

Rocky Flats Coalition of Local Governments Board Meeting Minutes
Monday, February 3, 2003
8:43 – 11:05 a.m.
Mt. Evans Room in the Terminal Building
Jefferson County Airport, Broomfield

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

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

Members of the Public: John Corsi (Kaiser-Hill), Dave Shelton (Kaiser-Hill), Lane Butler (Kaiser-Hill), Pat Etchart (DOE), Rick DiSalvo (DOE), John Rampe (DOE), Liz Wilson (DOE), Laurie Shannon (USFWS), Tim Rehder (EPA), Rob Henneke (EPA), Steve Gunderson (CDPHE), Patricia Rice (RFCAB), Al Nelson (Westminster), Shirley Garcia (Broomfield), Bob Nelson (Golden), Nancy Lemein (Arvada), Phil Cruz (RFSOIU #1), Roman Kohler (Rocky Flats Homesteaders), Margaret Boyd (Boyd Solutions), Greg Brown (Troop 583 Boy Scouts) .

Convene/Agenda Review

Lorraine Anderson convened the meeting at 8:43 a.m. There was not yet a quorum to approve any business items, so David Abelson gave his Executive Director's Report first.

Business Items

1) Executive Director's Report - David Abelson circulated new oaths of office to the Board for their signature, and introduced Joan Fritsche, who will be filling in for Barbara Vander Wall while she is on maternity leave. David then reported the following items:

- There is a proposal in the President's FY04 budget to create the Office of Legacy Management. The office would be a new Assistant Secretary program charged with managing long-term stewardship policy direction and guidance, sites in long-term stewardship, and worker health and pension benefits. Mike Owen is leading the transition, but the Worker Transition program would not be a part of this office. David said it looks like a good proposal, but he is concerned about how stewardship would be

integrated into cleanup if the Site is receiving policy direction from two different offices. He suggested the Board discuss the issue while in Washington, D.C.

- David attended the annual CRO winter meeting last week, and the thirteen CROs focused on developing a joint message to Congress conveying the importance of funding for worker and community transition programs. The program is again facing budget cuts this year of 25-35%, when the budget should actually be increasing in order to assist workers with upcoming layoffs at the closure sites.
- The Colorado Division of Wildlife tested 26 deer at Rocky Flats, including two roadkill, for chronic wasting disease. All deer tested negative.
- NREL has asked EPA to delist the wind site. EPA has collected thirteen soil samples to test for plutonium. If the results are within background range (0.03 – 0.09 pCi/g) the EPA can say there was never a release there, and NREL would not have to go through the delisting process. If the results are higher than background but still low (approximately 2 pCi/g) EPA will evaluate the risk to human health and the environment and go through a formal delisting.
- David reviewed dates for the Washington, D.C. lobby trip in March.
- David reviewed handouts provided to the Board on Johnston atoll cleanup efforts, comments on the draft RFCA modifications from Arvada and Westminster, the Quarterly Finance Report, and an article on hormesis. David noted that hormesis is not necessarily the correct theory on which to base cleanup policy, but it is an interesting article in trying to understand the impacts of low-level radiation and determining potential effects.

2) Motion to Approve Consent Agenda – Sam Dixon motioned to approve the consent agenda. Hank Stovall seconded the motion. The motion passed 5-0 (City of Boulder and Superior were not yet in attendance).

3) Appoint New Coalition Officers – In accordance with the procedures for selection of officers of the Board, Lorraine Anderson was appointed as the new Chairman of the Board, Karen Imbierowicz was appointed Vice Chairman, and Lisa Morzel was appointed Secretary/Treasurer as the remaining Board member who has not yet served on the Executive Committee. The positions became effective immediately. Hank Stovall motioned to approve the new officers. Michelle Lawrence seconded the motion. The motion passed 7-0.

Public Comment

There was no public comment at this time.

Update on Rocky Flats Long-Term Stewardship Strategy

John Rampe (DOE) began by describing the background behind the draft *Rocky Flats Long-Term Stewardship Strategy*. RFFO began drafting the *Strategy* in late 2001 in order to formulate RFFO policies and plans regarding long-term stewardship. The document also responded to strong interest on the part of the community in post-closure issues and protection, lead by the Stewardship Working group. In August 2002 DOE Headquarters issued direction to DOE

closure sites to prepare long-term stewardship plans and submit them by January 31, 2003. The *Strategy* is consistent with this guidance from Headquarters and has incorporated input from regulators and the Stewardship Working Group.

