

ROCKY FLATS STEWARDSHIP COUNCIL
Monday, June 3, 2013, 8:30 AM – 11:30 AM
Rocky Mountain Metropolitan Airport, Terminal Building, Mount Evans Room
11755 Airport Way, Broomfield, Colorado

Board members in attendance: Shelley Cook (Director, Arvada), Jim McCarthy (Alternate, Arvada), Lisa Morzel (Director, City of Boulder), Tim Plass (Alternate, City of Boulder), Greg Stokes (Director, Broomfield), Mike Shelton (Alternate, Broomfield), David Allen (Alternate, Broomfield), Bill Fisher (Director, Golden), Joyce Downing (Director, Northglenn), Emily Hunt (Alternate, Thornton), Joe Cirelli (Director, Superior), Bob Briggs (Director, Westminster), Mary Fabisiak (Alternate, Westminster), Jeannette Hillery (League of Women Voters), Conny Bogaard (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), Erin Rogers (consultant).

Attendees: Shirley Garcia (Broomfield), Vera Moritz (EPA), Carl Spreng (CDPHE), Charles Adams (CDPHE), Scott Surovchak (DOE), Jeremiah McLaughlin (Stoller), Bob Darr (Stoller), John Boylan (Stoller), Jody Nelson (Stoller), George Squibb (Stoller), Linda Kaiser (Stoller), Jeremiah McLaughlin (Stoller), Rick DiSalvo (Stoller), Colin Anonsen (U.S. Rep. Perlmutter), Patrick O'Connell (Jefferson County), LeRoy Moore (Rocky Mountain Peace and Justice Center), Anne Fenerty (citizen), Mickey Harlow (citizen), Myles Rigg (citizen).

Convene/Agenda Review

Chair Bob Briggs convened the meeting at 8:34 a.m.

Public Comment

Mickey Harlow spoke about her opposition to the relocation of the monitoring station at GS10. She emphasized that DOE needs to find the source that continues to produce reportable results at this location. She went on to note that statistical trending is indicating increasing contamination. She said DOE made a commitment through the AMP program to continue looking for the source for an extended period of time. She added that she was also concerned about the uptake of plutonium in plants, and referenced data from testing by Los Alamos National Laboratory.

Leroy Moore read part of letter that he would be sending to the Board. He also referred to a memo he sent in May that raised concerns about the activities of the Stewardship Council. He noted that some clarity had been brought regarding the issues he raised, especially pertaining to how the group is able to extend its scope beyond DOE issues. He said this clarification was helpful, and suggested that this information be highlighted on the website in conjunction with the budget. LeRoy commented that the name of the group was misleading, as it does not only work on stewardship issues. He said it was difficult for the observing public to know when the Stewardship Council is acting as the Local Stakeholder Organization (LSO) and when it is not.

He next addressed a memo from David Abelson regarding signs at the entrances to the Rocky Flats National Wildlife Refuge. LeRoy took issue with the statement in the memo that these signs were not in support of the Fish and Wildlife Services' management responsibilities. He said he disagreed and that these will be the only signs that most people see while they are visiting the Refuge. He added that he was concerned that DOE funds were used by the Stewardship Council to provide comments to another agency.

Anne Fenerty spoke next and said she agreed with many of Mr. Moore's statements. She said that Stewardship Council activities should be less about supporting DOE and more about concern for the public. She said that the site was not truly cleaned up, as there is a specified level of contamination allowed. She distributed a map that showed subsurface structures that remained onsite. She highlighted the area of former Building 371, and said that prairie dogs dig down as far as the buried structures. She drew the parallel that people selling their homes were advised to remediate if radon was found, yet contamination remains at Rocky Flats. Anne also mentioned that the book *Full Body Burden* by Kristen Iverson was about to be published in paperback.

Chairman's Review of May 13th Executive Committee meeting

Chairman Briggs noted that an Executive Committee meeting was held on May 13, 2013. Meeting attendees included Executive Committee along with David Abelson. The purpose was to develop the agenda for this meeting, and the group also discussed a letter they received from LeRoy Moore. These meetings are open to public.

