

Rocky Flats Coalition of Local Governments Board Meeting Minutes
Monday, July 11, 2005
8:00 a.m. – 12:30 p.m.
Jefferson County Airport, Broomfield

Board Members in attendance: Gary Brosz (Director, Broomfield), Lori Cox (Alternative, Broomfield), Sam Dixon (Director, Westminster), Jo Ann Price (Alternate, Westminster), Ron Hellbusch (Alternate, Westminster), Lorraine Anderson (Director, Arvada), Clark Johnson (alternate, Arvada), Jim Congrove (Director, Jefferson County), Nanette Neelan (Alternate, Jefferson County), Devin Granbery (Alternate, Superior), Shaun McGrath (Director, City of Boulder), Alice Madden (Alternate, City of Boulder), Jane Uitti (Alternate, Boulder County).

Coalition staff members and consultants in attendance: David Abelson (Executive Director), Rik Getty (Technical Program Manager), Barb Vander Wall (Seter & Vander Wall, P.C.), Linda Cassaday (Auditor), Jennifer Bohn (Accountant).

Members of the Public: Hank Stovall (RFCAB), Roman Kohler (Rocky Flats Homesteaders), Erin Hamby (RMPJC), Charles McKay (JCMD, Church Ranch), Dave Shelton (Kaiser-Hill), John Rampe (DOE-RFPO), Frazer Lockhart (DOE-RFPO), Bob Darr (DOE-RFPO), Rich Schassburger (DOE-RFPO), Marion Galant (CDPHE), Mark Aguilar (EPA), Rob Henneke (EPA), Cory Flanagan (Sen. Wayne Allard), Jeanette Alberg (Sen. Wayne Allard), David Hiller (Sen. Ken Salazar), Doug Young (Rep. Mark Udall), Kim Cadena (Rep. Bob Beauprez), Chuck Miller (USWA Local 8031), Shirley Garcia (Broomfield), Al Nelson (Westminster), Bob Nelson (Golden), Glenn Fischer (GAO), Claire Cynrak (GAO), Scott Surovchak (DOE-LM), Amy Thornberg (USFWS), and Patricia Rice (RFCAB staff and consultant to RFCLoG).

Convene/Agenda Review

Chairman Shaun McGrath convened the meeting at 8:06 a.m.

Business

- 1) **Consent Agenda** – Gary Brosz motioned to approve the consent agenda. Sam Dixon seconded the motion. The motion passed unanimously, 7-0.

- 2) **Executive Director's Report** – David Abelson reported on the following items:
 - David reported that Steve Gunderson, lead at Rocky Flats for the state health department has resigned his position. He will become the division director of the CDPHE's Water Quality Control Division. David said Steve was a valuable asset to Rocky Flats and his departure will be a loss.
 - David said there is a letter from Northglenn and two from DOE in the packet regarding the Local Stakeholders Organization (LSO). David urged directors to read the letters before the LSO is discussed. (Note: At the end of the meeting, discussion of the LSO was postponed until the next Coalition meeting.)

- David said he has been communicating with Charlie McKay of Church Ranch on the LSO. Mr. McKay is interested in joining the organization as a member of the Jefferson County Municipal District.
- Jeanette Alberg will discuss S. 1251, the bill sponsored by Sen. Allard to provide \$10 million for purchase of mineral rights at Rocky Flats and allow the money to be used to fulfill all obligations under the Natural Resources Damage Assessment under CERCLA. The bill also would provide \$15 million for benefits to workers who might not otherwise be eligible for them. David asked directors to read the legislation before the meeting discussion. The bill is meant in part to help resolve the dispute between the Department of Interior and DOE over which agency will be responsible for management of the lands that could be permitted to be mined or are being mined. The two agencies have been unable to agree on a federally mandated Memorandum of Understanding because of the mineral rights. David, however, said the bill might not resolve the dispute. He said payments of natural resource damages could go to the natural resource trustees without purchase of the mineral rights. David said, however, that both the purchase of mineral rights and benefits for workers who would otherwise not qualify are two items the Coalition has supported.
- David said the Rocky Flats Cold War Museum board had been hoping for federal monies for the museum in the Senate appropriations bill. However, there is no money for the museum. David said he did not know what that meant in terms of the long-term viability of the museum.

Public Comment

Marion Gallant of the Colorado Department of Public Health and Environment corrected a misstatement in the Executive Director's report regarding Steve Gunderson's new position at CDPHE. (In these minutes, the misstatement was corrected above.)

