

# 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 Thornton -- City of Westminster -- Town of Superior  
League of Women Voters -- Rocky Flats Cold War Museum -- Rocky Flats Homesteaders  
Arthur Widdowfield

## **Board of Directors Meeting – Agenda**

**Monday, April 2, 2012, 8:30 AM – 11:30 AM**

**Rocky Mountain Metropolitan Airport, Terminal Building, Mount Evans Room  
11755 Airport Way, Broomfield, Colorado**

- 8:30 AM Convene/Introductions/Agenda Review
- 8:35 AM Chairman’s Review of March 14<sup>th</sup> Executive Committee meeting
- 8:40 AM Business Items (briefing memo attached)
1. Consent Agenda
    - o Approval of meeting minutes and checks
  2. Executive Director’s Report
- 8:50 AM Public Comment
- 9:00 AM Second review of bylaws amendments (briefing memo attached)
- o Due to changes in the IGA – changes to membership and voting requirements – the bylaws need to be amended to align with the IGA.
  - o As a unit of local government, the Stewardship Council must review the changes at one meeting – we took that step at the February 6<sup>th</sup> meeting – and then adopt the changes at a second meeting (this meeting).
- Action Item: Approve bylaws amendments**
- 9:10 AM Briefing on the history of Rocky Flats Stewardship Council (briefing memo attached)
- o With so many new board members, we will review and discuss the reasons for the Stewardship Council – our legislative roots, mission, and focus since 2006.
- 9:40 AM Briefing on the history of Rocky Flats (briefing memo attached)
- o In order to understand Rocky Flats, it is imperative to understand the scope of the cleanup.

- Understanding the cleanup, priorities and remedial goals, and final cleanup levels for certain constituents helps frame many issues currently being evaluated and debated.
- This briefing will be helpful to all members.

- 10:40 AM Adaptive Management Plan (AMP) monitoring update (briefing memo attached)
- In 2010-2011, a debated emerged over DOE's plan to breach three terminal ponds in 2018-2020.
  - After extensive public dialogue, DOE adopted an adaptive management plan (AMP)
  - The AMP sets the framework for evaluating the feasibility and impact of breaching these terminal ponds.
  - The briefing will explain the AMP and identify initial sampling results.

11:15 AM Public comment

- 11:25 PM Big Picture Review/Updates
1. Review Big Picture
  2. Member Updates

Adjourn

Next Meetings:        June 4  
                              September 10 (second Monday)  
                              November 5

Rocky Flats Acronym List  
 Prepared by Rik Getty, Rocky Flat Stewardship Council  
 March 2012

<b>Acronym or Term</b>	<b>Means</b>	<b>Definition</b>
Alpha Radiation		A type of radiation that is not very penetrating and can be blocked by materials such as human skin or paper. Alpha radiation presents its greatest risk when it gets inside the human body, such as when a particle of alpha emitting material is inhaled into the lungs. Plutonium, the radioactive material of greatest concern at Rocky Flats, produces this type of radiation.
Am	americium	A man-made radioactive element which is often associated with plutonium.
AME	Actinide Migration Evaluation	An exhaustive years-long study by independent researchers who studied how actinides such as Pu, Am, and U move through the soil and water at Rocky Flats
AMP	Adaptive Management Plan	Additional analyses that DOE is performing beyond the normal environmental assessment for breaching the remaining site dams.
AOC well	Area of Concern well	A particular type of groundwater well
B	boron	Boron has been found in some surface water and groundwater samples at the site
Be	beryllium	A very strong and lightweight metal that was used at Rocky Flats in the manufacture of nuclear weapons. Exposure to beryllium is now known to cause respiratory disease in those persons sensitive to it
Beta Radiation		A type of radiation more penetrating than alpha and hence requires more shielding. Some forms of uranium emit beta radiation.
BMP	best management practice	A term used to describe actions taken by DOE that are not required by regulation but warrant action.
BZ	Buffer Zone	The majority of the Rocky Flats site was open land that was added to provide a "buffer" between the neighboring communities and the industrial portion of the site. The buffer zone was approximately 6,000 acres. Most of the buffer zone lands now make up the Rocky Flats National Wildlife Refuge.
CAD/ROD	corrective action decision/record of	The complete final plan for cleanup and closure for Rocky Flats. The Federal/State

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	decision	laws that governed the cleanup at Rocky Flats required a document of this sort.
CCP	Comprehensive Conservation Plan	The refuge plan adopted by the U.S. Fish and Wildlife Service in 2007.
CDPHE	Colorado Department of Public Health and Environment	State agency that regulates the site.
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act	Federal legislation that governs site cleanup. Also known as the Superfund Act
cfs	cubic feet per second	A volumetric measure of water flow.
COC	Contaminant of Concern	A hazardous or radioactive substance that is present at the site.
COU	Central Operable Unit	A CERCLA term used to describe the DOE-retained lands, about 1,500 acres comprised mainly of the former Industrial Area where remediation occurred
Cr	chromium	Potentially toxic metal used at the site.
CRA	comprehensive risk assessment	A complicated series of analyses detailing human health risks and risks to the environment (flora and fauna).
D&D	decontamination and decommissioning	The process of cleaning up and tearing down buildings and other structures.
DG	discharge gallery	This is where the treated effluent of the SPPTS empties into North Walnut Creek.
DOE	U.S. Department of Energy	The federal agency that manages portions of Rocky Flats. The site office is the Office of Legacy Management (LM).
EA	environmental assessment	Required by NEPA (see below) when a federal agency proposes an action that could impact the environment. The agency is responsible for conducting the analysis to determine what, if any, impacts to the environment might occur due to a proposed action.
EIS	environmental impact statement	A complex evaluation that is undertaken by a government agency when it is determined that a proposed action by the agency may have significant impacts to the environment.
EPA	U.S. Environmental Protection Agency	The federal regulatory agency for the site.
ETPTS	east trenches plume treatment system	The treatment system near the location of the east waste disposal trenches which treats

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		groundwater contaminated with organic solvents emanating from the trenches. Treated effluent flows into South Walnut Creek.
FC	functional channel	Man-made stream channels constructed during cleanup to help direct water flow.
FACA	Federal Advisory Committee Act	This federal law regulated federal advisory boards. The law requires balanced membership and open meetings with published Federal Register meeting dates.
Gamma Radiation		This type of radiation is very penetrating and requires heavy shielding to keep it from exposing people. Am is a strong gamma emitter.
GAO	Government Accountability Office	Congressional office which reports to Congress. The GAO did 2 investigations of Rocky Flats relating to the ability to close the site for a certain dollar amount and on a certain time schedule. The first study was not optimistic while the second was very positive.
g	gram	metric unit of weight
gpm	gallons per minute	A volumetric measure of water flow in the site's groundwater treatment systems and other locations.
GWIS	groundwater intercept system	Refers to a below ground system that directs contaminated groundwater toward the Solar Ponds and East Trenches treatment systems.
IA	Industrial Area	Refers to the central core of Rocky Flats where all production activities took place. The IA was roughly 350 of the total 6,500 acres at the site.
IC	Institutional Control	ICs are physical and legal controls geared towards ensuring the cleanup remedies remain in place and remain effective.
IHSS	Individual Hazardous Substance Site	A name given during cleanup to a discrete area of known or suspected contamination. There were over two hundred such sites at Rocky Flats.
ITPH	interceptor trench pump house	The location where contaminated groundwater collected by the interceptor trench is pumped to either the Solar Ponds and East Trenches treatment systems
L	liter	Metric measure of volume, a liter is slightly larger than a quart.

Rocky Flats Acronym List  
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LANL	Los Alamos National Laboratory	One of the US government's premier research institutions located near Santa Fe, NM. LANL is continuing to conduct highly specialized water analysis for Rocky Flats. Using sophisticated techniques, LANL is able to determine the percentages of both naturally-occurring and man-made uranium. That analysis helps inform water quality decisions.
LM	Legacy Management	DOE office responsible for overseeing activities at closed sites.
LMPIP	Legacy Management Public Involvement Plan	This plan follows DOE and EPA guidance on public participation and outlines the methods of public involvement and communication used to inform the public of site conditions and activities. It was previously known as the Post-Closure Public Involvement Plan (PCPIP).
M&M	monitoring and maintenance	Refers to ongoing activities at Rocky Flats.
MSPTS	Mound site plume treatment system	The treatment system for treating groundwater contaminated with organic solvents which emanates from the Mound site where waste barrels were buried. Treated effluent flows into South Walnut Creek.
NEPA	National Environmental Policy Act	Federal legislation that requires the federal government to perform analyses of environmental consequences of major projects or activities.
nitrates		Contaminant of concern found in the North Walnut Creek drainage derived from Solar Ponds wastes. Nitrates are very soluble in water and move readily through the aquatic environment
Np	neptunium	A man-made radioactive isotope that is found as a by-product of nuclear reactors and plutonium production.
NPL	National Priorities List	A listing of Superfund sites. The refuge lands were de-listed from the NPL while the DOE-retained lands are still on the NPL due to ongoing groundwater contamination and associated remediation activities.
OLF	Original Landfill	Hillside dumping area of about 20 acres which was used from 1951 to 1968. It

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 March 2012

		underwent extensive remediation with the addition of a soil cap and groundwater monitoring locations.
OU	Operable Unit	A term given to large areas of the site where remediation was focused.
PCE	perchloroethylene	A volatile organic solvent used in past operations at the site. PCE is also found in environmental media as a breakdown product of other solvents.
pCi/g	picocuries per gram of soil	A unit of radioactivity measure. The soil cleanup standard at the site was 50 pCi/g of soil.
pCi/L	picocuries per liter of water	A water concentration measurement. The State of Colorado has a regulatory limit for Pu and Am which is 0.15 pCi/L of water. This standard is 100 times stricter than the EPA's national standard.
PLF	Present Landfill	Landfill constructed in 1968 to replace the OLF. During cleanup the PLF was closed under RCRA regulations with an extensive cap and monitoring system.
PMJM	Preble's Meadow Jumping Mouse	A species of mouse found along the Front Range that is on the endangered species list. There are several areas in the Refuge and COU that provide an adequate habitat for the mouse, usually found in drainages. Any operations that are planned in potential mouse habitat are strictly controlled.
POC	Point of Compliance (surface water)	A surface water site that is monitored and must be found to be in compliance with federal and state standards for hazardous constituents. Violations of water quality standards at the points of compliance could result in DOE receiving financial penalties.
POE	Point of Evaluation (surface water)	These are locations at Rocky Flats at which surface water is monitored for water quality. There are no financial penalties associated with water quality exceedances at these locations, but the site may be required to develop a plan of action to improve the water quality.
POU	Peripheral Operable Unit	A CERCLA term used to describe the Wildlife Refuge lands of about 4,000 acres.
Pu	plutonium	Plutonium is a metallic substance that was fabricated to form the core or "trigger" of a

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		nuclear weapon. Formation of these triggers was the primary production mission of the Rocky Flats site. Pu-239 is the primary radioactive element of concern at the site. There are different forms of plutonium, called isotopes. Each isotope is known by a different number. Hence, there are plutonium 239, 238, 241 and others.
RCRA	Resource Conservation and Recovery Act	Federal law regulating hazardous waste. In Colorado, the EPA delegates CDPHE the authority to regulate hazardous wastes.
RFCA	Rocky Flats Cleanup Agreement	The regulatory agreement which governed cleanup activities. DOE, EPA, and CDPHE were signors.
RFCAB	Rocky Flats Citizen Advisory Board	This group was formed as part of DOE's site-specific advisory board network. They provided community feedback to DOE on a wide variety of Rocky Flats issues from 1993-2006.
RFCLOG	Rocky Flats Coalition of Local Governments	The predecessor organization of the Rocky Flats Stewardship Council
RFETS	Rocky Flats Environmental Technology Site	The moniker for the site during cleanup years.
RFLMA	Rocky Flats Legacy Management Agreement	The post-cleanup regulatory agreement between DOE, CDPHE, and EPA which governs site activities. The CDPHE takes lead regulator role, with support from EPA as required.
RFNWR	Rocky Flats National Wildlife Refuge	The approximate 4,000 acres which compose the wildlife refuge.
RFSOG	Rocky Flats Site Operations Guide	The nuts-and-bolt guide for post-closure site activities performed by DOE and its contractors.
SPPTS	solar ponds plume treatment system	System used to treat groundwater contaminated with uranium and nitrates. The nitrates originate from the former solar evaporation ponds which had high levels of nitric acid. The uranium is primarily naturally-occurring with only a slight portion man-made. Effluent flows into North Walnut Creek
SVOCs	semi-volatile organic compounds	These compounds are not as volatile as the solvent VOCs. They tend to be similar to oils and tars. They are found in many

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 March 2012

		environmental media at the site. One of the most common items to contain SVOCs is asphalt.
TCE	trichloroethylene	A volatile organic solvent used in past operations at the site. TCE is also found in environmental media as a breakdown product of other solvents.
U	uranium	Naturally occurring radioactive element. There were two primary isotopes of U used during production activities. The first was enriched U which contained a very high percentage (>90%) of U-235 which was used in nuclear weapons. The second isotope was U-238, also known as depleted uranium. This had various uses at the site and only had low levels of radioactivity..
USFWS	United States Fish & Wildlife Service	An agency within the US Department of the Interior that is responsible for maintaining the nation-wide system of wildlife refuges, among other duties. The regional office is responsible for the RFNWR.
VOC	volatile organic compound	These compounds include cleaning solvents that were used in the manufacturing operations at Rocky Flats. The VOCs used at Rocky Flats include carbon tetrachloride (often called carbon tet), trichloroethene (also called TCE), perchloroethylene (also called PCE), and methylene chloride.
WCRA	Woman Creek Reservoir Authority	This group is composed of the three local communities, the Cities of Westminster, Northglenn, and Thornton, who use Stanley Lake as part of their drinking water supply network. Water from the site used to flow through Woman Creek to Stanley Lake but the reservoir severed that connection. The Authority has an operations agreement with DOE to manage the Woman Creek Reservoir.
WQCC	Water Quality Control Commission	State board within CDPHE tasked with overseeing water quality issues throughout the state. DOE has petitioned the WQCC several times in the last few years regarding water quality issues.
ZVI	zero valent iron	A type of fine iron particles used to treat VOC's in the ETPTS and MSPTS.

## **Business Items**

- February 6, 2012, draft board meeting minutes
- List of Stewardship Council checks

## **Bylaws Amendments**

- Cover memo
- Draft bylaws amendments

## **ROCKY FLATS STEWARDSHIP COUNCIL**

**Monday, February 6, 2012, 8:30 AM – 11:30 AM**

**Rocky Mountain Metropolitan Airport, Terminal Building, Mount Evans Room  
11755 Airport Way, Broomfield, Colorado**

**Board members in attendance:** Shelley Cook (Director, Arvada), Mark McGoff (Alternate, Arvada), Jim McCarthy (Alternate, Arvada), Lisa Morzel (Director, City of Boulder), Tim Plass (Alternate, City of Boulder), Deb Gardner (Director, Boulder County), Meagan Davis (Alternate, Boulder County), Greg Stokes (Director, Broomfield), Mike Shelton (Alternate, Broomfield), David Allen (Alternate, Broomfield), Bill Fisher (Director, Golden), Faye Griffin (Director, Jefferson County), Kate Newman (Alternate, Jefferson County), Shelley Stanley (Alternate, Northglenn), Joe Cirelli (Director, Superior), Eric Tade (Director, Thornton), Emily Hunt (Alternate, Thornton), Bob Briggs (Director, Westminster), Mary Fabisiak (Alternate, Westminster), Shirley Garcia (Director, Rocky Flats Cold War Museum), Ann Lockhart (Alternate, Rocky Flats Cold War Museum), Roman Kohler (Director, Rocky Flats Homesteaders), Jeannette Hillery (Director, League of Women Voters), Arthur Widdowfield (citizen).

**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.), Jennifer Bohn (RFSC accountant), Erin Rogers (consultant).

**Attendees:** Vera Moritz (EPA), Carl Spreng (CDPHE), Marilyn Null (CDPHE), John Dalton (EPA), Scott Surovchak (DOE-LM), Jeremiah McLaughlin (Stoller), Bob Darr (Stoller), George Squibb (Stoller), John Boylan (Stoller), Jody Nelson (Stoller), Linda Kaiser (Stoller), Leroy Moore (Rocky Mountain Peace and Justice Center), Conny Boogard (Rocky Flats Cold War Museum consultant)

### **Convene/Agenda Review**

Chairman Bob Briggs convened the meeting at 8:39 a.m. Bob noted that there were a number of new members of the Stewardship Council and said that there would be more detailed introductions later in the meeting. He asked if there were any suggested changes to the agenda and there were not.

### **Chairman's Review of January 23rd Executive Committee meeting**

Chairman Briggs noted that an Executive Committee meeting was held on January 23, 2012. The purpose was to develop the agenda for this meeting. He asked if there were any questions, and there were not.

### **Consent Agenda**

David explained that the City of Golden had not yet approved the new Stewardship Council Intergovernmental Agreement (IGA). Therefore, Northglenn would not be voting at this meeting as the existing IGA with Golden and Northglenn serving as rotating parties remains in effect. He

further noted that Golden would approve the IGA amendments at its meeting later that week, and then the changes would be in effect as all member governments would have approved the IGA amendments and triennial determination.

Prior to approving the minutes from the last meeting, David Allen noted a correction to the attendee list. Joyce Downing should be listed as being from Northglenn and not Thornton.

Lisa Morzel moved to approve the November Board meeting minutes as amended and the checks. The motion was seconded by Jeannette Hillery. The motion to accept the minutes and checks passed 12-0.

Each year the board is required to adopt a resolution establishing the meeting dates for the given year. The Board was provided with a suggested schedule for 2012 in their meeting packets. Lisa Morzel moved to approve the resolution and meeting notice provisions. The motion was seconded by Arthur Widdowfield. The motion passed 12-0.

### **Executive Director's Report**

David Abelson began his report by welcoming eight new Board members. He mentioned some basic housekeeping items related to the meetings. He also let the new members know that they were set up to receive hard copies of the Board packets, but to let him know if they would prefer to only receive the packets electronically. David pointed out the acronym list that would always be found in the beginning of the Board packets. Barb Vander Wall noted that all Board members should have received copies of their 'Oaths of Office'. All Board member terms commence as of February. These forms must be signed and witnessed and then returned to staff. David noted that the Stewardship Council is organized as unit of local government in Colorado, and as the Board's attorney, Barb keeps the Board on track with all of the related requirements.