Consent Agenda

Mary Fabisiak moved to approve the April 1, 2013 Board meeting minutes and the checks. The motion was seconded by Shelley Cook. The motion to accept the minutes and checks passed 12-0. (Jefferson County and Boulder County were not present.)

Executive Director's Report

David Abelson began by noting that former Stewardship Council member Shaun McGrath was recently appointed as Regional Administrator for EPA. Shaun had also served previously on the Rocky Flats Coalition of Local Governments.

David next spoke about the status of DOE's process for selecting the next contractor to manage Rocky Flats. He said the contract was awarded to Portage Environmental in April. The current contractor, S.M. Stoller, was part of a bid for another team. The award decision is being protested under federal guidelines, and could take up to 100 days to resolve. David noted that Portage is a small business and does not currently have the necessary personnel to manage the site. He said that it is the norm for companies like this to simply bring on the existing personnel at the site. Lisa Morzel asked what would happen in the interim. David said that the current team would remain in place until the decision is finalized. Lisa noted that she was concerned about maintaining continuity and expertise if a new contractor takes over site management.

David next spoke about changes to the DOE-LM budget, and noted that they would not affect Rocky Flats. He said that \$19 million was slated to be transferred from LM and reprogrammed for cleanup activities at Los Alamos National Laboratory. This money had become available as pensions had been fully funded and litigation costs decreased. The overall DOE-LM budget for next year will be lower, for these same reasons. DOE's LM Director assured David that the Rocky Flats budget would not be affected by these changes.

Next, David addressed the letter sent to the Stewardship Council by LeRoy Moore and said it contained a number of factual inaccuracies. The Executive Committee directed David to follow up on Mr. Moore's request to post information related to the Board's DOE and non-DOE funding mechanisms on the website. In order to clarify how the organization is set up, David noted that the Board's overall Intergovernmental Agreement (IGA) is much broader than its permissible activities under the DOE grant. He said the IGA covers anything that has a nexus with Rocky Flats – current as well as historic issues. He noted that specific Refuge management decisions, such as permissible uses or trail routes, are not part of this scope. He added that if an issue related to contamination in the Refuge came up, then it would fall under activities related to the DOE grant. He also clarified the 'Stewardship' in the group's name refers to the ongoing management of all things that used to be Rocky Flats.

Rik Getty announced that the annual site tour was scheduled for Wednesday, June 5 at 9 a.m. He said that the weather forecast looked fine, but rain could make roads impassable, so he would monitor the forecast.

Receive Stewardship Council 2012 Financial Audit

Eric Barnes, from Wagner Barnes & Griggs, briefed the Board on the results of the recent audit, which covered calendar year 2012. While the Stewardship Council is below levels for revenue and expenditures that would require an audit, the Board has had one done every year, based on staff recommendations. Since there are no employees, an independent review is a reliable way for the Board to make sure everything is in order with its finances.

Eric noted that most of the Stewardship Council's funding came from a DOE grant, and that this was in place through 2017. He said that an auditor's responsibility is to provide an opinion of a group's finances, and that this opinion could be found on pages I-II. The Stewardship Council audit report contained what is known as a 'clean' audit opinion.

He reviewed sections of the audit report, including the balance sheet, statement of revenues, budget-to-actual statement (which showed actual expenditures were less than what was budgeted), assets, and insurance. There were no proposed adjustments to the records. Overall, no material problems were found and the Stewardship Council was deemed to be in compliance with all applicable laws and regulations.

Bill Fisher noted that the report referenced rotating members on the Council, which had changed since last year. Also, Thornton needed to be added to the list. Eric said he would make these changes.

Anne Fenerty asked if the various funding sources were broken down in the report. Eric said this was reflected on page 5. Stewardship Council funding comes from DOE, member governments, and also some carryover from the previous organization (Rocky Flats Coalition of Local Governments).

Roman Kohler moved to accept the 2012 audit with the noted changes. The motion was seconded by Jeannette Hillery. The motion passed 12-0. (Jefferson County and Boulder County were not present.)

Host DOE Annual Meeting

DOE briefed on site activities for calendar year 2012. DOE has posted the report on its website. Activities included surface water monitoring, groundwater monitoring, ecological monitoring, and site operations (inspections, maintenance, etc.).

