

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

Board of Directors Meeting – Agenda

Monday, June 5, 8:30 – 11:15 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 April 24th Executive Committee meeting and meeting protocols
- 8:40 AM Public Comment: Comments will be limited to the Consent Agenda and non-agenda items
- 8:50 AM Business Items
1. Consent Agenda
 - o Approval of meeting minutes and checks
 2. Executive Director's Report
- 9:05 AM Receive Stewardship Council 2016 Financial Audit (briefing memo attached)
- o The Board will be briefed on the results of the audit.
 - o No material problems were found, and the Stewardship Council was found to be in compliance with all applicable laws and regulations.
- Action item: Approve Motion Accepting Stewardship Council 2016 Financial Audit**
- 9:15 AM Host DOE Annual Meeting (briefing memo attached)
- o DOE will brief on site activities for calendar year 2016.
 - o DOE has posted the report on its website and will provide a summary of its activities to the Stewardship Council.
 - o Activities included surface water monitoring, groundwater monitoring, ecological monitoring, and site operations (inspections, maintenance, etc.).

Public Comment on DOE's Annual Report: Comments must focus on DOE's Annual Update.

- 10:30 AM Continue discussing the Stewardship Council's IGA triennial review (briefing memo attached)
- This discussion continues the conversation the Board initiated at the April 17th meeting.
 - The discussion will focus on the IGA Mission Statement and Purposes.
- 11:00 AM Board Roundtable – Big Picture/Additional Questions/Issue Identification
Adjourn

Upcoming Meetings: September 11, October 30

Business Items

- April 17, 2017, draft board meeting minutes
- List of Stewardship Council checks

2016 Audit

- Cover memo
- Draft audit

ROCKY FLATS STEWARDSHIP COUNCIL
Monday, April 17, 2017, 8:30 A.M. to 11:30 A.M.
Rocky Mountain Metropolitan Airport, Terminal Building, Mount Evans Room 11755
Airport Way, Broomfield, Colorado

Board Members: Mark McGoff (Director, Arvada), Sandra MacDonald (Alternate, Arvada), Lisa Morzel (Director, Boulder), Mike Shelton (Director, Broomfield), David Allen (Alternate, Broomfield), Laura Weinberg (Director, Golden), Libby Szabo (Director, Jefferson County), Pat O'Connell (Alternate, Jefferson County), Joyce Downing (Director, Northglenn), Shelley Stanley (Alternate, Northglenn), Chris Hanson (Director, Superior), Sandy Pennington (Alternate, Superior), Jan Kulmann (Director, Thornton), Emily Hunt (Alternate, Thornton), Mary Fabisiak (Alternate, Westminster), Jeannette Hillery (Director, League of Women Voters), Sue Vaughan (Alternate, League of Women Voters), Susan Flack (Alternate, Rocky Flats Cold War Museum) Kathleen Bacheller (Alternate, Rocky Flats Homesteaders).

Stewardship Council consultants: David Abelson (Executive Director), Barbara Vander Wall (Seter & Vander Wall, P.C.), Erin Rogers (Consultant), Ann Lockhart (Consultant)

Attendees: Shirley Garcia (Broomfield), W. Gale Biggs, LeRoy Moore, Ted Ziegler, Anne Fenerty, Mary Harlow, Bonnie Graham-Reed, Marion Whitney, Ann Parker, Christine Hawley (Hydros Consulting/WCRA), Glenda Guss, James Thompson (Sen. Michael Bennet's Office), Diane Vigil, Lynn Segal, Pat Mellen, Bob Darr (Navarro), Rita Dozal (Trustee, Town of Superior), Mary Beth Allen, Brooks Allen, Vera Moritz (EPA), Patty Gallo (Navarro), Carl Spreng (CDPHE), Lindsay Masters (CDPHE), Jeffrey Murl (DOE-LM), Jeff Gipe, Scott Surovchak (DOE-LM), Josh Schlossberg (Boulder Weekly).

Convene / Agenda Review

Chair Joyce Downing convened the meeting at 8:36 a.m. The first order of business was introductions of Council members and the audience. Joyce said the Executive Committee met March 6 to review the agenda for this meeting.

Business Items: Approval of Minutes and checks

Lisa Morzel made a motion to approve the minutes and checks. The motion was seconded by Laura Weinberg. The motion to accept the minutes and checks passed 11-0.

Executive Director's Report

David began by saying he was sorry that Erin Rogers would be unavailable to continue taking the minutes, but he is excited that he was able to recruit Ann Lockhart, someone who understands Rocky Flats, to replace Erin. David said he received the draft 2006 audit. It will be presented to the Board at the June 5th meeting. David also stated that most of the governments have submitted their 2017 dues.

David next addressed the Fiscal Year 2018 DOE appropriations for DOE. He said the President submitted the initial budget, with additional details to follow in May. The President's plan proposes a \$1.4 billion increase in DOE's National Nuclear Security Administration (NNSA) budget, and a \$1.7 billion cut to the total DOE budget. The impact on DOE Legacy

Management's ability to do its work is unclear, though David has said to expect cuts. Those cuts could impact DOE funding for Colorado Department of Public Health and Environment's (CDPHE) cooperative agreement (the vehicle through which DOE funds CDPHE's regulatory oversight activities). Without DOE funding, CDPHE would be forced to compete for State of Colorado general funds. That, David said, would likely be a losing proposition. David concluded by noting that the President's budget is a proposal. Congress can and routinely develops its own budget priorities.

Chris Hanson asked what the worst-case funding scenario might be. David said DOE could not implement ongoing management needs for the Original Landfill or groundwater treatment systems, CDPHE would not have funds for regulatory duties, the Stewardship Council grant could be cut, and the DOE-USFWS visitors center might be cut. Chris asked if the Stewardship Council has a contingency plan. David replied that the organization does and that we could weather a short-term reduction in funding.

Public comment

Gale Biggs discussed airborne contamination. As he has discussed at prior meetings, Gale argues that the EPA needs to adopt plutonium-specific air quality standards. Specifically, he said the Colorado Health Department conducted a study two and a half decades ago that found that the most dangerous emissions from Rocky Flats were the airborne emissions, that Pu-239 when breathed into the body stays in the body for the rest of a person's life, and that it tends to concentrate in the lung, liver, brains, bones and reproductive system of the person who inhaled it.

Mickey Harlow said she worked with Frazer Lockhart on the cleanup budget and reviewed the environmental compliance. She asked about lessons learned, why DOE said no sampling would be done after the cleanup, and why so little money was left after the cleanup. She said she read the document about uranium in Walnut Creek. It did not meet drinking water standards set by the Water Quality Control Commission.

Anne Fenerty said Jon Lipsky was unable to attend the meeting but sent a handout, which she read. That document can be found at:

http://www.rockyflatssc.org/public_comment/20170417%20RFSC%20Public%20Comment%20-%20Jon%20Lipsky%20signed.pdf

Ted Ziegler, a former Rocky Flats worker and safety representative for 13 years, said, in the past, concerns pointed to the ground. He said Dow Chemical had 1,400 barrels of potentially contaminated liquid wastes buried at the east end. There are many documents related to the soil contamination, which resulted when some barrels leaked. He is asking for soil sampling, with samples split between the State Health Department and an independent laboratory.

LeRoy Moore provided a handout with his remarks. His comments can be found at:

http://www.rockyflatssc.org/public_comment/Health%20Risk%20of%20Living%20Downwind%20of%20Rocky%20FlatsLMoore%20041717.pdf

Lynn Segal mentioned the potential funding cut. She said no one should build on the site, but instead have a virtual history of Rocky Flats. People should be kept away from Rocky Flats until

the end of the half-life of plutonium or whenever it is safe. She said her father was an air pollution control expert, and her mother died from radiation at age 36.

History of Rocky Flats Cleanup

David Abelson said Bob Darr of Navarro was videotaping the presentation of Frazer Lockhart on the Rocky Flats cleanup, and Jeff Gipe is filming the meeting for a movie on Rocky Flats.

Frazer Lockhart, former DOE Rocky Flats Closure Project Manager who now works for SN3, gave a powerpoint presentation titled “The Rocky Flats Cleanup: Making the System Work with Broad Perspectives.” He said DOE, EPA, CDPHE, Congress, local governments and the public grappled with many difficult questions: to what level should the site be cleaned up, what would the land use be, what would it cost, who would make the decisions, what laws would apply and who would enforce them, what role would the public and citizens play, and could DOE and/or its contractors effectively carry out the cleanup?

The challenge in 1995 was to “Make it safe, clean it up, close it down.” Rocky Flats had 21 tons of weapons-grade materials, much of it improperly stored; more than 100 tons of high-content plutonium waste; more than 30,000 liters of plutonium and enriched uranium solutions; and more than 275,000 cubic meters of radioactive waste. Aging facilities and improperly stored nuclear materials posed a risk to the workers and community. Two buildings were rated the most dangerous plutonium buildings in DOE complex.

In the early 1990s, there was no clear mission or goals, no real cleanup work performed, and no agreement on future land use or cleanup standards for soil or water. There was a demoralized workforce, strained relations with the unions, complete mistrust between the site, regulators and the community, and regulatory milestones were missed regularly. DOE estimated it would take 70 years and cost more than \$37 billion to clean up the site.

In time, the mission became “To convert the former nuclear weapons production facility to a wildlife refuge.” The end-state goal was to move all plutonium and waste off site, demolish all buildings, clean up all areas of environmental contamination for wildlife refuge use, make the surface water leaving the site safe for any uses, do long-term monitoring with institutional controls, and achieve the post-closure site operational cost of \$5 million a year with minimal employee presence.

The critical first step was removing the plutonium and materials which posed the greatest risk to employees and the public. That effort was technically difficult, costly and politically charged. Also, much of the information was classified, which placed the work outside of environmental regulatory control. DOE had to break the log-jam of secrecy with open dialogue in unprecedented public forums, honestly discussing alternatives and risks. The most difficult aspects were technical issues requiring innovation, need for national Congressional support, slow and costly processes, new and untested regulatory relationships, and scarce transportation resources competing with national security.

