

Rocky Flats Stewardship Council
Monday, February 2, 2009, 8:30 – 11:45 AM
Rocky Mountain Metropolitan Airport (formerly Jefferson County Airport)
Terminal Building
11755 Airport Way, Broomfield, Colorado

Board members in attendance: Lorraine Anderson (Director, Arvada), Clark Johnson (Alternate, Arvada), Lisa Morzel (Director, Boulder), Matt Jones (Alternate, Boulder), Meagan Davis (Alternate, Boulder County), Lori Cox (Director, Broomfield), Bill Fisher (Director, Golden), Faye Griffin (Director, Jefferson County), Kate Newman (Alternate, Jefferson County), David Allen (Alternate, Broomfield), Shelley Stanley (Alternate, Northglenn), Andrew Muckle (Director, Superior), 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), Shirley Garcia (Director, Rocky Flats Cold War Museum), Don Rohlf (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: Vera Moritz (EPA), John Dalton (EPA), Carl Spreng (CDPHE), Kristan Pritz (Broomfield), Cathy Shugarts (City of Westminster), Steve Berendzen (USFWS), John Boylan (Stoller), Rick DiSalvo (Stoller), Bob Darr (Stoller), Zane Kessler (Sen. Bennett), Jim Schmidt (City of Boulder), Amy Ito (Jefferson County Open Space), Ann Lockhart (Rocky Flats Cold War Museum), Jennifer Bohn (RFSC accountant).

Convene/Agenda Review

Chair Lorraine Anderson convened the meeting at 8:35 a.m. There were no changes to the agenda.

Business Items

The first order of business was the election of officers for 2009. The Board's bylaws call for such an election each year. The term for new officers will begin at this meeting and continue through the first meeting of 2009. Lisa Morzel nominated Jeannette Hillery as Chair. This was seconded by Andrew Muckle. Jeannette Hillery nominated Lori Cox as Vice Chair. Bob Briggs seconded this nomination. Lisa Morzel nominated Bob Briggs as Secretary/Treasurer. This was seconded by Jeannette Hillery. All positions were approved by acclamation. At this point, Jeannette Hillery took over as Chair of the meeting and thanked Lorraine Anderson for her service as Chair.

Roman Kohler moved to approve the November 3, 2008 minutes. The motion was seconded by Lisa Morzel. The motion passed 12-0.

Bob Briggs moved to approve the checks. The motion was seconded by Lori Cox. The motion passed 12-0

Barb Vander Wall noted that, as unit of local government, the Stewardship Council is required to approve meeting times and dates each year. Lorraine Anderson moved to approve the resolution regarding 2009 Meeting Dates and Notice Provisions. The motion was seconded by Lori Cox. The motion passed 12-0.

At the November meeting, the Board directed staff to draft letters to the new members of the Colorado Congressional Delegation congratulating them on their election and informing them about Rocky Flats and the Stewardship Council. The letter was drafted, vetted with the Board and mailed in January, 2009. Formal approval is now required. Lori Cox referenced a sentence referring to lands to be transferred and asked David for an explanation. He said that some of the parcels still need to have their titles cleared regarding mineral rights. This is a lengthy process but is underway now. Roman Kohler moved to approve the letters sent to the new Congressional delegation. The motion was seconded by Lorraine Anderson. The motion passed 12-0.

Executive Director's Report

After welcoming new members of the Stewardship Council, David noted that staff is still waiting for clarification of directors and alternates from some of the member entities.

David provided an update on a bill sponsored by State Representative Wes McKinley that is being considered by the Colorado legislature. This bill focuses on providing cautionary language in signs to be posted at the Rocky Flats National Wildlife Refuge. David explained Rep. McKinley's background as Foreman of the Rocky Flats Grand Jury during the early 1990's. This bill came up for hearing two weeks ago. Lorraine Anderson and Jeannette Hillery testified against the bill. They both noted that they heard a great deal of misinformation at the hearing and pointed to the importance of the Stewardship Council's existence and ability to correct the record about the facts pertaining to Rocky Flats. Lorraine also noted that not a single person supporting the bill mentioned that the USFWS had already posted entrance signs. Lisa Morzel asked why this bill was being discussed. Lorraine responded that it may be motivated by feelings based on past experiences with Rocky Flats and also a fear factor related to the history of the site. Lisa wondered how the Stewardship Council could reach out as a resource before this topic comes up again. David Abelson noted that USFWS has developed specific language for signs since the last time this bill was introduced. The Board discussed sending a letter in November with important information pertaining to this bill prior to a vote in case it comes up again.

