

ROCKY FLATS STEWARDSHIP COUNCIL

P.O. Box 17670
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www.rockyflatssc.org

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Jefferson County -- Boulder County -- City and County of Broomfield -- City of Arvada -- City of Boulder
City of Golden -- City of Northglenn -- City of Westminster -- Town of Superior
League of Women Voters -- Rocky Flats Cold War Museum -- Rocky Flats Homesteaders
Karen Imbierowicz

Board of Directors Meeting – Agenda

Monday, June 1, 2009, 8:30 – 11:30 AM

**Rocky Mountain Metropolitan Airport (formerly Jefferson County Airport)
Terminal Building
11755 Airport Way, Broomfield, Colorado**

- 8:30 AM Convene/Agenda Review
- 8:35 AM Business Items (briefing memo attached)
1. Consent Agenda
 - o Approval of meeting minutes and checks
 2. Ratify approval of letters re: “Charlie Wolf Nuclear Compensation Act” (S. 757; H.R. 1828)
 3. Executive Director’s Report
- 8:55 AM Public Comment
- 9:00 AM Receive Stewardship Council 2008 Financial Audit (briefing memo attached)
- o At this meeting the Board will be briefed on the results of the audit.
 - o No material problems were found and the Stewardship Council was found to be in compliance with all applicable law and regulations.
- Action item: Accept Stewardship Council 2008 Financial Audit**
- 9:15 AM Continue Discussing Interpretative Signage for Rocky Flats (briefing memo attached)
- o At this meeting the Board will continue discussing signage for Rocky Flats.
 - o The conversation will focus on the history of the site as a weapons facility.
 - o The intent is not to specify language but to identify categories of information and the types of messages that the Board believes should be conveyed.

- 9:45 AM Briefing on Site Monitoring Program (briefing memo attached)
- In follow up to the April 2009 cleanup briefing, this briefing will explore in greater detail the site monitoring program.
 - The conversation will focus on the need for ongoing monitoring, what is being monitored and what is not, frequency of monitoring, and other related issues.
- 10:15 AM Host DOE Annual Meeting (briefing memo attached)
- DOE will brief the Stewardship Council on site activities for calendar year 2008.
 - DOE has posted the report on its website and will provide a summary of its activities to the Stewardship Council.
 - Activities included surface water monitoring, groundwater monitoring, ecological monitoring, and site operations (inspections, maintenance, etc.).
- 11:15 AM Public comment
- 11:20 AM Updates/Big Picture Review
1. Executive Director
 2. Member Updates
 3. Review Big Picture

Adjourn

Next Meetings: September 14
 November 2

Business Items

- Cover memo
- April 6, 2009, draft board meeting minutes
- List of Stewardship Council checks
- Letters to Congress re: Charlie Wolf Act

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MEMORANDUM

TO: Board
FROM: David Abelson
SUBJECT: Business Items
DATE: May 22, 2009

In addition to approving the consent agenda (approval of minutes and checks), the Board will need ratify the three letters in support of the "Charlie Wolf Nuclear Workers Compensation Act" (S. 757; H.R. 1828).

Following its unanimous endorsement of the Charlie Wolf Act, the Board directed staff to draft letters to the Chairman and Ranking Member of the three committees of jurisdiction, with copies to the Colorado Congressional delegation and key federal agencies. The letter was vetted with the Board and was sent to these recipients. Formal approval is needed at the meeting.

Please let me know what questions you have.

Action item: Ratify approval of letters

Rocky Flats Stewardship Council
Monday, April 6, 2009, 8:30 – 11:35 AM
Rocky Mountain Metropolitan Airport (formerly Jefferson County Airport)
Terminal Building
11755 Airport Way, Broomfield, Colorado

Board members in attendance: Lorraine Anderson (Director, Arvada), Marc Williams (Alternate, Arvada), Clark Johnson (Alternate, Arvada), Carl Castillo (Director, Boulder), Matt Jones (Alternate, Boulder), Meagan Davis (Alternate, Boulder County), David Allen (Alternate, Broomfield), Faye Griffin (Director, Jefferson County), Sheri Paiz (Director, Northglenn), Shelley Stanley (Alternate, Northglenn), Andrew Muckle (Director, Superior), Matt Magley (Alternate, Superior), Bob Briggs (Director, Westminster), Ron Hellbusch (Alternate, Westminster), Jeannette Hillery (Director, League of Women Voters), Sue Vaughan (Alternate, League of Women Voters), Shirley Garcia (Director, Rocky Flats Cold War Museum), Roman Kohler (Director, Rocky Flats Homesteaders), Karen Imbierowicz (citizen).

Stewardship Council staff members and consultants in attendance: David Abelson (Executive Director), Rik Getty (Technical Program Manager), Barb Vander Wall (Seter & Vander Wall, P.C.), Erin Rogers (consultant).

Attendees: Margaret Patten (Rocky Flats mineral owner), Andy Patten (Rocky Flats mineral owner), Bill Carpenter (Patten's Attorney), Charlene Willey (former Rocky Flats worker), Briana Willey (former Rocky Flats worker), Dee Hasenkamp (former Rocky Flats worker), Jeff Schultz (former Rocky Flats worker), Laura Schultz (former Rocky Flats worker), Esther Cleek (former Rocky Flats worker), Charles Padilla (former Rocky Flats worker), Judy Padilla (former Rocky Flats worker), Jerry Harden (former Rocky Flats worker), Cliff DelForge (former Rocky Flats worker), Kim Tuck (former Rocky Flats workers), Laura Frank (ProPublica), Sen. Mark Udall, Jennifer Talhelm (Sen. Udall's office), Doug Young (Sen. Udall's office), Christopher Votoupe (Rep. Perlmutter's office), Andy Schultheiss (Rep. Polis' office), Ann Lockhart (Rocky Flats Cold War Museum), Cathy Shugarts (City of Westminster), Vera Moritz (EPA), John Dalton (EPA), Carl Spreng (CDPHE), Marilyn Null (CDPHE), Steve Berendzen (USFWS), Sherry James (USFWS), Linda Kaiser (DOE), Scott Surovchak (DOE-LM), Rick DiSalvo (Stoller), Bob Darr (Stoller), Jennifer Bohn (RFSC accountant).

Convene/Agenda Review

Chairman Jeannette Hillery convened the meeting at 8:30 a.m. She introduced and welcomed a new member of the Board, Marc Williams, from the City of Arvada. She also acknowledged Faye Griffin from Jefferson County, another new member. There were no changes to the agenda.

Business Items

The first item of business was the consent agenda. Bob Briggs moved to approve the February Board meeting minutes and checks. The motion was seconded Roman Kohler. The motion passed 12-0

The next business item was for the Board to ratify two letters that were sent on behalf of the Board in February. The first was a letter to the Colorado Natural Resource Trustees regarding the NRD Damage Fund. At the February 2 meeting, the Board directed staff to draft a letter in support of the NRD grant application that local governments and community groups submitted to the Natural Resource Trustees. The letter was vetted with the Board and was sent to the Trustees. Formal approval is needed at the meeting.

The second letter was sent to members of Congress regarding federal stimulus funding. At the February 2 meeting the Board directed staff to draft a letter to Colorado's Senators with copies to House members in support of funding for DOE's Environmental Management program in the federal stimulus bill that Congress was debating. The letter was vetted with the Board and was sent to Senators Udall and Bennet. Formal approval is needed at the meeting.

Roman Kohler moved to approve both letters. The motion was seconded by Lorraine Anderson. Prior to the vote, Andrew Muckle asked what the acronym INL stands for. David Abelson explained that it is Idaho National Laboratory, and that the name and acronym has changed several times. The motion passed 12-0.