A regulatory framework evolved, starting with the Interagency Agreement (IAG) between DOE, CDPHE and EPA. The IAG listed 241 milestones over 10 years, enforceable with fines, starting

with lowest risks first. The approach provided no flexibility. In 1993 came a crisis point with regulators' conflicting and compounding requirements, and fines for missed deadlines which reduced the available budget. They developed a common vision and approach focusing on results over process with all regulatory requirements in one controlling document and a lead regulator for each issue to expedite the dispute process. The document was the Rocky Flats Cleanup Agreement (RFCA) which DOE, EPA, CDPHE, the Defense Nuclear Safety Board, the community and the contractor developed in 1996. RFCA had 12 major milestones, annual milestones and two-year targets. Highest risks were to be addressed first, with flexibility allowed. The regulatory process was first and foremost a trust-building process.

Closing the site safely required effective workforce transition. The exceptional workforce completed the most aggressive and safe nuclear decommissioning project in the world (to that point). The workforce transition program included working with local elected officials, trade groups, chambers of commerce and economic development groups to help workers find employment opportunities in the region or at other DOE facilities around the country.

Cleanup was a sequential process. Using photographs of the Building 771 decommissioning, Frazer identified the steps:

1. eliminate urgent risks
2. perform initial characterization and plan for dismantlement
3. remove the nuclear materials
4. remove equipment from gloveboxes
5. remove the gloveboxes and tanks
6. strip out piping, ductwork and plenums
7. perform structural decontamination and final surveys
8. demolish the building

As a historical weapons site with operating contracts, Rocky Flats had low profit percentage, subjective performance evaluation, and extensive DOE involvement in daily decisions. To make the contract for site closure work, DOE had to increase the reward and also the business risk, provide an objective performance evaluation with clear metrics and allow the contractor broad management latitude. DOE also had to balance work with safety and regulatory requirements. The contractor had to be awarded for success and DOE bureaucracy had to "let go." The contract had to be designed to make the mission work.

DOE had to expand the vision to a national coalition, since every nuclear site has radioactive and hazardous wastes (some much worse), and there was no national management scheme for wastes. Every site has similar issues but different politics, regulatory and legal issues and stakeholders. Every site competed for budget and cleanup priority with possible multiple legal challenges.

DOE also had to get a commitment from the Secretary of Energy and the White House for a comprehensive solution. A national strategy required some "win" for all participants. The site had to get a national commitment for waste disposal at various sites across the country. DOE had to secure Congressional and community support. A big challenge was getting general consensus.

Frazer said a few things had to go Rocky Flats' way: securing stable Congressional funding, opening waste transportation corridors, smoothing environmental and regulatory activities, minimal plutonium contamination outside the buildings, no groundwater movement offsite, and a relatively strong Denver economy.

Frazer said the success of the closure project required

- Working federal, state and local issues simultaneously
- Charting a new course with multiple laws, rules & regulations
- Negotiating aspects of the project
- Involving numerous, diverse, skeptical stakeholders in the process
- Commitment to the goal
- Risking failure
- Always telling the truth

He said success did not require compromising public or worker safety, misleading or manipulating the public, wasting taxpayer dollars or violating the law. There were no fatalities during cleanup, although there were two or three workers with severe injuries. Frazer said two University of Michigan professors wrote a book about the Rocky Flats cleanup called *Making the Impossible Possible*.

Pat O'Connell asked whether there was any groundwater movement offsite. Frazer said the groundwater comes to the surface in seeps and springs. During aerial flyovers, they identified 300-400 seeps during the wet season. There were lots of green areas. He said the sandstone dives off toward Indiana Avenue. He said most of the water evaporates, but some flows into the creeks and then moves offsite.

Pat next asked whether there were minute amounts of plutonium outside the buildings and was this quantified. Frazer said minute is a subjective term. The four-stage HEPA filters were 99.99 percent effective, but there were always very, very small releases. Most of the plutonium was found on the cement and some in footing drains. When they were tearing down the buildings, they could see underneath them. The contamination tapered off very quickly, compared to levels of contamination near the surface. Six foot down it would be more difficult for contamination to move upward unless there was erosion around the building.

Mark McGoff asked if alternate missions and outcomes were discussed for the plant site. Frazer said they had a visioning group (Future Site Use Working Group) in the mid-1990s with 50-55 local community members, developers, government representatives and homeowners meeting for 18 months with a facilitator. They reached a consensus that protecting much of Rocky Flats as an open space would be the recommended use, but the group left open the possibility of reindustrializing the central part of the site.

David Abelson said that for the core area, the follow-on group, the Industrial Area Transition Task Force, discussed uses of the core area, but concluded the buildings were not viable and would have to be torn down and rebuilt for other industrial uses. After several years of uncertainty, Representative Mark Udall stepped in, and the refuge idea grew out emerged.

Frazer said they considered how to maintain the land use and prevent development, since county governments and public opinion change over time. They decided a federal law would be the most enduring. The Rocky Flats National Wildlife Refuge Act set out conditions for the site.

Lisa Morzel said a lot of the community has questions about workers spraying materials outside of the buildings. Frazer said solar ponds were used for evaporating the contaminated liquid wastes to lower the level of liquids. Rocky Flats had five above-ground ponds for evaporating liquids. Every few years, each pond would be drained, cleaned out and the sludge removed to an offsite location. In the late 1970s and early 1980s, the federal government could not keep up, so the liquids were sprayed on the surface to get greater evaporation of the liquids. It was done two to four years.

Sandy Pennington asked if Frazer could estimate the number of years and the cost for cleaning up Rocky Flats. Frazer said they began the cleanup in 1995. It took \$7 billion and ten plus years. The site cleanup was completed in October 2005, and the final regulatory action took place in 2006 with EPA approval and delisting the site from the National Priorities List. The transfer of land from DOE to the Department of the Interior took place in 2007. Sandy asked, "Since the Department of Energy estimated it would take 70 years and \$37 billion to do the cleanup, which is five times the amount of money and seven times the number of years, were there tradeoffs made?" Frazer said the cleanup was more complete than was estimated originally. The Baseline Monitoring Report (BEMR) requested by Congress in 1995 with a follow-up in 1996 refined the costs and assumptions based on "doing business as usual"-- continuing normal production operations, maintaining security with the guards and maintaining the buildings. This would involve a huge expenditure on operations, referred to as the "hotel load" which means that even if you have few guests, you still must maintain the hotel staff and building. With the main mission of environmental management and changes in focus and regulatory structure, DOE, EPA and CDPHE reframed the project, which is why the cost estimates were so different.

Frazer continued by noting at first DOE started taking out large equipment items. The baseline plan was to cut up everything and put it in 55-gallon drums. It took one month to clean up and cut up one glovebox from Building 779 focusing on safety. DOE changed the plan to first clean up the equipment, then use a rubbery liner to cover the large items and ship them off site. At the end of the closure process, we were doing two gloveboxes a day. This was a technological breakthrough.

Scott Surovchak said there were no disposal facilities available at the beginning, so they thought DOE had to keep the equipment on site. Frazer said BEMR 1 and 2 reports are on the website.

Sandy asked about the impact of the 2013 floods when sheets of surface water were flowing offsite. Frazer said multiple reports substantiate the impact, which was corroborated by School of Mines geologists.

Jeanette Hillery asked if there were air quality monitors on site during the cleanup. Frazer said there were. Air pollution laws were followed, the plant's stacks and exhaust vents were permitted, and periodic sampling was done during demolition. Monitoring around areas under

cleanup was done and air quality monitors on tripods were placed around the perimeter and at more remote locations.

Sue Vaughn said that with the feelings of the public about secrecy more soil sampling is needed to address ongoing public concerns. Frazer said the concerns are not new, that some feel the site is not clean enough. He said they followed the regulatory process and cleaned up to the conservative end of the cleanup ranges, with independent sampling done by Oak Ridge Associated Universities (ORAU). A flyover of the site was done also to see if there were gross hot spots or if something was missed. DOE focused on the drainage areas at the site. There were a number of independent checks, although they did not clean up every molecule.

Libby Szabo asked about testing of the animals at the refuge. Scott Surovchak said the animals had been there a long time, and testing was done on them. Frazer said there had been extensive study of the ecology and biodiversity of the site. The security protecting the site also protected the animals and habitat. He said the site has a unique location near the foothills rich with mountain and prairie species. He said there was a 20-year study of the deer population by Dr. Ward Whicker of Colorado State University who analyzed deer hit by cars along Highway 93. Scott said the State Division of Wildlife took 10-15 deer and studied their vital organs and skin for contamination. None was found. Marion Whitney said Kristin Iverson's book mentioned deer with plutonium and that more documentation was needed.

Lynn Segal said she went to the Conference on World Affairs and heard about second generation brain configuration. She said her dad said the HEPA filters at the plant were facing the wrong direction and that he was told to do what the government said.

Mickey Harlow said she used to have a t-shirt that read "Rocky Mountain Spring Water: Do not think, just drink" and questioned drains leading into the Original Landfill.

Ted Ziegler said a lot of people do not have hands-on experience at Rocky Flats. In 1979, he had photos of working at the beryllium machine with no respirator and no protective equipment. He retired in June 1995. His brother worked there and a photo showed no respiratory equipment or special clothing required in the beryllium cleanup. Frazer said the beryllium monitoring program began in 1995 and as a former site worker he was enrolled in the program. Respiratory equipment and supplied air suits were used in 881 and other buildings with beryllium. Ted said DOE had \$3 million to spend on access to the plant that should have been spent instead on soil sampling.

Anne Fenerty said no one answered Jon Lipsky's questions that she presented during public comment. She said DOE's surface map shows all the process waste lines and tunnels and the 20-acres of the Original Landfill (OLF). She said DOE did not follow the recommendations of experts in fixing sliding in the OLF. Frazer said that was part of the Administrative Record available since 2006, and that there is no short answer to Lipsky's questions, and that it is complicated.

Bonnie Graham-Reed asked about the DOE's Legacy Management and staff cost. Scott Surovchak said the cost was approximately \$5 million for operations and 15 employees. He said

he has more staff now than originally envisioned. He said about \$5-6 million a year is spent, and with other projects DOE might add \$1-2 million.

Josh Schlossberg asked about where spraying of the land occurred and if any was in the buffer zone. Scott said it was all in the Central Operable Unit (COU) and is documented with photos in the Record of Decision. David said Josh is asking about the east and west sprayfields. He said collectively the lands in question are approximately 120 acres. All of the east sprayfields are with the COU, but some of the west sprayfields are likely outside of the COU. Frazer concurred with David's comment.

