

**Rocky Flats Coalition of Local Governments Board Meeting Minutes**  
**Monday, April 1, 2002**  
**8:00 – 11:30 a.m.**  
**Mt. Evans Room in the Terminal Building**  
**Jefferson County Airport, Broomfield**

**Board members in attendance:** Hank Stovall (Director, Broomfield), Mike Bartleson (Alternate, Broomfield), Sam Dixon (Director, Westminster), Ron Hellbusch (Alternate, Westminster), Lorraine Anderson (Director, Arvada), Ken Fellman (Alternate, Arvada), Clark Johnson (Alternate, Arvada), Lisa Morzel (Director, City of Boulder), Paul Danish (Director, Boulder County), Jane Uitti (Alternate, Boulder County), Karen Imbierowicz (Director, Superior), Michelle Lawrence (Director, Jefferson County), Nanette Neelan (Alternate, Jefferson County).

**Coalition staff members and consultants in attendance:** David Abelson (Executive Director), Kimberly Chleboun (Program Manager), Melissa Anderson (Technical Program Manager), Barbara Vander Wall (Seter & Vander Wall, P.C.).

**Members of the Public:** Dave Shelton (Kaiser-Hill), John Corsi (Kaiser-Hill), Lane Butler (Kaiser-Hill), Jeremy Karpatkin (DOE), Rick DiSalvo (DOE), Glen Doyle (DOE), Joe Legare (DOE), Pat Etchart (DOE), Dean Rundle (USFWS), Laurie Shannon (USFWS), Mark Sattleberg (USFWS), Steve Gunderson (CDPHE), Kathleen Rutherford (CDPHE), Steve Tarlton (CDPHE), Rob Henneke (EPA), Tim Rehder (EPA), Jerry Henderson (RFCAB), Al Nelson (City of Westminster), Shirley Garcia (City of Broomfield), Bob Nelson (City of Golden), Doug Young (Congressman Udall), Doris DePenning (Friends of the Foothills), Paula Elofson-Gardine (Environmental Information Network), Roman Kohler (Rocky Flats Homesteaders), Gail Bange (Wackenhut), John Jurcheck (citizen).

**Convene/Agenda Review**

Chairman Dixon called the meeting to order at 8:15 a.m.

**Business Items**

- 1) **Motion to Approve Consent Agenda** – Lorraine Anderson motioned to approve the consent agenda. Hank Stovall seconded the motion. The motion passed 5-0 (the City of Boulder and Boulder County were not yet present).
- 2) **Executive Director's Report** - David Abelson reported the Coalition audit has been completed, and he expects to forward a draft by April 15<sup>th</sup> and have the auditor brief the Board at the May meeting. There was one minor issue involving how charges were tracked to various grants at the end of last year. This occurred due to the length of time it took DOE to approve the stewardship grant, which resulted in reopening records and reallocating costs.

Now that all grants have been approved and categories have been established, this issue should not be a concern next year. Second, David said a draft of the toolbox, for which the Coalition is receiving the DOE stewardship grant, was sent to the Stewardship Working Group and will be discussed at the group's April 25<sup>th</sup> meeting. Third, David said the U.S. Fish and Wildlife Service (USFWS) has received \$190,000 from DOE for FY02, but still requires the balance of \$775,000 to begin work on the Comprehensive Conservation Plan (CCP). He said it is his understanding it is just a matter of getting DOE Headquarters to move on it. Additionally, David said he wants to begin developing the Coalition role in the CCP process and proposed: 1) creating a Coalition working group to work collaboratively with USFWS, and; 2) having each government work on refuge management with Coalition staff, providing an interface to the rest of the Board. Fourth, David said there is no new information regarding plutonium disposition. The Site has over 600 containers ready to ship, but has not yet issued the required 30-day notice. He said he has been in touch with Governor Owens' office to determine their strategy, as well as Senator Allard and Rep. Udall. Fifth, David provided information on the court-ordered sale of Buildings 60, 61, and the six acres of land they sit on. There has been public interest in using the buildings for a museum or visitor center. Sixth, David said the Site is in the process of conducting a five-year review for completed remedies sitewide, and staff is tracking the issues. Seventh, he provided the Quarterly Finance report and a memo from Melissa Anderson on the Ash Pits and Trench 7. Last, David provided information outlining the need for additional local government contributions to the Coalition since he expects to exhaust the remaining funds of \$6400 by the end of the year. He believes the Coalition needs \$20,000 at the end of the year, as already discussed with the Executive Committee. He also suggested each government contribute money annually to allow for easier budgeting.