David noted that the Colorado Water Quality Control Commission made a ruling on Rocky Flats' uranium standard petition and that DOE will discuss this during their quarterly update later in the meeting.

David next summarized the changes in Colorado's congressional delegation, including the appointment of former Senator Ken Salazar as Secretary of the Interior and the Governor's appointment of Michael Bennett to take over Salazar's seat. David said that the Stewardship Council will not be meeting with the Interior Department quite yet, as this agency is in flux currently. Many positions are not filled, and other officials are still getting up to speed on the issues. He did encourage local government representatives to talk with Interior about funding for the Rocky Flats Refuge, and to communicate that the Refuge needs not simply a one year bump, but an ongoing commitment.

Next week, David will be attending an ECA conference in Washington, D.C. He will also meet with Senator Udall's staff, other Colorado representatives, and DOE Legacy Management. Four of Colorado's six representatives are new to Congress; therefore, much institutional knowledge was lost.

David addressed the frustration revolving around the Department of Labor's implementation of the Energy Employees Occupational Illness Compensation Program Act (EEOICPA). He noted that staff from Senator Udall's office, which has been leading attempts to help Rocky Flats workers, has highlighted the need to start thinking differently about this problem. A meeting is scheduled for later in the week to bring new members of Congress up to speed on this issue and to look ahead on how it can best be addressed.

In other Stewardship Council business, all member governments have approved the Board's Intergovernmental Agreement, as required on a triennial basis (with the exception of the City of Westminster, which will address on February 9). David also noted that he emailed copies of the Board's financial statements for last quarter. Jennifer Bohn will be sending out annual information about Board dues and Barb will circulate oaths of office for signature.

Lorraine Anderson said that she read in the newspaper that Sen. Udall is creating a new organization to support Rocky Flats workers. She asked if the Stewardship Council could be involved in some way. Jeannette asked Roman Kohler if he knew anything about this organization. Roman said his understanding was that Sen. Udall plans to seek the assistance of his fellow Senators to bring about a bill related to this issue.

Lisa Morzel asked what will happen to former Senator Salazar's 'Beyond the Fences' initiative now that he holds the Interior Secretary position. Zane Kessler with Senator Bennett's office responded that the new Senator has expressed an interest in continuing this effort and that the Working Group is still holding monthly meetings. Lisa expressed her approval and asked Zane to tell Sen. Bennett that the Stewardship Council is happy to have him on board.

Bill Fischer asked how the Stewardship Council can support efforts to spread fact-based information about Rocky Flats, and how members may be authorized to address these discussions. David Abelson said that the Board has scheduled a thorough briefing on the Rocky Flats cleanup for the April meeting. This is intended as a way to take a step back and make sure all Stewardship Council members really understand the facts of the cleanup project. He also

pointed to the Stewardship Council's briefing papers which are available on the website as a good source of information to use with constituents. He will continue to think of other methods for spreading this information. Bill also asked if any of the language in McKinley's bill makes sense. David said that there are some important things, such as the need for people to understand Rocky Flats' history as a former weapons site, the history of cleanup, and long-term management needs.

Public Comment

There was none.

Review Draft Washington, D.C. Talking Points

In the coming months, Board members and staff will meet in Washington, D.C. with members of Congress, their staffs and DOE. To ensure that their messages will reflect the position and policies of the Stewardship Council, the Board will approve talking points for their meetings.