Brooks Allen asked about opening the refuge for hiking and biking and whether they could provide him with a 100 percent guarantee of his safety. Frazer said there was no risk from the materials on site. The greater hazard would be rattlesnakes and falling off his bike. Rita Dozal asked if the legislation establishing the Rocky Flats National Wildlife Refuge specifies allowing for recreation. Frazer said the law specifies recreation is one of the central uses of the refuge.

Discussion of Stewardship Council New Member Application Process and Triennial Review

David Abelson asked for suggestions on the upcoming new member application process. He noted that it takes 11 voting members to constitute a quorum, and that Steven Franks, a citizen member, attended several meetings and then quit. Lisa said applicants need to make a time commitment and wondered if an alternate to the person is needed. Attorney Barbara Vander Wall said if a person is representing one's self, he or she cannot have an alternate. David Allen asked whether the local governments should try to address this issue during the upcoming Intergovernmental Agreement triennial review. He did not identify a specific fix.

David Abelson mentioned that the triennial review could be simple or complex, and that he needed to know before June 15 if any government wants to withdraw from the Council. Ratifying the IGA would be done in the December 2017/January 2018.

Public Comment

There was no public comment.

Board Roundtable/Big Picture

Sandy Pennington asked whether the CERCLA presentation DOE had committed to making at the February meeting could be rescheduled for the June meeting. David explained that the window for additional public presentations by DOE had closed as DOE is now conducting its evaluation and drafting the report for the EPA's approval. EPA's review and approval should be completed in August. David said he hoped to have the EPA brief on the review at the September meeting. Lisa Morzel said Frazer's presentation was outstanding. Lisa then echoed Sandy's comment, expressing concern that DOE had committed to discussing the CERCLA review at the February meeting, but later saying they had forgotten to prepare a briefing.

Sandy Pennington said in mid-May US Fish and Wildlife Service (USFWS) is holding its fourth public sharing session. She asked if the Stewardship Council has any voice in these sessions or in the agency's planning process. David said USFWS would be briefing the Stewardship Council at the June 5th meeting and that local governments were participating in the agency's planning

sessions and development of the Greenway Trail, but to date, the Stewardship Council has not taken any positions or opted to comment on or otherwise try to influence USFWS' plans.

Big Picture

David said the audit and DOE quarterly update would be presented at the next meeting. USFWS will also brief the Board at the June meeting. In September or October EPA will provide an update on the CERLCA five-year review.

The meeting was adjourned at 11:13 a.m.

Respectfully submitted by Ann Lockhart.

5:06 PM
05/19/17

Rocky Flats Stewardship Council
Check Detail 2017
April 2 through May 19, 2017

Type	Num	Date	Name	Account	Paid Amount	Original Amount
Check		04/24/2017		CASH-Wells Fargo-Operating		-3.50
				Admin Services-Misc Services	-3.50	3.50
TOTAL					-3.50	3.50
Bill Pmt -Check	1854	05/09/2017	Seter & Vander Wall, P.C.	CASH-Wells Fargo-Operating		-1,646.01
Bill	74541	03/31/2017		Attorney Fees	-405.25	405.25
Bill	74783	04/30/2017		Attorney Fees	-1,240.76	1,240.76
TOTAL					-1,646.01	1,646.01
Bill Pmt -Check	1855	05/09/2017	Jennifer A. Bohn	CASH-Wells Fargo-Operating		-427.50
Bill	17-26	04/30/2017		Accounting Fees	-427.50	427.50
TOTAL					-427.50	427.50
Bill Pmt -Check	1856	05/09/2017	Crescent Strategies, LLC	CASH-Wells Fargo-Operating		-8,465.57
Bill	7/30/17 Billing	04/30/2017		Personnel - Contract	-7,750.00	7,750.00
				Telecommunications	-137.61	137.61
				TRAVEL-Local	-54.57	54.57
				Postage	-15.99	15.99
				TRAVEL-Out of State	-507.40	507.40
TOTAL					-8,465.57	8,465.57
Bill Pmt -Check	1857	05/09/2017	Blue Sky Bistro	CASH-Wells Fargo-Operating		-290.00
Bill	2580	04/17/2017		Misc Expense-Local Government	-290.00	290.00
TOTAL					-290.00	290.00
Check	1858	05/09/2017	Century Link	CASH-Wells Fargo-Operating		-27.77
				Telecommunications	-27.77	27.77
TOTAL					-27.77	27.77
Bill Pmt -Check	1859	05/19/2017	The Hartford	CASH-Wells Fargo-Operating		-500.00
Bill	11599945 5/16	05/06/2017		Insurance	-500.00	500.00
TOTAL					-500.00	500.00

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MEMORANDUM

TO: Board
FROM: David Abelson
SUBJECT: 2016 Stewardship Council Financial Audit
DATE: May 24, 2017

Attached for your review is Barnes, Griggs and Associates' draft 2016 financial audit of the Rocky Flats Stewardship Council. As he has done in past years, Eric Barnes will discuss the audit and answer your questions. He did not find any material deficiencies and issued a clean audit.

The Stewardship Council is not required by either state law or the DOE grant to seek an audit. However, an independent audit is an important check that confirms both the Board and staff are managing the finances in accordance with applicable laws and regulations.

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

Action Item: Approve motion accepting Stewardship Council's 2016 audit.

Rocky Flats Stewardship Council
FINANCIAL STATEMENTS
With Independent Auditor's Report
December 31, 2016

Rocky Flats Stewardship Council

BASIC FINANCIAL STATEMENTS

December 31, 2016

Independent auditor’s report..... I

Basic financial statements:

Government-wide financial statements:

Statement of net position..... 1
Statement of activities 2

Fund financial statements:

Balance sheet – governmental fund 3
Statement of revenues, expenditures, and changes in fund balance –
governmental fund..... 4
Reconciliation of the statement of revenues, expenditures, and changes
in fund balance of governmental funds to the statement of activities 5
Statement of revenues, expenditures, and changes in fund balance –
budget and actual – general fund 6

Notes to financial statements 7



Certified Public Accountants and Business Consultants

INDEPENDENT AUDITOR'S REPORT

To the Board of Directors
Rocky Flats Stewardship Council
Boulder, Colorado

We have audited the accompanying financial statements of the governmental activities and each major fund of Rocky Flats Stewardship Council (the Council) as of and for the year ended December 31, 2016, and the related notes to the financial statements, which collectively comprise the Council's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinions

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities and each major fund of Rocky Flats Stewardship Council, as of December 31, 2016, and the respective changes in financial position thereof, and the respective budgetary comparison for the General Fund for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Other Matters

Management has omitted management's discussion and analysis that accounting principles generally accepted in the United States of America require to be presented to supplement the basic financial statements. Such missing information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. Our opinion on the basic financial statements is not affected by this missing information.

Darner Higgs & Associates, PC

Lakewood, Colorado
March 15, 2017

ROCKY FLATS STEWARDSHIP COUNCIL
STATEMENT OF NET POSITION
December 31, 2016

	Governmental Activities
ASSETS	
Cash and cash equivalents	\$ 199,555
Other receivable	1,034
Capital assets, net	258
Total assets	200,847
LIABILITIES	
Accounts payable	9,571
Unearned grant revenue	20,966
Total liabilities	30,537
NET POSITION	
Net investment in capital assets	258
Restricted for grant expenditures	20,966
Unrestricted	149,086
Total net position	\$ 170,310

The accompanying Notes to the Financial Statements are an integral part of these statements.

ROCKY FLATS STEWARDSHIP COUNCIL
STATEMENT OF ACTIVITIES
For the Year Ended December 31, 2016

	Program Revenue				Net (Expense) Revenue and Changes in Net Position
Functions/Programs	Expenses	Charges for Services	Operating Grants and Contributions	Capital Grants and Contributions	Governmental Activities
Primary government	\$ 128,132	\$ -	\$ 134,357	\$ -	\$ 6,225
Total primary government	\$ 128,132	\$ -	\$ 134,357	\$ -	6,225
General revenues:					
Interest income					28
Total general revenues					28
Change in net position					6,253
Net position - beginning					164,057
Net position - ending					\$ 170,310

The accompanying Notes to the Financial Statements are an integral part of these statements.

ROCKY FLATS STEWARDSHIP COUNCIL

**BALANCE SHEET
GOVERNMENTAL FUND**

December 31, 2016

	General Fund	Total Governmental Funds
ASSETS		
Cash and cash equivalents	\$ 199,555	\$ 199,555
Other receivable	1,034	1,034
Total assets	200,589	200,589
 LIABILITIES AND FUND BALANCES		
LIABILITIES		
Accounts payable	9,571	9,571
Unearned grant revenue	20,966	20,966
Total liabilities	30,537	30,537
 FUND BALANCES		
Restricted for:		
Grant expenditures	20,966	20,966
Unassigned:		
General government	149,086	149,086
Total fund balances	170,052	170,052
Total liabilities and fund balances	\$ 200,589	
 Amounts reported for governmental activities in the statement of net position are different because:		
Capital assets used in governmental activities are not financial resources and, therefore, are not reported in the funds.		258
Net position of governmental activities		\$ 170,310

The accompanying Notes to the Financial Statements are an integral part of these statements.

ROCKY FLATS STEWARDSHIP COUNCIL
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE
GOVERNMENTAL FUND

For the Year Ended December 31, 2016

	Total General Fund and Governmental Funds
REVENUES	
Grants	\$ 124,357
Contributions from local governments	10,000
Interest income	28
Total revenues	134,385
EXPENDITURES	
General government	
Annual audit	4,010
Accounting fees	4,517
Attorney fees	18,529
Administrative service	82
Insurance	3,886
Local government	1,384
Meeting expense	9
Personnel - contract	87,900
Postage	247
Subscriptions/membership dues	1,439
Supplies	210
Telecommunications	1,929
Travel - local	787
Travel - out of state	3,056
Total expenditures	127,985
Net change in fund balances	6,400
Fund balances - beginning	163,652
Fund balances - ending	\$ 170,052

The accompanying Notes to the Financial Statements are an integral part of these statements.

ROCKY FLATS STEWARDSHIP COUNCIL

**RECONCILIATION OF THE STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN
FUND BALANCES OF GOVERNMENTAL FUNDS TO THE STATEMENT OF ACTIVITIES**

For the Year Ended December 31, 2016

Amounts reported for governmental activities in the statement of activities
are different because:

Net change in fund balances - total governmental funds:	\$	6,400
---	----	-------

Governmental funds report capital outlays as expenditures. In the
statement of activities capital outlay is not reported as an expenditure.
However, the statement of activities will report as depreciation expense
the allocation of the cost of any depreciable asset over the estimated
useful life of the asset.

