

Rocky Flats Coalition of Local Governments Board Meeting Minutes

August 5, 1999

8:00 AM – 11:00 AM

Superior Town Hall

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

Coalition staff members and consultants in attendance: David Abelson (Executive Director), Will Neff (Technical Advisor), Katie Ewig (Program Assistant), and Barbara Tenney (Icenogle, Norton, and Seter, P.C.)

Members of the Public: Amy Mueller (City of Boulder), Rhonda Romero (City of Boulder), Delani Wheeler (City of Boulder), Heather Balser (Louisville), Chris Rorick (Congressman Tancred), Jeremy Karpatkin (DOE-RFFO), Ann Bormolini (Kaiser-Hill), Gerald DePoorter (RFCAB), Erin Rogers (RFCAB), Ken Korkia (RFCAB), Sean Williams (Governor Owen's office), Rob Henneke (EPA), Mark Aquilar (EPA), Steve Gunderson (CDPHE), Steve Tarlton (CDPHE), Angela Hutton-Howard (CDPHE), John Corsi (Kaiser-Hill), Dave Shelton (Kaiser-Hill), John Rampe (DOE), Janice Sinden (Senator Allard), Jack Hoopes (Kaiser-Hill), Elaine Nix (DOE-RFFO), Doug Young (Rep. Udall), Troy Timmons (Kaiser Hill), Dave Yamada (Thornton), Joe Rippetoe (Citizen), Hildegard Hix (Sierra Club), Deloris Olsen (League of Women Voters), Doris DePenning (Friends of Foothills), Nancy Hunter (Rep. Schaffer), Dan Miller (Colo. Attorney General's office), DeAnne Butterfield (Citizen), Nancy Hollinger (Blue Mtn. Homeowners Assoc.), Larry MacDonnell (Stewardship Initiative).

Round Robin

City of Boulder: Lisa Morzel requested clarification (in the form of an official statement) from Arvada regarding their position on the buffer zone and federal ownership of Rocky Flats open space.

Broomfield: Hank Stovall expressed disdain for the lack of sufficient detail that has characterized recent DOE documents such as the TRU Waste Environmental Assessment and the documentation on rubble disposition. He would like to see DOE develop a multi-stage review concept in which the end product is a detailed final report. Hank also announced a Radiation Detection and Instrumentation study session on August 12th from 12:30 to 3:30 p.m. in Broomfield.

Westminster: Sam Dixion expressed concern about the rubble disposition plan and how the designation of open space fits with DOE's cleanup plans.

Superior: Andrew Muckle welcomed the Board to Superior and stated that he is looking forward to discussing open space and buffer zone issues.

Arvada: Ken Fellman responded to Lisa Morzel's request by stating that Arvada had recently put out a memo which had been distributed to the Board clarifying their position on the buffer zone.

Business Items

1) Executive Director Report- David Abelson updated the Board on three important issues: Coalition funding status, the Coalition's stewardship dialogue, and the buffer zone. David announced that he, on behalf of the Coalition, had secured \$250,000 from Bob DeGrasse (\$500,000 over two years). He thanked Governor Owens, Congressman Udall, and Senator Allard for their help in securing funding. David also reminded the Board that there is only three months left until the Coalition will have to start securing FY 00 funding, so it is important to keep the pressure on Bob DeGrasse to uphold his commitment. David then briefly discussed the stewardship study sessions that the Coalition has hosted, as well as the Coalition-CAB meetings. He announced he hopes to have a stewardship proposal ready by the September Board meeting. Regarding the buffer zone, David said he had met with each local government about the buffer zone vision project, and he will have a proposal to develop a Coalition steering committee for the Board at the September meeting as well.

2) Motion to Approve July 1 Minutes – Barb Tenney noted that Ed Icenogle needed to be added to the list of meeting attendees. Lorraine Anderson moved to approve the minutes with the correction. Sam Dixion seconded. The motion passed 7-0.

3) Budget Hearing- David Abelson reported that the meeting had been published as the Coalition's budget hearing for the 1999 budget. Tom Brunner then opened the budget hearing for public comment. Lisa Morzel urged David Abelson to look into getting special government airfares for Coalition travel. Ken Korkia asked David if the Coalition has to run its budget by DOE every year, to which David replied yes. Lorraine Anderson asked if \$300 is enough money for technical training, and David answered that more money (\$1000) would be budgeted for technical training in FY 2000. After all questions were answered, Tom Brunner closed the public hearing on the budget. The Board then proceeded to review the budget as presented and discussed certain line items, amounts, and possible clarifications.

Ms. Tenney presented for the Board's consideration a proposed resolution approving the budget for fiscal year 1999 including a resolution appropriating funds under the budget as adopted. Following discussion, Tom Brunner motioned to adopt the budget. Lorraine Anderson seconded the motion. The motion passed 7-0.