Ron Hellbusch said he strongly supports the Coalition having a formal working relationship with USFWS. Hank Stovall agreed, and said Broomfield would designate staff to do so. The rest of the Board also agreed, and will notify Coalition staff of who would be designated from each government to work on the CCP. Doug Young said Rep. Udall's Colorado and Washington, D.C. offices have made inquiries to DOE regarding USFWS funding. Joe Legare said DOE-RFFO had briefed DOE-HQ three weeks ago, and received a request for backup information two weeks ago. He has not heard from DOE-HQ since.

Lorraine Anderson said it would be a good idea for local governments to contribute to the Coalition annually. She asked David to get the Board the budgeting requirements as soon as possible in order to submit them to their budget offices. David agreed to get this information to the Board by April 15<sup>th</sup> in order to discuss it at the May meeting.

### **Public Comment**

Paula Elofson-Gardine asked that the CCP Coalition subcommittee include seats for citizens. Dean Rundle (USFWS) said there will be many opportunities for public input and each committee will have equal opportunities. He also said USFWS has not yet met with Boulder

County or Jefferson County due to scheduling conflicts, thus they will still be accepting comments on the CCP process over the next few weeks.

Doug Young informed the Board of current work being done by the Trust for Public Land in researching options for obtaining the privately held mineral rights onsite. After an extensive discussion the Board agreed these mineral rights should be acquired by the federal government in an equitable fashion, and not at the expense of cleanup. The Board directed David to draft a letter to this effect, to be approved at the May meeting.

### **Endstate Conversation**

#### *Risk-Based Approach Roadmap*

Joe Legare (DOE) provided an introduction to the proposed risk-based approach to cleanup and explained the roadmap, a flow chart illustrating the integrated project approach. He began by explaining how the Radionuclide Soil Action Level (RSAL) Report would provide a technical basis for determining radionuclide concentrations that equate to a certain risk level for a land use, focusing on the refuge worker as the land user. In an analogous process the Program Remedial Guidelines will address non-radiological contaminants and ecological risk will be determined by USFWS hazard quotient methodology. Information obtained from these three processes will be aligned and applied in the risk-based approach. The risk-based cleanup will be based on specific scenarios and apply to surface actions and subsurface analysis. Pathway analysis will determine if risk dictates subsurface remediation, while the Site expects the surface soils to be cleaned to approximately 50 picocuries per gram. Surface water protection is considered separately and will still incorporate enforcement points and performance monitoring. The Site will also need to determine the other contaminants of concern (COC); there may be ten to twenty.

Joe then explained how the risk-based cleanup, pathway analysis, surface water protection, and the COC will all come together and be documented as legally and regulatory enforceable standards in a modification to the Action Level Framework (ALF), attachments five and ten to the Rocky Flats Cleanup Agreement (RFCA). These revisions would establish the risk-based RSAL or remedial action objective (RAO), risk-based subsurface methodology, post-closure surface water enforcement and performance monitoring, and COC. Joe stated this implies the Site would remove more surface soil, primarily in the Buffer Zone, and do less remediation in the subsurface. However, he explained in some areas there may be a good reason to go beyond the pure risk-based approach and remediate based on policy considerations, such as reducing the DOE footprint. One example of this would be remediating the Ash Pits; risk would likely not dictate their removal but policy may do so. Joe said policy considerations may be captured in a document other than the RFCA, but he wasn't sure at this time. Nonetheless, the ALF revisions and policy considerations would then lead to accelerated cleanup actions. Joe noted the surface approach would be transparent, but the subsurface methodology would not be as transparent.

