

ROCKY FLATS STEWARDSHIP COUNCIL

Monday, February 7, 2011, 8:30 AM – 11:45 AM

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

Board members in attendance: Maria VanderKolk (Alternate, Arvada), Lisa Morzel (Director, City of Boulder), Meagan Davis (Alternate, Boulder County), Lori Cox (Director, Broomfield), David Allen (Alternate, Broomfield), Greg Stokes (Alternate, Broomfield), Bill Fisher (Director, Golden), Faye Griffin (Director, Jefferson County), Sheri Paiz (Director, Northglenn), Shelley Stanley (Alternate, Northglenn), Chris Hanson (Alternate, Superior), Bob Briggs (Director, Westminster), Mary Fabisiak (Alternate, Westminster), Jeannette Hillery (Director, League of Women Voters), Shirley Garcia (Director, Rocky Flats Cold War Museum), Ann Lockhart (Alternate, Rocky Flats Cold War Museum), Roman Kohler (Director, Rocky Flats Homesteaders), Arthur Widdowfield (citizen).

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

Attendees: Mickey Harlow (citizen), Anne Fenerty (citizen), Vera Moritz (EPA), John Dalton (EPA), Carl Spreng (CDPHE), Scott Surovchak (DOE-LM), Joe Legare (Stoller), Bob Darr (Stoller), Rick DiSalvo (Stoller), Jeremiah McLaughlin (Stoller), John Boylan (Stoller), Linda Kaiser (Stoller), John McCord (Stoller), Lynn Bowdidge (Stoller), Cathy Shugarts (Westminster), Tamara Moon (Northglenn), Stuart Feinhor (Rep. Polis).

Convene/Agenda Review

Chair Lori Cox convened the meeting at 8:37 a.m. The first item was introductions of attendees. She then asked if there were any suggested changes to the agenda, and there were not. The next item was the election of officers for 2011. Lori took moment to say how much she had enjoyed her term as Chair. David Abelson announced those members who had expressed interest in serving as officers -- Bob Briggs for Chair, and Lisa Morzel, Jeannette Hillery, and Sheri Paiz for the Vice Chair and Secretary/ Treasurer positions. He then asked if anyone else was interested. No one replied. David asked for confirmation that those who had expressed interest were still interested, and they were. The Board was asked to vote for Chair, and Bob Briggs was the unanimous choice. For Vice Chair, the nominees were Jeannette Hillery, Lisa Morzel and Sheri Paiz. Sheri requested to be taken off the ballot for this position. After voting, the results were Jeannette (3) and Lisa (8). Lisa Morzel was elected as the new Vice Chair. Jeannette Hillery then withdrew her name for the Secretary/Treasurer position. Sheri Paiz was elected unanimously. Lisa Morzel thanked Lori for her excellent service as Chair for the past year.

Bob Briggs took over as Chair of the meeting, thanking Lori for her work. David Abelson introduced a new Board member from the City of Westminster, Mary Fabisiak. Mary has been in the Public Works department for six years. The next item on the agenda was for the Board to approve a resolution regarding 2011 meeting dates and notice provisions. Lori Cox moved to

approve the resolution and meeting notice provisions. The motion was seconded Lisa Morzel. The motion passed 11-0.

Lori Cox moved to approve the November Board meeting minutes and checks. The motion was seconded by Roman Kohler. The motion to accept the minutes and checks passed 11-0.