John then described the purpose and scope of the *Strategy*. Purposes include:

- discuss end-state and its impacts on long-term stewardship;
- establish long-term stewardship policies and plans;
- establish a mechanism for incorporating long-term stewardship into remedy decisions; and
- refine cost estimates.

The document will consider issues and obligations that may arise from contamination that will be left behind after cleanup, including institutional and physical controls, monitoring, information needs, and periodic reviews. The document scope does not consider other long-term obligations such as retiree benefits or unresolved litigation. Jane Uitti asked if institutional and administrative controls would include purchase of mineral rights. John replied that acquisition of mineral rights would not be considered as institutional or administrative controls, and that areas of mineral rights are not in the same areas as cleanup and remedies.

John reviewed the *Strategy* contents. Part One discusses the document's organization, goals, stewardship definitions, Site conditions at end-state, Site history, and overall Site stewardship policies. These policies, consistent with HQ guidance, are:

- Conduct a thorough, risk-based cleanup, factoring stewardship concerns into remedy decisions.
- Use carefully selected institutional and engineered controls, and monitoring after closure.
- Maintain a record-keeping system that will allow future users to make informed Site decisions.
- Perform regular reviews of remedy effectiveness.

John noted engineered controls will most likely include groundwater barriers, ponds, and covers on the landfills. He also stated performance reviews will include the CERCLA Five-Year Review, however they are considering performing the review every three years initially, in accordance with stakeholder input. Hank Stovall asked if the *Strategy* addresses what would happen in the event of a remedy failure, and who would handle corrective actions. John said there is a section on contingency planning, and he anticipates DOE would be responsible under CERCLA. He said they have not yet been able to outline the specific mechanisms or contacts, but he assumes a number of things would have to be dealt with in the annual budget cycle. Hank asked which budget stewardship would come out of. John said it could be Environmental Management or the new Office of Legacy Management.

John then described Part Two of the *Strategy* as containing specific plans regarding the various aspects of long-term stewardship. Part Two chapters include: enforceability; institutional and physical controls; engineered controls; environmental monitoring and periodic review; records and information management; contingency planning and emergency response; funding and

human resource requirements (estimated at \$7.2 million per year); public participation; and, cultural, natural and historic preservation. Tom Brunner addressed the issue of public participation and asked if DOE sees a need for a continued citizen oversight group. John responded they are projecting a need for citizen oversight and there could be a variety of options, including key city staffer(s), a quarterly or annual meeting, and regularly scheduled data reports. He said he anticipates that the level of oversight will decrease from its current level, and he does not see a full-blown CAB or Coalition.

John briefly reviewed the following issues stakeholders have raised thus far:

- Enforceability -- Stakeholders and regulators want to know specifically what will be enforced against DOE and how, and want commitments up front to the extent possible. Long-term enforceability may occur in the final CAD/ROD, the post-closure RFCA or other enforceable documents.
- Institutional Controls -- Stakeholders want the State's environmental covenant law to be applied at Rocky Flats, but the RFCA parties have not yet agreed on its applicability. It is an issue of applying a state law to the federal government.
- Institutional Controls -- Some stakeholders want a blanket prohibition on residential development at Rocky Flats from border to border. The RFCA Attachment 5 modifications presume no residential development, but do not prohibit it.
- Remedy Selection -- Stakeholder comments regarding stronger stewardship considerations in decision documents and closeout reports have been helpful, and DOE is working with Kaiser-Hill to strengthen the stewardship analyses.
- Funding -- Stakeholders want a trust fund in place to ensure that long-term stewardship activities are funded indefinitely. DOE anticipates funding to continue to be requested annually, although funding is still an open issue.

David Abelson said the point in prohibiting residential development is to create a layering of controls, so in case one control fails there are others to provide backup. Jane asked if there should not also be a concern about commercial development. John said DOE anticipates that with the refuge bill in effect there will be no commercial development of Rocky Flats. Tom asked where Rocky Flats is in the ranking of closure sites planning for long-term stewardship. John said Rocky Flats is the first big site with any substantial residual contamination to go into long-term stewardship, and he believes they are leading the charge and have put a comprehensive plan together. David added that this is not the first site going into long-term stewardship, but this is the first to do it in an integrated fashion. He also said Rocky Flats needs to look at lessons learned from other sites such as Weldon Spring and Fernald. Paul Danish asked if there were any examples of sites within the federal government that had been closed and managed for twenty to forty years. John said he doubted there were any that had managed been for that length of time. David said there were already a couple DOE sites where institutional controls had failed, thus the importance in looking at their lessons learned and in creating an institutional memory like a museum. Paul noted his concern over bilateral stewardship agreements and more and more lands being handed over to FWS in the form of an unfunded mandate. He suggested the federal government create a separate department to handle all federal long-term management sites. David said many people would like to see that happen, but the