#### *Assumptions for Risk-Based Approach*

Dave Shelton (Kaiser-Hill) provided an overview of the assumptions underlying the risk-based approach to cleanup. He emphasized that DOE asked Kaiser-Hill to come up with these

assumptions but they have not been approved yet. He also explained the assumptions are necessary in order for changes to RFCA to be defined; for accelerated action decisions to be made; to ensure consistency; to provide an understanding of the basis for changes and future decisions; to provide predictability for project completion, and; to provide structure for compliance. Dave then listed the following major assumptions that would drive cleanup:

- Wildlife refuge worker scenario at  $10^{-5}$  risk
- Institutional controls to prevent new building in the Industrial Area
- Remedial actions only triggered if  $10^{-5}$  risk exceeded
- Consistent risk approach applied to surface and subsurface
- Plutonium and americium are not mobile in the subsurface environment
- No use of groundwater
- Groundwater actions triggered to protect surface water
- Soil actions taken to be protective of:
  - human exposure for a wildlife refuge worker (10-5 risk)
  - surface water standards
  - ecological resources (Hazard Quotient<1)
- Characterization conducted in accordance with the Sampling Analysis Plans
- Number of COCs will be limited based on historical, investigation and analytical information
- Surface soil will be defined as the top six inches, and subsurface soil is >six inches from the final grade
- $10^{-5}$  risk approach used for COCs in all locations onsite
- When remediated to  $10^{-5}$ , result deemed to satisfy ALARA and long-term stewardship concerns
- 903 Pad radionuclides will be remediated using the existing approach, with subsurface radionuclides meeting the new surface cleanup level

Paul Danish referred to the assumption that the subsurface area would remain undisturbed, and Dave said their analyses would account for post-holes and burrowing animals. Paul asked if they were assuming there would be no mining, considering that gravel mining changes hydrology. Dave said the mineral rights in areas of COC, specifically the Industrial Area, are subordinate and they assume no mining will occur. He acknowledged mining would change the risk pathway analysis, and the mining issue is very much wrapped up in endstate and not just a loose end. Lisa Morzel asked for information regarding the assemblage of VOCs, including where they are, how they behave, and the risks associated with their migration path. Dave said the Site has a good sense of what is there and where it is moving. They are currently working with materials to enhance VOC degradation. Steve Gunderson (CDPHE) said the State still has three areas of discussion: 1) what actions will be required in the subsurface, including reducing the DOE footprint, 2) what will be the definition of surface soil, and 3) what institutional controls will be required, including controls for residual contamination in the 903 Lip area, and how they would be enforced. Lisa asked about the basis for a surface depth of six inches, and Dave said that is the number currently in the RFCA. He added this is a conservative measurement which assumes direct contact from the top six inches, while five inches below doesn't really have the same contact as one inch below. Steve said they will have to take into account that most of the

buildings are built on concrete pads. Lisa asked about the geochemistry of carbonates and oxides, and the potential reactions with radionuclides and VOCs. Dave said they did consider these reactions.

#### *Pathway Analysis and Risk Assessment Methodology*

Lane Butler (Kaiser-Hill) provided information on the proposed pathway analysis and risk assessment methodology. He too emphasized the fact that these specific examples are an initial direction and not yet approved, although the overall risk assessment pathway is well documented. Lane began by describing the comprehensive risk assessment process. The human health assessment and the ecological risk assessment involve data collection and evaluation, exposure assessment, toxicity assessment and risk characterization. This information leads to a summary and conclusions, and then remediation and management decisions. Lane then discussed how the exposure assessment process works as well as potential fate and transport models they are considering using. He explained that possible pathways for both surface and subsurface include inhalation, ingestion, external irradiation, and dermal exposure. However, the subsurface analysis also must factor in transport mechanisms such as erosion, groundwater, surface water, intrusion and volatilization of VOCs. Lane described the wildlife refuge worker exposure scenario and its significant exposure pathways, insignificant exposure pathways, incomplete exposure pathways, and which scenario parameters still need to be addressed. Finally, he provided a flowchart illustrating what the Rocky Flats screening process would look like.

