

## Rocky Flats Stewardship Council Board Meeting Minutes

Monday, June 5, 2006

8:30 a.m. – 11:30 a.m.

Jefferson County Airport, Broomfield

**Board members in attendance:** Jennifer Bray (Alternate, City of Boulder), Lori Cox (Director, Broomfield), Mike Bartleson (Alternate, Broomfield), Jo Ann Price (Director, Westminster), Lorraine Anderson (Director, Arvada), Clark Johnson (Alternate, Arvada), Jim Congrove (Director, Jefferson County), Kate Newman (Alternate, Jefferson County), Karen Imbierowicz (Director, Superior), Jane Uitti (Alternate, Boulder County), Bob Nelson (Alternate, Golden), Martin Toth (Alternate, Superior), Sheri Paiz (Director, City of Northglenn), Ken Foelske (Director), Marjorie Beal (Alternate, League of Women Voters), Jeannette Hillery (Director, League of Women Voters), Kim Grant (Director, Rocky Flats Cold War Museum), Roman Kohler (Director, Rocky Flats Homesteaders).

**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).

**Members of the Public:** Marion Galant (CDPHE), Carl Spreng (CDPHE), Rob Henneke (EPA), Amy Thornburg (USFWS), Mark Sattleberg (USFWS), Dean Rundle (USFWS), Frazer Lockhart (DOE), Erin Minks (Senator Salazar), Jennifer Bohn (Stewardship Council accountant), David Kruchek (CDPHE), Al Nelson (City of Westminster), Scott Surovchak (DOE), Larry Kimmel (EPA), Mark Aguilar (EPA).

### Convene/Agenda Review

Chair Lorraine Anderson convened the meeting at 8:35 a.m.

### Business Items

1) **Consent Agenda** – Bob Nelson moved to approve the consent agenda. Lori Cox suggested a clarification of the May 1, 2006, meeting minutes. In the last paragraph on page 7, she thought the wording could suggest that Broomfield did not believe there would be a need for data exchange meetings if there were no water discharges. She would like the minutes changed to clarify that there would still be a need for meetings. The Board decided to simply remove the sentence in question. The motion was seconded by Jeannette Hillery. The motion passed 12-0.

2) **Executive Director's Report** - David Abelson reported on the following items:

- David noted that he will be making a proposal at the end of the meeting to consolidate the Stewardship Council's upcoming meeting schedule. These changes are based on a delay in the release of the Proposed Plan.

- Lorraine and David met with State Representative McKinley following the May Board meeting. David said the visit was reminiscent of when he and Shaun McGrath (as chairman of the Rocky Flats Coalition of Local Governments) met with Rep. McKinley in 2005. Lorraine and David invited Rep. McKinley to meet with the Stewardship Council, and although he seemed to have some interest, David is not sure whether he will take them up on the offer. It appears that he is not interested in making changes to his bill, and assuming Rep. McKinley gets reelected, David presumes he will reintroduce the bill in the next session. David said that the debate boils down to difference between ‘warning’ (Rep. McKinley’s approach) and ‘informing’ (Stewardship Council’s approach). Rep. McKinley mentioned to a colleague sitting in on the meeting that the Stewardship Council does not want to tell the public what happened at Rocky Flats. David noted Rep. McKinley was incorrect and also noted that if the Stewardship Council believed it needed to post warnings at the site, the issues would not be about signage issue, but would instead signal that the cleanup was inadequate.
- David will soon begin working with the Board on developing an outreach plan, which will include determining how best to tap into the existing resources of member organizations in order to reach out to a broader audience. For instance, he would like to have Stewardship Council members forward staff monthly reports to their members. Another idea he is exploring is videotaping DOE’s quarterly public meetings and broadcasting them on city cable stations.
- The Stewardship Council website is on-line, although it is not yet finalized. David has been discussing with the Rocky Flats Citizens Advisory Board (CAB) the idea of folding their website in the Stewardship Council’s when the CAB ceases operations in June 2006.
- David said he believes the Coalition’s 2005-2006 audit has begun or is about to begin. The Stewardship Council, as the successor entity, will need to accept the audit at its September meeting.
- The Stewardship Council has not yet received documentation from DOE regarding the grant, but David has been told it has been approved.
- David will be distributing a second draft of the Coalition history report by early July. He is working to incorporate comments and concerns from the first draft.
- During the Big Picture discussion at the end of the meeting, the board needs to discuss the topic of scheduling meetings in Washington, D.C. The board needs to look at when to meet, what is the message, and if September makes sense as a time to go. David said he will be there in November for an Energy Communities Alliance meeting. Jeannette Hillery asked about the pros and cons of going in the fall, as opposed to the spring. David said he usually went four times a year for the Coalition, and that spring is best, because that is when things are being pulled together. He said to avoid August because of the recess.

