS (authority for endangered species), and (2) seeking regulatory relief by petitioning the CWQCC to leave the 100 mg/l temporary modification in place after 2009.

Please contact me if you have any questions.

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MEMORANDUM

TO: Stewardship Council Board
FROM: Rik Getty
SUBJECT: Board recommendation for Proposed Plan
DATE: August 30, 2006

We have scheduled fifty minutes for the Stewardship Council Board to discuss and approve recommendations on DOE's Proposed Plan. A draft letter is attached. This letter, as we have communicated via email, incorporates issues Board members have raised both at meetings and with David and me. Because the comment period closes on September 13th it will be important for the Board to approve a policy at the meeting and amend the attached letter as necessary.

The draft letter is virtually the same as the draft we emailed you on August 24th. The sole substantive change David and I made to the draft letter is found in our discussion of the Solar Ponds treatment system. The underlying message remains the same but based on additional conversations with DOE, EPA, and CPDHE we now have a better understanding of the operational performance of the system and associated problems. Towards this end, in order for you to fully understand the treatment systems and operational problems, DOE will brief the Stewardship Council on the status of the site's groundwater treatment systems prior to the Proposed Plan briefing and discussion. For additional information on the groundwater treatment system please review the briefing memo in this board packet.

The letter addresses the following issues:

- groundwater treatment systems;
- access controls, including types of controls;
- institutional controls;
- monitoring programs (Integrated Monitoring Plan, landfill inspections and seepage monitoring, and pond management);
- remedy surveillance and maintenance; and,
- determination about which lands will be transferred to USFWS and which will be retained by DOE.

Please contact me if you have any questions.

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September ____, 2006

Mr. Frazer Lockhart
United States Department of Energy
12101 Airport Way, Unit A
Broomfield, CO 80021-2583

Re: Proposed Plan

Dear Mr. Lockhart,

On behalf of the Board of Directors of the Rocky Flats Stewardship Council, we are pleased to offer the following comments on the draft Proposed Plan for the Rocky Flats Environmental Technology Site. The Stewardship Council appreciates the hard work of the Department of Energy (DOE), Environmental Protection Agency (EPA), and Colorado Department of Public Health and the Environment (CDPHE) in developing this document and its companion document, the Remedial Investigation/Feasibility Study (RI/FS).

While most of the following issues stem from decisions captured in the Proposed Plan, not all do. The Stewardship Council strongly believes DOE, EPA, and CDPHE cannot approve the Proposed Plan without duly considering and discussing the full suite of issues that comprise regulatory closure. For that reason, in discussing the Proposed Plan, the Stewardship Council is raising issues that will be addressed later in other, related decision documents.

As the Local Stakeholder Organization for Rocky Flats, the Stewardship Council asks DOE to not simply reply to these issues in writing but to discuss as necessary and as appropriate these issues directly with the Board. Further, while the Stewardship Council represents a broad segment of the community, there are various perspectives in the community regarding the cleanup and Proposed Plan. The Stewardship Council encourages DOE, EPA, and CDPHE to continue to consider all points of view.

Groundwater Treatment Systems

The Stewardship Council is concerned about the short-term and long-term effectiveness of the four groundwater treatment systems, particularly the Solar Ponds treatment system. All four

treatment systems – Solar Ponds, Mound, East Trenches, and Present Landfill leachate – are important elements of the Proposed Plan. As stated in the Proposed Plan, “continued operation of these systems serves to protect surface water quality over short- and intermediate-term periods by removing contaminant loading to surface water.” These systems “also serve to meet long-term goals of returning groundwater to its beneficial use of surface water protection.”

While all four groundwater treatment systems have experienced a variety of maintenance needs ranging from minor maintenance to severe operational problems over the lifetime of the units, recent operational problems with the Solar Ponds groundwater treatment system calls into question its ability to function as described in the Proposed Plan. The Solar Ponds treatment system was installed in 1999 to treat both uranium and nitrate contamination in groundwater before it emerges as surface water in North Walnut Creek. Between 1999 and 2005 the treatment system effectively lowered nitrate and uranium concentrations in groundwater that passed through the treatment cells. In 2005 a series of operational problems began to degrade the effectiveness of the treatment system. System component failures were discovered which included both nitrate treatment media ineffectiveness and material failures (piping, valves, etc.).

As we have known since the system was first installed, part of the problem is due to the siting of the system, which has resulted in some contaminated groundwater bypassing the treatment system. The optimal location for the treatment system is near the discharge gallery which is very near North Walnut Creek. However, this location is prime Preble’s Meadow Jumping Mouse habitat and DOE and Kaiser-Hill elected to locate the treatment cells about one hundred yards upgradient from the optimal location due to concerns over mouse habitat. By installing the treatment system at its present location, some contaminated groundwater between the treatment cells and discharge gallery is not treated. This isolated pocket of nitrate and uranium contamination results in high levels of nitrate being introduced into North Walnut Creek. Monitoring data gathered at the discharge gallery show a moderate upward trend of both contaminants. It is unknown how long it will take for the isolated pocket of contamination to be flushed out. It is also not known if there is another source of the contamination besides the isolated pocket contributing to the high discharge gallery levels.