Coalition 2004 Audit

Auditor Linda Cassaday briefed the board on the 2004 audit of the Coalition. She said this year the Coalition was subject to the Government Accounting Standards Board Statement 34 (GASB 34). It did require some changes in the financial statement. The biggest change, Linda said, was the addition of the management's discussion and analysis on page 3. For the Coalition, the transition to GASB was fairly easy because the Coalition only has a general fund. The Coalition did not have enough in federal funds to qualify for a single audit, so Linda performed a "yellow-book" audit, which is the next step down. She explained the audit is conducted in order to obtain a reasonable assurance about whether the general purpose financial statements are free of material misstatement. The audit reports on Coalition internal control over financial reporting and on tests of its compliance with certain provisions of laws, regulations, contracts, and grants. She stated there were no instances of noncompliance and no weaknesses found. Linda encouraged the Board to continue to review finances quarterly and check statements monthly. Lorraine Anderson motioned to accept the audit for Fiscal Year 2004. Sam Dixon seconded the motion. The motion passed 7-0.

Fiscal Year 2005 Supplemental Budget Hearings

Barbara Vander Wall stated that money cannot be spent until it is appropriated. This item reflects money that the Coalition received and wants to spend, so the FY05 budget must be amended from \$345,716 to \$370,716. Notice of the hearing was published. Shaun McGrath opened the hearing by asking the public to comment on the amended budget. The public had no comment and the public hearing was closed. Sam Dixon asked to take out an incentive item in the budget. Barbara Vander Wall said that if the Coalition wants to amend the budget, it can do so. However, having the item in the budget means there is money for that purpose and the Coalition has the authority to approve that expenditure. Gary Brosz motioned to approve the Coalition's FY05 budget, as amended, and appropriate the funds. Lorraine Anderson seconded the motion. The motion passed 7-0.

S. 1251, Senator Allard's Minerals Acquisition Bill

Jeanette Alberg of Sen. Allard's office briefed the board on S. 1251. Sen. Allard introduced the bill last month in the Senate. Jeanette said the legislation would provide a tool to acquire some of the mineral rights at Rocky Flats. Jeanette distributed a map of four mineral rights parcels that would be purchased with the \$10 million provided in the bill. The money would be given to the Secretary of Energy for purchase of the holdings. Jeanette said the parcels were identified in a formal process with the Department of Energy and the Department of the Interior.

As background, the DOE and DOI have been negotiating a federally mandated Memorandum of Understanding (MOU), but have been locked in a disagreement over which agency should manage the land on which there are permitted or potentially permittable mineral rights. The legislation sets forth three conditions for the sale of the mineral rights: (1) there would be willing sellers, who would not be forced to sell their holdings; (2) the Secretary of Energy would pay fair market value for the rights; and (3) the payment would settle all future Natural Resource Damage claims against DOE. Under the Comprehensive Environmental, Response, Compensation and Liability Act (CERCLA), Natural Resource Damages are paid by the responsible party for damage done to natural resources caused by release of hazardous substances into the environment. Jeanette said she has informally met with the agencies and they are in agreement that this legislation would help to satisfy some of the concerns with the MOU. She said Sen. Allard's office is working with state agencies, as well. Jeanette said there is a one-year timeline on the money. Jeanette said the natural resource trustees – in this case DOI, DOE, the state Attorney General's Office, state health department, and the Department of Natural Resources – would have to come up with an evaluation of damages that will be legally defensible. She said Sen. Allard is looking at getting the authorization in mid to late July.

Shaun McGrath said the mineral rights have been a top priority for the Coalition board. Sam Dixon commended the senator for the legislation, but wondered about the "release from liability." Jeanette said the liability comes from a release of a hazardous substance known at the time of closure. David added that the release of liability would be a release of the Natural Resource Damages (NRD) liability. The legislation is not intended to release DOE from responsibility from a release post-closure or from anyone getting sick at the site.

Shaun questioned why the state would allow this to go forward. Jeanette answered that there was no typical Natural Resources Damage Assessment (NRDA) claim. She said the trustees would actually determine the NRDA claim. She said if the legislation does not go through, there is a large probability an NRDA claim would occur in the next couple of years. She said the “hook” for DOE would be that it would resolve the NRDA claims and would help settle the MOU.

