

Rocky Flats Stewardship Council

Monday, October 6, 2008

8:30 – 10:45 AM

Rocky Mountain Metropolitan Airport Terminal Building
11755 Airport Way, Broomfield, Colorado

Board members in attendance: Lorraine Anderson (Director, Arvada), Clark Johnson (Alternate, Arvada), Lisa Morzel (Director, Boulder), Carl Castillo (Alternate, Boulder), Lori Cox (Director, Broomfield), Mike Bartleson (Alternate, Broomfield), Bill Fisher (Director, Golden), Jim Congrove (Director, Jefferson County), David Allen (Alternate, Northglenn), Shelley Stanley (Alternate, Northglenn), Matt Magley (Alternate, Superior), Bob Briggs (Director, Westminster), Jeannette Hillery (Director, League of Women Voters), Sue Vaughan (Alternate, League of Women Voters), Kim Grant (Director, Rocky Flats Cold War Museum), Ann Lockhart (Alternate, Rocky Flats Cold War Museum), Karen Imbierowicz.

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

Attendees: Andrew and Margaret Patten (citizens), Carl Spreng (CDPHE), Vera Moritz (EPA), Cathy Shugarts (City of Westminster), Heather Cronenberg (City of Westminster), Shirley Garcia (Broomfield), Bruce Hastings (USFWS), Rick DiSalvo (Stoller), Jennifer Bohn (RFSC accountant).

Convene/Agenda Review

Chair Lorraine Anderson convened the meeting at 8:40 a.m. There were no changes to the agenda.

Business Items

Lori Cox moved to approve the August meeting minutes and checks. The motion was seconded by Jeannette Hillery. The motion passed 9-0. (Boulder County, Westminster, Rocky Flats Homesteaders were not present)

David Abelson noted that the next item for Stewardship Council approval was a letter to Senator Salazar and Representatives Udall and Perlmutter supporting their request for a GAO investigation regarding the Energy Employees Occupational Illness Program Compensation Act (EEOICPA) program. The letter was written to reflect Board member input and was sent on August 25, 2008. The Board is now being asked for its formal approval of the letter.

Jeannette Hillery moved to approve the letter. The motion was seconded by Karen Imbierowicz. The motion passed 9-0. (Boulder County, Westminster, Rocky Flats Homesteaders were not present)

Lorraine Anderson said that she was at the original meeting about the EEOICPA program, and she believes that there were many promises made that day that have not been kept.

Executive Director's Report

David began by discussing the upcoming transition to the new administration. After the November election, transition teams will be put in place, and that this will be the first chance to influence the new administration. He noted that the Board should pay attention to this process and start laying out an agenda for communicating issues to the appropriate people. David does not expect the new Secretary of Energy to focus on post-closure sites right away but in time the Secretary will evaluate the Legacy Management program office and fill the Director position. There will be a transition in terms of Congressional representation as well. The Stewardship Council may need to address such issues as the importance of maintaining a Rocky Flats DOE office, funding for Legacy Management activities, and maintaining a program focused on post-closure activities.

Mike Bartleson asked if these issues highlight the need for the Stewardship Council to schedule meetings in Washington, D.C. in February or March. David said it does. There will be a need to secure time with the new Congressional representatives and their key staff members in DC, as well as their staff in Colorado. Lorraine Anderson noted that the annual Energy Communities Alliance (ECA) meeting in February would be an excellent time for a Stewardship Council trip because of the shared focus on DOE issues. She added that if the trip were planned around the National League of Cities meetings, Stewardship Council issues may be overshadowed by others.

David explained that Congress is now operating under a stopgap budget that runs through March 6, 2009.

David and Lorraine will attend an ECA meeting in Idaho Falls focusing on coalition building and cleanup issues. They will help lead a discussion looking at different models for local government involvement in cleanup and post-closure issues.

He also noted that the Colorado Natural Resource Trustees have granted additional time for submittal of draft proposals for projects wishing to utilize the Rocky Flats NRD funds. This topic will be discussed later in the meeting.

David noted that there is an item in the Board's draft 2009 work plan addressing Rocky Flats worker issues, including tracking the requested GAO investigation, and communicating the Board's support of worker issues to the new Congress and Administration.