The Stewardship Council recognizes DOE and its contractors are investigating the reasons for the poor performance of this treatment system. We appreciate DOE’s continued commitment to openly communicate its concerns with Stewardship Council staff and other interested members of the community. Based on these conversations we understand DOE, EPA, and CDPHE have started taking steps to fix the treatment problems which may include redesigning and possibly relocating the treatment system.

We applaud these steps but question the regulatory basis for determining that all applicable regulations have been met. The treatment system has recently experienced severe operational problems and the discharge gallery has had rising contamination levels since 2000 due to the treatment system location. The Stewardship Council believes DOE, EPA, and CDPHE have not demonstrated that the treatment system can meet the Rocky Flats Cleanup Agreement requirements or the goals identified in the Proposed Plan.

Adding to our questions and concerns is a recent comment by DOE that the agency may petition the Colorado Water Quality Control Commission to raise the allowable level of nitrates in surface water at Rocky Flats. The current standard for nitrate, which is in force until 2009, is an interim standard of 100 milligrams/liter (mg/l) that the agencies adopted with the consent of the cities of Broomfield and Westminster. This interim standard was adopted with the recognition that the standard of 10 mg/l could not be met until the treatment system was installed and operating properly, so an interim cleanup standard was adopted. If the interim nitrate standard became permanent this change would likely obviate the need to fix the Solar Ponds treatment system and/or treat all of the contaminated groundwater.

This idea, if pursued, is troubling for two reasons. First, DOE would be abandoning its commitment to treat contaminated groundwater to meet the Rocky Flats Cleanup Agreement action levels, levels that were adopted to protect surface water quality on-site, not simply meet the regulatory water quality standards at the site boundary. Second, if DOE intends on petitioning the Commission to grant regulatory relief, this action should be clearly identified in the Proposed Plan. By not discussing the possibility of surface water quality standard relief in the Proposed Plan, DOE may not be accurately portraying its true intentions. After all, as noted above, a key element of the Proposed Plan is to “protect surface water quality over short- and intermediate-term periods by removing contaminant loading to surface water.”

Similarly, even if the treatment system is repaired and operates as designed, the elevated contamination levels at the discharge gallery from the untreated isolated pocket of contaminated groundwater remains problematic. If the contamination levels do not drop between now and 2009 when the 10 mg/l standard takes effect, DOE will have problems meeting the standard. The Stewardship Council believes DOE should discuss possible alternatives in the Proposed Plan for the Solar Ponds system including treatment system relocation and discharge gallery issues.

Access Controls, Including Types of Controls

The Stewardship Council strongly supports the decision to prohibit access to DOE-retained lands. The Board understands the RI/FS and Proposed Plan provide DOE will install a cattle fence along the boundary between United States Fish and Wildlife Service (USFWS) lands and DOE lands, with signs every 50' noting access to DOE-retained lands is prohibited. The Board further understands DOE and the regulatory agencies do not consider the fence to be part of the cleanup remedy; it is instead a land management tool USFWS and DOE will utilize to assist each agency in accomplishing their respective responsibilities.

The Stewardship Council believes a fence is warranted. We further believe that as discussed at length in the Board's June 15, 2006, letter to USFWS, signage throughout the site remains critical. Taken together, the fence and signs will not deter those intent on disturbing the remedies, but should protect the remedies from those who would otherwise unintentionally wander into DOE lands.

Yet, a boundary fence with signs is not alone sufficient, so following the recommendation of the National Research Council in its August 2000 report to DOE on long-term stewardship, long-term stewardship controls must be layered to protect the remedies. Layering could include signage or fencing around the two landfills, signage or fencing adjacent to or surrounding the A-,

B-, and C-series ponds, and signs around the three groundwater treatment systems reminding DOE personnel (including contractor personnel) that digging is prohibited. These types of controls are, importantly, designed to protect the remedies from people and not people from the remedies.

The Stewardship Council is not prepared to specify at this time the remedy-specific controls that DOE, EPA, and CDPHE should adopt. Instead the Proposed Plan and/or other appropriate regulatory documents should identify the need for additional controls and DOE, EPA, and CDPHE should continue the ongoing public dialogue about the types of controls that are needed.

Institutional Controls

Along these lines, one of the critical post-closure responsibilities is implementation of a comprehensive site-wide stewardship program. In addition to physical controls (e.g., fences and signs) DOE, EPA, and CDPHE, along with USFWS, must also develop and implement legal controls (otherwise known as “institutional controls”).

