

**ROCKY FLATS STEWARDSHIP COUNCIL**  
**Monday, April 5, 2010, 8:30 AM – 11:30 AM**  
**Rocky Mountain Metropolitan Airport, Terminal Building**  
**11755 Airport Way, Broomfield, Colorado**

**Board members in attendance:** Marc Williams (Director, Arvada), Clark Johnson (Alternate, Arvada), Lisa Morzel (Director, City of Boulder), Carl Castillo (Alternate, Boulder), Meagan Davis (Alternate, Boulder County), Lori Cox (Director, Broomfield), David Allen (Alternate, Broomfield), Bill Fisher (Director, Golden), Kate Newman (Alternate, Jefferson County), Shari Paiz (Director, Northglenn), Shelley Stanley (Alternate, Northglenn), 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), Ann Lockhart (Alternate, Rocky Flats Cold War Museum), Roman Kohler (Director, Rocky Flats Homesteaders), Arthur Widdowfield.

**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:** Kody Brooks (Colorado Water Protection), Hildegard Hix (citizen), Mary Harlow (citizen), Dallas Briggs (citizen, Northglenn), Al Hamilton (citizen, Northglenn), Sam Dixon (citizen, Westminster), Mary Lindsey (Westminster City Council), David Willett (Northglenn Public Works), Raymond Reling (Northglenn Public Works), Lee Johnson (WCRA attorney), John Dalton (EPA), Vera Moritz (EPA), Carl Spreng (CDPHE), Scott Surovchak (DOE-LM), Rick DiSalvo (Stoller), Jody Nelson (Stoller), George Squibb (Stoller), John Boylan (Stoller), Linda Kaiser (Stoller), Bob Darr (Stoller), Steve Berendzen (USFWS), Cathy Shugarts (City of Westminster), Lynn Bowdidge (DOE), Jennifer Bohn (RFSC accountant).

### **Convene/Agenda Review**

Chair Jeannette Hillery convened the meeting at 8:35 a.m. She began by saying that it had been brought to her attention that some of the public attendees were at the meeting solely to discuss DOE dam breaching plans. She noted that there is time set aside during the meeting for public comment on this topic and others.

### **Business Items**

The first business item was to finalize Board membership for 2010. Three groups were approved at the last meeting after interviews were conducted. However, since only six governments were present for that vote, the Board decided to wait until this meeting to finalize the appointments. Lorraine Anderson has since withdrawn her application. Lisa Morzel moved to ratify the Board's vote from the last meeting approving positions for the League of Women Voters, Rocky Flats Homesteaders, and the Rocky Flats Cold War Museum. The motion was seconded was Bob Briggs. The motion passed 10-0. The next decision was whether to approve the membership of Arthur Widdowfield. Lisa Morzel moved to appoint Mr. Widdowfield to the Rocky Flats Stewardship Council. There was no second. Lisa said that Mr. Widdowfield did a fine job in his interview. She added that his resume as a citizen with a long term history in this

community, plus a technical background, would be an asset to the Board. Lisa moved again to appoint Mr. Widdowfield. The motion was seconded by Marc Williams. Sue Vaughan asked if any of the Board members needed any more information from Mr. Widdowfield. There were no questions. The motion passed 10-0.

The next item was the election of the Board's 2010 Executive Committee. Those who had expressed an interest in the positions were Lori Cox as Chair, Bob Briggs as Vice Chair, and Lisa Morzel and Jeannette Hillery as Secretary/Treasurer. The Board voted unanimously for Lori as Chair and Bob as Vice Chair. Jeannette Hillery withdrew her name for Secretary/Treasurer. The Board voted unanimously for Lisa Morzel as Secretary/Treasurer. The Board's attorney, Barb Vander Wall, distributed oaths of office to all Board members for their signatures. At this point, Lori Cox took over as Chair to run the remainder of the meeting.

The next item was the consent agenda. Bob Briggs moved to approve the February Board meeting minutes and the checks. The motion was seconded Lisa Morzel. The motion passed 11-0.<sup>1</sup>

### **Executive Director's Report**

David Abelson provided several updates to the Board. First, he introduced Ann Lockhart as the Alternate Director for the Rocky Flats Cold War Museum. He also welcomed the newest Board member, Arthur Widdowfield.

