

**Rocky Flats Citizens Advisory Board
Meeting Minutes
May 5, 2005
6 to 9 p.m.
College Hill Library, Room L-107
Front Range Community College, Westminster, Colorado**

Board Chair Jerry DePoorter called the meeting to order at 6:00 p.m.

BOARD / EX-OFFICIO MEMBERS PRESENT: Jerry DePoorter, Joe Downey, Earl Gunia, Bill Kossack, Mike Maus, Bill McNeill, Andrew Ross, Hank Stovall, Phil Tomlinson / John Rampe (DOE-RFPO), Steve Gunderson (CDPHE), Dean Rundle (USFWS), Mark Aguilar (EPA), Scott Surovchak (DOE-LM)

BOARD / EX-OFFICIO MEMBERS ABSENT: Suzanne Allen, Erin Hamby, Mary Mattson / none

PUBLIC / OBSERVERS PRESENT: Ralph Stephens (Denver), James Horan (Denver), Ted Auker (Denver), Rob Henneke (EPA), Pam Tumler (GAO), Tam Ly (MSCD Student), Bob Nininger (Kaiser-Hill), Steve Nesta (Kaiser-Hill, George Sqibb (URS) / Ken Korkia (RFCAB staff), Patricia Rice (RFCAB staff)

PUBLIC COMMENT / NEW BUSINESS:

- Earl Gunia called the Board's attention to the annual audit report that was distributed at the meeting. He commended the staff for maintaining smooth operation of the Board despite the large budget cutbacks from previous years.
- Bill McNeill discussed moving the day for the monthly Committee Night to accommodate Erin Hamby, who is not able to attend on the third Thursday. The Board decided to try meeting on the third Wednesday beginning in June. Ken Korkia will check first with Erin to see if that day works for her.
- John Rampe announced that the site will hold a public availability session on Tuesday, May 10, 2:30 – 4:30 p.m. at which representatives of Bechtel Nevada will discuss their plans for the aerial survey of the Rocky Flats site.
- Ken Korkia announced that the date for the office move is May 10. He also noted that the Board members had received their reappointment letters from DOE. Their new membership term will extend through the end of September 2006. Ken reminded the members that they must respond in writing to accept their reappointment.

MINERAL RIGHTS DISCUSSION:

At its April Committee Night, the Board discussed the Memorandum of Understanding between the Departments of Energy and Interior related to the management of the future Rocky Flats National Wildlife Refuge. One of the outstanding issues is resolution of questions pertaining to mineral rights at the site. At this meeting, the Board asked for a briefing on the mineral rights holdings at the site. John Rampe gave the presentation.

John began by noting that the resources of interest at the site are the clay, sand and gravel deposits. Fish and Wildlife is most concerned about these deposits because the only way to access them is through surface mining. There also are oil, gas and coal, but these resources are not considered by DOE and Fish and Wildlife to be of concern because they can be accessed without major surface disruption. Also, it is unlikely that valuable deposits of these energy resources exist at the site.

In the industrial portion of the site, 2,500 acres were acquired by the federal government as part of the original land purchase. These original acres included payments to the mineral rights holders that subordinates their mineral rights holdings. In essence, they were compensated for not being able to access their holdings. DOE and Fish and Wildlife have been advised by their attorneys that the subordination will continue with transfer of responsibility of the site between the two agencies.

In the western Buffer Zone, there are 792 acres that Jefferson County has approved for mining and that have been permitted by the state Mined Lands Reclamation Board. There are extensive gravel and clay operations within these permitted acres.

With respect to the rest of the site, DOE has completed an exhaustive title search and now believes it has a good handle on who owns what. There are some portions where the federal government owns a percentage of the holdings along with other private parties. If any of these other private interests were to exercise their rights, the federal government could not stop them, but would be entitled to its percentage of the revenues.

Neither DOE or Fish and Wildlife has funding to acquire the remaining mineral rights at the site. If they were to buy the rights they would have to do so at the fair market value. Congressman Mark Udall has reintroduced legislation that would allow Rocky Flats rights holders to trade their holdings for some on other federal properties. The government also could accept the holdings as a gift to the government.

DOE and Fish and Wildlife remain at a standstill on the mineral rights issue. DOE has no interest in remaining in charge of property that is not associated with the site remedy lands. Fish and Wildlife does not want to take over any property until after the mineral rights have been obtained or the lands have gone through mining and are reclaimed.