Towards this end, the RI/FS identifies the following prohibitions: (1) constructing buildings; (2) excavating, drilling or other intrusive activities below 3’, with the exception of remedy-related purposes; (3) grading, tilling, or other disturbance of surface soils, except in accordance with an erosion control plan approved by CDPHE or EPA; (4) using any surface water above the terminal ponds (A-4, B-5, C-2) for drinking water or agricultural purposes; (5) using groundwater (but the agencies can dig new wells for remedies); (6) disturbing landfill caps (e.g., no digging, driving on, grading, etc.) unless for remedy-related purposes; and (7) disturbing any remedies, including treatment systems, monitoring wells and stations, and landfill caps. The Stewardship Council believes these prohibitions are complete and as DOE, EPA, and CDPHE proceed with regulatory closure, the agencies must specify in detail how such restrictions will be legally enforced (e.g., regulatory closure documents, state environmental covenant) and how such information will be communicated to the appropriate people, including but not limited to both DOE and USFWS personnel (e.g., signage, staff trainings).

As both the Rocky Flats Coalition of Local Governments (Coalition) and the Rocky Flats Citizens Advisory Board (CAB) advocated, the state of Colorado, through CDPHE, must have an enforcement role post-closure. The Stewardship Council understands the draft post-closure regulatory agreement currently provides such a role for CDPHE, thereby guaranteeing that both EPA and CDPHE will continue to influence DOE decisions and actions. The Stewardship Council strongly supports this agreement.

Monitoring Programs

Monitoring is another critical post-closure stewardship responsibility. That is why this issue was a critical element of the Coalition and CAB’s work on long-term stewardship and why the Stewardship Council places great emphasis on the post-closure monitoring program, particularly the surface water and groundwater monitoring program.

The Stewardship Council feels confident the process DOE, EPA, CDPHE utilized in developing the monitoring program and the decisions made (e.g., the siting of the approximately 120 groundwater wells and approximately 30 surface water monitoring stations) is comprehensive.

There was substantive local government and community involvement and the decisions reflect important technical and policy considerations. While the number and nature of decisions to be made post-closure are fewer and more narrowly focused, it remains important that the Stewardship Council and others in the Rocky Flats community are able to continue to partner with DOE, EPA, and CDPHE as decisions are revisited and changes to the monitoring system are made. Towards this end we ask that DOE, EPA, and CDPHE address the following issues.

Integrated Monitoring Plan

Central to the development, implementation, and modification of the monitoring program is the Integrated Monitoring Plan (IMP). The IMP served two roles. First and most important, the IMP codifies the monitoring network and regulatory basis for making changes to the current surface water and groundwater monitoring system. The IMP also establishes the frequency and process by which DOE notifies the community of problems with the system and potential changes. This process, which has also included collaborating with community members on the establishment of the post-closure monitoring network, has been extremely valuable and the Stewardship Council wants to ensure this important dialogue continues post-closure.

The RI/FS and Proposed Plan mention the current IMP process but are silent on the process DOE, EPA, and CDPHE will follow post-closure to modify, as necessary, the monitoring system. The Stewardship Council understands DOE, EPA, and CPDHE will likely use the Long-Term Surveillance and Maintenance Plan (LTSMP) to codify the post-closure monitoring requirements, but we do not know if the LTSMP will include the process established in the current IMP where local government and other community members actively participate in decision making. The Stewardship Council therefore strongly recommends DOE, EPA, and CDPHE continue the ongoing dialogue with the community that is currently the practice under the IMP.

Landfill Inspections and Seepage Monitoring

Landfill inspections and seepage monitoring are captured in both the landfill decision documents and in the RI/FS and Proposed Plan. The Stewardship Council believes DOE, EPA, and CDPHE have done a thorough job in detailing the inspection and monitoring requirements. Consistent with the above discussion about the IMP process, any problems with the remedies that arise and/or any changes to the inspection and monitoring programs should be discussed with the Stewardship Council and other interested members of the community. Such discussions should begin when problems (or potential problems) are first known and solutions are being developed, not once agreement has been reached amongst DOE, EPA, and CPDHE.

Pond Management

As you are aware, one of the issues the Woman Creek Reservoir Authority and the City and County of Broomfield hired consultants to evaluate in 2005 concerned management of the retention ponds, and specifically the terminal ponds. One policy the aforementioned parties and the Coalition adopted was that the terminal ponds (A-4, B-5, C-2) should be discharged when they reach 20% of capacity.

DOE's initial response to the Coalition included the following provision: "[DOE] has consistently maintained that its optimal operating practice for the ponds would be to keep the

amount of water in them as low as possible to provide optimum storage, and so we agree with this recommendation. Generally, when the ponds have filled, it has been because we were awaiting analytical results prior to discharge, which has been the preferred mode of operation from the downstream cities' standpoint. Since the ponds will be receiving considerably less water in the future, we anticipate that water levels in the ponds will be commensurately lower.”

Since that time Broomfield has modified its position and now supports the release criteria established in the Interim Surveillance and Maintenance Plan. The Stewardship Council supports this position.