Executive Director's Report

David Abelson provided several updates to the Board. He announced that he would be attending the Energy Communities Alliance meeting the following week on behalf of Stewardship Council. He said that although there is not a significant focus on Legacy Management at these meetings, they are a good opportunity to dialogue with people from other communities. While in Washington, D.C. for this meeting, David will also meet with DOE-LM Director Dave Geiser. He will discuss the upcoming review of the Stewardship Council's role as the Local Stakeholder Organization (LSO) at Rocky Flats. David said he had already spoken with Scott Surovchak about this issue. David said these discussions have a lot of implications, including continued funding for the Board. He said he did not think that DOE has put much thought into how their LSO review will look, but based on his conversation with Scott, believes DOE will look at the enacting legislation and determine whether the group is meeting its goals. He said the Board will begin discussing this topic in June and that it will tie in with the triennial review. Lisa Morzel asked if David thought there would be any real changes in what DOE might expect from this organization. David said he did not. He added that there are some things from the original guidance that are now complete (e.g., approval of cleanup documents and adoption of the post-closure regulatory agreement). Lori asked if DOE would be looking at the Stewardship Council work plan to review its activities. David explained that in 2005, the creators of this group took the legislation and identified the steps necessary to implement its goals. He referred to the LSO organization plan, which could be found in the meeting packet. He also pointed out how the Board separated LSO and non-LSO activities. The sections in bold were taken directly from the legislation, and those in italics were the Stewardship Council plans.

David next noted that Doug Young, previously with Senator Udall, had taken a position with Governor Hickenlooper. David said it will be a good thing to have someone in the governor's office who understands Rocky Flats issues. Lisa Morzel asked who took over Doug's position with Sen. Udall. David said this person had not been named. He also pointed out Stuart Feinhor from Rep. Polis' office and noted that, historically, the representative from this district has taken the lead on Rocky Flats issues.

The Board had asked for an update on NRD claims. David said he had been sending out information on this topic from Carl Spreng. There will be an update at the Board's June meeting. There will also be some discussion about the Jefferson Parkway at this meeting. David specified that the Board will only speak about the proposed tollway as it relates to Rocky Flats, and will not debate or take a position on whether or not to build the road. In its work plan, the Board determined it would answer questions if any issues arise as to Rocky Flats, but would not get involved in the decision. David said one question the Board may discuss is plans for the money that the Parkway Authority would pay to DOE for the right-of-way purchase. Although slated to go into the general treasury, the Board may consider whether it would want to advocate for a

specific use of these funds. Another aspect that the Stewardship Council may weigh in on is anything related to the provision of data regarding the cleanup and current conditions of the area in question. David said that the Board would arrange a briefing about monitoring in the eastern buffer zone.

Maria VanderKolk noted another issue. She said Arvada has some concerns about monitoring stations that are currently in the right-of-way area and what will happen once the parkway is built. Lori Cox said that at some point, it might be necessary for the Stewardship Council to make some sort of statement about safety concerns. She added that the issue comes up at DRCOG meetings frequently, and that they look to these members for input. Lisa Morzel said that this group needs to see the data first about moving Points of Compliance (POC), which goes hand-in-hand with briefings on the ponds. David noted that if DOE had not already talked about moving the POC's, the answer would probably be that they would just be moved 300 feet west to align with the new boundary. However, since there are other discussions, it can be a separate issue. Sheri Paiz said she had previously stated she did not want to take position on the parkway. Lori clarified that she was not asking that that Board take a position on the building of the parkway, rather that members consider taking the position that the new location of the POCs should not be part of discussion of whether to build or not to build. David said there is also interest in contamination issues related to moving dirt for construction of the parkway. Utilizing objective information, the Board could provide an assessment regarding this question. Lisa Morzel said that they still need monitoring data and then this body can address the facts. She said she does not want it to be a political issue. Chris Hanson said that Superior has the same concerns, and that they want to be involved in all discussions.

David said that he had recently distributed quarterly and annual financial reports to the Board. He also mentioned a letter from Broomfield that was sent to CDPHE, and said it aligned with proposed Washington, D.C. talking points that the Board would discuss later in the meeting.

Board attorney Barb Vander Wall distributed annual oaths of office to Board members and asked them to sign, have witnessed and return to her. She said members could also send them to her after the meeting.