David next spoke about his attendance at an Intergovernmental Working Group meeting. This group, which is primarily focused on nuclear cleanup, includes DOE, Energy Communities Alliance, National Governors Association, the National Association of Attorneys General, the State of Tribal Government Working Group, and the Environmental Council of States. While David does not usually attend these meetings because of their focus on cleanup, he was invited by NGA to talk about cleanup and risk assessment issues at Rocky Flats. He served on a panel and spoke about balancing competing interests during the cleanup process. He noted that a DOE representative from the Portsmouth/Paducah sites said that cleanup decisions should not be 'risk-based', but 'risk-informed'. David pointed out that these issues still have relevance at Rocky Flats, due to current and future decisions on things like monitoring of Points of Compliance and dam breaching.

As requested by Leroy Moore, David circulated the latest sampling report from the Rocky Mountain Peace and Justice Center. He noted that the data essentially mirrors what has already been found at the site. He pointed out that the samples were not processed in an EPA lab. He said the report shows levels of contamination barely above background levels, and significantly lower than protective standards.

David updated the group regarding a potential bill by State Rep. Wes McKinley related to signage at Rocky Flats. David said that it looked like the bill would not be offered again this year and added that this is McKinley's final term. Joe Cirelli asked if there were any additional updates on the DOE reorganization effort. David said there was not really anything new. He added that everything he had heard seemed to indicate that the changes would be positive and would offer DOE-LM better access to higher officials within the Department. David also reported progress on securing a new DOE grant for the Stewardship Council. He said the person in charge is very helpful and responsive. Bob Briggs asked David to explain the basics of the grant for the benefit of new members. David explained that the Board initially received a DOE grant in 2006 to serve a role as the 'Local Stakeholder Organization'. That grant was through February 2012, and he working to extend it another five years. He is also working with DOE on securing funding. He noted the application is in the final stages of approval and would be signed in the coming weeks.

### **Public Comment**

There was none.

### **Board Member Introductions**

With the expansion of the Board and changes to elected official representation, there were some new faces at this meeting. Each director and alternate was asked to introduce him or herself and to identify their interests and priorities for the coming year. Bob Briggs began. He said he was in his second term on the Westminster City Council, and that the City has an extreme interest in all issues related to water. He said he anticipates being a Westminster representative on the Board until his term ends. Joe Cirelli is a trustee with the Town of Superior. He was elected for the first time in 2008, and has not decided yet on running for a second term. He started on the Stewardship Council in 2009, and worked at Rocky Flats from 1993 until closure. He said Superior also has an interest in any contamination that could be made airborne, as well as in supporting neighboring local governments on issues affecting their residents.

Mike Shelton was just elected to represent Ward 2 on the Broomfield City Council, replacing Lori Cox. He also noted that he grew up in the area. Greg Stokes, also with Broomfield, was elected 2009 and is currently the mayor pro tem. He was previously an alternate director on the Stewardship Council and is now a director. David Allen has been on the Stewardship Council since 2006, first with Northglenn and now with Broomfield. He said Broomfield's primary interest is making sure that post-closure activities remain protective of human health and the environment. Jim McCarthy provides staff support for the City of Arvada. He has been involved off and on in Rocky Flats issues since 1991. Shelley Stanley is a staff member for the City of Northglenn. She said Mayor Joyce Downing was sick and wished she could have been at the meeting. Shelley has been on the Stewardship Council since 2006. She said that Northglenn interests included water, following the AMP process, and Points of Compliance.

Ann Lockhart serves on the Board as an alternate for the Rocky Flats Cold War Museum. She worked for the Colorado Department of Public Health and Environment for 23 years, which included working on a project looking into health effects from Rocky Flats. She became

involved with the Museum in 1999. Shirley Garcia, also with the Museum, worked at Rocky Flats for fifteen years and said she wishes to continue looking at the site's legacy. Mary Fabisiak is with the City of Westminster, and said she was also concerned with the legacy of Rocky Flats, as well as surface water issues.

Meagan Davis serves as a policy analyst for the Boulder County Commissioners, and has served on the Stewardship Council since 2007. Deb Gardner, Boulder County Commissioner, said she was looking forward to working with everyone to create a safe site, protect people and the environment, and find ways to enjoy the land. She was previously a State legislator. Faye Griffin, Jefferson County Commissioner, is a native of Golden, and remembers old wives tales about Rocky Flats. She said the information she has seen about the site is very interesting. She is also concerned about water issues and making sure everything is safe. She has worked at the county for 35 years, as clerk and recorder, treasurer, and is now in her fourth year as Commissioner. She will run again in the next election. Bill Fisher serves on the Golden City Council and joined the Stewardship Council in 2008. Since Golden is a small town, it has learned to reach beyond its borders and work in partnerships with other communities. Some of Golden's interests include potential wind-borne contamination, workers health and treatment, supporting downstream partners, and supporting the highest standards for monitoring.

Kate Newman, staff with Jefferson County, has served as an alternate on the Stewardship Council for six years, and helps support the Commissioners. Emily Hunt grew up near Standley Lake and is the water resources manager for the City of Thornton, which is a downstream community of Rocky Flats. Eric Tade is serving in his second term on Thornton's City Council and shares an interest in water issues, including Big Dry Creek. Roman Kohler has been on the Stewardship Council since its inception, and is a former Rocky Flats worker. As a representative of the Rocky Flats Homesteaders, he is interesting in maintaining worker benefits, making sure participating organizations are aware of worker issues, and following the health issues of workers. Through the Homesteaders, he communicates with a large group of former workers through a newsletter he publishes, and passes along information from Stewardship Council to them.

Mark McGoff is in his second term on the Arvada City Council. He has some Rocky Flats background, and was Board Member for the Cold War Museum a few years ago. He is interested in the Refuge-to-Refuge trail, which will connect Rocky Flats with the Two Ponds and Arsenal Wildlife Refuges. He is a former prison warden. Shelley Cook was on the Arvada City Council in the 1990's and was involved in Rocky Flats land use discussions. She ran for and took over Lorraine Anderson's seat in 2009. She is interested in public health issues, as Arvada has been home to large numbers of people who worked at Rocky Flats.

Jeannette Hillery, with the League of Women Voters, has been a director on the Board since 2005. The League believes in strong public participation and collaboration. It published a nuclear primer, and has interest in surface and groundwater issues. Tim Plass was elected to the Boulder City Council in 2011. He chose the assignment to work on the Stewardship Council because of the opportunity to work with partners and collaborate on interesting issues. Lisa Morzel said she loves working on Rocky Flats issues. She was part of a Rocky Flats encirclement effort in the 1980's. Her background is in geology, and is therefore interested in scientific issues at the site.

She was elected to the Boulder City Council in 1995, and began serving on a predecessor Rocky Flats group (RFLII) in 1996, and then on the Rocky Flats Coalition of Local Governments. After taking a break from city government, while staying on the Coalition as a private citizen, Lisa was re-elected to the City Council in 2007 and again in 2011. She noted the complex issues and competing interests at Rocky Flats and how this group has evolved into working well with each other, and speaking with one voice. While Boulder is not downstream from Rocky Flats, Lisa says site issues affect the whole region. She pointed to landslides in the area, leading to geological movement as recently as 30-40 years ago. She says these issues will never go away, and the community needs to stay vigilant.

Arthur 'Murph' Widdowfield lives in Jefferson County, south of Rocky Flats, and is not affiliated with any of the local governments. He has served on the Stewardship Council for two years and is now also working with the Cold War Museum. He said he has learned a lot and enjoyed serving on the Board.

David Abelson then introduced the support staff for the Board. Jennifer Bohn is the Board's accountant and keeps the Board in compliance with applicable standards, as evidenced by an annual, voluntary financial audit. Erin Rogers prepares the minutes for all Board meetings, and recently took over the task of maintaining the Stewardship Council website as well. She has worked on Rocky Flats issues since 1994. Barb Vander Wall, the Board's attorney, specializes in municipal law. She has been with the group since the beginning and helps with many issues behind the scenes. Rik Getty worked at Rocky Flats for 20 years and started with the Coalition in 2003. He advises the Board on technical issues and specializes in communicating complex ideas in a way that all can understand. David Abelson first worked on Rocky Flats issues in 1995 with Rep. David Skaggs' office. Throughout the years he has worked with various Rocky Flats organizations, and enjoys the process of getting local governments and stakeholders to work with each other. He is excited about the Stewardship Council moving into new phase with the new composition of the Board.

Carl Spreng with CDPHE has been working on these issues for about 20 years. Bob Darr is the public affairs contact with Stoller. He started in the Kaiser Hill communications office on an internship in 2000, while in graduate school. Jeremiah McLaughlin is the Site Operations Manager for Stoller and has been working at the site for 12 years. Linda Kaiser, also with Stoller, has been working for Rocky Flats since 1998. Scott Surovchak is the Site Manager for Rocky Flats, as well as DOE's Pinellas Site in Florida and Wyoming UMTRA sites. He has been at Rocky Flats for 21 years. John Boylan is the Groundwater Lead for Stoller and started at Rocky Flats in 1990. George Squibb is the Surface Water Lead for Stoller, and has been at the site for 20 years. Jody Nelson is the Site ecologist, and been there since 1994. Vera Moritz has been with EPA for 15 years and is a civil engineer.

Conny Boogard, is the Rocky Flats Cold War Museum's Project Director. She has a long history with museums in Holland. She is also teaching an 'Atomic Age' art class at CSU. Marilyn Null supports Carl Spreng at CDPHE. She started working on Rocky Flats issues in the 1980's. John Dalton works on community involvement for EPA, and supports Vera Moritz. His job is to identify issues that might affect the public and be able to explain any issues or concerns to the general public. He has been with EPA for nine years, and the past two working with the

Stewardship Council. Leroy Moore has been with the Rocky Mountain Peace and Justice Center since about 1983, and has been involved in Rocky Flats issues since 1978. He is also on the board of the Cold War Museum, and has served on several other boards, as well as the National Council for Radiation Measurements.

### **Election of Stewardship Council Officers for 2012**

The next item was the election of officers for 2012. The three positions are Chair, Vice Chair, and Secretary/Treasurer. As provided in the bylaws, the terms shall commence at the first meeting of the Board held on or after February 1 of each year.

Lisa Morzel expressed her interest in serving as Chair. She said she had been around for 15 years, has not chaired before and would like to. Bob Briggs said he was interested in becoming Vice Chair. Jeannette Hillery asked to be considered for the Secretary/Treasurer position. She said she had previously served terms as both Chair and Secretary/Treasurer. Bob Briggs then asked if anyone else was interested in being considered for one of the positions. No one replied. Joe Cirelli moved to close discussion and approve the three candidates for officer positions. The motion was seconded by Murph Widdowfield. The motion passed 12-0.

Lisa Morzel took over as Chair of the meeting.

### **Host DOE Quarterly Meeting**

DOE briefed on its activities for the third quarter of 2011 (July-September). DOE has posted the full report on its website. Activities for the quarter included surface water monitoring, groundwater monitoring, ecological monitoring, and site operations (inspections, maintenance, etc.).

#### *Surface Water Monitoring – George Squibb*

Valves at both ponds A-4 and B-5 were opened in September and these ponds are now being operated in a flow-through mode. As of October, Ponds A-3, A-4, B-5, and C-2 and the Landfill Pond were holding approximately 8.5 percent of capacity. In January, pond levels ranged from 0 (A-3) to 10.2% (B-5). In the 4<sup>th</sup> quarter, Pond C-2 was also opened up to flow through, and will be at about 2.5%. There was just over 5 inches of precipitation during the quarter, which is about average. There was some good rain in July. Flow rates were also about average, and included no flow at SW027.

Performance monitoring at the Original Landfill (OLF) showed that surface water quality results were all below standards for the quarter. At the Present Landfill (PLF), both arsenic and selenium concentrations were above standards in the sample collected in July, triggering monthly sampling. In the August sampling, both arsenic and selenium concentrations were below the standard, resulting in the discontinuation of monthly sampling. Shirley Garcia asked what the path forward would have been if selenium or arsenic had been found in the second sample. George said if three samples in a row were found above the standards, it would trigger a consultation process with CDPHE. Shirley noted the PLF dam had been notched, and was wondering about how the site would stop the water if the arsenic or selenium levels had

continued to be high. George said that if there was something with significant risk, they could respond appropriately.

DOE also worked on changes to the Points of Compliance (POC) during the third quarter. The RFLMA Attachment 2 modification for changes to monitoring locations was approved by CDPHE and EPA in May, 2011. There was a designation of new POC, called WALPOC, inside the Central Operable Unit (COU) boundary, removing GS08 and GS11 as POCs in Walnut Creek, after completion of installation of the new flume for WALPOC. A second new POC was designated, called WOMPOC, in Woman Creek inside the COU boundary, removing GS31 as a POC at the outfall of the Pond C-2 upstream of WOMPOC, after completion of installation of the new flume for WOMPOC. DOE notified CDPHE and EPA on September 9, 2011, that construction was completed for WALPOC and provided notice on September 28, 2011, that construction was completed for WOMPOC.

Non-RFLMA monitoring of GS08, GS11, and GS31 has been continuing per the Adaptive Management Plan (AMP). The results are reported in AMP quarterly reports, which are posted to the Rocky Flats website on the last day of month following the end of quarter. An annual AMP status report using data validated as of December 31 will be posted by the end of February.

George next updated the group on Point of Evaluation (POE) monitoring. At SW027, 12-month rolling averages for Pu-239 and Pu-240 are no longer reportable as of April 30, 2011. The continued lack of runoff yielded only one flow-paced grab in the composite sample started in February, 2011. This single grab was discarded in January, 2012 and a new composite was started at a slightly lower flow-pace. Once the February composite was determined to be NSQ, and no results would be forthcoming, the 12-month rolling averages through May 31, 2011, could be calculated.

Pond C-2 started flow-through operation on November 7, 2011, and the pre-discharge sample result for plutonium was 0.017 picocuries/liter (pCi/L).

12-month rolling averages at Point of Evaluation (POE) GS10 continue to exceed the standard for uranium (16.8 micrograms/liter [ $\mu\text{g/L}$ ]) through November 30, 2011. RFLMA Contact Record 2011-04, "Reportable Condition for Uranium at Point of Evaluation GS10," provides a discussion of the monitoring results and recaps the outcome of the RFLMA parties' consultation regarding the evaluation steps to be taken. DOE is contracting with Los Alamos National Laboratory (LANL) for isotopic analyses and is performing additional sampling in the GS10 drainage. Additional sampling as detailed in the AMP is also ongoing.

12-month rolling averages at POE GS10 exceeded the standard for americium (0.15 pCi/L) starting on August 31, 2011. RFLMA Contact Record 2011-08, "Reportable Condition for Americium-241 (Am) at RFLMA POE GS10," provides a discussion of the monitoring results and recaps the outcome of the RFLMA parties' consultation regarding the evaluation steps to be taken. Though plutonium is not reportable, the evaluation includes both Pu and Am.

George reported that the following actions have been taken or are ongoing:

- Rocky Flats staff walked down the GS10 drainage on November 16, 2011, to see if any obvious conditions were promoting potential soil erosion
- A closer examination of the drainage to focus on seeps and former utility corridors was conducted on November 22, 2011; representatives from DOE and EPA were in attendance
- Grab samples were collected at several existing monitoring locations; several new sampling locations associated with seeps were also established
- The frequency of composite sample collection at GS10 has been increased
- Samples from GS10, GS08, and WALPOC are being analyzed with 2-week turnaround
- Composite samples at the inflow to Pond B-5 are periodically being analyzed for Pu and Am
- Several new sampling locations in Functional Channel 4 have been established
- Periodic inspections are being conducted for additional seeps in the drainage, and samples are collected when water is available

Shirley Garcia asked about ad hoc sampling. George said that they did not find anything in these samples but are still evaluating. Deb Gardner asked if the ultimate goal is to find the source. George said it depends on whether it is a POE or POC. Sampling frequencies may be increased and any necessary mitigation plans would come out of consultation with the regulators. George said that there have not been any exceedances at POCs. David Allen said that the quarterly report mentioned additional LANL samples, and asked if there were any results to report. George said this would be answered in the groundwater update by John Boylan. Shirley Garcia asked about the americium / plutonium (Am/Pu) ratio. George said that at GS10 they are seeing a bit more Am than Pu, which is a little different than in other areas.

#### *Groundwater Monitoring -- John Boylan*

The third quarter is a light sampling quarter. RCRA wells (OLF, PLF) were sampled. Results were reviewed in accordance with the RFLMA Attachment 2 decision flowcharts. They were consistent with previous samples and will be discussed and statistically evaluated in the 2011 Annual Report.

John said that extra groundwater sampling was identified to support the GS10 evaluation. Four wells upgradient of GS10 had uranium added to their analytical suites and samples were collected in October. There were no remarkable results. One sample (from well 91305, located in the valley bottom) was selected for analysis by LANL. It showed a relatively higher concentration than others nearest GS10 (38 µg/L).

Extra sampling was added at Sentinel Well 33711, which monitors a vinyl chloride plume. This was installed in the second quarter of 2011. It provides extra data to compare with first samples and with data from the original well (33703). The replacement well appears more impacted by the plume than the original well. The Annual Report will provide comparisons and discussion.

Additional (non-RFLMA) monitoring included several locations associated with treatment systems. At the Solar Pond Plume Treatment System (SPPTS), the site continued sampling to support optimization and evaluation of system performance. At the Mound Site Plume Treatment System (MSPTS), sampling continued to evaluate and optimize the air stripper treatment.

John said that the sampling results from LANL are not yet finalized, but are expected soon. He did present a chart of preliminary data.

#### *Site Operations -- Jeremiah McLaughlin*

At the PLF, the quarterly inspection was completed on August 30. No areas of concern were observed. Monthly inspections at the OLF were completed in July, August, and September. Seeps 4, 5, 7, and 8 had minor surface flow throughout the third quarter. Other seep locations were saturated during the quarter. Wetland vegetation on the OLF cover was prominent in the vicinity of Seeps 2 through 8 throughout the third quarter. Non-RFLMA sampling of Seeps 7 and 8 was completed in September to provide periodic documentation of seep water quality. Two locations for Seep 7 were sampled. Periodic sampling can help support evaluation of CDPHE's termination of post-closure care criteria. DOE sampled for americium, plutonium, uranium, metals, semi-volatile organic compounds, and volatile organic compounds.

At Seep 8, arsenic was detected at 23.8 µg/L (the RFLMA surface water standard is 0.02–10 µg/L). 10 µg/L is applied as trigger for RFLMA party consultation where arsenic monitoring is required. Colorado applies arsenic standard at intake to public drinking water supply. At Seep 7, diethyl phthalate was detected at 134 µg/L (RFLMA surface water standard is 5.6 µg/L). The site also detected analytes copper, lead, nickel, and zinc. This sample was inadvertently analyzed for total concentration (RFLMA standard is for dissolved concentration). Other analytes were below RFLMA standard or non-detectable.