A related issue concerns testing water in years where there are no discharges. Specifically, water in the terminal ponds is only tested prior to releases – and yet, in some years there will be no discharges. Thus, in those years, water in the terminal ponds will not be tested. The Stewardship Council strongly recommends that in the event water is not discharged in a given year, DOE should nevertheless test water in the terminal ponds no less than one time per year to measure water quality and thus help determine remedy effectiveness. In offering this recommendation, the Stewardship Council understands DOE, EPA, and CDPHE believe that monitoring systems upstream of the terminal ponds would record any and all contaminants flowing downstream. While we believe the surface water and groundwater monitoring program is comprehensive, there nevertheless may be contamination flow paths that are not captured by the upstream monitoring network. If these flow paths exist, annual sampling of the terminal paths would help identify the presence of these contaminants and would therefore be a prudent best management process.

As a matter of sound science and sound public policy, it remains imperative that DOE, EPA, and CDPHE keep apprised of the extent of contamination in the terminal ponds. Such information provides an important gauge of the effectiveness of the \$7 billion cleanup, thereby increasing public confidence of the long-term protectiveness of the site and of the future Rocky Flats National Wildlife Refuge. Under the Stewardship Council’s proposal, at most over a five-year period such a policy would result in an additional 15 water samples taken and analyzed. The cost associated with this sampling is small compared to the billion dollar cleanup and a multi-million dollar long-term stewardship program.

Remedy Surveillance and Maintenance

Another critical post-closure stewardship requirement is surveillance and maintenance of the remedies. Activities include site-wide inspections to insure that (1) the erosion controls and revegetation efforts are proceeding as designed, (2) monitoring stations have not been damaged, and (3) there has not been any unauthorized digging or other soil disturbance activities plus much more. The Stewardship Council feels confident that the Interim Surveillance and Maintenance Plan, which will be adopted as the LTSMP (with slight modifications) after approval of the CAD/ROD, is thorough and we urge its adoption.

As the LTSMP gets finalized, the Stewardship Council will track the following issues: (1) maintaining local government and community involvement on decisions that concern the post-closure monitoring programs, (2) determining the frequency of periodic reviews and reporting

requirements, and (3) developing, as needed, processes to address problems and/or remedy failure.

Determination about Which Lands Will Be Transferred to USFWS and Which Will Be Retained By DOE

Currently the RI/FS and Proposed Plan include a map delineating the lands to be transferred to USFWS and the lands to be retained by DOE. The RI/FS notes that the boundaries may be adjusted and any such adjustments would be included in the CAD/ROD and not the Proposed Plan. The Stewardship Council is comfortable with that approach, but strongly believes that while the CAD/ROD is not a public comment document, DOE, EPA, and CDPHE must continue to brief and work with the Stewardship Council on the development of that important regulatory document.

Thank you for your continued commitment to work with the Stewardship Council and others on these important issues.

Sincerely,

Lorraine Anderson
Chairman

David M. Abelson
Executive Director

Cc: Senator Wayne Allard
Senator Ken Salazar
Representative Mark Udall
Representative Bob Beauprez
Mike Owen, DOE
Scott Surovchak, DOE
Dean Rundle, USFWS

ROCKY FLATS STEWARDSHIP COUNCIL

P.O. Box 17670
Boulder, CO 80308-0670
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(303) 412-1200
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Jefferson County -- Boulder County -- City and County of Broomfield -- City of Arvada -- City of Boulder
City of Golden -- City of Northglenn -- City of Westminster -- Town of Superior
League of Women Voters -- Rocky Flats Cold War Museum -- Rocky Flats Homesteaders -- Ken Foelske

MEMORANDUM

TO: Board
FROM: David Abelson
SUBJECT: Meeting with Mike Owen, Director, DOE Office of Legacy Management
DATE: August 29, 2006

I have scheduled 35 minutes for the Board to meet with Mike Owen, Director, DOE's Office of Legacy Management (LM). The Stewardship Council, as the Local Stakeholder Organization for Rocky Flats, is an LM-funded organization.

Congress established LM in December 2003 and charged the office with ensuring DOE's post-closure responsibilities are met. According to LM's website, LM's core functions include (quoting from the website):

- Protecting human health and the environment through effective and efficient long-term surveillance and maintenance;
- Preserving and protecting legacy records and information;
- Supporting an effective and efficient work force structured to accomplish departmental missions;
- Implementing departmental policy concerning continuity of worker pension and medical benefits;
- Managing legacy land and assets, emphasizing safety, reuse, and disposition;
- Mitigating community impacts resulting from the cleanup of legacy waste and changing departmental missions;
- Actively acting as liaison and coordinating all policy issues with appropriate departmental organizations.

At Rocky Flats, LM will formally take over management responsibility of the Site at or around regulatory closure. LM will implement the post-closure monitoring and maintenance plan, will provide periodic updates to the community on remedy performance, will manage former worker benefits plus a host of other activities that are central to the long-term management of the site and management of worker benefits.

At the meeting Mike will provide an update on LM's activities and will address any issues, questions, and concerns the Board may have.

Please let me know what questions you have. Thanks.