Executive Director's Report

David began his report by clarifying the Board's process for providing official approval of letters after they have been sent. In order to act between meetings, David drafts the given letter and Board members then respond to him with any comments, changes, suggestions or questions. David then incorporates changes into a final version. While the Board is aware of the final version and while that draft includes all recommended changes, formal Board approval occurs at the next meeting, despite the fact that the letter was signed by the Chairman and sent prior to that vote.

David also mentioned the attendance today of Senator Mark Udall, as well as members of his staff and the staffs of Representatives Perlmutter and Polis. They will be discussing Congressional efforts to fix the federal nuclear workers health compensation program.

The next item in this update was NRD funding. David sent out an email to the Board on this topic, but wanted to mention again to the whole group. In early March, the Trustees approved the funding proposals totaling approximately \$2.45 million. This leaves about \$2 million remaining in the fund. In their approval of the funding requests, the trustees cited the Stewardship Council's support for the projects as one of the reasons for their decision. One issue that has come about as a result of one of the proposals to preserve the prairie at the NREL wind test site has been a discussion about making sure other activities in this area also do not disturb the ecosystem. The parties will negotiate a Memorandum of Understanding to make sure all activities proceed in a way that is consistent with habitat protection.

Lorraine Anderson and David Abelson were in Washington, D.C in February to attend an Energy Communities Alliance conference. While there, they also met with three of Colorado's members of Congress, as well as staff from six other offices. David described these as good, substantive

meetings. They reported that virtually of the staff members are new to the issue of Rocky Flats, making these meetings very important. David and Lorraine's talking points included funding for DOE-LM, funding for the Rocky Flats National Wildlife Refuge, and funding for workers benefits. The comments were well received, and all were completely supportive of the Rocky Flats workers. The only question is how to best implement the needed changes.

David reported that it appears Rocky Flats is in good shape for DOE-LM funding for next year, as the President's budget request was essentially what the Department needs. There is a provision in the stimulus bill regarding National Wildlife Refuge visitor centers, and the funding must be obligated by September 30, 2011. These funds are available to be used for multi-year projects. Rep. Perlmutter saw this opportunity and will communicate with Interior Secretary Salazar about the possibility of using some of this funding at Rocky Flats. David also noted that there are still many vacant positions in federal agencies, however there do happen to be some key people in the Interior Department with Colorado ties. David will continue to follow up with Rep. Perlmutter's staff on this issue.

Rik Getty updated the Board on work at the solar ponds. The site is trying to improve the groundwater treatment system for nitrates and uranium. The project was originally designed to have four phases. Phase 1 is complete. The issue now is that the system is overloaded. Rik said the site has now come up with a well-thought out plan to develop a new treatment process. Construction starts today, and will provide greater flexibility in terms of treatment options. However, it will take some time for any results to come in.

Rik also mentioned that the Board is planning a site tour in June and will visit this area. David Abelson encouraged people to sign up for this tour, which will include a van ride around the site, as well as some walking. Staff is looking at a few dates, so anyone interested should contact Rik with their availability. David Allen asked if the Board could get more detailed update on the Solar Ponds at the next meeting. Rik said they are already planning this.

Public comment

Laura Schultz (former Rocky Flats worker) spoke on behalf of a group of sick Rocky Flats workers, and offered their thanks to the Board for its support. She also wanted to remind the members that May 11 will be the 40-year anniversary of the 1969 fire. She said that the workers do not have the funds to put together a day of remembrance, and asked if perhaps the Cold War Museum or Stewardship Council could help with this.

Briefing/Discussion on the Charlie Wolf Act

As the Board has discussed numerous times, implementation of the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) is deeply flawed. Following the direction established by the Colorado's Congressional delegation regarding their concerns with the EEOICPA, the Stewardship Council has weighed in four times with its concerns about the program. Senator Udall, working with his colleagues in the Senate and House, drafted legislation to amend the EEOICPA to make it easier for former workers to receive compensation under the Act. This amendment is known as the 'Charlie Wolf Act', in honor of a former worker who had struggled with the system and recently passed away.

While the group awaited the arrival of Sen. Udall, Doug Young from his staff gave an introduction to the new bill, which is co-sponsored by Sen. Bennet (Colorado) and Sen. Tom Udall (New Mexico). Also, Rep. Polis has introduced the bill in the House, co-sponsored by all members of the Colorado delegation with the exception of Reps. Markey and Lamborn. The bill replicates one that then-Rep. Udall introduced in the House last year, but has been broadened and expanded. Doug noted that the passing of Charlie Wolf, whose story had been told publicly by *Rocky Mountain News* reporter Laura Frank, really brought some urgency and a new focus to this effort.

Doug described three similar compensation systems within the federal government. One addresses Black Lung disease in coal miners, and uses an excise tax on coal to fund the program. There is an excise tax on vaccines that is used to compensate people who suffer complications from vaccinations. Finally, the Radiation Exposure Compensation Act applies to uranium miners and above ground nuclear testing. Originally, the congressional representatives wanted to create a similar system for Rocky Flats workers. However, the program was difficult to establish, and ended up placing the entire burden on the worker to find data to back-up their claims, which was extremely difficult. Doug said they decided enough is enough, and have worked all year on this new bill to broaden and make the program more user-friendly.

This bill would also expand the definition of the 'special exposure cohort'. It also makes a presumption of exposure and that certain illnesses were caused by this exposure. It also eliminates any need for a dose reconstruction. The last act of the Bush Administration's former Health and Human Services Secretary, Michael Levitt, was to deny the Rocky Flats worker's special exposure cohort petition. Rather than the burden being placed on the worker to prove that his/her work caused their illness, this bill reverses that scenario and provides benefits unless the government can prove that the illness is related to a different cause. Doug noted that it is high time that the government acknowledges its obligation to these Cold Warriors. Sen. Udall is hoping to create some grassroots support for the legislation in states that house nuclear facilities.

Lorraine Anderson asked where new claims would be filed when this bill passes. Doug said he is not sure about how the government would go about implementing the new rules. However, the Wolf bill does allow for re-filing and it is their intention that the process be simple.

David Abelson introduced Andy Schultheiss, District Director for Rep. Polis, who is also working on this legislation. David explained how hard it has been for the workers to rely on finding records to prove their exposures. That is what led to this flip in presumption, since it was an undue and difficult, or even impossible, burden to overcome.

David added that similar problems are happening at other sites as well. He said that it is important to look for opportunities to communicate more broadly about this bill and partner with other groups. Lorraine Anderson announced that the Arvada City Council passed a resolution supporting this bill and added that that she would like to see the Stewardship Council do the same. Jeannette Hillery noted that this is on the agenda at the conclusion of this discussion. Lorraine also mentioned that an Energy Community Alliance (ECA) Peer Exchange meeting is coming up and that she will bring up this issue to that group. Also, ECA mentioned it in a recent publication. David clarified that this is not a Rocky Flats-specific bill. It covers all nuclear workers. In fact, Charlie Wolf himself worked at the Savannah River Site for years.

Andy Schultheiss noted that Rep. Polis is overseas and apologized for not being able to be here. He sits on the committee that will be addressing this bill, and is looking forward to a hearing on the bill. Rep. Polis would also like to commend Sen. Udall for not giving up on this issue. Andy noted that this is a bi-partisan bill and that some of the leadership has expressed an interest in moving forward on it. He is confident that there will be hearings this year. However, one primary concern is the big price tag.