Lori Cox made a suggestion for the first section, #3, Background General. She thought the words 'provide public oversight' would be better than 'advise DOE'. Lorraine Anderson suggested keeping both phrases, and Lori was fine with that option. Ron Hellbusch suggested adding a talking point about the possibility of obtaining stimulus funding for projects that are construction-related. Lorraine Anderson said she agreed with Ron's suggestion and, although it does not have to be tied to the stimulus, an influx of one-time money would be useful. Sue Vaughan noted that it is important for this group to have a consensus on its role in relation to DOE. Lisa Morzel said she agreed with this point because the Stewardship Council has received criticism in the past regarding this role. Lorraine pointed out the Stewardship Council decided not to become an official Federal Advisory Committee Act group in order to retain a level of independence, which many other groups around the country do not have. Lisa suggested clarifying this distinction to the new representatives in Washington. Jeannette said that this point is addressed in Talking Point #1.

Lorraine Anderson moved to approve the talking points. The motion was seconded by Lisa Morzel. The motion passed 12-0. David will circulate the revised talking points to all members so they can be used by anyone if necessary.

Approve Recommendation Regarding Natural Resource Damage (NRD) Fund Grants

Local government staff and community members have developed a joint grant to be funded through the NRD Fund. The Board has discussed and reviewed the framework of these proposals at previous meetings. At this meeting, the Board will be briefed on the final proposal.

David Abelson noted as that the various participants in this grant process are now looking at multi-phased approach, based on issues that have come up during the process.

David briefed the Stewardship Council on the latest modifications to the proposals being submitted to the Trustees. Boulder's proposal for prairie and habitat projects was increased to \$150,000 (was \$75,000). Also, since it has been determined that the issues related to Section 16 will take a lot more dialogue and time to address, the parties agreed that putting this in the NRD request was premature. Work on the Section 16 issues is ongoing and will continue to be addressed in a later phase. Broomfield's funding request for an Open Space purchase was also removed from the proposal because the property owner wanted more than fair market value. Westminster's proposal has been increased by \$88,000 for re-vegetation. The new total for the combined proposal is approximately \$2.45 million and was submitted to the Trustees last week.

David Abelson strongly recommended that the Board endorse this submittal. Lorraine Anderson moved that the Board support the proposed NRD projects. Lisa Morzel seconded the motion. The motion passed 12-0. David Abelson will draft the Board's letter of support and will circulate via email.

Asked when Phase 2 might begin, David Abelson pointed out that there are many unknown factors at this point. Kristin Pritz (Broomfield) said that the Trustees' decision is expected in late spring and that she will keep the Stewardship Council updated on the project. Meagan Davis said that these proposals are a nice package that will accomplish what the NRD funds were intended. Matt Jones expressed his appreciation to Kristin for all her work.

Discuss Interpretative Signage for Rocky Flats

The USFWS' site conservation plan for Rocky Flats includes commitments to place interpretative signage at various locations in the Refuge. Those signs will include information about the history of the site as a nuclear weapons facility, the remediation project and ongoing management requirements. The Stewardship Council's conversation will focus on identifying the types of information regarding history of the site and the remediation project that it believes USFWS should include in their signs.

David began by providing some context for this discussion. During cleanup, one of the important community issues was the long-term retention of information about Rocky Flats. This included the use of institutional controls and the education of successive generations. When the Conservation plan was developed, everyone agreed there was a need to inform Refuge visitors about the history and special circumstances of this site, notably the DOE-retained lands in the center. USFWS developed signage for the entrance and DOE has posted basic signs around the areas that it controls. The Stewardship Council has also discussed how information onsite can be used to lead to additional information offsite. Starting today, the idea is for the Board to focus only on information related to the DOE mission at Rocky Flats (i.e. not to focus on wildlife or recreation issues), to discuss and debate signage ideas, and then to codify and send recommendations to USFWS.

David noted that there will be six access points across all four sides of the Refuge. He suggested that the Board begin with brainstorming about what type of information should be conveyed to visitors. These ideas can then be refined to determine how best to communicate them. He added

that the Board would like to inform, not warn and should not overwhelm Refuge visitors with information.

