

Rocky Flats Coalition of Local Governments Board Meeting Minutes

November 4, 1999

8:00 AM – 11:30 AM

East Boulder Community Center

Board members in attendance: Mary Harlow (Alternate, Westminster), Tom Brunner (Director, Broomfield), Hank Stovall (Alternate, Broomfield), Mike Bartleson (Alternate, Broomfield), Lorraine Anderson (Director, Arvada), Lisa Morzel (Director, City of Boulder), Mike Weil (Alternate, City of Boulder), Carolyn Dulchinos (Alternate, Boulder County), Andrew Muckle (Director, Superior), Michelle Lawrence (Director, Jefferson County), Nanette Neelan (Alternate, Jefferson County), Sam Dixion (Director, Westminster)

Coalition staff members and consultants in attendance: David Abelson (Executive Director), John Marler (Technical Advisor), Katie Ewig (Program Assistant), Tarron Estes (Tarron Estes & Assoc, Inc.), and Barb Tenney (Icenogle, Norton, and Seter, P.C.).

Members of the Public: Ann Bormolini (Kaiser-Hill), Erin Rogers (RFCAB), Angela Hutton-Howard (CDPHE), John Corsi (Kaiser-Hill), John Rampe (DOE), Jack Hoopes (Kaiser-Hill), Janice Sinden (Senator Allard), Elaine Nix (DOE-RFFO), Cindy Trevithick (Rep. Tancredo), Doris DePenning (Friends of Foothills), Steve Gunderson (CDPHE), Steve Tarlton (CDPHE), Tim Rehder (EPA), Rob Henneke (EPA), Tom Marshall (RMPJC), Doug Young (Rep. Udall), Amy Mueller (City of Boulder), Gerald DePoorter (RFCAB), Rick Warner (Citizen).

Round Robin

Arvada: Lorraine Anderson expressed pleasure over the recent election results in Arvada. Lorraine also mentioned that she and Carol Lyons attended the SSAB Conference on Stewardship in Oak Ridge and that it was a valuable experience.

Westminster: Mary Harlow announced an upcoming RSAL meeting the week of November 8th.

Jefferson County: Michelle Lawrence talked about attending the demolition of Building 779. She said that she was glad to see the demolition get started, but that it is still important to closely monitor the area for air and water contamination.

Broomfield: Hank Stovall talked about the recent elections, and he stated his continuing concern about the rubbleization of buildings on the Site and how the rubble contaminants, if released, could impact surface water quality.

Boulder County: No comment.

Boulder: Lisa Morzel welcomed everyone to Boulder and gave highlights of the recent elections, which included the successful passage of a campaign finance reform bill and a bill securing continued funding for open space acquisition in Boulder County.

Superior: Andrew Muckle stated that Superior officials had recently met with both U.S. and State Representatives to discuss Rocky Flats issues and other topics. A big area of concern that Superior would like the Coalition to address is the link between cleanup levels and future use.

Business Items

- 1) **Motion to Approve Minutes** – Barb Tenney reviewed some changes in the draft minutes, which included the addition of a few phrases on pages 4 and 5. Lisa Morzel motioned to approve the minutes. Andrew Muckle seconded. The motion passed 7-0.
- 2) **Direction of Board to Approve Letter to DOE (regarding documents)** – Lorraine Anderson stated that she felt uncomfortable with the letter and that its tone was too negative. Mary Harlow agreed that the tone was unfriendly and that the requests in the letter were redundant. David said that he was uncomfortable writing the letter in the first place without having Board input. Lisa Morzel thought that the tone of the letter was not negative, but she suggested adding a sentence or two thanking Jessie for her efforts. Lorraine Anderson suggested that David rewrite the letter and incorporate the Board member's comments and concerns. Andrew Muckle agreed that this was a good idea, and he urged David to distribute the re-written version to the Board for approval as soon as possible.
- 3) **Executive Director Report** - Because the meeting was running behind schedule, David Abelson shortened his Executive Director's report to include only his most important concerns. The first issue he brought up was the recent developments regarding WIPP. The RCRA permit has been issued and Secretary Richardson has announced that DOE will challenge the permit conditions in court. The permit would require some already-packaged containers to be re-opened in order to verify their contents, and this could seriously hinder the shipment schedule of Rocky Flats waste to WIPP. However, the litigation could cause delays and at this time the effects on shipments from Rocky Flats to WIPP are uncertain. The second issue David discussed was the recent Quarterly Stakeholders Meeting with Jessie Roberson. Two issues that David believes need the attention of the Coalition are the potential lack of certified containers at the Savannah River Site to ship Rocky Flats metals and oxides, and the Site's proposal to delay remediation of the 903 pad until 2005. Regarding this last issue, David stressed the importance for the Coalition to understand the sequence of the cleanup and perhaps comment on this sequencing. The last issue David discussed was the report from the Office of Worker and Community Transition (OWT) required by Congress. The report outlines the importance of OWT programs and outlines how these programs could be integrated into other parts of DOE. David also told the Board that he would draft a letter to Jessie thanking her for addressing the Coalition's concerns about the rubble monitoring plan, and fax it to the Board for comments the following day.
- 4) **Motion to Approve Final Payment to Parallax** – David reminded the Board that Parallax had delivered its final report on time to the Coalition, and recommended that the Coalition