Carl Castillo asked how many states are involved, and whether those involved have a feel for the level of national support. Andy noted that Tennessee and New Mexico are very interested, based on their facilities. David also mentioned Washington, Idaho, Nevada (the Senate majority leader is from there), California, South Carolina, Ohio, and Texas. He pointed to several well-positioned members of congress in these states. Karen Imbierowicz asked if they had any sense of cost for this proposed program compared to the other three existing programs that were mentioned. Andy said that they are trying not to attach a price tag, but it has been talked about in the billions. Roman Kohler said that this bill was well written, and that he hopes that it does not get torn up in committees. He added that President Obama spoke to the Radiation Advisory Board in support of extending benefits for workers at a lab in Chicago while he was a Senator. Roman noted that the application of the special cohort status was extremely important for Rocky Flats workers, because of the problems involved regarding lack of exposure records here.

Senator Udall arrived and spoke about living for the day when we can honor Charlie Wolf's memory. He said Charlie motivated him and his colleagues to do even more for the workers. The Senator said he is guardedly optimistic about the future of this bill. He said everyone knows why this is so important, and that it would also make a statement to workers at active sites that they will be taken care of. He said that he has seen exciting indications that other members of Congress will join them. Senator Harry Reid of Nevada, majority leader of the Senate, has expressed some interest. He said Rep. Perlmutter has been working tirelessly on this issue, as did former Rep. Beauprez and former Sen. Allard. Sen. Udall noted that Board members and other attendees can also help the effort by utilizing existing connections to talk to members of Congress. He said this is not about politics. He concluded by saying that he would love to hear any questions or stories from people involved in this issue. At this point, he also mentioned the ongoing work regarding Rocky Flats monitoring and the Refuge, as well as plans for the Cold War Museum.

Marc Williams told the Senator that he thought it was tremendous that they named this act after Charlie. He said his wife works at the neurological center that treated Charlie. He said Dr Aronson there was very involved in this issue. He added that Charlie was avid bicyclist, and helped raise money for the institute. This year's ride will be in honor of Charlie, and Marc invited the Senator to participate on June 7 in Castle Rock.

Lorraine Anderson thanked Sen. Udall on behalf of everyone working on Rocky Flats issues for his support for the former Rocky Flats Coalition of Local Government and for helping form the Stewardship Council. She said she was proud of this group's diversity and noted that the current Chairperson represents the League of Women Voters. She added that she is active in nuclear site issues across the nation and thinks that Rocky Flats is the most successful. Sen. Udall said that other sites must be looking to this one for advice and counsel. Lorraine added that she will take

this bill to the ECA peer exchange for their information and discussion. Sen. Udall again pointed to the help of Representatives Polis and Perlmutter. He also mentioned former Energy Secretary Bill Richardson, who took a stand in 2000 not to stand behind sovereign immunity.

Roman Kohler added his thanks to the Senator on behalf of former workers, who think that they did an excellent job putting this bill together. He asked the Senator if he knew which committees it may go to and how long it may take. Doug Young responded that it would be Committee on Health, Education, Labor and Pensions in the Senate, and the Committee on Education and Labor and the Committee on the Judiciary in the House. He said the progress and speed will depend on what kind of a movement gets going in support of the bill. At this point, they need to get in touch with the committee chairs, and will look at which branch might be able to move quicker. They will also work with the new Labor, Health and Human Services and Energy Secretaries. Sen. Udall has already spoken to the Energy Secretary to see if he would work on this issue and was told he would. The appointment of Ken Salazar as Interior Secretary is also a plus. Sen. Udall said that a great group of people know how important this is. He added that while the cost is not insignificant, the existence of similar compensation programs can be seen as a good precedent. He referred to all of the time and energy spent denying these claims, and we just need to find a way to expedite the claims and get the money to the workers. He said most people involved really want to do the right thing, but feel hamstrung by rules and directives from higher levels.

Jeannette Hillery asked for motion to endorse the bill. Lorraine Anderson moved that the Stewardship Council officially support the passage of the Charlie Wolf Act in the U.S. Congress. The motion was seconded Roman Kohler. The motion passed 12-0. Jeannette asked Sen. Udall to let the Board know what else it may be able to do to support this bill. The senator said that all of us can continue to build a movement in support of the legislation.

From the audience, Laura Schultz acknowledged reporter Laura Frank for her work on Charlie Wolf's story. She said that without Laura, no one would know the struggles of the workers.

Sen. Udall noted that we have a lot on our table as a country, but that he is optimistic about moving forward. He said he knows we will get it right, and that this is when America is at its best. He said Colorado is well situated to be in the lead on education reform, new energy economy, and health care. While job number one is the economy, which will not be back on track overnight, he said there are positive signs. His staff is available for questions on the recovery package, and how it affects various entities such as school districts and small business. They are available to answer questions and direct people to further information and resources.

David said he wanted to put on the Senator's radar screen Rep. Perlmutter's idea about using stimulus money for the Rocky Flats Wildlife Refuge. David suggested having someone in the Senate look at the appropriateness of using this dedicated funding at Rocky Flats. He said the idea is based on specific language in bill, and pointed to the opportunity to take advantage of all the new Colorado connections in the Interior Department.

Bob Briggs asked the Senator if he was moved into his new office. Sen. Udall said he was, and added that Sen. Bennet is also on board with these issues and is very supportive.

Jeannette Hillery said David will draft a letter reflecting the Board's support for this legislation. David said he will send the letter to the Chairman and ranking members of the relevant committees and copy the Colorado delegation. Sen. Udall thanked the Board having him at this meeting. He pointed to the effort involved at the local government level, working through all the tough issues. Jerry Harden, a former worker said there is a need to put this legislation on the fast track, because people are sick and dying. He also asked the Senator for a meeting with some of the workers. Sen. Udall said he would love to hear their stories. Jeannette thanked all the workers and family members for coming today.

Briefing on Triennial Review of Site Water

In June 2009, the Colorado Water Quality Control Commission will review water standards for various basins on the South Platte, including Woman Creek and Walnut Creek as they pass through Rocky Flats. Rick DiSalvo, assistant project manager at Rocky Flats, was on hand to brief the Board on the review, including proposed changes to the supply usage classification and expiration of the temporary modifications for nitrate. Rick explained that the process calls for the proponents of the change to submit their proposed changes. In this case, the Water Quality Control Division proposed the revisions.

There was a controversial change to arsenic standards in 2001. The State changed its standard from 50 micrograms per liter (ug/l), which was a health-based standard (mcl), to .02-10 ug/l. At Rocky Flats, the average levels are usually above .02 ug/l but lower than 10. However, Rick noted that it is too expensive for them to use the technology necessary to monitor to this specific detection level, so their figures are an educated guess. Occasionally, there are results slightly greater than 10 ug/l, but these are not maintained for very long. Under the Rocky Flats Legacy Management Agreement (RFLMA), the site samples for metals in streams and groundwater wells. There are very slight detectable levels of arsenic in groundwater. The present landfill treatment system effluent is also tested, as well as the landfill pond if triggered by results upstream. Because arsenic is ubiquitous in soils along the Front Range, it is usually found in surface water rather than groundwater. Under RFLMA, if there is an exceedance of these levels, monthly sampling is triggered. If there are three exceedances in a row, the site will then enter into consultations with the regulators to determine any follow-up requirements.

It is now Rocky Flats' turn to respond to the proposed changes. At this point, they are considering suggesting adjustments for segments 5, 4a and 4b. This may be an ambient standard or something similar. These areas are at Woman Creek and upstream and downstream of the present landfill. Typically, if the levels are high downstream, they are high upstream as well.