Depreciation expense		(147)
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Change in net position of governmental activities	<u>\$</u>	<u>6,253</u>
---	-----------	--------------

The accompanying Notes to the Financial Statements are an integral part of these statements.

ROCKY FLATS STEWARDSHIP COUNCIL

**STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE - BUDGET AND ACTUAL -
GENERAL FUND**

For the Year Ended December 31, 2016

	Original and Final Budget	Actual	Variance with Final Budget Favorable (Unfavorable)
Revenues			
U.S. Department of Energy - Office of Legacy Management	\$ 130,000	\$ 124,357	\$ (5,643)
Contributions from local governments	10,000	10,000	-
Carry over - Rocky Flats Coalition of Local Governments	16,100	-	(16,100)
Interest income	-	28	28
Total revenues	156,100	134,385	(21,715)
Expenditures			
General government			
Personnel	93,000	87,900	5,100
Travel	6,700	3,843	2,857
Equipment	500	-	500
Supplies	1,200	219	981
Contractual	40,100	28,522	11,578
Insurance	4,000	3,886	114
Postage	1,500	247	1,253
Printing	2,000	-	2,000
Subscriptions/membership dues	2,400	1,439	961
Telecommunications	2,700	1,929	771
Website	2,000	-	2,000
Total expenditures	156,100	127,985	28,115
Net change in fund balance	-	6,400	6,400
Fund balance - beginning of year	141,267	163,652	22,385
Fund balance - end of year	\$ 141,267	\$ 170,052	\$ 28,785

The accompanying Notes to the Financial Statements are an integral part of these statements.

Rocky Flats Stewardship Council
NOTES TO FINANCIAL STATEMENTS

December 31, 2016

Note 1 – Summary of significant accounting policies

A. Reporting entity

The Rocky Flats Stewardship Council (Council) was organized on February 13, 2006 through an Intergovernmental Agreement (IGA) by and among the following governments: the City and County of Broomfield, the Counties of Jefferson and Boulder, the Cities of Arvada, Boulder, Golden, Northglenn, Thornton, and Westminster, and the Town of Superior. All jurisdictions are located adjacent to or near the former U.S. Department of Energy's Rocky Flats weapons plant. All jurisdictions are permanent parties, with continuous representation on the Board of Directors. The Council was organized as the successor organization to the Rocky Flats Coalition of Local Governments (Coalition), also formed through an IGA, which concluded its existence shortly following the organization of the Council, having fulfilled its purpose in connection with the closure of the Rocky Flats Site.

The Council was formed for the purpose of overseeing all post-closure Rocky Flats activities. The legislative and administrative power of the Council is vested with a Board of Directors not to exceed 14 in number. Members are community stakeholder representatives, selected by the remaining Board of Directors upon application, and have a right to appoint a Director to the Board.

Under the terms of the IGA, the status of the Council is to be reviewed periodically by the local governments which are parties to the agreements to determine whether the Council will continue in existence. Also under the terms of the IGA, the Council is established as an "enterprise", as defined by Article X, Section 20 of the Colorado constitution, commonly referred to as the Taxpayer's Bill of Rights, or Tabor (Note 5).

The Council has no employees and all operations and administrative functions are contracted.

The Council follows the Governmental Accounting Standards Board (GASB) accounting pronouncements which provide guidance for determining which governmental activities, organizations and functions should be included within the financial reporting entity. GASB pronouncements set forth the financial accountability of a governmental organization's elected governing body as the basic criterion for including a possible component governmental organization in a primary government's legal entity. Financial accountability includes, but is not limited to, appointment of a voting majority of the organization's governing body, ability to impose its will on the organization, a potential for the organization to provide specific financial benefits or burdens and fiscal dependency.

Rocky Flats Stewardship Council

**NOTES TO FINANCIAL STATEMENTS
(continued)
December 31, 2016**

As of December 31, 2016, no component unit has been identified as reportable to the Council, nor is the Council a component unit of any other primary governmental entity.

B. Government-wide and fund financial statements

The government-wide financial statements include the statement of net position and the statement of activities. These financial statements include all of the activities of the Council. Both statements distinguish between governmental activities, which normally are supported by taxes and intergovernmental revenue, and business-type activities, which rely to a significant extent on fees and charges for support.

The statement of net position reports all financial and capital resources of the Council. The difference between the assets and liabilities of the Council is reported as net position.

The statement of activities demonstrates the degree to which the direct expenses of a given function or segment is offset by program revenues. Direct expenses are those that are clearly identifiable with a specific function or segment. Program revenues include 1) charges to customers or applicants who purchase, use, or directly benefit from goods, services or privileges provided by a given function or segment, and 2) grants and contributions that are restricted to meeting the operational or capital requirements of a particular function or segment. Taxes and other items not properly included among program revenues are reported instead as general revenues.

Separate financial statements are provided for governmental funds. Major individual governmental funds are reported as separate columns in the fund financial statements.

C. Measurement focus, basis of accounting and financial statement presentation

The government-wide financial statements are reported using the *economic resources measurement focus* and the *accrual basis of accounting*. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows. Expenditures for property and equipment are shown as increases in assets.

Governmental fund financial statements are reported using the *current financial resources measurement focus* and the *modified accrual basis of accounting*. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when they are collectible within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, the government considers revenues to be available if they are

Rocky Flats Stewardship Council
NOTES TO FINANCIAL STATEMENTS
(continued)
December 31, 2016

collected within 60 days of the end of the current fiscal period. Expenditures generally are recorded when a liability is incurred, as under accrual accounting.

Eligible grant receipts and interest associated with the current fiscal period are all considered to be susceptible to accrual and so have been recognized as revenues of the current fiscal period. Other revenue items are considered to be measurable and available only when the Council receives cash.

The government reports the following major governmental fund:

The general fund is the Council's primary operating fund. It accounts for all financial resources of the general government.

When both restricted and unrestricted resources are available for use, it is the Council's policy to use restricted resources first, then unrestricted resources as they are needed.

D. Use of estimates

The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America requires Council management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenditures during the reporting period. Actual results could differ from those estimates.

E. Assets, liabilities, and fund equity

1. Deposits and investments

The Council's cash and cash equivalents are considered to be cash on hand, demand deposits and short-term investments with maturities of three months or less.

Investments for the government are reported at fair value.

2. Capital assets

Capital assets, which include furniture and equipment, are reported in the government-wide financial statements. Capital assets are defined by the Council as assets with an initial, individual cost of more than \$250. Such assets are recorded at historical cost if purchased or constructed. Donated capital assets are recorded at estimated fair market value at the date of donation.

Rocky Flats Stewardship Council

NOTES TO FINANCIAL STATEMENTS (continued) December 31, 2016

The cost of normal maintenance and repairs that do not add to the value of the asset or materially extend the life of the asset are not capitalized. Improvements are capitalized and depreciated over the remaining useful lives of the related fixed assets, as applicable. Depreciation expense is computed using the straight-line method for all assets, based on the estimated useful lives of the assets, estimated at 3 years.

3. Fund equity

Fund balance for governmental funds should be reported in classifications that comprise a hierarchy based on the extent to which the government is bound to honor constraints on the specific purposes for which spending can occur. Governmental funds report up to five classifications of fund balance: nonspendable, restricted, committed, assigned, and unassigned. Because circumstances differ among governments, not every government or every governmental fund will present all of these components. The following classifications describe the relative strength of spending constraints:

Non-spendable fund balance – The portion of fund balance that cannot be spent because it is either not in spendable form (such as inventory) or is legally or contractually required to be maintained intact.

Restricted fund balance – The portion of fund balance constrained to being used for a specific purpose by external parties (such as grantors or bondholders), constitutional provisions or enabling legislation.

Committed fund balance – The portion of fund balance constrained for specific purposes according to limitations imposed by the Council's highest level of decision making authority, the Board of Directors, prior to the end of the current fiscal year. The constraint may be removed or changed only through formal action of the Board of Directors.

Assigned fund balance – The portion of fund balance that is constrained by the government's intent to be used for specific purposes, but is neither restricted nor committed. Intent is expressed by the Board of Directors to be used for a specific purpose. Constraints imposed on the use of assigned amounts are more easily removed or modified than those imposed on amounts that are classified as committed.

Unassigned fund balance – The residual portion of fund balance that does not meet any of the above criteria.

If more than one classification of fund balance is available for use when an expenditure is incurred, it is the Council's policy to use the most restrictive classification first.

Rocky Flats Stewardship Council

**NOTES TO FINANCIAL STATEMENTS
(continued)
December 31, 2016**

At December 31, 2016, the Council had \$20,966 restricted by grantors (for expenses connected with monitoring of post-closure Rocky Flats activities – see Note 1A above).

The remaining fund balance is considered by the Council to be unassigned. At December 31, 2016, the Council had an unassigned fund balance in the general fund of \$149,086.

F. Budgetary information

Annual budgets are adopted on a basis consistent with generally accepted accounting principles for all governmental funds. In accordance with the Colorado State Budget Law, the Council's Board of Directors follows these procedures in establishing the budgetary data reflected in the financial statements:

1. On or before October 15, the Board prepares a proposed operating budget for each fund, based on their respective basis of accounting, for the fiscal year commencing the following January 1. The operating budget includes proposed expenditures and the means of financing them.
2. After considering comments received, the Board approves the budget. The budget is formally adopted by resolution, published, and filed with the state.
3. Before December 31, the expenditures are appropriated for the ensuing year. The appropriation is at the total fund level and lapses at year-end.

Note 2 – Cash and Investments

Cash and investments as of December 31, 2016 are classified in the accompanying statements as follows:

Statement of net position:	
Cash and cash equivalents	<u>\$199,555</u>

Deposits with Financial Institutions

Colorado statutes require that the Council use eligible public depositories as defined by the Colorado Public Deposit Protection Act (the Act). Under the Act, amounts on deposit in excess of federal insurance levels must be collateralized. The eligible collateral is determined by the Act and allows the institution to create a single collateral pool for all public funds. The pool is to be maintained by another institution or held in trust for all the uninsured public deposits as a group. The market value of the collateral must be at least equal to 102% of the aggregate uninsured deposits.