Lorraine added a comment about the meeting with Rep. McKinley. It is her opinion that Rep. McKinley does not want to change the wording in his Rocky Flats bill for any reason.

### **Public Comment**

Mark Sattleberg (USFWS) announced that his agency has granted an extension for the public comment period on draft refuge sign language until June 22.

Lorraine Anderson announced that the last meeting of the Rocky Flats Citizens Advisory Board will be June 22 at College Hill library in Westminster.

### **2006 Stewardship Council Budget Hearing**

Barb Vander Wall explained that the Stewardship Council must formally adopt its budget. The Council has published a notice for this meeting, as required by law.

There were no public comments. Chair Lorraine Anderson officially closed the hearing.

Jo Ann Price asked about the line-item for the Rocky Flats Coalition history project that David is drafting. Specifically, JoAnn wanted to know if the \$8,100 line-item is the balance owed (not including expenses) on the contract. David responded that Jo Ann is correct and that the total amount of the contract has not been modified. Kim Grant asked if the administrative expenses were not in the draft budget that the Board reviewed at the May 2006 meeting. David said that was right.

Karen Imbierowicz moved to approve the FY06 Stewardship Council budget. The motion was seconded by Lori Cox. The motion passed 12-0.

### **DOE Briefing – Final Remedial Investigation/Feasibility Study (RI/FS) and Proposed Plan**

Frazer Lockhart (DOE) gave a presentation on the Final RI/FS and Proposed Plan. He began by explaining that the Proposed Plan will be coming out within the next several weeks.

Rocky Flats has had accelerated cleanup actions and removal of waste materials in accordance with Federal and State laws and regulations. The Proposed Plan is the primary document for public review and comment. It summarizes in layman's terms the alternatives that were studied in the RI/FS, and highlights the preferred alternative and the rationale for choosing it. The Proposed Plan and RI/FS form the basis for EPA and CDPHE's selection of the preferred alternative. This document will also delineate the boundaries for both DOE-retained and USFWS land. It will outline the cleanup, administrative controls and signage, as well as indicate any additional remediation if needed.

The Proposed Plan will be issued within several weeks, along with the RI/FS, for a 60-day public comment period. A notice of availability and announcement of the public comment period and public hearing will be placed in a local newspaper.

The RI/FS is a document that contains a multitude of data collected at Rocky Flats, as well as analyses of the data leading to the identification of proposed alternative responses. The body of the RI/FS will comprise about three notebooks of materials.

This longer document was issued in draft form last October for informal feedback from regulators and stakeholders. The site has been working on this draft for several months. Many changes have been made based on regulator comments and in order to make it easier to review and comment, but the fundamental conclusions have not changed.

The Comprehensive Risk Assessment (CRA) will be issued along with the RI/FS as an appendix. The CRA outlines data collected at Rocky Flats over the past 15 years and analyzes the data to determine what risks remain after the cleanup response is completed. This will make up about 18 volumes, including detailed analysis of data, numerous tables, charts, and maps.

The Corrective Action Decision/Record of Decision (CAD/ROD) is the document that will select and document the remedy, and certify that the remedy selection process was carried out in accordance with applicable regulations. The CAD/ROD will describe the technical parameters of the remedy to protect human health and the environment. It will be issued after all public comments have been received and will include a responsiveness summary.

The public meeting schedule includes an informational meeting, which was held on May 30<sup>th</sup>. This meeting was scheduled prior to the issuance of the Proposed Plan, and its purpose was to explain timing and expectations. After the Proposed Plan and final RI/FS are released, a first informational meeting will be held to walk interested parties through the various documents. A second informational meeting will be scheduled later in the comment period to respond to questions regarding the documents or the process. Then, toward the end of the comment period, a formal hearing will be held. Comments will only be accepted within the comment period either verbally at the meeting or in writing.

Mike Bartleson asked if there will be an opportunity for technical discussions on the documents. Frazer said they would be interested to hear what was desired and that DOE would be willing to participate. Frazer mentioned a guide available on EPA's website for more information about the documents. He also pointed to Bob Darr as a point of contact for information and meetings. DOE is interested in hearing any comments on how they could make improvements to the public process.

