

Rocky Flats Coalition of Local Governments Board Meeting Minutes
Monday, September 11, 2000
8:00 – 11:30 a.m.
Mt. Evans Room in the Terminal Building
Jefferson County Airport, Broomfield

Board members in attendance: Patricia Holloway (Director, Jefferson County), Nanette Neelan (Alternate, Jefferson County), Tom Brunner (Director, Broomfield), Hank Stovall (Alternate, Broomfield), Mike Bartleson (Alternate, Broomfield), Sam Dixon* (Director, Westminster), Ken Fellman* (Alternate, Arvada), Paul Danish (Director, Boulder County), Carolyn Dulchinos* (Alternate, Boulder County), Lisa Morzel (Director, City of Boulder), Amy Mueller (Alternate, 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), Laura Brooks (Kaiser-Hill), Troy Timmons (Kaiser-Hill), Dave Shelton (Kaiser-Hill), Jeremy Karpatkin (DOE), Steve Tarlton (CDPHE), Rob Henneke (EPA), Ken Korkia (RFCAB), Noelle Stenger (RFCAB), Gerald DePoorter (RFCAB), Kristi Pollard (Senator Allard), Pete Jacobson (Senator Allard), Doug Young (Congressman Udall), Dan Miller (Attorney General Salazar), Theresa Benda Sauer (Governor Owens), Doris DePenning (Friends of the Foothills), Roman Kohler (RF Homesteaders), Hildegard Hix (Sierra Club), Steve Smith (Public Service Co.), Robert Nelson (citizen), Joshua Epel (City of Golden), George Vancil (City of Arvada), Gary King (DOE).

Convene/Agenda Review

Paul Danish, serving as acting chair in the absence of Michelle Lawrence, called the meeting to order at 8:19 a.m. There were no proposed changes to the agenda.

Business Items

- 1) **Motion to Approve Consent Agenda** – Tom Brunner motioned to approve the consent agenda. Lisa Morzel seconded the motion. The motion passed 7-0.
- 2) **Executive Director’s Report** – First, David Abelson reported the Stewardship Working Group is making progress and the Group has identified one key problem, which is DOE not taking long-term stewardship into account as a part of remedy selection. The group is also in the process of developing a matrix, called the “toolbox”, to help address this problem. He will brief the Board on this progress more thoroughly at the December meeting. Second,

David noted as a precursor to the Soil Action Level discussion that the process of meeting with elected officials and staff went very well. Third, David described two issues that he has become aware of in the RFCA Focus Group's discussions on water quality protection. The first issue is how you manage the watersheds, and the second issue is how you measure compliance with the current standard. Fourth, David reminded the Board that he would be in Washington D.C. the remainder of the week, meeting with staff from congressional offices as well as DOE. Last, David suggested that the Board retreat be held on the morning of December 1st based on the responses he had received. The Board agreed.

Round Robin

Broomfield - Hank Stovall reminded the Board the Actinide Migration Evaluation report on erosion and transport modeling is out and currently under review. Dr. Tom Hakonson, hired by the Rocky Flats Citizens Advisory Board (RFCAB), is expected to issue his summary review tomorrow. Broomfield and Westminster have decided to hire an independent consultant to review the report since the report is so important to offsite water quality. Hank stated there are data gaps and a wide amount of uncertainty since there haven't been storms that would allow collection of site-specific data. Lisa Morzel and Jerry DePoorter then discussed the option of a rainfall simulator.

City of Boulder – Lisa Morzel stated the City of Boulder is happy to see the Allard-Udall bill being introduced to Congress this week and thanked the legislative staffs for their work. The City offers their full support.

*Carolyn Dulchinos arrived at this time.

Public Comment

Jerry DePoorter agreed with David Abelson's assessment of the Stewardship Working Group's progress, and emphasized that Kaiser-Hill and DOE need to recognize the stewardship implications when making cleanup decisions.

*Sam Dixon arrived at this time.

Discussion of Coalition's Role as a DOE Community Reuse Organization

David Abelson began by framing the discussion of the Coalition's role as a Community Reuse Organization (CRO). 3161, from section 3161 of the FY 93 Defense Authorization Bill, resulted in DOE's Office of Worker and Community Transition, which evolved into one program for community transition and another program for worker transition. The worker transition program involves job placement programs at DOE and non-DOE sites, retraining, and education reimbursement programs. Community transition activities include business development programs, future use planning and other activities listed in the Coalition's strategic plan. David explained the Coalition was placed under the community transition program when it was

designated the CRO for Rocky Flats in June 1999. He then recounted Board actions, which include raising worker issues in their lobbying trip to Washington D.C. in March, raising worker safety and health concerns in their comments to DOE on D&D activities, rubble disposition, and interim storage of TRU waste. Additionally, David attends Congressman Udall's monthly labor meetings. David then introduced Gary King, Director of DOE's Office of Worker and Community Transition and manager of DOE's CRO program.

