

Rocky Flats Coalition of Local Governments Board Meeting Minutes
Monday, November 13, 2000
8:00 – 11:15 a.m.
Mt. Evans Room in the Terminal Building
Jefferson County Airport, Broomfield

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

*Arrived/Departed at time indicated

Coalition staff members and consultants in attendance: David Abelson (Executive Director), John Marler (Technical Advisor), Kimberly Chleboun (Program Assistant), and Barbara Tenney (Icenogle, Norton, and Seter, P.C.).

Members of the Public: John Corsi (Kaiser-Hill), Dave Shelton (Kaiser-Hill), Jeremy Karpatkin (DOE), Rob Henneke (EPA), Lisa Purdy (EPA), Noelle Stenger (RFCAB), Gerald DePoorter (RFCAB), Kristi Pollard (Senator Allard), Doug Young (Congressman Udall), Theresa Sauer (Governor Owens), Doris DePenning (Friends of the Foothills), Roman Kohler (RF Homesteaders), Hildegard Hix (Sierra Club), Robert Nelson (citizen), Dan Chesshir (RFSOIU Local #1), John Whitney (RFSOIU Local #1), Anthony DeMaiori (USWA Local Union 8031), John Barton (USWA Local Union 8031), John Kiekbusch (Jefferson County Sheriff's Office).

Convene/Agenda Review

Michelle Lawrence called the meeting to order at 8:14 a.m. There were no proposed changes to the agenda.

Business Items

- 1) **Motion to Approve Consent Agenda** – Lisa Morzel motioned to approve the consent agenda. Tom Brunner seconded the motion. The motion passed 7-0.
- 2) **Executive Director's Report** – David Abelson began by handing out the quarterly finance report and explained it included activity through September. He then directed the Board's attention to a letter from the RFCA parties in response to the Coalition's RSAL letter. David said this is only a preliminary response and the agencies are drafting letters of clarification in order to address the Coalition's interests. In the interim, the issues the Board raised are being

discussed internally and within the RFCA Focus Group. David then discussed the beryllium and radiation legislation that Congress approved. Although the framework is now in place, more work needs to be done and the Coalition may want to continue to track this issue. David also noted that the discussion of worker health and safety issues will continue at the retreat on December 1st. David then introduced Paul Golan, DOE's Rocky Flats Deputy Manager. Paul explained the \$250,000 penalty DOE imposed on Kaiser-Hill for safety violations. The new closure contract allows DOE to take action against Kaiser-Hill, and this is the third such action since June 2000. The most recent penalty was assessed for three events in Building 776 regarding electrical safety and several other events that occurred due to a breakdown in the implementation of the Integrated Work Control Program. Paul emphasized DOE was disappointed they had to fine Kaiser-Hill, but their obligation is worker safety and a goal of zero accidents. The Board then discussed accident prevention, the strength of the new contract, and the work control programs.

- 3) **Review Draft FY 01 Budget** – David presented the draft budget for initial comment from the Board. He explained there are no large changes from the last budget and then described increases and reductions under the various categories including deletion of the legislative lunch. Lisa Morzel and Michelle Lawrence discussed the importance of communication with the representatives and introducing the Coalition to new members. Lorraine Anderson voiced concern over funding and its sources. David agreed that funding is more difficult as a unit of local government rather than a non-profit organization since it reduces the number of grants the Coalition is eligible for, and the Board may want to review the Coalition structure. Mary Harlow asked if the Coalition has a projected income from DOE for the next year, and David responded that it was unclear currently and would depend on Congress appropriations and DOE's internal monthly plan. The range could be from \$100,000 to \$350,000.

Round Robin

Westminster – Mary Harlow said Westminster is working with the Energy Communities Alliance (ECA) and other cities in an effort to produce white papers by December 1st on stewardship, worker and community transition, and other relevant issues to the new Administration. She also restated a worker health issue Sam Dixon brought to the attention of Dr. Michaels during his recent meeting, which is the need for a nationwide public relations policy in order to publicize worker health benefits. Mary also described a problem with workers having incomplete work and health records, and the need for the Coalition to publicize this issue. Mary then commented that the RFCA RSAL review process was going well and they will be selecting peer reviewers this week.

Broomfield – Tom Brunner commented that he had also attended the worker health legislation meeting presented by Dr. Michaels and believes this is a good first step. Hank Stovall then elaborated on the RFCA Focus Group progress and urged members of the public to attend the meetings and participate in the process. Hank also discussed the EPA RSAL meetings being held downtown and recommended the EPA hold the meetings within the community instead.