Rocky Flats Stewardship Council

**NOTES TO FINANCIAL STATEMENTS
(continued)
December 31, 2016**

The State Regulatory Commissions for banks and financial services are required by Statute to monitor the naming of eligible depositories and reporting of the uninsured deposits and assets maintained in the collateral pools.

At December 31, 2016, all of the Council's deposits were covered by insurance provided by the federal government. The Council was not subject to custodial credit risk at December 31, 2016.

The Council's cash deposits at December 31, 2016 are as follows:

	Carrying Balance	Bank Balance
Deposits with financial institutions	\$199,555	\$ 199,555
Total cash and cash equivalents	\$199,555	\$ 199,555

Investments

The Council has not adopted a formal investment policy, however, the Council follows state statutes regarding investments. Colorado revised statutes limit investment maturities to five years or less unless formally approved by the Board of Directors. Such actions are generally associated with a debt service reserve or sinking fund requirements.

Colorado statutes specify investment instruments meeting defined rating and risk criteria in which local governments may invest which include:

- Obligations of the United States and certain U.S. government agencies securities
- Certain international agency securities
- General obligation and revenue bonds of U.S. local government entities
- Bankers' acceptance of certain banks
- Commercial paper
- Local government investment pools
- Guaranteed investment contracts
- Written repurchase agreements collateralized by certain authorized securities
- Certain money market funds

As of December 31, 2016, the Council had no investments.

Rocky Flats Stewardship Council
NOTES TO FINANCIAL STATEMENTS
 (continued)
 December 31, 2016

Note 3 – Capital Assets

An analysis of the changes in capital assets for the year ended December 31, 2016 follows:

	<u>Balance 12/31/15</u>	<u>Additions</u>	<u>Deletions</u>	<u>Balance 12/31/16</u>
Capital assets being depreciated:				
Furniture and equipment	\$ 840	\$ -	\$ -	\$ 840
Total capital assets	840	-	-	840
Accumulated depreciation	(435)	(147)	-	(582)
Capital assets, net	<u>\$ 405</u>	<u>\$ (147)</u>	<u>\$ -</u>	<u>\$ 258</u>

Note 4 – Net position

The Council has net position consisting of three components – net investment in capital assets, restricted, and unrestricted.

Net investment in capital assets consists of capital assets, net of accumulated depreciation. As of December 31, 2016, the Council had \$258 net investment in capital assets.

Restricted assets include net position that are restricted for use either externally imposed by creditors, grantors, contributors, or laws and regulations of other governments or imposed by law through constitutional provisions or enabling legislation. As of December 31, 2016, the Council had \$20,966 of restricted net position.

As of December 31, 2016, the Council had unrestricted net position of \$149,086.

Note 5 - Risk management

The Council is exposed to various risks of loss related to torts, thefts of, damage to, or destruction of assets, errors or omissions, injuries to personnel, or natural disasters. The Council maintains commercial insurance for all risks of loss. Settled claims have not exceeded the commercial insurance coverage limits in any of the past three years.

Note 6 - Concentration

The Council receives the majority of its funding through a grant from the U.S. Department of Energy (DOE). The DOE grant has a current expiration date of February 28, 2022.

Rocky Flats Stewardship Council
NOTES TO FINANCIAL STATEMENTS
(continued)
December 31, 2016

Note 7 - Tax, spending and debt limitation

Article X, Section 20 of the Colorado Constitution, referred to as the Taxpayer's Bill of Rights (TABOR), contains tax, spending, revenue, and debt limitations which apply to the State of Colorado and all local governments.

Spending and revenue limits are determined based on the prior year's Fiscal Year Spending adjusted for allowable increases based upon inflation and local growth. Fiscal Year Spending is generally defined as expenditures plus reserve increases with certain exceptions. Revenue in excess of the Fiscal Year Spending limit must be refunded unless the voters approve retention of such revenue.

As an enterprise (Note 1), management believes that the Council is exempt from the provisions of TABOR. However, TABOR is complex and subject to interpretation. Ultimate implementation may depend upon litigation and legislative guidance.

DOE Annual Report

- Cover memo
- Selection of the annual report (status of contact records)

Stewardship Council Intergovernmental Agreement (IGA)

- Cover memo
- Redline of IGA Mission Statement and Purposes
- IGA

ROCKY FLATS STEWARDSHIP COUNCIL

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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

MEMORANDUM

TO: Stewardship Council Board
FROM: Rik Getty
SUBJECT: 2016 Annual Report Briefing
DATE: May 18, 2017

We have scheduled 75 minutes for DOE to present its annual report for 2016. Attached to this memo are two pages summarizing the status of the contact records issued during 2016. The full report can be found at http://www.lm.doe.gov/Rocky_Flats/Documents.aspx (4th bullet).

Executive Summary – The following are highlights from the 2016 annual report (January – December):

- **Site Inspection:** The annual site inspection was conducted on April 13, 2016. No evidence of violations of institutional or physical controls or adverse biological conditions were observed. Site personnel found metal debris and trash, and a shallow depression near former Building 771.
- **Present Landfill:** No significant problems were observed during the year.
- **Original Landfill (OLF):** The Board is well versed on the suite of issues. In short, in Spring 2016 after several storms saturated the ground, the eastern edge of the OLF cracked and slumped, although to a lesser degree than 2015. The slump partially blocked the East Perimeter Channel (EPC) at the southeastern edge of the OLF. Repairs were completed in October 2016. Further, two separate geotechnical engineering reviews were completed. Those reports indicate that surface water infiltration and groundwater entering the OLF from the north contribute to slope instability. Sixteen wells/piezometers were installed upgradient and north of the OLF. They measure groundwater levels, locate buried utilities, and determine potential safety and health considerations for future subsurface work in this area. Additional actions included repairing and upgrading the East Subsurface Drain so that it is less likely to clog.
- **Water Monitoring¹:** The Central Operable Unit received 7.7 inches of precipitation, which is approximately 62% of the average. However, groundwater elevations remained higher in the first part of the year due to high groundwater recharge during the wet conditions of 2015. Groundwater elevations fell and treatment system volumes decreased later in the year as conditions began to dry.

¹ The RFLMA network consists of eight automated surface water gaging stations, 11 surface water grab-sampling locations, eight treatment-system locations, and 88 monitoring wells. Additional locations are occasionally sampled in support of investigations in response to reportable conditions. During the quarter, six flow-paced composite samples, three surface-water grab samples, 24 treatment-system samples, and 10 groundwater samples were collected and submitted for analysis.

- Mound Site Plume Treatment System (MSPTS): The MSPTS was reconfigured so that water is now treated at the East Trenches Plume Treatment System.
- East Trenches Plume Treatment System (ETPTS): The ETPTS now effectively treats water from both the East Trenches and Mound Site.
- Solar Ponds Plume Treatment System (SPPTS): The SPPTS was also reconfigured to provide a full-scale test component for nitrate treatment. This reconfiguration resulted in non-detect for nitrate at the associated effluent discharge gallery monitoring location.
- Uranium: At WALPOC, the RFLMA surface water point of compliance monitoring location that's located on Walnut Creek at the eastern COU boundary, the 30-day average uranium was "reportable" in the first and fourth quarters. As of December 31, 2016, the 30-day average for uranium at WALPOC is 16.9 micrograms per liter ($\mu\text{g/L}$), exceeding the RFLMA standard of 16.8 $\mu\text{g/L}$. The 12-month rolling average remains below the RFLMA water quality standard.
- Plutonium and americium: At surface water monitoring point SW027 (located on Woman Creek upstream of Pond C-2), the 12-month average for plutonium and americium were "reportable" at the start of the year. However, because there has been no flow, no samples have been collected since June 2, 2016. As of December 31, 2016, the 12-month rolling average for plutonium remained reportable at 0.18 picocurie per liter (pCi/L), exceeding the RFLMA standard of 0.15 pCi/L ; americium is no longer reportable.
- Other analyte concentrations: At both points of compliance and points of evaluation, all other analyte concentrations remained below reporting levels.

Please let me know what questions you have.

Table 1. Status of RFLMA Contact Records

Contact Record No.	Subject	Approval Date	Status as of December 31, 2016
2016-01	Reportable condition for evaluation purposes for uranium at WALPOC	3/25/2016	DOE reported the results of the monitoring of WALPOC in the 2016 first and second quarterly reports. Evaluation is complete. Closed out.
2016-02	MSPTS reconfiguration project soil disturbance review report and Explanation of Significant Differences	6/15/2016	Construction is complete and postconstruction revegetation and erosion controls are in place. Closed out.
2016-03	Geoprobe investigation of the groundwater system upgradient of the OLF and soil disturbance review plan	7/28/2016	Collection of field data is ongoing. Open.
2016-04	Upgrade of the ESSD located in the EPC of the OLF, with soil disturbance review plan	10/19/16	Construction should be completed with postconstruction erosion controls in place by early 2017 and postconstruction reseeding to be completed in the spring of 2017. Open.
2015-04	MSPTS reconfiguration conceptual approach	7/8/2015	Design was completed in spring 2016 and construction completed in late summer 2016. Work is completed. Closed out.
2015-05	Reportable condition for plutonium 12-month rolling average at POE SW027	7/8/2015	All the proposed erosion and water management control methods have been implemented. Because of low or no flows, no sample has been retrieved from SW027 since the reportable condition. Open.
2015-08	SPPTS interim design and implementation	9/8/2015	Design should be completed in spring 2016 and construction completed in summer 2016. Complete. Closed Out.
2015-09	Soil disturbance review plan for SPPTS interim configuration	12/7/2015	Design should be completed in spring 2016 and construction completed in summer 2016. Complete. Closed Out.
2015-10	AOC well 10304 reportable condition	12/16/2015	Validated results from a surface water sample collected from Woman Creek downgradient of well 10304 (location SW10200) indicated all volatile organic compounds were below RFLMA Attachment 2 levels. The next scheduled sampling of the well is second quarter of CY 2017. Open.

