

ROCKY FLATS STEWARDSHIP COUNCIL
Monday, June 5, 2017, 8:30 – 11:15 a.m.
Rocky Mountain Metropolitan Airport, Terminal Building, Mount Evans Room
11755 Airport Way, Broomfield, Colorado

Board members: Sandra McDonald (Alternate, Arvada), Deb Gardner (Director, Boulder County), Lisa Morzel (Director, Boulder), Mike Shelton (Director, Broomfield), David Allen (Alternate, Broomfield), Laura Weinberg (Director, Golden), Libby Szabo (Director, Jefferson County), Pat O’Connell (Alternate, Jefferson County), Joyce Downing (Director, Northglenn), Shelley Stanley (Alternate, Northglenn), Chris Hanson (Director, Superior), Sandy Pennington (Alternate, Superior), Emily Hunt (Alternate, Thornton), Mary Fabisiak (Alternate, Westminster), Jeannette Hillery (Director, League of Women Voters), Sue Vaughan (Alternate, League of Women Voters), Murph Widdowfield (Director, Rocky Flats Cold War Museum), Susan Flack (Alternate, Rocky Flats Cold War Museum), Kathleen Bacheller (Alternate, Rocky Flats Homesteaders)

Stewardship Council staff and consultants: David Abelson (Executive Director), Barbara Vander Wall (Seter & Vander Wall, P.C.), Rik Getty (Technical Program Manager), Ann Lockhart (Consultant)

Attendees: Eric Barnes (Barnes & Griggs), Lisa Pastore (Barnes & Griggs), Marion Whitney, Ted Ziegler, John Reed, Bonnie Graham-Reed, Carl Spreng (CDPHE), Patricia Mellen, Jeremy Wehner (Navarro), John Boylan (Navarro), Jody Nelson (Navarro), Ryan Hanson (Sen. Gardner’s Office), David Ward (Navarro), Josh Schlossberg (Boulder Weekly), Bob Darr (Navarro), Scott Surovchak (DOE-LM), Jeffrey Murl (DOE-LM), Vera Moritz (EPA), George Squibb (Navarro), Jeff Gipe.

Convene/Agenda Review: Chair Joyce Downing opened the meeting at 8:35 a.m. The first order of business was introductions of Stewardship Council members and the audience. She said the Executive Committee discussed making minor changes to the agenda. Since there are two public comment periods, they wanted to change the first comment period to cover non-agenda items. During the second comment period, attendees should focus on topics from the meeting. Chris Hanson said he thought this would encourage more public comments. Joyce said side conversations should be taken to the hallway.

Public comment on Consent and Non-Agenda Items: There were none

Business Items—Approval of Meeting Minutes and Checks: The following corrections to the April 17th meeting minutes were noted:

1. Page 7, Anne Fenerty’s comment—the sentence should read “subsurface” not “surface.”
2. Page 1, under reference to the draft audit—the correct date is 2016, not 2006.
3. Page 5, reference to “sandstone dives”—Lisa Morzel requested that the language be changed to “sandstone pinches out....”
4. Page 5, when discussing the formation of the Rocky Flats refuge bill—Lisa requested that the reference to Rep. Udall also include a reference to Sen. Allard.

Chris Hanson motioned to approve the checks and minutes with corrections noted. The motion was seconded by Mike Shelton. The motion to accept the minutes and checks passed 13-0.

Executive Director's Report: David Abelson began by noting that Jeff Gipe was filming the meeting. He said Gipe built the Cold War horse.

David said the Trump Administration's budget request to Congress included a \$1 million increase in funding for the Office of Legacy Management (LM). LM will also have additional responsibilities starting in fiscal year 2018 as it assumes management of the Mound Site in Ohio, and the Manhattan Project sites of Hanford, Los Alamos and Oak Ridge.

He met with DOE officials to discuss the potential impact of the proposed budget on Rocky Flats. He said LM, which has 91 sites, can get by with a flat budget due to pension savings. He said DOE is in the final stages of essentially privatizing pensions for workers. If LM does not need any of the reserve funding, funds will be available for the activities LM has planned in FY18, including money for CDPHE's cooperative agreement and the Stewardship Council grant.

However, if some or all of the reserve fund is needed, that would impact Rocky Flats funding. According to DOE, those impacts could include the timing of the opening of the refuge visitor's center, delaying work on the Original Landfill, and delaying work on the groundwater treatment system. David noted that as is the case with all administrations, Congress uses its own discretion to decide on funding priorities and allocations.

David next discussed the recent lawsuit filed against the U.S. Fish and Wildlife Service (USFWS) by the Rocky Mountain Peace Center and others. The suit asks for an additional National Environmental Policy Act (NEPA) review and a new compatibility review. The briefing scheduled by USFWS for this meeting was canceled due to the lawsuit. USFWS said it could not provide a public briefing where plaintiffs could be potentially present. USFWS offered to provide the Stewardship Council its own briefing, but since the Stewardship Council is not allowed go into executive session for that purpose, the briefing was cancelled. The case will go to federal court, and the outcome will be hard to predict.