Settlement monuments were surveyed in September and data were within the expected range per the Original Landfill Monitoring and Maintenance Plan. Inclinerometers were measured each month during the quarter and readings showed very little deflection. In July, there was a precipitation event of more than one inch. For the past year, some deflection has been noted in localized slumping area on western side of OLF after precipitation events. This will be reviewed in the Annual Report. Shelley Stanley asked when the site would next measure the inclinometers. Jeremiah said it was scheduled for March. Lisa Morzel asked how many inclinometers were still working. Jeremiah said that five of the seven still work well. The other two still work, but they just cannot get the probe down all the way.

For the OLF Maintenance Project, survey fieldwork completed in March. This included a geotechnical engineer review, and maintenance was required for approximately 700 feet of diversion berm. They added several inches of soil to maintain the minimum berm height. and re-contoured and filled minor depressions in localized areas to minimize potential for ponding in berm channels. Work was completed in August. Shelley Stanley asked how many cubic yards were used to increase the berm height. Jeremiah said it was minimal, about 10-15 cubic yards. David Allen asked for an update on the reseeded project at SW027. Jeremiah said things were coming in nicely with the live wattles.

#### *Ecological Monitoring – Jody Nelson*

He said activities during the quarter included:

- Revegetation monitoring

- Preble's mouse mitigation monitoring
- Wetland mitigation monitoring
- Weed mapping
- PLF/OLF quarterly vegetation surveys
- Nest box monitoring
- Photopoint monitoring
- EPA-sponsored revegetation monitoring

*CAD/ROD Amendment & CERCLA Five-Year Review -- Scott Surovchak*

Scott noted that the Rocky Flats CAD/ROD Amendment was approved on September 21, 2011. The CAD/ROD sets out the remedy for the site. The amendment was initiated in order to clarify the purpose of the institutional controls (IC's) for excavation and soil disturbance. Work subject to ICs must meet CAD/ROD objective and rationale. The amendment integrates the soil disturbance process that the site had been using into the regulatory framework. The amendment includes a requirement for a Soil Disturbance Review Plan (SDRP), and specifies that work can begin 10 days after posting of approved contact record. Contact Records 2011-07 (Roads Project) and 2001-08 (Dam Breach Project) contain examples of SDRP's. Any future modification or termination of ICs will follow regulations and guidance in effect at that time.

The Rocky Flats Environmental Covenant was also modified to reflect these changes. David Allen asked if the updated environmental covenant was posted. Scott said it would be soon. David requested to be notified when it was posted. Carl Spreng said he would send an email when the covenant was posted.

Scott also mentioned that the site was in the process of completing its third 5-year review under CERCLA, which requires a re-evaluation of the remedy every five years. There were briefings at the September and November RFSC meetings, which are summarized in the minutes. The site published a notice that the review was being conducted and information has been posted on the Rocky Flats website. The report is due to be completed by DOE in May, with EPA HQ review and approval by September 14, 2012. Status updates will continue to be provided at RFSC meetings, the report will be posted on the Rocky Flats website and the public will be notified. Shirley Garcia asked if there was a public comment period for this. Bob Darr said that while there is not a formal public process, the site always welcomes and encourages input. He said to send any comments via email.

**Initial Review of Bylaws Amendments**

Due to changes in the Stewardship Council Intergovernmental Agreement (IGA) pertaining to membership and voting requirements, the Board's bylaws must now be amended to align with the IGA. The changes were included in the Board packet. As a unit of local government, the Stewardship Council must review the changes at this meeting and then adopt the changes at a second meeting (April 2). It is a very simple process and will be implemented at the next meeting. Arthur Widdowfield asked where information could be found describing the process for choosing directors. Barb Vander Wall said this is found in the IGA. He then asked about the voting roles of those not part of IGA. David said these individuals were denoted in the IGA as 'members' rather than 'parties', but this was not part of the bylaws.

The Board did not offer any changes to the bylaws as presented.

### **Briefing by Rocky Flats Cold War Museum**

The Rocky Flats Cold War Museum last briefed the Board on its activities in 2009. Ann Lockhart, Museum President, was present to provide a current update. She said the idea for a Rocky Flats Cold War Museum was initially conceived in 1999 by representatives from the City of Arvada and Kaiser Hill staff. The Museum's mission is to tell the story of Rocky Flats from all sides. Some of the early actions of the Museum Board were to secure nonprofit status, conduct a feasibility study about the potential museum, and to begin preserving artifacts as Rocky Flats was being dismantled.

The Museum initially received about \$300,000 in grants and donations. The Board developed a website, logo, and display posters. They also began an ambitious project of collecting a large number of oral histories from various people with roles related to Rocky Flats. This project is ongoing. When the Rocky Flats National Wildlife Refuge was created by Congress in 2007, the bill included language about preserving the history of the site. Senator Allard secured a Congressional appropriation in for the Museum at this time. Outreach efforts have included a newsletter, and speaking engagements to community groups. The Museum Board put together a display for the National Oral History Conference in Denver.

An Education Committee is currently working to develop exhibit themes. Some of the themes identified include the Cold War context, background of site, resistance to Rocky Flats after the 1969 fire, science and technology, cleanup, and the site's evolution into a National Wildlife Refuge. The Board has also hired a consultant to input its collections into a database. Board members have visited other museums, and consulted with nuclear museum experts. In 2011, the Board signed a three-year lease for a building in Arvada to be used as the museum site, which is located close to a FasTracks stop.

An exhibit design firm, Exhibit Design Associates, was hired in October 2011. They have since held public meetings and asked for planning input from many citizens, including school children. Phase I of the design project was gathering input and developing design concepts. Phase II will involve fabrication and installation of displays. Art students at The Rocky Mountain College of Art and Design are working on gift shop design and signage. Ann said the next steps for the Museum involve fundraising for Phase II, continuing a membership campaign, planning special events and programs, and developing a gift shop. The target opening date is September 2012, but this will be a challenge. Ann closed by offering various ways for people to get involved in the Museum efforts, such as volunteering, donating artifacts or money, doing research, and signing up for the newsletter.

### **Public comment**

None

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

## **April 2, 2012**

### *Potential Business Items*

- Adopt bylaws amendments

### *Potential Briefing Items*

- Continue discussion of CERCLA 5-year review
- History of Stewardship Council
- AMP monitoring update
- Actinide migration review
- Regulatory overview

## **June 4, 2012**

### *Potential Briefing Items*

- Solar ponds performance
- NRD update
- DOE quarterly update
- Overview of cleanup – remedies and standards

### Issues to watch:

Original landfill performance, including special sampling program results.

Jeannette Hillery mentioned that the annual site tour in June will be a great time for new members to view the site. Since Rocky Flats does not do public tours, this is a great opportunity. Faye Griffin noted that she needs lots of lead time to get a date on her calendar.

### Member Updates

There were none.

The meeting was adjourned at 11:12 a.m.

*Respectfully submitted by Erin Rogers.*

4:25 PM

03/21/12

**Rocky Flats Stewardship Council**  
**Check Detail**  
 January 22 through March 21, 2012

Type	Num	Date	Name	Account	Paid Amount	Original Amount
Check		1/30/2012		<b>CASH-Wells Fargo-Operating</b>		<b>-3.50</b>
				Admin Services-Misc Services	-3.50	3.50
TOTAL					-3.50	3.50
Check		2/29/2012		<b>CASH-Wells Fargo-Operating</b>		<b>-3.50</b>
				Admin Services-Misc Services	-3.50	3.50
TOTAL					-3.50	3.50
Bill Pmt...	1538	2/5/2012	Crescent Strategies, LLC	<b>CASH-Wells Fargo-Operating</b>		<b>-7,463.15</b>
Bill	1/31/...	1/31/2012		Personnel - Contract	-6,850.00	6,850.00
				Telecommunications	-138.88	138.88
				TRAVEL-Local	-58.14	58.14
				Postage	-15.99	15.99
				Printing	-319.14	319.14
				Supplies	-81.00	81.00
TOTAL					-7,463.15	7,463.15
Bill Pmt...	1539	2/5/2012	Jennifer A. Bohn	<b>CASH-Wells Fargo-Operating</b>		<b>-484.50</b>
Bill	12-5	1/31/2012		Accounting Fees	-484.50	484.50
TOTAL					-484.50	484.50
Bill Pmt...	1540	2/5/2012	The Rogers Group, LLC	<b>CASH-Wells Fargo-Operating</b>		<b>-400.00</b>
Bill	1/13/...	1/13/2012		Personnel - Contract	-400.00	400.00
TOTAL					-400.00	400.00
Check	1541	2/5/2012	Century Link	<b>CASH-Wells Fargo-Operating</b>		<b>-26.35</b>
				Telecommunications	-26.35	26.35
TOTAL					-26.35	26.35
Check	1542	3/7/2012	Century Link	<b>CASH-Wells Fargo-Operating</b>		<b>-26.62</b>
				Telecommunications	-26.62	26.62
TOTAL					-26.62	26.62
Bill Pmt...	1543	3/7/2012	Jennifer A. Bohn	<b>CASH-Wells Fargo-Operating</b>		<b>-680.00</b>
Bill	12-18	2/29/2012		Accounting Fees	-680.00	680.00
TOTAL					-680.00	680.00
Bill Pmt...	1544	3/7/2012	Seter & Vander Wall, P.C.	<b>CASH-Wells Fargo-Operating</b>		<b>-1,177.50</b>
Bill	62593	1/31/2012		Attorney Fees	-1,177.50	1,177.50
TOTAL					-1,177.50	1,177.50
Bill Pmt...	1545	3/8/2012	Blue Sky Bistro	<b>CASH-Wells Fargo-Operating</b>		<b>-195.85</b>
Bill		2/29/2012		Misc Expense-Local Government	-195.85	195.85
TOTAL					-195.85	195.85
Bill Pmt...	1546	3/8/2012	Crescent Strategies, LLC	<b>CASH-Wells Fargo-Operating</b>		<b>-7,045.03</b>

4:25 PM

03/21/12

**Rocky Flats Stewardship Council**  
**Check Detail**  
January 22 through March 21, 2012

<u>Type</u>	<u>Num</u>	<u>Date</u>	<u>Name</u>	<u>Account</u>	<u>Paid Amount</u>	<u>Original Amount</u>
Bill	2/29/...	2/29/2012		Personnel - Contract	-6,850.00	6,850.00
				Telecommunications	-143.85	143.85
				TRAVEL-Local	-35.19	35.19
				Postage	-15.99	15.99
TOTAL					-7,045.03	7,045.03
<b>Bill Pmt...</b>	<b>1547</b>	<b>3/8/2012</b>	<b>Seter &amp; Vander Wall, P.C.</b>	<b>CASH-Wells Fargo-Operating</b>		<b>-2,515.17</b>
Bill	62850	2/29/2012		Attorney Fees	-2,515.17	2,515.17
TOTAL					-2,515.17	2,515.17

# ROCKY FLATS STEWARDSHIP COUNCIL

P.O. Box 17670  
Boulder, CO 80308-0670  
www.rockyflatssc.org

(303) 412-1200  
(303) 600-7773 (f)

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

## MEMORANDUM

**TO:** Board  
**FROM:** David Abelson  
**SUBJECT:** Second Amendment to Bylaws – Second Review  
**DATE:** March 21, 2012

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At this meeting we need to adopt changes to the bylaws. The proposed changes were reviewed at the February 6<sup>th</sup> meeting and no further changes were offered. The changes, which are noted in redline in the attached document, are as follows:

1. Specify that the maximum number of directors is 14 (an increase from 12).
2. Increase from nine to 11 the number of directors needed to approve an action, as well as to meet a quorum.
3. Delete any reference to “rotating parties.”

The attached bylaws also include changes the board approved in 2007. Those changes, which are found in Section XI(E), clarified the appointment of non-governmental members to the board of directors.

Per our bylaws, and in accordance with state law, the board reviewed the proposed changes at the February meeting, and can adopt such changes at the April meeting.

Please let me know what questions you have.

**Action item: Approve bylaws amendment**

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League of Women Voters -- Rocky Flats Cold War Museum -- Rocky Flats Homesteaders  
Arthur Widdowfield

## BYLAWS OF THE BOARD OF DIRECTORS OF THE ROCKY FLATS STEWARDSHIP COUNCIL

*Approved March 6, 2006*

*Amended by First Amendment November 5, 2007*

*DRAFT Second Amendment February 6, 2012 (First Reading)*

### **PREAMBLE**

The object of the Rocky Flats Stewardship Council (the "Stewardship Council") shall be to carry out its purposes as described in and pursuant to the Intergovernmental Agreement establishing the Rocky Flats Stewardship Council (the "IGA") and amendments thereto.

### **ARTICLE I.**

#### **Offices**

**Principal Office.** The principal office of the Stewardship Council shall be located within the boundaries of any Party to the IGA and amendments thereto, as designated by the Board of Directors. The Stewardship Council may have other offices and places of business at such places within the State of Colorado as shall be determined by the Board.

### **ARTICLE II.**

### Board of Directors

**A. Number, Qualifications and Term of Office.** The business and

affairs of the Stewardship Council shall be managed by a Board of Directors not to exceed ~~fourteen~~  
(14) members, not including ex-officio members. When used herein, the term "Director" shall  
include that Director's alternate director, as provided in the IGA, unless the context requires  
otherwise. Each Director shall be appointed pursuant to the provisions of the IGA for a term of one  
year, from February 1 to the succeeding last day of January; provided, however, that the initial  
Directors shall be appointed as of the effective date of the IGA and serve until the last day of  
January, 2007. There shall be no limitation on the number of terms to which a Director may be  
appointed.

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**B. Performance of Duties.** A Director shall perform his/her duties as a  
Director, including his/her duties as a member of any committee of the Board upon which he/she  
may serve, in good faith, in a manner he/she believes to be in the best interests of the Stewardship  
Council. An alternate Director shall serve in the absence of the Director for which he/she is an  
alternate.

**C. Vacancies.** Any Director may resign at any time by giving written notice  
to the chair of the Board of Directors. Such resignation shall take effect at the time specified  
therein; and, unless otherwise specified therein, the acceptance of such resignation shall not be  
necessary to make it effective. In the case where the Director is an elected official, a Director's  
office shall be deemed to be vacant upon the failure of any Director to be re-elected to public office  
of the Director's designating Party. A vacancy will occur if a Director dies during his or her term of  
office. Any vacancy occurring on the Board of Directors shall be filled as provided in the IGA.

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**D. Expenses.** By resolution of the Board of Directors, any Director may be paid his/her direct expenses, if any, of attendance at meetings or other Stewardship Council business.

**E. Conflict of Interest.** No Director (including alternate Directors who are elected public officials) may enter into an employment relationship with the Stewardship Council (1) while serving on the Board or (2) for twelve months thereafter. An alternate Director who is not an elected official may not enter into an employment relationship with the Stewardship Council (1) while serving on the Board or (2) for twelve months thereafter.

**F. Ex-Officio Members of the Board.** At its discretion, the Board may appoint ex-officio members to the Board from federal and state agencies, including the U.S. Department of Energy, the Environmental Protection Agency, the Colorado Department of Public Health and Environment, and/or the U.S. Fish and Wildlife Service. Ex-officio members shall not be a Party to the IGA but shall have the ability to designate a non-voting representative to the Board of Directors.

**G. Removal of Directors.** Any Director may be removed from the Board by a vote of the Board of Directors with or without cause whenever in its judgment the best interests of the Stewardship Council will be served by such removal. A Director who is absent for three consecutive regular meetings of the Board of Directors and whose absence is deemed unexcused by the Board of Directors shall automatically be removed from the office of Director.

### **ARTICLE III.**

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### **Officers of the Board**

**A. General.** The Chair, Vice Chair, and Secretary/Treasurer shall be elected annually by the Board of Directors. The terms shall commence at the first meeting of the Board held on or after February 1 of each year. There shall be no limitation on the number of terms for which a person may serve as an officer, except as provided in Article III.G. herein.

An officer shall hold office until he/she is no longer qualified to serve or his/her successor is chosen, until his/her death, or until he/she shall resign. All officers of the Stewardship Council shall be Directors of the Stewardship Council; provided, however, that an alternate Director shall not assume any office held by the Director for whom the alternate Director is substituting.

**B. General Duties.** All officers and agents of the Stewardship Council, as between him or her and the Stewardship Council, shall have such authority and shall perform such duties as may be provided in these Bylaws or as may be determined by resolution of the Board of Directors not inconsistent with these Bylaws.

**C. Vacancies.** When a vacancy in one of the Board offices occurs due to any of the reasons listed in paragraph III.A., it shall be filled by a resolution of the Board of Directors at the following meeting of the Board at which a quorum is present.

**D. Chair of the Board.** The Chair of the Board shall preside as chair at meetings of the Board of Directors. He/she shall, in addition, execute resolutions and documents, represent the Board and Stewardship Council at public functions and perform such other duties as the Board may prescribe.

**E. Vice-Chair.** The Vice-Chair shall fulfill the responsibilities of the Chair when the Chair is unavailable to do so.

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**F. Secretary/Treasurer.** The Secretary/Treasurer shall perform both the duties of a secretary and of a treasurer, as follows:

- The Secretary/Treasurer shall keep or cause to be kept, in books provided for that purpose, the minutes of the meetings of the Board. The Secretary/Treasurer may have one or more assistant secretaries, which need not be Directors and which shall be appointed by the Board.

- The Secretary/Treasurer shall have oversight of Stewardship Council funds and assets. He/she shall review accounts of receipts, disbursements and deposits of all Stewardship Council monies and other valuable effects in the name and to the credit of the Stewardship Council and report to the Board of Directors upon request. The Secretary/Treasurer or his/her designee shall provide a detailed quarterly financial statement to the Board. The financial statement shall include all revenue, revenue sources, expenditures and balances, and include quarterly and year-to-date figures.

**G. Delegation of Duties.** Except for the Chair, whenever an officer is unable to perform the duties of his/her office for any reason, the Board may delegate the powers and duties of an officer to any other officers or to any qualified Director or Directors.

#### **ARTICLE IV.**

##### **Stewardship Council Staff**

At its discretion, the Board may hire an Executive Director who shall serve at the pleasure of and report directly to the Board of Directors of the Stewardship Council, and who shall be responsible for implementing the Board's policies, and for the overall management of all activities of the Stewardship Council.

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**ARTICLE V.**

**Meetings of the Board**

**A. Place of Meetings.** The regular or special meetings of the Board of Directors or any committee designated by the Board shall be held at the principal office of the Stewardship Council or at any other place within or without the boundaries of the Parties that the Board of Directors, any such committee, or Stewardship Council staff, as the case may be, may designate from time to time.

**B. Regular Meetings.** The Board of Directors shall meet quarterly, or as otherwise determined by a quorum of the Board of Directors, for the purpose of transacting such business as may come before the Board.

**C. Special Meetings.** Special meetings of the Board of Directors may be called by any three members of the Board of Directors, and held at any time.