challenge lies in uniting local and national groups to work nationwide to affect such a goal. John said he is hopeful the Office of Legacy Management is a step in that direction. He also said to keep in mind that FWS will not be responsible for areas in which DOE will retain jurisdiction, and they are not attempting to pawn off their responsibilities to FWS. There was further Board discussion on the possibility of commercial development, including creating requirements to perform environmental studies, making developers assume liability, mineral extraction, and local government acquisition.

Briefing on Progress of 903 Pad Remediation

Lane Butler (Kaiser-Hill) first provided a background on the 903 Pad and then described the processes involved in remediating the 903 Pad. The entire 903 Pad is split-up in a grid of cells. The cell being remediated is covered by a large tent, approximately 100 feet x 75 feet. Contamination control involves negative air flow within the tent due to the high volume ventilation system. The tent is smoke tested to insure negative air flow prior to excavation, and there is continuous air sampling inside and outside the tent. Airborne radionuclide concentrations in the tent must be lower than 0.3 derived air concentration prior to deposing the tent. Lane said contamination control also includes dust suppression processes, such as a careful excavation process and a continuous water spray. All intermodal (waste transport containers) surfaces and equipment are tested prior to release from the tent. Karen Imbierowicz expressed concern over recent high wind events and the possibility for contamination leaving the site in the dust. Lane said historically air monitoring has shown there is not significant contamination leaving the Site. Steve Gunderson added that DOE has 37 air monitors and the State has almost one dozen, along with a quarter century of data. He said most of the dust is from the gravel excavation on the western side of the Site, which has some uranium contamination. Sam Dixon asked if Jefferson County is responsible for that dust, and Nanette Neelan said dust abatement is part of the mining permit. She added if there is a violation the zoning is not active but reactive and would require a complaint. Karen said she would like to see the air monitoring data from that day (January 30) when it is available.

Lane next described the excavation process. When a cell is to be excavated, the asphalt is removed from the three adjacent cells and one-foot of native soil is excavated. Lane also noted that every excavator bucket of soil is field monitored for volatile organic compounds (VOCs), which have all been negative to date. Envirocare waste acceptance criteria samples are collected from each bucket of soil and composited to determine intermodal concentration levels. Additionally, a confirmation sample is collected in the center of each cell. If the sample results are less than 50 pCi/g of plutonium the cell is backfilled. If the results are greater than 50 pCi/g, they continue to excavate and sample down to three feet. The requirements change at a depth of three feet. If the sample at three feet is less than 1 nCi/g (1000 pCi/g), the cell is backfilled and they inform the regulators and stakeholders. If the sample at three feet is between 1 and 3 nCi/g, they initiate the collaborative process to determine next steps. Lane then showed a map of the 903 Pad progress, which illustrates the cell grid and depth of excavation.

Lane explained that confirmation samples are collected after each excavation and they perform a gamma spectrometry analysis, which typically requires 24 hours for final results. The preliminary gamma spectrometry takes approximately four hours, but they are trying to get that down to less than an hour. Additionally, EPA collects independent random samples. They perform a gamma spectrometry analysis on the Envirocare samples to insure the intermodal meets Department of Transportation and Envirocare standards. Hank asked what ratio they are using when they are converting gamma to plutonium. Lane said they calculate plutonium based on americium gamma, using a ratio of about eight to one. He also said they calculate ten percent of the confirmation samples for alpha spectroscopy with a ratio of five to one, and this is a very conservative ratio.

Lane displayed a diagram showing how the tents cover the cells and the manner in which they would move across the 903 Pad. The tents are built on skids and are pulled by D7 caterpillar tractors with winches and cable. Lane described project status: there are 225 cells, and 27 cells have been completed (twelve percent); 275 cubic yards (490 tons) of asphalt have been excavated, plus 1,165 cubic yards (2,000 tons) of soil have been excavated for a total of 1,440 cubic yards (eleven percent of the total); and, 155 intermodals have been shipped to Envirocare.

