

# ROCKY FLATS STEWARDSHIP COUNCIL

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Jefferson County -- Boulder County -- City and County of Broomfield -- City of Arvada -- City of Boulder  
City of Golden -- City of Northglenn -- City of Thornton -- City of Westminster -- Town of Superior  
League of Women Voters -- Rocky Flats Cold War Museum -- Rocky Flats Homesteaders  
Nancy Newell

## Monthly Status Report – September 2014

### Board meeting summary

#### *Initial Review of 2015 Work Plan*

The Board conducted the initial review of the 2015 work plan. A few changes were offered concerning USFWS' proposal to conduct a controlled burn and its plans to open the Refuge in the next two-to-three years. The plan will be adopted at the October 27<sup>th</sup> meeting.

#### *Initial Review of the 2015 Budget*

The Board reviewed the draft 2015 budget. No changes were offered. The budget will be adopted at the October 27<sup>th</sup> meeting.

#### *DOE Quarterly Update*

The Stewardship Council hosted DOE's update for the first quarter of 2014. Updates included:

- groundwater monitoring;
- surface water monitoring;
- ecological monitoring; and,
- surveillance, maintenance and site operations.

Some of the highlights included:

- At the Original Landfill, all sampling results met water quality standards during the quarter. Three monthly inspections were performed, as well as weekly inspections of slumping areas. Eight settlement monuments and seven inclinometers were monitored, and movement was within expected ranges. No significant cracking was noted within the landfill boundary, but cracking and slumping were noted on the east side of the East Perimeter Channel, outside of the landfill boundary. The cracks were filled as required by the monitoring and maintenance plan.
- At the Present Landfill, the 4<sup>th</sup> quarter 2013 sampling result for vinyl chloride was 0.21 µg/L, exceeding the standard of 0.2 µg/L, and triggering an increase in sampling frequency. The following three sample results (one in the 4<sup>th</sup> quarter, two in the 1<sup>st</sup> quarter) were also above the standard (0.29, 0.28, and 0.21 µg/L), triggering sampling of the former PLF Pond area (NNG01). NNG01 was sampled on March 26, 2014. Vinyl chloride was not detected in that sample and routine quarterly sampling was resumed.
- As of September 30, 2013, uranium was no longer reportable.

## Legacy Management monthly site inspection summary

DOE reports that its site activities for August focused on routine maintenance and surveillance activities.

### *Surface water and groundwater monitoring*

- Measured parameters at selected surface water locations to support the uranium geochemistry evaluation.
- Redeveloped selected wells.
- Collected groundwater samples from the Original Landfill wells. This work concludes 3<sup>rd</sup> quarter 2014 sampling.

### *Groundwater Treatment Systems*

- East Trenches Plume Treatment System (ETPTS): DOE reports the system is functioning normally. DOE began the system reconfiguration project by removing the zero valent iron (ZVI) from both cells. Samples for waste characterization were sent to the lab. This is the first stage in changing from media treatment to a commercial style air stripper treatment system. The existing air stripper in the influent manhole continues to operate.
- Mound Site Plume Treatment System (MSPTS): DOE reports the system is functioning normally.
- Solar Ponds Plume Treatment System (SPPTS): DOE reports the system is functioning normally. Staff excavated soil and installed new piping sleeves between system components to allow additional connections and operational flexibility. Contact record CR2014-08, which discusses the project and contains regulatory approval of the soil disturbance permit, was posted to the Rocky Flats Legacy Management website on July 18. Work began July 28 and was completed on August 5. (This item was reported in the August update.)

### *Ecology*

- Conducted erosion control surveys.
- Conducted Preble's Meadow Jumping Mouse (federally endangered species) photopoint monitoring at various locations.
- Completed diffuse knapweed mapping.
- Began fall herbicide applications.
- Continued updating the site vegetation map.
- Began wetland monitoring.

## Worker Benefits

In response to concerns former workers have been raising about changes to health plans, Senators Udall and Bennet and Representatives Perlmutter and Polis wrote Energy Secretary Moniz requesting that the decision be delayed for 12 months. In response, DOE denied this request, paving the way for the proposed changes.

The two letters are attached to this update.