DOE intends to make the documents widely available to the public, in as many locations as possible, as well as on the website. The reports will also be put on DVDs to be distributed through libraries and other locations.

Jeannette Hillery asked what kind of comments DOE received at the first meeting. Frazer said there were comments about the availability of the document. He said the intent is to make the electronic versions of the documents available as soon as possible, but not start the comment period until the hard copies have been printed.

Jane Uitti asked what the anticipated timeframes are for each of the documents and meetings. Frazer said they hope to release the document within several weeks. The exact dates have not been sent. They plan to hold the first informational meeting approximately two weeks after the documents are released. A second meeting will be held 2-3 weeks later, followed by a formal hearing near the end of the comment period. Once the comment period closes, DOE will work with the regulators to develop a responsiveness summary. They are not sure how long this will take, since it will be based on the nature and extent of comments.

Ken Foelske asked if the Proposed Plan will include monitoring plans. Frazer said it will, as it is one of the most important parts of the plan.

Jane Uitti asked under what circumstances air monitoring would or could be considered in the future at the site. Frazer said this is based on risk and whether there is a problem to be addressed. The CRA will include the analyses of air pathways and the rationale for why there is no air monitoring in the plan. In the past, most of the air monitoring was based on operations and remediation. It was stopped because there was no ongoing need.

Ken Foelske suggested that if the air monitoring did not show any contamination, that would be good data to share and that it would show no further need for monitoring.

Jeannette Hillery suggested that DOE monitor for one or two years, and if the data shows that no further monitoring is needed DOE would have developed the baseline to prove additional air monitoring is not necessary. This process could serve to ease public concerns about residual contamination or the potential spread of contamination during fires. Frazer pointed out that most of the air monitoring has already been taken down and that while this topic is a fair one, all data points to the need for no more air monitoring.

Karen Imbierowicz said that she has learned recently that some municipalities have monitors downwind of Rocky Flats and asked the cities to confirm. Al Nelson reported that the community-run COMRAD stations have been down for some time and are in the process of being removed. Karen also said that she would be interested in hearing some options for short-term monitoring efforts. Frazer said DOE will not be making any changes until the comment period closes.

David responded that this issue was not pushed by the Coalition due to an extensive review of air monitoring data which showed that there is no reason to continue such monitoring. The data set also included air monitoring the site conducted during prescribed burns, during which time air monitors were placed directly in the smoke plumes.

Frazer said air monitoring is a topic that is covered in the documents. He said that if needed information cannot be found in the documents, stakeholders should feel free to submit comments or questions to DOE.

Scott Surovchak said there are three air monitors left onsite. There is one upwind and two downwind. DOE was supposed to take them down, but they were left in place in order to verify compliance with NESHAPS regulations.

Karen added that public education needs to be done on this topic.

Rik Getty said that he understands that Alternative 2 has been revised by replacing boundary markers around the DOE-retained lands with plans for a fence and asked Frazer if this was the case. Frazer said Rik was correct.

In response to Jeannette's question about the public's comments at the first DOE Proposed Plan and RI/FS meeting, David pointed out that there really is not much actual 'public' attendance at these meetings.

David also mentioned that Rik's memo in the Board packet lists four issues that the Coalition was tracking related to these documents, but pointed out that these are not the only issues the Stewardship Council can or will follow. He encouraged members to let staff know if there are additional issues that should be looked at as the documents are reviewed and comments are prepared. He also told the Board not to worry about where issues might fit in the documents, just send them along to staff and they will make sure to incorporate in the proper context. Also, members should feel free to use the staff for any questions about terminology or technical issues.

Karen asked how the Stewardship Council will be able to comment on these documents if they do not have an August meeting. David responded that the September meeting will occur very close to the end of the comment period, and that if the Stewardship Council's comments miss the deadline by a few days, they will still be accepted.

David noted that the Coalition was never able to agree on the issue of how to restrict access to DOE-retained lands. This group will have to discuss the reasons behind the need for access restrictions, which should then inform options for restricting access. If the need is based on safety concerns, the group would be implying that the cleanup was not adequate. Therefore, further discussion needs to take place.