Letters and News Clips

- Stewardship Council letter to USFWS re: refuge signs for Rocky Flats
- Allard press release re: GAO report
- News clip re: Rocky Flats workers
- News clip re: Stewardship Council grant
- News clip re: allegations of government waste
- News clip re: Rocky Flats grand jury

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June 15, 2006

Mr. Dean Rundle
Rocky Mountain Arsenal National Wildlife Refuge
Building 111
Commerce City, Colorado 80022-1748

Re: Step Down Plan for Site History/Safety Signs

Dear Mr. Rundle,

Thank you for the opportunity to review United States Fish and Wildlife Services' proposed language for entrance signs to the Rocky Flats National Wildlife Refuge. The Board of Directors of the Rocky Flats Stewardship Council remains committed to helping ensure that future visitors to the refuge understand the history of the Site as a nuclear weapons plant and the ongoing wildlife and contaminant management needs.

The Stewardship Council recognizes USFWS does not typically develop this type of step-down plan at this point in the planning process but rather reserves such decisions for the visitor step-down plan. Given the history of Rocky Flats we support USFWS' decision to take this additional step.

Without doubt, USFWS, working in close collaboration with the Department of Energy, must provide objective information to interested community members. Such information should include a summary of the hazardous materials that were used and released at the site when it was in operation, the history of the cleanup, and any relevant information regarding residual wastes, including information on the long-term stewardship controls that will be utilized to manage those residual wastes. A critical step in meeting this obligation is through signage at the Rocky Flats National Wildlife Refuge.

We understand the visitor step-down plan will include interpretative signage for both wildlife resources and additional information about the history of Rocky Flats. The Stewardship Council supports such additional signage but in order for such signage to be effective it must be layered and, at times, redundant. Signs should be posted at the refuge boundaries (demarcating the

boundary), at all access points, along trails, and at the boundary between refuge lands and lands retained by DOE.

While USFWS and DOE are charged with different management responsibilities at Rocky Flats, as federal agencies jointly charged with managing Rocky Flats, your efforts must be compatible and complementary. The Rocky Flats Cleanup Agreement parties' decision to clean up Rocky Flats to a level that is protective of future users and to off-site interests was predicated on, among other things, the development and implementation of a comprehensive long-term stewardship plan. Signs for Rocky Flats, which are integral to this plan, serve two purposes: (1) to inform visitors of the history of the site, and (2) to inform visitors of the ongoing management needs (both wildlife and contaminant management).

One of the benefits of allowing people onto the refuge (as opposed to cordoning it off) is that visitors are a captive audience and thus present an important opportunity by which the federal government can continue to educate the community about the long-term stewardship needs and related responsibilities. While that onus is the primary responsibility of DOE, any signage USFWS will place on the refuge is critical in ensuring the federal government meets this long-term responsibility. The signs USFWS plans to utilize at the access points should not be the primary means to inform visitors; however, when coupled with additional signage UFSWS and DOE are intending to utilize these signs become very important. In meeting this obligation it is important that any signage utilized or information provided to future visitors serves to discourage (and not encourage) visitors from entering the lands DOE will retain.

This idea of USFWS helping DOE meet its obligations is consistent with USFWS' request of DOE that any fence DOE uses to demarcate its boundary allow for the safe passage of wildlife. So it is therefore not unprecedented for one agency to assist the other agency in meeting its long-term management responsibilities. For that reason, we encourage USFWS and DOE to continue to partner so that a consistent and comprehensive message is conveyed.

The language USFWS has proposed is a good start but changes are needed. Attached is language the Stewardship Council Board of Directors unanimously supports. Member governments might also provide additional proposed language. We ask that you likewise give their proposal due credence.

Towards this end, in your letter to the community dated May 5, 2006, you note one of the purposes of the proposed signs is to "address site history, cleanup and restrictions." USFWS' draft language addresses the history of the site and cleanup, but is virtually silent on access restrictions to DOE lands other than to say please observe "Area Closed" signs. We anticipate one of the regulatory restrictions DOE, the Environmental Protection Agency, and the Colorado Department of Public Health and the Environment will require for Rocky Flats is for lands DOE will retain to remain off-limits to the general public. In such a case we believe visitors to the refuge should be first informed of the access restrictions at all access points to the refuge and not simply at the interior refuge boundary. Asking visitors to observe "Area Closed" signs does not rise to the level of informing visitors about the reason for access restrictions. Consistent with the aforementioned idea of layering signs, the bulk of the message/information should be reserved

for visitor kiosks and interpretative signage, but the foundation is established in these entrance signs.

Finally, in recent months when debating Colorado House Bill 1389 sponsored by Rep. Wes McKinley two camps have emerged: those who believe the purpose of any signage should be to inform and those who believe signage should serve to warn visitors of the residual risks. As a body charged with overseeing the long-term protection of Rocky Flats, we believe warnings are not simply unnecessary but would, importantly, send the wrong message about the cleanup. If the cleanup is certified as meeting or exceeding the regulatory standards – and we expect such a certification to be forthcoming – then there is no need to issue warnings.

Nevertheless, while the Stewardship Council represents a broad segment of the community, there are various perspectives in the community regarding appropriate signage. As the DOE-designated Local Stakeholder Organization for Rocky Flats, the Stewardship Council encourages USFWS to continue to consider all points of view and to discuss as appropriate such issues with DOE, EPA, and CDPHE.