pay the remainder of the Parallax contract. Lorraine Anderson motioned to pay Parallax final payment due under the contract for services rendered. Andrew Muckle seconded the motion. The motion passed 7 – 0.

Review Draft FY 2000 Budget

David gave the Board a brief overview of the budget. Mary Harlow asked if the Coalition still has a funding commitment from DOE, to which David replied that he had a commitment from Bob DeGrasse for \$250,000 for FY 2000. Carolyn Dulchinos questioned the need for a \$1000 budget line item to pay a consultant to organize the upcoming legislative lunch. Carolyn thought it might be better to have Coalition staffers work on that project. Lisa Morzel agreed with Carolyn. Tom Brunner and Michelle Lawrence both disagreed, stating that they could not volunteer their staff to work on the legislative lunch details. Andrew Muckle asked why \$5000 was devoted to marketing and graphic design, and David replied that was a carry over from the previous year's budget and it could be used if the Coalition needed to print brochures or pamphlets. Lisa Morzel asked David to explain the \$65,000 stewardship budget item; David explained that at this point it is hard to gauge how much money the Coalition will spend on the stewardship process, and that the dollar figure is more of a marker than anything else.

Coalition FY 2000 Strategic Plan

David Abelson introduced Tarron Estes as the facilitator of the Strategic Plan discussion. David began the discussion by going over the five topic areas that will constitute the draft FY 2000 Strategic Plan: 1) Cleanup and Closure, 2) Future Use of the Buffer Zone and Industrial Area, 3) Stewardship, 4) Outreach, and 5) Administration. He asked the Board for their input on the FY 2000 activities and the five-year plan so that he could take those comments and incorporate them into a draft strategic plan that would be presented at the December Board meeting. He stated that some of the topics, in particular those related to cleanup, closure, and future use, will require more work and input than other topics like outreach or stewardship. David then turned the discussion over to Tarron Estes.

Tarron asked the Board to utilize the LCS process during the discussion, which entails stating three things that are positive about the idea presented, expressing concerns about the idea, and offering at least one suggestion to resolve the concern. In the interest of time all five topics were opened for discussion instead of talking about each topic separately. Lisa Morzel expressed her concern that the overall tone of the plan was too passive, and she suggested that the Coalition be more proactive and speak with a strong, united voice. She also suggested eliminating the "track and monitor" language since it is too general and passive. Lorraine Anderson suggested replacing the language "continue to review" with stronger language such as "evaluate" or "participate". Muckle suggested getting rid of the link between land use and cleanup. Mary Harlow stressed the importance of insuring Coalition funding and money to lobby. Hank Stovall was concerned that community groups can't weigh in on issues in a timely manner and he

suggested that the Coalition become more proactive in this area. Lisa Morzel suggested adding language in the strategic plan in support of Udall's Open Space Bill. Tom Brunner echoed Hank's concern that the Coalition needs to be brought in to DOE's plans and ideas from the start, and Sam Dixon agreed that the Coalition should have access to documents in the earliest stages, even if they are still drafts. Tom Brunner summarized many of the Board's concerns by stating that in general the Coalition wants to stay up to speed and understand the issues at the site, and be a proactive participant in the process.

Lorraine Anderson proposed that the Coalition incorporate study sessions on pertinent cleanup topics into the monthly Board meetings. Tom Brunner added that two important issues in need of the timely attention of the Coalition are the Rocky Flats Cleanup Agreement and the Kaiser Hill milestones. David added that John Marler was currently working on a memo explaining RFCA and that it would hopefully help the Coalition see how all the pieces of the agreement work together. Both Mary Harlow and Lorraine Anderson stressed the importance and urgency of the Coalition dissecting and understanding the RFCA. Lisa Morzel stated that ensuring a qualified and well-trained workforce through site closure should be a bigger priority for the Coalition, and she suggested adding a bullet for this on the strategic plan. Andrew Muckle asked if the strategic plan should mention Salazar's proposal, but both Lorraine Anderson and Michelle Lawrence were opposed to this idea, believing the focus of the Coalition should remain on cleanup issues, NOT regional open space plans. Tom Brunner stated that preserving open space around Rocky Flats is an issue that needs further Board discussion, and Lisa Morzel agreed. David Abelson explained to the Board that Salazar has re-defined his original Beyond the Fences idea, and that it now focuses more on mineral rights and land swaps.