Shawn said that as he read the bill, it appeared that if the sellers were not willing, the money would go to the trustees. He questioned what would happen if there were no willing sellers and the mineral rights question was not resolved. Jeanette answered she had gotten positive feedback from mineral rights holders on the bill.

David Hiller representing Sen. Ken Salazar said his office is working on the authorization along with Sen. Allard. He said, subject to correcting the drafting error that David referred to in the Executive Director’s report, Sen. Salazar’s primary concern was with the position of the trustees. The trustees are supportive of the bill, he said.

Doug Young of Rep. Udall’s office thanked Sen. Allard for the bill. Rep. Udall is on the authorizing committee in the House and may be involved in the conference committee on the bill. Doug said there were concerns with the legislation that he hoped could be worked out ahead of time. He said he sees the legislation as being complementary to a bill introduced by Rep. Udall and Rep. Bob Beauprez, which would allow the mineral rights holders at Rocky Flats to trade their holdings for other federal mineral rights or offshore oil leases. He said Rep. Udall also is attempting to acquire money from the Land and Water Conservation Fund. Doug said this money would not be tied to a settlement of the NRDA. Previously, it was figured the mineral rights holdings would cost about \$20 million to purchase. He said that Rep. Udall believes all the mineral rights should be purchased. He said Sen. Allard’s bill may release DOE from NRDA obligations in the future, although not from a liability to clean up future releases of hazardous substances. He said a different approach might be to use the money to *offset* any potential NRDA claims, rather than waive them. He said perhaps the legislation should not be limited to the boundaries of Rocky Flats but to the purchase of adjacent land, particularly the State Land Board-owned parcel which is being lined up for future development of mineral rights.

Jim Congrove asked Doug if he wanted the money to go toward open space and Doug said his office would be interested in making the money available for that. Jim asked whether anybody had looked at what the purchase of the mineral rights would cost the cities and counties, who might have to look further afield for aggregate to build roads and other infrastructure. Jeanette said she has called an appraiser to look into that question. Jeanette asked Doug about money from the LWCF. Doug answered that the money would be available to purchase the mineral rights, but the problem is that not all the Colorado delegation has supported it.

Lorraine Anderson was concerned about releasing DOE from any future liability the agency might have for released materials. However, Jeanette pointed out that it would be a release from NRDA obligations stemming from *known* releases of hazardous waste. Jeanette said it would not cover any future releases of chemicals. Jeanette said if the board is concerned about liability, it could suggest a paragraph to put into the legislation to alleviate the board’s concern.

Lorraine proposed sending a letter to indicate support of the concept of the legislation and add a paragraph to encourage the Colorado delegation to resolve all the outstanding issues for the future and continue to try to acquire LWCF monies. She said there should be caution about relieving DOE of any liability.

Jim Congrove reiterated his concern over the rock products that would have come from mining on the land. Sam Dixon said there are other local sources of aggregate and rock product. Jim said there are cities and counties close to the mineral rights that could use the mining products for building. Charles McKay said it can cost more to transport the material than to mine it. He disputed Doug Young's estimate of the cost to purchase the mineral rights in entirety, saying it would cost half a billion dollars not \$20 million. However, Jeanette said there are easements on some of the mineral rights holding that may prevent them from being mined. Lorraine suggested adding an amendment to the motion asking Congress to assess the impacts from removing the minerals from use by surrounding governments. Ron Hellbusch of Westminster cautioned that the board should not lose sight of the "wholeness" of the Rocky Flats National Wildlife Refuge. Jim Congrove said the land could be reclaimed after it was mined. Gary Brosz said the mining for sand and gravel would not make for good open space nor a good wildlife refuge. David Hiller said there is xeric tallgrass prairie that is not accessible to reclamation and the habitat could never be restored. Mark Aguilar said the only way to restore the tallgrass prairie ecosystem would be to return the gravel, because it is the substrate on which the tallgrass prairie grows.

Lorraine motioned to send a letter to support the concept of the purchase of the mineral rights from willing sellers, to encourage the Colorado delegation to work out outstanding issues, and to pursue monies from the Land and Water Conservation Fund to purchase more of the mineral rights in the future, while asking Congress to assess the cost with respect to the loss of gravel. Shaun McGrath seconded the motion. The motion passed 7-0.