David next discussed DOE's petition to change the Uranium standards at Rocky Flats. While the units of measurements differ, the Rocky Flats request is effectively to change from 10 to 20 pCi/L. This issue will be discussed in more depth at next meeting. At a staff level meeting last month that included three of the Stewardship Council cities, there was a clear indication from CDPHE that they will support this change. David thinks it is safe to assume that the Water Quality Control Commission will then approve the change. The Stewardship Council needs to

begin thinking about what action it might take if this indeed happens. Some things that should be considered are what the regulatory standard means, and what the sample numbers tell us about the status of remedy performance. If the standard is changed, the Stewardship Council can look at how to ensure that DOE is still analyzing the uranium trends. In essence, this would mean keeping some sort of evaluation mechanism at the 10 pCi/L level that calls for an evaluation of the elevated readings. This would be similar to the plutonium surface water model already being used at the site. David said he just wanted to bring this up so people can start thinking about it before the next meeting.

Karen Imbierowicz asked David if he had any idea what DOE's position might be on his proposal. David said he had not talked to them about it given that the Board had not yet discussed his idea. Lori Cox asked if David was suggesting that the Board not advocate against the changes at the Commission level. He said he was not, and that the questions he mentioned would only come into play if the standards are actually changed. David Allen stated that if CDPHE is going to support changing the standard, he would be concerned about the Stewardship Council's ability to get DOE to agree to what David has suggested. Jeannette Hillery added that it would be a good strategy to present the Commission with alternatives for what would be comfortable for the community, rather than just saying no to this change. David Allen asked why DOE would agree to keep a trigger point at 10 if the standards are changed. David Abelson noted that there are many regulatory hoops that DOE would avoid with a changed standard. David Allen said this could be acceptable as long as analysis would still be required above 10.

Lorraine Anderson asked if the suggested course of action was that the Stewardship Council attempt to influence the Commission decision so that it meets our needs. David Abelson said the Stewardship Council would not make any recommendations to the Commission unless it had the full support of the three cities that are part of the commission process. What he was addressing would be a Rocky Flats site process. Sue Vaughan asked if dam notching plays into this decision at all. Rik Getty said that it does not, but that at some point in time, there will not be any more pond discharges because the dams will be notched. He added that the immediate issue is regulatory relief. Lisa Morzel said she agreed with the position being discussed, and that it was in keeping with the Stewardship Council's role and previous positions regarding monitoring at the site. Mike Bartleson stated that Broomfield puts a high value on this Board's positions. David Abelson said the Board may think about sending two letters on this issue - one to the Commission and one to DOE-LM.

Public Comment

There was none.

Board Review of Stewardship Council Activities for 2008 and Initial Review of 2009 Work Plan

The 2008 Stewardship Council Work Plan provides that the Board review the Plan elements to help determine its ability to accomplish the stated mission and objectives. The review includes an assessment of how the organization can improve in the coming year, focusing on areas of weakness and opportunities for improvement. This is a first step in developing the 2009 Work

Plan, a draft of which was included in the meeting packet. This draft is an update of the 2008 Work Plan. Formal approval of the 2009 Work Plan will take place at the November 3rd meeting. David Abelson reviewed points from his cover memo addressing the Board's work in 2008. He said that there still are a variety of areas being addressed by the Board. Also, the financing is in good shape. He asked the Board for input and whether this draft work plan is on the right track.

Karen Imbierowicz referred to a section of the Work Plan that refers to identifying new opportunities to educate new constituencies. She said that she has been working on this issue lately, and that one opportunity would be to organize volunteers to work on the land. The Stewardship Council could work with some of the volunteer groups encouraging land stewardship. The State of Colorado is starting to implement projects such as this, as it develops a strong sense of stewardship among the volunteers.

David Allen suggested that it might be beneficial to take a look at the ordering of the major categories in the Work Plan and have it reflect the Board's priorities. He noted that worker issues are very important to this group, but appear later in the plan. Lori Cox asked about why the language was changed for #9 in the section on DOE Management Responsibilities. David Abelson said that he deleted language referring to access restrictions because there is not much left to discuss since signs and fences are already in place. Lori said she was not sure that it was entirely appropriate to take out the site access issues, but that there would be no harm in leaving it in. She clarified that this may not be a 2009 issue, but she would like to keep it on the Stewardship Council's radar screen. David Abelson offered that the Board could add a list of things that it may want to add back when appropriate. Sue Vaughan suggested changing the language to 'managing access restrictions'. Karen Imbierowicz asked if the Board has a 5-year plan that can track these type of issues. David said he will play around with a couple different options, and will ask for input from the Board.