Gary King explained that his office was created in 1993 to mitigate the impact of site closures and massive layoffs. Since the number of workers lost has leveled off since then, his budget has been reduced annually as well. Gary described the office of worker transition involvement in retraining, relocation, and bridging medical benefits. The goal for the office of community transition was to strengthen the economies of the communities surrounding a site. The community development portion took the forefront, including development of infrastructure, and generating jobs within the community to replace the types of jobs being lost. Gary noted that Denver has a somewhat stronger and more diverse economy than other sites, and Rocky Flats is different from other sites in that it is an early closure site and DOE won't have an ongoing mission there. This results in a different set of issues and a third phase for his office involving workforce development and worker retention. Central to the goal of early closure is maintaining a robust and aggressive schedule while protecting workers and the environment, and having a plan for the workers when the project has been completed. Gary also noted that his budget has been reduced to \$25 million and Congress has talked of closing the office, although they are open to discussion about new missions and a new direction. He said the CRO is not there to be the organization that creates jobs for leaving workers, but could be involved in early and proactive planning for future community and worker needs, stewardship needs, and tie this into impact mitigation. Gary then described a GAO report, which stated his office should have clearer guidelines and focus the money more on areas with higher unemployment and areas where DOE has the greatest impact on the economy. He then asked the Board for their ideas on what the Rocky Flats CRO could do.

Lisa Morzel said pensions are critical and asked to hear more about retention incentives and which budget they would come from. Gary said this is still being discussed and could include a lump sum payment to workers that stay until a specified date or it could include paying for continued training. Such a program would require working with Congress now to set aside money for payment by 2005 or 2006. Ken Fellman asked if worker incentives should be determined by more frequent briefing or by scheduled discussions with worker representatives. Gary responded that the best programs are those decided by the workers, and he suggested the CRO could gather that data and perhaps create a white paper describing which workers should be retained and how to retain them. Tom Brunner confirmed the importance of being proactive in identifying worker needs. He explained there is a lack of understanding at the plant of what the Coalition is. Tom said the Coalition should reach out to the workers, get an early information exchange and relay their needs to Washington. He then suggested ways to do this could include meetings, a plant newspaper or newsletter, an intranet, water bill inserts, or mailings. Tom stressed the importance of making cleanup safe and taking care of those making it happen. Lisa Morzel agreed going to the plant is a good idea.

Hank Stovall said there are already economic development organizations within the community that the Coalition could work with by acting as an interface with DOE, and also work to acquire funding. Hank said he doesn't agree with the GAO report, and reiterated his suggestion to work with result oriented organizations already formed. Paul Danish said a contingency plan should be in place if closure occurs at a time when local unemployment is high, including plans for what should happen if the economy is soft, and how to deal with workers with highly specialized skills that will be difficult to place. He asked if David and his staff could put this type of information together. Ken Fellman said he saw two themes emerging: the first is worker transition and the second is worker retention. David Abelson described worker and contractual issues he hears about at the labor meetings and explained the Coalition may be able to help if it is a policy matter, but not if it is contractual. He suggested bringing in workers along with DOE and Kaiser-Hill to determine where problems are that the Coalition may have a role in resolving. Tom Brunner responded the group should look at things on a macro-level and focus on what the Coalition can actually influence. Sam Dixon raised the issue of worker stigma and a discussion then ensued regarding worker health benefits, budgeting, law 3161, and several other questions which Gary responded to as follows.

Gary explained DOE workers have priority for rehire within DOE but not other federal agencies, although this would be a good suggestion. He also said his office has to show Congress that money has been spent wisely and that there is a long-term use for the program. He advised it is unlikely the Coalition would see large sums of money for economic development here. Gary explained that money for the worker transition program goes to the site contractors. He also explained that DOE normally considers the CRO community as the area within the county where the facility is located and the contiguous counties, although this is flexible as seen at Rocky Flats. Gary then described how a workforce-restructuring plan goes to Congress for approval, and confirmed there is not a program that allocates a certain amount of money for each worker reduced. He also explained there are three insurance programs that all interact, including bridge insurance for former workers who are not yet insured, workers exposed long-term, and retired workers. There is also a congressional delegation committed to developing long-term worker health benefits.

Doris DePenning suggested an anonymous suggestion box on-site for worker input. Jeremy Karpatkin said DOE has a great deal of workforce information including timeline projections on the size of the workforce. Ken and Lisa suggested this conversation be continued at the Board retreat. David Abelson advised the Board that the November Board meeting would include a worker update. He suggested a sequential approach by building a knowledge base first, and then discussing a strategic plan.

