

**Rocky Flats Stewardship Council**  
**Monday, November 3, 2008, 8:30 – 11:45 AM**  
**Rocky Mountain Metropolitan Airport (formerly Jefferson County Airport)**  
**Terminal Building**  
**11755 Airport Way, Broomfield, Colorado**

**Board members in attendance:** Clark Johnson (Alternate, Arvada), Lisa Morzel (Director, Boulder), Carl Castillo (Alternate, Boulder), Meagan Davis (Alternate, Boulder County), Lori Cox (Director, Broomfield), Mike Bartleson (Alternate, Broomfield), Bill Fisher (Director, Golden), Jim Congrove (Director, Jefferson County), Kate Newman (Alternate, Jefferson County), Shari Paiz (Director, Northglenn), Shelley Stanley (Alternate, Northglenn), Matt Magley (Alternate, Superior), Bob Briggs (Director, Westminster), Ron Hellbusch (Alternate, 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), Roman Kohler (Director, Rocky Flats Homesteaders), Karen Imbierowicz (citizen).

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

**Attendees:** Andrew and Margaret Patten (citizens), Bill Carpenter (citizen), Dale Eberharter (citizen), Hillary Merritt (Trust for Public Lands), Bob Fiehweg (Fiehweg Environmental Consultants.), Vera Moritz (EPA), John Dalton (EPA), Carl Spreng (CDPHE), Juanita Dominguez (Superior), Kristan Pritz (Broomfield), Pete Dunlaevy (Broomfield), Cathy Shugarts (Westminster), Heather Cronenberg (City of Westminster), David Allen (Broomfield), Steve Berendzen (USFWS), Scott Surovchak (DOE-LM), John Boylan (Stoller), Linda Kaiser, (Stoller), Rick DiSalvo (Stoller), Bob Darr (Stoller), Jennifer Bohn (RFSC accountant).

**Convene/Agenda Review**

Vice Chair Jeannette Hillery convened the meeting at 8:35 a.m. There were no changes to the agenda.

**Business Items**

Bob Briggs moved to approve the October meeting minutes. The motion was seconded by Lisa Morzel. The motion passed 12-0.

Karen Imbierowicz moved to approve the October checks. The motion was seconded by Lisa Morzel. The motion passed 12-0.

## **Executive Director's Report**

David Abelson provided an update on a recent Energy Communities Alliance meeting at which he and Lorraine Anderson presented the community involvement models of the Rocky Flats Coalition of Local Governments and the Stewardship Council. From this meeting, David came away with the belief that the local community should not take this forum for granted, as other communities around the country are struggling to develop a framework for engaging DOE on site-wide issues. Also, he noted that the Stewardship Council is the only group in the country that is currently looking at post-closure management, with continued local government and community oversight.

The NRD Request for Proposals will be discussed later this morning. David has asked those who are not part of the Stewardship Council to present their proposals to the Board. He observed that the dialogue appears to be working quite well.

The Board will also talk more about DOE's request to change the uranium standard at Rocky Flats at today's meeting. David noted that Rik Getty has taken the lead on communicating with the agencies about this issue.

David announced that Jefferson County and Superior have approved resolutions renewing their participation in the Stewardship Council Intergovernmental Agreement. Boulder and Broomfield have scheduled their discussions. This topic will be discussed later in the meeting. David noted his appreciation of the governments keeping the Stewardship Council staff informed throughout the process. He also noted that the Stewardship Council's quarterly financial statements were emailed on October 18 and that if anyone has questions, they should feel free to call him. He noted that the Board's expenses have been coming in well below budget, as expected.

David pointed out that the Board will need to adopt a resolution setting the meetings for 2009 at the February 2nd meeting. He noted that August is always a tough month to schedule a meeting. Therefore, he will propose meetings in February, April, June, September and November for 2009.