Table 1. Status of RFLMA Contact Records (continued)

Contact Record No.	Subject	Approval Date	Status as of December 31, 2016
2014-02	Minor modification of RFLMA Attachment 2, "Legacy Management Requirements"	1/30/2014	Contact record will be closed when the identified minor modifications to RFLMA Attachment 2 are incorporated into an approved revision. Still waiting additional RFLMA Attachment 2 modifications. Open.
2013-02	Reportable condition at the OLF	10/21/2013	The initial repair was completed in January 2015. Because there was additional movement in approximately the same location in the EPC during spring 2015, this reportable condition will remain open until additional evaluations of corrective action alternatives are complete and the preferred alternative is implemented. Contact record will be closed when the postconstruction reseeding has been performed and postconstruction erosion controls are in place after implementation of the selected alternative(s). Open.
2011-08	Reportable condition for americium-241 at POE GS10	12/23/2011	Contact record serves as the plan and schedule for the evaluation of the reportable condition and will be closed when the evaluation is completed. Will be closed in 2017.
2009-01	Phase II and III upgrades to the SPPTS	2/17/2009	Construction and postconstruction revegetation and erosion controls are in place. Optimization of the upgrades and monitoring is ongoing. Contact record will be closed when testing is completed and as-built drawings are completed. Open.
2008-06	Management of intercepted groundwater during SPPTS repair or maintenance activities	7/3/2008	Actions continuing. Open.

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MEMORANDUM

TO: Board of Directors
FROM: David Abelson
SUBJECT: IGA Triennial Review
DATE: May 23, 2017

At this meeting, we will continue reviewing the IGA, focusing on the Mission Statement and Purposes. Attached to this memo are two documents: (1) proposed changes to the Mission Statement and Purposes, and (2) the IGA. The proposed changes are noted using track changes.

Overview of the proposed changes

The IGA was drafted in 2005 and approved in 2006. As I've discussed in prior meetings, while it was somewhat hard in 2005 to predict the Stewardship Council's role in 2017 and beyond, only a few edits are needed. Importantly, these proposed changes would not alter the organization's focus or how the Board and staff manage the organization.

The proposed changes to the Mission Statement are:

1. The word "oversight" creates confusion by suggesting the Stewardship Council has regulatory authority or is otherwise an advisory board. While neither reading was contemplated in 2005 nor is accurate, given the confusion, I have proposed language that better expresses our role.
2. I added the word "help" to two sentences to clarify that we are neither the sole forum to ensure local interests are met nor the only body charged with maintaining knowledge of the history of Rocky Flats and ongoing needs and responsibilities.
3. The phrase "educate successive generations" (or a variation thereof) is included in the Mission Statement and Purposes. The proposed edits more accurately frame the Stewardship Council's role and responsibilities.

The proposed changes to the Purposes are:

1. See #3 above.
2. This final change is technical in nature—replace the Rocky Flats Cleanup Agreement (RFCA), the regulatory agreement during cleanup, with the current regulatory agreement, the Rocky Flats Legacy Management Agreement (RFLMA). At the time the IGA was first signed, the RFCA was the regulatory document and the RFLMA did not yet exist.

Please let me know what questions you have.

2. Mission Statement. The mission of the Stewardship Council is --

- a. To provide continuing local ~~oversight of engagement on~~ activities occurring at the Rocky Flats site, and to help ensure that local government and community interests are met with regards to long-term stewardship of residual contamination and refuge management;
- b. To provide a forum to track issues related to former site employees, including but not limited to long-term health benefits and pension programs;
- c. To provide an ongoing mechanism to help maintain public knowledge of Rocky Flats ~~and to educate successive generations of and the~~ ongoing needs and responsibilities regarding contaminant management and refuge management; and
- d. To provide an ongoing forum to address all other issues pertinent to Rocky Flats, as determined by the Stewardship Council Board of Directors.

3. Purposes. Specifically, the purposes of the Stewardship Council are:

- a. To provide a forum for elected officials and community members 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.
- b. To provide a forum for elected officials and community members to be briefed on the results of the operational and performance monitoring data of site operations.
- c. To provide a mechanism for keeping elected officials and community members informed of the results of the monitoring data.
- d. To provide a mechanism for educating ~~elected officials and community members~~ succeeding generations about the residual hazards and the continued need for a comprehensive site-wide stewardship program.
- e. To provide a forum for USFWS staff to work with elected officials and community members on issues related to the management of resources under that agency's jurisdiction.
- f. To serve as the designated LSO, pursuant to Section 3120 of the 2005 National Defense Authorization Act, Public Law 108-375.
- g. To serve as a participating agency under the National Environmental Protection Act (NEPA) for preparation of environmental impact assessments, serve as a participating agency under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) Section 120(f), and assist the Parties ~~in their consultative roles~~ as provided in Section 27, Section 281 of the 1996 Rocky Flats Legacy Management Cleanup Agreement.
- h. To act as a spokesperson for the community's interest in Rocky Flats in discussions with other public and private entities concerning local issues affecting Rocky Flats.

- i. To provide a forum for all other issues pertinent to Rocky Flats, as determined by the Stewardship Council Board of Directors.

INTERGOVERNMENTAL AGREEMENT
ESTABLISHING THE
ROCKY FLATS STEWARDSHIP COUNCIL

This Intergovernmental Agreement (“IGA”) establishing the Rocky Flats Stewardship Council is made and entered into as of this 13th day of February, 2006, pursuant to Colo. Const. Art. XIV, Section 18(2), part 2 of article 1, title 29, C.R.S., by and among the following parties who have executed this IGA: BOULDER COUNTY, a body politic and corporate and political subdivision of the State of Colorado, JEFFERSON COUNTY, a body politic and corporate and political subdivision of the State of Colorado, the CITY OF ARVADA, a home-rule municipal corporation and political subdivision of the State of Colorado, the CITY OF BOULDER, a home-rule municipal corporation and political subdivision of the State of Colorado, the CITY AND COUNTY OF BROOMFIELD, a Colorado municipality and county, the CITY OF WESTMINSTER, a home-rule municipal corporation and political subdivision of the State of Colorado, the TOWN OF SUPERIOR, a municipal corporation, the CITY OF GOLDEN, a home rule municipal corporation and political subdivision of the State of Colorado, and the CITY OF NORTHGLENN, a home-rule municipal corporation and political subdivision of the State of Colorado (singularly and/or collectively, “Party/Parties”).

RECITALS

WHEREAS, the Rocky Flats site (“Rocky Flats” or “Site”) is a U.S. Department of Energy (“DOE”)-owned cleanup and closure site located in Jefferson County and adjacent to or near Boulder County, the City and County of Broomfield, the cities of Arvada, Westminster, Golden and Northglenn, the Town of Superior, and the City of Boulder; and

WHEREAS, since 1995, Rocky Flats has been undergoing nuclear deactivation and decommissioning, waste management and shipment, special nuclear material removal, environmental cleanup and site closure, pursuant to an accelerated closure contract between DOE and Kaiser-Hill Company; and

WHEREAS, as successor to the Rocky Flats Local Impacts Initiative formed in 1993, the Rocky Flats Coalition of Local Governments (“Coalition”) was established by Intergovernmental Agreement dated as of February 9, 1999, and amended by Amended Intergovernmental Agreement, dated as of November 3, 2003, by and among the following seven governments: the City and County of Broomfield, the Counties of Boulder and Jefferson, the Cities of Arvada, Boulder and Westminster, and the Town of Superior, for the purpose of working together to have a coordinated local government involvement in information sharing, advocacy and planning concerning Rocky Flats; and

WHEREAS, effective October 13, 2005, the Rocky Flats Site has been declared to be “physically cleaned up” and closed down, with DOE’s regulatory approval of the closure anticipated to be reached in late 2006; and

WHEREAS, pursuant to the “Rocky Flats National Wildlife Refuge Act of 2001,” vast portions of Rocky Flats will become a National Wildlife Refuge, managed by the Department of the Interior (“DOI”) through the United States Fish and Wildlife Service (“USFWS”), with retained jurisdiction by DOE for continuing responsibility for management of cleanup remedies; and

WHEREAS, Section 3120 of the 2005 National Defense Authorization Act, Public Law No. 108-375, directs the DOE Office of Legacy Management to establish a “local stakeholder organization” (“LSO”) at the Rocky Flats Site; and

WHEREAS, the DOE Office of Legacy Management has provided the Coalition with certain guidance in the establishment of the LSO, based upon the language of the 2005 National Defense Authorization Act, including parameters for the development of an LSO operating plan, and elected official and non-elected membership of the LSO; and

WHEREAS, the Coalition parties and the parties to this IGA, with participation from representatives of other key stakeholders and members of the public, have developed and submitted to DOE a plan which includes an LSO mission, organizational objectives and scope of work (“LSO Plan”), which LSO Plan was approved by DOE on December 21, 2005; and

WHEREAS, the Coalition parties and the parties to this IGA desire to provide (1) continuing local oversight of activities occurring at the Rocky Flats site, to ensure that local government and community interests are met with regards to long-term stewardship of residual contamination and refuge management; (2) a forum to address issues facing former site employees, including but not limited to long-term health benefits and pension programs; and (3) an ongoing mechanism to maintain public knowledge of Rocky Flats and to educate successive generations of ongoing needs and responsibilities regarding contaminant management and refuge management; and

WHEREAS, the Coalition parties and the parties to this IGA have determined to establish the Rocky Flats Stewardship Council (“Stewardship Council”) to oversee all post-closure Rocky Flats activities, including serving as the LSO and implementing the LSO Plan; and

WHEREAS, following the creation of the Stewardship Council, it is anticipated that the Coalition will conclude its existence, having fulfilled its purposes; and

WHEREAS, the Constitution and the laws of the State of Colorado permit and encourage local governmental entities to cooperate with each other to make the most efficient and effective use of their powers and responsibilities; and

WHEREAS, pursuant to Colorado Constitution Article XIV, Section 18(2), and part 2 of article 1, title 29, C.R.S., the parties may cooperate and contract with each other to provide any function, service or facility lawfully authorized to each and, further, any such contract may provide for joint exercise of the function, service, or facility, including the establishment of a separate legal entity to do so; and

WHEREAS, such cooperation would be of particular benefit for the purposes stated in this IGA and, additionally, would be in the best interest of the Parties, the region and the people of the State of Colorado; and

WHEREAS, the Parties are all local governments which shall exist in perpetuity, and which have a fiduciary duty to protect the health and welfare of their communities, and thereby desire to establish the Stewardship Council; and

WHEREAS, it is not intended that the powers and responsibilities of governmental entities be in any way usurped;

THEREFORE, the Parties to this IGA hereby covenant and agree as follows:

DEFINITIONS

As used in this IGA, unless the context otherwise requires:

“Alternate Director” means, in reference to a ~~Permanent or Rotating~~ Party, one of up to two alternates designated by a Party, who may be either an elected official or employed by the Party, to serve as a voting Director in the event of absence or resignation of a Director. In addition, in reference to a Member who is acting on behalf of an *entity* (as opposed to a Member who is an individual acting for him or herself), “Alternate Director” means one of up to two alternates designated by a Member, to serve as a voting Director in the event of absence or resignation of a Member Director.