Lori Cox said she was confused about what the role of the Stewardship Council is or should be in this process. David noted that although the Stewardship Council did not exist when the Refuge CCP was developed, USFWS has said they wanted to work with community in developing these plans. As the Rocky Flats LSO, a core part of the Stewardship Council's role and mission is to inform and educate the public about the site. The issue of Refuge signage has been in the group's Work Plan. The only concern of USFWS at this point is that they do not have funding to commit to working on this issue.

Lori also asked about how much liberty USFWS has in terms of signage. Steve Berendzen said that the agency tries to follow the CCP as closely as they can. He strongly encouraged the Stewardship Council to work in coordination with them, and said he does appreciate the help. He said USFWS quite often cooperates with partners to do things such as this. David Allen said he thought it will be helpful to focus on specific kinds of signs. He also posed the question of how important the topic of cleanup will be years from now.

Andrew Muckle suggested a Colorado historical organization as a potential funding source if necessary. He also said web links are probably a better choice for signs rather than providing telephone numbers for more information. He added that it would be great to have a multimedia presentation available to the public. Lorraine said she thought Kaiser Hill had produced a video addressing the cleanup. She also responded to David Allen that the cleanup of Rocky Flats site is one of most important things that ever occurred in the U.S. She said that there is a whole community of workers that needs to be recognized, and their story must be told; without that, Rocky Flats does not mean much. Lisa Morzel said she agreed. She added that it would be a good idea to use graphics as part of the message. She also would like to see an emphasis on the ongoing monitoring. Megan Davis said she also agreed with these points, and that the message should also emphasize that there was continuous involvement of local communities and governments in the cleanup decisions.

David Allen said fully agreed that cleanup should be recognized, but that there was a danger of sending mixed messages by raising questions in the public's mind. Lorraine pointed out the need to explain that the DOE fenced areas are not in place to protect the public, but rather to protect the remedies. Sue Vaughan added that it is also important to consider the audience and what they need from a sign versus what the Cold War Museum can handle in more depth. Jeannette said that the museum will help identify these issues. Shirley Garcia confirmed that Museum planners are working on developing Rocky Flats storylines for an upcoming exhibit and hope to be done by the end of summer. She said they will continue to work on collaboration with this group. Lisa Morzel commented that Rocky Flats environmental monitoring activities could be great educational tools for children.

David Abelson asked the group to focus on what to convey and why, and to what extent and depth. David Allen suggested putting up panels of before and after photos with historical descriptions at various locations. Bob Briggs said he is currently working on materials for the

100th anniversary of the City of Westminster. They have decided on developing a historical timeline, and that this may be a good way to approach presenting the history of Rocky Flats also. Andrew Muckle asked if there is an existing map showing where signs may be placed. Steve Berendzen said he did not think the CCP was that specific, but that USFWS can provide feedback during the process. He said the agency could assign one of their specialists from the Regional Office to work on this project and attend future meetings. Steve added that there are some general sign plans, but no specifics. David Allen said it is too early to suggest specific content. David Abelson agreed, but said that the group needs to start somewhere. Matt Jones said that there is a science behind this kind of signing. For example, one study showed that people spend an average of eight seconds at entrance signs. He added that in most cases, specialists who are trained in creating signs will produce a draft, and then people will comment on that. Jeannette Hillery said she would like to see what kind of language is used on the signs at the Rocky Mountain Arsenal. Sue Vaughan suggested that the group also think about programs and background packets for educational visitors.

Host DOE Quarterly Meeting

DOE briefed the Stewardship Council on site activities for July through September, 2008. DOE has posted the report on their website at www.rfets.gov. Activities included surface water monitoring, groundwater monitoring, ecological monitoring, and site operations.

Surface Water

George Squibb began by discussing Surface Water activities during the Third Quarter. There were no pond discharges or transfers, and pond levels were at about 14.4% of capacity. Dam breaches at ponds A1 and A2 are nearly complete, and are ongoing at B1-B4. All construction and erosion controls are expected to be installed by mid-March 2009. Lisa Morzel asked what the reason was for breaching the dams. George said that dams are regulated by the State, so breaching will reduce costs. It will also return the site to a more natural state.