Lisa Morzel asked David to elaborate about some of the problems he mentioned with community involvement at other sites. David said that many communities have difficulty developing a group. There have been issues with local government officials thinking broader than their own boundaries, and how to do this without divesting their responsibility. There is even more of an issue regarding the inclusion of non-governmental members. Many simply do not recognize the potential additional power of working together.

Lisa also mentioned that she would like the Stewardship Council to prepare an introductory letter about this group and Rocky Flats issues for any newly elected representatives after the November 4 election. David offered to put this together, and the Board agreed this was appropriate.

Bob Briggs noted that the first Monday in September is Labor Day. David said that when there are conflicts with holidays, the Board's meetings are scheduled for the second Monday of the month.

Jim Congrove asked if there have ever been any landowners around Rocky Flats that have found pollutants on their properties that affected values. David said that there used to be an area around the site where realtors were required to inform prospective purchasers of the proximity to Rocky Flats, but this is no longer required. Jim asked why this had been discontinued. David explained that sampling was done and based on the sampling state regulators deemed it no longer necessary. There was also a class action lawsuit involving people living east of Rocky Flats. The jury awarded large sum based on a nuisance claim, but the medical monitoring cause of action was thrown out by the judge. Basically, it was not actual contamination that caused decreased values; it was more about fears of the unknown.

### **Public Comment**

There was none.

### **Fiscal Year 2009 Budget Hearings**

The draft FY09 Stewardship Council budget was initially reviewed by the Board at the October meeting. Official notice of this budget hearing was provided in the *Denver Post*. Prior to finalizing the budget, the Stewardship Council must hold budget hearings and allow time for public comment. Following the public hearing, the Board must approve the budget resolution.

Jeannette Hillery opened the public hearing. There were no comments. Jeannette then closed the hearing. Kim Grant opened the Board discussion by asking if the Board is obligated to spend the carryover finding from RFCLOG in the coming budget year. David said the Board is not obligated to spend that money first. The Stewardship Council budget draws from local government contributions and the DOE grant. Local government funds pay for non-LSO activities and things DOE will not pay for, such as food at meetings. Shelley Stanley asked how much longer DOE is funding the Stewardship Council. David said that the Stewardship Council has just enough money to continue to operate through the new three-year IGA period. By then, the Board will have had discussions about whether or not to continue, and also whether there is funding available to continue. The DOE grant period ends in late 2010, but if there is still funding available, they may grant an extension.

Lori Cox moved to approve the FY09 Stewardship Council Budget. The motion was seconded by Roman Kohler. The motion passed 12-0.

### **Approve Fiscal Year 2009 Work Plan**

The Board reviewed the draft work plan at the October 6<sup>th</sup> meeting. Changes from that draft are noted in redline strikeouts in the meeting packet. David pointed to page 4, bullet 10 for changes

in the language regarding the Cold War museum. Ann Lockhart provided wording after the last meeting, which is now in this draft.

The Board had also asked David to incorporate a 'bucket list' of potential future work plan items, such as access restrictions, into the draft. David said he was unable to identify any other similar items, so he added language regarding future access restrictions to the 'Background' section of the Work Plan.

Lisa Morzel moved to approve the FY09 Stewardship Council Work Plan. The motion was seconded by Roman Kohler. The motion passed 12-0.

### **Discuss and Approve Policies Regarding DOE's Uranium Standards Petition**

At its October meeting, the Board expressed support for opposing DOE's petition to the Colorado Water Quality Control Commission (WQCC) to change the site-specific uranium standard. Staff recommended that the Board approve two letters – one to the Colorado Water Quality Control Commission (WQCC) and a second to DOE and CDPHE. The Board expressed initial support for this approach at the October meeting.