Post-Closure Water Monitoring, Briefing and Discussion

John Rampe gave a presentation on the Integrated Monitoring Plan for groundwater and surface water. John said the IMP is mandated by the Rocky Flats Cleanup Agreement (RFCA). The IMP covers the monitoring of surface water, groundwater, air, and ecological monitoring, as well as soil sampling techniques. The IMP is updated yearly but can be updated as often as quarterly to reflect changes. Kaiser-Hill will update the FY05 monitoring plan at least one more time before physical closure. John said that updated plan will define the monitoring in the post-closure period.

John said two issues remain unresolved in the current IMP – one is the monitoring around the two landfills and the other is the surface water downstream monitoring associated with the new functional channels and land reconfiguration.

John showed a map of major drainages on the site. He said the IMP lays out monitoring objectives and decision rules for surface water. He talked about the different types of monitoring stations. He said Points of Compliance (POCs) are furthest downstream. The POCs are sampled

for radionuclides, turbidity, conductivity, pH, and flow rate. There are five POCs: one at the eastern site boundary on Woman Creek, one at the eastern site boundary on Walnut Creek, and three immediately downstream of the terminal ponds – A-4 and B-5 on Walnut Creek and C-2 on Woman Creek. John said actions at a POC are prescribed in RFCA. DOE is subject to monetary penalties if it does not take actions in a satisfactory manner at POCs.

Upstream from the POCs are the Points of Evaluation (POEs). There are three of them –SW093 on North Walnut Creek, GS10 on South Walnut Creek, and SW027 at the end of the South Interceptor Ditch. John said DOE must investigate and take action for exceeding the surface water limits at the POEs, however, the monetary penalties are not as direct as with a POC. Surface water at POEs is sampled for plutonium, uranium, americium, beryllium, chromium, silver, cadmium, hardness, pH, conductivity, turbidity, nitrates (where appropriate) and flow.

Points of Measurement (POMs) are located upstream of the POEs. Sampling at POMs can indicate where a downstream problem is coming from. Surface water at POMs is tested for radionuclides, metals, turbidity, total suspended solids, volatile organic compounds, nitrates, and flow.

John said that POE sampling is flow-paced. John said that for POEs the underlying action levels for surface water are based on a rolling 30-day average. Flow-paced sampling means that if there is 100 cubic feet per second (cfs) one day and 10 cfs the next, ideally 10 times the water would be collected on the first day than on the second. Flow-paced sampling is done at almost all of the surface water monitoring stations. Note that samples tested for VOCs, however, are grab samples because these compounds tend to evaporate.

Tests are done for radionuclides; a suite of metals (beryllium, chromium, silver, cadmium); water hardness, which affects the toxicity of the metals; pH, which has an impact on metals; conductivity, turbidity, and flow. Tests are done for nitrates near the Solar Ponds. John said the ponds that collect water from drainages are very effective at settling out contaminants, as they have never had an exceedance at a POC.

John said POC monitoring is performed continuously. He said the streams tend to dry up in the summer so that sample volumes are dominated by pond discharges. Action levels at POCs near Indiana Street will be based on a 30-day flow-weighted average. Action levels at POCs below terminal ponds are based on 12-month flow-weighted average.

Lorraine Anderson asked if the metals and minerals tended to concentrate when the streams dry up. John answered that it depends on the particular substance. John said plutonium and americium adhere to dirt particles and so tend to fall out of solution. Generally, Pu and Am are seen at high flows. Nitrates are the opposite. They dissolve in water and so tend to concentrate when streams dry up.

Gary Brosz asked what triggers the staff to go out and pick up samples. John said staff has a good idea of when the carboys containing the water sample are full and need to be picked up. Gary also asked about time delays in obtaining the sampling results. John explained that it may take some weeks to get results from a sample. However, when there was a problem with

americium in the A series ponds, the turnaround time on a sample was four or five days. Generally, DOE reports only validated data and there is a lag of a month or so before DOE gets a full report. In the case of Ponds A-3 and A-4, the site made decisions on unvalidated data. They put in a treatment system within weeks of figuring out what was going on. John said usually a sample analysis takes about seven days to two weeks. Then it takes more time to get a validation of the sample result. John said he expected the monitoring capabilities to be the same after closure.

In answer to another question, John said the holding capacity of the ponds would remain the same after closure. He said the amount of water flowing into the ponds, however, is going down.

John responded to another question from Gary on whether goals could be identified to allow the site to reduce the sampling regime. John said they are wrestling with that question.