There is also a proposed change to the recreational classification of stream segments at Rocky Flats. Rick said this is most likely due to the mistaken belief that Rocky Flats is now open to the public. DOE will respond and clarify this point. This change would only affect the E Coli standard, and the site does not have a sewage treatment plant anyway. However, in the future, if Rocky Flats were to be given this classification, other changes may come about that would be more problematic.

Andrew Muckle asked why arsenic levels fluctuate at the site. Rick said that there is no clear explanation, but it may have something to do with runoff. Shirley asked that an ambient

standard might be. Rick said it might be as high as 20 ug/l, as 85% of the time the levels are below this concentration. However, they do not have a lot of data because of the significant changes at the site since cleanup. They are still in data collection mode for more long term results. Karen asked what caused the WQCC to change the site specific standard. Rick said that whenever the statewide standard is changed, all site-specific standards are reviewed. EPA changed the MCL from 50 to 10, under the Clean Water Act. In terms of the historical basis of arsenic standard, when the rule was published in 2001, it was so controversial that EPA convened a National Academy of Sciences panel to study the issue. David Allen asked who is consulted upon an exceedance. Rick said CDPHE is the lead and EPA is also involved.

The temporary modifications (TM's) at Rocky Flats will expire at the end of December. This includes standards for six volatile organic compounds (VOCs). The site is in compliance with the underlying standards, so they do not see any problems ahead when these temporary standards expire. The site has not yet met the underlying standards for nitrate and uranium, but is currently working on upgrades to address these issues. The WQCC does not see any regulatory avenues to be able to extend the TM's, which are now held in disfavor by EPA and the State, and Rocky Flats is not requesting an extension. The current situation would see the Rocky Flats standard moving from 100 mg/l to 10 mg/l. DOE will keep everyone informed.

Sue Vaughan asked why this issue is so difficult. Rick said Rocky Flats is one of most monitored places in the state. They are required to monitor for things that were not even related to operations.

Briefing/Conversation on Rocky Flats Cleanup

David Abelson introduced this topic by recounting that he realized at the hearing for State Rep. McKinley's Rocky Flats signage bill that there was a need for good review of the cleanup history at the site. He felt it was important to increase the Board's understanding of the history of the cleanup and how those actions influence and inform site activities and the Stewardship Council's focus. At this point, Jeannette Hillery suggested postponing the Board's signage discussion to the June meeting so that they are able to give this discussion more time.

Scott Surovchak discussed the history of the cleanup and basis for ongoing management activities. Scott reviewed the overall history of the site, which consisted of a 385-acre industrial area with several hundred thousand square feet of production space, surrounded by 5,800 acres of open space.

Although a fair amount of cleanup work was done even prior to 1995, most of the work was done in the last five years and most of the buildings were taken down during the last two years. The cleanup included disposition of approximately 800 structures. Most were aging facilities, and included improperly stored nuclear materials, as the production was stopped abruptly. Two of the buildings had been classified as among the most dangerous in the U.S. The size of Rocky Flats was comparable to a city of 10,000.

There were also 360 potentially contaminated sites, more than 10,000 meters of underground old process waste lines, and two landfills covering more than 40 acres. The site housed more than

21 metric tons of weapons-grade nuclear materials; more than 100 metric tons of plutonium residues with no treatment or disposal path; 30,000 liters of plutonium and enriched uranium solutions; and 275,000 m³ of radioactive waste.

Scott also discussed how the Rocky Flats Cleanup Agreement (RFCA) integrated the national CERCLA requirements as well as the State's RCRA requirements during the cleanup process. RFCA allowed accelerated actions, and required significant public participation. All buildings were removed with the exceptions of the east and west inspection sheds. Surface soil was remediated, and most ended up well below (cleaner) RFCA's defined action levels of 50 pCi/g. The vast majority of the site is now less than 7 pCi/g. The two landfills are in place with covers. Passive groundwater treatment systems are operating and there is continued evaluation of groundwater and surface water through a sampling network.

The Rocky Flats CAD/ROD was issued in September 2006, less than a year after the official site closure on October 13, 2005. The CAD/ROD established two operable units at the site, the Central Operable Unit (COU) and the Peripheral Operable Unit (POU). The final remedy for the POU was no action, and it was subsequently deleted from the National Priorities List (NPL). The Central OU is comprised of about 1,300 acres. The remedy for this area consists of institutional controls, physical controls and continued monitoring. Five-year reviews under CERCLA ensure continued protectiveness, with the next being scheduled for 2012.

Scott then presented a very thorough slideshow which covered the very beginnings of the Rocky Flats Plant, through the production years, the cleanup years and finally post-cleanup. He added that there is some very comprehensive information about Rocky Flats' history in a report called the Historical American Engineering Record (HAER) report, which can be found on the DOE website at: www.LM.DOE.gov.

Public Comment

There was none.

Updates/Big Picture Review

June 1, 2009

Potential Business Items

- Receive RFSC 2008 Audit

Potential Briefing Items

- Host LM quarterly public meeting
- Discuss interpretive signage for Rocky Flats
- Briefing on overview of monitoring program

September 14, 2009

Potential Business Items

- Initial review 2010 budget

Potential Briefing Items

- Host LM quarterly public meeting
- Annual review of RFSC activities
- Begin discussing 2010 Work Plan
- Continue discussing interpretive signage for Rocky Flats
- Role of regulators – update on lessons learned under RFLMA

November 2, 2009

Potential Business Items

- Budget hearing for 2010 budget

Potential Briefing Items

- Host LM quarterly public meeting
- Approve 2010 work plan
- Update on Cold War Museum

The meeting was adjourned at 11:35 a.m.

Respectfully submitted by Erin Rogers.

7:17 AM
05/14/09

Rocky Flats Stewardship Council Check Detail March 18 through May 14, 2009

Type	Num	Date	Name	Account	Paid Amount	Original Amount
Check		3/26/2009		CASH-Wells Fargo-Operating		-2.00
				Admin Services-Misc Services	-2.00	2.00
TOTAL					-2.00	2.00
Check	1346	4/5/2009	Qwest	CASH-Wells Fargo-Operating		-26.06
				Telecommunications	-26.06	26.06
TOTAL					-26.06	26.06
Check	1347	4/5/2009	Qwest	CASH-Wells Fargo-Operating		-70.10
				Telecommunications	-70.10	70.10
TOTAL					-70.10	70.10
Bill Pmt...	1348	4/5/2009	Crescent Strategies, LLC	CASH-Wells Fargo-Operating		-8,014.84
Bill	3/31/...	3/31/2009		Personnel - Contract	-6,850.00	6,850.00
				Telecommunications	-142.07	142.07
				TRAVEL-Local	-78.38	78.38
				Postage	-115.99	115.99
				Printing	-180.88	180.88
				Subscriptions/Memberships	-647.52	647.52
TOTAL					-8,014.84	8,014.84
Bill Pmt...	1349	4/5/2009	Jennifer A. Bohn	CASH-Wells Fargo-Operating		-323.00
Bill	09-19	3/31/2009		Accounting Fees	-323.00	323.00
TOTAL					-323.00	323.00
Bill Pmt...	1350	4/5/2009	Seter & Vander Wall, P.C.	CASH-Wells Fargo-Operating		-415.70
Bill	55594	3/31/2009		Attorney Fees	-415.70	415.70
TOTAL					-415.70	415.70
Check	1351	5/5/2009	Qwest	CASH-Wells Fargo-Operating		-72.88
				Telecommunications	-72.88	72.88
TOTAL					-72.88	72.88
Check	1352	5/5/2009	Qwest	CASH-Wells Fargo-Operating		-26.49
				Telecommunications	-26.49	26.49
TOTAL					-26.49	26.49
Bill Pmt...	1353	5/5/2009	Blue Sky Bistro	CASH-Wells Fargo-Operating		-255.00
Bill	1725	4/7/2009		Misc Expense-Local Government	-255.00	255.00
TOTAL					-255.00	255.00
Bill Pmt...	1354	5/5/2009	Crescent Strategies, LLC	CASH-Wells Fargo-Operating		-7,211.21
Bill	4/30/...	4/30/2009		Personnel - Contract	-6,850.00	6,850.00
				Telecommunications	-140.39	140.39
				TRAVEL-Local	-56.65	56.65
				Postage	-15.99	15.99
				Printing	-8.18	8.18