With these two letters, the Board would express its full support for the efforts of Broomfield, Westminster and Northglenn as participants in the WQCC process in opposing DOE. The second letter is offered as a way to proceed if the WQCC adopts DOE's petition. It states that if the standard is changed, the Board would like the site to still analyze what the monitoring results can tell them about how the remedies are performing. It also points out that, although the standard is based on risk, the Board knows that contamination levels are reflective of the effectiveness of the remedies onsite, and that there should be ongoing attention and tracking of any changes. David noted that at the last meeting, the Board did not engage in dialogue with DOE and the regulators on this issue, therefore they have been invited to respond to questions and concerns.

Shelley Stanley noted that the City of Thornton has now become a party to this effort. She passed along their request to be added to the letter. Sue Vaughan referred to the draft letter to DOE and the regulatory agencies. She said she would like to see more definition of the word 'benefits' in the second paragraph.

Shelley Stanley referred to the letter to the WQCC. On the second page, it refers to the current standard as 'hard to meet'. She asked how often this is a problem. David Abelson said that there were always questions about uranium at GS10 during cleanup, which is the reason that the treatment systems are in place. There is also a high level of natural background uranium, which is included when determining compliance with the standard. Shelley asked what the problem is if they have been meeting the current standard. David explained that the levels are much higher upstream, even though the site is mostly meeting the Point of Compliance standard. Scott Surovchak pointed out that the biggest problem has been the decrease in the volume of water onsite. They now have to depend on natural precipitation. When asked for any statement from DOE, Scott pointed out that they are simply following the WQCC process. Carl Spreng noted

that CDPHE's water quality control division will likely provide a response to DOE's submittal. He also pointed out that the site specific standard was set at a time when uranium was diluted in much more water and that the basis for the standard no longer exists. Vera Moritz with EPA pointed out that the MCL is the national EPA standard. She also pointed out that the WQCC is a fully authorized, independent body and EPA does not have role in this decision.

Jeannette Hillery paused to review the progress to this point in the discussion. First, she asked Shelley to see if Thornton would relay its request to be included in the letter directly to Stewardship Council. Second, she asked the Board for permission to add Thornton if this request is received. The Board agreed. She then asked if it was acceptable to have David draft examples of the 'benefits' in the second paragraph of the second letter, and email to the Board for review. The Board also agreed with this.

Shelley Stanley conveyed Northglenn's request that the second letter not be sent, and that the Board simply support the downstream communities actions. Karen Imbierowicz questioned whether the two letters should be sent at same time. David said that it would be a gamble either way. The Board does not want to give the WQCC an out, but also would not want to miss the window to influence DOE as their advisory group. He said that it is probably better to be on record ahead of time. Shelley stated that, if the downstream communities stay in communication with the Board, the second letter could still have impact if sent after the decision. Lori Cox suggested adding language to the first letter to the effect of, 'should the WQCC not accept our position, please allow us to comment further'. David said that this would be beyond the bounds of the WQCC. Lisa Morzel asked if the cities have a contingency plan in case the ruling goes against them. Shelley said they may reach a compromise in advance, or the commissioners may come up with compromise in their ruling. She also said that she liked Lori's suggestion about adding something to the letter. Kim Grant said he thought the WQCC will only be looking at DOE's petition and not crafting any sort of compromise. Jeannette Hillery said, based on her experience, she agrees with this. She said she also thinks it is best to notify DOE and the regulatory agencies of any positions in order to make sure they are all informed.

Lori Cox proposed that the Stewardship Council only send the first letter, and allow the downstream communities to decide at the hearing whether they would like to offer a compromise in light of how things are going at that time. Jeannette said that Commission Chair Paul Frohart will not want to be blindsided with changes at the last minute. Lori added that tipping their hand with the second letter is more info than they would care to give them, and that they would like to have the opportunity to make oral arguments at the hearing. Ron Hellbusch said he also thinks it would probably better to do one letter that is thorough and strong, and not give commission an out with the second letter.

Jeannette asked the Board if there was agreement on holding off on the second letter. Meagan David said that an option would be to remove the contingency from the second letter. David said that if this is what the Board wants, he will make the necessary edits. He added that the Board can always revisit this contingency at a later date pending communication from the downstream communities.