Public Comment

Mickey Harlow (Arvada citizen) referred to the Board's November meeting minutes, and said she agreed with Lisa Morzel that it was disappointing that more people from the public did not attend these meetings. She said that that posting notices with city clerks is not enough public notice. She suggested that the group take a look at the local 'Hub' inserts The Denver Post. She said she was happy to hear that the Board will be attaching public comment statements to meeting minutes and adding them to website. She was disappointed that there was no action yet regarding posting these comments on the website. (Update: all public comments submitted since June 2010 have been added to the Stewardship Council's website. Mary Harlow's comment is posted on the Stewardship Council website at: http://rockyflatssc.org/public_comment.html)

Ann Fenerty (Boulder citizen) said she supported Mickey's statements. She said she gave the Board a copy of an article published in *Physics Today* last year about this time. She said she

would like to have that posted along with other public comments. She said local governments are not concerned about contamination, but many people are. She said a 'MARSSIM' analysis was not done at Rocky Flats and there was not a scientific evaluation of the cleanup. She was also concerned about pond C-2 being breached. (The article Anne Fenerty submitted is posted on the Stewardship Council website at: http://rockyflatssc.org/public_comment.html)

David Abelson responded to Mickey that, as requested, written public statements have been attached to the meeting minutes, both in board packets and on the website, since April. He said she was right about the public comment component of the website. Although plans had fallen by the wayside, he will make sure this gets done soon. Mickey said she did not hand out written comments, and that they are condensed in the minutes. She said these should be on website as well. David said members of the public should let him know how they would like their comments to be handled. Mickey said she recommend that they follow the recommendations in David Geiser's letter. Shirley Garcia said she liked idea of putting comments on the website. (Update: As noted above, this problem has been fixed.)

Lisa Morzel said she was not familiar with the 'Hub' insert. Maria VanderKolk said it is called 'Your Hub', and comes out every Thursday. She said there is no cost, but the paper decides which items to run. At minimum, submittals will be included in the online version. David said he would follow up about this.

Host DOE Quarterly Meeting

DOE was on hand to brief the Stewardship Council on Rocky Flats activities for the third quarter of 2010 (July-September). DOE has posted the full report on its website. Activities for the quarter included surface water monitoring, groundwater monitoring, ecological monitoring, and site operations (inspections, maintenance, etc.).

Surface Water Monitoring – George Squibb

Beginning in July, the site discharged Pond C-2 for first time in years. Transfers from A-3 to A-4 also were made as part of flow-through operations. At the end of the quarter, pond levels were about 15% of capacity, and A-3 has been empty since the end of November. George said they would probably discharge A-4 and B-5 before spring runoff begins. They will take them down to about 10%, as low as they can go. After a pretty wet spring of 2010, July through September was pretty dry; this resulted in low flow conditions.

Performance monitoring at both the Original and Present Landfills (OLF & PLF) showed that surface water quality results were all below standards for the quarter. These were the results of grab samples only; results for the composite sample started on July 1, 2010 are pending.

George next discussed Point of Evaluation (POE) monitoring results. An exceedance was identified as part of the collection of samples for the 12-month rolling average for plutonium at SW027. DOE reported these results preemptively, and the next sampling did not change the calculation of the average at .6 pCi/L (well above the .15 pCi/L standard). Details can be found in contact record 2010-06. Since plutonium and americium primarily only move when attached to suspended solids and sediment, actions to address the exceedance involved looking for areas

with exposed top soil in the drainage. Remedies included adding wattles and revegetation, in order to make the low level residual contamination more immobile. As part of the 903 pad cleanup in this area, 300 acres were stripped of vegetation and topsoil. Lisa Morzel asked much topsoil was removed. George said it was about a foot on the lip area, and up to 13-15 feet on the pad area itself. Lisa asked if the excavation hit bedrock. Scott said he was not sure, and that they kept removing soil until the soil tested below regulatory standards and then sampled and confirmed. He said they have some photos and videos they can share. Rick DiSalvo explained that the wattles used were very heavy (Filltrex), and basically serve as living berms. They also used permanent type erosion mats. He said they would show this area on the next tour. Scott said it has really grown in well, and almost looks like it has not been disturbed. Additional information is on the website, including an August status report, maps and photos.