Lane then reviewed the confirmation sampling results from each tent location. The highest concentration (in plutonium-239) was 4608 pCi/g in cell L6, and the greatest depth was eight feet in cell L8 to get down to a level of 423.4 pCi/g, both in tent location 2-1. Steve Gunderson asked why there were only six cells in that tent, instead of eight like the others. Lane said they stopped digging at that point as they were not sure about contamination levels and a significant amount of waste had exceeded the disposal levels. Lane said waste characterizations results from 213 intermodals show an average concentration of 3.2 nCi/g, with a maximum of 63.8 nCi/g. The Envirocare maximum allowable is 10 nCi/g, and 22 containers exceeded this criteria. David Abelson asked what the unexpected high concentrations at lower depths implicate about actinide mobility. Lane explained the remediation activities and sampling results validate the 903 Pad model by confirming multiple small sources (from individual drums), and contamination being generally confined to the upper soil layers. He stated the deeper contamination does not negate the Actinide Migration Evaluation (AME) study, and the cause could be roots, soil fracture, or oil/solvent transport. The Site is meeting with the AME group to review possibilities the following week. Sam asked about previous attempts to remediate the 903 Pad, and Lane said according to records most remediation was in the Lip Area and the Pad itself may have not even been disturbed. Paul Danish asked why they could not just be safe and excavate down to twenty feet and take care of it all at once, instead of possibly having to return again. Lane stated they are trying to get the best cleanup with the money available, and disposing of clean dirt would not be a good use of funds. Paul expressed concern that problems buried now may eventually work their way to the surface. Tom Brunner asked if all drums were removed or if some were buried. Lane confirmed the Pad was never used for drum burial, although they did find chunks of concrete parking logs from when the Pad was constructed, which were sent to Envirocare. Tom asked if they had done any surveys, and Lane replied they did not due to the available history and photos. Hank asked about the reclamation process, and Lane said they stockpiled clean soil from offsite (possibly from Pioneer Sand and Gravel) on the

Pad, and backfilled to the level of the asphalt so that surfaces are level in order to move the tents. He said there are no open excavation pits.

Tim Rehder (EPA) provided the regulator perspective on 903 Pad progress. He stated his primary concern is the pace of the project. They initially thought it would be done by spring 2003, which was overly optimistic. Now the Site hopes to be finished by summer 2003. However, at the pace they are currently moving, two to two and a half weeks per tent location, it could be the end of the year before they are done. This delay would also postpone other environmental restoration work, primarily around the Pad, that they hoped to begin this fall. Tim also addressed contamination depth, and said there is an indication contamination is deeper than initial characterization lead them to believe, however it is still too early to tell if it will result in scheduling and budget problems. They are expecting much hotter upcoming tent locations, with one sample during characterization at 152,000 pCi/g. Tim also stated he is concerned about tent moves as there has been a slight bowing of the skid frame. They have since changed the rigging, and the tent manufacturer engineers have assured the Site there should not be a problem.

Finally, Tim discussed the consultative process for depths three to six feet. The current proposal is based on the fact that material at depth does not pose the same risk as surface contamination. The Coalition recommended a cleanup level of 1 nCi/g, and the RFCA parties recommended 3 nCi/g. The proposal, as Tim sees it, is for contamination levels in this mid-range to require a consultative process with the communities to arrive at the right answer. Tim referred to cell L8, and the issue of finding higher levels of contamination and whether or not to excavate. He noted that language to respond to community concerns would be difficult to implement, and as they finalize RFCA modifications they need to flesh out criteria for using that decision. Tim stated there is not a strong risk driver for going from 3 nCi/g to 1 nCi/g, but if the area is open and the backhoe is there, then there may be reason to take additional scoops of soil and get a lower cleanup level. He added that if the contamination level had not gone lower than 2.5 nCi/g as they dug deeper, then their decision might have been different. Karen asked if he had any recommendations for the aforementioned criteria. Tim again said if the excavation area is already open and the equipment is there, then it is likely additional contamination may be removed. However, if it had been the Industrial Area and original process waste lines, and not an open excavation but a borehole with characterization data, then there is less of an argument to go down to 1 nCi/g due to the expense of mobilizing.