Lori Cox moved to approve the letter to the Colorado Water Quality Control Commission and add Thornton to the letter upon receipt of a request. The motion was seconded by Bob Briggs. The motion passed 12-0.

Lori Cox moved that the Stewardship Council not send the draft letter to DOE and the regulatory agencies. The motion was seconded by Bob Briggs. Karen asked what if there was a downside of not sending the second letter. David said that they would miss an opportunity to inform the agencies of their position, but they could be added as carbon copy recipients to the WQCC letter. He also cautioned the downstream communities not to wait too long to offer their contingency. The motion passed 12-0. Jeannette asked if the group would agree to carbon copy this letter to DOE, EPA and CDPHE. The Board agreed.

### **Update on NRD Fund Proposals**

This conversation is in follow up to the Board's discussion at the October meeting. Local government staff and community members have been meeting to develop a joint proposal and to address questions about State Land Board Section 16 adjacent to the southwest corner of Rocky Flats. Local government staff members were present to update the Board on those conversations.

Kristin Pritz from Broomfield presented the first update. In September, six communities, a nonprofit organization and a nonprofit consulting group submitted a total of eight sketch proposals to the Natural Resource Trustees. In response, the Trustees provided a detailed letter explaining how to make the proposals more attractive, including a suggestion that the groups work together to better coordinate their proposals, and bring down the total funding requests. At that time, the combined proposals were \$3.3 million above the available amount of funding. Since this time, the groups have toured Section 16, and engaged in discussions with GOCO and others. Based on the Trustees' feedback and the continuing research, there are now seven proposals and the combined amount has been reduced to \$4.7 million. The next round of proposals is due on November 17. There will be public presentations on December 4. Final proposals are due January 11, with a final decision scheduled for spring 2009.

Heather Cronenberg from Westminster discussed the proposals involving land acquisitions and highlighted the locations on a map for the group. Meagan Davis provided an update on the continued research into the options available for Section 16. She said it is a complicated situation and the parties are working to gather more information on existing encumbrances on this land. There is a 105-acre section of xeric tallgrass prairie that is of great interest to those involved in crafting proposals. Recently, a group including plant ecologists visited this area. Upon inspection, they confirmed that it is a very valuable piece of land. It is the oldest xeric tallgrass prairie terrace along the Front Range, and includes a long-term, stable plant community. The parties are now looking specifically at that area, along with additional acreage on north side (about 100 acres) for a possible conservation easement, and also as wildlife corridor. They are also working with Lafarge on suspending mining for fifteen years, which would allow time to negotiate a possible mineral exchange, or to turn over the property to federal management.

Next, Hillary Merritt from Trust for Public Lands discussed their proposal to acquire mineral estates under the NREL wind site to the northwest of Rocky Flats. Much of this 314 acre parcel is permitted for mineral extraction, but is not being mined at present. NREL has committed \$600,000 for the purchase of the mineral rights. This process is accelerated over some of the other NRD proposals because the NREL funding needs to be spent by September 2009.

The parties will keep David informed about upcoming public presentations. At the February Board meeting, the Stewardship Council will have an opportunity to weigh in on the final proposals being submitted to the Trustees. Kim Grant asked if the proposers plan to request \$4.7 million, or cut some of the proposals to match the \$4.5 million that is available. Kristin said that they are staying at this amount for now, but there will be tweaking before the final submittal. Roman Kohler asked about oil rights and Section 16. Meagan said that they are working on this, as it is a big issue that affects whole parcel. Kristin added that there are also two groups working together on proposals involving restoration.

### **Host DOE Quarterly Meeting**

DOE briefed the Stewardship Council on site activities for April – June, 2008. DOE has posted the report on their website and will provide a summary of activities to the Stewardship Council. Activities included surface water monitoring, groundwater monitoring, air monitoring, ecological monitoring, and site operations (inspections, maintenance, etc.)

