

ROCKY FLATS CITIZENS ADVISORY BOARD
MEETING MINUTES
March 2, 2006
6 to 9:00 p.m.

College Hill Library, Room L-107
Front Range Community College, Westminster

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

BOARD / EX-OFFICIO MEMBERS PRESENT: Suzanne Allen, Jerry DePoorter, Joe Downey, Earl Gunia, Erin Hamby, Bill Kossack, Mike Maus, Hank Stovall / John Rampe (DOE-RFFO), Mark Sattelberg (USFWS), Larry Kimmel (EPA), Carl Spreng (CDPHE)

BOARD / EX-OFFICIO MEMBERS ABSENT: Mary Mattson, Bill McNeill, Phil Tomlinson / Scott Surovchak (DOE-LM)

PUBLIC / OBSERVERS PRESENT: Bob Darr (DOE-RFPO), James Campbell (Arvada resident), Sam Garcia (EPA), Rob Henneke (EPA), Dave Kruchek (CDPHE), Shirley Garcia (Broomfield), Pat Smith (EPA), Neda Raouf (Metro Newspapers)/ Ken Korkia (RFCAB staff), Patricia Rice (RFCAB staff)

PUBLIC HEARING ON THE MONITORING AND MAINTENANCE PLAN FOR THE PRESENT LANDFILL:

CAB hosted a state public hearing that was held to take comments from the public on the Monitoring and Maintenance Plan for the Present Landfill. Carl Spreng of the Colorado Department of Public Health and the Environment (CDPHE) opened the hearing.

CAB Chair Jerry DePoorter said Board members had discussed the plan at its Committee Night in February and had two comments. He said Board members at the meeting noted there was no mention in the plan of how long the landfill would be monitored. State laws suggest landfills should be monitored for 30 years, plus or minus. He said Board members thought the state and federal government should monitor the landfill in perpetuity. Carl said the plans were to monitor the landfill as long as it produced leachate. Mike Maus questioned the wisdom of stopping the monitoring, especially since the landfill could stop producing leachate at one point but continue at some other time in the future. Carl said they would continue to monitor the landfill after large precipitation events.

The second CAB request is that DOE and the state test the landfill for plutonium. Carl said they did not test for plutonium because previous monitoring showed no plutonium. John Rampe also said cost was a major factor in not testing for plutonium. However, Board members said the contents of the landfill are not completely known. Drums potentially in the landfill could corrode and leak their contents, which could be contaminated with radionuclides. Carl said that they could monitor the leachate for gross alpha and gross beta, which would tell them if radionuclide contamination were coming from the landfill. Board member Bill Kossack suggested there is a need to monitor the general chemistry of the leachate, especially metals, to look for changes that might herald that something is happening in the landfill. John agreed that would be useful and added that monitoring already encompasses sampling for metals and many other parameters.

Earl Gunia raised several questions about the adequacy of the monitoring plan for the engineered landfill cover. He said he did not see language in the plan that would trigger response actions if there were a failure of the cover. Carl said there was a minimum set of standards and a breach of those standards would activate a response to correct landfill failures. Earl was concerned that the document did not adequately address when a response action would occur and seemed to rely heavily on consultation with the state to determine if a response action was necessary. However, John Rampe said DOE planned on performing maintenance in the field. He said that language in the maintenance plan should be inserted to clarify that point. Carl also said that the enforceable requirements for response actions for the landfill would be captured in the post-closure agreement, informally known as RFCA 2 – the Rocky Flats Closure Agreement.

Shirley Garcia, who represents the City and County of Broomfield, had several comments; however, she wanted a response to only two of her concerns. She said she there should be a surface water Point of Compliance at the effluent of the landfill seepage. She said one of her major concerns is that the leachate and contamination could potentially migrate offsite undetected and it will flow through No Name Gulch. However, John Rampe said he did not believe that was necessary because there was regular monitoring of the effluent. Shirley also questioned the regulations governing the permit for the landfill leachate. John said he would ask DOE attorneys to furnish her with an answer.

In response to a question, John said it had not been decided to erect a fence around the DOE-retained lands. He did say, however, that if there is no fence around those lands, there may have to be a fence around the Present Landfill.

Another Board member suggested that instead of putting stakes up to mark problem areas at the landfill, DOE should use a GPS system to mark the area.

Erin Hamby, board member representing the Rocky Mountain Peace and Justice Center, said the Peace Center would be sending in comments. She also asked that if burrowing animals become a problem at the landfill that DOE look into a “humane” relocation program.