### **Discussion of Signage for Rocky Flats National Wildlife Refuge**

Lorraine invited Dean Rundle to participate in this discussion. Dean noted that because of strong interest USFWS agreed to conduct a public process to decide on sign language for access points at the refuge. At the end of April, they put out a press release, sent letters to all previous commenters, and posted on their website regarding a proposed 400-word sign. This sign language is included in a 4-5 page Refuge step-down plan. Although there have been no formal requests for a comment extension, there was some concern that 30 days was not long enough. Therefore, USFWS has agreed to take comments through June 22<sup>nd</sup>. So far they have received six sets of comments, which range from accusations of a 'cover-up' to compliments on a great sign. Dean said he was looking forward to comments from this group or from individual governments.

Dean noted this plan was not intended to address any additional signs. Additional plans will be prepared and developed by interpretive specialists. These will be also done as part of a public process, but they are not a priority at the moment. These initial signs will be posted within 60 days of the land transfer, which is expected in the first quarter of calendar year 2007.

Jane Uitti said she thought there were some ways to make the language more clear and factual, as well as more specific. She provided some suggested wording changes in the Board packet. Dean noted that the purpose of the sign is not to tell the entire story of what happened at Rocky Flats. He said he appreciates her comments, but has not yet had a chance to review them. He is sure some changes will be made, based on the public comment.

Dean noted that they have been discussing the issue of risk communication internally. Other public sites do not address risks of lightning strikes, animal attacks, and the like, but many are expecting that risks be addressed at this site. There are risks at most sites, such as climbing deaths due to falls. He noted the language in the signs about weather, animals, etc. is standard refuge sign language.

Jeannette Hillery said she had concerns about the original language. She likes the language proposed by Boulder County, as she sees it as more balanced. Her first reaction about including a numerical cancer risk was that it was questionable, but she thinks it is good to give the information so people can make their own decisions. She noted that some public places do post warnings, such as golf courses.

Ken Foelske proposed adding language about the protection of plant and wildlife species.

Clark Johnson said he is concerned that the risk number mentioned in Boulder County's proposed language is not relevant to the visitor since it is based on the refuge worker. He agrees that some of the initial language was questionable, but the revised language also does not capture everything that happened at the site. He feels more balance is needed. He added that the term 'buffer zone' is not relevant any more, as in the future there will only be the Refuge and DOE-retained lands.

David Abelson brought up the question that if you ask the question if one part of the site is safe, then you could inadvertently imply that other parts are not safe.

Karen Imbierowicz highlighted the need to include language explaining that not only accidents or spills occurred throughout the site's history. Also, she thinks it is fine if people infer that DOE-retained lands are unsafe, as they would be more likely to stay away from them if they did.

Lorraine Anderson said she thought all of the comments have been good. She likes the idea of acknowledging the workers. She also likes what David said about the whole site being safe. She said we need to clarify that we want to keep people off DOE-retained lands in order to protect the remedies. She also emphasized that we need honesty in the signs, as this points to the integrity of the cleanup and the good intentions of everyone involved.

Jo Ann Price thanked Dean for taking comments and listening. She asked if there would be any opportunities to change the language once the decision has been made. Dean said he does not think they will be able to come up with a sign that everyone likes. But, after comments have been accepted and responded to, the USFWS will meet again with this group. He said this process is not governed by strict regulations, so they do have some flexibility. They will

continue to meet with stakeholders and make it as good as they can. However, he does not want to have it drag on too long.

Dean asked if he would be able to get a transcript of the comments given at this meeting. David Abelson put the question to the Board about whether they want to send individual comments or pull together a position as a Board. Dean said USFWS will also be working closely with EPA/CDPHE, and that many people think it is important to tell story of why these sites were here in the first place.

Clark Johnson asked if the interpretative signs, which will be developed in the future, will simply interpret from an ecological perspective, or if they will deal with site history. Dean said these will likely include some cultural background, maybe even information about the pre-DOE Rocky Flats. Lorraine asked if it would be safe to say that they will be working with volunteer groups on interpretive signage. Dean said that they have interpretive specialists who know how to put messages together, but that it is a public process, and they are always open to volunteers.

David suggested modifying the draft language so that it meets intents of Board. He suggested moving the sentence about people working there back to the earlier section about plant history. Jeannette added a change on the second paragraph, 4<sup>th</sup> line down, change to 'waste handling practices of the times'. They will also remove the 'buffer zone' reference. In the section 'Is the Refuge safe for public recreation?' David suggested adding 'less than 1 in 200,000, and significantly less for visitors'. They will also add a reference to wildlife safety here. Lori Cox interjected that the sign reader will not understand the 1 in 200,000 risk level, and that they will not be able to put in perspective.