4) Indemnification Resolution – David stated that a copy of the Indemnification Resolution had been provided in each Board packet, and then noted two additional changes in the resolution. The first change (in Section 1 A) includes the language "including their alternates" to clarify that the indemnification extends to both the Directors and their alternates. The second change (in Section 5 D) adds the language "obligation to maintain insurance," which Barb Tenney noted

was added at the request of the City of Westminster. She also stated that she is working with the Westminster City Attorney to provide confirmation that the Coalition's insurance policies will cover the indemnification commitments. Lorraine Anderson requested that the member jurisdictions receive notices of any claims brought which may trigger the Coalition's indemnification requirements. Lorraine Anderson motioned to approve the indemnification resolution. Sam Dixon seconded the motion. The motion passed 7-0.

Waste Transportation – Overview of Issues

Will Neff gave a brief overview of some of the waste transportation issue that were brought up at the ICMA/ECA Waste Transportation Conference on July 30-31 in Las Vegas. The three biggest concerns voiced by local governments from across the DOE complex were: 1) the accuracy and timeliness of local government notification, 2) adequacy of emergency management and response systems, and 3) repercussions of problems during initial TRU waste shipments. In addition, local governments would like to have more reliable information regarding exactly when the shipments will occur and what they will contain. Sam Dixon, who sits on the U Tech Transportation Committee, suggested that DOE set up protocols for transportation that everyone can follow. Lorraine Anderson said that people in Carlsbad are concerned that RF workers are trained well enough to get shipments ready correctly. As a recent example of failed communication David Abelson brought up the case where it took five days for the State Health Department to find out about radiation levels picked up on the outside TRU PAC container. Steve Gunderson and John Rampe both acknowledged the recent communication and notification problems but were optimistic that improvement would occur.

Rubble Disposition

Will Neff started his presentation by briefly reviewing the DOE's proposed plan to recycle clean building demolition rubble from over 100 facilities by crushing the concrete on site and using it to backfill pits resulting from the demolition of buildings 771 and 371. Will also brought up a number of questions the Coalition governments have raised about the proposal that have not been sufficiently answered by DOE. These questions include: what procedures will ensure the rubble is clean? Is the planned oversight sufficient? What are DOE's geotechnical standards for construction fill? What are the actual costs and benefits of the rubble disposition proposal? What types of monitoring are necessary to endure worker and public health and safety? Will discussed the draft report issued by the Coalition's consultant, Parallax, Inc., which includes their findings and recommendations on the RFCA Standard Operating Protocol (RSOP) for Recycling Concrete. The final report by Parallax was not available at the time of the Board meeting, and no representative from Parallax was able to attend. Will then summarized the basic findings and comments on the RSOP, which are as follows:

- The RSOP lacks the necessary information to adequately assess the potential impacts of concrete recycling on human health and the environment. (Two documents that will define the procedures for radiological characterization and pre-demolition sampling of buildings are referenced in the RSOP, but are still under development).
- There is insufficient data in the RSOP to validate the projected financial, safety, and environmental benefits of the concrete recycling option. For example, the RSOP does not

contain a complete explanation of the cost-benefit analysis for the on-site versus off-site disposition of concrete.

The floor was then open for questions and comments. Lorraine Anderson had concerns about the timing of the crushing and backfilling, and how high winds might cause the transport of contaminated dust. Will replied that the Colorado Department of Health does have a zero-dust standard at the site, and that state-of-the-art crushing facility would be used. Lorraine also stressed that she would like to see greater sampling take place, as there may be danger in taking too few samples. To this comment Will replied that the level of sampling is defined by procedures for radiological characterization, and those documents are still under development. Sam Dixon stated that when the Coalition has a consultant working for them, the DOE should not have direct access to our consultant, as that is a conflict of interest. Sam also admonished the DOE for the inadequate information in the Recycling Concrete RSOP and their too-short comment period. She requested that DOE characterize all the buildings onsite, not just two as DOE has proposed. Lisa Morzel asked that DOE more specifically address the wind/dust dispersal issue, as well as the issue of how the drainages will be monitored once the rubble is disposed of onsite. Will stated that although DOE believes their existing monitoring network will be sufficient, he recommends site-specific monitoring at the backfilled sites as well.

Ken Fellman asked if the Coalition was relying too much on Parallax, and if the Coalition can trust the information that they gave us. He also inquired if there was a contractual remedy for their failure. David Abelson said he requested that DOE provide a list of documents that they provided to Parallax. Tom Brunner expressed his disappointment in the performance of Parallax and their lack of representation at the Board meeting.

Regarding the Coalition letter to DOE on the recycling concrete RSOP, Hank Stovall asked that the Coalition define what they mean when they state that cleanup should be “highly protective of human health and the environment”. Hank also requested that the statement “in no case may a sample exceed 2 times the action level” be added to the letter. Lisa Morzel asked that David reiterate the Coalition’s non-support of the RSOP at the end of the letter. Lorraine Anderson said she would like for the Coalition to withhold payment from Parallax until it is determined if there was a breach of contract. Mary Harlow expressed concern that the Board was not made aware of the conversations between DOE, the regulators, and Parallax. John Rampe said he was frustrated by Parallax, as he had attempted to talk to Parallax on several occasions without success. He stated that the viability of the proposal depends on reviewing the appropriate documents, and DOE believes that these key documents were made available to Parallax.