7:17 AM

05/14/09

Rocky Flats Stewardship Council
Check Detail
March 18 through May 14, 2009

<u>Type</u>	<u>Num</u>	<u>Date</u>	<u>Name</u>	<u>Account</u>	<u>Paid Amount</u>	<u>Original Amount</u>
				Supplies	-140.00	140.00
TOTAL					-7,211.21	7,211.21
Bill Pmt...	1355	5/5/2009	Jennifer A. Bohn	CASH-Wells Fargo-Operating		-935.00
Bill	09-35	4/30/2009		Accounting Fees	-935.00	935.00
TOTAL					-935.00	935.00
Bill Pmt...	1356	5/5/2009	Seter & Vander Wall, P.C.	CASH-Wells Fargo-Operating		-1,331.62
Bill	55803	4/30/2009		Attorney Fees	-1,331.62	1,331.62
TOTAL					-1,331.62	1,331.62
Check	1357	5/7/2009	HUB SW	CASH-Wells Fargo-Operating		-2,980.82
				Insurance	-2,980.82	2,980.82
TOTAL					-2,980.82	2,980.82

ROCKY FLATS STEWARDSHIP COUNCIL

P.O. Box 17670
Boulder, CO 80308-0670
www.rockyflatssc.org

(303) 412-1200
(303) 412-1211 (f)

Jefferson County -- Boulder County -- City and County of Broomfield -- City of Arvada -- City of Boulder
City of Golden -- City of Northglenn -- City of Westminster -- Town of Superior
League of Women Voters -- Rocky Flats Cold War Museum -- Rocky Flats Homesteaders
Karen Imbierowicz

April 24, 2009

Honorable Edward M. Kennedy, Chairman
Honorable Michael B. Enzi, Ranking Member
Committee on Health, Education, Labor and Pensions
428 Senate Dirksen Office Building
Washington, D.C. 20510

Re: S. 757, "Charlie Wolf Nuclear Workers Compensation Act"

Dear Chairman Kennedy and Ranking Member Enzi,

On behalf of the Board of Directors of the Rocky Flats Stewardship Council, I am writing to voice our strong support for "The Charlie Wolf Nuclear Workers Compensation Act" (S. 757). We ask that you schedule a hearing on this important and time-sensitive legislation and we urge its swift passage.

Simply put, the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA) is broken and needs to be fixed. The EEOICPA is critical to ensuring that workers who have suffered as a result of exposures to radioactive and hazardous materials while working at Department of Energy facilities be compensated for their illnesses. However, our constituents, former Rocky Flats workers, have faced numerous roadblocks as they have sought just compensation under the EEOICPA. Their experiences are shared by many thousand others throughout the DOE complex.

One of the most pressing problems concerns workers' records. At these defense facilities critical records are missing and data is unreliable. Yet, under the current rules governing implementation of the EEOICPA, workers need to prove a causal connection between their cancers and exposures suffered while working at these facilities – and to do so they are required to prove such a link using data that was and often still remains beyond their control. The costs of this flaw in the EEOICPA are being borne by the workers. The Charlie Wolf Act would fix this problem and other flaws in the EEOICPA.

As a bi-partisan group of Senators and Representatives have been keenly aware for some time, the EEOICPA needs to be amended. For workers who were on the front line of the Cold War and who have and still are instrumental in remediating these highly contaminated sites, it is due time they received compensation as Congress intended in passing the EEOICPA nine years ago.

We therefore respectfully request that the Committee provide a hearing on this legislation and we urge swift passage of S. 757.

Sincerely,



Jeannette Hillery
Chairman

Cc: Senator Mark Udall
Senator Michael Bennet
Representative Jared Polis
Representative Ed Perlmutter
Representative Mike Coffman
Representative Diana DeGette
Representative John Salazar
Representative Betsy Markey
Representative Doug Lamborn
Steven Chu, Secretary of Energy
Hilda Solis, Secretary of Labor

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Karen Imbierowicz

April 24, 2009

Honorable George Miller, Chairman
Honorable Howard P. "Buck" McKeon, Ranking Member
Committee on Education and Labor
2181 Rayburn House Office Building
Washington, D.C. 20515

Re: H.R. 1828, "Charlie Wolf Nuclear Workers Compensation Act"

Dear Chairman Miller and Ranking Member McKeon,

On behalf of the Board of Directors of the Rocky Flats Stewardship Council, I am writing to voice our strong support for "The Charlie Wolf Nuclear Workers Compensation Act" (H.R. 1828). We ask that you schedule a hearing on this important and time-sensitive legislation and we urge its swift passage.

Simply put, the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA) is broken and needs to be fixed. The EEOICPA is critical to ensuring that workers who have suffered as a result of exposures to radioactive and hazardous materials while working at Department of Energy facilities be compensated for their illnesses. However, our constituents, former Rocky Flats workers, have faced numerous roadblocks as they have sought just compensation under the EEOICPA. Their experiences are shared by many thousand others throughout the DOE complex.

One of the most pressing problems concerns workers' records. At these defense facilities critical records are missing and data is unreliable. Yet, under the current rules governing implementation of the EEOICPA, workers need to prove a causal connection between their cancers and exposures suffered while working at these facilities – and to do so they are required to prove such a link using data that was and often still remains beyond their control. The costs of this flaw in the EEOICPA are being borne by the workers. The Charlie Wolf Act would fix this problem and other flaws in the EEOICPA.

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We therefore respectfully request that the Committee provide a hearing on this legislation and we urge swift passage of H.R. 1828.

Sincerely,



Jeannette Hillery
Chairman

Cc: Senator Mark Udall
Senator Michael Bennet
Representative Jared Polis
Representative Ed Perlmutter
Representative Mike Coffman
Representative Diana DeGette
Representative John Salazar
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Karen Imbierowicz

April 24, 2009

Honorable John Conyers, Chairman
Honorable Lamar Smith, Ranking Member
Committee on the Judiciary
2138 Rayburn House Office Building
Washington, D.C. 20515

Re: H.R. 1828, "Charlie Wolf Nuclear Workers Compensation Act"

Dear Chairman Conyers and Ranking Member Smith,

On behalf of the Board of Directors of the Rocky Flats Stewardship Council, I am writing to voice our strong support for "The Charlie Wolf Nuclear Workers Compensation Act" (H.R. 1828). We ask that you schedule a hearing on this important and time-sensitive legislation and we urge its swift passage.

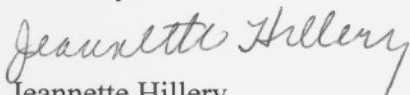
Simply put, the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA) is broken and needs to be fixed. The EEOICPA is critical to ensuring that workers who have suffered as a result of exposures to radioactive and hazardous materials while working at Department of Energy facilities be compensated for their illnesses. However, our constituents, former Rocky Flats workers, have faced numerous roadblocks as they have sought just compensation under the EEOICPA. Their experiences are shared by many thousand others throughout the DOE complex.