“Board” means the Board of Directors of the Rocky Flats Stewardship Council.

“Bylaws” means that set of operational procedures of the Rocky Flats Stewardship Council adopted, revised, repealed, re-enacted and amended from time to time by the Board.

“Committee” means any committee established by the Board as provided in the Bylaws for purposes of assisting the Board in the discharge of its duties and making recommendations on matters before the Board, whose members shall be appointed by the Board and whose membership may include persons representing entities other than local governments.

“Director” means each individual selected by each Party, who shall be an elected official of the Party, to be a voting member of the Board, and shall include Alternate Director(s) who shall act in the absence of his/her director. In addition, in reference to a Member, “Director” means the individual appointed by a Member to be a voting member of the Board.

“DOE” means the U.S. Department of Energy.

“DOI” means the U.S. Department of Interior.

“LSO” or “Local Stakeholder Organization” means the Rocky Flats post-closure entity organized under the direction of the DOE Legacy Management, pursuant to Section 3120 of the 2005 National Defense Authorization Act, Public Law 108-375.

“Meeting” means a regular or special meeting of the Board as more specifically defined in the Bylaws.

“Member” means one of up to four (4) community stakeholder representatives with a right to appoint a Director to the Board, selected pursuant to the procedures established by the Stewardship Council in its Bylaws.

“Party” means a unit of local government who is ~~either a Permanent party or a Rotating Party~~ and a signatory to this *First Amendment to IGA, including the City and County of Broomfield, the Counties of Boulder and Jefferson, the Cities of Arvada, Boulder, Golden, Northglenn, Thornton and Westminster, and the Town of Superior.*

~~“Permanent Party” means a public entity signatory to this IGA whose ability to appoint Directors to the Board does not rotate with other Parties, and includes the City and County of Broomfield, the Counties of Boulder and Jefferson, the Cities of Arvada, Boulder and Westminster, and the Town of Superior.~~

“Rocky Flats” means the entire Rocky Flats closure site, a federal facility currently under the jurisdiction of the United States Department of Energy located in Jefferson County, Colorado, and inclusive of all lands within such site regardless of whether or not management of such lands is transferred to either DOE or to DOI.

“Rocky Flats National Wildlife Refuge” means the area designated as such pursuant to the Rocky Flats National Wildlife Refuge Act of 2001, approved by the U.S. Congress and signed into law on December 28, 2001, and as may be amended from time to time.

“Rocky Flats Stewardship Council” or “Stewardship Council” means the entity established by this IGA.

~~“Rotating Party” means an eligible public entity signatory to this IGA whose right to appoint Directors to the Board rotates with other parties and includes the Cities of Golden and Northglenn.~~

“USFWS” means the U.S. Fish and Wildlife Service who is tasked with the management of the Rocky Flats National Wildlife Refuge under the DOI.

COVENANTS AND AGREEMENTS

1. Establishment and Denomination of Stewardship Council. The Parties hereby establish a separate legal entity to be denominated the “Rocky Flats Stewardship Council.”

2. Mission Statement. The mission of the Stewardship Council is --

- a. To provide continuing local oversight of activities occurring at the Rocky Flats site, to ensure that local government and community interests are met with regards to long-term stewardship of residual contamination and refuge management;
- b. To provide a forum to track issues related to former site employees, including but not limited to long-term health benefits and pension programs;
- c. To provide an ongoing mechanism to maintain public knowledge of Rocky Flats and to educate successive generations of ongoing needs and responsibilities regarding contaminant management and refuge management; and
- d. To provide an ongoing forum to address all other issues pertinent to Rocky Flats, as determined by the Stewardship Council Board of Directors.

3. Purposes. Specifically, the purposes of the Stewardship Council are:

- a. To provide a forum for elected officials and community members 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.
- b. To provide a forum for elected officials and community members to be briefed on the results of the operational and performance monitoring data of site operations.
- c. To provide a mechanism for keeping elected officials and community members informed of the results of the monitoring data.
- d. To provide a mechanism for educating succeeding generations about the residual hazards and the continued need for a comprehensive site-wide stewardship program.
- e. To provide a forum for USFWS staff to work with elected officials and community members on issues related to the management of resources under that agency's jurisdiction.
- f. To serve as the designated LSO, pursuant to Section 3120 of the 2005 National Defense Authorization Act, Public Law 108-375.
- g. To serve as a participating agency under the National Environmental Protection Act (NEPA) for preparation of environmental impact assessments, serve as a participating agency under the Comprehensive

Environmental Response, Compensation and Liability Act (CERCLA) Section 120(f), and assist the Parties in their consultative roles as provided in Section 27, Section 281 of the 1996 Rocky Flats Cleanup Agreement.

- h. To act as a spokesperson for the community's interest in Rocky Flats in discussions with other public and private entities concerning local issues affecting Rocky Flats.
- i. To provide a forum for all other issues pertinent to Rocky Flats, as determined by the Stewardship Council Board of Directors.

4. Powers. The Stewardship Council shall have the following powers, to the extent such powers are delegable functions or services lawfully authorized to the Parties, and to the extent they are reasonably related to the purposes stated above:

- a. Enter into contracts;
- b. Sue or be sued;
- c. Solicit and accept funds and in-kind contributions in whatever form, including grants, donations or loans;
- d. Incur revenue-based or other non-general obligation debt;
- e. Own, buy, sell and lease real estate and personal property;
- f. Hire employees and retain agents, consultants and services;
- g. Administer and supervise grants and loans to other entities;
- h. Obtain insurance;
- i. Advocate policies, programs, funding and legislation with other governmental entities;
- j. Prepare and disseminate public information;
- k. Indemnify its directors, officers and employees to the extent they are operating within the scope of their capacities with the Stewardship Council;
- l. Establish projects, committees, trusts, foundations or other vehicles to help further the purposes of this IGA;
- m. Negotiate agreements on behalf of the Stewardship Council;
- n. Engage in lobbying activities in accordance with state and federal law;
- o. Perform services for a fee;
- p. Adopt bylaws;

And to have such other powers as may, from time to time, be agreed upon by the unanimous consent of the Parties pursuant to recommendation of the Board, except that the Stewardship Council shall not have the power to levy taxes.

5. Reservation of Powers. The powers of the Stewardship Council shall not be construed as restricting or limiting any Party, individually or severally, from performing any governmental or regulatory powers or duties otherwise granted by law. Each Party expressly reserves and retains its right to develop, adopt, implement and enforce, in its sole discretion, land use plans, land use, zoning and building regulations, redevelopment plans, capital improvement

plans, and public improvement or service plans for property, buildings, and facilities within its jurisdiction. Nothing in this IGA shall be deemed to restrict, modify or otherwise impair the powers of any Party in any manner, including any separate or discrete actions which may be taken by any Party relating to Rocky Flats. However, it is the intention of the Parties that the Stewardship Council will be the forum for discussion of issues of mutual interest as pertaining to Rocky Flats.

6. Operations. It is the intent of the Parties that the Stewardship Council shall be a political subdivision, and unit of local government of the state of Colorado and that the Stewardship Council shall abide by all federal, state and local laws applicable to governmental entities. To the extent that any of the Stewardship Council's funds are contributed by the Parties, then such funds shall be subject to their lawful appropriation by the respective Party. To the extent it is subject to the provisions of Article X, Section 20 of the Colorado Constitution, the Parties intend to establish the Stewardship Council as an enterprise thereunder. The procedures and operations of the Stewardship Council shall be subject to the provisions of this IGA and the Bylaws of the Board.

The Board shall annually prepare and adopt a budget pursuant to the provisions of Title 29, Art. 1, Part 1, C.R.S. The Board shall provide for an annual audit conducted by an independent accountant which complies with Title 29, Art. 1, Part 6, C.R.S., and with applicable federal regulations for receipt of federal funds. The Treasurer of the Board or his/her designee shall provide a detailed quarterly financial statement to all Directors and Alternate Directors. The Board shall annually prepare and distribute to the Parties and make available to the public a report of its performance. The financial statement shall include all revenues, revenue sources, expenditures and balances. The Stewardship Council shall operate in accordance with the Open Records Act, §§ 24-72-201, *et seq.*, C.R.S.

7. Board of Directors. The legislative and administrative power of the Stewardship Council shall be vested with a Board of Directors not to exceed ~~fourteen~~ ~~twelve~~ (14) in number, one representing each of the ~~ten~~ ~~seven~~ ~~Permanent~~ Parties, ~~one~~ ~~representing~~ ~~one of the Rotating Parties~~, and one representing each of the Members (not to exceed four); each with one equal vote. The Directors shall be selected as set forth in this paragraph:

a. Permanent/Rotating Parties. Directors shall be designated in writing by each Party upon execution of this IGA, and annually thereafter on or before February 1 of each year. Parties may appoint one Director who shall be an elected official of the Party, and up to two Alternate Directors. A Director serves at the pleasure of the Party designating him or her and may be replaced by the ~~Permanent~~ Party at any time. Failure to take action by the specified dates shall not prevent a Party from designating its Director and Alternate Director(s). ~~The Rotating Parties shall annually alternate with each other for each term of office for Director and Alternate Directors on the Stewardship Council Board. The process for selection of the Rotating Party to initially serve on the Board shall be provided for in the Bylaws.~~

b. Members. Following selection of the Members to the Board, and annually thereafter on or before February 1 of each year, each Member shall designate in writing

one Director and up to two Alternate Directors, to serve on the Board. However, in the event a Member is an individual rather than an entity, then such Member shall not be entitled to the appointment of Alternate Directors. A Member Director serves at the pleasure of the Member designating him or her, and may be replaced by the Member at any time. Failure to take action by the specified dates shall not prevent a Member from designating its Director and Alternate Director(s).

c. Term. A term of office for each Director shall be for one year, beginning February 1 and expiring January 31 of the following year, without limitation on successive or additional terms served by any Director, ~~except as applicable for Rotating Parties.~~

d. Oath. The Directors and Alternate Directors shall take an appropriate oath of office.

e. Alternate Directors. Alternate Directors may serve in lieu of Directors in the event of absence, resignation or removal of Directors.

f. Compensation. Directors shall receive no salary or compensation for their services, except to cover such expenses as may be provided in the Bylaws.

g. Ex-Officio Directors. The Board may provide in the Bylaws for non-voting ex-officio members.

h. Chair/Officers. The Board shall annually elect a Chair of the Board in accordance with procedures established in the Bylaws, who must also be a Director, who shall preside at all regular or special meetings of the Board and who shall serve at the pleasure of the Board, and such other officers as may be provided in the Bylaws. The Board may act by motion or resolution.

i. Board Procedures. Board procedural matters, including agenda, quorum, voting, meeting and notice requirements shall be established in the Bylaws, except as set forth in this IGA.

j. Actions of Board. Actions of the Board require an affirmative vote of at least *eleven (11)* ~~nine~~ Directors. In the event a decision is made with less than a unanimous vote, a Director in the minority may include a statement in the record reflecting its views.