David noted that the ECA annual meeting was cancelled. He was in Washington, D.C. at a later time and was able to meet with DOE and some Congressional staff. DOE would like to extend the Stewardship Council's grant period for five years and make periodic funding decisions within the grant period. David said there is an ongoing commitment from DOE for funding. In 2011, as part of the Stewardship Council's triennial review, there will also be discussion with DOE regarding whether this group is still working as intended. David heard from congressional staffers that there is an interest reaching out to Interior Secretary Salazar in support of Rocky Flats National Wildlife Refuge funding. Lisa Morzel said that making such requests as a group seems to have more weight, and she would like to see the Stewardship Council send a letter about this issue. David Abelson said he would draft a letter for the Board's approval at the June meeting, but recommends staying away from including any specific dollar figures in the letter.

The next item David raised had to do with some statements that have been made recently about the Stewardship Council by the Rocky Flats Peace and Justice Center. He said there had been a strong, personal and direct shot at this group. In February, the Peace and Justice Center sent a letter<sup>2</sup> to the Administrator of the U.S. General Services Administration (GSA). According to DOE, the letter charged the Stewardship Council with violating the Federal Advisory Committee Act (FACA), which is in place to ensure openness of federal advisory boards. David also reported that the Peace Center made these same claims to members of Congress and DOE officials in Washington, D.C. For the benefit of some of the newer members and attendees,

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<sup>1</sup> Since Arthur Widdowfield was appointed prior to this vote, at that point there were 11 voting members. For the prior two votes there were only 10 voting members.

<sup>2</sup> Following the meeting, David learned that all communications were via email.

David explained that this group was never intended to be a FACA group. David said one of the objections of the Peace Center regarding the Stewardship Council was that this group is not in compliance with FACA because the Sierra Club is not a member of this Board. David said that the Sierra Club has never applied to be on the Stewardship Council. He said he finds these claims troubling and unfortunate. Lisa Morzel said she did not recall seeing the letter David described, and would like to see a copy. She also suggested contacting the same groups that the Peace Center spoke with about these concerns in order to explain this group's process and structure. David said he had already spoken to Congressional staff members. Lisa said that she thinks it is important to send a letter from the Stewardship Council. David added that he had been asked to submit information to DOE based on requests from their lawyers. Barb Vander Wall explained that this group is a unit of local government and, as such, must comply with the Colorado Sunshine Act, which meets many of the same requirements of FACA in terms of ensuring openness. David said he will draft a letter for the Board's approval at the June meeting.

David also reported that the Peace Center sent a letter to the EPA Administrator requesting that the Rocky Flats cleanup be re-opened. David said that the letter did not contain any new information about cleanup or technical issues. He will pass it along to the Board.

Next, David shared with the Board that Representative McKinley's bill regarding signs at Rocky Flats died in committee. CDPHE was instrumental in ensuring that the bill did not progress. David noted that the hearings really had more to do with a debate on cleanup than signs. He added that a Representative from Colorado Springs made a statement to the effect of, "If things are really as bad as you are telling us, signs won't do any good".

There has been some progress on issues related to former nuclear workers' benefits. The GAO recently released a report that included some recommendations, such as the need for greater external oversight by the Department of Labor, providing greater access to data for workers, and potential Congressional amendments to certain parts of the program. David will communicate with Senator Udall's office to continue to monitor these changes.

David has been asked to speak at an upcoming EMSSAB chairs meeting. He will be on a panel with DOE's Dave Geiser and Lisa Crawford from Fernald talking about long term stewardship. DOE is covering the cost of this trip.

David made a request that the Board meet on November 8<sup>th</sup> instead of November 1st. Marc Williams moved to change the November meeting date to November 8. The motion was seconded by Lisa Morzel. The motion passed 11-0.

Rik Getty updated the Board on a recent water discharge at Rocky Flats. Because of large amounts of snow, there were discharges in December. Also, pond levels in A-4 and B-5 are currently close to 50% full. The site is now conducting pre-discharge sampling, and CDPHE is taking samples as well. These ponds will be discharged soon, and the site will send notifications with sampling results. Rik also mentioned the annual Stewardship Council site tour which will be in June. He will circulate possible dates soon, and will choose the date based on board members' preference. Lisa Morzel made a request to at least consider an early June date. Sheri Paiz asked that the next time staff receives correspondence such as the one mentioned pertaining

to pond discharges that they are forwarded to Board members immediately. David said they would do this.

### **Public Comment**

This comment period was for any comments other than those related to the dam breaching briefing. There were no comments.

