

Rocky Flats Coalition of Local Governments Board Meeting Minutes
Monday, August 7, 2000
8:00 – 11:00 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), Mary Harlow (Alternate, Westminster), Lorraine Anderson (Director, Arvada), Ken Fellman (Alternate, Arvada), Carol Lyons (Alternate, Arvada), Amy Mueller (Alternate, City of Boulder), Matt Magley (Alternate, Superior).

Note: Boulder County was not in attendance so there were only six voting Board members.

*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), Laura Brooks (Kaiser-Hill), Troy Timmons (Kaiser-Hill), Greta Thomsen (Kaiser-Hill), Dave Shelton (Kaiser-Hill), Nancy Tuor (Kaiser-Hill), Jeremy Karpatkin (DOE), Tom Lukow (DOE), Jeff Baker (DOE-Golden Field Office), John Herrick (DOE-Golden Field Office), Kathleen Wahlberg (CDPHE), Rob Henneke (EPA), Shirley Garcia (Broomfield), Kathy Schnoor (Broomfield), Victor Holm (RFCAB), Ken Korkia (RFCAB), Janice Sinden (Senator Allard), Nancy Hunter (Congressman Schaffer), Doug Young (Congressman Udall), Doris DePenning (Friends of the Foothills), Roman Kohler (RF Homesteaders), Hildegard Hix (Sierra Club), Steve Smith (Public Service Co.), P.J. Timmerman (GAO), Robert Nelson (citizen), Paula Elofson-Gardine (Environmental Information Network), Bruce Rosenlund (USFWS), M.L. Tucker (Lafarge), Charles McKay (Church Ranch), Tom Murray (Lakewood Brick and Tire).

Convene/Agenda Review

Michelle Lawrence called the meeting to order at 8:15 a.m. There were no proposed changes to the agenda.

Business Items

- 1) **Motion to Approve Consent Agenda –Lorraine Anderson motioned to approve the consent agenda. Tom Brunner seconded the motion. The motion passed 6-0.**

2) **Executive Director Report** – David Abelson explained he is in the process of working with local government staff to develop a set of possible Coalition recommendations regarding soil action levels and cleanup levels. Once David and John Marler have finalized staff input, they will forward the draft principles to the Board for review. He hopes to discuss the draft principles at the September Board meeting, as reflected in the Big Picture. David noted they are sidestepping a specific number for the final soil action level for Rocky Flats, and are instead working to fashion a set of recommendations that are geared towards looking at the issue holistically, while raising technical issues raised by RAC. Next, David described his meeting with Barbara Mazurowski in which they discussed the Coalition and key issues such as stewardship and her approach to managing the site. Barbara asked David to relate her commitment to work closely with the Coalition including providing any information the Coalition might need, provided it is not classified. David was encouraged by her commitment and remains hopeful she will be a strong leader and will err on the side of safety. Following this, David explained that the Coalition needs a tape backup system as the current system is faulty. He asked the Board’s permission to transfer money, originally allocated in the budget for Kimberly’s computer, to purchase a backup system, which will cost approximately \$650. The Board consented. Next, David said the Executive Committee suggested he travel to Washington D.C. in September in order to meet with staff from congressional offices, as well as DOE officials. The goal would be twofold; first, this would prevent an entire year from passing between meetings with congressional staff, and second, this would allow him to see what DOE can do for Rocky Flats during the remaining days of this administration. The fifth item David discussed was meeting times. Andrew Muckle is having trouble making the Monday meetings and the Executive Committee asked David to raise the issue again. After the Board discussed the options of meeting on different days they agreed to table the issue until Sam Dixon and Paul Danish could also be present for the discussion. Lastly, David received the Board’s approval to move the November Board meeting to November 14th since November 7th is the day before Election Day.

*Nanette Neelan arrived at this time.

Round Robin

Broomfield – Hank Stovall said Broomfield is currently reviewing Kaiser-Hill’s Baseline and is looking forward to learning more from the presentation.