Sam Dixon asked whether the notification post-closure to the public would be the same as now. John answered that it would be as long as RFCA exists.

Sam said there is a significant absence of monitoring on the original landfill and runoff from the lip area. John said that the water flowing off the 903 Pad Lip Area is caught by surface water monitors downslope. With regard to the Original Landfill, Dave Shelton of Kaiser-Hill said the water associated with channels on the Original Landfill will not be sampled because it is not water that will go through the body of the landfill. He said he is not aware of any surface water monitoring in addition to the existing stations.

With regard to groundwater, John said the objective is to protect surface water, comply with regulations, support the design of remedial measures, and minimize the further degradation of groundwater in the upper hydrostratigraphic unit (UHSU).

There are three classes of groundwater wells. Area of Concern (AOC) wells are in drainages downstream of or adjacent to a potential groundwater plume discharge to surface water. The purpose of these wells is to indicate if something “really different” is going on. They provide data to assess contaminant trends and are sampled twice annually. Sentinel Wells are located near downgradient edges of contaminant plumes, in drainages, at treatment systems, and along contaminant pathways to surface water. Wells are monitored to detect changing contaminant concentrations, providing advance warning of potential groundwater quality impacts to downgradient AOC wells. These are sampled twice a year. Evaluation wells are located within the groundwater contaminant plumes and give an idea of what is happening within the plume itself. They are sampled once every two years.

John said there are 7 AOC wells, 27 sentinel wells, and 40 evaluation wells. In addition there are six wells specified in the Corrective Action Decision/Record of Decision (CAD/ROD) for OU1 on the 881 Hillside; eight Resource Conservation and Recovery Act (RCRA) wells associated with the Present Landfill; two boundary wells near Indiana Street, and eight water level wells. That is a total of 90 analytical wells and eight water level wells. John said contaminants of concern in groundwater include volatile organic compounds (VOCs), uranium, and nitrates.

Plutonium and americium are sampled in special interest areas near the former site of Building 771 and Building 371. John said the path forward is to discuss the finishing touches on the IMP.

Independent Reviews

There are four subjects that were slated to be discussed: the independent verification by the Oak Ridge Institute for Science and Education (ORISE) and three independent reviews done, one each on Walnut Creek, Woman Creek, and the groundwater Interim Measure/Interim Remedial Action (IM/IRA). The result of the discussion will be a letter to DOE regarding outstanding issues the Coalition has with respect to independent reviews. The matrix referred to below is one that was developed to list all the issues identified by the board and consultants. David explained that when an issue is marked “Closed” on the matrix, it does not mean the Coalition staff will not pay attention to it. They will follow through and continue to track the issue.

Rik Getty said ORISE is focused on three activities – assessing the aerial survey and ground-based scanning; investigating Kaiser-Hill’s handling of the results; and examining closeout reports and IHSSs that have not been restored with a soil cover. With respect to the assessment of the aerial and ground surveys, ORISE expects to examine about 15 areas, 12 in the Industrial Area and three in the Buffer Zone. With regard to the IHSSs that have not been restored with a soil cover, ORISE will evaluate two areas within the 903 Pad Lip Area to do a so-called mini-MARSSIM. MARSSIM stands for Multi-Agency Radiation Survey and Site Investigation Manual. In answer to a question, David said the site did not accept MACTEC’s recommendation to do more than one mini-MARSSIM. Responding to a question from Gary Brosz, Rik said other areas where a mini-MARSSIM could be done include the Building 776 area. A decision was made to ask DOE for one or two more mini-MARSSIMs.

Gary Brosz said there had been multiple surface soil issues but they have been closed out.

On the Walnut Creek independent review, Gary said the outstanding issues had to do with the holding capacity of the ponds. Gary said he recalled there was a tentative agreement to operate them at 20 percent full. John Rampe said the ponds are generally at low levels. However, he said he thinks the site will need flexibility about the 20 percent figure because it costs between \$10,000 and \$20,000 to release the water. Gary asked if the issue should be closed. Jo Ann Price asked to keep the issue open. Shaun said the suggestion was to watch what came out of the discussion.