### **DOE briefing on Dam Breach Environmental Assessment and changes to the water monitoring system**

DOE is in the early stages of conducting NEPA analysis for breaching ponds A-3, A-4, B-5, C-2, and the Present Landfill pond. DOE is also evaluating other changes to its water quality protection program, including moving the two surface water Points of Compliance (POC) along Indiana Street, operating terminal ponds A-4 (North Walnut Creek) and B-5 (South Walnut Creek) in flow-through configurations, conducting additional testing for uranium and nitrate.

Scott Surovchak began an update on the Rocky Flats Surface Water Configuration EA and RFLMA Point of Compliance Relocation. As part of the EA process, DOE solicited input on additional alternatives; three Stewardship Council governments offered comments. The Draft EA will be available in May 2010, followed by a 30-day public comment period. The final EA will be released in August.

Rick DiSalvo reported that some of the existing surface water Points of Compliance (POC) are near the boundary of the Central Operable Unit (COU). GS01 and GS03, which are along Indiana Street, are no longer POC's since the Peripheral OU has been delisted. The site is proposing to consolidate GS08 and GS11 into a single new Walnut Creek POC, near the confluence of North and South Walnut Creek and No Name Gulch. POC GS31 would be removed and a new POC would be installed at Woman Creek. The site would also abandon boundary wells near GS01 and GS03. The Area of Concern (AOC) wells in the COU are groundwater POC's (and are also in the 300 foot right-of-way for the Northwest Parkway). Surface water POC's are downgradient of AOC wells considering alluvial groundwater. A corresponding modification to RFLMA will be released for a 30-day public review and comment in parallel with the draft EA. The existence of Rocky Flats ponds lead to depletion of water from the Platte river and other water owners, and negative impacts to riparian areas on the east side of the site. DOE would like to get out of the business of water storage, especially since it does not own the water.

Lisa Morzel asked for a copy of the map used in the presentation. Rick said there will also be a smaller scale, more detailed map available on the website this week as well as one that addresses non-RFLMA monitoring points. Mary Harlow asked if the reason DOE is proposing to move the monitoring points moved was because of the future Northwest Parkway. Rick said it was not, and that the primary reason for the change is that the points are not inside the COU. Lee Johnson asked if the site can legally maintain these monitoring points if they are not in the DOE-owned area. Rick said they can because it is federally-owned land. Cody Brooks asked if the site is still pumping off the top of the ponds. Scott Surovchak discussed the plumbing configuration on Walnut Creek. A bypass carries Woman Creek around Pond C-2. If they breach that area, the

bypass will be kept. This is one of the reasons for moving the POC to this area. Also, it will not go through Pond C-2. Woman Creek carries the largest volume at the site. It flows about eight months per year, and originates offsite from irrigation.

David Allen mentioned about a statement he heard that DOE could hold the flows if there was a reason to do so. He said he had not heard this mentioned at last meeting. Scott Surovchak said that the site is talking about opening the valves at A-4 and B-5, which would establish the water levels at post-breach levels. That would help habitat become established. This trial in opening the valves would help DOE see what it will look like and analyze what it does to water quality, so that they are very sure what will happen when they do complete the breach. David Allen said he would like to see what their operating contingencies look like, such as what would cause them to close the valves, and the monitoring plan. Rik Getty said that the existing monitoring will remain in place, plus new POC's will be added. Cody Brooks asked how DOE can guarantee compliance, because once the dams are breached, there will be nothing physical left to contain water if necessary. Scott pointed out that Woman Creek does not flow through now. Cody is concerned that Woman Creek Reservoir is going to become the new POC. Scott said that there are years and years of data to back this up. Mary Harlow said that there has not been a major storm event in recent years, and that it is too soon to know if this will work. Scott said that, in fact, there have been significant storm events, including a 25-year event in 1995 before cleanup, and there was no increased load. Lee Johnson stated that the water that used to be imported into Rocky Flats went into Walnut Creek, not Woman Creek. Mary Harlow said she was concerned that if C-2 is no longer used, the site will not have way of finding out what is moving offsite from sites such as the 903 pad area. Scott clarified that there is monitoring in place for these areas that will not change. The site will continue to use the same sampling protocols, as well as significantly enhanced monitoring upstream. Lee Johnson asked if the site is also thinking about opening the valves at C-2 to see what will happen. Scott said they are not