Lorraine Anderson said she had just returned from meeting of the Environmental Management Advisory Board at the Fernald site. She was very impressed and believes that this site is ahead of Rocky Flats. She has asked the ECA about providing peer exchange funding for members of the Stewardship Council to visit and learn about Fernald. She suggested that this could be added to the Work Plan. Kim Grant said that he would support this, and added that Fernald is also ahead of Rocky Flats in commemorating the site's history. He also suggested strengthening the language of #10 in the Work Plan so that it offers 'support' for the Rocky Flats Cold War Museum. Lisa Morzel said she agreed with Kim. She also said it would be interesting to know more about how Fernald is ahead of Rocky Flats, and what is going on with their museum. Staff and the Executive Committee will look into the Peer Exchange possibility and get back to Board.

David said he will be looking for some guidance on Lori's question, and that he will put the site access issue back into the Work Plan.

FY 09 Budget – Initial Review

The Board next reviewed the draft 2009 Stewardship Council budget. Formal budget hearings will take place at the November 3rd meeting. The budget outline tracks DOE's budget guidelines, which explains several empty, nonrelated categories. David said he is proposing a reduced

budget (down \$19,000 from 2008) for the third year in a row, while still allowing for flexibility and additional expenditures if necessary. He noted that postage costs have gone down, but is keeping room in the budget item for contingencies. David Allen asked how much it costs to distribute meeting packets. David said it is about \$80 per month. Lorraine asked if Board members are supposed to get electronic copies of the *Weapons Complex Monitor*. David said that he reviews the issues and forwards relevant articles to Board members. Barb Vander Wall said the Stewardship Council will publish the required budget notice and vote on approval next month.

Start of Triennial Review of the Stewardship Council

No later than February 13, 2009, the Stewardship Council will need to renew the organization's Intergovernmental Agreement (IGA). At this meeting, the Board was tasked with reviewing the current IGA to determine if any changes to the scope and mission are warranted, and if so, the nature of those changes. The Board will also need to determine a path forward for renewing the IGA. David noted that Sheri Paiz with Northglenn has suggested looking at possible changes to the membership status of the current rotating parties, Northglenn and Golden. He added that if any amendments are made, all nine governments must approve it.

Carl Castillo asked if any member governments are considering not renewing their membership in the Stewardship Council. Lori Cox said that Broomfield will be renewing, and asked for a response from Northglenn and Golden on whether they are looking to change their status. Jim Congrove asked what reasons an organization might have for wanting to change their membership status. Bill Fisher said that Golden could have greater level of participation if it were a regular member rather than a rotating member. He added that Golden is interested in making this change, but only if the full Stewardship Council supports it. David Allen said that Northglenn also would like to explore this possibility. He added that if it requires Congressional changes, Northglenn would be fine with the status quo. David Abelson noted that throughout the history of the Board, he did not recall an instance when all governments were not able to be heard on an issue, and that nearly all votes have been unanimous. Karen Imbierowicz asked for a review of how the Board ended up developing the rotating parties arrangement. David Abelson explained that when the Stewardship Council was being developed, the Coalition of Local Governments (RFCLOG) discussed adding Northglenn and Thornton to the seven RFCLOG governments because of their ties to Rocky Flats water issues. Also, Golden had been very active in attending meetings for years. Thornton chose not to participate. In the end, Senators Allard and Udall worked out the arrangement with DOE regarding the rotating parties.

Bob Briggs asked about Stewardship Council funding and length of the IGA relationship. David Abelson said that the Stewardship Council is funded through late 2011 or early 2012. Coincidentally, the availability of funding does track the three years that would be covered under a renewed IGA.

David pointed out that it is critically important that municipalities and their attorneys review the IGA prior to next Stewardship Council meeting. The Board needs resolutions passed no later than February 13, 2009 but David recommends aiming for December 31, 2008. The draft resolution will be emailed to Board members. February will be the first meeting for the 2009

slate of Board members. Staff will send out a request for appointments from municipalities in December.

Discuss NRD Fund Sketch Proposals

Five member governments and three community organizations submitted NRD Fund sketch proposals. The total funds being requested from the NRD Fund is \$16.84 million. Approximately \$4.5 million remains in the Fund. The Board will discuss the proposals and try to identify which project(s), if any, it recommends that the NRD Trustees fund. The Trustees are interested in the opinion of the Stewardship Council on the proposals. This discussion comes against the backdrop of the recent Beyond the Fences meeting that most members participated in earlier in the week. In his memo in the Board packet, David presented the option of supporting all proposals with exception of Section 16, since this is being discussed in the Beyond the Fences dialogue.