Sam Dixon added that she wanted another issue, listed as Item No. 21 on the matrix, kept open. That issue was a recommendation to test and treat all identified sources of groundwater and surface water contamination before the water enters Walnut Creek or Woman Creek. Lorraine said her concern was that the issue was closed. Sam responded that the issues were closed by David and Gary without discussion. Sam said she was used to having DOE not follow through on issues. John Rampe added that the site had done a lot of work on cleaning up groundwater and surface water sources. Gary added that everyone on the board was encouraged to review the issues and comment upon them. He said that if all the issues were kept open, it would “defocus” the board. He said it would be better to put the issues in a priority order. Jo Ann said the board had not seen the documentation that would close the issues. Shaun asked whether the board would have an opportunity to revisit these issues before regulatory closure. John Rampe

commented that that kind of documentation would nearly equal the Administrative Record, which is thousands of pages. Lorraine said either the board should either accept what DOE says, that they are working on the issues, or every one of the issues on the matrix will have to be documented. Westminster's motion to include this subject in the letter to DOE failed for lack of a second.

With respect to the Independent Review on Walnut Creek, sediment sampling in the ponds was identified as an issue. John Rampe said the regulators and Kaiser-Hill were finalizing a sediment sampling program. Dave Shelton said the ponds were being drained and sampling would begin this week. This issue was considered closed pending final documentation and will not be included in the letter to DOE as an issue of concern.

On groundwater, monitoring was an issue of concern that was identified in the matrix, but John said sampling protocols will be finalized in the IMP. The Board closed the issue pending final documentation.

An issue identified in a consultant's report was that applicable relevant and appropriate requirements have not been met for groundwater. John Rampe said this issue arose from a remedial action objective (RAO) that set standards based on exposure of a Fish and Wildlife Service worker to seep water. This led to high numbers being set for a standard. John said the RAO has been taken out of the Groundwater Interim Measure/Interim Remedial Action (IM/IRA). This issue was then closed pending documentation.

Gary said another issue raised by the consultant on the IM/IRA was that the scientific justification for the decisions made in the document are vague. However, John said the final document contains more justification for why decisions were made. This issue was closed pending receipt of final documentation.

Sam Dixon made a motion that the Coalition support a memo dated July 6 from Westminster and the Woman Creek Reservoir Authority (WCRA), asking for corrective action on the groundwater IM/IRA, the Original Landfill design, and surface water management, among other things, and to ask DOE to respond to the memo by August 1. Gary said the board did not have copies of the memo in front of them. The motion died for lack of a second.

Speaking on behalf of WCRA, Ron Hellbusch of Westminster asked that the July 6 memo be discussed. He said he sent it to the Coalition staff and was frustrated the Board did not have a copy of the memo. Shaun McGrath suggested the items in the memo be taken up individually. Ron said that WCRA hired a consultant to address some of its concerns and determine if they were valid. He said closure was a few months away and that did not leave much time to address the issues.

David said the staff had asked for the information for the board packet, but it was a week late. He said a lot of the issues raised in the memo were already in the matrix of concerns.

David began by reading the first recommendation in the July 6 memo. That proposed VOCs be added to the surface water monitoring program. John Rampe said that is already in the IMP.

Gary said that is already an issue in the matrix. In staff's written response to the memo, it was written that the site had committed to monitoring VOCs but staff had not seen it in the appropriate documentation. This issue was closed pending receipt of documentation.

The next issue identified in the memo states that future risk assessment and long-term monitoring plans should use the drinking water standard for surface water. David said that is one of the fundamental tenets of the cleanup. Al Nelson of Westminster responded that the issues raised in the memo reflect the fact that the consultants did not receive all the information they needed from the site. John said he believes the site has now sent all documentation to the consultants. The issue was considered closed by acclamation.

The next issue, which David said was No. 18 on the matrix, was that plutonium and americium were screened out as contaminants of concern for groundwater. However, David said the site has committed to monitor for Am and Pu in certain groundwater wells. The issue was then closed.

The next item in the memo states ecological effects have not been considered and human health risk assessments considered only a specific exposure scenario. David responded that the site was developing a Comprehensive Risk Assessment to address these issues. The issue was then closed by acclamation.

The next issue in the memo is that groundwater in the lower hydrostratigraphic unit is not monitored. David said the issue is one of potential contamination of the lower unit by contamination in the upper unit. Lorraine Anderson said that when you punch a hole from one hydrostratigraphic unit to another, you can punch a hole for contaminant migration, as well. Broomfield staffer Shirley Garcia said data on that subject had not been seen by the consultant when the recommendation was written. Shaun McGrath said this item would be included in the letter to DOE from RFCLOG.