## Stewardship Council update

Next meetings:

October 27 (note change of meeting date)

February 2, 2015

**Congress of the United States**  
**Washington, DC 20515**

September 15, 2014

The Honorable Ernest Moniz  
Secretary  
U.S. Department of Energy  
1000 Independence Avenue SW  
Washington, DC 20585

Dear Secretary Moniz:

We write concerning former Department of Energy (DOE) employees who worked at the Rocky Flats Nuclear Weapons Plant in Jefferson County, Colorado. We request you grant a one-year delay of the proposed changes to the specialized retiree benefits for these former nuclear plant workers. The proposed changes lack transparency or adequate plan comparisons, and this delay will enable the Department to conduct a more thorough review of the retiree health benefits.

DOE's contractor, Washington River Protection Solutions (WRPS), proposed making these benefit changes under DOE Directive 350.1, which requires biennial Benefit Value Studies evaluating the costs of retiree pension and health insurance. An important part of administering any government contract is transparency, especially when the contract has a direct impact on retiree benefits for seniors. Rocky Flats retirees—many of whom are ill and on a fixed income—were not informed of any possible changes to their benefits until a decision was already made. There was no opportunity for the retirees to plan ahead or weigh in with the Department on the changes to their benefits they earned through years of service to our country. In an October 30, 2000 memorandum (attached), DOE stated "the negative impacts of changing pre-1995 retiree benefits far outweigh the potential cost savings." This statement remains true today, and proves DOE has the authority to consider the adverse impacts on retirees when making benefit decisions.

We are also troubled by problems with the Benefit Value Study WRPS conducted. WRPS was required to compare Rocky Flats' plans with 15 companies from "similar" industries. However, there are few industries that would qualify as similar to the Rocky Flats Plant. Rocky Flats workers were exposed to some of the most toxic and dangerous elements ever known, resulting in the development by many of complex and debilitating health ailments. Despite these unique qualities of the Rocky Flats Plant, only three of the companies analyzed were government-related and could remotely compare to the Rocky Flats Plant. As a result, the Benefit Value Study was flawed because it was pre-determined to show higher costs for Rocky Flats retirees. The U.S. Government acknowledged the unique and dangerous conditions at nuclear weapons facilities through passage of the Energy Employees Occupational Illness and Compensation Act (EEOICPA) in 2000.

As you may know, there are several limitations preventing EEOICPA from allowing all injured workers to receive their due benefits. We have constituents who cannot prove their eligibility because of problems with the lengthy dose reconstruction process, a lack of proper documented

hazards when the Rocky Flats plant was operational, and arbitrary dates of employment which don't adequately reflect their risk of exposure. As a result of these challenges, Rocky Flats workers have uncovered health conditions—clearly associated with work conducted at the Rocky Flats Nuclear site—which increases healthcare costs and demonstrates they cannot be adequately compared to the private sector according to DOE Directive 350.1.

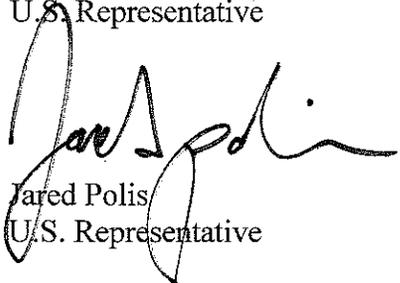
Additionally, the Rocky Flats contract consists entirely of retirees. For many of DOE's contracts, changes to the benefits plans can be spread among both retirees and the active workforce providing additional flexibility to lessen the adverse impact. Under the proposed benefit changes, the Rocky Flats retirees bear the entire burden. We have also become aware of other contracts which showed similar results during their Benefit Value Study but are not seeing wholesale changes to their benefit plans. It is unfair to single out Rocky Flats retirees benefits while other nuclear weapons retirees see no changes at all.

We urge you to grant a one-year delay in the implementation of Washington River Protection Solutions' corrective action plan and keep benefits for Rocky Flats workers unchanged in 2015. We believe a much more thorough and transparent study must take place before any changes to Rocky Flats retiree benefits takes place. We stand ready to work with you and DOE to comprehensively review this process to ensure DOE is fairly applying regulations to all retirees. Thank you for your consideration and we look forward to working with you on this issue.