Thank you for your continued commitment to work with the Stewardship Council and others on this important issue.

Sincerely,

/s/

Lorraine Anderson
Chairman

Cc: Senator Wayne Allard
Senator Ken Salazar
Representative Mark Udall
Representative Bob Beauprez
Frazer Lockhart, DOE
Scott Surovchak, DOE
State Representative Wes McKinley
State Representative Paul Weissmann
State Representative Debbie Benefield
State Representative Dorothy Butcher
State Representative Morgan Carroll
State Representative Mike Cerbo
State Representative Jerry Frangras
State Representative Rafael Gallegos
State Representative Gwyn Green
State Representative Mary Hodge
State Representative Cheri Jahn
State Representative Gary Lindstorm
State Representative Liane McFadyen

State Representative Michael Merrifield
State Representative Jack Pommer
State Representative Ann Ragsdale
State Representative John Soper
State Representative Val Vigil
State Senator Lois Tochtrop

USFWS DRAFT LANGUAGE FOR ENTRANCE SIGNS TO THE ROCKY FLATS NATIONAL WILDLIFE REFUGE

REVISED LANGUAGE PROPOSED BY THE ROCKY FLATS STEWARDSHIP COUNCIL

June 5, 2006

What Happened Here?

The land you are about to enter, Rocky Flats National Wildlife Refuge, is an historic Cold War site. Refuge lands are part of the buffer zone of the old Rocky Flats Plant that operated from 1951 until 1989, when it was closed. For nearly four decades, thousands of women and men worked here, building nuclear components for the United States' weapons arsenal. In 2001, Congress approved legislation establishing The Rocky Flats National Wildlife Refuge, thus preserving the land and preventing development or other intensive uses.

Deleted: deterrent

Deleted: that held the former Soviet Union at bay

Weapons production at the plant involved plutonium and other radioactive and hazardous materials. Over the decades, some materials were spilled, dumped, and buried in accordance with the accepted waste handling practices of the time. These actions resulted in releases of plutonium and other contaminants into the air and water on and adjacent to Rocky Flats.

Deleted: The work was dangerous and secret.

Deleted: there were accidents

Deleted: Those accidents and some of the accepted waste handling practices of the early decades

Beginning in 1995, the United States Department of Energy contracted with private cleanup firms and conducted an unprecedented and enormously complex cleanup project to remove virtually all of the contaminated buildings and soil from the landscape. The project was completed in 2005.

Deleted: many of the same Cold War veterans who had built America's deterrent arsenal,

Deleted: They accomplished that difficult job in 2005, leaving the land as an asset for future generations of Americans.

Is the Refuge Safe for Public Recreation?

We believe it is. An extensive evaluation of contamination at Rocky Flats was conducted by the U. S. Environmental Protection Agency (EPA) and the Colorado Department of Public Health and Environment (CDPHE). The levels of contamination detected on the Refuge were low and met conservative state and federal cleanup standards. EPA, CDPHE, and independent studies have determined the Refuge is safe for public recreation, refuge workers, and resident wildlife.

Deleted: Yes.

Deleted: land

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Deleted: and

The refuge is open daily during daylight hours. Unless otherwise posted, please stay on trails. Please observe "Area "Closed" signs. Pets are not allowed on the Refuge. The interior portion of the site remains under the jurisdiction of the Department of Energy and is closed to the public. For more information about their ongoing contaminant management program please see the visitor kiosks or go to www.xxx.gov

Deleted: ¶
There are hazards involved in any form of wildland recreation. Hazards at Rocky Flats include inclement or extreme weather conditions, the potential for trips, slips and falls; poisonous snakes; and unreasonable or illegal acts by other persons. ¶

Still have questions? For more information about the history, contamination, cleanup, or site safety issues at Rocky Flats, please call EPA at (XXX) XXX-XXXX or CDPHE at (XXX) XXX-XXXX. For more information about the refuge contact (XXX) XXX-XXXX.



U . S . S E N A T O R ★ C O L O R A D O

WAYNE ALLARD

<http://allard.senate.gov>

CONTACT: Laura Condeluci 202-224-5944

July 10th, 2006

Contact: Carolyn Williams
Phone: 202-224-6207

**ALLARD PLEASED WITH REPORT FROM GAO ON ROCKY FLATS
Says Today's Report is Complete 180 from Previous 2001 GAO Report**

Today the Government Accountability Office (GAO) released its comprehensive report on the clean-up of Rocky Flats. The report was conducted at the request of Senator Wayne Allard (R-CO) in November 2004. It is the second report on Rocky Flats the GAO has completed, the first one was done in 2001.

"The GAO's report is a complete 180 from the report the investigative agency submitted to Congress five years ago," said Senator Allard. "This report is confirmation that what we believe to have been accomplished as Rocky Flats has indeed taken place."

In the 2001 report the GAO found that the clean-up was behind schedule and over cost. Today's report confirmed that clean up and closure of Rocky Flats was completed ahead of schedule and saved taxpayer hundreds of millions of dollars.