Presentation on Cleanup and Anticipated Future Use

Dan Miller, attorney with the Colorado Attorney General's office, began by explaining how cleanup decisions are made at Rocky Flats. The RFCA integrates CERCLA and RCRA, and guides cleanup decisions. The State is the lead regulator for the Industrial Area, and the EPA is

the lead regulator for the buffer zone, although the EPA will have the final say on cleanup levels since it is a CERCLA site. Additionally, final cleanup must meet all statutory and regulatory requirements. The RFCA Preamble and Vision, although not legally binding, set forth a number of assumptions including land use. CERCLA also provides input on the decision-making process by outlining 9 criteria that must be met. These criteria are 1) overall protection of human health and the environment, 2) compliance with applicable or relevant and appropriate requirements, 3) short-term effectiveness, 4) long-term effectiveness, 5) reduction of toxicity, mobility, or volume through treatment, 6) implementability, 7) cost, 8) state acceptance, and 9) community acceptance. Land use is a factor in evaluating the risk posed by a given level of contamination, and can influence cleanup levels, but does not determine cleanup levels. Other factors, such as surface water quality protection or compliance with applicable or relevant and appropriate requirements (ARARs), may determine a more stringent cleanup level. Dan concluded by emphasizing that land use is an important consideration, but does not necessarily dictate cleanup levels. The floor was then opened for questions.

David Abelson asked if the minimum level of cleanup was the land use designation, and if then the other factors raised the cleanup level. Dan explained that would not necessarily be the case and emphasized that any cleanup would have to be protective of human health and the environment, and land use restrictions sometimes impose a part of the remedy. Ken Fellman asked what impact the Coalition could have on this decision-making process, and Dan suggested continued participation in the RFCA Focus Group meetings as well as following the ARARs and ALARA processes. Jeremy Karpatkin clarified that whether or not an ALARA is an ARAR would be a decision for the lawyers to make, and added that ultimately no final cleanup decisions would be made until they had all the information on the table to influence the process. A discussion arose between the Board and Dan in which the point was reemphasized that even if the Site is designated a refuge, cleanup levels will be based on the above explained criteria and not anticipated land use alone. Dan also explained the RFCA was signed in July 1996 and provides for an annual review of the action level framework by DOE, CDPHE, and EPA, with input from Kaiser-Hill on technical issues. This raised the question of why the Coalition isn't involved in negotiating as well. Jeremy responded that EPA and CDPHE are legally liable, but DOE is trying to involve stakeholders through discussions in the RFCA Focus Group meetings.

Discussion of Soil Action Level Recommendations

David Abelson presented a draft letter to the RFCA principals regarding soil action levels and cleanup levels in general. This is a letter David and John Marler have discussed with Board members individually and at staff meetings for the past two months.

Hank Stovall first requested the following changes be made:

- Page 1, paragraph 3, line 4: “involve the Coalition in a collaborative role as decisions are formulated”
- Page 2, bullet 4, line 1: “The RFCA interim soil action levels” (also applies to bullet 4, line 3, and bullet 5, line 7).

Lisa Morzel requested the following addition:

- Page 2, bullet 5, line 4: “...key parameters. The current database is inadequate. We request a more comprehensive and consistent sampling and analysis of real data.”

The Board agreed to this set of changes.

Hank Stovall then requested the following set of changes to the third page:

- Bullet 8, line 1: “...new scientific findings will necessitate reexamination...”
- Paragraph 1, line 3: delete “final decision”
- Paragraph 1, line 4: “proposed solutions”
- Paragraph 1, line 5: change “justifications” to “data”
- Paragraph 1, line 5: “...or proposed policy decisions”

The Board agreed to this set of changes as well.

Ken Fellman motioned to approve the Soil Action Level Recommendations with the aforementioned changes. Lisa Morzel seconded the motion. The motion passed 7-0.

Discussion of Worker Health Resolution

David Abelson presented the Worker Health Benefits Resolution the Board had requested during the August Board meeting, and he described input received from Barb Tenney and the Executive Committee. The resolution speaks of general worker health issues and ties into the Coalition’s Intergovernmental Agreement. David added Arvada has already passed a similar resolution. Sam Dixon said Westminster would also be passing a resolution. The Board then agreed that it is appropriate not to fix blame, and that this is a very important step in view of the worker issues discussed earlier. Doug Young reminded the Board there are different versions of worker health bills in Congress and suggested changing the language to reflect this. The Board agreed. Paul Danish motioned to approve the Worker Health Benefits Resolution and requested David Abelson and Barb Tenney revise it to address Doug Young’s comment. Sam Dixon seconded the motion. The motion passed 7-0.

Public Comment

There was no public comment.

*Ken Fellman left at this time.

Review Big Picture

David reviewed the big picture. Issues for the November meeting will include a discussion of the Coalition FY 01 Strategic Plan and an update on worker issues.

The meeting was adjourned at 11:10 a.m.

Respectfully submitted by Kimberly Chleboun