Arvada – Lorraine Anderson agreed the EPA meetings should be held in the community, and also commented that Arvada is participating with ECA in generating the white papers. Lorraine emphasized championing worker issues and tracking the worker health legislation. Ken Fellman then questioned the Coalition process of determining whether letters should be immediately faxed out to the Board or held until Board packets are mailed out, citing the example of the RFCA parties' letter in the current Board packet. David responded the RFCA parties' letter should have been faxed out and this was an oversight. David explained most letters are faxed out, but it is an imperfect process since it is subjective and depends on how much is currently being sent since the staff tries to avoid overloading elected officials. Ken's second question was regarding the meeting held at the Coalition office between the cities of Westminster and Broomfield, the Governor's office, and CDPHE. Hank Stovall explained since Broomfield and Westminster are immediately downgradient from the site they wanted to know where the Governor's office and the Health Department stood on water quality since it had been indicated the water quality standard may be revisited. Broomfield wanted a commitment on the .15 picocuries per liter standard, and they received an informal commitment from the two parties. Mary Harlow added that Westminster has sent many letters relating to its' concerns on both the Woman and Walnut Creek drainages. Westminster wants to be on the front end not the back end of decisions related to water quality in both these drainages to ensure that water quality leaving the site is properly protected. Westminster does not want to have to retain staff after closure to continuously monitor Woman and Walnut creek. Ken appreciated their concerns and encouraged them to remember all the communities are concerned about water quality and requested to remain apprised of ongoing communications.

Jefferson County - Nanette Neelan explained Jefferson County had received a request from the Jefferson County Sheriff's Department to talk to the Board about the onsite firing range. Sheriff John Kiekbusch proceeded to describe Rocky Flats' existing state-of-the-art facility that the Sheriff's Department was proposing be turned over to Jefferson County after Rocky Flats is closed. The facility would be available to other federal, state, and municipal agencies for a variety of tactical drills and operations. This proposal lead to discussion among Board members about language in the Allard-Udall bill, how large an area would be impacted, who it would be open to, the need for the facility and its benefit to public safety, refuge compatibility, and the issue of the Board determining land use. Doug Young commented he wasn't sure the current bill language would preclude the facility. Jeremy Karpatkin said DOE had discussed this at the staff level and determined it was not a cleanup issue and DOE is prepared to abide by the rule of the community and Allard and Udall. Kristi Pollard added Senator Allard was also prepared to make a recommendation based on the Coalition's opinion. Barb Tenney stated that whether the Board agreed or disagreed with using the area for the Jeffco firing range facility, the final determination would be done through a process described in the Bill. She also noted that the Coalition is limited by the authority conferred to it in its IGA, and that if greater authority is needed, it may need to amend its IGA. The Board agreed to discuss this issue with their staff and commissioners and come to the December meeting prepared to discuss whether or not to proceed with scheduling a presentation from the Sheriff's Department.

Public Comment

There was no public comment.

Discuss Draft Coalition FY 01 Strategic Plan

David presented the draft FY 01 Strategic Plan and explained initial changes were made with staff input. Next the Board will review it more in-depth at the retreat, and it will be finalized at the January 8th Board meeting. David described the new section titled “Rocky Flats Workforce” and advised it may need to be revised after the Board heard from the workers later in the meeting. He also explained the plan was altered in order to allow flexibility throughout the year and give latitude for the best way to accomplish goals. Mary Harlow suggested adding tracking state legislation under Outreach. In light of the prior conversation regarding land use, Nanette Neelan suggested reviewing what exactly should be addressed under Future Use of Rocky Flats and David agreed this should be defined at the retreat.

*Lorraine Anderson left at 9:40 a.m.

Worker Issues Update

David Abelson expressed frustration over the gaps in the presentations to follow. Marcy Nicks, DOE federal employees’ union representative, had not responded to any of the Coalition’s requests and Kaiser-Hill management refused to brief due the ongoing contract disputes with the steelworker’s union. Additionally, the DOE Human Resources representative scheduled to speak had fallen ill but Jeremy Karpatkin was there to answer questions as best he could. David reminded the Board that discussion of contractual negotiations and grievances were off limits. The representatives of the steelworkers union and the guards union then briefed the Board.

John Barton, Vice President of the United Steelworkers of America Local 8031, began by presenting a speech he had originally given in Washington D.C. John discussed how the following issues are important to workers: 1) health hazards as well as their impact on future employability, 2) continued healthcare for retirees, federal employees and contractor employees, 3) the long latency period before symptoms show up from radiation and hazardous substance exposure, and the resultant poor workman compensation coverage, 4) job retraining and transition efforts, 5) worker retention efforts, and 6) unequal treatment of government employees over contractor employees. John also pointed out problems with lost employee records and inaccurate dosimetry readings.

Dan Chesshir, President of the Rocky Flats Security Officer’s Independent Union Local #1, described the problems guards will be facing over the next year. They have lost 60 employees to attrition since last August, and they are concerned Kaiser-Hill has not been putting forth enough effort to retain them since they will be losing another 30-35% to layoffs next year when the protected area shrinks. In the meantime however, guards are working too much overtime and are overtasked. Dan expressed concern over their ability to protect the entire site under these

conditions. Additionally, Dan explained that retraining is limited due to their schedules. This is an issue along with comparable employment in the region, loss of health benefits and health risks, and how the guards fit into the worker health legislation.