Jane Uitti asked why dermal exposure would not be considered a significant pathway. Lane said many of these contaminants don't necessarily absorb through the skin and the Site will also have barriers to contain and treat plumes. Additionally, assuming they will have to meet surface water quality standards, then if the contaminant concentration at the seeps is such that these standards are being met at points of compliance (POC), exposure would not pose a risk. He noted these assumptions still have to be tested and proven correct. Joe Legare confirmed these assumptions are predicated on the higher goal of meeting the surface water quality standard. Paul Danish referred to risk calculations and questioned the wisdom of eliminating risk if the detection frequency is less than 5%. Lane explained this calculation is standard EPA guidance and accounts for confidence in lab data, but if a data point is significant they would investigate. Paula Elofson-Gardine asked if the analysis would take into account a pregnant female worker or children visiting the Site. Lane said it is possible there may be controlled areas with restrictions, or a refuge worker could be transferred to other duties during pregnancy. He also explained the assumption that exposure for a worker is a more conservative exposure than exposure for children onsite a short period. Dean Rundle referred to fire suppression and asked if the analysis considered smoke separately from resuspended dust. Lane was not sure and will look into it. Lisa Morzel asked if resuspension of fine-grained materials was addressed. Dave Shelton confirmed resuspension is built into the current RSAL numbers, and Jeremy Karpatkin said exhaustive analysis has gone into the RSAL calculation. Dean then raised the issue of potential revegetation activities and stated this could require plowing the top twelve inches of soil in order to break the native soil horizon and establish good conditions for plant growth. Revegetation also requires large amounts water, which is another potential issue. Additionally, he referred to

the issue of dermal exposure at seeps and meeting water quality standards at the sources, not just the POCs. Joe responded they would have to also determine where performance monitoring would be located, in addition to the POCs.

Joe closed by providing an overview of the differences between the current approach and a risk-based approach, the obvious differences being between surface and subsurface removal. He stated the modifications to the RFCA, the additional policy considerations, and a host of other issues, such as characterization requirements, and stewardship requirements must all converge into one integrated endstate.

Ken Fellman asked when the Site expects to be at a decision point on these issues. Joe said they expect to have the RSAL Task 3 report out by the end of April, and the draft RFCA revisions within weeks. At the same time they will be getting feedback from the regulators on the policy considerations. He stated they want the impacts of this approach, including areas that may not be remediated considering fixed resources, to be as clear as possible, thus they will work with the Coalition as closely as possible. Joe stated the Site would like to have these decisions finalized this summer.

### **Round Robin**

**Arvada** - Ken Fellman said when the Board was in Washington, D.C. Arvada met with the congressional delegations separately, and he will provide the Board with copies of the Rocky Flats information they discussed. Lorraine Anderson suggested changing the Board meeting time since so many seem to have a difficult time arriving on time. After further discussion the Board agreed to change the meeting time to 8:30-11:30 a.m.

### **Public Comment**

There was no further public comment.

### **Big Picture**

David Abelson reviewed the Big Picture. At the May meeting the Board will continue discussions on endstate, including a briefing on Site geology, and will have a briefing from DOE and USFWS on the Memorandum of Understanding. Ken Fellman requested that Coalition staff send the Board information outlining key endstate issues at least ten days prior to sending the Board packets so the Board has enough time to review and understand the information.

At 11:10 a.m. Lisa Morzel motioned to move into Executive Session for the purposes of discussing personnel issues involving Executive Director evaluation, and receiving legal advice on such issues, as authorized under Sections 24-6-402 (4) (f) and 24-6-402 (4) (b), C.R.S. Lorraine Anderson seconded the motion. The motion passed 7-0.

The Board reconvened from Executive Session at 11:30 a.m. and affirmed that no actions had been taken during Executive Session, other than the approval of the Executive Session minutes for the meeting held February 4, 2002. The Board then discussed a proposal regarding the evaluation and salary increase for the Executive Director as presented by the Executive Committee. Lorraine Anderson motioned to approve the proposal presented by the Executive Committee. Hank Stovall seconded the motion. The motion passed 7-0. The Board directed Ms. Vander Wall to revise Mr. Abelson's employment letter agreement to reflect the adopted proposal changes approved.

The meeting was adjourned by Sam Dixon at 11:30 a.m.

Respectfully submitted by Kimberly Chleboun, Program Manager