It was noted that, unfortunately, the ecologically valuable tall grass prairie exists primarily in the areas where the sand, clay, and gravel deposits exist, and hence where the surface mining does and will take place. Even if the lands are reclaimed, it would take replacement by the very sands and gravel that were removed in order to recreate the conditions that allow the tall grass prairie to grow.

SURFACE WATER DISCUSSION:

John Rampe of the Department of Energy gave a presentation on surface water. Board members have been concerned over continuing exceedances at two surface water monitoring stations GS10 and SW093.

John explained the "compliance" structure. John said the Rocky Flats Cleanup Agreement (RFCA) establishes Points of Compliance (POCs), Points of Evaluation (POEs), and water quality standards for a list of chemicals, including radionuclides. The Integrated Monitoring Plan (IMP) describes the POCs and

POEs in more detail, pinpoints the locations of the POEs, and describes the process for sampling and analysis. The standard for both plutonium and americium is 0.15 picocuries per liter (pCi/l).

There are five POCs at the site – at the points where Walnut Creek crosses Indiana and Woman Creek crosses Indiana and at the outfalls of the three terminal ponds – Pond A4 (on North Walnut Creek), Pond B5 (on South Walnut Creek), and Pond C2 (on Woman Creek).

An exceedance at a POC of plutonium or americium triggers notification to the Colorado Department of Public Health and Environment (CDPHE) and U.S. Environmental Protection Agency (EPA), a source evaluation, and a mitigating action. Calculation of an exceedance is based on a 30-day rolling flow-weighted average at the two Indiana POCs and a yearly flow-weighted rolling average at the pond outfalls. John said DOE is potentially subject to penalties under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund) for the exceedance. Penalties can also be imposed under RFCA if DOE fails to take required actions.

Points of Evaluation (POEs) are established upstream of the POCs on the three major drainages – North and South Walnut Creeks and Woman Creek – and on the South Interceptor Ditch. An exceedance at a POE triggers notification to the state and EPA, an evaluation of the cause, and, if appropriate, an action. DOE cannot be fined for an exceedance at a POE; however, stipulated penalties can be imposed under RFCA for failure to take required actions. Exceedances are calculated using a rolling 30-day average and a 0.15 pCi/l standard for Pu and Am.

John said five intermittent streams cross Rocky Flats –Rock Creek, North and South Walnut Creeks, Woman Creek, and the Smart Ditch Drainage. Three of them – both Walnut Creeks and Woman Creek – receive runoff from the Industrial Area. John said there are fifteen ponds on the site, with 11 of them actively managed – which means that water levels are monitored and water is transferred or released downstream either by pumps or by gravity. The terminal ponds are about 25 years old. They were originally installed to control potential contaminants. They are used to settle out plutonium and americium, which attach to soil particles.

Often, terminal ponds will fill before lab results are received, and must be released for dam safety reasons. Downstream management includes bypass of Great Western Reservoir and impoundment of the water at Woman Creek reservoir, which is upstream of Standley Lake.

John said that in the post-closure period, the ponds will remain more or less intact after closure. Originally, plans were to notch the pond dams to make them flow-through structures. But because of continuing exceedances at GS10 and SW093, John said, plans are to keep the ponds as they are.

Next, Bob Nininger of Kaiser-Hill gave a presentation on recent surface-water monitoring at POEs. Bob said there has never been an exceedance at a POC.

Bob first addressed the exceedances being seen at GS10. GS10 is upstream of the B Series Ponds at the eastern edge of the Industrial Area. Bob said much has been happening in the area that drains into GS10. Five Functional Channels are being installed on the site to funnel runoff into appropriate drainage pathways. Functional Channel 4 (FC4) is complete from GS10 to just below GS40, which is a monitoring station that is upstream and to the west of GS10. Another Functional Channel (No. 5) is complete from

FC4 to the Central Avenue Ditch. Monitoring locations GS50, SW021, and SW022 have been removed.

GS40 is a large contributor of runoff into GS10 and receives water from the 750 Pad. Another large contributor last year was GS39, near the 903 Pad. Bob said the water quality problems in GS10 are a result of soil disturbances on the site.