Tony DeMaiori, President of the United Steelworkers of America Local 8031, told the Board that safety is their number one issue. They now have eight full-time members dedicated to safety and have seen a 300% increase in safety concerns being resolved informally. The steelworkers are concerned there will be more safety problems as the number of building and construction tradesmen increases with D&D efforts. Tony explained that they have different work cultures in that the steelworkers understand they have the authority to shut down a job if they deem it unsafe, whereas the building tradesmen don't exercise this same authority. Tony agreed with Dan's concerns about the effectiveness of the reduced security force.

Jeremy Karpatkin, DOE, said the Rocky Flats site is the largest and first site to close complex-wide, and addressing worker retention and the reality of layoffs is a huge management challenge. Jeremy explained DOE's role is to ensure policies enable the field office and Kaiser-Hill to work issues out and achieve a balance, but they are not involved in the details as these are contractor employees and not federal employees. An example of this is the general commitment from Carolyn Huntoon to create a DOE policy guaranteeing health benefits remain the same after retirement. A draft of this guidance document should be available for public comment by the end of the year.

John Corsi, Kaiser-Hill, agreed with many of the issues raised and stated worker retention is a key challenge. He also provided the Board with handouts outlining Kaiser-Hill employee retention initiatives and other human resource challenges. John Whitney, Vice President of the Rocky Flats Security Officer's Independent Union Local #1, voiced another issue. There is a core group in the workforce that have spent their prime working years at Rocky Flats (25 years and more) who won't be eligible for retirement and may find it difficult to get medical benefits. All of the representatives described very low morale among workers.

The Board discussed having Kaiser-Hill provide a full briefing in the future, but as long as the contract is in dispute Bob Card and Nancy Tuor will not approve it if the steelworkers are in attendance. David clarified that his request to Kaiser-Hill and DOE was for their help on focusing on the appropriate role for the Coalition in worker retention and post-closure benefits. He suggested the Board read the information Kaiser-Hill provided and see how it interacts with the concerns heard from the workers today. Tom Brunner agreed the Board should not be involved in disputes and asked how to get benefits to workers and who it would involve. Jeremy said it would depend on the specifics, but how far the federal government can go for a contract employee is in question. There are some programs that bridge this gap but DOE is still reviewing them. Tom asked if this is the Coalition's business and Jeremy said that, in his opinion, if it were a negotiated issue it would not be and if it is a DOE policy issue it could be. Tony disagreed and said Kaiser-Hill and DOE continue to blame each other, but these are all DOE issues because DOE will not allow proper negotiations between the contractor and the employees. Dan asked if the Coalition could help them in their discussions regarding retention

programs since they were having no luck thus far. Hank Stovall said all workers are welcome to these meetings and added that he is concerned Paul Golan said safety is DOE's top concern but the workers don't seem to agree. Lisa Morzel asked the average number of hours the guards work. John Whitney said there is an average of 12.7 hours per day, and he has even seen 17-hour shifts. Ken Fellman suggested a follow-up discussion of the Coalition's role, and said this information received today identified poor worker morale and the need for additional work to be done. He suggested if the Coalition does take a more active role there might be a need for consultants, more dedicated time and an addition to the budget. Michelle Lawrence stated many of the local governments have staff specialized in working with labor issues.

*Sam Dixon arrived at 10:25 a.m. and Carolyn Dulchinos left at 10:25 a.m.

Public Comment

There was no public comment, but Sam Dixon took this opportunity to raise a couple of issues since she was not in attendance for the round robin. First, Sam said Westminster City Council had already discussed the firing range and were adamantly opposed to this use of the site post-closure. Second, she addressed the transportation corridor issue that Arvada continues to pursue. Sam said the Northwest Quadrant Study led to an agreement between all parties and cities stating that a highway through section 13 would not be feasible, and for Arvada to continue lobbying for this transportation corridor language to be added to the Allard-Udall bill shows they are not a cooperative city. Ken Fellman responded Arvada was not going outside the process and they deem it prudent to leave options open for future transportation improvements beyond the year 2015. He added the Study also recommended reserving the right-of-way in order to reserve options, and many conversations he had with several different mayors had resulted in this same conclusion. Sam noted that the watershed would not be changing in fifteen years. Ken explained that whether it was Indiana or section 13, property on the east side of the buffer zone would be disturbed and they should allow for a broader range of options. Michelle Lawrence said any transportation issue would require an environmental study, and that is where the decision should be made, not in this forum.

Review Big Picture

David reviewed the big picture. Issues for the December meeting will include a progress report from the Stewardship Working Group, a technical issues update, and a briefing on the Rock Creek Reserve Management Plan.

The meeting was adjourned at 11:15 a.m.

Respectfully submitted by Kimberly Chleboun, Program Assistant

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