**D. Notice of Meetings.** Notice of the regular or special meetings of the Board of Directors or any committee designated for such notice by the Board shall be as follows:

(1) **Regular Meetings.** The time, date and place of regular meetings shall be set by the Board and notice thereof shall be provided (a) to the city/county/town clerk of all Stewardship Council Parties for posting in a public place, with at least seven (7) days advance notice of the meeting time, place and date, (b) to the Directors and alternate Directors, with at least seven (7) days advance notice of the meeting time, place and date, and (c) to those members of the public who so request.

(2) **Special Meetings.** Written notice of each special meeting of the Board of Directors setting forth the time and the place of the meeting shall be given as follows: (a)

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by telefax or electronic mail to each Director not less than 72 hours prior to the time fixed for the meeting; provided, however, that in the instance of any Director who in writing requests that such notice not be given by telefax or electronic mail, the notice shall be by hand delivery to an address within the boundaries of the Parties designated in writing; (b) to the clerk of each Stewardship Council Party for posting in a public place, not less than 72 hours prior to the time fixed for the meeting; and (c) to those members of the public who so request.

(3) Emergency Special Meetings. When necessary, an emergency special meeting may be called with notice given in the same manner as provided for special meetings, except that notice may be given not less than 24 hours prior to the time fixed for the meeting, in accordance with the Colorado Open Meetings Act.

Unless notice is required herein to be given by telefax or delivery, all notices of meetings may be given either by sending a copy of the notice through the United States mail, or by telegram, telex, telefax or electronic transmission (unless a Director requests in writing that such notice not be given by electronic mail), any charges prepaid, to the work or home address of each Director and alternate Director and to the designated addresses of Stewardship Council participants, and the public who so request appearing on the books of the Stewardship Council. If mailed, such notice shall be deemed to be delivered 72 hours after deposit in the United States mail so addressed, weekends and holidays excluded. If notice be given by telegram, telex, telefax or electronic mail, such notice shall be deemed to be delivered when the telegram, telex, telefax or electronic mail is transmitted.

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The general nature of the business proposed to be transacted at, or the purpose of, any meeting of the Board of Directors shall be specified in the notices of such meeting where possible. The Board of Directors' ability to act on matters brought before it at a special meeting is restricted to those items specified in the notice.

**E. Voting.**

1. **Quorum.** At meetings of the Board of Directors, ~~eleven~~ (11) of the appointed Directors (or their alternate if a Director is not present) shall be necessary to constitute a quorum for the transaction of business. If a quorum is present, an affirmative vote of at least ~~eleven~~ (11) Directors shall be required to be the act of the Board of Directors

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2. **Consent Agenda.** Within a meeting agenda, Stewardship Council staff may place on the consent agenda any one or more items which staff believes do not give rise to discussion by the Board, and which may be acted upon by singular action and vote of the Board. Any Director may pull from the consent agenda any one or more items which shall then be separately and individually discussed and voted on by the Board.

**F. Conduct of Meetings.** The Board may adopt such rules of procedure as it deems proper. To the extent any rules adopted by the Board do not specify how an item of business of the Board is to be conducted, Roberts' Rules of Order shall apply.

**ARTICLE VI.**

**Open Records and Open Meetings**

A. All accounts and records of the Stewardship Council and its committees shall be open to the public as provided for in the Colorado Open Records Act and any other applicable laws, at all reasonable times under reasonable regulation, except where a specific

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determination is made by the Stewardship Council that there is a legitimate public purpose achieved by withholding a document concerning legal, personnel, or private proprietary information.

B. All meetings of the Board of Directors of the Stewardship Council and any of its committees are open to the public as provided for in the Colorado Open Meetings Act. Any meetings at which the adoption of any proposed policy, position, resolution, rule, regulation or other formal action occurs or at which a quorum of the Board is in attendance, or is expected to be in attendance, shall be held only after full and timely notice to the public as provided herein. In accordance with Colorado statutes, executive sessions may be held upon the affirmative vote of two-thirds of the quorum present, for the sole purpose of considering any of the following matters: the purchase, acquisition, lease, transfer, or sale of any real, personal or other property interest; conferences with legal counsel for the Stewardship Council for the purpose of receiving legal advice on specific legal questions; matters required to be kept confidential by federal or state law or rules and regulations; specialized details of security arrangements or investigations; determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators; personnel matters; or consideration of any documents protected by the mandatory nondisclosure provisions of the "Open Records Act". No adoption of any proposed policy, position, resolution, rule, regulation, or formal action shall occur at any executive session, except for the approval of executive session minutes, as allowable by law.

C. Minutes or similar record shall be kept of all meetings of the Board of Directors of the Stewardship Council.

## **ARTICLE VII.**

### **Committees**

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**A. Stewardship Council Committees.** The Stewardship Council is interested in working with the public and will seek the input of the local community and other interested parties. As necessary, and to the extent practicable, the Stewardship Council will seek the input of the local community and other interested parties by establishing *ad hoc* committees and task forces, and by holding public meetings, workshops, special meetings, or other forums of public involvement, from time to time as may be deemed appropriate by the Board. By resolution or motion of the Board, the Stewardship Council may establish such working committees from time to time as it deems appropriate. These committees shall be open to all persons interested in participating with the Stewardship Council. Each committee shall have a chair appointed by the Board of Directors. Committees may consider issues consistent with the Stewardship Council's purposes and make recommendations for actions to the Board of Directors. Any such recommendations, together with any minority reports, shall be made to the Board of Directors. The Board may consider and comment on committee recommendations and formulate its own recommendations for official action by the Board. Any minority report(s) from a committee shall be transmitted simultaneously with such recommendations. The Board of Directors may take such actions as it deems appropriate, notwithstanding recommendations or lack thereof or the fact of pending deliberations of committees and of the Stewardship Council.

**B. Board Committees.** The Board may have committees on finance, personnel and such other matters as the Board deems proper for the administration of the Stewardship Council.

## **ARTICLE VIII.**

### **Fiscal Year**

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**Fiscal Year.** The fiscal year of the Stewardship Council shall be January 1 to December 31. Said fiscal year may be changed from time to time by motion or by formal resolution of the Board of Directors in its discretion.

**ARTICLE IX.**

**Amendments**

**A. General.** The Board of Directors may amend, supplement or repeal these Bylaws or adopt new Bylaws, and all such changes shall affect and be binding upon the Stewardship Council. Any amendment, supplement or repeal of these Bylaws or adoption of new Bylaws shall require consideration at two meetings of the Board.

**B. Notice of Consideration.** Specific notice of each meeting at which consideration of proposed amendment to, supplementation of or repeal of these Bylaws or adoption of new Bylaws shall be given in the same manner as notice of special meetings is to be given pursuant to III.D.(2) hereof.

**C. Vote Necessary.** Amendment to, supplementation of or repeal of these Bylaws or adoption of new Bylaws shall require approval by ~~eleven~~ (11) Directors of the Board at the second meeting at which the amendment, supplement, repeal or adoption is considered.

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**ARTICLE X.**

**Annual Review**

On an annual basis, any one or all of the parties to the IGA may request Stewardship Council to submit an annual report which shall generally address Stewardship Council's operations for the previous year; Stewardship Council's proposed plans for the upcoming year; a summary of Stewardship Council's financial status, including revenue projections and operating costs; and any

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changes or proposed changes in Stewardship Council's policies. Upon request, the Executive Director shall present an oral presentation of the annual report at a designated board or council meeting of the requesting party.

**ARTICLE XI.**

**Miscellaneous**

**A. Invalid Provision.** The invalidity or non-enforceability of any particular provision of these Bylaws shall not affect the other provisions herein, and these Bylaws shall be construed in all respects as if such invalid or unenforceable provision was omitted.

**B. Governing Law.** These Bylaws shall be governed by and construed in accordance with the constitution and laws of the State of Colorado and the IGA, as amended from time to time. To the extent there are inconsistencies between the IGA and any amendments thereto and these Bylaws and any amendments thereto, the IGA and amendments thereto shall control.

~~**C. Debt.** The incurrence of any revenue-based or other non-general obligation debt shall be subject to the prior approval of the governing body of each Party.~~

~~**D. Members' Terms.** Members' terms shall be limited to two years at which time such members must reapply for membership to the Stewardship Council.~~

~~**E. Selection Process for Members.** At least two months prior to the expiration of the Members' terms, the Stewardship Council shall publish a Notice advertising the Stewardship Council's solicitation of Member Applications. In addition to any other means selected by the Stewardship Council, notice shall be provided by a one-time publication in a newspaper of general circulation, and posted on the Stewardship Council website. Any entity or person who desires to become a Member of the Rocky Flats Stewardship Council shall submit a~~

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**Deleted: C. Rotating Parties.** Each Rotating Party shall have the right to select a Director (and Alternate Directors) to the Board, in accordance with the IGA, on an annually rotating basis. By agreement between the two Rotating Parties, the city of Golden will serve first for one year until the last day of January 2007 at which time the city of Northglenn shall serve for one year until the last day of January 2008. After such time as each Rotating Party has had an opportunity to serve on the Board, then the rotation shall continue in the same order. During the year(s) in which a Rotating Party is not serving on the Board, then such Rotating Party may continue to participate in a non-voting capacity.¶

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Membership Application on the form provided by the Stewardship Council. The Executive Director shall forward all completed Membership Applications to the Board for review. The Director representatives for the Parties shall interview representatives of the prospective Members, at a public meeting as determined by the Board. Following completion of the interviews, at a Stewardship Council Board meeting the Director representatives for the Parties shall nominate and vote to appoint up to four (4) Members from the Membership Applications. The procedures for voting shall be pursuant to a process identified by the Board in advance.

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## **Stewardship Council History**

- Cover memo
- LSO authorizing legislation
- Letter from DOE to the Rocky Flats Coalition
- DOE's letter approving the LSO

# ROCKY FLATS STEWARDSHIP COUNCIL

P.O. Box 17670  
Boulder, CO 80308-0670  
www.rockyflatssc.org

(303) 412-1200  
(303) 600-7773 (f)

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

## MEMORANDUM

**TO:** Board  
**FROM:** David Abelson  
**SUBJECT:** Discussion of the History of the Rocky Flats Stewardship Council  
**DATE:** March 22, 2012

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This briefing and discussion will mirror the briefing and discussion we had on this topic last year. With the addition of eight members to the Board of Directors, it is important to review the history of the Rocky Flats Stewardship Council – our mission, focus of our work, and membership composition – so that all understand our role and goals.

### **Background on why we created the Rocky Flats Stewardship Council**

In 1999, the Rocky Flats Coalition of Local Governments (the predecessor organization to the Stewardship Council) and the Rocky Flats Citizens Advisory Board (CAB) formed a joint dialogue, the Rocky Flats Stewardship Working Group. The group’s dialogue focused on incorporating into cleanup decisions post-closure management needs and requirements (what we called “long-term stewardship”). A key component of long-term stewardship is establishing institutional controls. Institutional controls stand in contrast to physical controls [e.g., fences, monitoring stations, signs, etc.]. Institutional controls, as the name implies, include institutions such as a site manager (DOE), regulators (EPA and CDPHE), and legal/regulatory controls. The Stewardship Council, along with governments and citizen organizations, are important institutions whose focus on Rocky Flats is central to ensuring the site remains protective of human health and the environment.

The Rocky Flats cleanup project benefitted greatly from the active and consistent involvement of the Coalition and CAB, among others. In 2003, it became clear that post-closure management would likewise benefit from ongoing local government and community oversight. Accordingly, in 2004, as DOE’s Office of Environmental Management (EM) was nearing completion of active remediation activities, and Congress and DOE were taking steps to establish the Office of Legacy Management (LM), Senator Wayne Allard secured legislation establishing Local Stakeholder Organizations (LSO). The legislation (attached) authorized establishing LSOs at Rocky Flats, Mound (Ohio) and Fernald (Ohio). For different reasons, the local governments and communities surrounding Mound and Fernald opted not to establish LSOs for their sites.

### **Stewardship Council membership**

Choosing the governments was challenging and somewhat political. After a protracted public dialogue, and the involvement of Senators Allard and Salazar, and Representatives Udall and Beauprez, DOE agreed to appoint nine governments (with Golden and Northglenn serving in rotating positions) and four community organizations/individuals. Membership was expanded in February 2012 to include Thornton, and Golden and Northglenn were also made permanent members at that time.

Another challenge the Coalition members faced in establishing the Stewardship Council was having an organization dominated by local governments. The members of the CAB wanted greater community representation. Part of the challenge was that the LSO legislation provided in part that the LSO

shall be composed of such elected officials of local governments in the vicinity of the closure site concerned as the Secretary considers appropriate to carry out the responsibilities set forth in subsection (c) who agree to serve on the organization, or the designees of such officials.

As a result, Senator Allard, Representative Udall and DOE agreed to establish a board that included, in addition to the governments, four seats for community members/groups.

### **Local Stakeholder Organization (LSO) mission**

As provided in the authorizing legislation, an LSO is charged with

1. soliciting and encouraging public participation in appropriate activities relating to the closure and post-closure operations of the site;
2. disseminating information on the closure and post-closure operations of the site to the State government of the State in which the site is located, local and tribal governments in the vicinity of the site, and persons and entities having a stake in the closure or post-closure operations of the site;
3. transmitting to appropriate officers and employees of the Department of Energy questions and concerns of governments, persons, and entities referred to paragraph (2) on the closure and post-closure operations of the site; and
4. performing such other duties as the Secretary and the local stakeholder organization jointly determine appropriate to assist the Secretary in meeting post-closure obligations of the Department at the site.

The Stewardship Council in turn adopted the following mission:

The mission of the Rocky Flats Stewardship Council is to provide continuing local oversight of activities at the Rocky Flats site and to ensure local government and community interests are met with regards to long-term stewardship of residual contamination and refuge management. The mission also includes providing a forum to track issues related to former site employees and to provide an ongoing mechanism to maintain public knowledge of Rocky Flats, including educating successive generations of ongoing needs and responsibilities regarding contaminant management and refuge management.

Funding is provided through a grant from DOE. Initial funding came through a 2005 direct Congressional appropriation; subsequent funding has come directly from DOE at the agency's discretion.

### **Focus since closure**

DOE and its prime contractor, Kaiser-Hill, completed active remediation activities in October 2005. The cleanup was certified as complete by the EPA in September 2006. Despite this huge success, remediation activities are ongoing as DOE continues to treat contaminated groundwater. (Because DOE is still treating groundwater, the DOE retained lands remain on the CERCLA National Priorities List.)

From its inception in March 2006 through 2007, the Stewardship Council's primary focus was on the final cleanup documents, and on the post-closure regulatory documents, including the Rocky Flats Legacy Management Agreement. In 2007, we also worked on the first post-closure CERCLA review. (The next CERCLA review is currently ongoing.)

Since 2006, in addition to addressing these macro regulatory issues, we've also focused on specific areas of the site. That work can be divided into remediation challenges (e.g., 991 hillside slump, original landfill, solar ponds) and changes DOE is making to the site (e.g., changes in monitoring locations, changes in site standards, dam breaching). Through our meetings and other forums (e.g., council meetings, member meetings, community forums, etc.) we help constituents and members understand the scope of the cleanup, ongoing activity, and challenges, and we provide objective information to help people understand ongoing management issues.

The organization also focuses on communications. That work includes (but is not limited to):

1. participating in national forums;
2. preparing and circulating briefing information to community members, congressional staff, and others;
3. developing fact sheets and addressing questions and concerns member groups raise;
4. meeting with Congressional staff; and
5. developing and managing the website.

### **Biggest challenge**

When Congress authorized the creation the LSO, there was great uncertainty regarding how community involvement post-closure would change from the structures we established during cleanup. There was no roadmap – and in fact, the Stewardship Council has set the model for how to work in this regulatory environment. While the work is no less important than it was during closure, the nature of the work (and the issues we tackle) has changed. Our role is to oversee and to communicate, and to provide a public forum to discuss issues. However, save for a few issues, there are no great disputes that tend to energize the group and focus attention. And yet, with this changing emphasis, the board has remained committed to its role as the LSO.

### **Documents**

Attached to this memo are a few documents worth reviewing:

1. LSO authorizing legislation
2. Letter from DOE to the Rocky Flats Coalition stating membership shall be eight governments and four non-elected groups/individuals. Local government membership was later increased to nine, with Golden and Northglenn annually alternating voting.
3. DOE's letter approving the LSO

**108th CONGRESS**  
**2d Session**  
**Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005**

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**AN ACT**

To authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the 'Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005'.

**SEC. 3118. LOCAL STAKEHOLDER ORGANIZATIONS FOR 2006 CLOSURE SITES.**

(a) Establishment. –

- (1) The Secretary of Energy shall establish for each Department of Energy 2006 closure site a local stakeholder organization having the responsibilities set forth in subsection (c).
- (2) The local stakeholder organization shall be established in consultation with interested elected officials of local governments in the vicinity of the closure site concerned.

(b) Composition. – A local stakeholder organization for a Department of Energy 2006 closure site under subsection (a) shall be composed of such elected officials of local governments in the vicinity of the closure site concerned as the Secretary considers appropriate to carry out the responsibilities set forth in subsection (c) who agree to serve on the organization, or the designees of such officials.

(c) Responsibilities. – A local stakeholder organization for a Department of Energy 2006 closure site under subsection (a) shall –

- (1) solicit and encourage public participation in appropriate activities relating to the closure and post-closure operations of the site;
- (2) disseminate information on the closure and post-closure operations of the site to the State government of the State in which the site is located, local and tribal governments in the vicinity of the site, and persons and entities having a stake in the closure or post-closure operations of the site;
- (3) transmit to appropriate officers and employees of the Department of Energy questions and concerns of governments, persons, and entities referred to paragraph (2) on the closure and post-closure operations of the site; and

(4) perform such other duties as the Secretary and the local stakeholder organization jointly determine appropriate to assist the Secretary in meeting post-closure obligations of the Department at the site.

(d) Deadline for Establishment. – The local stakeholder organization for a Department of Energy 2006 closure site shall be established not later than six months before the closure of the site.

(e) Department of Energy 2006 Closure Site Defined. – In this section, the term "Department of Energy 2006 closure site" means the following:

- (1) The Rocky Flats Environmental Technology Site, Colorado.
- (2) The Fernald Plant, Ohio.
- (3) The Mound Plant, Ohio.



## Department of Energy

Washington, DC 20585

June 27, 2005

Mr. Shaun McGrath, Chair  
Rocky Flats Coalition of Local Governments  
8461 Turnpike Drive, Suite 205  
Westminster, CO 80031

Dear Mr. McGrath:

This is in response to your letter dated June 6, 2005, regarding the Rocky Flats Coalition of Local Governments (RFCLOG) approach to establishing the Rocky Flats Local Stakeholder Organization (LSO). We understand that your approach is consistent with the guidance provided in the April 26, 2005, letter from Senators Allard and Salazar and Congressmen Udall and Beauprez.