Lorraine Anderson motioned to approve the draft letter to DOE with the two additions made by Hank Stovall and Lisa Morzel. Michelle Lawrence seconded the motion. The motion passes 7-0.

Attorney General Ken Salazar – Beyond the Fences Proposal

Attorney General Ken Salazar began his presentation by giving an overview of his and Greg Stevenson’s concept of convening a forum to evaluate possible open space environs in the vicinity of Rocky Flats and Northwest Denver. Additionally, that group would examine ways to

integrate Rocky Flats open space with other open space lands in the area. With the Denver metropolitan area expected to gain another one million residents in the next 25 years, the need for a comprehensive open space plan for the metro area is great. Ken Salazar stated that the Coalition could have several possible roles in this process: they could take leadership and convene the forum, they could take on a smaller role and work on creating an initiative with the Governor, Senators, and local governments to work on the open space concept and develop a mapping effort, or they could simply participate in the forum. The subject was then opened for discussion.

Michelle Lawrence brought out a map that showed Jefferson County open space and explained Jefferson County's goals and plans regarding current and future open space. She further stated that there was no problem that needed fixing. She said she was disappointed that Jefferson County was not contacted before Ken Salazar and Greg Stevenson released their "Beyond the Fences" proposal. Ken replied that his memo was only meant to open dialogue. Lisa Morzel thanked Ken Salazar for his efforts, and stated that the City of Boulder is very interested in participating in the open space dialogue. She stressed the importance of the local governments working collaboratively in order to shape their urban communities so that transportation, pollution, and water problems can be avoided in the future. Lisa described the need for the local governments to work together on land acquisitions and trail connections as "urgent". Lorraine Anderson suggested that the Denver Regional Council of Local Governments (DRCOG) may be a more appropriate forum convener. Ken Fellman said that if you look at the Coalition's IGA, it simply isn't in the Coalition's scope of work to take a leadership role on Salazar's proposal. Carolyn Dulchinos stated that Boulder County is eager to participate in any way possible, and that perhaps a new group should be organized to convene a forum on regional open space. David Abelson closed the conversation by asking the Board to give him direction on Salazar's proposal and to have local government staff work with Salazar and flesh out what is the most appropriate organization to convene a forum on regional open space issues.

Congressman Udall's Open Space Bill

David Abelson began the discussion by stating that he had spent the last several weeks since the July 8th Board meeting talking with each local government and finding out their stance on Udall's Open Space bill. He referred to a draft letter he wrote to Udall on behalf of the Coalition. The five key points of Coalition agreement that the letter focuses on are: 1) federal ownership of the property, 2) keeping the buffer zone as open space, 3) deciding on the use of the Industrial Area at a later date, 4) not letting anticipated land use drive the cleanup, and 5) objection to the formation of the proposed Open Space Advisory Council. David then opened these issues for discussion.

Lorraine Anderson stated that Arvada wants to explore other options besides federal government ownership of the property, and she suggested the section of the letter on federal ownership be left out. Carolyn Dulchinos wanted to see more of an emphasis on the Coalition's support of the buffer zone as open space. Lisa Morzel said that she does not want to omit the section on federal government ownership, nor does she object to the formation of the Advisory Council proposed in Udall's bill. Sam Dixon wanted to see more of a discussion on the Advisory Council before an official Coalition position was stated. Sam also thought that cleanup levels must be discussed

with DOE before the Coalition takes a position on open space. Ken Fellman referred to the Coalition's IGA and stated that if the Coalition supports federal ownership of the site then they are closing out other options and ignoring the recommendations of the Future Site Use Working Group. Lorraine Anderson asked that the Coalition board read an article about the problems faced at Hanford because their designation of land as open space has prohibited a higher degree of cleanup.

As the meeting was coming to a close, Lorraine motioned to postpone discussion until the next Board meeting. That motion was not seconded. After a brief discussion she then amended her motion to postpone discussion until a special meeting could be held. The motion for a special meeting failed 4 votes to 3. Carolyn Dulchinos made a substitute motion to send the letter to Udall with the recommended changes. Michelle Lawrence seconded this motion but the motion was not voted on. Lisa Morzel then motioned to craft a letter to Udall at a special meeting between the Coalition and Udall's office. Carolyn Dulchinos seconded this motion but the motion was not voted on. Andrew Muckle motioned to send the letter to Udall with an amendment to the cleanup level standards language. Lisa Morzel seconded, and the motion passed 5 votes to 2. Arvada and Jefferson County both voted no, and Arvada asked that they be allowed to exercise the minority opinion option. Jefferson County voted no because they disagreed with the Coalition procedures and the lack of professional courtesy shown to the City of Arvada.

The meeting was adjourned at 11:05 a.m.