Lori Cox opened the discussion to comments from downstream communities followed by a public comment period, and then a dialogue within Board. David Allen said that Broomfield is not necessarily opposed to these plans as long as they are able to see relevant data, but they do not believe they have the data they need at this point. The downstream communities have already submitted their comments. Because of this insufficient data, they support the no action alternative at this time. Secondly, because of ongoing treatment activities, the communities do not believe the site has reached stable point yet. They are asking the Stewardship Council to support the downstream communities' position. David handed out a letter these communities had drafted regarding to the EA. The letter also asks for a public meeting. Some of the concerns are related to changes in POCs and POEs. They also see a need for more information about monitoring protocol standards and are looking for a simple contingency plan. The downstream communities drafted another letter regarding points of compliance. For this discussion, they are requesting a 60-day comment period, as well as another public meeting. Lisa Morzel said the Board has a public responsibility to make sure these decisions are sound, and asked if there was a way to extend the decision process so that Board can comment after its June meeting, Shirley said that the downstream communities are simply asking the Board to support the position of the downstream communities.

Bob Briggs said he was prepared to make a motion, but wondered if he should wait to hear more comments. Bob Briggs moved that the Board send both letters just discussed. The motion was

seconded by Lisa Morzel. Shari Paiz said that Northglenn strongly supports these letters and has serious concerns about breaching dams and moving the points of compliance. David Abelson asked David Allen why there are two separate letters. David Allen said it was because there are two separate actions by DOE. Marc Williams questioned the language of the letter regarding ownership of the 300-foot right of way. Jeannette asked David Allen why the letter assumes that the monitoring would be any different than what they are doing now. David said they have not seen the new plans in writing. Lisa Morzel asked to call the question, which moves directly to vote without any further debate. The vote on the motion to call the question was 8-3. The motion failed.

David Abelson said the Board could address Marc's point by adding a sentence clarifying that if the right-of-way is transferred, the points of compliance would remain at DOE boundaries. Jeannette Hillery said she was not opposed to sending the letters, but was not sure what they were actually addressing and thinks the timing is off. Lisa Morzel said the Board needs to know exactly what it is approving. She offered a friendly amendment to Bob's original motion. She moved to add the sentence David suggested after the three bullets, and clarify that the POC's should be on federal property and at the boundary. The motion passed 11-0.

The discussion was then opened up to members of the public. Mary Harlow said she has a background of working long and hard on these issues. She strongly opposes doing away with these ponds. She said these settling ponds still have contamination in soils, and that DOE should take their time with this. She said there is too much left onsite, such as foundations, vaults, treatment systems, and that some have failed. She said water is the universal solvent and DOE should err on the side of caution. She said with this plan, DOE will not know how much contamination is coming offsite in events such as dust storms. She is especially concerned because she has grandchildren in the vicinity.

Dallas Briggs, Northglenn resident, said he was on hand to speak against DOE's plans to breach dams and move the POCs. He said he had no particular technical expertise, only his ability to reason these things out. He is concerned about the quality of water we drink. First, he said he wanted to address the recurring theme that site is now clean. The landfills, 40 acres apiece, are not lined. Cleanup began in earnest in 1995 and was completed in 2005. He wants the site to do away with 'weasel wording'. He said that to return the site to pre-operation conditions is in no way possible. He said there is no plan of action to contain ground or surface water onsite if there is a major event. Given that it takes 30 days to get monitoring results back, storm events can lead to devastating changes. He believes that DOE should be building dams, not taking them down.

Al Hamilton spoke next and said his comments mirror very closely those before him. He requested that his comments be included in the minutes. He said that the POCs have been at Indiana for 3½ years. He is not opposed to moving them but definitely does not want them removed. He also does not want the site to get rid of the dams.

Cody Brooks, past manger of the Woman Creek Reservoir, said that no one knows exactly what is going at Rocky Flats for sure. He said that water projections are not accurate, and the current plan will not provide the cities with the protection they need. He urged DOE to please be cautious and hold off until there is more information.

Sam Dixon spoke next. She said she knows what is buried there and that the site is not clean. She thinks it is too early to make these changes. She said it takes years for some of this contamination to reach the surface. She does not think there has been a real major weather event, and thinks DOE needs to wait a reasonable amount of time before taking these actions, which is not within ten years of site closure.