The Office of Legacy Management (LM) concurs with your approach to membership of eight local elected officials and four non-elected officials, all with equal stature, and the establishment of the LSO no later than six months prior to regulatory closure. As stated in Secretary Bodman's letter dated June 13, 2005, to Senators Allard and Salazar and to Congressmen Udall and Beauprez, "the LSO will be established at least six months prior to signature of the final Record of Decision for the site."

As next steps, LM is requesting that the local elected officials develop a plan that addresses how the three main activities required by Section 3118 of the Fiscal Year 2005 National Defense Authorization bill will be conducted. The plan should explain how the LSO anticipates working within the context of the draft Rocky Flats post-closure public involvement plan (PIP). The plan should include a timeline of the actions/activities identified by the LSO including the stand-up of the Rocky Flats LSO.

The plan should also include the approach to be used for determining how the non-elected officials will be nominated to serve on the LSO. At this point, LM is interested in the method; the membership of the LSO will not be determined until LM has reviewed the Rocky Flats LSO plan. Finally, LM requests that all elected officials sign the Rocky Flats LSO plan; we understand that this currently includes the City of Golden and the seven members of the RFCLOG.

LM encourages you to develop and discuss your plan with members of the public and other key stakeholders (e.g., the Rocky Flats Citizens Advisory Board, retiree/workers groups, environmental groups as well as other interested key stakeholders). Specifically, it would be valuable to discuss the types of information and the levels of participation that will be needed after the Corrective Action Document/Record of Decision (CAD/ROD) is signed and the site is in long term surveillance and maintenance.



LM looks forward to working with you and receiving the Rocky Flats LSO proposed plan by October 31, 2005. Please contact me or Scott Surovchak at 303-966-3551 (email: [scott.surovchak@rf.doe.gov](mailto:scott.surovchak@rf.doe.gov)) with any questions or concerns.

Sincerely,

A handwritten signature in black ink that reads "Michael W. Owen". The signature is written in a cursive style with a large initial 'M' and 'O'.

Michael W. Owen  
Director  
Office of Legacy Management

Cc: Senator Wayne Allard  
Senator Ken Salazar  
Congressman Mark Udall  
Congressman Bob Beauprez  
Gerald L. DePoorter, RFCAB



## Department of Energy

Washington, DC 20585

December 21, 2005

DEC 28 2005

Mr. Shaun McGrath  
Chairman  
Rocky Flats Coalition  
of Local Governments  
8461 Turnpike Drive, Suite 205  
Westminster, CO 80031

Mr. McGrath,

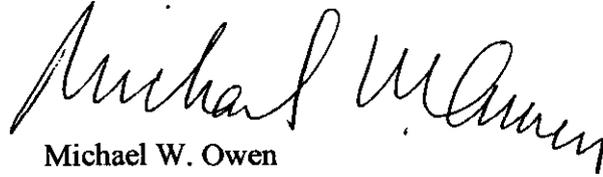
This is in response to your letter dated November 16, 2005, that forwarded the *draft Local Stakeholder Organization (LSO) Plan* to me for approval. The Department of Energy approves the enclosed plan, as amended. We see this plan as the set of activities that will be done by the LSO on behalf of DOE. A summary discussion of the amendments is provided below:

- Amendments to the LSO responsibilities section of the document included moving two items from sub-section 4. (Perform other duties...) to sub-section 2. (Disseminate information) to better reflect the scope of the LSO.
- References to working with the U.S. Fish and Wildlife Service and Congress were removed as inappropriate. We can not direct an organization to work with another federal agency nor can we fund an organization to represent us before the Congress.
- A statement on educating the public on integration of contaminant management and refuge management was deleted. Management of the Rocky Flats National Wildlife Refuge is the responsibility of the U.S. Fish and Wildlife Service; we expect that agency to determine how to best interact with the communities surrounding the site.
- The paragraph addressing direct communication between LM and the communities was removed as unnecessary; it was never intended that the LSO would be the only forum for stakeholders to communicate with DOE.
- Finally, specific reporting requirements such as those used as examples in the proposed plan are addressed in other, regulatory documents such as the *Interim Surveillance and Maintenance Plan* and will be including in the *Long-term Surveillance and Maintenance Plan* following the completion of the CERCLA Record of Decision (ROD) for the site.



The Office of Legacy Management appreciates your efforts to develop this plan and looks forward to its implementation. If you have any questions, please contact Scott Surovchak locally at 303-966-3551, or Tony Carter in our Washington D.C. office at 202-586-3323.

Sincerely,

A handwritten signature in black ink that reads "Michael W. Owen". The signature is written in a cursive style with a large, sweeping initial "M".

Michael W. Owen  
Director  
Office of Legacy Management

## **Local Stakeholder Organization Plan**

*As Amended*

*DOE Office of Legacy Management*

*December 14, 2005*

### **Background**

In a June 27, 2005 letter to the Board of Directors of the Rocky Flats Coalition of Local Governments, Legacy Management (LM) requested the Coalition spearhead the development of a Local Stakeholder Organization (LSO) Plan. Per LM's request, the LSO Plan should "address how the three main activities required by Section 3118 of the Fiscal Year 2005 National Defense Authorization bill will be conducted." The letter further requests the LSO plan identify how the LSO anticipates working within the context of the Rocky Flats Post-closure Public Involvement Plan (or PCPIP) and include "the approach for determining how the non-elected officials will be nominated to serve on the LSO." This Plan addresses these issues.

Local governments represent constituencies closest to the Site, and through their exercise of representative government, they are able to pull groups together to address issues. The partnership that has developed between DOE and local governments needs to be maintained, and thus governments are charged with spearheading the development of this plan.

The PCPIP includes the following relevant information (quoting from the PCPIP):

#### **Public Meetings**

- **Site Transition:** Public meetings will be held as needed to address significant transition issues. In addition, EM and LM will present information about ongoing transition activities from EM to LM during regular RFCLoG and RFCAB meetings.
- **Post-Closure:** The establishment of a Rocky Flats LSO will provide the post-closure forum for stakeholders to continue a dialogue with DOE. LM plans to coordinate with the LSO to hold three quarterly and one annual general public meetings during the first 2 years post-closure to discuss post-closure issues of importance to stakeholders. These meetings will provide information about LTS&M activities being conducted at the site and will present the results of annual site inspections.

#### **Briefings for Local, State, and Federal Elected Officials**

- **Site Transition:** Rocky Flats will continue to hold briefings throughout site transition. LM will participate in or hold its own meetings with elected officials as needed to discuss specific topics related to site transition.
- **Post-Closure:** LM plans to continue briefing elected officials through the LSO to discuss new data trends or the evaluation of post-CAD/ROD changes.

### **Meetings With Stakeholder Groups**

- **Site Transition:** Rocky Flats will continue to support and participate in RFCAB and RFCLOG meetings. LM will frequently attend, especially when issues related to post-closure activities are on the agenda. EM and LM will continue to meet with stakeholder groups as requested through site transition.
- **Post-Closure:** Stakeholder groups will be included in the LSO public meetings held post-closure.

The following LSO responsibilities, which draw on these sections of the PCPIP, track the responsibilities set forth in Section 3118 of the Fiscal Year 2005 National Defense Authorization Act.

### **NDAA Section 3118 – LSO Responsibilities**

To ensure maximum buy-in by the LSO Board of Directors, the LSO Plan that LM will approve must be a high-level document with final decisions about the work plan being reserved for the yet-unnamed LSO Board, in consultation with LM.

Section 3118 of the Fiscal Year 2005 Defense Authorization Act includes the following provisions. The legislative language is in **bold**; actions that the LSO will likely take to meet each responsibility are in *italics*. Note, because of the interrelated nature of the responsibilities Congress established in Section 3118, the specific actions that have been identified can fall under more than one subsection below.

#### **(c) RESPONSIBILITIES.—A local stakeholder organization for a Department of Energy Environmental Management 2006 closure site under subsection (a) shall—**

- 1. Solicit and encourage public participation in appropriate activities relating to the closure and post-closure operations of the site.** These actions include:
  - a. Host regular, public meetings for LSO members and the general public, including Board meetings, the frequency to be determined by the LSO Board. Meetings will provide an opportunity:*
    - i. To discuss with federal, state, and local elected officials and agencies issues related to the long-term stewardship and management of the Rocky Flats site;*
    - ii. To be briefed on the results of the operational and performance monitoring data of site operations.*
    - iii. Other items as necessary.*
  - b. Work with DOE on implementation of Post-Closure Public Involvement Plan, including meetings identified in the PCPIP.*
  - c. Work with DOE to identify the role of the LSO in the four public meetings LM identified in the PCPIP.*
  - d. Provide opportunities at meetings and between meetings for education and feedback.*
  - e. Provide interface and communicate with federal, state, and local elected officials and agencies.*

- f. *Provide a mechanism for LSO members and the general public to review annual DOE budgets for implementation of DOE responsibilities.*
  - g. *Participate in CERCLA Five-Year Reviews and other reviews that DOE, the State, or EPA undertake.*
2. **Disseminate information on the closure and post-closure operations of the site to the State government of the State in which the site is located, local and Tribal governments in the vicinity of the site, and persons and entities having a stake in the closure or post-closure operations of the site.** These actions include:
- a. *Develop and implement mechanisms for LSO members and the general public to be informed of the results of the monitoring data and other relevant information, recognizing that not all communication between LM and Rocky Flats constituencies will flow through the LSO. Potential options include:*
    - i. *Periodic newsletters and/or annual reports*
    - ii. *Email updates*
    - iii. *Other mechanisms as necessary*
  - b. *Provide a mechanism for educating succeeding generations about the residual hazards at Rocky Flats and the continued need for a comprehensive site-wide stewardship program.*
  - c. *Evaluate legal and regulatory issues regarding implementation of site-wide long-term stewardship plan and provide information to the LSO Board and to the community.*
  - d. *Work with DOE and the regulators to understand technical data regarding implementation and effectiveness of cleanup remedies and long-term controls and provide information to the LSO Board and to the community.*
  - e. *Track, and communicate as necessary, issues related to former site workers.*
  - f. *Work with DOE on funding for LSO operations and other related legislative and regulatory issues that affect the management of Rocky Flats and the LSO.*
3. **Transmit to appropriate officers and employees of the Department of Energy questions and concerns of governments, persons, and entities referred to paragraph (2) on the closure and post-closure operations of the site.** These actions include:
- a. *Solicit and transmit to the appropriate DOE organization community comments on regulatory closure and post-closure documents, including*
    - i. *CAD/ROD*
    - ii. *Delisting/EPA certification*
    - iii. *Post-closure RFCA*
    - iv. *CERCLA Five-Year Reviews*
    - v. *Other items as necessary*

- b. Solicit and transmit to DOE comments on long-term surveillance and maintenance issues as other issue as necessary.*
- 4. Perform such other duties as the Secretary and the local stakeholder organization jointly determine appropriate to assist the Secretary in meeting post-closure obligations of the Department at the site.**
  - a. Additional activities may be assigned as conditions or circumstances dictate.*

The challenge in developing the LSO Plan comes is detailing the specific actions the LSO will take to meet the work scope identified in the PCPIP. LM notes that as activities at Rocky Flats decrease, LM anticipates a corresponding reduction in topics that warrant communication with stakeholders. The LSO Plan and corresponding LSO work plan will need to evolve to address the changing needs at the site. For that reason, the specifics of how the LSO will work with LM to implement the PCPIP must, for the purposes of the LSO Plan, remain at a high level.

#### **Timeline For Standing Up LSO**

The LSO must be established no later than six months prior to regulatory closure of Rocky Flats. Given that regulatory closure is, based on best estimates, scheduled for fall 2006, the LSO should be established on or around February 1, 2006. The following timeline is based on this date.

##### July – October:

- Prepare LSO Plan for submittal to DOE

##### November – January:

- Work with DOE to identify non-elected members for the LSO
- Draft IGA and present it to member governments for their approval
- Draft LSO bylaws for modification and approval by LSO
- Draft policies and procedures, including procurement policy, for modification and approval by LSO
- Analyze LSO staffing needs
- Draft LSO work plan for modification and approval by LSO
- Draft LSO budget for modification and approval by LSO

##### February:

- Hold initial LSO meetings – modify and approve work plan and budget
- Hire staff and/or consultants as determined by LSO Board of Directors
- Finalize bylaws and policies and procedures

#### **Process for identifying non-elected officials to serve on the LSO**

There is no single formula for determining which non-elected officials should serve on the LSO. In determining membership, LM should look to balance people with knowledge of Rocky Flats with adding new perspectives and engaging constituencies not traditionally engaged on Rocky Flats issues, including non-elected officials who represent organizations or individuals who have experience or skills that would benefit the LSO.

Membership should be tied to the LSO work plan. Characteristics that could serve to guide membership include:

1. Impacted by and interested in a majority of the scope topic areas of the LSO
2. Willingness to invest time and energy on all of the topic areas
3. Some familiarity with Rocky Flats history, the cleanup process, etc.
4. Represent a broad constituency with a wide diversity of viewpoints
5. Bring new ideas to the table

LM has indicated that entities considered for membership should include Rocky Flats retirees/former workers, environmental groups, and educational institutions. Individuals who have established a history of involvement in Rocky Flats issues also may be considered.

As for government representatives, following the Coalition's June 6, 2005, recommendation, LM tentatively set government membership of the LSO as the seven Coalition governments and the City of Golden. Subsequently the City of Northglenn formally expressed interest in serving on the LSO. In light of this request, the Coalition now recommends that the seven Coalition governments get permanent seats of the LSO and that the cities of Golden and Northglenn serve annually on a rotating basis.

#### **Colorado Sunshine Act**

The LSO will likely be organized as a unit of local government under the Colorado Constitution. As such the LSO shall comply with the Colorado Sunshine Law (§ 24-6-402). Compliance with this law will, in part, ensure that meetings are open to the public, that notice is provided, that actions are not taken without a quorum of the Board, that minutes of the meetings are recorded, and that meetings cannot be held in closed session unless they qualify under a limited number of circumstances as provided in law. Further, as a unit of local government, the LSO would be subject to the Colorado Open Records Act (§ 24-72-201). By following both laws, the LSO would ensure greater openness than is specified under the Federal Advisory Committee Act.

## **Rocky Flats Cleanup**

- Cover memo
- Briefing memo: History of Rocky Flats and Cleanup of the Site
- Briefing memo: How Clean is Clean
- Briefing memo: Off-site lands
- Briefing memo: Overview of the Rocky Flats National Wildlife Refuge
- Rocky Flats Coalition of Local Governments op-ed: “Coalition Supports Rocky Flats Cleanup and Wildlife Refuge Bill”
- “Rocky Flats National Wildlife Refuge Act of 2001”
- Timeline of Rocky Flats History

## **Adaptive Management Plan**

- Cover memo

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League of Women Voters -- Rocky Flats Cold War Museum -- Rocky Flats Homesteaders  
Arthur Widdowfield

## MEMORANDUM

**TO:** Board  
**FROM:** David Abelson  
**SUBJECT:** Briefing on History of Rocky Flats Cleanup  
**DATE:** March 22, 2012

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As I discussed at the February meeting, throughout 2012 we will allot time at each board meeting to review the history of the site, the current management and regulatory structure, and recent decisions that affect ongoing management activities. The first briefing will focus on the history of the cleanup and how those actions influence and inform current decisions.

In preparation for the meeting attached are a number of documents that collectively provide an overview of the cleanup and other key facts and decisions.

1. Briefing memo: History of Rocky Flats and Cleanup of the Site
2. Briefing memo: How Clean is Clean
3. Briefing memo: Off-site lands
4. Briefing memo: Overview of the Rocky Flats National Wildlife Refuge
5. Rocky Flats Coalition of Local Governments op-ed: "Coalition Supports Rocky Flats Cleanup and Wildlife Refuge Bill"
6. "Rocky Flats National Wildlife Refuge Act of 2001"
7. Timeline of Rocky Flats History

In reviewing this material, there are a number of items to bear in mind. I touch on them below.

### **Cleanup Levels**

During closure, perhaps the most challenging issue DOE, Colorado Department of Public Health and the Environment (CDPHE), Environmental Protection Agency (EPA), local governments as organized under the Rocky Flats Coalition of Local Governments, the Rocky Flats Citizens Advisory Board, plus many others debated was final cleanup levels. While most wished that Rocky Flats could be cleaned to pre-production levels, federal law requires CERCLA sites to be cleaned to a level that would protect the reasonably foreseeable future user. There was great debate as to who this future user would be.

Some argued that at a future date all controls will break down and that the future user would be a family that lives on the site in the most contaminated area, and who gets all of its food and water from the site. Others argued that the future user should be defined by the 2001 Rocky Flats Refuge Act, and thus the cleanup should be geared towards a refuge worker.

In the end, various standards were chosen. The soils were remediated to a level that would be protective of a refuge worker. (The increased cancer risk to the worker is  $2 \times 10^{-5}$ .) While the refuge worker was chosen, the surface soils, which were defined as the top 6', were also remediated to a level that is protective of a ranching and farming family but at a greater risk level ( $10^{-4}$  risk). For the majority of the site, the soils are one to two orders of magnitude cleaner than the standard, and in many places are close to background levels of contamination. Importantly, the Rocky Flats Coalition supported this approach.

To put this risk in perspective see "How Clean is Clean".

### **Water Protection**

Another important issue the aforementioned parties debated was remediation levels for water leaving the site. The main, although not exclusive, concern at that time was plutonium. The current regulatory standard for plutonium in water is 100 times more protective than the EPA's drinking water standard for plutonium. Levels were also set for hundreds of other contaminants, including uranium and nitrates.

### **Rocky Flats National Wildlife Refuge**

A third issue widely debated was the future use of the site. When the Rocky Flats Coalition started in 1999, the vision for the future use of the site was murky. The general agreement was that the buffer zone would be protected as open space, but that the core industrial area could be used for a variety of uses, including open space and/or industrial reuse.

After much debate, the Rocky Flats Coalition, working with Senator Wayne Allard and Representative Mark Udall, supported legislation designating Rocky Flats as a national wildlife refuge. That legislation became law in December 2001.

As discussed in the attached op-ed from the Coalition, the designation met a few key goals:

1. Protect the land for future generations by mandating the site be managed as a national wildlife refuge.
2. Ensure that the cleanup protects human health and the environment.
3. Prohibit future development of Rocky Flats and annexation of the property by any local government.
4. Require on-going federal ownership of Rocky Flats, an integral component of a comprehensive long-term site stewardship program.
5. Ensure that cleanup is completed prior to the U.S. Fish and Wildlife Service assuming management of Rocky Flats.
6. Mandate the involvement of the Coalition and others in developing the refuge management plan.