Stewardship Council 2016 Financial Audit: David said neither the Stewardship Council's grant from DOE nor state law require a that the organization seek an audit of its finances. However, as the Board has done from its inception, conducting the audit makes good sense. David introduced the auditor, Eric Barnes of Barnes and Griggs, noting Eric understands the nature of the organization, that it receives a federal grant and is not under TABOR (Taxpayers' Bill of Rights) restrictions.

Eric Barnes distributed a summary of his report. He said the financial statement is pretty much the same as the last one, with the same funding sources. He said the Stewardship Council's internal control system is accurate, and that accountant Jennifer Bohn is very competent. He said the Stewardship Council has one main asset (cash) with \$134,000 in revenue from the federal grant and contributions from members, and \$128,000 in expenses. The grant from DOE to the Stewardship Council expires in 2022.

Deb Gardner made a motion to accept the Stewardship Council 2016 Financial Audit. The motion was seconded by Lisa Morzel. The motion passed 13-0.

DOE Annual Meeting

Surface water—George Squibb

Sampling at GS59 (near the Original Landfill (OLF) on Woman Creek) found selenium concentrations above applicable Rocky Flats Legacy Management Agreement (RFLMA) standards in the first and fourth quarters, triggering increased sampling to monthly per RFLMA evaluation protocols. Subsequent monthly sample results were below the standard, so frequency reverted to quarterly.

Quarterly performance monitoring effluent at the Present Landfill Treatment System showed concentrations of arsenic (third quarter) and vinyl chloride (first and second quarters) were above applicable RFLMA standards, triggering increased frequency to monthly. Subsequent sampling results were below the standards.

At SW027, there was no flow in the third and fourth quarters of the year. Staff enhanced upstream erosion controls and found that concentrations of Pu and Am in 2016 were significantly reduced (by about 90 pct.) compared to 2015 levels. The weather also helped.

Lisa Morzel asked about the selenium and where it was from, as it is relatively mobile. George said it was naturally occurring and levels were slightly above past measurements. Other downstream municipalities also see the slight increase. Jeannette Hillery said that Colorado State University studies in southeast Colorado showed that with soil disturbance, selenium travels with moisture.

The 12-month rolling average uranium concentrations at Walnut Creek Point of Compliance (WALPOC) have remained below reportable levels. All other RFLMA POC analyte concentrations remained below reportable levels throughout the year.

Sandy Pennington was concerned about the composite average and said that a composite downplays peak flows. George said staff does not know when peaks occur. She asked about raw data. George said individual sample results are in a table in back of the report. They are also available on-line. George said different average periods are used, and sampling frequency is increased as needed to have the amount of data needed to make decisions. He said risk is based on chronic exposure.

David said there are two issues: the data and its regulatory impact. Certain results trigger actions under the Adaptive Management Plan (AMP). He said George sends community members emails with the data, and he and Rik look at it. The Woman Creek Reservoir staff wants the data when the POC data are validated, and individual results when grab samples are above average but do not trigger reportable conditions.

Jeff Gipe asked what happens when the creeks have no flow. George said flows are intermittent at different locations, but with no flow, there is no new information to add.

Marion Whitney asked about debris on the sides of the creek, which results from a flood. She said contamination collects there on the bank and that if children come to the refuge, they would go there. She would like more thorough testing along the stream banks.

Groundwater – John Boylan

The RFLMA groundwater monitoring in 2016 was done quarterly in 10 RCRA wells to evaluate impacts from the two landfills; 9 Area of Concern (AOC) wells (downstream of contaminant plumes monitored for impacts to surface water); and one surface water support location (semi-annually). Staff checks 27 sentinel wells semi-annually downgradient of treatment systems, at the edge of plumes, and in drainages, looking for plumes migrating to surface water. Staff monitors 42 evaluation wells every other year in plumes, near source areas and inside the Central Operable Unit. Seven locations near the groundwater treatment systems are checked twice a year, and two quarterly.

In 2016, sampling showed that all the groundwater levels decreased. He said 2015 was a very wet year, and that in 2016, precipitation was two-thirds of average.

A statistical evaluation of groundwater at the two landfill wells per Resource Conservation and Recovery Act (RCRA) showed results were almost identical to past results. A few constituents in one or more downgradient wells displayed increasing trends, but none was above applicable RFLAMA levels.

The AOC wells are monitored for potential impacts to surface water and are of highest importance. AOC well 10304 remained reportable for trichloroethene (TCE) through 2016. The surface water well location SW10200 detected no TCE.

The Mound Site Plume Treatment System (MSPTS) was reconfigured so water is now pumped to the East Trenches Plume Treatment System (ETPTS) where power was boosted and an effluent pump replaced. The nitrate treatment component in the Solar Ponds Plume Treatment System (SPPTS) was reconfigured. Uranium treatment testing is continuing.

John said the Reconfiguration Project of the groundwater treatment systems done in 2014-15 won two national awards: Presidential Award and the DOE Award for waste reduction, innovation, improved treatment and sustainability.