City of Boulder – Amy Mueller said she would defer her comments regarding the City Council’s discussion of open space until the Board discussion later in the morning.

Westminster – Mary Harlow noted Westminster’s desire to learn more from the Kaiser-Hill presentation on the Baseline since they have been reviewing a conflict between the Baseline and the NDAA Long-term Stewardship document.

Arvada – Ken Fellman addressed the recent press Arvada has been receiving, and also made note that one article about Arvada was included in the Board packet twice. Ken explained what Arvada actually says to reporters doesn't get printed and urged the Board not to believe everything they read. Although David Abelson has been helpful in notifying Ken of reporter inquiries, Ken is seeing a pattern in their methods. They tend to call him last after speaking to everyone else and writing their article. Ken gave several examples of this occurring as well as his comments being edited out. He then emphasized Arvada hired the lobbying firm of Patton Boggs for a whole host of federal issues including work with the Federal Highway Administration and a drainage project with the Army Corp of Engineers. After Patton Boggs was hired they suggested they could also help Arvada communicate on Rocky Flats issues. Ken then addressed specific issues other Board members had raised in the press. He responded to Hank Stovall's concerns over a transportation corridor Arvada suggested for the southern portion of the buffer zone. Ken assured the Board that this would be the same corridor originally referenced as occurring in the eastern portion of the buffer zone and that Arvada has no intention of a land-swap or development. Developers of Vauxmont, the development planned to the south of the Rocky Flats site, have already agreed to allow a corridor through their property, if necessary. Ken then addressed the other issue of the soil action level Arvada had proposed to Congressman Udall. He said he thought it was clear that this level of 651 picocuries per gram of soil was a minimum acceptable level and Arvada was not endorsing that number as a final level. Arvada has been meeting with staff from Senator Allard and Congressman Udall's offices in order to incorporate language that will address Arvada's concerns about cleanup, fence, and corridor issues. Ken reiterated that, despite comments from the press and political opportunists, Arvada is hopeful a new and better bill will be introduced that they will be able to support.

Hank Stovall responded he does not like to make speculations to the press and Broomfield does not want to pick a fight with Arvada. However, after working on soil action levels for 15 months Hank was surprised to see the soil action level Arvada included in their rewrite of Congressman Udall's bill. He reminded Arvada that the congressional staff had said it would be ill advised to include specific numbers in the bill. Ken acknowledged including a specific number had been a mistake, but it was only their intent to list a minimum and they are now looking for another way to address their concerns. Ken also asked the Board to please contact them if they had concerns. Hank said this number was not an acceptable minimum to a majority of the community. Lorraine Anderson responded Arvada would support a resident rancher soil action level if it was feasible. David Abelson then apologized for his oversight in including the Daily Camera article in the Board packet twice.

Public Comment

Victor Holm notified the Board of the resolution the Citizen's Advisory Board (CAB) passed during their July meeting. He highlighted their support of the language in the Allard and Udall bills which requires continued Federal ownership, especially the portion of the Udall bill which requires an Act of Congress for any ownership change. Victor also reminded the Board that in 1998 the CAB recommended the entire Rocky Flats site be preserved as open space, and disapproved of a separate industrial area.

Doug Young distributed copies of a bill introduced by Congressman Udall, which would provide for interim protection of roadless areas on United States Forest Service land west of Rocky Flats. The bill also directs the Secretary of Agriculture to conduct studies to best determine how to protect the mountain backdrop with Federal assistance.

Charlie McKay asked the Board to keep in mind the numerous private mining rights, as well as public and private water rights, at the Rocky Flats site while discussing long-term land use. Michelle Lawrence asked him if it is his preference that DOE purchase these mining rights. Charlie prefers no governmental interference, but if they must be purchased he would not be opposed to working out a fair value. He also noted the reuse of mined areas could be beneficial to the community as water storage or as revegetated wildlife habitat.