"I originally requested that the GAO update it's analysis of the Rocky Flats clean-up in November 2004," Allard said. "Today, the GAO's completed report serves as an independent assurance of the site's progress and clean-up."

"We were very fortunate to have achieved what we did, in the time we did it in, and at such a cost-savings to the taxpayer," Allard said. "I attribute this success to DOE's commitment to the project, local community support for the clean-up, Kaiser-Hill's superb management, and most importantly, the incredible job done by the workers at Rocky Flats."

"I believe DOE needs to take this report and begin analyzing how it might more fully apply the lessons learned at Rocky Flats," said Senator Allard. "Rocky Flats was the first DOE major clean-site to close and the largest Superfund clean-up ever. The lessons learned are invaluable and should be applied to the other DOE clean-up sites as quickly as possible."

The report made the following conclusions:

- The total cost was about \$10 billion, which includes the \$7.7 billion in clean-up costs, \$1.3 billion in long-term stewardship and pension liabilities, and nearly \$1 billion in other costs.
- DOE and Kaiser Hill overcame significant challenges, such as decontaminating and demolishing hundreds of structures and packaging and shipping vast quantities of radioactive and hazardous wastes.
- An accelerated clean-up process allowed clean-up actions to proceed much more quickly and collaboratively than a traditional clean-up process would have. DOE, Kaiser Hill, EPA, and State of Colorado staff often worked side by side throughout the process
- Site specific characteristics (e.g. climate, geography, the robust construction of the buildings, and the nature of the contaminants) physically limited the extent of the contamination.
- The contractor had a large financial incentive to complete the work economically, quickly, and safely.
- numerous measures are in place to assess the clean-up and these measure appear adequate to judge the sufficiency of the clean-up
- DOE has not systematically tracked or applied lessons learned from Rocky Flats

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Rocky Mountain News

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URL: http://www.rockymountainnews.com/drmn/editorials/article/0,2777,DRMN_23964_4872401,00.html

Justice elusive for Flats workers

Congress could streamline process

July 27, 2006

To the Rocky Flats workers trapped inside it, the system for compensating those who fell ill or died as a result of exposure to radioactive or toxic materials has been a nightmare.

And while Colorado Reps. Mark Udall and Bob Beauprez have introduced a bill designed to help, the likelihood of its passing any time soon is depressingly small.

First some context: There is no doubt that working on nuclear weapons during the height of the Cold War was potentially dangerous, not only at Rocky Flats but at other weapons sites around the country. But America was fighting a real war even though it mercifully never flashed hot, and weapons production was critical.

Unfortunately, in the aftermath of anticlimactic victory, the country was slow to acknowledge its obligations to those who had served at home.

Finally in 2000, Congress approved a plan to provide medical care and compensation, up to \$150,000, to workers who could demonstrate, based on the amount of exposure, that their illness was more likely than not caused by their work.

That opened up a new raft of problems. To various degrees, past exposure records were missing, incomplete or inaccurate - how much so is hotly disputed - and in the best of cases, such data offer only statistical evidence of a connection. Because cancer is extremely common anyway, it is possible to know that the rate among weapons plant workers is elevated, and reasonable to believe it is because of the exposure, but still not possible to say which individuals would have escaped the disease if only they had worked elsewhere.

Around the country, far more claims are denied than approved - in part because of the demanding requirements. Of 2,400 Rocky Flats workers who filed claims, fewer than 500 have been paid, while more than 1,700 have been denied. The rest are pending.

Because of the sometimes inadequate record-keeping, the law provides that workers at a site can petition to be part of a "special exposure cohort" whose members do not have to offer individual evidence of exposure to qualify for compensation. Such a petition is pending for Rocky Flats, although the deadline for action is long past. As an alternative, Udall and Beauprez have introduced a bill to designate Rocky Flats workers as members of the cohort.

Unfortunately, it's so close to the end of the session that action is unlikely. Meaning those who served on the civilian front in the Cold War still await a fair deal.

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BOULDER DAILY CAMERA

Boulder County Briefs - July 29

July 29, 2006

Rocky Flats

Flats oversight council lands DOE money

U.S. Sen. Ken Salazar, D-Denver, announced Friday that the U.S. Department of Energy has awarded \$396,000 to the Rocky Flats Stewardship Council. The council will use the funds to represent local interests and work with the Department of Energy during the transition of the Rocky Flats site to a national wildlife reserve.

The stewardship council is the follow-on organization to the Rocky Flats Coalition of Local Governments and the Rocky Flats Citizens Advisory Board, which oversaw the \$7 billion cleanup of the former nuclear-weapons plant.

DailyCamera

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URL: http://www.dailycamera.com/bdc/state_news/article/0,1713,BDC_2419_4867968,00.html

Equipment dumping claimed

Former Rocky Flats workers lodge complaints

By **Todd Hartman, Rocky Mountain News**
July 25, 2006

DENVER — Allegations that enormous stores of new equipment were thrown away in the haste to close the Rocky Flats nuclear weapons plant and earn the contractor early cleanup bonuses have been lodged by several workers.