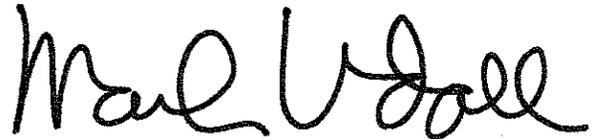
Sincerely,



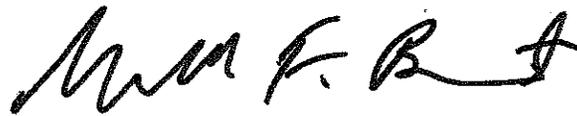
Ed Perlmutter  
U.S. Representative



Jared Polis  
U.S. Representative



Mark Udall  
U.S. Senator



Michael F. Bennet  
U.S. Senator

United States Government

Department of Energy  
Rocky Flats Field Office**memorandum**

DATE: OCT 30 2000  
REPLY TO:  
ATTN OF: AMFPA:PA:BP:00-03935  
SUBJECT: Salaried Retiree Benefits  
TO: Robert G. Card  
President and Chief Executive Officer  
Kaiser-Hill Company, L.L.C.

This memorandum is provided in response to L. A. Martinez' memorandum of July 16, 1999, concerning retiree medical benefits.

The salaried retiree medical benefits issue, particularly as it relates to pre-1995 retirees, has been the focus of a lengthy review. I have come to the conclusion that the negative impacts of changing pre-1995 retiree benefits far outweigh the potential cost savings. Therefore, I am approving option one of the proposal which will institute no changes to pre-1995 salaried retiree benefits. It is our belief that post-1995 retiree benefits will be addressed in the Department of Energy's (DOE) forthcoming policy on post-retirement benefits.

If you have any questions, please contact my office.

*Barbara A. Mazurowski*  
Barbara A. Mazurowski  
Manager



Department of Energy  
Washington, DC 20585

OCT 01 2014

The Honorable Ed Perlmutter  
United States Representative  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Representative Perlmutter:

I am writing in response to your September 15 letter to Secretary Moniz, requesting a one year delay of the proposed changes to the retiree benefits plan for former workers of the Rocky Flats Nuclear Weapons Plant.

The Department of Energy (DOE) facility management contractors are the sponsors of the contractor benefit plans, and are responsible for establishing and maintaining employee benefit programs, including medical coverage, consistent with DOE Order 350.1, *Contractor Human Resource Management Programs*, and the terms of their contracts. DOE is responsible for reimbursing the contractors for the costs of their employee benefit programs, subject to allowability and reasonableness provisions established in the Federal Acquisition Regulation (FAR) 31.205-6, which requires Federal agencies to reimburse contractor personnel costs that are deemed reasonable when compared to market practices. The changes to the benefits for these former workers are being implemented by the plan sponsor, Washington River Protection Solutions (WRPS) and DOE will not direct the contractor to delay the proposed changes to the retiree benefit program.

WRPS reviews its benefit plans on a quarterly basis to assure the benefits are competitive with the market. Through this routine review, WRPS found that changes could be made to provide Medicare-eligible retirees with options for coverage that are more closely aligned with today's market. The retirees currently receive Medicare plus a plan providing Medigap coverage. Following this change, the retirees will continue to receive Medicare plus one of many Medigap plans of their choosing. In addition, the Health Reimbursement Account to be provided in this case is intended to provide the retirees the flexibility to choose coverage that best fits their specific needs.

This action is similar to actions implemented by contractors at other DOE sites, including Hanford, Washington; Savannah River, South Carolina; Sandia National Laboratory, New Mexico; Lawrence Livermore National Laboratory, California; Elk Hills Petroleum Reserve, California; and Nevada National Security Site, Nevada. These contractors implemented similar changes in fulfillment of their plan sponsorship responsibilities and to achieve a closer alignment of their benefits with the market. The Department understands the concerns of the plan participants, and the contractors will spend the coming months working with the participants to help them understand their options.



The Department of Energy shares your appreciation for the Rocky Flats retirees' years of service and dedication to the country and for the contributions they made to national security and the end of the Cold War. We also appreciate your interest in these matters.

If we can be of further assistance to you, please contact Brad Crowell, Assistant Secretary for Congressional and Intergovernmental Affairs at (202) 586-5450.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Geiser', with a long horizontal flourish extending to the right.

David W. Geiser  
Director  
Office of Legacy Management