John Boylan with Stoller began by discussing Surface Water Monitoring and Operations. There were no terminal pond discharges during the quarter. Average pond levels were at 16%. There was 3.4 inches of precipitation, which was 62% of the 1993-2007 average. Flow rates ranged from 0-8% of the average. Plutonium and americium levels were well below applicable standards. Water quality at all Points of Evaluation, except GS10, was below applicable standards. Reportable values for total uranium at GS10 continue to be observed and are likely caused by groundwater contributions of naturally-occurring uranium to South Walnut Creek.

At both the Original (OLF) and Present (PLF) Landfills, surface-water quality results triggered monthly sampling for selenium. Selenium was not detected in the third monthly samples at either locations and monthly sampling was discontinued.

Karen Imbierowicz asked for more information about the higher levels of selenium, and why there was no investigation done. John Boylan explained that monthly sampling was conducted for three months, and if there had been continuing high levels, this would have triggered an investigation. In this case, there were no higher levels detected.

Kim Grant asked why the site was conducting the dam breach activities. John said it was to return the site to a more natural condition, and to reduce unnecessary long-term surveillance and monitoring costs. Shelley asked which dams have already been breached. John said that C1 was breached in 2004, and A1 and A2 are in progress now.

John next discussed Groundwater Monitoring and Operations. All RFLMA wells and groundwater-related locations were monitored, including RCRA wells (quarterly), AOC wells (semiannually), Surface Water Support (semiannually), Sentinel wells (semiannually), Treatment systems (semiannually), Boundary wells (annually), and Evaluation wells (biennially). Results will be evaluated in the 2008 Annual Report.

At the Solar Ponds Treatment System (SPTS), Phase I upgrades are complete. Water intercepted by the Interceptor Trench System is now routed to a collection sump, and then pumped to the SPPTS for treatment. The treated effluent is discharged via a separate, non-perforated line. It still exits at the Discharge Gallery. There is a new metering vault for influent and a new discharge monitoring system to monitor treated effluent.

Rick DiSalvo next discussed the Colorado WQCC rulemaking. DOE prepared its first submittal, a prehearing statement. When the site-specific standard was enacted, there was not a statewide uranium standard. Natural uranium in groundwater is now a higher proportion of surface water than man-made uranium. In order to determine whether the uranium is natural or man-made, LANL sampling was completed in 2007 and 2008. Some of the analysis is still pending. The results to date show predominantly natural uranium, except at the SPTS Discharge Gallery. Final results will be posted on the Rocky Flats website.

Other issues being addressed by the WQCC include a review hearing for the Rocky Flats expiring Temporary Modifications (TMs), which is scheduled for December. DOE is recommending no changes until the Triennial review. The Triennial Review of the South Platte River Basin, for which a Rulemaking Hearing is scheduled for June 2009, may also address a new statewide basic arsenic standard which is below the site-specific standard.

The update on Site Operations was next. At the OLF, inspections were completed on April 30, May 29, and June 24. A vegetation inspection was completed on May 19. Seep #7 was dry throughout the 2nd quarter. Seeps #4 and #8 showed active groundwater seepage throughout the 2nd quarter. Slumping areas at the OLF continued to be monitored and no significant changes were seen. Settlement monuments were surveyed on June 26. Data was within expected range per the OLF Monitoring and Maintenance Plan. Consolidation monitors were surveyed on April 4, May 2, and June 5. There was no significant movement. Inclinerometers (set into bedrock 28-30 feet deep, measured in hundredths of inches) were measured from April 2 through 23, May 8 through 12, and on June 17.

The Present Landfill (PLF) is monitored quarterly. The quarterly inspection was completed May 29, the vegetation inspection was completed May 21, and the settlement monument surveys were completed June 21.