Water quality at all other POEs was below applicable standards during the quarter.

Groundwater monitoring – John Boylan

John noted that the third quarter is a light sampling quarter. All 10 RCRA wells were sampled. Results were reviewed in accordance with the RFLMA Attachment 2 decision flowchart and will be evaluated in the 2010 annual report.

Additional (non-RFLMA) monitoring included several locations associated with the Mound (MSPTS) and East Trenches (ETPTS). As reported in previous quarterly meetings, the samples support consultation and evaluation of system performance. System effluent contained some constituents above RFLMA Table 1 levels.

Treatment was found to be most effective at low-flow rates (high residence time), and less effective at high-flow rates (low residence time). Second-quarter flows represented relatively higher flow rates. Flows decreased into third quarter, and concentrations in system effluent similarly decreased. Evaluation will be included in the 2010 annual report.

There were also numerous sampling locations associated with the Solar Ponds (SPPTS). These were to done to support optimization of upgrades and pilot studies. They also supported evaluation of media replacement in Phase II cell.

Two off-site wells scheduled for abandonment were also sampled. The City of Broomfield requested collection of split samples. These were analyzed for VOCs and nitrates. No VOCs were detected, and nitrate concentrations were very low.

At the SPPTS, the main item addressed in the third quarter was changing the media in the Phase II cell. The cell was filled with ZVI/gravel mix. An early reduction in performance was not fully understood, but was most likely due to passivation of the ZVI – the iron grains became coated and no longer “available” for treatment. Hypotheses on cause included citrate dosing performed in the first weeks of the cell’s operation; accelerated weathering of granitic pea gravel; interferences from high nitrate, dissolved oxygen, calcium; and/or carbonate in the groundwater.

The new media incorporates a different pea gravel (quartzite), no citrate dosing, and slightly more ZVI in the mix. Current data indicate the citrate and gravel may have contributed to, but were not the cause for, the decreased treatment effectiveness

Samples were collected at least weekly. The locations support evaluation of Phase II, III, and the entire system. Most of these samples were analyzed by ESL, an in-house DOE lab in Grand Junction. Splits were also collected periodically for contract lab analysis.

Optimization of Phases II and III included transitioning to dosing Cell A with a pre-blended mixture of carbon and phosphorus. They evaluated the effects of recirculation in Cell A and increased flow to Cell B [from approximately 0.005 to 0.25 gallons per minute (gpm)]. They also stopped regularly sampling Cell B because it was no longer a Phase IV candidate.

The site also attempted to improve flow conditions in the original cells. They installed an auxiliary distribution gallery in Cell 1, but it clogged quickly and repeatedly (biological, and some mineral precipitates). They are now working on a Phase IV design which incorporates a Phase III, Cell A approach to treatment (inert media dosed with liquid carbon source). John showed several graphs depicting uranium and nitrate levels throughout the phases. David Allen asked about a spike in nitrate levels at the SPOUT location. John said this was probably due to flow conditions.

Ongoing activities included preparing for the media replacement project at MPPTS. This involved designing an effluent polishing component based on principal of air stripping, which was tested in small-scale version in January. It was slowed down because of weather. Shirley Garcia said that, based on the Contact Record, the Mound treatment system is going to be down for several weeks and asked how they will be dealing with contaminated water. She was also worried about losing the cover. John said they will use water management, and that there is a large trench to contain groundwater. If it rises too high, they will transfer it to the East Trenches system for treatment. He added that the cover is not there to prevent contamination and that they will not be changing the grade, only about 3 inches.

Site Operations -- Jeremiah McLaughlin

Monthly inspections at the OLF were completed on July 19, August 31, and September 23, 2010

He provided an overview on seeps at the OLF. Seep 1 was dry throughout the third quarter. The Seep 2 and 3 area was saturated in third quarter. It showed some surface expression but no surface flow, and supported small stands of wetland vegetation. The Seep 4 and 5 area was saturated in the second quarter. It showed surface expression, but drained via the Berm 3 drain as designed. There is a thriving wetland vegetation in the Seep 4 and 5 area. The Seep 6 area was dry most of the third quarter and supported a small stand of wetland vegetation.