Karen Imbierowicz said she agreed with Dean that you do not see numerical risks posted in other public locations. She suggested making this level of detail available if people are interested, but not on the sign. Lorraine said that she agreed it would be best to leave it out. David said that if this is the general sense of the Board, he would leave out the risk number. This could be replaced by a statement about the level of cleanup and what uses it would support. Jo Ann Price said she agreed with moving forward this way.

David pointed out that this letter can serve as a very clear statement that this group does indeed want to inform the public about the history of Rocky Flats. He pointed out one typo in the letter, which will be fixed. Jane asked if David would send a copy of the letter to Rep. McKinley. Karen added a request to send a copy to each of the co-sponsors of Rep. McKinley's bill.

Ken Foelske suggested making the signs as vandal resistant as possible, as he expects them to be vandalized.

Jeannette Hillery moved to approve sending the letter with the changes discussed at the meeting. The motion was seconded by Jo Ann Price. Lori Cox asked if approving this letter would preclude individual governments from sending their own comments. Lorraine responded that the member organizations are free to send whatever comments they want. David said he will add a statement in the letter that individual governments may be providing additional comments.

Karen said she would like to see the draft letter via email. David said he will send it out for review, and that there is time for this. The motion passed 12-0.

Dean said he appreciated the hard work by this group, and he will be happy to meet with any organizations prior to making a final decision.

Lorraine asked if the Stewardship Council could invite state legislators on an upcoming site tour. David said that they are already close to the maximum number people that can be accommodated on this tour and suggested arranging a separate tour for legislators.

### **Public Comment**

There were no comments

### **Updates/Big Picture**

Upcoming topics for Council meetings include:

- Accept RFCLOG audit
- Begin Reviewing DC Briefing Packets
- DOE and USFWS Updates on Condition of Rocky Flats
- Approve Position on Proposed Plan
- Begin Discussing Outreach Plan
- Approve DC Meeting Packets
- Post-Closure Monitoring and Maintenance
- Post Closure RFCA (RFCA II)
- Continue Discussing Outreach Plan

David said he could go to Washington, D.C. in September 2006 after the September 11<sup>th</sup> Stewardship Council meeting. Jo Ann Price said the group would need some pretty strong reasons for him to take this trip. David responded that just having a presence and ongoing dialogue is beneficial, so that you are not only going to Washington, D.C. when you need help.

Lorraine suggested scheduling a site tour with state legislators in August instead of the meeting. Jeannette replied that election issues may not make this a very good time for the tour. Lorraine agreed. Clark pointed out that the Stewardship Council only needs to focus on those representing this area. David also noted that moisture conditions/revegetation concerns may affect the ability to schedule tours.

Karen offered that the Big Picture should also identify a time to discuss staffing needs. David noted that this would be another reason to have more meetings in the fall rather than the summer. In response to a question, Barb Vander Wall stated that the Board does not need a formal motion to cancel the August meeting. The Board will meet in September, October, and November.

At 10:55 a.m. Lorraine Anderson moved that the Board enter into Executive Session for the purposes of discussing personnel issues, and to receive legal advice on such issues, as authorized

under Sections 24-6-402(4)(a), (b), (e) and (f), C.R.S. Bob Nelson seconded the motion. The motion passed 12-0.

The Board reconvened from Executive Session at 11:15 a.m. and affirmed that no actions had been taken during Executive Session.

Jim Congrove moved to approve the contract with Crescent Strategies, LLC. The motion was seconded by Jane Uitti. The motion passed 12-0.

David reiterated that he really needs feedback on outreach activities. He needs input on what to communicate, how to communicate it, and what resources are available within member organizations.

Kim Grant said that some Rocky Flats Cold War Museum Board members are going to the Nevada Test Site museum to participate in a DOE-sponsored heritage preservation discussion. They will also be touring the test site.

Rik Getty discussed logistics for next Monday's Rocky Flats tour.

David noted that at some point the Stewardship Council will need to discuss the role it wants to play with helping the Cold War Museum moving forward. This role could be helping the museum to build broader political support. David said this could be one of the messages he brings to Washington, D.C. in September. Lorraine mentioned to Kim that ECA has peer exchanges which could pay for museum board members to visit the Oak Ridge museum, which is in the process of being turned over to a private enterprise to run.

The meeting was adjourned at 11:25 a.m.

*Respectfully submitted by Erin Rogers.*