An Annual Site (Central OU) Inspection was conducted on April 14. This involved inspection and monitoring for evidence of significant erosion by conducting a visual observation for precursors of significant erosion and evaluating the proximity of any significant erosion to subsurface features. This project also involved evaluating the effectiveness of institutional controls (ICs) by looking for any evidence of violations, determining whether required signs are

in place and verifying that Environmental Covenant is in the Administrative Record and on file with Jefferson County (verified 4/8/08). Finally, they looked for evidence of any adverse biological conditions observed during inspection.

As part of this inspection, a team of Stoller and DOE employees divided the site into five areas, and walked the entire surface. No significant erosion was noted. They found some minor holes, small animal evidence, and depressions. These holes were filled in, and debris and trash was collected or flagged for pick up. No adverse biological conditions were noted. Also, there was no evidence of IC violations, and all signs were in place.

Lisa Morzel asked whether analyses were done when holes were found to look at material that may have been brought up by animals, called bioturbation. Rick said the holes were very minor, and that locations are logged and filled in, but they do not test any of the material. Lisa said she would feel better if at least some were analyzed. Rick added that one of the reasons that there is not significant concern is that the soil cleanup for plutonium and uranium was conducted to a depth of at least three feet.

Rick moved on to an update on the OLF investigation and path forward. Field work was completed in April and the Geotechnical Investigation Report was completed in June. CDPHE found the report acceptable and there was consultation on the path forward. The report was posted to the Rocky Flats website along with the Contact Record. Construction is taking place in the 4th quarter FY08 and the 1<sup>st</sup> quarter FY09.

The path forward includes several activities.

- Repair localized slumping/differential settlement by filling/grading.
- Fill/regrade west perimeter channel (east side slope) to reduce slope and improve stability.
- Two-foot berm height difficult – adjust height along length based on sub-basin model. (approximately 23% of berm lengths need several inches of soil)
- Conduct routine maintenance for observed ponding in berm channels – regrade high and low spots.
- Install extension to Seep #7 drain to direct water to buttress drain.

Shelley Stanley asked if they are using Rocky Flats soil as fill. Rick said the fill is Rocky Flats alluvium from the Hall–Irwin pit on the southwest part of the site, which is the same soil they used to construct the landfill covers. She also asked what ratio the west perimeter channel slope was reduced to. He said it was 4 to 1, and that the bottom of the channel will be raised.

### **Public comment**

There were none.

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

## 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

## May 4, 2009

### *Potential Briefing Items*

- Host LM quarterly public meeting
- Continue discussing interpretive signage for Rocky Flats
- Colorado WQCC triennial review of site water quality standards

Lori Cox asked if the budget process would start earlier in 2009, due to the proposed changes in the meeting calendar. David said it would. Kim asked about the procedure for determining Directors and Alternates for next year. David said this information will be handed out at the February meeting. Bill Fisher asked when the WQCC will be ruling. Jeannette said that she believes that the Commission offers its rulings at the time of the hearing. Bob Darr said he also thinks this is the case. Bill said, given that information, the Board will probably want to discuss the hearing results at the February meeting. David will add this to the agenda.

Kim Grant announced that the Rocky Flats Cold War Museum is close to finding storage space which they will use to work with collections, artifacts, photographs and papers, to begin to itemize and catalogue, and plan exhibits. They also have just received a commitment from the Arvada Center to do a major exhibition in the summer of 2010 for three months. This may be used in the future as a traveling exhibit, or a potential permanent exhibit.

At 11:10 a.m. Lisa Morzel made a motion to move into Executive Session for the purpose of discussing personnel issues, and to receive legal advice on such issues, as authorized under Sections 24-6-402(4)(b) and (f), C.R.S. Bill Fisher seconded the motion. The motion passed 12-0.

The Board reconvened from Executive Session at 11:30 a.m. and affirmed that no actions had been taken during Executive Session.

The meeting was adjourned at 11:30 a.m.  
*Respectfully submitted by Erin Rogers.*