Lee Johnson is the attorney for Woman Creek Reservoir Authority (WCRA). He noted that some of the WCRA board members and downstream entities were on hand at this meeting. He said that moving the POCs is a huge concern for the WCRA. He said that if they move it upstream, there will be a three-quarter mile stream segment that will not have monitoring.

Carl Spreng with CDPHE offered a clarification. He said that people do not need to wait until these documents are released to know what standards will be applied. He said these will be the same standards that are currently in place. The Colorado Water Quality Control Commission applies the same standards and protocols all over state. The agencies do the pre-discharge sampling in order to achieve and provide a comfort level when releases occur.

Lisa Morzel asked Dallas Briggs to submit a copy of his statement for the record. She added that she appreciates the downstream communities' input. She said she would also like to see their comments when the EA comes out. David Allen ended the discussion by saying that this is a key issue. Because legacy management implies long term, he does not want to see it cut short.

### **DOE budget briefing**

The Obama Administration submitted its 2011 budget request to Congress in early February. Congress is in the early stages of the annual appropriations process. Linda Kaiser was on hand to brief on DOE's 2011 request and priorities for the 2011 federal fiscal year (October 1, 2010 – September 30, 2011).

- FY08 actual cost (includes EM funding) \$6.4 M.
- FY09 actual cost, \$6.7M (includes EM funding).
- FY10 budget (no more EM funding, special projects, includes dam breach budget accelerated from FY11), \$4.5M.
- FY11 budget (includes dam breach budget accelerated from FY12) \$6.9M.
- Average annual operating budget cost FY09-FY11 (excludes special projects and upgrades, such as media change out, road issues due to weather, etc.) \$3.3M.

Linda was asked what DOE is anticipating going forward. She said that there are no indications of any cuts pertaining to what is required for them to do. Lisa Morzel asked about the costs for relocating the points of compliance. Linda said this would not involve large amounts of money in terms of overall budget. It will probably be less than \$100K. Lisa asked if there would be funding available for additional monitoring. Linda said this is not in the budget. Lisa said she thinks the Board may want to make a recommendation that these additional funds be considered. Linda said that there is \$2.6M included for dam breaching. If POC changes go ahead, DOE would do a baseline change to the budget. Lisa asked if DOE has funding during FY11 to move the POCs. Scott Surovchak said that these changes would actually be done in FY10. They are

working on cost estimates now. Sheri Paiz asked if DOE is allowed to carry this particular money over into next year if the project is put on hold. Linda said they are.

### **Continue Discussing Signs for Rocky Flats**

Lori Cox asked if the Board still wanted to have this discussion as there was no scheduling urgency for it. Lisa Morzel said she was fine with putting it off. She said that, even though the State House bill was dead, there was a resolution being considered that will be introduced in a couple weeks. She has been working with Rep. McKinley and he had been very open to this process. She said that the bill language did change substantially from the beginning of the process. Lisa said she informed Rep. McKinley that the language in the current resolution did not reflect the most current bill language. She has not read it yet, but will be working on the language. She said Rep. Weissmann is supporting it, and she just wanted to bring it to Board's attention and will forward it to the Board for review.

There was no objection to continuing this discussion at the June meeting.

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

#### **June 7, 2010**

##### *Potential Business Items*

- Receive RFSC 2009 audit
- Letter to Interior dept regarding funding
- Letter about FACA, send to members of delegation

##### *Potential Briefing Items*

- Host LM Annual Meeting
- Original landfill sampling briefing
- Dam breach EA
- Continue discussing interpretive signs for Rocky Flats

#### **September 13, 2010**

##### *Potential Business Items*

- Initial review of 2011 RFSC budget

##### *Potential Briefing Items*

- Host LM quarterly public meeting
- Surface water briefing
- Annual review of RFSC activities
- Begin discussing 2011 RFSC Work Plan
- Continue discussing interpretive signs for Rocky Flats

#### **November 8, 2010**

##### *Potential Business Items*

- Budget Hearings for 2011 RFSC budget

*Potential Briefing Items*

- Host LM quarterly public meeting
- Approve 2011 RFSC Work Plan

Bob Briggs asked staff to send out an updated Board directory. David said they would by the end of week. Sheri Paiz asked for the Board to do a review of the history of this group in November. David Allen asked if the Board needs to approve a resolution to change the November meeting date. Barb Vander Wall said that this was not necessary because the schedule was part of a resolution during a previous meeting.

The meeting was adjourned at 11:30 a.m.

*Respectfully submitted by Erin Rogers.*