The complaints, now under review by the Department of Energy's Office of Inspector General, involve assertions by former workers at the now-demolished plant that supervisors with cleanup contractor Kaiser-Hill found it easier to throw away the materials, many of which were still in boxes or wrapped in plastic, than to find new homes for them.

The latest complaints were made by ex-workers who contacted the Rocky Mountain News after the newspaper published initial claims in April.

"It got to where you just had to turn a blind eye because if you didn't, it would make you sick," said Andrea Sierra, who worked for the company that was hired by Kaiser-Hill to auction off excess equipment during the closure. "Nothing stuns me anymore."

Workers believe the throwaway mentality was wrapped up in Kaiser-Hill's push to get the cleanup finished ahead of a deadline and under budget — an outcome that netted what proved to be \$170 million worth of bonuses from the Department of Energy.

Kaiser-Hill, however, has disputed claims that there was widespread waste of usable materials and argued that completing the job quickly and cheaply saved U.S. taxpayers big dollars, noting the project came in \$400 million under projected costs.

"As I've stated before, we're very confident we followed all DOE guidelines on proper disposition of property at Rocky Flats," said John Corsi, a spokesman for CH2M Hill, one half of the former joint venture with Kaiser Group Holdings.

After the News' initial report on the workers claims, the Department of Energy's Office of Inspector General said it would reopen a review into an earlier worker's complaint about "wasteful practices" during the closure of the former nuclear weapons plant eight miles south of Boulder.

Since then, two inspectors with the OIG flew to Denver to meet with a group of workers, including Steven

Weber, the original complainant who began writing to the OIG about his concerns in 2004.

Inspectors have also met with officials associated with Kaiser-Hill.

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Article Last Updated: 6/27/2006 12:14 AM

denver & the west

Flats grand jury not free of muzzle

Despite an appeals ruling in their favor, those wanting to talk about the probe face several legal hurdles.

By Alicia Caldwell
Denver Post Staff Writer
DenverPost.com

Rocky Flats grand jurors who want to disclose what they say is prosecutorial misconduct in a probe concluded 14 years ago will have an uphill battle, lawyers and professors say.

While a federal appeals court ruling earlier this month gives them a glimmer of hope, rules governing grand jury secrecy have few and slim exceptions.

Grand jurors, who have spent a decade seeking permission to talk about how prosecutors blocked their efforts to indict officials for environmental crimes, are undeterred.

"The public needs to know how their government is taking care of them - what the government came into the room and said," said Wes McKinley, foreman of the grand jury who has since become a state legislator.

The unusual case, which began with a high-profile FBI raid of Rocky Flats, a Cold War-era plutonium trigger plant north of Denver, continues to pose unique legal questions.

A grand jury met for 2 1/2 years and wanted prosecutors to charge federal and corporate officials with environmental crimes.

Instead, prosecutors dismissed the grand jury and a plea agreement was forged with government contractor Rockwell International.

The company pleaded guilty to violations of federal environmental laws - five felonies and five misdemeanors - and paid an \$18.5 million fine.

Jurors were outraged and began their quest to speak out.

Susan Brenner, a University of Dayton law professor who is an expert on federal grand juries, said she knows of no other grand jury that has sought or received standing to challenge the secrecy of its own proceedings.

"It seems to me that whatever happened in Rocky Flats, something went terribly wrong between that grand jury and the prosecutor," Brenner said.

She applauded the persistence of the jurors, saying they're doing what they're supposed to do.

But she and others acknowledged that the prohibition of disclosure of "matters occurring before the grand jury" is a broad protection.

Prosecutors, grand jurors and others are precluded from discussing witness testimony, documents subpoenaed or anything that reveals the direction of an investigation.

Among the reasons grand jury proceedings are secret is to prevent those who could be indicted from escaping, ensure the jury deliberates without outside pressure, encourage witnesses to speak freely and to protect the innocent from revelations they had been investigated.

A three-judge panel from the 10th U.S. Court of Appeals in Denver issued an order June 15 sending the grand jurors' request back to the trial court with instructions that the lower court decide whether anything can be released.

James Felman, a Tampa, Fla., lawyer who has written about grand jury law, said the Rocky Flats case could raise issues compelling enough to be released.

"It strikes me that prosecutorial misconduct is precisely one of those exceptions," Felman said. "I think the only way you'll be able to police misconduct in the grand jury room is to lift the secrecy rule when you see it."

Mike Norton, who was the Colorado U.S. attorney during the Rocky Flats investigation, said he said he knows of no misconduct in the case.

"We made judgments that we thought were correct at the time and we still think are correct," Norton said.

The Colorado U.S. attorney's office continues to fight the disclosure, saying the sanctity of grand jury proceedings is important to protect.

Felman said the case has attracted national attention among grand jury scholars because of the unusual nature of the allegations and the stand taken by the grand jury.

"It is very unusual that a grand jury isn't the rubber stamp that prosecutors want it to be," he said.

Staff writer Alicia Caldwell can be reached at 303-820-1930 or acaldwell@denverpost.com.