Coalition Processes

Tarron Estes began the discussion by asking the Board members to describe what is good about the Coalition. Lisa Morzel said that positive attitudes and a willingness to work together were two strengths of the Coalition. Hank Stovall added that the Coalition has established a positive stature in the community. Michelle Lawrence praised Tom Brunner for being an excellent Chairman for the Board, and she stated that the cumulative Rocky Flats-related experience of the Coalition Board was a huge asset. Mary Harlow said that the good communication and enthusiasm were a few of the strengths of the Coalition.

Three areas were listed by Tarron as needing improvement: 1) Communication time for dialogue on issues; 2) Addressing the needs of the local governments; and 3) Role of the Coalition. Tarron then asked for Board input on these three topics. Sam Dixon commented that she would like more time for dialogue at the Board meetings and that perhaps having phone conversations prior to the meetings would be helpful. Michelle Lawrence stated that agenda items should be prioritized so that the most important issues come first and have the most amount of time devoted to them. David Abelson brought up the lack of response to the meeting time memos, and asked for the Boards help in getting them back in a timely manner. David also said that it would be very helpful to him if the Board to look over the Big Picture and give him direction

regarding future Board meeting topics and agenda items. Lorraine Anderson agreed that getting Board input on the Big Picture was a good idea, that way Board members can identify any “hot button items” prior to the meetings. Hank Stovall stated that issues of common interest to all seven Coalition governments should be the focus of the monthly Board meetings, and Lorraine Anderson agreed. David added that each local government should inform the other governments of their current hot issues, and he offered to devote more time to the Round Robin so that this need is addressed. Hank Stovall suggested having a section of the Board packet devoted to individual local government letters and concerns.

Concerning how the Coalition should handle crisis or short-notice items, Sam Dixon said that the Coalition needs to have a system in place to alert the Board so that they can then respond quickly. Lisa Morzel suggested voice mail or e-mail as a ways get messages to the Board on short notice. Because of time constraints the discussion was concluded, and David Abelson suggested that with agreement of the Board, the Board revisit the Coalition processes discussion at a later date.

Rocky Flats Cleanup Agreement – Presentation by Dan Miller

Dan Miller began his presentation by reviewing the reasons that we have the RFCA, which are as follows: 1) the change in the mission at Rocky Flats changed priorities to decommissioning and mortgage reduction, 2) the 1991 Cleanup Agreement was outdated and was procedurally burdensome, and 3) the Rocky Flats cleanup is subject to both CERCLA and RCRA, and the RFCA is a way to integrate them. The RFCA is intended to guide cleanup decisions, and it gives a fairly narrow range of options. The RFCA also gives DOE primary responsibility to manage the project as well as control over the baseline.

Dan then described how cleanup documents are made under RFCA and he stated that final cleanup must meet all statutory and legal requirements. Next Dan went over the 19 criteria under CERCLA that are used to evaluate cleanup decisions and the two threshold criteria that must always be met. Regarding land use as a driver for cleanup, Dan stated that land use is a factor in evaluating the risk posed by a given level of contamination and that it can influence cleanup levels. He clarified that although land use is an important factor to consider, it does not determine or dictate cleanup levels.

Dan also reviewed the milestone-setting process, and defined a milestone as a legally enforceable commitment to perform a defined task by a defined date. Failure to meet a milestone results in penalties for the contractor. Each fiscal year the EPA and CDPHE establish 12 milestones, although milestones are set for a three-year rolling window. These milestones are selected from activities in the baseline. The main purposes of the milestones are to establish accountability and drive budget requests.

Dan ended his presentation by stating that certain RFCA provisions are outdated (for example, the 2006 accelerated closure was not addressed in the RFCA). Therefore the EPA, CDPHE, and DOE are currently evaluating how to appropriately adjust the RFCA.

Public Comment

John Rampe clarified that the milestones are based on the 2006 plan, not on the 2006 baseline. The official 2006 baseline will not be adopted until the Kaiser-Hill contract is negotiated and finalized.

Steve Gunderson announced that Angela Hutton-Howard would be leaving her position at the CDPHE at the end of the month. He also announced that Jessie Roberson would be attending the CAB Board meeting later that evening.

After public comment ended, Lisa Morzel motioned to adjourn the meeting, and Lorraine Anderson seconded the motion. The motion passed 7-0.

The meeting was adjourned at 11:30 a.m.