The next three recommendations in the memo are to (1) keep maximum storage available in the ponds; (2) use Pond A-3 to store runoff; and (3) periodically test sediments in drainages and ponds. John Rampe said he was puzzled because the site is not getting rid of Pond A-3. However, it was decided to add this to the matrix of issues. Both the first and second issue will be considered closed.

Another memo recommendation was to treat contaminants at the point of origin not in the terminal ponds. David said that the entire cleanup has been based on removing contaminant sources. John Rampe said he could not recall a cleanup document that relied on the terminal ponds as part of the remedy. Jo Ann Price said Pond C-2 is a terminal pond; however, Dave Shelton responded that it was not a "terminal pond" in the usual sense. Pond C-2 was at the end of the South Interceptor Ditch (SID). David said the issue is that Pond C-2 provides runoff storage for a very small basin area that is tributary to the SID. Woman Creek goes into C-1 and the SID water goes into C-2. Pond C-2 does not provide the same terminal capacity as the A or B terminal ponds. He said sediments in Woman Creek do not show high levels of actinides. The lack of a terminal pond on Woman Creek is cause for concern. David said the recommendation

was to enlarge Pond C-2, to remove the bypass and allow Woman Creek to flow into Pond C-2, and construct a new eastern extension to the South Interceptor Ditch.

Ron Hellbusch said the main issue is that Woman Creek bypasses Pond C-2 and consequently the water cannot be held and tested before it is released. Lorraine said she thought CDPHE had an issue with removing the bypass. David said the answer lay in the fact that a lot of work had been done on Woman Creek. He said there was no hydrological connection between Woman Creek and Standley Lake, and there is nothing to show a problem exists. He said he recalled the CDPHE stating that it needs to be shown that a problem exists before spending the money to create another reservoir onsite.

Gary Brosz motioned to consider the items closed. Lorraine Anderson seconded the motion. The vote was 4-1 (Westminster dissented; Boulder County and Superior were no longer in attendance). Coalition bylaws require five affirmative votes so the motion failed.

At that point Sam Dixon expressed some frustration with the Board because it had considered the July 6 memo in a piecemeal fashion and because of its stance on closure of the landfills. She said 7 percent of the sampling data indicated contamination at the Original Landfill and indicated the landfill remedies did not conform to regulatory standards. Term limits make Sam ineligible for re-election in November, and Sam submitted her resignation ahead of time.

David said the last two issues are on the Original Landfill, that the landfill was not being closed according to RCRA Subtitle C and that there are impacts to surface water from the landfill. Ron Hellbush said he would disagree to closing the matter. Gary said it should be added to the matrix and then closed pending documentation.

Lorraine Anderson asked for a response from regulators on the landfill. Mark Aguilar of the EPA disputed Sam's statement, saying both landfills will be closed according to regulation. The Present Landfill will be closed as a hazardous waste landfill. He said the Original Landfill was opened before the regulations were in place. Because of that, he said, the EPA cannot require it to be a hazardous waste landfill. The agency called it a "Subtitle D" landfill. Mark said the regulators asked the site to do what was relevant and appropriate according to Subtitle C.

Lorraine said she recalled Steve Gunderson saying that the Original Landfill was closed 30 years ago and since that time it has not leaked or does not have gas. Lorraine asked what the regulators would do if it developed either one of those problems. Mark said the five-year review process would allow regulators to make changes if leaks or gas were found in the landfill.

In the end, it was agreed to send a letter to DOE on all of the issues on which the board agreed. Gary Brosz motioned to send a letter to DOE outlining the independent review issues on which the Board agreed and to include a copy of the Coalition's independent review matrix. Lorraine Anderson seconded the motion. The motion passed 5-0 (Boulder County and Superior were no longer in attendance).

Local Stakeholder Organization.

Shaun McGrath suggested delaying the discussion on the LSO until August.

Public Comment.

Chuck Miller of the USWA Local 8021 thanked Senators Allard and Salazar for introducing the legislation granting \$15 million for retirement benefits.

Big Picture Review

David said at the next meeting, the Coalition would discuss the independent verification of the Original Landfill and also discuss the LSO. David said he thought the Board should table the discussion of post-closure air monitoring for now.

Adjournment

The meeting was adjourned by Shaun McGrath at 12:30 p.m.

Respectfully submitted by Patricia Rice