Kaiser-Hill Baseline Presentation

David Abelson introduced Nancy Tuor, Kaiser-Hill's Vice President of Strategic Planning and Integration. He then directed the Board's attention to five issues regarding the Baseline that Kaiser-Hill should address: 1) When will the project be complete, 2) If the plutonium packaging system is not operational, what is their contingency plan, 3) Does Kaiser-Hill have a waste shipment infrastructure and schedule in place, 4) How Kaiser-Hill plans to meet the off-site water quality standards, and 5) Where on-site, and why, can't Kaiser-Hill meet water quality standards?

Nancy Tuor presented an overview of the Baseline. This document is the project plan that provides the work scope, the schedule of work activities, and cost estimates. Currently the total estimated cost has been reduced to \$3.9 billion, with an annual budget of \$657 million, although there are still many unknowns. The Baseline provides a way to measure how Kaiser-Hill is performing and also includes a Project Management Plan and a Risk Management Plan. Nancy explained other work will be done that isn't included in the Baseline, and displayed a slide depicting elements of the project lifecycle scope. She stated the Baseline is itself deliverable under their Closure Contract, which required Kaiser-Hill to provide a statement of work to achieve physical completion within a target cost and schedule. Nancy noted that if they were not in compliance with the current regulatory documents there would be two choices: 1) Amend the Kaiser-Hill contract, or 2) Complete this scope of work and hand any remaining work over to someone else. Nancy continued her presentation by defining "physical completion" and made note of one difference between their contract and the baseline: there will not be a cap in the 700 area. Next, Nancy described bounding assumptions included in the Baseline, project flow, organization, and closure project strategies. One major change in strategy involves closing the Protected Area. Instead of closing it all at once, they will first reduce the area and keep a fence around building 371 only. Another major shift is on early risk reduction of beryllium contamination. Nancy then explained special nuclear material stabilization, packaging and shipping. She confirmed they will continue to work with the PuSPS as it affords the best chance for completion on schedule. If it fails there is existing technology they will rely upon, although it would delay their schedule. Next, Nancy described decontamination and decommissioning (D&D), waste management, environmental restoration, and Kaiser-Hill's top risk mitigation

objectives. In closing she noted the three major changes to the Baseline are the reduction in the total budget, the increased cost for D&D, and the change in strategy for closing the Protected Area. The floor was then opened for questions.

Paula Elofson-Gardine voiced concern regarding containment of contamination while performing D&D. Nancy Tuor responded the data obtained while working on building 779 showed there had been no releases, and this is of concern to them as well. Tom Brunner said he was concerned there might not be enough room for alteration to the Baseline if the Coalition decides certain scenarios would not be in the best interest of the community. Tom stated the Coalition wants the best possible cleanup, and has been to Washington D.C. to discuss this and the closure date of 2006. He emphasized he does not want the Coalition to be the scapegoat and he is concerned the Coalition is not being involved enough in the up-front discussions. Nancy said they would like to close by 2006, but would not consider closure in 2008 a failure. She stated it is up to DOE, the regulators and the community to agree on the final end-state, and if there is additional work to be done, DOE will have to decide if there will be a "phase 2" and who should complete it. She also said Kaiser-Hill's internal schedule for closure is by 2005 and they have a good chance of reaching the 2006 goal since they are currently operating right on the Baseline. Tom explained the message the Coalition heard in D.C. was very hard-line and he is concerned that ancillary issues would be considered bothersome and require additional funding, which could result in the policy makers saying the work is complete while it really is not. Nancy noted that the Rocky Flats site is the only major DOE site where all waste is being shipped off-site. Mary Harlow said the project flow chart depicts soil and water remediation by the years 2004-2005, but she is concerned that if the closure date moves to 2008 there will not be any funding for environmental remediation. Nancy said a closure date of 2006 is still possible and there are not currently any technical issues to prevent it, although a major change in the ability to ship waste off-site, a change in a regulatory agreement, or the closure of one of the receiver sites could change that. Doug Young expanded on the issue of waste shipment and asked if all the receiver sites are lined up and ready to receive Rocky Flats shipments, or if there are any necessary receiver sites not commissioned yet. Nancy confirmed all key sites are in place, permitted, and licensed, but there is always an element of uncertainty. The ability to keep sites open and accept the necessary volumes is vulnerable. The only waste not currently being shipped to a major receiver site is mixed waste, 10-100 nanocuries per gram. Dave Shelton added there is still not a site that can take this waste, which consists of several thousand drums. Hank Stovall stated he is troubled by Kaiser-Hill and DOE negotiating a contract that didn't accommodate the RFCA, and as an example he cited the onsite water standard. Nancy said the intent was to make a target cost contract in order to complete physical work to get the site to a place where they could guarantee they could meet standards all of the time. Hank also asked if there had been any basic research on a more reliable beryllium detection method since he is concerned there may be unknown beryllium contamination due to loss of institutional memory. Nancy responded she was not aware this was an issue since beryllium is easily detectable and they have good data on the location of contamination. She stated the key issue is in making sure that nonsensitive workers handle work in known contaminated areas. Jeremy addressed Hank's original concern and stated DOE is committed to the terms of the RFCA and if there is a need to work with the community to address RFCA concerns the burden of proof will lie on DOE. He