Surface Water -- George Squibb

George noted that there was a great deal more information available in the Annual Report on the website. He began by showing a map of the current monitoring network, which includes two Points of Compliance (POC) and three Points of Evaluation (POE). There were two areas onsite where reportable results were found. He provided an overview of performance monitoring at the Original Landfill (OLF) and Present Landfill (PLF). At the OLF, all sampling results met water quality standards. At the PLF, increased sampling frequency was temporarily required for arsenic and selenium.

GS10 is the POE on South Walnut Creek. It produced reportable results for plutonium, americium and uranium during 2012. This situation triggered consultation with the regulators, creation of a Contact Record, and an investigation plan for this area. George said that a great deal of additional sampling was being conducted in this area both upstream and downstream of GS10. They had not been seeing similar elevated results further downstream at the POC. This told them that the POE is doing its job, which is to signal when areas need to be looked at more closely.

Mike Shelton asked if there was a noticeable annual cycle with the higher sampling results. George noted that uranium does show an annual cycle and most of what they see is naturally-occurring uranium. Higher levels of uranium are seen in the winter and spring, and then lower levels are found in conjunction with runoff in the late spring and summer. George also mentioned that there was no water to test at SW027. Shelley Cook asked about how these levels of plutonium and americium could have appeared. She referenced the findings on actinide migration that the major pathway for these contaminants was sediment transport, and asked if perhaps a different mechanism was in effect. George responded that it was possible that this contamination was always there and they were just seeing now because of other changes. He added that DOE and its contractor are not sure what is causing these conditions and that was exactly why they have been doing the additional sampling. Mickey Harlow complimented George for always doing a good job on these issues, and asked about where they send samples. He said they are sent to Gel Laboratories, and also that 5% duplicate samples are sent blind.

Groundwater -- John Boylan

John explained that the objective of groundwater monitoring at Rocky Flats was the protection of surface water. The monitoring network is divided into areas associated with plumes. 89 wells were sampled one-to-four times per year and this produced over 6,000 analytical records. Only one of these wells was dry. In 2012, no results above RFMLA levels were found at Area of Concern (AOC) wells, which was consistent with previous results. At the landfills (OLF and PLF), the site consulted with regulators based on statistical evaluations for a few analytes. They continue to monitor and evaluate these areas per RFLMA. Lastly, work at groundwater treatment systems included the air stripper at the Mound site, and lagoon-based and microcell treatment at the Solar Ponds.

Environmental Compliance -- Rick DiSalvo

Rick noted that gravel roads continue to be maintained in order to provide access to sampling and treatment locations. At the OLF, there were 12 monthly inspections, 8 settlement monuments were monitored quarterly, and 7 inclinometers were monitored monthly. No movement of inclinometers was found. At the PLF, inspections were performed quarterly per the RCRA closure and engineered cap. Nine settlement monuments and six side slope monitors were also monitored. Lastly, the annual site inspection took place on March 12. Site personnel confirmed that the seven institutional controls were in place (pertaining to use of water, disturbance of soil, protection of monitoring and treatment systems, and related issues.). For the inspection, the DOE-controlled area (Central Operating Unit, or COU) is divided into five inspection areas, and personnel walk through each. They look for evidence of significant erosion or adverse biological conditions, and also evaluate the effectiveness of institutional controls.

Lisa Morzel asked if there was a clay cap over the former Building 881 area where a large hole was found last year. Rick said there was not; it is covered with Rocky Flats alluvium.

Site Ecology – Jody Nelson

Jody began by showing a series of before-and-after photos of how different areas of the site have changed since closure. Project support for ecological issues was provided for project assistance, wetland mitigation, Preble's Mouse Mitigation Monitoring, wildlife monitoring and weed monitoring/control. Lisa Morzel asked if the site brought mice back into areas where they had been pushed out. Jody said that they come back on their own.