8. Establishment of Committees. The Board may establish committees to assist the Board in the discharge of its duties and to make recommendations on matters before the Board. Committees may include members who are not Directors. Committee members shall be appointed by the Board. The composition, appointment, duties, and operations of committees shall be defined in the Bylaws.

9. Meetings. Regular meetings of the Board shall be held at such times as the Board shall from time to time establish, but not less than quarterly, unless otherwise provided for in the Bylaws. No regular meeting of the Board shall occur without written notice to each Director and Alternate Director of the time, date, and place of such meeting, together with a written agenda; provided, however, the actions of the Board shall not be limited to matters on such agenda. Special meetings of the Board may be held as provided in the Bylaws. All regular and special meetings of the Board and committees shall be conducted pursuant to the Open Meetings Law, §§ 24-6-401, *et seq.*, C.R.S.

10. Term, Withdrawal and Dissolution. This IGA shall commence on the date of its full execution by all the Parties, and shall remain in effect until the earliest of

- a. termination or rescission by the unanimous written agreement of all Parties, or
- b. decrease of the number of Parties to fewer than six, or
- c. lack of a unanimous triennial determination by the Parties that the Stewardship Council should continue for an additional three (3) years. Every third calendar year, commencing from the effective date of this IGA until termination of the Stewardship Council, the Parties agree to consider whether to continue the Stewardship Council's existence.

Any Party may withdraw from participation in this IGA upon thirty days' written notice to the Board of its intent to withdraw, and contingent upon adequate provision for satisfaction of its outstanding debt or other obligations of the withdrawing Party which such Party had previously agreed to pay.

11. Distribution, Disposition, or Division of Assets. The Board shall have the power to make all decisions regarding the distribution, disposition, or division of assets of the Stewardship Council as it deems appropriate.

12. Amendments. This IGA contains all the terms agreed upon by and among the Parties. Any amendments or modifications to this IGA must be reduced to writing and executed by all Parties to be valid and binding.

13. Indemnification. To the extent permitted by law, the Stewardship Council shall indemnify and defend each Director, Alternate Director, officer and employee in connection with any claim or actual or threatened suit, action or proceeding (civil, criminal, or other, including appeals), in which he or she may be acting in his or her official capacity by reason of his or her being or having been such Director, Alternate Director, officer or employee, or by reason of any action or omission by him or her in any such capacity, and shall pay any judgment resulting therefrom, except any liability arising from criminal offenses or willful misconduct or gross negligence. The Stewardship Council shall further indemnify and defend each Party in connection with any claim or actual or threatened suit, action or proceeding (civil, criminal, or other, including appeals), in which the Party may be acting in its capacity as a participant in the Stewardship Council, and shall pay any judgment resulting therefrom, except for liability arising from criminal offenses or willful misconduct or gross negligence. Such indemnification and

duty to defend in either event shall be subject to and limited by the resources of the Stewardship Council available for such purposes. This indemnification shall in no way be construed to be an indemnification of a Party in connection with a claim, suit, action or proceeding brought by another Party, Director, Alternate Director, officer or employee, nor shall it be construed as a waiver of the Governmental Immunity Act. The Board shall obtain and maintain in force liability and public officials' insurance in amounts it deems appropriate.

14. No Obligations. No obligations of the Stewardship Council shall be deemed to be an obligation or indebtedness of any Party. The Stewardship Council may not impose any involuntary charges or assessments on Parties.

15. Severability. If any provision of this IGA, or the application thereof to any person, entity or circumstances, is held invalid, such invalidity shall not affect other provisions or applications of this IGA, which can be given effect without the invalid provision or application, and to this end the provisions of this IGA, and each and every provision thereof, are declared to be severable.

16. Applicable Laws. This IGA shall be governed by and construed in accordance with the laws of the State of Colorado.

17. Assignability. No Party to this IGA may assign or transfer any of its rights or obligations hereunder without the prior written consent of all the non-assigning Parties.

18. Binding Effect. The provisions of this IGA shall bind and shall inure to the benefit of the Parties and to their respective successors and permitted assigns, if any.

19. Enforcement. The Parties agree and acknowledge that this IGA may be enforced in law or in equity, by decree of specific performance. No Party's rights under the Colorado Governmental Immunity Act shall be modified, abridged or deemed to be waived pursuant to the application or interpretation of this paragraph.

20. Counterpart Execution. This IGA may be executed in several counterparts, each of which shall be deemed an original, and all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the Parties have executed this IGA effective as of the date first written above.

Appendix

- Meeting Protocols
- Acronym List

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

Rocky Flats Stewardship Council – Meeting Overview and Protocols

The central purpose of the meeting of the Rocky Flats Stewardship Council Board of Directors is for the Board and public to learn about current site activities and monitoring results, to be briefed on any issues or challenges DOE and the regulatory agencies are facing, and other issues that come before the Board. The Board reserves time at each meeting to address governance-related issues. Those issues are identified in the meeting agenda, and could include the budget, work plan, minutes, and related items.

All meetings of the Board of Directors are open to the public. From time-to-time, and in accordance with § 24-6-402(4), Colorado Revised Statutes, the Board may go into executive session. Public notice of the executive session is provided in the meeting agenda.

Public Engagement Protocols: Time is allotted at each meeting for the public to address the Board of Directors and presenters. The following procedures apply to all meetings of the Board of Directors. The Chair reserves the right to modify these procedures.

1. **Public comment periods:** The public comment periods are identified on the meeting agenda. The goal is to have two public comment periods—one near the start of the meeting and another near the end. The public comment periods are not a Q&A with the Board.
2. **Time limit:** The Board requests that comments be to the point. If individual comments are too long and/or if there are a number of people who wish to speak, the Chair reserves the right to enact a time limit.
3. **Additional public comment:** As time allows, and as called on by the Chair, the public is allowed to ask questions or express an opinion during presentations. The Board will have the first opportunity to ask questions or make comments.

No personal attacks: All people speaking at the meeting must refrain from personal attacks and address the issues at hand.

Public Comment on Stewardship Council Website: The Stewardship Council website includes a section for public comment. To have your comment posted, you must email a copy of your comments to David Abelson (dabelson@rockyflatssc.org).

Noise: In order to help reduce background noise, sidebar and backroom conversations should be taken into the hall.

To be added to the Stewardship Council's email distribution list, please email David Abelson (dabelson@rockyflatssc.org).

Acronym or Term	Means	Definition
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. In a mass of Pu, Am increases in concentration over time which can pose personnel handling issues since Am is a gamma radiation-emitter which penetrates many types of protective shielding. During the production era at Rocky Flats, Am was chemically separated from Pu to reduce personnel exposures.
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.

Rocky Flats Acronym List
 Prepared by Rik Getty, Rocky Flat Stewardship Council
 October 2014

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 decision	The complete final plan for cleanup and closure for Rocky Flats. The Federal/State 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	Contact Record	A regulatory procedure where CDPHE reviews a proposed action by DOE and either approves the proposal as is or requires changes to the proposal before approval. CRs apply to a wide range of activities performed by DOE. After approval the CR is posted on the DOE-LM website and the public is notified via email.
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).

Rocky Flats Acronym List
 Prepared by Rik Getty, Rocky Flat Stewardship Council
 October 2014

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.
EEOICPA	energy employees occupational illness compensation program act	This act was passed by Congress in 2000 to compensate sick nuclear weapons workers and certain survivors. Unfortunately the program has been fraught with difficulties in getting benefits to these workers over the years.
ETPTS	east trenches plume treatment system	The treatment system near the location of the east waste disposal trenches which treats 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 Acronym List
 Prepared by Rik Getty, Rocky Flat Stewardship Council
 October 2014

		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.
IGA	intergovernmental agreement	A cooperative agreement between local governments which sets up the framework of the Stewardship Council.
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.
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 which helps to inform water quality decisions.
LHSU	lower hydrostratigraphic unit	Hydrogeology term for deep unweathered bedrock which is hydraulically isolated from the upper hydrostratigraphic unit (see

		UHSU). Data shows that site contaminants have not contaminated the LHSU.
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.
MOU	Memorandum of Understanding	MOU refers to the formal agreement between EPA and CDPHE which provides that CDPHE is the lead post-closure regulator with EPA providing assistance when needed.
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 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.

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Pu	plutonium	Plutonium is a metallic substance that was fabricated to form the core or "trigger" of a 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.
SEP	Solar Evaporation Ponds	In the 1950's when the site's liquid waste treatment capability was surpassed by the liquid waste generation rate, the site resulted to transferring liquid wastes to open-air holding ponds where solar energy was utilized to evaporate and concentrate the waste. The original SEPs were not impermeable and substantial quantities of uranium and nitrates made their way into

		groundwater. As a result the solar ponds plume treatment system was necessary to treat the contaminated groundwater before it emerged as surface water in North Walnut Creek.
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 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.
UHSU	upper hydrostratigraphic unit	A hydrogeology term describing the surficial materials and weathered bedrock found at Rocky Flats. The UHSU is hydraulically isolated from the lower hydrostratigraphic unit (see LHSU). Groundwater in some UHSU areas of the site is contaminated with various contaminants of concern while groundwater in other UHSU areas is not impacted. All groundwater in the UHSU emerges to surface water before it leaves the site.

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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.