Seep 7 surface expression stopped in third quarter. Wetland vegetation areas mostly dried up and about half of the wetland vegetation died. Seep 8 flowed at approximately 2 to 5 gpm throughout the third quarter. In the second quarter, seep flows were noted to have saturated the base of Berm 7. A geotechnical engineering evaluation of Berm 7 stability was conducted in the third quarter

due to continued saturation. The design criteria were met in saturated condition. The geotechnical report will be included in the 2010 annual report.

OLF settlement monuments were surveyed on September 23 and data were within the expected range per the Original Landfill Monitoring and Maintenance Plan. OLF inclinometers were measured July 28, August 30, September 9, and September 30. Inclinometers 5, 6, and 7 were measured September 9. September 30 measurements were invalidated due to instrument orientation error. Subsequent readings taken in the fourth quarter showed very little deflection.

Jeremiah next reported on OLF Slumps. A Berm 1 crack was filled and compacted in the second quarter and no new cracking appeared in the third quarter. The end of Berm 7 at the East Perimeter Channel was repaired in the second quarter and no problems were noted in the third quarter.

Finally, the PLF quarterly inspection was completed on August 31 and no areas of concern were observed.

OLF Soil Sampling project -- Rick DiSalvo

This work was a preliminary evaluation of residual contamination levels in relation to CDPHE's August 2008 policy, End of Post-Closure Care. This project is covered by CR 2010-01. Pre-closure residual soil contamination data are now between 15 and 19 years old. This project provided data for comparison to risk-based levels. It does not necessarily mean that post-closure controls for the OLF will end, although some monitoring and maintenance requirements possibly may be reduced. The area also remains subject to land-use restrictions under the Environmental Covenant.

CDPHE approved the OLF Sampling and Analysis Plan (SAP) on June 9, 2010. The goal was twelve 25-foot boreholes, below 2-foot cover soil and to sample 5-foot core intervals. There were six OLF IM/IRA targeted locations - three from the surface soil data set, and three from subsurface soil data set. Six additional locations were chosen to provide subsurface data from the east and west side. They were analyzed for VOCs, SVOCs, pesticides and PCBs, metals, and rads (plutonium, americium, and uranium).

Sampling was conducted June 29 to July 8, 2010. 228 samples were collected. Data evaluation and summary reporting were completed in the fourth quarter and will be included in 2010 annual report.

One objective of this study was to evaluate whether any analyte concentrations were above CDPHE Colorado Soil Evaluation Values (CSEVs) or wildlife refuge worker Preliminary Remediation Goals (WRW PRGs). The 2010 data were generally similar to OLF IM/IRA data. Arsenic (100 percent of samples) and SVOC and PCB samples (6 to 44 percent of samples) were greater than CSEVs or WRW PRGs. Several analytes that were above screening levels in OLF IM/IRA data were below CSEVs or WRW PRGs in the 2010 samples, including antimony, copper, tetrachloroethene, trichloroethene, iron (less than WRW PRG), chrysene (less than WRW PRG), and PCB Aroclor 1260 (less than WRW PRG).

Another objective was to evaluate whether residual contamination levels are stable or have decreased. The 2010 data showed decreases in concentrations for some analytes, compared to OLF IM/IRA data. This might have been caused by the mixing of some soils from the cutting, filling, and contouring work in closing the OLF. 2010 SVOC and PCB results that were greater than CDPHE CSEVs or WRW PRGs are from samples deeper than seven feet below ground surface. For example, the targeted surface soil sample location SS510593 at 7-12 feet below ground surface showed SVOCs at about an order of magnitude higher than the OLF IM/IRA data maximum.