In terms of weed monitoring, Jody mentioned that Russian olives are on the noxious weed list, so they were sprayed. As part of wildlife monitoring, the site maintains bluebird boxes and Jody said he just saw the first bluebird couple weeks ago. He also said the only place onsite that has a prairie dog population is north of the A-4 pond in the Refuge. Also, there were no raptor nests onsite this year. David Abelson asked what the trends have been in terms of wildlife and habitats since closure. Jody said that they are seeing different species of birds, and many more elk in large herds. Mickey Harlow asked what the carrying capacity for the elk herd was and whether any thinning of the herd would be needed. Jody said that they are not seeing any problems so far, but it would likely be up to the Parks and Wildlife Department if anything needed to be addressed.

Briefing on Adaptive Management Plan (AMP) and Replacement of GS10 Monitoring Station

The AMP, which was approved in May 2011 following the issuance of an environmental assessment, is a “monitoring and data evaluation program to assist in deciding to implement proposed action for terminal ponds in 2018-2020 timeframe or delay to gather additional data”. The AMP process includes provisions about reporting timeframes, summary reports, and an annual report. DOE recently completed its biannual review of the AMP, and as part of that review, decided to cease water quality monitoring along Indiana Street on October 1, 2015.

DOE is also proposing to replace monitoring station GS10. The existing flume was built by the USGS in the mid-1990s, and although it still functions, it is aging and was originally slated for replacement in 2002. At that time, budget issues and some slumping conditions delayed the project. George Squibb said that now that the B-series ponds have been breached, there is no longer a need for the bypass pipeline. He said the plan is to attach the new flume to the bypass line, as it is very large and very stable (it has been in place since the 1970s). George showed design plans, and noted that anyone going on the site tour would see this area.

Tim Plass asked George to address Westminster’s concerns regarding soil disturbance in this area. George said that using the existing structure helps minimize soil work. He added that they do not need the bypass pipes any more, as water now flows directly through the former B-series ponds. The existing pipes would be filled with grout. Also, there would be no interruption in monitoring. Because there have been lower flow rates since closure, the new design/shape will allow better measuring of flow rates. Lisa Morzel asked which geological unit this area is on. John Boylan said it is Laramie and alluvium (clay). Murph Widdowfield asked how the site planned to control future erosion in the area. George said they will be using clean soil, and then will put down plastic netting, eight inches of rock, and coconut matting. This will lead to vegetation growth which will inhibit erosion.

David Allen asked how much of the bypass would be grouted. George said it would be approximately 6-8 feet. Mary Fabisiak asked if the site had collected any soil or sediment samples in that area. George said that based on the characterization that was done during closure there was no need for additional sampling. Shelley Cook asked if this project could impede efforts to find the source of contamination at GS10. George said it would not, and that the area would still be able to be accessed as before. Mickey Harlow said she had a problem with the site covering contamination before finding the source. She said she thinks they should sample this area before covering. George replied that they are doing all of the upstream sampling to find the source. He added that these areas have levels below the soil action levels, so there would be no reason to dig up the soil and ship it offsite. He reiterated that the cleanup plan was to address areas above the soil action levels, and then to ensure any remaining contamination did not mobilize. Since no contamination was showing up at the POC’s, disturbing the soil might do more harm than good. David Allen stated that he thought it was premature moving forward with this until they find the source at GS10.

Scott Surovchak said that they had been working on that. George added that when looking for a source area, they look for things that have changed upstream of the sampling locations, and in

this case, the areas around the flume have not changed for more than thirty years. David also asked why they are not looking between the upstream monitoring points and GS10 for soil/sediment sampling. George responded that it actually takes some time to get enough data to provide a level of confidence in the results, especially since many areas are dry. He said that one sample which does not show contamination does not mean nothing is there. The process works best by using surface water results first, and then letting the data guide them where to go next. Bill Fisher said it sounded like the site does not want to do additional sampling. Shirley Garcia said that moving the flume prior to finding the source would result in losing a historical baseline, and also advised them to step back and take some more time. Mickey Harlow said that the site could be doing some proactive sampling. George replied that they have indeed been doing just that. Tim Plass asked about the project timeline. George said that they would be working from the beginning of August until the beginning of September, as this is when it is the driest. Emily Hunt asked what the cost of the project would be. Linda Kaiser said it would be approximately \$200,000. This funding is in the FY13 budget, and they do not have the ability to carry over this money into the next fiscal year.