There was over four inches of precipitation during the quarter. Flow rates ranged from zero to 15%. 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 probably caused by groundwater contributions of naturally occurring uranium to South Walnut Creek.

At the Original Landfill, surface water quality results during the second quarter of 2008 triggered monthly sampling for selenium. Selenium was not detected in the third monthly sample collected during the quarter, so monthly sampling was discontinued. At the Present Landfill, surface water quality results triggered monthly sampling for vinyl chloride. Vinyl chloride was not detected in the first monthly sample, so this monthly sampling was also discontinued. Lisa Morzel asked about the higher uranium levels and whether DOE is performing isotopic analyses. George said they are, and are finding 77% natural uranium. This is about the same ratio as at the end of closure.

Groundwater

John Boylan presented the update on groundwater activities in the third quarter. All RCRA wells were monitored and the results will be evaluated in the 2008 Annual Report. The Solar Ponds Passive Treatment System (SPPTS) effluent is now monitored at “SPOUT”. The effects of Phase I upgrades on effluent water quality include the following:

- Flow to the SPPTS has approximately doubled, reducing residence time within the media.
- Concentrations of nitrate have doubled to tripled (load has increased approximately 4 to 6 times).
- Concentrations of uranium have increased by approximately 50% (load has increased approximately 2 times).

Based on original treatment studies and SPPTS performance data, reduced treatment was anticipated. Nitrate levels are now approximately 20 times those of University of Waterloo studies (which removed approximately 60% of nitrate). Rocky Flats is targeting 98% removal. Heavy snowmelt in the winter of 2006–2007 increased flow, thereby reducing treatment. Current conditions include higher flow and higher concentrations.

As a result of increased nitrate and uranium load and shortened treatment time, treatment effectiveness is reduced and effluent concentrations are above target levels. The system effluent and discharge gallery water quality are essentially the same (effluent is no longer re-contaminated before discharge). DOE has consulted with the regulators and the phased path forward continues to be followed. The rejuvenation of existing media is being evaluated.

John reviewed the four phases of the SPPTS Path Forward. Phase I was to collect additional contaminated groundwater and route it through treatment cells. This is complete. Phase II involves installing a new uranium treatment cell as a first treatment step toward ensuring that future downstream nitrate treatment media will not be radioactive waste. Construction is set to begin in mid-February and should be completed by March 31, 2009. Phase III includes defining and performing a pilot-scale study to identify preferred nitrate treatment media (inert, plastic media with brewery byproduct as carbon source, and walnut shells infused with vegetable oil). Construction is set to begin in March and be completed in late April. Finally, Phase IV will involve combining findings from Phase III (media) and flows measured since the completion of Phase I to design and construct a full-scale nitrate treatment cell.

Bill Fischer asked if there is something that could change the path forward. John said they will continue through at least through Phase III, and probably Phase IV as well.

Water Quality Control Commission

Rick DiSalvo next presented an update on the status of Rocky Flats proceedings with the Colorado Water Quality Control Commission (COWQCC). There was a hearing on January 12 regarding the Rocky Flats petition to adopt the statewide basic uranium standard, which will become effective in March. At this hearing, the COWQCC recognized that changed conditions warranted revision and also said that a mistake was made in promulgating the statewide Uranium

standard in 2005. They said they should have applied a ‘hyphenated standard’, with a range from 16.8 to 30 µg/L. Therefore, the statewide uranium standard will be clarified. For Rocky Flats, the Commission revised the site-specific uranium standard to 16.8 µg/L (approximately 11.5 pCi/L), which is a health-based standard. Rick noted that a higher ambient-based standard may be addressed in the future, based on data and what is practical. The Commission also removed gross alpha and gross beta standards for Rocky Flats, as specific radionuclides (uranium, plutonium, and americium) are being monitored.

Rick also updated on the status of Rocky Flats’ expiring Temporary Modifications (TMs) Annual Review. At a hearing in December, the current Rocky Flats TMs (six VOCs, nitrate/nitrite) and the expiration date (December 31, 2009) were retained.