A final objective was to evaluate risk if subsurface soils were to become exposed to the surface. Based on comparison to surface soil WRW PRGs, the risk from residual contaminants is within the normally acceptable remedy risk range of 10⁻⁶ to 10⁻⁴. Other than arsenic, only one sample in the OLF localized instability area exceeded the WRW PRG (Aroclor 1254 at OLFS-02 in 2 to 7 feet below ground surface).

Lisa Morzel asked how much recovery they got from the sampling. Rick said it was about 75%. The full data summary will be published in the 2010 Annual Report, and will be posted on the website. DOE has given copies to technical staff from local governments. Shirley Garcia asked for a copy. Rick emphasized that contamination from the OLF does not impact Pond C-2. It drains into Woman Creek, which diverts around C-2 (the SID does drain into C-2).

There were approximately 7,000 individual results. Generally, the same analytes that were above screening at pre-closure were above now and some were lower. SVOCs are associated with coal tars, asphalt, and related materials that were used back before 1960's. They were a product of incomplete combustion (such as starting cars) settling on asphalt. The OLF was used to dispose of street sweeping debris and old asphalt. SVOCs do not break down very much, and are not very soluble (not found in groundwater). The plan is to include this study in the upcoming 2012 CERCLA Five-Year review and see if there are any additional things they should be doing. There are no recommendations to do any additional monitoring at this point.

All radionuclides were well below WRW PRG screening values. Lisa asked about why arsenic was so elevated. Rick said arsenic is ubiquitous in Colorado, and background levels are above the screening. In the Feasibility Study for the remedy, they did a special evaluation of arsenic to compare Rocky Flats values to background. Rocky Flats risk levels were equal to the standard.

Lisa asked Rick to elaborate on the possibility of cutting back on monitoring and maintenance. Rick clarified that the OLF is not a hazardous waste landfill, it is a solid waste landfill, but some of the criteria for hazardous waste were imposed. Based on the studies, the frequency of inspections may be reduced. There is also a prohibition on woody vegetation in landfill area which also may be removed. Lisa said she was concerned about reducing monitoring, especially because of the existence of slumping and other problems. Shirley Garcia asked what the process would be for any proposed changes. Rick said that to change the monitoring and maintenance requirements, DOE would need to submit a modification proposal to CDPHE. They would also communicate through forums such as this and solicit feedback. There would be multiple opportunities to get involved. Also, the Five-Year Review will be introduced at a Stewardship Council meeting and feedback will be requested. David Abelson noted that the Stewardship

Council's big picture schedule calls for the Board to start talking about the Five-Year Review in June. He has also started discussing the public involvement process with Scott Surovchak.

Ecological Monitoring – Rick DiSalvo

During the third quarter, the site completed Preble's meadow jumping mouse (PMJM) mitigation monitoring and results will be presented in the annual PMJM report to USFWS. Wetland mitigation monitoring was also completed and these results will be presented in the annual wetland mitigation report to EPA. Both DOE and EPA worked on revegetation monitoring. Results will be presented in the annual RFS report. Finally, photopoint monitoring results will be presented in the reports listed above.

Review and Approve Draft Washington, D.C. Talking Points

In the coming months, Board members are scheduled to meet in Washington, D.C. with Congress and DOE. To ensure that the message these members will carry reflects the position and policies of the Stewardship Council Board, the Board will approve talking points for their meetings.

Lisa Morzel brought up the idea of using the \$2.8M from the sale of the right-of-way for the Jefferson Parkway at Rocky Flats for the wildlife refuge. David Abelson pointed out that that USFWS really needs long-term funding in order to operate the refuge. However, funding might still be of use for a specific projects or prep work for opening the refuge area. David also flagged the section on Water Management #6. This bullet point addresses the need to enlist the help of congressional representatives to slow down the decision process regarding breaching ponds in order to allow time for all parties to come to an agreement. Lisa Morzel asked if anyone from the Stewardship Council was a member of ECA. David said individuals were not, but the organization is a member.

David asked if talking points made sense. There were no objections raised.