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We therefore respectfully request that the Committee provide a hearing on this legislation and we urge swift passage of H.R. 1828.

Sincerely,



Jeannette Hillery
Chairman

Cc: Senator Mark Udall
Senator Michael Bennet
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Representative Mike Coffman
Representative Diana DeGette
Representative John Salazar
Representative Betsy Markey
Representative Doug Lamborn
Steven Chu, Secretary of Energy
Hilda Solis, Secretary of Labor

2008 Stewardship Council Audit

- Cover memo
- Draft audit

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Karen Imbierowicz

MEMORANDUM

TO: Board

FROM: David Abelson

SUBJECT: Rocky Flats Stewardship Council's 2008 Financial Audit

DATE: May 22, 2009

Attached for your review is Wagner, Burke and Barnes' draft 2008 financial audit of the Rocky Flats Stewardship Council. Eric Barnes will discuss the audit at the meeting and will be prepared to answer any questions. If you have any questions for the auditor prior to the meeting please email me with your questions and I will forward them to him.

The auditor did not find any material deficiencies and has issued a clean audit. The Stewardship Council will need to formally accept the audit at the meeting.

Action Item: Approve motion accepting Stewardship Council's 2008 audit.

Rocky Flats Stewardship Council
FINANCIAL STATEMENTS
With Independent Auditors' Report
December 31, 2008

DRAFT

Rocky Flats Stewardship Council

BASIC FINANCIAL STATEMENTS

December 31, 2008

DRAFT

Independent auditors' report..... 1

Basic financial statements:

Government-wide financial statements:

 Statement of net assets.....2

 Statement of activities.....3

Fund financial statements:

 Balance sheet – governmental fund.....4

 Statement of revenues, expenditures, and changes in fund balance –
 governmental fund.....5

 Reconciliation of the statement of revenues, expenditures, and
 changes in fund balance to the statement of activities.....6

 Statement of revenues, expenditures, and changes in fund balance –
 budget to actual – general fund.....7

Notes to financial statements.....8

Independent Auditors' Report

Board of Directors
Rocky Flats Stewardship Council
Boulder, Colorado

DRAFT

We have audited the accompanying financial statements of the governmental activities and the general fund of Rocky Flats Stewardship Council, as of December 31, 2008, which collectively comprise the Council's basic financial statements as listed in the table of contents. These financial statements are the responsibility of the Council's management. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatements. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

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In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities and the general fund of Rocky Flats Stewardship Council, as of December 31, 2008, and the respective changes in financial position thereof, and the respective budgetary comparison for the general fund for the period ending December 31, 2008 in conformity with accounting principles generally accepted in the United States of America.

The council has not presented management's discussion and analysis that the Governmental Accounting Standards Board has determined is necessary to supplement, although not required to be part of, the basic financial statements.

Golden, Colorado
April XX, 2009

DRAFT

Rocky Flats Stewardship Council

STATEMENT OF NET ASSETS

December 31, 2008

**Governmental
Activities**

DRAFT

Assets

Cash and cash equivalents	\$ 116,519
Grants receivable	3,643
Capital assets, net	
Property, plant, & equipment	<u>265</u>
Total assets	<u>120,427</u>

Liabilities

Accounts payable	9,260
Deferred grant revenue	<u>-</u>
Total liabilities	<u>9,260</u>

Net assets

Invested in capital assets	265
Unrestricted	<u>110,902</u>
Total net assets	<u>\$ 111,167</u>

The accompanying Notes to Financial Statements are an integral part of these statements.

Rocky Flats Stewardship Council

STATEMENT OF ACTIVITIES

For the year ended December 31, 2008

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	<u>Program Revenues</u>				Net (Expense)
	<u>Expenses</u>	<u>Net Charges for Services</u>	<u>Operating Grants and Contributions</u>	<u>Capital Grants and Contributions</u>	<u>Revenue and Changes in Net Assets</u>
Functions/Programs:					Governmental Activities
Primary government	\$ (125,892)	\$ -	\$ 132,071	\$ -	\$ 6,179
Total primary government	<u>\$ (125,892)</u>	<u>\$ -</u>	<u>\$ 132,071</u>	<u>\$ -</u>	<u>6,179</u>
General revenues:					
					1,213
					-
					<u>1,213</u>
					<u>(2,022)</u>
					5,370
					<u>105,797</u>
					<u>\$ 111,167</u>

The accompanying Notes to Financial Statements are an integral part of these statements.

Rocky Flats Stewardship Council
BALANCE SHEET - GOVERNMENTAL FUNDS

December 31, 2008

	DRAFT		Total Governmental Funds
	General		Funds
Assets			
Cash and cash equivalents	\$ 116,519	\$	116,519
Grants receivable	3,643		3,643
Total assets	<u>120,162</u>		<u>120,162</u>
Liabilities			
Accounts payable	\$ 9,260	\$	9,260
Deferred grant revenue	-		-
Total liabilities	<u>9,260</u>		<u>9,260</u>
Fund balance			
Designated	<u>110,902</u>		<u>110,902</u>
Total fund balance	<u>110,902</u>		<u>110,902</u>
Total liabilities and fund balance	<u>\$ 120,162</u>		

Amounts reported for governmental activities in the statement of net assets are different because:
 Capital assets, net of accumulated depreciation used in governmental activities are not financial resources and, therefore, are not reported in the funds:

	<u>265</u>
Net assets of governmental activities	<u>\$ 111,167</u>

The accompanying Notes to Financial Statements are an integral part of these statements.

Rocky Flats Stewardship Council
STATEMENT OF REVENUES, EXPENDITURES, AND
CHANGES IN FUND BALANCE - GOVERNMENTAL FUNDS

For the year ended December 31, 2008

	Total General Fund and Governmental Funds
DRAFT	
Revenues	
Grants	\$ 124,071
Contributions from local governments	8,000
Interest Income	1,213
Other income	-
Total revenues	133,284
Expenditures	
General government	
Annual Audit	4,658
Accounting Fees	7,438
Attorney Fees	12,635
Administrative Service - Miscellaneous	24
Insurance	3,481
Miscellaneous Expense- Local Government	1,469
Personnel- contract	85,250
Postage	325
Printing	975
Subscriptions/Membership Dues	2,579
Supplies	471
Telecommunications	3,000
Website	450
Travel - Local	771
Travel - Out of State	2,233
Total expenditures	125,759
Net change in fund balance	7,525
Fund balances - beginning	103,377
Fund balances - ending	\$ 110,902

The accompanying Notes to Financial Statements are an integral part of these statements.

Rocky Flats Stewardship Council

**RECONCILIATION OF THE STATEMENT OF REVENUES,
EXPENDITURES, AND CHANGES IN FUND BALANCES OF
GOVERNMENTAL FUNDS TO THE STATEMENT OF ACTIVITIES**

For the year ended December 31, 2008

DRAFT

Amounts reported for governmental activities in the statement of activities
(page 3) are different because:

Net change in fund balances - total governmental funds (page 5)	\$ 7,525
---	----------

Some expenses reported in the statement of activities do not require the use of
current financial resources and therefore, are not reported as expenditures in
governmental funds.

Loss on asset disposition	(2,022)
Depreciation expense	<u>(133)</u>

Change in net assets of governmental activities (page 3)	<u>\$ 5,370</u>
--	-----------------

The accompanying Notes to Financial Statements are an integral part of these statements.