The final process affecting Rocky Flats is the Triennial Review of the South Platte River Basin. A Rulemaking Hearing is scheduled for June, 2009. Potential Rocky Flats issues include the expiring Rocky Flats TMs, as well issues relating to standards for nitrates and arsenic. Rick explained that the SPPTS upgrades should reduce nitrate loading to North Walnut Creek, but the site may not meet the 10 µg/L standard by December 31, 2009. Also, the new statewide basic standard for arsenic (0.02–10 µg/L) is below the site-specific standard (50 µg/L)

Lisa asked Rick to explain the difference between natural and manmade uranium, and discuss their toxicity to humans. He explained the difference between the isotopic signatures, and mentioned depleted and enriched uranium. Rocky Flats used enriched uranium in its criticality test facility, but most of the uranium used at the site was depleted uranium. LANL analysis shows that the enriched uranium component of Rocky Flats samples is much less than 1%. Bill Fisher asked for more information about the arsenic standard. Rick said that the Rocky Flats standard is 50 µg/L. The site has only seen levels above the 10 µg/L statewide standard on occasion, so they do not think that meeting the State standard would be problem. Carl Spreng added that the earlier question about toxicity of uranium would refer to its effect on kidneys, and that the isotopic signature would not affect this.

Site Operations

Rick moved on to an update on Site Operations. Inspections were conducted at the Original Landfill on July 30, August 25, and September 30. A vegetation inspection was completed on August 8. Seep #4 was saturated during July and August, and showed a surface flow of approximately 1 gallon per minute (gpm) during September. Seep #8 showed a surface flow of approximately 1–2 gpm throughout the third quarter. Seep #7 was dry throughout the third quarter. CDPHE approved the design for a Seep #7 Drain Extension on September 2. The project was started on September 3, and completed on September 10. The drain was extended and tied in with the existing drain.

The site also completed a Berm Regrade Project at the Original Landfill. Rocky Flats Alluvium was added to the tops of berms to obtain minimum berm height requirements. Troughs of berms, where ponding was occurring, were regraded. The project was started on September 16, and finished on September 24.

Also at the Original Landfill, Settlement monument E was installed on September 11. All Settlement monuments were surveyed that day, and data were within the expected range per the Original Landfill Monitoring and Maintenance Plan. Consolidation monitors were removed in July. Inclinometers were measured on July 17, August 27, and September 25-30. No significant displacement was observed.

At the Present Landfill, the quarterly inspection was completed on August 24, the vegetation inspection on August 18, and the settlement monument surveys on June 21.

Lisa Morzel asked how much movement the settlement monuments showed. Rick said that the expected range is modeled in the design calculations, and is specific to each exact location. He said none have exceeded the expected settlement, which is about a foot.

Public comment

There were none.

Updates/Big Picture Review

Lorraine reported some news from ECA. She said one of the stimulus budget items is for nuclear cleanup. The House version has \$500 million, while the Senate has \$6.4 billion. She asked that everyone contact their House members to support an increase closer to the Senate version. David Abelson noted that part of the impetus for this additional funding is because the last federal budget had DOE funding levels that were \$1.3B below the basic compliance requirements. Lisa Morzel asked if the Stewardship Council might send a letter in support of this funding as a measure of goodwill. Lisa moved that the Stewardship Council send a letter in support of an appropriation closer to the Senate amount to help remediate nuclear sites. Lorraine Anderson seconded the motion. The motion passed 12-0.

April 6, 2009

Potential Briefing Items

- Overview of Cleanup
- Continue discussing interpretive signage for Rocky Flats
- COWQCC triennial review of site water quality standards

June 1, 2009

Potential Briefing Items

- Receive RFSC 2008 Audit

Potential Briefing Items

- Host LM quarterly public meeting
- Continue discussing interpretive signage for Rocky Flats
- Report on NRD Fund Awards

Staff noted that they will try to schedule the group's annual Rocky Flats tour in June. David Allen asked if there would be an update on the meetings in Washington, D.C. David Abelson said he would cover that in the Executive Director's report.

The meeting was adjourned at 11:35 a.m.

Respectfully submitted by Erin Rogers.