**Ongoing Oversight**

Because Rocky Flats was not remediated to pre-production levels, ongoing local government and community oversight became an essential component of the post-closure management. In 2004 Congress approved legislation creating local stakeholder organizations (LSO) for Rocky Flats and two sites in Ohio. For a variety of reasons, the Rocky Flats Stewardship Council is the sole LSO in the DOE complex.

As the LSO, our mission is simple – provide ongoing local government and community oversight of the post-closure management of the site, and promote a forum for dialogue.

Please let me know what questions you have. Thanks.

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Karen Imbierowicz

## **Rocky Flats History, Cleanup and Ongoing Management**

### **The History of Rocky Flats and the Cleanup (1995 – 2005)**

Rocky Flats operated from 1951 until 1989 and served as the nation's primary nuclear weapons trigger production facility. Production of triggers (known as pits) and other classified work resulted in widespread contamination within the buildings and throughout portions of the 6,200-acre site, with the greatest contamination and thus hazards within the 384-acre core industrial area. Site operations and fires in the production buildings also spread contamination to off-site lands and into off-site water supplies.

Production ceased in 1989 after the FBI and Environmental Protection Agency (EPA) raid on the site, yet DOE did not announce an end to the nuclear weapons production mission until 1993. Cleanup, which began in earnest in 1995 and was closely regulated by both the EPA and the Colorado Department of Public Health and Environment (CDPHE), took 10 years and cost \$7 billion. Local governments and community organizations closely tracked site issues and engaged on numerous issues, including cleanup levels and future use determinations.

The cleanup focused on four principal activities:

1. Stabilizing materials
2. Decontaminating and demolishing buildings
3. Shipping all waste to off-site receiver sites (note: the two landfills that were used during production were capped in place)
4. Remediating contaminated soils and contaminated groundwater, and protecting surface water quality

The overarching goals for the cleanup project included:

1. Ensuring waters leaving the site are available for any and all uses – at Rocky Flats the surface water standard for plutonium is 100 times cleaner than the federal drinking water standard
2. Demolishing all buildings and removing foundations to 6' below grade
3. Remediating soils to levels that support a wildlife refuge – in fact, most of the site is clean enough to support residential and/or industrial use
4. Developing and implementing a comprehensive post-closure stewardship plan

DOE, EPA and CDPHE determined off-site lands were not contaminated to levels that warranted remediation. Cleanup activities ended in October 2005, and in late 2006 and early 2007, DOE, EPA and the CDPHE declared the cleanup complete. The former buffer zone and off-site lands were removed from the Superfund list and 4000 acres of the former buffer zone were transferred to the Department of the Interior to be protected as the Rocky Flats National Wildlife Refuge.

### **Ongoing Management**

Cleanup, however, did not eliminate all risk. The core production areas, settling ponds and two landfills hold the greatest hazards and thus remain under DOE's jurisdiction. Contamination is found along old building foundations, in pond sediments, in old underground process waste lines, in two landfills, and in other areas. This contamination, which is at or, in nearly all cases, below all federal and state regulatory standards, includes radioactive materials, chemical solvent wastes and heavy metal wastes. DOE's responsibility is to ensure the cleanup remedies are working as designed and to protect the remedies from human intrusion.

This remaining contamination poses no immediate threat to human health and the environment, but it does require ongoing management by DOE and regulatory oversight by CDPHE and EPA. Accordingly, DOE, CDPHE and EPA entered into a post-closure regulatory agreement, the Rocky Flats Legacy Management Agreement (RFLMA). The RFLMA identifies each party's management/oversight responsibilities. DOE's responsibilities include:

1. Monitoring and maintaining the two landfills and four groundwater treatment systems.
2. Conducting environmental monitoring, including surface water and groundwater monitoring, and repairing systems as necessary.
3. Maintaining legal and physical controls, including but not limited to:
  - a. Prohibiting excavation, drilling, tilling and other such intrusive activities except for remedy-related purposes and in conjunction with plans approved by CDPHE and EPA.
  - b. Ensuring surface water and groundwater on-site is not used for drinking water or for agricultural purposes.
  - c. Maintaining groundwater wells and surface water monitoring stations.
  - d. Prohibiting activities that may damage or impair the proper functioning of any engineered control, including treatment systems, monitor wells, landfill caps and/or surveyed benchmarks.
  - e. Maintaining signs and fencing demarcating the Rocky Flats National Wildlife Refuge lands from the DOE-retained lands.

Perhaps the best barometer to gauge whether the remedies are performing as designed is water quality, both surface water and groundwater. Per the RFLMA, water leaving the site must meet stringent standards, which in the case of plutonium is 100 times below the federal standard for drinking water. The current standard for uranium is two times more stringent than the state standard, although the site specific standard will likely be changed in 2009 to conform with state standards.

To determine whether water standards are being met, DOE uses an extensive water quality monitoring network. This network, which is found throughout both the DOE lands and the Rocky Flats National Wildlife Refuge, includes approximately 20 surface water monitoring

stations and nearly 100 groundwater monitoring wells. Changes to the network require approval by the state of Colorado. Water in the terminal pond system (two terminal ponds on Walnut Creek; one on Woman Creek) is tested by both DOE and CDPHE prior to releasing the water. That data is also shared with downstream communities prior to the releases.

**The RFLMA can be found at:**

[http://www.lm.doe.gov/documents/sites/co/rocky\\_flats/rflma/RFLMA\\_200702.pdf](http://www.lm.doe.gov/documents/sites/co/rocky_flats/rflma/RFLMA_200702.pdf)

*May 2008*

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Karen Imbierowicz

## **How Clean is Clean**

Often one of the most pressing questions people have about Rocky Flats is “Is it safe?” The best way to answer this question is to present objective facts and let each decide whether the risks are reasonable and thus worth taking.

The cleanup of Rocky Flats was extensive. Cleanup actions included:

1. Demolishing 800+ buildings and facilities
2. Consolidating 21 metric tons of weapons-grade nuclear materials and 100 metric tons of plutonium residues
3. Excavating and/or consolidating 275,000 cubic meters of radioactive wastes
4. Analyzing and remediating as necessary 360 individual hazardous substance sites
5. Shipping these wastes and other materials to off-site locations

Following are a few benchmarks in determining “how clean is clean”:

1. Cleanup meets or exceeds federal and state standards.
2. Water leaving the site meets all applicable standards. In the case of plutonium, the standard is 100 times cleaner (more protective) than the federal drinking water standard.
3. The vast majority of the site can support residential and/or industrial use. The reason the DOE lands are not part of the Refuge and thus not open to the public is to protect the remedies from humans; access is not restricted to protect humans from residual risk.
4. One of the key drivers for designating Rocky Flats as a national wildlife refuge was to protect this important resource from future development.
5. DOE calculates the greatest risk from residual contamination is to a refuge worker with an increased cancer risk estimated to be  $2 \times 10^{-6}$ , or 2 in one million. These levels are also protective of wildlife.
6. A refuge worker’s annual dose would be less than 1 mrem/year. The dose visitors to the Refuge would receive would be significantly less. 1 mrem compares to other doses as follows:

Average dose to US public from all sources: 360 mrem/year  
Average dose to US public from natural sources: 300 mrem/year  
Average dose to US public from medical sources: 53 mrem/year  
Average dose to US public from nuclear power: < 0.1 mrem/year  
Average US terrestrial radiation: 28 mrem/year  
Terrestrial background (Atlantic coast): 16 mrem/year

Terrestrial background (Rocky Mountains): 40 mrem/year  
Cosmic radiation (Sea level): 26 mrem/year  
Cosmic radiation (Denver): 50 mrem/year  
Radionuclides in the body (e.g., potassium): 39 mrem/year  
Building materials (concrete): 3 mrem/year  
Drinking water: 5 mrem/year  
Pocket watch (radium dial): 6 mrem/year  
Eyeglasses (containing thorium): 6 - 11 mrem/year  
Coast-to-coast airplane (roundtrip): 5 mrem  
Chest x-ray: 8 mrem  
Dental x-ray: 10 mrem

*(source: Idaho State University, Radiation Information Network)*

For more information about the cleanup and residual contamination, please go to:

[http://www.lm.doe.gov/land/sites/co/rocky\\_flats/rocky.htm](http://www.lm.doe.gov/land/sites/co/rocky_flats/rocky.htm)

May 2008

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## **Off-Site Lands**

To the extent people are concerned about on-site contamination they are equally if not more concerned about off-site contamination. This paper addresses the latter issue.

### **Contamination Spreads Off-Site**

Throughout site operations, and especially during the 1950s through the early 1970s, radioactive and other hazardous materials were released into the environment which, in a few instances, migrated onto off-site lands neighboring Rocky Flats. Contamination included plutonium, tritium, organic solvents (e.g. carbon tetrachloride), and heavy metals. The greatest concentrations are east and south-east of the site, including lands within the municipal boundaries of Arvada, Broomfield and Westminster.

The two primary pathways contaminants moved off site were high winds and surface water flows. Some of the major events which led to the off-site dispersion were:

- During the 1950s and 1960s leaking drums of plutonium-contaminated liquid wastes were stored outside in an area known as the 903 pad. When the Atomic Energy Commission (AEC; a precursor to the Department of Energy) tried to remediate this area in the early 1960s, high winds dispersed the contamination eastwards. While much of it and the highest concentrations remained on-site, low levels spread beyond the site boundary.
- A fire in Building 771 in 1957 released plutonium into the air.
- A fire in Building 776 in 1969 released plutonium into the air.
- Various releases contaminated Walnut and Woman Creeks as they run through Rocky Flats. Some contaminated water moved off-site. As part of the plan to address this problem, in the mid-1970s the AEC built water settling and holding ponds.

Radioactive contamination that migrated off-site by high winds and surface water is found in surface soils, stream bed sediments (Walnut and Woman Creeks), and in lake sediments (Standley Lake, Great Western Reservoir and Mower Reservoir).

### **How Do We Know What Is There?**

Starting in the 1970s as public interest over the extent of off-site contamination and potential threats to public health and the environment rose, the federal government, health regulators and independent scientists began exploring the extent of off-site contamination and potential health impacts.

The Colorado Department of Public Health and Environment (CDPHE) monitored the air to identify any potential airborne contamination coming from the site. CDPHE also collected soil and water samples from areas surrounding Rocky Flats. Local governments, who were likewise concerned about the extent of off-site contamination, began collecting water and soil samples. Independent citizen groups and university research scientists also played a role in determining the extent of off-site contamination. The Department of Energy (DOE) also embarked on an effort to better understand the extent of contamination on off-site lands, as did the Environmental Protection Agency (EPA).

### **Extent of Off-Site Radioactive Contamination and Associated Risk**

In order to assess the risk to human health and the environment it is vital to know how much contamination there is. Throughout the Denver-metro area, the background level for plutonium in soils is approximately 0.06 picoCuries per gram of soil (pCi/g), a measure of radioactivity. Background is above 0.0 pCi/g as a result of radioactive fall-out from atmospheric testing of nuclear weapons; background, however, does not include a contribution from Rocky Flats contamination.

Most of the soil samples taken by CDPHE and others were either at background or slightly higher. However, a few samples were greater. The highest concentration, which was found 1,800 feet east of Indiana Street near the site's east entrance, was 6.5 pCi/g. This level of radioactivity corresponds to approximately 0.12 millirem/year, another measure of radioactive dose.

To help understand what this level means, it is helpful to compare it to other doses of radiation we experience:

- Average dose from all sources = 360 mrem/year
- Terrestrial background (Rocky Mountains) = 40 mrem/year
- Cosmic radiation (Denver) = 50 mrem/year
- Drinking water = 5 mrem/year
- Chest X-ray = 8 mrem
- Dental X-ray = 10 mrem
- Coast-to-coast airplane (roundtrip) = 5 mrem
- Eating one banana per day per year = 5 mrem/year (source is potassium)

Based on this data, in 1997 DOE, CDPHE and EPA determined that there was no need to perform environmental remediation of any off-site lands. Their findings and conclusions were subsequently submitted to the Agency for Toxic Substances and Disease Registry (ATSDR), a division within the Federal Centers for Disease Control. ATSDR evaluated whether the risk posed to residents was adequately calculated. They also evaluated whether DOE, EPA and CDPHE's determination to not remediate off-site lands was supportable. ATSDR affirmed DOE's data and conclusions – no additional cleanup activities were needed to protect public health and the environment.

## **Independent Analyses and an Enormous Lawsuit**

From the mid-1990s onwards, Rocky Flats was the subject of many independent reviews. Some of those reviews included assessments of contamination on off-site lands and potential impacts to surrounding communities.

### *Health Advisory Panel – Potential Impacts to Neighboring Communities*

In 1990 Governor Roy Romer directed CDPHE to conduct an in-depth study on historical public exposures from off-site contamination. Gov. Romer also appointed an independent panel, the Health Advisory Panel (HAP), to oversee CDPHE's work.

In order to determine the extent of contamination, CDPHE took extensive soil, water and air samples. CDPHE also reviewed historical information. With this data, the researchers determined that the two most prevalent types of off-site contamination are radioactive (primarily plutonium and americium) and carbon tetrachloride. CDPHE and the HAP then undertook a risk assessment to determine the effects (potential of increased cancer risk due to exposures) these two forms of contamination would have on public health. The researchers concluded, in short, the risk of developing cancer due to off-site contamination was extremely low and did not pose a significant threat to human health or the environment. The risk ranges associated with off-site exposure to plutonium and carbon tetrachloride were very similar to the risks discussed above.

For more information about this study please go to: <http://www.cdphe.state.co.us/rf/index.htm>

### *Community Independent Review*

This aforementioned risk posed to residents living on lands adjacent to Rocky Flats also tracks an independent, community led study undertaken in the late 1990s. This study, led by Dr. John Till with the Risk Assessment Corporation, established a cleanup range that would be protective of a family with children living at Rocky Flats. Under Dr. Till's scenario, which was developed in partnership with a community oversight board, the family would live in the most contaminated part of the site and get all of its food and water from within Rocky Flats.

As a result of this work, a few years later, DOE, EPA and CDPHE adopted cleanup levels that fell within Dr. Till's cleanup range. Importantly, though, most of Rocky Flats, including all of the lands that comprise the Rocky Flats National Wildlife Refuge, are significantly cleaner than the range established by Dr. Till.

### *Cook vs. Rockwell—Neighbors Sue*

In the early 1990's, property owners within a certain radius of Rocky Flats filed a class action lawsuit against the first two site contractors, Dow Chemical (site operator from 1952 to 1975) and Rockwell International (site operator from 1975 to 1990). The lawsuit alleged that the contractors released off-site contamination that resulted in a diminution of property values. In 2006, the jury awarded the plaintiffs \$553.9 million based on trespass and nuisance resulting from contamination spreading to off-site lands.

Importantly, Cook vs. Rockwell concerned off-site contamination and did not speak to the cleanup. The reason is that the class of property owners closed in the early 1990s so they were

compensated for their loss in property value up to the early 1990s. The case also did not address the health risks associated with off-site contamination.

Dow and Rockwell have appealed.

*May 2008*

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Karen Imbierowicz

## **Rocky Flats National Wildlife Refuge Briefing Paper**

### **SUMMARY**

“The Rocky Flats National Wildlife Refuge Act of 2001” provides that following completion of the cleanup project, the vast majority of Rocky Flats would be protected as a national wildlife refuge. Cleanup was completed in October 2005 and on July 12, 2007, the Department of Energy transferred jurisdiction over 3953 acres of the former Rocky Flats buffer zone to the Department of the Interior to be managed as the Rocky Flats National Wildlife Refuge.

The purpose of the Rocky Flats National Wildlife Refuge is to restore and preserve native ecosystems, provide habitat for plants and wildlife, conserve threatened and endangered species, and provide opportunities for scientific research. Importantly, the Refuge Act prohibits reindustrialization of the site and annexation by local governments. The Comprehensive Conservation Plan guides site management.

### **National Wildlife Refuge System Mission**

The first national wildlife refuge was established in 1903. The refuge system, which has grown to more than 92 million acres, now includes 500 refuges (at least one in every state) and over 3000 waterfowl production areas. The Rocky Flats National Wildlife Refuge is one of three refuges in the Denver-metro area; the other two are The Rocky Mountain Arsenal NWR (Commerce City) and Two Ponds NWR (Arvada).

The refuge system mission is:

To administer a national network of lands and waters for the conservation, management and, where appropriate, restoration of the fish, wildlife and plant resources and their habitats within the United States for the benefit of present and future generations of Americans.

### **Rocky Flats National Wildlife Refuge Act of 2001**

“The Rocky Flats National Wildlife Refuge Act of 2001” (Refuge Act) was championed by Senator Wayne Allard and Representative Mark Udall, and was broadly supported by local governments and community members surrounding the plant.

The Refuge Act identifies four uses for the Refuge:

1. Restore and preserve native ecosystems
2. Provide habitat for and populations management of native plants and migratory and resident wildlife
3. Conserve threatened and endangered species
4. Provide opportunities for compatible scientific research.

The Refuge Act also provides wildlife-dependent uses and environmental education and interpretation are priority public uses, and prohibits future development and annexation by local governments.

### **USFWS Planning and Management Goals**

The U.S. Fish and Wildlife Service (USFWS), a program office within the Department of the Interior, manages the Rocky Flats Refuge. In 2004 USFWS developed the following goals to guide refuge planning and management:

1. Wildlife and Habitat Management: Provide a riparian community representative of historic flora and fauna in a high valley of the southern Rocky Mountains to provide habitat for migratory birds, mammals, and river-dependent species.
2. Public Use, Education and Interpretation: Provide visitors and students high quality recreational, educational and interpretive opportunities and foster an understanding and appreciation of the Refuge's xeric tallgrass prairie, upland shrub and wetland habitats; native wildlife; the history of the site; and the National Wildlife Refuge System (NWRS).
3. Safety: Conduct operations and manage public access in accordance with the final Rocky Flats' cleanup decision documents to ensure the safety of the Refuge visitors, staff and neighbors.
4. Effective and Open Communication: Conduct communication outreach efforts to raise public awareness about the Refuge programs, management decisions and the mission of the USFWS and the NWRS among visitors, students and nearby residents.
5. Working with Others: Foster beneficial partnerships with individuals, government agencies, non-governmental organizations, and others to promote resource conservation, compatible wildlife-related research, public use, site history and infrastructure.
6. Refuge Operations: Based on available funds, provide facilities and staff to fulfill the Refuge vision and purpose.

### **Comprehensive Conservation Plan (CCP)**

The Rocky Flats National Wildlife Refuge Comprehensive Conservation Plan (CCP) outlines the management direction and strategies for refuge operations, habitat restoration and visitor services. The CCP "balances wildlife and habitat management needs, compatible wildlife-dependent public uses and budgetary constraints." It was approved in April 2005 and is effective for 15 years.