Bob showed a graph of mean daily flow in GS10 from 1996. He said the exceedances at GS10 could be correlated to periods of high flows in areas of significant soil disturbance. However, he said, a small amount of radionuclides on the ground can translate into a problem in surface water because of erosion. Bob said the exceedances have caused the site to set down erosion controls.

At Surface Water Monitoring Station SW093 on North Walnut Creek, there have been exceedances this year and last. However, the problems seemed to have tapered off. Bob said they are now using a seven-day turnaround on samples and results to keep better track of surface water at the monitoring stations.

Bob said installation of the functional channel also was a source of contamination because of the significant soil disturbance. Bob showed a graph of turbidity variation with flow rate at SW093, which showed high turbidity during construction of the functional channel in that area. However, with the completion of the functional channel turbidity has been reduced.

For completeness, Bob included a discussion of exceedances at POE SW027. SW027 was showing exceedances in October, but has come up clean in recent tests. SW027 is in the area of the 903 Pad and Lip Area, near where the South Interceptor Ditch flows into Pond C-2. Erosion controls in the Lip Area appear to be controlling runoff.

A Board member asked what has driven the periodic exceedances at GS10 and what is the site doing about it. John answered that they are removing sources of contamination – at the 903 Pad and from underneath buildings. The site is also installing erosion controls and building functional channels to control contaminated runoff. Lastly, he said, revegetation of these now bare areas will help control runoff and erosion.

Next, Steve Nesta of Kaiser-Hill said a storm water pollution prevention plan (SWPPP) was added to the site's National Pollutant Discharge Elimination Permit in 2000. SWPPP included only minor provisions for erosion control as best management practices (BMPs). New provisions identify that if more than one acre of land is disturbed, a Storm Water Permit and a SWPPP is needed. Steve said the site follows guidelines set down by the Colorado Department of Transportation – those include minimizing the amount of disturbed soil, controlling erosion and sedimentation, and preventing or slowing runoff from flowing across the site.

Steve said that initially the site managed projects individually and water management was not integrated from project to project. However, projects began to grow in size and elevated levels of radionuclides were seen at the POEs. He said the Kaiser-Hill CEO issued a management directive to indicate the level of importance to be placed on erosion and sediment control. He said the site created an erosion control system to be used for projects. Each project is reviewed for impacts to surface water and a control system is designed for the activity. The functional channels disturbed about 100 acres, he said, and Kaiser-Hill consulted with outside experts for their advice on how to control runoff. Steve showed pictures of the

wadding and “pegged” straw bales used to control surface water runoff. The 903 Pad Lip Area, in particular, contains a huge area – about 27 acres – that is covered with erosion matting. Other types of erosion controls are silt fences; mats; straw crimping; hydromulch that binds seed and soil together; Flexterra, a hydromulch used for larger and steeper areas. Flexterra lasts for up to a year and is easily installed.

Steve said the site is inspected weekly and after significant storms to make sure the erosion controls continue to work.

A Board member asked who would be responsible post-closure to see that the erosion controls and the revegetation program are working. John Rampe said that Kaiser-Hill is responsible up to closure and DOE would be responsible after closure of the site. Steve Gunderson of CDPHE said a challenge for regulators is to make sure there is attention given to revegetation because the success of the remedies depend on a successful revegetation program. Scott Surovchak, the on-site representative for Legacy Management (LM), said LM would be responsible for maintaining revegetation after closure.

In answer to another question, John said the seed mix being used is comprised of native grasses. A Board member asked about the use of cover crops, such as rye grass, that would reduce erosion while allowing the native grasses to grow. However, John said they are moving away from cover crops on the recommendation of the Fish and Wildlife Service because the cover crops can interfere with growth of the native grasses.

Dean Rundle of the Fish and Wildlife Service gave kudos to two of his staff, Amy Thornburg and Mark Sattelberg, for working with the site on erosion controls, even before the water quality issues arose.

DISCUSSION OF EM SSAB CHAIRS MEETING ACTION ITEMS:

Jerry DePoorter discussed with the Board two action items that resulted from the recent Environmental Management Site Specific Advisory Board (EM SSAB) Chairs meeting held in Augusta, Georgia at the end of April.