also emphasized that the RFCA was not modified by the Kaiser-Hill contract. David Abelson returned to the water quality issue and noted that the RFCA mandated surface water quality standard for unrestricted use is 0.15 picocuries per liter of water, however, the Baseline only requires an on-site standard acceptable to meet an open space future user. Thus, he asked what that open-space standard is. Dave Shelton responded it is 141 picocuries per liter, according to a document from 1996. David Abelson then asked how Kaiser-Hill, with that much of a difference in the on-site standard, intended to meet the off-site water quality standard. Dave Shelton said they had not had an exceedance of 0.15 leaving the site in many years and he knows they can control the water quality leaving the site. By the time of closure most of the sources will have been removed, ponds will be in place, and there is also money for a new impoundment on Walnut Creek at Indiana.

Discussion of Senator Allard and Congressman Udall's Rocky Flats bills

Before beginning the discussion, Michelle Lawrence suggested a half-day retreat in October to thoroughly discuss differences of opinion over open space and cleanup levels. After a short discussion the Board agreed and David Abelson said he would compile the Board's preferences for meeting dates and times as well as a facilitator.

Ken Fellman then began the discussion by stating one of Arvada's specific conversations with congressional staff has been over cleanup levels. They have advised him including a specific level is not the way to go, but if Arvada's goal is to make sure the land use designation doesn't have a negative impact on cleanup perhaps it should be included in the final RFCA. He also said they are not opposed to all fences, only a big, foreboding, perimeter fence. Hank Stovall said the community value of protection of water quality and water rights should be included right from the start, and the bill should provide for equitable compensation for mineral rights, especially if restrictions will be in place. Mary Harlow added Westminster is concerned about language on surface water protection and private ownership rights. Amy Mueller then explained the Boulder City Council had previously approved of Congressman Udall's concept of open space, and now approves of Senator Allard's idea for a refuge as it would provide better coverage and protection. David Abelson suggested the Board delay this conversation until the retreat and the Board agreed.

*Ken Fellman departed at this time.

Public Comment

In response to a question raised by Doris DePenning, Michelle Lawrence explained that a retreat is open to the public and would be a facilitated dialogue with no regular business items.

Review Big Picture

The Board reviewed the big picture and decided to postpone further discussion of the Allard and Udall bills until the October retreat. Issues for September will consist of soil action levels, the

relationship between cleanup and future use, as well as an update from Allard and Udall staff. A briefing on the Coalition's role as a CRO is also still planned. Lorraine Anderson also asked if they would think about creating a formal resolution on beryllium protection and healthcare to submit to Congress.

The meeting was adjourned at 10:43 a.m.

Respectfully submitted by Kimberly Chleboun

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