Habitat Management: Habitat management will include prescribed fire, mowing and grazing to simulate and maintain native grassland communities.

Wildlife Management: USFWS will work with the Colorado Division of Wildlife to manage deer and elk populations. Management options include public hunting, culling and other means. Hunting will be limited to two weekends per year and will be solely for youth and the disabled. USFWS will also evaluate the suitability of reintroducing native species, such as the sharp-tailed grouse.

Public Use: Public use programs will include environmental education programs for high-school and college students, as well as interpretative programs. Visitor use facilities will include 12.8 miles of multi-use trails, 3.8 miles of hiking-only trails, a visitor contact station, interpretative overlooks, viewing blinds, and parking facilities.

### **Detailed Management Plans**

The CCP describes the desired future conditions of the Refuge and provides long-range guidance and management direction. In the coming years, USFWS will conduct additional, more detailed planning for vegetation and wildlife management, fire management, visitor services (which includes interpretation, environmental education, hunting and research protocols), health and safety, and historic preservation. These plans are in addition to the 2007 plan that addressed entrance signs for the Refuge.

### **USFWS Priorities**

USFWS has identified the following funding priorities:

- Prevent habitat degradation
- Maintain law enforcement presence
- Continue Wildlife monitoring
- Maintain migration corridors for wildlife
- Develop trails

### **Trails Opening**

The CCP anticipates the Refuge would be open for public use starting in 5 years. USFWS also planned to have the trail to the Lindsay Ranch open within the first year after the transfer. However, there are no funds available to staff the Refuge or place safety fencing around the Lindsey house to keep visitors out of an unsafe building. USFWS now says it will likely be several years before any of the trails are open to the public.

### **Department of Energy at Rocky Flats**

The Refuge Act provides DOE shall retain jurisdiction over lands that require ongoing management to ensure the cleanup remedies remain protective of human health and the environment. Subsequent legislation addressed active mining claims. Accordingly, DOE retained jurisdiction of the vast majority of the former Industrial Area and the settling ponds (1309 acres), as well as jurisdiction over active mining claims (929 acres).

Importantly, should contamination be found on Refuge lands that requires remediation, the Refuge Act provides cleanup trumps Refuge management.

**For more information about the Refuge please go to:** <http://www.fws.gov/rockyflats/>

*May 2008*

**Coalition Supports Rocky Flats Cleanup and Wildlife Refuge Bill**  
**By: Michelle Lawrence, Paul Danish, Lorraine Anderson, Tom Brunner, Sam Dixon,**  
**Karen Imbierowicz, Lisa Morzel**

The story of Rocky Flats and the surrounding area is deeply rooted in the history of our communities and in the psyche of many of our citizens. It's a story of homesteaders and bombs, of a unique natural environment and a challenging relationship with the Atomic Energy Commission.

Now fifty years after the headlines extolled the coming of the nuclear age to our communities, we are faced with the opportunity of turning this once top-secret nuclear facility into an asset for this region. With the strong support of Colorado's congressional delegation, lead by Senator Wayne Allard and Representative Mark Udall, we have the opportunity to clean up Rocky Flats and to protect its precious natural resources.

Sen. Allard and Rep. Udall have introduced a bill in Congress to enact this change, to protect Rocky Flats for future generations, free from the encroaching development that has both shaped and reflected our robust economy. "The Rocky Flats National Wildlife Refuge Bill of 2001" would designate Rocky Flats as a national wildlife refuge once the cleanup and closure of Rocky Flats is complete.

As the Board of Directors of the Rocky Flats Coalition of Local Governments, a coalition of elected officials from Boulder County and Jefferson County, the cities of Arvada, Boulder, Broomfield, Westminster, and the Town of Superior, we unanimously applaud this legislation and call on Congress to support and secure its early passage.

The bill would accomplish a number of the Coalition's key cleanup and future use goals. Most importantly, it would protect the land for future generations by mandating the site be managed as a national wildlife refuge, while ensuring that the cleanup protects human health and the environment. Additionally, this designation would prohibit future development of Rocky Flats and annexation of the property by any local government. The legislation would also require on-going federal ownership of the site, an integral component of a comprehensive long-term site stewardship program, and also ensure that cleanup is completed prior to the U.S. Fish and Wildlife Service assuming management of Rocky Flats. Finally, the bill would mandate the involvement of the Coalition and others in developing the refuge management plan.

Not unexpectedly, the bill does have a minority of detractors. Some have suggested that the bill will lead to a "dirty" cleanup for it does not specify cleanup to a level that would allow for residential use. They claim the bill will diminish or compromise the cleanup efforts. We disagree with such claims.

A careful reading of the bill clearly suggests otherwise, for it explicitly states that cleanup must protect human health and the environment. Moreover, due to its widespread support, the prospect of the bill becoming law is helping to drive a more protective cleanup – far greater than

the cleanup agreed to in 1996 by the Department of Energy, the Colorado Department of Public Health and the Environment, and the Environmental Protection Agency. The Coalition, for its part, continues to work with Sen. Allard, Rep. Udall and these agencies to assure that the cleanup protects human health and the environment.

This legislation, if enacted, will chart a new course for Rocky Flats, one that few imagined just a few years ago. As Sen. Allard and Rep. Udall have often stated, the legislation will turn weapons into wildlife.

The Coalition applauds Sen. Allard and Rep. Udall's commitment and leadership in cleaning up and protecting Rocky Flats for future generations. We also applaud Governor Owens, Attorney General Salazar, and the entire Colorado congressional delegation for their support of this important legislation.

Together, we can clean up Rocky Flats and protect the resource, not just for ourselves but for our grandchildren and their grandchildren as well.

Word count: 611

## **S.1438**

*One Hundred Seventh Congress  
of the  
United States of America  
AT THE FIRST SESSION*

An Act

To authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

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### **Subtitle F--Rocky Flats National Wildlife Refuge**

#### **SEC. 3171. SHORT TITLE.**

This subtitle may be cited as the `Rocky Flats National Wildlife Refuge Act of 2001'.

#### **SEC. 3172. FINDINGS AND PURPOSES.**

(a) FINDINGS- Congress finds the following:

- (1) The Federal Government, through the Atomic Energy Commission, acquired the Rocky Flats site in 1951 and began operations there in 1952. The site remains a Department of Energy facility. Since 1992, the mission of the Rocky Flats site has changed from the production of nuclear weapons components to cleanup and closure in a manner that is safe, environmentally and socially responsible, physically secure, and cost-effective.
- (2) The majority of the Rocky Flats site has generally remained undisturbed since its acquisition by the Federal Government.
- (3) The State of Colorado is experiencing increasing growth and development, especially in the metropolitan Denver Front Range area in the vicinity of the Rocky Flats site. That growth and development reduces the amount of open space and thereby diminishes for many metropolitan Denver communities the vistas of the striking Front Range mountain backdrop.
- (4) Some areas of the Rocky Flats site contain contamination and will require further response action. The national interest requires that the ongoing cleanup and closure of the entire site be completed safely, effectively, and without unnecessary delay and that the site thereafter be retained by the United States and managed so as to preserve the value of the site for open space and wildlife habitat.
- (5) The Rocky Flats site provides habitat for many wildlife species, including a number of threatened and endangered species, and is marked by the presence of rare xeric tallgrass prairie plant communities. Establishing the site as a unit of the National Wildlife Refuge System will promote the preservation and enhancement of those resources for present and future generations.

(b) PURPOSES- The purposes of this subtitle are--

(1) to provide for the establishment of the Rocky Flats site as a national wildlife refuge following cleanup and closure of the site;

(2) to create a process for public input on the management of the refuge referred to in paragraph (1) before transfer of administrative jurisdiction to the Secretary of the Interior; and

(3) to ensure that the Rocky Flats site is thoroughly and completely cleaned up.

## **SEC. 3173. DEFINITIONS.**

In this subtitle:

(1) CERCLA- The term `CERCLA' means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(2) CLEANUP AND CLOSURE- The term `cleanup and closure' means the response actions for covered substances carried out at Rocky Flats, as required by any of the following:

(A) The RFCA.

(B) CERCLA.

(C) RCRA.

(D) The Colorado Hazardous Waste Act, 25-15-101 to 25-15-327, Colorado Revised Statutes.

(3) COVERED SUBSTANCE- The term `covered substance' means any of the following:

(A) Any hazardous substance, as such term is defined in paragraph (14) of section 101 of CERCLA (42 U.S.C. 9601).

(B) Any pollutant or contaminant, as such term is defined in paragraph (33) of such section 101.

(C) Any petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (A) through (F) of paragraph (14) of such section 101.

(4) RCRA- The term `RCRA' means the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), popularly known as the Resource Conservation and Recovery Act.

(5) REFUGE- The term `refuge' means the Rocky Flats National Wildlife Refuge established under section 3177.

(6) RESPONSE ACTION- The term `response action' means any of the following:

(A) A response, as such term is defined in paragraph (25) of section 101 of CERCLA (42 U.S.C. 9601).

(B) A corrective action under RCRA or under the Colorado Hazardous Waste Act, 25-15-101 to 25-15-327, Colorado Revised Statutes.

(C) Any requirement for institutional controls imposed by any of the laws referred to in subparagraph (A) or (B).

(7) RFCA- The term `RFCA' means the Rocky Flats Cleanup Agreement, an intergovernmental agreement, dated July 19, 1996, among--

(A) the Department of Energy;

(B) the Environmental Protection Agency; and

(C) the Department of Public Health and Environment of the State of Colorado.

(8) **ROCKY FLATS-**

(A) **IN GENERAL-** Except as provided in subparagraph (B), the term `Rocky Flats' means the Rocky Flats Environmental Technology Site, Colorado, a defense nuclear facility, as depicted on the map titled `Rocky Flats Environmental Technology Site', dated October 22, 2001, and available for inspection in the appropriate offices of the United States Fish and Wildlife Service.

(B) **EXCLUSIONS-** The term `Rocky Flats' does not include--

(i) the land and facilities of the Department of Energy's National Renewable Energy Laboratory, including the acres retained by the Secretary under section 3174(f); and

(ii) any land and facilities not within the boundaries depicted on the map referred to in subparagraph (A).

(9) **SECRETARY-** The term `Secretary' means the Secretary of Energy.

**SEC. 3174. FUTURE OWNERSHIP AND MANAGEMENT.**

(a) **FEDERAL OWNERSHIP-** Except as expressly provided in this subtitle, all right, title, and interest of the United States, held on or acquired after the date of the enactment of this Act, to land or interest therein, including minerals, within the boundaries of Rocky Flats shall be retained by the United States.

(b) **LINDSAY RANCH-** The structures that comprise the former Lindsay Ranch homestead site in the Rock Creek Reserve area of the buffer zone, as depicted on the map referred to in section 3173(8)(A), shall be permanently preserved and maintained in accordance with the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(c) **PROHIBITION ON ANNEXATION-** Neither the Secretary nor the Secretary of the Interior shall allow the annexation of land within the refuge by any unit of local government.

(d) **PROHIBITION ON THROUGH ROADS-** Except as provided in subsection (e), no public road shall be constructed through Rocky Flats.

(e) **TRANSPORTATION RIGHT-OF-WAY-**

(1) **IN GENERAL-**

(A) **AVAILABILITY OF LAND-** On submission of an application meeting each of the conditions specified in paragraph (2), the Secretary, in consultation with the Secretary of the Interior, shall make available land along the eastern boundary of Rocky Flats for the sole purpose of transportation improvements along Indiana Street.

(B) **BOUNDARIES-** Land made available under this paragraph may not extend more than 300 feet from the west edge of the Indiana Street right-of-way, as that right-of-way exists as of the date of the enactment of this Act.

(C) **EASEMENT OR SALE-** Land may be made available under this paragraph by easement or sale to one or more appropriate entities.

(D) **COMPLIANCE WITH APPLICABLE LAW-** Any action under this paragraph shall be taken in compliance with applicable law.

(2) CONDITIONS- An application referred to in paragraph (1) meets the conditions specified in this paragraph if the application--

(A) is submitted by any county, city, or other political subdivision of the State of Colorado; and

(B) includes documentation demonstrating that the transportation improvements for which the land is to be made available--

(i) are carried out so as to minimize adverse effects on the management of Rocky Flats as a wildlife refuge; and

(ii) are included in the regional transportation plan of the metropolitan planning organization designated for the Denver metropolitan area under section 5303 of title 49, United States Code.

(f) WIND TECHNOLOGY EXPANSION AREA- The Secretary shall retain, for the use of the National Renewable Energy Laboratory, the approximately 25 acres identified on the map referred to in section 3173(8)(A) as the 'Wind Technology Expansion Area'.

## **SEC. 3175. TRANSFER OF MANAGEMENT RESPONSIBILITIES AND JURISDICTION OVER ROCKY FLATS.**

(a) TRANSFER REQUIRED-

(1) IN GENERAL- Subject to the other provisions of this section, the Secretary shall transfer administrative jurisdiction over the property that is to comprise the refuge to the Secretary of the Interior.

(2) DATE OF TRANSFER- The transfer shall be carried out not earlier than the completion certification date, and not later than 30 business days after that date.

(3) COMPLETION CERTIFICATION DATE- For purposes of paragraph (2), the completion certification date is the date on which the Administrator of the Environmental Protection Agency certifies to the Secretary and to the Secretary of the Interior that cleanup and closure at Rocky Flats has been completed, except for the operation and maintenance associated with response actions, and that all response actions are operating properly and successfully.

(b) MEMORANDUM OF UNDERSTANDING-

(1) REQUIRED ELEMENTS- The transfer required by subsection (a) shall be carried out pursuant to a memorandum of understanding between the Secretary and the Secretary of the Interior. The memorandum of understanding shall--

(A) provide for the division of responsibilities between the Secretary and the Secretary of the Interior necessary to carry out such transfer;

(B) address the impacts that any property rights referred to in section 3179(a) may have on the management of the refuge, and provide strategies for resolving or mitigating these impacts;

(C) identify the land the administrative jurisdiction of which is to be transferred to the Secretary of the Interior; and

(D) specify the allocation of the Federal costs incurred at the refuge after the date of such transfer for any site investigations, response actions, and related activities for covered substances.

(2) PUBLICATION OF DRAFT- Not later than one year after the date of the enactment of this Act, the Secretary and the Secretary of the Interior shall publish in the Federal Register a draft of the memorandum of understanding.

(3) FINALIZATION AND IMPLEMENTATION-

(A) Not later than 18 months after the date of the enactment of this Act, the Secretary and Secretary of the Interior shall finalize and implement the memorandum of understanding.

(B) In finalizing the memorandum of understanding, the Secretary and Secretary of the Interior shall specifically identify the land the administrative jurisdiction of which is to be transferred to the Secretary of the Interior and provide for a determination of the exact acreage and legal description of such land by a survey mutually satisfactory to the Secretary and the Secretary of the Interior.

(c) TRANSFER OF IMPROVEMENTS- The transfer required by subsection (a) may include such buildings or other improvements as the Secretary of the Interior has requested in writing for purposes of managing the refuge.

(d) PROPERTY RETAINED FOR RESPONSE ACTIONS-

(1) IN GENERAL- The transfer required by subsection (a) shall not include, and the Secretary shall retain jurisdiction, authority, and control over, the following real property and facilities at Rocky Flats:

(A) Any engineered structure, including caps, barrier walls, and monitoring or treatment wells, to be used in carrying out a response action for covered substances.

(B) Any real property or facility to be used for any other purpose relating to a response action or any other action that is required to be carried out by the Secretary at Rocky Flats.

(2) CONSULTATION- The Secretary shall consult with the Secretary of the Interior, the Administrator of the Environmental Protection Agency, and the Governor of the State of Colorado on the identification of all real property and facilities to be retained under this subsection.

(e) COST- The transfer required by subsection (a) shall be completed without cost to the Secretary of the Interior.

(f) NO REDUCTION IN FUNDS- The transfer required by subsection (a), and the memorandum of understanding required by subsection (b), shall not result in any reduction in funds available to the Secretary for cleanup and closure of Rocky Flats.

## **SEC. 3176. ADMINISTRATION OF RETAINED PROPERTY; CONTINUATION OF CLEANUP AND CLOSURE.**

(a) ADMINISTRATION OF RETAINED PROPERTY-

(1) IN GENERAL- In administering the property retained under section 3175(d), the Secretary shall consult with the Secretary of the Interior to minimize any conflict between--

(A) the administration by the Secretary of such property for a purpose relating to a response action; and

(B) the administration by the Secretary of the Interior of land the administrative jurisdiction of which is transferred under section 3175(a).

(2) PRIORITY IN CASE OF CONFLICT- In the case of any such conflict, the Secretary and the Secretary of the Interior shall ensure that the administration for a purpose relating to a response action, as described in paragraph (1)(A), shall take priority.

(3) ACCESS- The Secretary of the Interior shall provide to the Secretary such access and cooperation with respect to the refuge as the Secretary requires to carry out operation and maintenance, future response actions, natural resources restoration, or any other obligations.

(b) ONGOING CLEANUP AND CLOSURE-

(1) IN GENERAL- The Secretary shall carry out to completion cleanup and closure at Rocky Flats.

(2) CLEANUP LEVELS- The Secretary shall carry out such cleanup and closure to the levels established for soil, water, and other media, following a thorough review by the parties to the RFCA and the public (including the United States Fish and Wildlife Service and other interested government agencies) of the appropriateness of the interim levels in the RFCA.

(3) NO RESTRICTION ON USE OF NEW TECHNOLOGIES- Nothing in this subtitle, and no action taken under this subtitle, restricts the Secretary from using at Rocky Flats any new technology that may become available for remediation of contamination.

(c) OPPORTUNITY TO COMMENT- The Secretary of the Interior shall have the opportunity to comment with respect to any proposed response action as to the impacts, if any, of such proposed response action on the refuge.

(d) RULES OF CONSTRUCTION-

(1) NO RELIEF FROM OBLIGATIONS UNDER OTHER LAW- Nothing in this subtitle, and no action taken under this subtitle--

(A) relieves the Secretary, the Administrator of the Environmental Protection Agency, the Secretary of the Interior, or any other person from any obligation or other liability with respect to Rocky Flats under the RFCA or any Federal or State law;

(B) impairs or alters any provision of the RFCA; or

(C) alters any authority of the Administrator of the Environmental Protection Agency under section 120(e) of CERCLA (42 U.S.C. 9620(e)), or any authority of the State of Colorado.

(2) CLEANUP LEVELS- Nothing in this subtitle shall reduce the level of cleanup and closure at Rocky Flats required under the RFCA or any Federal or State law.

(3) PAYMENT OF RESPONSE ACTION COSTS- Nothing in this subtitle affects the obligation of a Federal department or agency that had or has operations at Rocky Flats resulting in the release or threatened release of a covered substance to pay the costs of response actions carried out to abate the release of, or clean up, the covered substance.