The first item was a letter to DOE Secretary Bodman concerning future stakeholder involvement. The primary concern is that several of the DOE sites currently represented on the EM SSAB will be transferring from the Office of Environmental Management to other offices or agencies within DOE. With these transfers comes a concern about maintaining the current levels of stakeholder participation. The letter to Secretary Bodman asks him to develop a policy affirming stakeholder participation opportunities within other DOE offices and agencies, following the model established by the Office of Environmental Management. The letter also asks that DOE develop a mechanism whereby the sites currently represented on the EM SSAB can continue to have a national forum in which to meet, even though they may no longer be part of Environmental Management. Earl Gunia noted that the letter mentions that the EM SSAB member boards have saved DOE millions of dollars. He stated that the boards have also contributed to the successful cleanup and closure of several sites. The Board approved the letter with unanimous consent.

The second action item was to consider a proposal by the EM SSAB Chairs that DOE sponsor a national workshop on waste disposition. Although the shipment of waste from Rocky Flats has gone

smoothly, there remains many waste management challenges for other DOE sites, particularly those with high level wastes. Jerry noted that in their meeting last fall, the Chairs first raised the possibility of DOE sponsoring a national dialogue on waste disposition. The response from DOE was not favorable. Still, the Chairs decided to still go forward with their proposal for a national workshop. Bill McNeill stated it would be important to get New Mexico Senator Peter Domenici involved because of his substantial interest in DOE waste management issues in the past. The Board approved the proposal by unanimous consent.

LSO DISCUSSION:

Jerry DePoorter expressed concerns to the Board regarding the Coalition of Local Governments' interpretation of the recent letter from the Congressional delegation that non-elected persons could serve on the future Local Stakeholder Organization, but that a substantial majority of the members should be from local governments. The Coalition proposes to limit the non-government representation to three or four members. Jerry noted he and Ken Korkia had received an email from David Abelson, Executive Director of the Coalition, asking them to work with him in figuring out which non-government groups should be represented.

In discussion, members agreed that three or four non-government representatives is insufficient, especially given the list of recommended stakeholders developed by the community at the Board's workshop on future public involvement held last summer. Concerns also were raised that the Coalition is taking over this process and that the group appears determined that it will make the decisions as to who will be seated on the LSO.

When asked directly whether the Coalition has the authority to establish the LSO by itself, Scott Surovchak, who works for the DOE Office of Legacy Management, stated that it is DOE's responsibility, not the Coalition's. Still, DOE is reluctant to step in and dictate what must happen at this time because their idea is that the community should "act like adults" and work together to send in one recommendation regarding the LSO. If the community as a whole cannot come to agreement, then DOE will make the decisions for the community regarding the establishment of the LSO.

The Board asked that Jerry defer his response to David Abelson regarding his request to meet with him. Instead, the Board will write a letter to the Coalition outlining its views on the LSO membership issues. The main theme of the letter is that the entire community of stakeholders has an interest in establishing the LSO. Thus, it should not be just the Coalition and the CAB deciding who will be represented on the LSO. The CAB will offer to work with the Coalition in convening a broad, community-based discussion where the questions of LSO membership can be discussed in an open and inclusive manner.

PLANNING FOR UPCOMING MEETINGS:

At its May 19 Committee Night meeting, the Board will discuss recent independent reviews of groundwater, surface water, and the Original Landfill remediation. These independent reviews were commissioned by various local governments. Board members have received copies of the reviews and will invite DOE to offer its perspectives at the Committee Night meeting. Members also will continue discussing their concerns or questions regarding surface water quality issues.

At the June Board meeting, the Board will hear presentations on the Rocky Flats Integrated Monitoring Plan. An updated version of the plan has recently been completed that focuses on the site monitoring needs post-closure. The Board also will have a presentation on the aerial contamination surveys that will be done at Rocky Flats over the summer.

NEXT MEETING:

Date: June 2, 2005 6 to 9:00 p.m.

Location: College Hill Library, Room L-107, Front Range Community College

- Agenda:*
- *Presentation and Discussion on the Rocky Flats Integrated Monitoring Plan (IMP)*
 - *Presentation and Discussion on the Aerial Gamma Survey*
 - *Other items as necessary*

MEETING ADJOURNED AT 9:00 p.m. *

(* Taped transcript of full meeting is available in the RFCAB office.)

RESPECTFULLY SUBMITTED:

Bill Kossack, Secretary
Rocky Flats Citizens Advisory Board

The Rocky Flats Citizens Advisory Board is a community advisory group that reviews and provides recommendations on cleanup plans for Rocky Flats, a former nuclear weapons plant outside of Denver, Colorado.

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