Lorraine Anderson asked if the amount of cleanup funds is fixed, or if there is any possibility of additional money if they run into something unexpected. Tim said the congressional delegation believes they are still coming in on target, but if something were to exceed their assumptions greatly and they could not meet cleanup goals, then perhaps more funding could be possible. However, Tim said the EPA could not make the argument based purely on risk to go from 3 nCi/g to 1 nCi/g in the subsurface. Sam asked if it would be worth readdressing depth levels set based on the recent 903 Pad findings. Tim said the 903 Pad has not proven anything yet, and they are still basing cleanup on a risk basis, only requiring the cleanup to be protective of human health and the environment. He used the hypothetical scenario of contamination under the process waste lines twelve to fifteen feet deep that is not migrating and groundwater wells show

no indication of actinides moving, as an example of contamination not posing a risk. Sam asked if they had tested offsite residential wells. Rick DiSalvo (DOE) said they had not done so in the past ten years, and do not plan to based on the results of onsite wells. Tim said there are 1000 onsite wells and they are not seeing a migration of organics. Rick added that onsite groundwater also surfaces onsite. Paul said contamination was showing up offsite ten years ago. Lorraine asked Rick and Tim if they could report back on the offsite readings ten years ago.

Tom said he realizes decisions are driven by dollars, and suggested these cleanup decisions be reviewed incrementally to determine if there are budget busters and if anything might fall to the wayside. Tim said the 903 Pad is estimated to cost \$22 million, with half of that for excavation and controls, the other half for waste transport, with waste disposal considered separately. Lane clarified that Environmental Restoration's (ER) half is \$10 million, which did not include any waste costs. Steve reminded the Board that most of the Site's cleanup funds are sunk into taking the buildings down, and ER is a much smaller piece of the overall budget. Phil Cruz (RFSOIU #1) said the security police officers are only 100 yards east of the 903 Pad and have a great appreciation for the air monitoring as they are the first affected. He said they have requested surveys based on the last wind warnings over the weekend, and monitoring to date has been very good.

Review Draft Washington, D.C. Briefing Packets

David Abelson distributed revisions to the lobbying packets that were included in the Board packets, explaining the changes account for the newly proposed Office of Legacy Management. He also said he would like to pull the map from the packet and use it as a separate handout if needed. He also asked the Board if they would like to raise the issue of a national long-term stewardship office as Paul Danish had previously suggested. Paul said this type of work should go to an office which has a mission consistent with long-term management. Sam Dixon agreed and also said there should be a map showing approximate DOE and FWS jurisdiction. David said a map could be misleading since FWS could manage an area's surface while it is still primarily DOE's jurisdiction. He will email the Board the map he made in color.

Mike Weil said Lisa Morzel wanted the second bullet in the summary of the DOE packet to include the issues of under-building contamination, landfills, and process waste lines. David explained that resolution of orphan waste issues is very different from resolving cleanup issues, as the Site could not be closed if there was still waste present. He suggested these issues could be added to the packet elsewhere. David also warned against creating a "laundry list" of too many issues, reducing focus. Tom Brunner said the Board can also continue to discuss which issues to include at the next Board meeting. Ron Hellbusch and Lorraine Anderson agreed it is important to be brief and stick to key issues.

Round Robin

Arvada – Lorraine Anderson said Arvada and Westminster had attended the ECA peer exchange on cold war museums and found it a very valuable trip. She said they discussed the different

possibilities for museums for cold war sites and the Manhattan Project, and how they could work into the communities' economic development. Paul Danish said the museum in Los Alamos is terrific, and Lorraine said she had also seen the museum in Oak Ridge. She stressed the importance of being engaged on this topic. David Abelson said local government and Coalition staff had met with the Rocky Flats Cold War Museum's consultant, Mac West, about scoping and feasibility of this museum. Mac wants to hear from local governments about what they are looking for in the museum, including purpose, substance, location, and surrounding land use. Kimberly Chleboun sent a reminder to staff the prior week to submit comments by February 14, 2003.

City of Boulder – Mike Weil confirmed that Lisa Morzel will be attending the Coalition lobbying trip.

Boulder County – Paul Danish said he will also be attending the lobbying trip.

Public Comment

There was no further public comment. David Abelson noted that Kristi Pollard was not in attendance, but she had provided a press release about a meeting Senator Allard, Rep. Udall, and Rep. Beauprez had with the NNSA deputy administrator about plutonium shipments. David said shipments are on schedule, and it is also a good sign that these congressmen are already working together on Rocky Flats issues.

Big Picture

David Abelson reviewed the Big Picture. At the February 24th meeting the Board will receive a briefing on the Kaiser-Hill workforce transition strategy, and finish reviewing lobbying materials. The Board may also receive a briefing on the Building 776 remediation strategy and challenges faced with taking down a building that does not meet the free-release criteria.

The meeting was adjourned by Lorraine Anderson at 11:05 a.m.

Respectfully submitted by Kimberly Chleboun, Program Manager

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