Update on Dam Breach EA and Changes to RFLMA Points of Compliance

Since the November meeting, DOE hosted two public meetings to discuss development of an Adaptive Management Plan (AMP). The AMP focuses solely on the dam breach EA. Stewardship Council members have actively participated in this process. The goal of the conversation at this meeting was to chart a path forward to resolving these issues.

David Allen began with update. He said there had been quite a bit of activity since the last meeting in November. Before the first AMP meeting, downstream communities sent a letter to the agencies requesting that they look at current issues in an inter-related manner. DOE responded that they would be starting the AMP process independently of other issues. The first AMP meeting took place during the second week in December, and since then there have been two more. David said they have been going well, and the members have been delving into technical issues. Broomfield has identified some key issues that need to be resolved. One is a limitation on excavations deeper than three feet in the Rocky Flats institutional controls, which would be an issue with dam breaches. DOE and CDPHE are working on revising language in the environmental covenants. Broomfield wants to make sure that any amendments have the same level of protection. There is also an outstanding issue related to a Broomfield water lease with Rocky Flats. They are waiting on a response, and have heard it is forthcoming. David said there

are discussions ongoing about flow-through conditions. Until legal issues on breaching dams (i.e. three foot excavation limit) are resolved, Broomfield does not think they should be discussed in the AMP meetings. If they are, Broomfield will have to refrain from participation. He passed along his appreciation to the agencies for their attendance. He added that Broomfield is looking at the AMP deadline as not set in stone, since it is not regulatory driven.

Carl Spreng (CDPHE) added that the agenda for the meetings have been provided by the cities and the Woman Creek Reservoir Authority. He said two more meetings are scheduled. He added that there are also meetings occurring on other technical issues, such as modifications to RFLMA. Vera Moritz (EPA) echoed the comments that these meetings have been productive, very technical, and open to anyone. Scott Surovchak said there was another meeting on Thursday at 1 pm. David Abelson asked Scott about the possibility of looking at monitoring points more as data points. Scott said that under the AMP process, anything is fair game. He reiterated that, although it will not be a regulatory requirement, he will continue to monitor at Indiana Street. Broomfield still does not think this is enough.

David Abelson asked how will this issue be resolved, and whether the parties will agree to disagree. David Allen said that DOE suggested issues for AMP discussions, and asked for input, although not all were included. The communities then requested separate meetings to vet these other issues, which is what Carl mentioned. Broomfield sent a letter requesting that the agencies postpone making changes to RFLMA. They want to make sure that the AMP process is completed first. They are also looking at data gaps and believe it is too early to remove regulatory points and the associated oversight.

David Allen said they are not comfortable that DOE would be able to make a unilateral decision to discontinue this non-regulatory monitoring. Scott said that DOE is looking at even adding data points and have made a commitment to continue to monitor in these areas. Lisa Morzel asked if there will be anything binding DOE to maintaining these data points. Scott said that is what AMP is all about. David Abelson pointed out that the AMP is not part of a NEPA decision, and does not require regulator approval. He said it is a management tool and can be discarded unilaterally by DOE. Scott said he did not think that is how the Department of the Interior sees it. He said the criteria for opting out will have to be described, like RFLMA. He said it is part of the NEPA process. David Abelson asked for a clarification from the downstream communities that their concern is that DOE will have the unilateral discretion to discontinue monitoring without sign-off by the regulators. He asked if they also believe fines need to be an option for the regulators. David Allen said that ideally they would like to have this, but their main concern is a requirement to continue monitoring.

Briefing on History of Rocky Flats Stewardship Council

With changes to the Board composition since the group's inception in 2006, the Board has determined a need to take a step back and discuss the reasons for the Stewardship Council – its legislative roots, mission, and focus since 2006. David asked whether the members would like to have this discussion now or table it to a later meeting. Sheri Paiz said since she had originally made this request, she thinks it would be a good idea to also look at what the Board will be doing in the future, so she recommended putting it off.