## **SEC. 3177. ROCKY FLATS NATIONAL WILDLIFE REFUGE.**

(a) IN GENERAL- On completion of the transfer required by section 3175(a), and subject to section 3176(a), the Secretary of the Interior shall commence administration of the real property comprising the refuge in accordance with this subtitle.

(b) ESTABLISHMENT OF REFUGE- Not later than 30 days after the transfer required by section 3175(a), the Secretary of the Interior shall establish at Rocky Flats a national wildlife refuge to be known as the Rocky Flats National Wildlife Refuge.

(c) COMPOSITION- The refuge shall be comprised of the property the administrative jurisdiction of which was transferred as required by section 3175(a).

(d) NOTICE- The Secretary of the Interior shall publish in the Federal Register a notice of the establishment of the refuge.

(e) ADMINISTRATION AND PURPOSES-

(1) IN GENERAL- The Secretary of the Interior shall manage the refuge in accordance with applicable law, including this subtitle, the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.), and the purposes specified in that Act.

(2) REFUGE PURPOSES- The refuge shall be managed for the purposes of--

(A) restoring and preserving native ecosystems;

(B) providing habitat for, and population management of, native plants and migratory and resident wildlife;

(C) conserving threatened and endangered species (including species that are candidates for listing under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)); and

(D) providing opportunities for compatible scientific research.

(3) MANAGEMENT- In managing the refuge, the Secretary of the Interior shall--

(A) ensure that wildlife-dependent recreation and environmental education and interpretation are the priority public uses of the refuge; and

(B) comply with all response actions.

## **SEC. 3178. COMPREHENSIVE PLANNING PROCESS.**

(a) IN GENERAL- Not later than 180 days after the date of the enactment of this Act, in developing a comprehensive conservation plan for the refuge in accordance with section 4(e) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(e)), the Secretary of the Interior shall establish a comprehensive planning process that involves the public and local communities. The Secretary of the Interior shall establish such process in consultation with the Secretary, the members of the Coalition, the Governor of the State of Colorado, and the Federal and State of Colorado officials who have been designated as trustees for Rocky Flats under section 107(f)(2) of CERCLA (42 U.S.C. 9607(f)(2)).

(b) OTHER PARTICIPANTS- In addition to the entities specified in subsection (a), the comprehensive planning process required by subsection (a) shall include the opportunity for direct involvement of entities that are not members of the Coalition as of the date of the enactment of this Act, including the Rocky Flats Citizens' Advisory Board and the cities of Thornton, Northglenn, Golden, Louisville, and Lafayette, Colorado.

(c) DISSOLUTION OF COALITION- If the Coalition dissolves, or if any Coalition member elects to leave the Coalition during the comprehensive planning process required by subsection (a)--

(1) such comprehensive planning process shall continue; and

(2) an opportunity shall be provided to each entity that is a member of the Coalition as of September 1, 2000, for direct involvement in such comprehensive planning process.

(d) CONTENTS- In addition to the requirements of section 4(e) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(e)), the comprehensive conservation plan referred to in subsection (a) shall address and make recommendations on the following:

(1) The identification of any land referred to in subsection (e) of section 3174 that could be made available under that subsection.

(2) The characteristics and configuration of any perimeter fencing that may be appropriate or compatible for cleanup and closure purposes, refuge purposes, or other purposes.

(3) The feasibility of locating, and the potential location for, a visitor and education center at the refuge.

(4) Any other issues relating to Rocky Flats.

(e) COALITION DEFINED- In this section, the term 'Coalition' means the Rocky Flats Coalition of Local Governments established by the Intergovernmental Agreement, dated February 16, 1999, among--

(1) the city of Arvada, Colorado;

(2) the city of Boulder, Colorado;

(3) the city of Broomfield, Colorado;

(4) the city of Westminster, Colorado;

(5) the town of Superior, Colorado;

(6) Boulder County, Colorado; and

(7) Jefferson County, Colorado.

(f) REPORT- Not later than three years after the date of the enactment of this Act, the Secretary of the Interior shall submit to Congress--

(1) the comprehensive conservation plan referred to in subsection (a); and

(2) a report that contains--

(A) an outline of the involvement of the public and local communities in the comprehensive planning process, as required by subsection (a);

(B) to the extent that any input or recommendation from the comprehensive planning process is not accepted, a clear statement of the reasons why such input or recommendation is not accepted; and

(C) a discussion of the impacts of any property rights referred to in section 3179(a) on management of the refuge, and an identification of strategies for resolving and mitigating these impacts.

## **SEC. 3179. PROPERTY RIGHTS.**

(a) IN GENERAL- Except as provided in subsections (c) and (d), nothing in this subtitle limits any valid, existing property right at Rocky Flats that is owned by any person or entity, including, but not limited to--

(1) any mineral right;

(2) any water right or related easement; and

(3) any facility or right-of-way for a utility.

(b) ACCESS- Except as provided in subsection (c), nothing in this subtitle affects any right of an owner of a property right referred to in subsection (a) to access the owner's property.

(c) REASONABLE CONDITIONS-

(1) IN GENERAL- The Secretary or the Secretary of the Interior may impose such reasonable conditions on access to property rights referred to in subsection (a) as are appropriate for the cleanup and closure of Rocky Flats and for the management of the refuge.

(2) NO EFFECT ON OTHER LAW- Nothing in this subtitle affects any Federal, State, or local law (including any regulation) relating to the use, development, and management of property rights referred to in subsection (a).

(3) NO EFFECT ON ACCESS RIGHTS- Nothing in this subsection precludes the exercise of any access right, in existence on the date of the enactment of this Act, that is necessary to perfect or maintain a water right in existence on that date.

(d) UTILITY EXTENSION-

(1) IN GENERAL- The Secretary or the Secretary of the Interior may allow not more than one extension from an existing utility right-of-way on Rocky Flats, if necessary.

(2) CONDITIONS- An extension under paragraph (1) shall be subject to the conditions specified in subsection (c).

(e) EASEMENT SURVEYS- Subject to subsection (c), until the date that is 180 days after the date of the enactment of this Act, an entity that possesses a decreed water right or prescriptive easement relating to land at Rocky Flats may carry out such surveys at Rocky Flats as the entity determines are necessary to perfect the right or easement.

## **SEC. 3180. LIABILITIES AND OTHER OBLIGATIONS.**

(a) IN GENERAL- Nothing in this subtitle shall relieve, and no action may be taken under this subtitle to relieve, the Secretary, the Secretary of the Interior, or any other person from any liability or other obligation at Rocky Flats under CERCLA, RCRA, or any other Federal or State law.

(b) COST RECOVERY, CONTRIBUTION, AND OTHER ACTION- Nothing in this subtitle is intended to prevent the United States from bringing a cost recovery, contribution, or other action that would otherwise be available under Federal or State law.

## **SEC. 3181. ROCKY FLATS MUSEUM.**

(a) MUSEUM- To commemorate the contribution that Rocky Flats and its worker force provided to winning the Cold War and the impact that such contribution has had on the nearby communities and the State of Colorado, the Secretary may establish a Rocky Flats Museum.

(b) LOCATION- The Rocky Flats Museum shall be located in the city of Arvada, Colorado, unless, after consultation under subsection (c), the Secretary determines otherwise.

(c) CONSULTATION- The Secretary shall consult with the city of Arvada, other local communities, and the Colorado State Historical Society on--

(1) the development of the museum;

(2) the siting of the museum; and

(3) any other issues relating to the development and construction of the museum.

(d) REPORT- Not later than three years after the date of the enactment of this Act, the Secretary, in coordination with the city of Arvada, shall submit to Congress a report on the costs associated with the construction of the museum and any other issues relating to the development and construction of the museum.

## **SEC. 3182. ANNUAL REPORT ON FUNDING.**

For each of fiscal years 2003 through 2007, at the time of submission of the budget of the President under section 1105(a) of title 31, United States Code, for such fiscal year, the Secretary and the Secretary of the Interior shall jointly submit to Congress a report on the costs of implementation of this subtitle. The report shall include--

- (1) the costs incurred by each Secretary in implementing this subtitle during the preceding fiscal year; and
- (2) the funds required by each Secretary to implement this subtitle during the current and subsequent fiscal years.

# 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  
Karen Imbierowicz

## Rocky Flats History – Timeline of Key events

(adapted from The Politics of Cleanup, Energy Communities Alliance, 2007)

- 1951 On March 23<sup>rd</sup>, *The Denver Post* reports “There Is Good News Today: U.S. To Build \$45 Million A-Plant Near Denver.” Dow Chemical becomes the initial operating contractor.
- 1957 A major fire occurs in Building 771, later deemed the most dangerous building in the complex. Community is not told about fire until 1970 despite the spread of contamination to off-site lands.
- 1969 A major fire in a glove box in Building 776 – later declared the second-most dangerous building in the complex – results in the costliest industrial accident in the nation at the time; cleanup took two years.
- 1970 After independent scientists find plutonium on off-site lands, the Atomic Energy Commission (AEC) announces the contamination is the result of the 1957 fire, the first the community had heard about the fire, and leaking waste drums containing radioactive and hazardous materials.
- 1972 AEC determines it needs to expand the buffer zone around the production buildings; Congress agrees to spend \$6 million to buy an additional 4,600 acres, bringing the total site acreage to approximately 6400 acres.
- 1973 In April, the Colorado Health Department finds tritium in downstream drinking water supplies but does not alert local officials for five months; the AEC initially denies the presence of tritium at Rocky Flats but later admits to its presence.
- 1974 Gov. Richard Lamm and Rep. Timothy Wirth establish the Lamm-Wirth Task Force on Rocky Flats. The group, which includes site workers and anti-nuclear activists, is charged with making recommendations regarding the future of the site.
- 1975 Rockwell International replaces Dow Chemical as managing contractor.
- 1978 In April, large-scale protests begin at Rocky Flats when 5,000 people turn out for a rally at the west gate; protestors begin camping on railroad tracks leading into the Plant site and occupy the tracks until January 1979 when plans are made for a large-scale protest.

- 1979 In April, 9,000 protestors rally outside of Rocky Flats; 300 are arrested, including Pentagon Papers whistle-blower Daniel Ellsberg; in August the United Steelworkers of America, the main site union, holds a counter demonstration that draws 16,000.
- 1983 On October 15, 15,000 protestors nearly encircle the 17-mile perimeter of the Rocky Flats site.
- 1986 DOE, the Colorado Department of Health, and the Environmental Protection Agency sign an agreement to allow regulation of radioactive/hazardous waste at Rocky Flats.
- 1987 Rocky Flats Environmental Monitoring Council forms, a community oversight organization. It is replaced in 1993 by the Rocky Flats Citizens Advisory Board.
- 1989 On June 6, as part of Operation Desert Glow, 80 armed federal agents raid the site to investigate allegations of environmental violations; contractor Rockwell International later agrees to pay an \$18.5 million fine, the largest in the nation as of that date.
- 1990 EG&G takes over operation of Rocky Flats from Rockwell International.
- 1991 An interagency agreement among DOE, the Colorado Department of Health and EPA is signed, outlining multiyear schedules for environmental restoration studies and remediation activities fully integrated with anticipated National Environmental Policy Act documentation requirements. The approach stymies progress leading the parties five years later to sign the Rocky Flats Cleanup Agreement, which provides the regulatory basis to accelerate cleanup.
- 1992 In the State of the Union address, President George H.W. Bush announces the end of the W-88 warhead program, effectively ending the mission at Rocky Flats.
- 1993 Gov. Roy Romer and Rep. David Skaggs form a 29-member Citizens Advisory Board to provide advice on technical and policy decisions related to cleanup and waste management activities at Rocky Flats.
- 1995 In July, Kaiser-Hill LLC signs contract to clean up site with a target completion date of 2010 for an estimated cost of \$7.3 billion.
- 1995 In July, the Future Site Use Working Group issues a comprehensive report of the future use of the site, which includes protecting the 6,000-acre buffer zone as open space, but leaving open the questions regarding the future use of the 384-acre core production area (the Industrial Area).
- 1997 DOE and the regulatory agencies agree to no on-site burial of Rocky Flats waste.
- 1998 The Industrial Area Transition Task Force issues a report listing six alternatives for use of the Industrial Area. Final determinations about use of the Industrial Area are made in 2001 with the passage of “The Rocky Flats National Wildlife Refuge Act of 2001.”
- 1999 In February, seven surrounding local government form the Rocky Flats Coalition of Local Governments (RFCLOG) to give affected governments greater leverage over cleanup and future use decisions.
- 2001 Rocky Flats National Wildlife Refuge Act signed into law, as part of the 2002 National Defense Authorization Act (P.L. 107-107); it directs protection of the entire site as

national wildlife refuge following completion of cleanup activities and expressly prohibits reindustrialization of the site or local government annexation of the property.

- 2003 DOE, EPA and CDPHE agree to site-wide cleanup levels for soils contaminated with radioactive materials.
- 2005 On October 13, Kaiser-Hill announces physical completion of Rocky Flats cleanup, more than 14 months ahead of schedule.
- 2006 In September, EPA and CDPHE grant regulatory approval of the cleanup.
- 2007 Rocky Flats buffer zone and off-site lands are deleted from superfund list.
- 2007 On July 12<sup>th</sup> jurisdiction over 4000 acres of the former buffer zone is transferred to the Department of the Interior to be managed as the Rocky Flats National Wildlife Refuge. DOE retains jurisdiction of the vast majority of the former core production area and settling ponds (1309 acres), as well as jurisdiction over active mining claims (929 acres).

*May 2008*

# ROCKY FLATS STEWARDSHIP COUNCIL

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League of Women Voters -- Rocky Flats Cold War Museum -- Rocky Flats Homesteaders  
Arthur Widdowfield

## MEMORANDUM

**TO:** Board  
**FROM:** Rik Getty  
**SUBJECT:** Adaptive Management Plan (AMP) update  
**DATE:** March 22, 2012

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One of the most challenging and contentious issues in 2010-2011 was DOE's decision to breach the three terminal ponds (two on Walnut Creek and one on Woman Creek). After an extensive dialogue, DOE and the regulatory agencies decided to breach the dams in 2018-2020 following monitoring focused on understanding the impacts of the dam breaches. At this meeting DOE will provide an overview of the monitoring framework – called the Adaptive Management Plan (AMP) – and will update the board on testing results to date.

### **Background**

In 2010 DOE released a draft environmental assessment for breaching the three terminal pond dams along Walnut Creek (ponds A-4 and B-5) and Woman Creek (pond C-2). Communities led by Broomfield, Westminster and Northglenn challenged the decision. Among other things, they argued that although the terminal ponds were not part of the CERCLA remedy, the ponds provide an extra measure of protection in case surface water contamination exceeds regulatory levels. Following this reasoning, the ponds should be maintained as is and not be breached.

After an extensive dialogue, DOE formed a working group to develop an AMP to help address concerns, and to prove using quantifiable data over a number of years that breaching the ponds would not harm water quality for water leaving Rocky Flats.

Importantly, in 1995, Congressional funding allowed the cities of Westminster, Northglenn and Thornton (Woman Creek) to build a diversion dam to protect Standley Lake from water that, until then, was flowing from Rocky Flats into their drinking supply. Funds also allowed Broomfield (Walnut Creek) to secure new sources of water and to build a new pipeline, thereby severing ties between Rocky Flats and Broomfield's drinking water.

## Overview of the AMP

The AMP is somewhat complex. The following from DOE's 2011 Annual AMP report ([http://www.lm.doe.gov/Rocky\\_Flats\\_AMP.pdf](http://www.lm.doe.gov/Rocky_Flats_AMP.pdf)) provides an overview of the process and document. (quoting from the report)

“Some members of the public have commented that additional information must be collected prior to implementing the final steps of the Proposed Action to help reduce uncertainty as to whether completion of the Proposed Action will adversely impact the quality of water flowing from the Site and into downstream communities. In response to the requests, DOE initiated a cooperative effort with neighboring community representatives and other interested stakeholders to develop and implement an Adaptive Management Plan (AMP) (DOE 2011b) to provide additional information. The AMP group is composed of these representatives and stakeholders. The resulting AMP reflects DOE's long-term commitment to implementing the activities this plan describes.

“The AMP provides for a monitoring and data evaluation program to assist in deciding whether to implement the final steps of the Proposed Action by breaching the terminal dams during the planned timeframe of 2018–2020, or to delay the completion of the Proposed Action to gather additional information for evaluation. The terminal dams will be operated in a flow-through condition during the period leading up to the completion of the Proposed Action, which will provide data similar to what can be expected post-breach. In addition to the AMP monitoring program, the AMP identifies certain performance indicators that DOE will consider in deciding whether to adjust the timeframe for completing the Proposed Action.

“This AMP Annual Report for calendar year (CY) 2011 is provided according to AMP Section 5.0. The data table in Appendix A includes all validated analytical data available as of December 31, 2011, that have not been tabulated in previous AMP reports.

“However, to make data exchange as timely as possible, the monitoring summary sections below include all data available as of February 14, 2012, which includes unvalidated data (preliminary and subject to revision); evaluation is not limited to the validated data tabulated in Appendix A. The following monitoring objectives are included in this report:

- Pre-Discharge
- Targeted Groundwater Monitoring
- Monitoring to Evaluate Flow-Through Operations at Terminal Ponds A-4, B-5, and C-2
- Storm Event Monitoring
- Continuous Flow-Paced Composite Sampling to Evaluate Uranium Transport
- Grab Sampling for Uranium in North and South Walnut Creeks
- Grab Sampling for Nitrate + Nitrite as N in Walnut Creek”

## AMP Highlights: Fourth Quarter 2011

The following, also taken from the DOE report, provides an overview of fourth quarter monitoring in 2011. (quoting from the report):

- “An informal e-mail was transmitted to AMP participants providing notification of individual analytical results from a Point of Evaluation (POE) that was above the applicable *Rocky Flats Legacy Management Agreement* (RFLMA) (DOE 2007) surface-

water standard (RFLMA Attachment 2, Table 1). The notification was for POE GS10 americium-241 results. The monitoring results constituted a Reportable Condition on November 22, 2011.

- “A meeting was held on December 5, 2011, at the request of several AMP participants to discuss various details of the AMP sampling program and the August 2011 *Additional Field Implementation Detail for Selected Non-RFLMA Monitoring Objectives*, which is Attachment F4 to the *Rocky Flats Site Operations Guide (RFSOG)* (DOE 2011c).
- “The meeting was also used as an opportunity to provide an update on sampling results for the evaluation plan related to the reportable condition for uranium at GS10, and to discuss the recent reportable condition for americium-241 at GS10.
- “During the quarter, 100 samples were collected in support of AMP monitoring objectives.”

Please contact me if you have any questions.