Rocky Flats Stewardship Council

**STATEMENT OF REVENUES, EXPENDITURES, AND
CHANGES IN FUND BALANCES - BUDGET AND ACTUAL -
GENERAL FUND**

For the year ending December 31, 2008

DRAFT

	Original and Final Budgeted Amounts	Actual	Variance with Final Budget - Favorable (Unfavorable)
Revenues			
U.S. Department of Energy - Office of Legacy Management	\$ 125,000	\$ 124,071	\$ (929)
Contributions from local governments	8,000	8,000	-
Investment Earnings	-	1,213	1,213
Miscellaneous/Investment Earnings	-	-	-
Total revenues	<u>133,000</u>	<u>133,284</u>	<u>284</u>
Expenditures			
General government			
Personnel	108,000	85,250	22,750
Travel- Local	4,800	771	4,029
Travel- Out of State	1,200	2,233	(1,033)
Computer Equipment	1,000	-	1,000
Supplies	1,500	471	1,029
Contractual	45,980	26,224	19,756
Insurance	3,900	3,481	419
Postage	1,500	325	1,175
Printing	3,500	975	2,525
Subscriptions/Membership Dues	2,245	2,579	(334)
Telecommunications	3,400	3,000	400
Website	4,250	450	3,800
Total expenditures	<u>181,275</u>	<u>125,759</u>	<u>55,516</u>
Net change in fund balance	(48,275)	7,525	55,800
Fund balances - beginning	<u>93,022</u>	<u>103,377</u>	<u>10,355</u>
Fund balances - ending	<u>\$ 44,747</u>	<u>\$ 110,902</u>	<u>\$ 66,155</u>
Funds available at December 31, 2007 is computed as follows:			
Current assets		\$ 120,162	
Current liabilities		<u>(9,260)</u>	
		<u>\$ 110,902</u>	

The accompanying Notes to Financial Statements are an integral part of these statements.

Rocky Flats Stewardship Council

NOTES TO FINANCIAL STATEMENTS

December 31, 2008

Note 1 – Summary of significant accounting policies

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A. Reporting entity

The Rocky Flats Stewardship Council (Council) was organized on February 13, 2006 through an Intergovernmental Agreement (IGA) by and among the following governments: the City and County of Broomfield, the Counties of Jefferson and Boulder, the Cities of Arvada, Boulder, Golden, Northglenn and Westminster, and the Town of Superior. All jurisdictions are located adjacent to or near the U.S. Department of Energy's Rocky Flats weapons plant. The Cities of Golden and Northglenn are rotating parties, and annually alternate representation on the Council's Board of Directors. All other jurisdictions are permanent parties, with continuous representation on the Board of Directors. The Council was organized as the successor organization to the Rocky Flats Coalition of Local Governments (Coalition), also formed through an IGA, which concluded its existence shortly following the organization of the Council, having fulfilled its purpose in connection with the closure of the Rocky Flats Site.

The Council was formed for the purpose of overseeing all post-closure Rocky Flats activities. The legislative and administrative power of the Council is vested with a Board of Directors not to exceed twelve in number, one representing each of the seven Permanent Parties, one representing one of the Rotating Parties, and one representing up to four Members, each with one equal vote. Members are community stakeholder representatives, selected by the remaining Board of Directors upon application, and have a right to appoint a Director to the Board.

Under the terms of the IGA, the status of the Council is to be reviewed periodically by the local governments which are parties to the agreements to determine whether the Council will continue in existence. Also under the terms of the IGA, the Council is established as an "enterprise", as defined by Article X, Section 20 of the Colorado constitution, commonly referred to as the Taxpayer's Bill of Rights, or Tabor (Note 5).

The Council follows the Governmental Accounting Standards Board (GASB) accounting pronouncements which provide guidance for determining which governmental activities, organizations and functions should be included within the financial reporting entity. GASB pronouncements set forth the financial accountability of a governmental organization's elected governing body as the basic criterion for including a possible component governmental organization in a primary government's legal entity. Financial accountability includes, but is

Rocky Flats Stewardship Council

NOTES TO FINANCIAL STATEMENTS

(continued)

December 31, 2008

DRAFT

not limited to, appointment of a voting majority of the organization's governing body, ability to impose its will on the organization, a potential for the organization to provide specific financial benefits or burdens and fiscal dependency.

As of December 31, 2008, no component unit has been identified as reportable to the Council, nor is the Council a component unit of any other primary governmental entity.

B. Government-wide and fund financial statements

The government-wide financial statements include the statement of net assets and the statement of activities. These financial statements include all of the activities of the Council. Both statements distinguish between governmental activities, which normally are supported by taxes and intergovernmental revenues, and business-type activities, which rely to a significant extent on fees and charges for support.

The statement of net assets reports all financial and capital resources of the Council. The difference between the assets and liabilities of the Council is reported as net assets.

The statement of activities demonstrates the degree to which the direct expenses of a given function or segment is offset by program revenues. Direct expenses are those that are clearly identifiable with a specific function or segment. Program revenues include 1) charges to customers or applicants who purchase, use, or directly benefit from goods, services or privileges provided by a given function or segment, and 2) grants and contributions that are restricted to meeting the operational or capital requirements of a particular function or segment. Taxes and other items not properly included among program revenues are reported instead as general revenues.

C. Measurement focus, basis of accounting and financial statement presentation

The government-wide financial statements are reported using the *economic resources measurement focus* and the *accrual basis of accounting*. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows.

Governmental fund financial statements are reported using the *current financial resources measurement focus* and the *modified accrual basis of accounting*. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when they are collectible within the

Rocky Flats Stewardship Council

NOTES TO FINANCIAL STATEMENTS

(continued)

December 31, 2008

DRAFT

current period or soon enough thereafter to pay liabilities of the current period. For this purpose, the government considers revenues to be available if they are collected within 60 days of the end of the current fiscal period. Expenditures generally are recorded when a liability is incurred, as under accrual accounting.

Eligible grant receipts and interest associated with the current fiscal period are all considered to be susceptible to accrual and so have been recognized as revenues of the current fiscal period. Other revenue items are considered to be measurable and available only when the Council receives cash.

The government reports the following major governmental fund:

The general fund is the Council's primary operating fund.
It accounts for all financial resources of the general government.

When both restricted and unrestricted resources are available for use, it is the Council's policy to use restricted resources first, then unrestricted resources as they are needed.

D. Use of estimates

The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America requires Council management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenditures during the reporting period. Actual results could differ from those estimates.

E. Assets, liabilities, and net assets

1. Deposits and investments

The Council's cash and cash equivalents are considered to be cash on hand, demand deposits and short-term investments with maturities of three months or less.

Investments for the government are reported at fair value.

2. Capital assets

Capital assets, which include furniture and equipment, are reported in the government-wide financial statements. Capital assets are defined by the

Rocky Flats Stewardship Council

NOTES TO FINANCIAL STATEMENTS

(continued)

December 31, 2008

DRAFT

Council as assets with an initial, individual cost of more than \$250. Such assets are recorded at historical cost if purchased or constructed. Donated capital assets are recorded at estimated fair market value at the date of donation.

The cost of normal maintenance and repairs that do not add to the value of the asset or materially extend the life of the asset are not capitalized. Improvements are capitalized and depreciated over the remaining useful lives of the related fixed assets, as applicable. Depreciation expense has been computed using the straight-line method for all assets, based on the estimated useful lives of the assets, estimated at 5 years. Depreciation expense was \$133 for the year ended December 31, 2008.

3. Fund equity/Reserved fund balances

In the fund financial statements, the governmental fund reports reservations of fund balance for amounts that are not available for appropriation or are legally restricted by outside parties for use for a specific purpose. Designations of fund balance represent tentative management plans that are subject to change. At December 31, 2008, the Council's entire fund balance has been designated by management for future expenditures.