PUBLIC COMMENT / NEW BUSINESS:

Member Earl Gunia asked for an update on the acquisition of mineral rights at Rocky Flats. Mark Sattelberg with Fish and Wildlife stated that internal discussions are underway between DOE and his agency. The next step is to begin negotiations with the mineral rights holders. John Rampe with DOE reported that the Natural Resource trustees may use intermediaries to conduct the negotiations with the mineral rights holders.

Earl also asked whether there had been any unusual events at the site in the past month, with the response being that everything was normal.

Ken Korkia noted for the Board that the annual audit was complete and that a copy of the auditor’s report was available for each member.

APPROVAL OF RECOMMENDATION ON THE PROPOSED PLAN:

The Board discussed the recommendation it had formulated at Committee Night. The first part of the recommendation focuses on the Board’s choice of an alternative for the Proposed Plan. Other issues address institutional and physical controls at the site, environmental monitoring, and scientific research DOE should consider in the future. The second section of the recommendation discusses the

Board's recommendation on public involvement. The recommendation passed unanimously. This will likely be the Board's last recommendation.

DISCUSSION OF JOINT EMSSAB PRESENTATION:

In April, the Environmental Management Site Specific Advisory Board (EMSSAB) Chairs will meet in Tennessee. During the meeting, representatives from Rocky Flats and the Fernald site in Ohio have been asked to give a presentation on lessons learned from the cleanup and closure of their respective sites. One conference call has been held with representatives from both sites discussing ideas for the presentation. Ken Korkia summarized that two major themes have developed from the discussion so far. The first is concern about future public involvement at the sites and the second is concern about future monitoring of the facilities. These themes will be developed further as part of a joint presentation. Individually, each Board will offer their own descriptions of how the cleanup proceeded at their sites.

At this meeting, members further discussed ideas for the presentation. First, the ex-officio Board members were asked to provide their perspectives. John Rampe with DOE noted that the key for Rocky Flats cleanup was having a firm idea of the end-state before the cleanup agreement was finalized. Stable funding and support within the Department of Energy and Congress were also critical components of success. John noted that the original cleanup agreement for the site was defined by milestones based on adequacy of funding. The revised agreement was tied to the project baseline and allowed more flexibility. Critical path items such as the decontamination and demolition of Building 776 were given greater emphasis. John also stated that emphasizing worker safety was important as they were able to demonstrate that doing work on time and on budget did not need to compromise worker safety.

Larry Kimmel with EPA added that the consultative process between DOE and the regulators was a key ingredient to successful cleanup. Earl Gunia expressed his thanks that this consultative process also extended to the community as demonstrated by the willingness of the ex-officio members to attend evening meetings.

Erin Hamby stated that the fast-track approach was a double-edged sword. It allowed work to proceed more rapidly, but when problems arose there was hesitancy to decelerate for fear of upsetting the schedule. She felt that the site could have garnered more universal community support for the cleanup had it been more willing to slow down at times to listen and address community concerns as they arose.

Jerry DePoorter stated that openness was important for him. During his previous term as Board Chair he was allowed access to the site to review information and to discuss issues with the key players. Mike Maus noted it was important that key decisions were not made ahead of time and allowed for community input.

Hank Stovall expressed a concern that the regulators did not have adequate knowledge when the first cleanup standards were developed for the site. He believes the regulators relied too heavily on the questionable expertise of site contractors who may have been more interested in their bottom line. Hank also raised concerns about quality assurance during the post-cleanup validation process. He noted that when a scaled down version of a MARSSIM review was conducted at select locations, the contamination hot spots were detected. He questions whether more hot spots would have been detected had a more adequate cleanup validation been conducted.

John Rampe acknowledged that the original process to establish cleanup levels for the site was flawed, but he was pleased with the process used to come up with the final cleanup levels.

In other lessons learned, Erin Hamby stated that the Board's early decision to operate by consensus was important and that it should be offered as a model for other sites. She also believes that the Board having been formed as an independent non-profit corporation was also a valuable model.

A second conference call with Fernald representatives is scheduled for later this month. Jerry DePoorter stated that once draft presentation slides are put together, they would be shared with the Board for comment.

FUTURE MEETINGS:

The Board will not hold monthly meetings in April or May. They will, however, hold Committee Night meetings on March 15 and April 19. The members will work on the Legacy Report at these meetings. In May, the Board will conduct its "final inspection" of the Rocky Flats site. The final meeting for the Board will occur sometime in June when it will complete any final business and celebrate a job well done.

NEXT MEETING:

Date: To Be Determined in June, 6 to 9:00 p.m.

Location: To Be Determined

- Agenda:*
- *Presentation of the Board's Legacy Report*
 - *Extended Public Comment*
 - *Vote for Board Dissolution*

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