Public comment

Mickey Harlow (Arvada citizen) said she was concerned about the combination of the proposed flow-through configuration at Pond C-2 and the impact on Woman Creek Reservoir, along with the removal of regulatory monitoring at the Indiana boundary. She said that once water gets into the reservoir, there is no additional sampling and water is passed along to the public. She said she did not think this was ever the intent in the original cleanup agreements.

Regarding the AMP, she said she did not think it had ever been used at other sites with radioactive contamination. She asked if there would be guidance from Dave Geiser (Director, Office of Legacy Management) about how to use this process at LM sites. She questioned how the site defines a remedy and said that this EA is only being pushed because it saves money. Mickey said the agencies are bypassing the process, and that the public is not involved. She said CDPHE needs to decide that protecting the public is more important than getting along with DOE. She also mentioned a Clemson grant from DOE to study plutonium interaction with soil, and more accurately assess waste disposal. She asked why DOE cannot put off removal of the ponds until they can use the results of their own study and urged them to be more conservative.

Updates/Big Picture Review

Lisa Morzel said she was very concerned that things seem to be changing a lot faster than she anticipated, even the institutional controls. She also mentioned landfill monitoring, and that she was concerned that the landfill is not a stable slope in the long term. She said she did not understand why DOE is bringing these things up this early.

Lori Cox responded that this is the crux of Broomfield's concerns. She said they worked through cleanup and closure, and she remembers talking in terms of 30, 40, 50 years in the future. She pointed to all of the work still going on with remedies, and said they still have not figured out how to stabilize the site. She said she would like to see them actually get to this point and then maintain a substantial holding pattern before moving forward. Lisa added that it will be difficult to stabilize because it is an active geological site.

Shirley Garcia said DOE is proposing actions that are in violation of institutional controls and water agreements, and that these key issues have to be addressed.

Arthur Widdowfield said that these issues were bothering him, and that he agreed with what others were saying. He added that he was concerned that the agency representatives had already left and were not hearing this.

Bill Fisher said that these were not just downstream community issues. He said Golden has been hearing more concerns about what is going on. He said it is also harder to come up with answers given what they have been hearing about the remedies. He said that the agencies should not be surprised if this backfires, as it is opening doors for people to get more involved and engaged and start asking more questions about what was left in the ground after cleanup. He said that the perception is that these are just cost-saving measures, and not based on public safety.

David Allen said that there are changes at the site that DOE is reacting to and that is what they should be doing. However, there are other things they are doing prematurely. He said the communities understand the need to cut costs, but that there is also a responsibility factor to consider, along with a history of distrust. He said that the public has shown they can work together with the agencies, and they want to continue doing that. Rather than reacting to plans put out by DOE, he believes it would be better to hash everything out and work together to make decisions. At this point, he is not sure DOE is truly incorporating public concerns, and may simply be appeasing.

Lisa Morzel suggested that perhaps the group should be asking DOE what else they may be considering changing.

Bob Darr said that they are not proposing to remove any institutional controls. They are looking at how DOE can do necessary excavation work with the approval of CDPHE and EPA. He said the original language was intended to allow DOE to do necessary work, and that breaching dams was part of cleanup plans in 2004. He also clarified that there are no proposals to discontinue monitoring at the OLF.

April 4, 2011

Potential Briefing Items

- Update on Original Landfill
- Continue discussing water issues (focus on dam breach EA)
- Update on Natural Resource Damage claims and acquisition of lands for parkway
- McKinley legislation?

June 6, 2011

Potential Business Items

- Initial discussion of RFSC IGA triennial review

Potential Briefing Items

- Initial discussion with DOE about Stewardship Council's role as LSO
- Continue discussing water issues (focus on dam breach EA)
- DOE quarterly briefing
- DOE update on start of CERCLA 5-year review

Issues to Watch

Original landfill performance, including special sampling program results

Changes to water systems

Solar Ponds performance

Data for CERCLA review

The meeting was adjourned at 11:48 p.m.

Respectfully submitted by Erin Rogers.