George moved on to an update about the Adaptive Management Plan (AMP), which was also posted on the website. Through the AMP, there is a cooperative process to develop a schedule for breaching of the final three dams. There were several objectives for this process.

1. Use larger bottles at POCs to address larger scale events. This is done.
2. Use flow-through monitoring. There have been no reportable conditions, and they are seeing more variability, as expected.
3. Pre-discharge sampling
4. Using targeted groundwater monitoring from AOC wells. There have been no reportable conditions.
5. Collecting storm event samples at Pond C2. There has been no flow, and therefore no collection.
6. Additional automated uranium sampling. They are seeing seasonal results and quantifying the variability.
7. Grab sampling every two weeks at north and south walnut creeks. This is helping define natural variability.
8. Nitrate grabs in North Walnut Creek. This is looking at the relative effects of solar ponds treatment system, and the fate and transport of nitrates.

Bill Fisher asked if the site will get results back from the latest testing before construction on flume begins. George said they will. AMP data will be out by the end of July, and the quarterly report is also coming soon. Also, data is added to the GEMS database as soon as it is validated. David Abelson noted that staff receives emails when new data is put on the GEMS system, and asked if the Board would like to receive these notifications. Many members said yes, so David will start sending these emails.

Public comment

There was none.

Member Updates

Shelley Cook said that at the last meeting there was a discussion of the notification process in the event of fire at Rocky Flats. She wanted to know how local governments would go about requesting this notification. Scott Surovchak said that DOE stays out of any fire response operation. He added that all local communities are included in emergency response agreements, which would be involved in any Rocky Flats fires, so he recommended talking to their local fire departments. He also mentioned that the USFWS has some fire protection involvement at the site as well.

Roman Kohler announced that DOE-LM has enough money to fund worker retirement benefits, and that the workers are provided with annual reports about these updates. He also mentioned that on June 22, a fraternal organization called E Clampus Vitus would be presenting former workers and their families with a monument recognizing their work at Rocky Flats. This ceremony was scheduled to take place at the Rocky Flats Lounge at 11 am. The monument would be given to Scott Surovchak to store until the entrance off Highway 93 could be re-configured to accommodate traffic for people to view it.

Tim Plass mentioned that Boulder is still in the process of deciding whether to municipalize their utilities. A decision will be made in August.

Joe Cirelli said that Superior is evaluating a proposed town center development on northeast side of McCaslin Boulevard. They have heard the developer's proposal, and a Board hearing was scheduled for June 10.

Conny Bogaard reported that the Rocky Flats Cold War Museum just closed its second temporary exhibition. They also found a new location in Old Town Arvada at 57th and Webster, and were scheduled to re-open on July 1. She added that the Museum was making progress with fundraising, including a creation of a video. They are also in discussions with Cold War heritage sites in Scandinavia, and looking at framing historical issues with current nuclear issues.

Joyce Downing noted that Northglenn had a new City Manager, and that the Ralston House was location coming soon.

Bob Briggs mentioned that Westminster was hosting a Saturday Jazz Festival, at 73rd and Lowell (the Old Westminster High School) from 12-8 pm.

Updates/Big Picture Review

September 9, 2013

Potential Business Items

- Initial review of 2014 budget
- Initial review of 2014 work plan
- Review community member application and appointment process

Potential Briefing Items

- DOE quarterly update
- Natural Resource Damages update

October 28, 2013

Potential Business & Briefing Items

- Approve 2014 budget
- Approve 2014 work plan
- Conduct community member interviews

Potential Briefing Items

- DOE quarterly update
- Solar Ponds remedy performance

David Abelson asked if there were any other issues that Board members would like to consider. Lisa Morzel mentioned climate change and effects at Rocky Flats. David said that the initial discussion took place at the April meeting, and asked what the follow up should be. Joe Cirelli mentioned the potential impacts of a larger wind farm near Rocky Flats. David responded that this was covered by last meeting's discussion of the possible effects of drier conditions at the site.

The meeting was adjourned at 11:18 a.m.

Respectfully submitted by Erin Rogers.