Lorraine Anderson asked David which projects he was referring to. David said he was suggesting support for the acquisition projects, since all of them could be done with the available \$4.5 million. Clark Johnson said that Arvada did not submit an NRD proposal, but has been participating in the Beyond the Fences meetings. He would like to further these discussions before deciding on a Stewardship Council path forward on NRD projects. He added that he also liked David's idea of dealing with funding that is available right now, so he suggested seeing where the discussions are in November before taking any action. Lisa Morzel asked when the next Beyond the Fences meeting is scheduled. Clark said it was early November. Matt Magley said that the State Trustees have recommended that cities work together to submit one application for NRD funds. He said the cities have already had one meeting to discuss this option, and another is planned, prior to the new application deadline in November. He said one part of the discussion is about NRD funding, and the other part involves the broader vision and a possible GOCO Legacy Grant next year. Lisa Morzel said she would like to hear from this group prior to the November 3rd Stewardship Council meeting. Clark said he thinks that is the way they are headed. Kim Grant asked what amount of matching funds is included in the proposals. Shirley Garcia said that the government matches were slightly greater than the \$4.5 million that is available.

David said that Stewardship Council staff did not attend previous Beyond the Fences meeting because this was thought to be a non-Rocky Flats specific discussion. However, he now thinks there is a need to keep the Stewardship Council in the loop on the discussions. Carl Castillo said he thought there was a communication breakdown about the Beyond the Fences meetings and the Stewardship Council, and that David needs to be involved. Clark said that there are both NRD and Beyond the Fences meetings in November. Lorraine Anderson expressed her belief that the Stewardship Council has been co-opted out of the Beyond the Fences process and that there is no reason to make decisions before hearing back from this group. Shirley Garcia explained that the municipalities that submitted NRD proposals are now working together to create a unified plan. Lorraine reiterated her belief that the Stewardship Council was cut out of the process, and that Arvada cannot support it. Lisa Morzel responded that she did not see it that way. She said the Stewardship Council will receive additional information and make its recommendation in November. She asked Lorraine in what way the Stewardship Council was being co-opted.

Lorraine said that the Beyond the Fences decisions will not be made within the Stewardship Council. Jeannette Hillery said that the Beyond the Fences meeting addressed NRD issues, and ways to leverage funds. She added that the Stewardship Council still has the opportunity to address these issues at the November meeting, but that everyone needs to be kept in the loop as far as communications. Karen Imbierowicz said that David should start attending the NRD meetings. David Allen clarified that the Stewardship Council will support, but not submit, NRD proposals and that use of NRD funds is only one of many ways to make a Beyond the Fences vision happen. Lori Cox said that one of the recommendations at the Beyond the Fences meeting was to use working groups to gather information (such as on Section 16) and report back to elected officials, serving as the leadership group.

David flagged that his proposal included two non-governmental projects for a total of \$850,000. He also acknowledged that the Board is not ready to take action on NRD projects in light of the ongoing discussions. Lorraine asked if the relevant non-governmental groups and individuals were invited to the NRD discussions. Jeannette said they were invited and did attend. Shirley explained the process with the working group, and that no one is being excluded. David clarified that he was not excluded from the meetings, but made the decision not to go based on his understanding of the process, which he has now re-evaluated.

Public comment

There was none.

Updates/Big Picture Review

November 3, 2008

Potential Business Items

- Budget Hearings for 2009 budget/adoption
- Approve 2009 work plan
- Stewardship Council Triennial IGA Review (needs to be approved by councils and commissions by Feb. 1)

Potential Briefing Items

- Host DOE-LM quarterly public meeting
- Continue discussing use of NRD funds
- Discuss DOE petition to change site Uranium standard

February 2, 2009

Potential Business Items

- Elect 2009 Officers
- Adopt resolution re: 2009 Meeting Dates

Potential Briefing Items

- Host LM quarterly public meeting

- Begin discussing interpretive signage for Rocky Flats
- Approve Washington D.C. talking points

The meeting was adjourned at 10:40 a.m.

Respectfully submitted by Erin Rogers.