Site Operations—Jeremy Wehmer

Site staff checks the signs around the site quarterly and relocated one to improve visibility. The OLF underwent a monthly inspection and two weather-related inspections. Slumping occurred on the OLF hillside. From February to April 2016, there were several wet spring snowstorms. Several berms were regraded and cracks were filled. The East Perimeter Channel was regraded, seeded, and erosion controls installed. The East Subsurface Drain was repaired. Additional piezometers were installed, and groundwater modeling was updated. Installation is complete on the temporary Groundwater Intercept System.

Four quarterly inspections and two weather-related inspections of the PLF for subsidence were performed. Two minor features in the PLF were repaired. Jeremy said the vegetative cover is

starting to come up. Former building areas for 371, 771, 881 and 991 were routinely inspected, and a depression at a corner of 881 was filled.

Marion Whitney asked about the cracks. Jeremy said freeze-thaw cracking is caused by weather, and that such cracks are patched.

Ecological Monitoring—Jody Nelson

Jody Nelson of Navarro discussed ecological monitoring and vegetative management at the site. Herbicide applications were done in spring and fall on 197 acres. He said he planted shrubs and trees. He played Johnny Appleseed with some very desirable species and said that ponderosa pines are starting to come up. He got wildflower seeds from forb nurseries and has been monitoring the revegetation of 12 areas.

If staff disturbs the Preble's Jumping Mouse, they must reestablish its habitat. Two locations under a nationwide permit for wetland mitigation monitoring were approved by the U.S. Army Corps of Engineers. Several prairie dog towns are north of the Central Operable Unit, but none are within the COU. Eleven of 21 nest boxes were used in 2016 by tree swallows, mountain bluebirds and house wrens. No active raptor nests were observed in the COU in 2016. Reestablishing willows along the streams has been very easy. Wetlands continue to establish.

Lisa asked about the use of herbicides; Jody said first he reseeds the grasses. Next Spring, he will spray for weeds among the grasses. Forb nurseries supplied wildflower seeds, which blow downwind and have spread across the site.

Marion asked if he had examined the effect of spraying herbicides on the fungi, which she said could have a great impact on the viability of the soil. Jody said no.

Public Comment on DOE's Annual Report: There were none.

Discussion of Stewardship Council's IGA triennial review: David said the Stewardship Council's Intergovernmental Agreement (IGA) provides a triennial review provision. In short, every three years, the 10 member governments must pass a resolution stating their commitment to continue the organization for an additional three years. As part of this review, one question that has emerge is whether to change the language of the Mission and Purposes to better reflect the Stewardship Council's work.

David began by noting that he and Barb Vander Wall proposed a few revisions; those proposed revisions are included in the Board packet. David said one of his goals was to keep edits to those which are absolutely necessary. He began by reviewing those changes.

Since there has been an uptick in community engagement over the past three years, that change in circumstances should be acknowledged in the Mission and Purposes. Towards this end, regarding maintaining public knowledge and ensuring community interests are met, David and Barb recommend adding the word "help." The Board agreed to this change.

Barb said the Stewardship Council is running fairly well. Deb asked David to send to the members the mission statement and purposes with proposed changes separately from the IGA, for ease of review. David said the IGA was essentially the same. The goal is to have every government approve the same document.

Sandy Pennington said she had a number of recommended changes. She said she believes the public was confused about the relationship between the Local Stakeholder Organization (LSO) and the Intergovernmental Agreement. David said there is some redundancy between the two documents. He said the IGA is more expansive as it creates the legal foundation for the Stewardship Council, and that the work of the Stewardship Council includes but is not limited to serving as the LSO for Rocky Flats.

As David explained, Congress authorized the creation of the LSOs at Rocky Flats, Mound, and Fernald, though the only LSO that formed is at Rocky Flats. David explained that the LSO designation carries with it a federal grant from DOE. The Stewardship Council can only use those grant funds or LSO activities, and that non-LSO activities (principally issues regarding the management of the Rocky Flats refuge) must be funded from other sources.

Sandy next questioned the words “Stewardship,” “oversight,” and “address”. She questioned the organization’s role vis-a vis Rocky Flats workers, and said that item H about the Stewardship Council serving as a spokesperson was very problematic. Deb said the Stewardship Council has no real authority to change anything. Laura said the Council provides a forum for all issues.

Regarding Purpose Item H, David said he and Barb Vander Wall had initially proposed deleting that item, but opted instead to see whether the issue arose at the meeting. The Board also agreed to drop the provision regarding serving as the community spokesperson, noting that role is not necessarily applicable.

Regarding the term long-term stewardship, David explained that this term originated at Rocky Flats in the late 1990s. The basic idea is that stewardship includes the suite of activities needed to ensure that post-closure obligations we met. Further, the “stewards” are not limited to those with regulatory responsibilities, but includes local governments, community organizations, the Stewardship Council, and others.

Sandy next questioned the definition of “Rocky Flats.” Lisa suggested adding a map to show evolution of the site over time, including the addition of Section 16.

David suggested discussing proposed changes at the next Executive Committee meeting. He advised members to be careful about making changes, because each government has attorneys that review the document and experience has shown that getting them on the same page can be a big lift. Laura suggested sending out the proposed revisions before the next meeting, Sept. 11.

The meeting was adjourned at 11:32 a.m.

Respectfully submitted, Ann Lockhart