F. Budgetary information

Annual budgets are adopted on a basis consistent with generally accepted accounting principles for all governmental funds. In accordance with the Colorado State Budget Law, the Council's Board of Directors follows these procedures in establishing the budgetary data reflected in the financial statements:

1. On or before October 15, the Board prepares a proposed operating budget for each fund, based on their respective basis of accounting, for the fiscal year commencing the following January 1. The operating budget includes proposed expenditures and the means of financing them.
2. After considering comments received, the Board approves the budget. The budget is formally adopted by resolution, published, and filed with the state.
3. Before December 31, the expenditures are appropriated for the ensuing year. The appropriation is at the total fund level and lapses at year-end.

Rocky Flats Stewardship Council

**NOTES TO FINANCIAL STATEMENTS
(continued)
December 31, 2008**

DRAFT

Note 2 – Cash and Investments

Cash and investments as of December 31, 2008 are classified in the accompanying statements as follows:

Statement of net assets:	
Cash and cash equivalents	<u>\$ 116,519</u>

Deposits with Financial Institutions

Colorado statutes require that the Council use eligible public depositories as defined by the Colorado Public Deposit Protection Act (the Act). Under the Act, amounts on deposit in excess of federal insurance levels must be collateralized. The eligible collateral is determined by the Act and allows the institution to create a single collateral pool for all public funds. The pool is to be maintained by another institution or held in trust for all the uninsured public deposits as a group. The market value of the collateral must be at least equal to the aggregate uninsured deposits.

The State Regulatory Commissions for banks and financial services are required by Statute to monitor the naming of eligible depositories and reporting of the uninsured deposits and assets maintained in the collateral pools.

At December 31, 2008, all of the Council's deposits were covered by insurance provided by the federal government. The Council was not subject to custodial credit risk at December 31, 2008.

The Council's cash deposits at December 31, 2008 are as follows:

	<u>Carrying Balance</u>	<u>Bank Balance</u>
Deposits with financial institutions	<u>\$ 115,531</u>	<u>\$ 116,023</u>
Total cash and cash equivalents	<u>\$ 115,531</u>	<u>\$ 116,023</u>

Rocky Flats Stewardship Council

NOTES TO FINANCIAL STATEMENTS

(continued)

December 31, 2008

DRAFT

Investments

The Council has not adopted a formal investment policy, however, the Council follows state statutes regarding investments. Colorado revised statutes limit investment maturities to five years or less unless formally approved by the Board of Directors. Such actions are generally associated with a debt service reserve or sinking fund requirements.

Colorado statutes specify investment instruments meeting defined rating and risk criteria in which local governments may invest which include:

- Obligations of the United States and certain U.S. government agencies securities
- Certain international agency securities
- General obligation and revenue bonds of U.S. local government entities
- Bankers' acceptance of certain banks
- Commercial paper
- Local government investment pools
- Guaranteed investment contracts
- Written repurchase agreements collateralized by certain authorized securities
- Certain money market funds

As of December 31, 2008, the Council had the following investment, fully insured by the federal government. No interest rate risk is associated with this investment.

Investment	Maturity	Fair Value
Wells Fargo Public Fund	Less than 1 year	<u>\$91,148</u>
Total Investments		<u>\$91,148</u>

Rocky Flats Stewardship Council

**NOTES TO FINANCIAL STATEMENTS
(continued)
December 31, 2008**

DRAFT

Note 3 – Capital Assets

An analysis of the changes in capital assets for the year ended December 31, 2008 follows:

	<u>Balance 12/31/07</u>	<u>Additions</u>	<u>Deletions</u>	<u>Balance 12/31/08</u>
Capital assets being depreciated:				
Furniture and equipment	\$ 3,925	\$ -	\$ (3,527)	\$ 398
Total capital assets	3,925	-	(3,527)	398
Accumulated depreciation	<u>(1,505)</u>	<u>(133)</u>	<u>1,505</u>	<u>(133)</u>
Capital assets, net	<u>\$ 2,420</u>	<u>\$ (133)</u>	<u>\$ (2,022)</u>	<u>\$ 265</u>

Note 4 – Net assets

The Council has net assets consisting of three components – invested in capital assets, restricted, and unrestricted.

Invested in capital assets consists of capital assets, net of depreciation. As of December 31, 2008, the Council had \$265 invested in capital assets.

Restricted assets include net assets that are restricted for use either externally imposed by creditors, grantors, contributors, or laws and regulations of other governments or imposed by law through constitutional provisions or enabling legislation. As of December 31, 2008, the Council had no restricted net assets.

As of December 31, 2008, the Council had unrestricted net assets of \$110,902.

Note 5 - Risk management

The Council is exposed to various risks of loss related to torts, thefts of, damage to, or destruction of assets, errors or omissions, injuries to personnel, or natural disasters. The Council maintains commercial insurance for all risks of loss. Settled claims have not exceeded the commercial insurance coverage limits in any of the past three years.

Rocky Flats Stewardship Council

NOTES TO FINANCIAL STATEMENTS

(continued)

December 31, 2008

DRAFT

Note 6 - Tax, spending and debt limitation

Article X, Section 20 of the Colorado Constitution, referred to as the Taxpayer's Bill of Rights (TABOR), contains tax, spending, revenue, and debt limitations which apply to the State of Colorado and all local governments.

Spending and revenue limits are determined based on the prior year's Fiscal Year Spending adjusted for allowable increases based upon inflation and local growth. Fiscal Year Spending is generally defined as expenditures plus reserve increases with certain exceptions. Revenue in excess of the Fiscal Year Spending limit must be refunded unless the voters approve retention of such revenue.

As an enterprise (Note 1), management believes that the Council is exempt from the provisions of TABOR. However, TABOR is complex and subject to interpretation. Ultimate implementation may depend upon litigation and legislative guidance.

Interpretative Signs for Rocky Flats

- Cover memo
- Briefing memo: History of Rocky Flats and Cleanup of the Site
- Timeline of Rocky Flats History

Site Monitoring Program

- Cover memo

DOE 2008 Annual Report

- Cover memo

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League of Women Voters -- Rocky Flats Cold War Museum -- Rocky Flats Homesteaders
Karen Imbierowicz

MEMORANDUM

TO: Board
FROM: David Abelson
SUBJECT: Rocky Flats Signs – Continuation of Discussion from February 2009 meeting
DATE: May 22, 2009

I've scheduled 30 minutes for the Board to continue discussing signage for Rocky Flats. This discussion was scheduled for the April meeting but was postponed until the June meeting. At the February meeting the Board focused on the reasons the organization was undertaking this effort and began outlining the types of information that should be provided to visitors. A few Board members expressed some trepidation about wading into this discussion, questioning the timing of the conversation and the role of the Stewardship Council in what is ultimately the responsibility of the US Fish and Wildlife Service (USFWS). Mindful of these concerns, the Board agreed to continue discussing signs at this meeting.

Two briefing memos on the history of the site and the cleanup that were included in the April 6th meeting packet are attached. They should provide helpful background information for this conversation. The full meeting packet can also be found at:
http://www.rockyflatssc.org/RFSC_agendas/RFSC_Bd_mtg_packet_4_09.pdf

Background

The USFWS Comprehensive Conservation Plan (CCP), which was approved in April 2005, provides a clear commitment to include as part of the interpretative signage for Rocky Flats information about the history of the site as a nuclear weapons facility. Specifically, as discussed at the February meeting, the CCP provides interpretative signage will include information about “DOE’s development and management of a nuclear weapons production site and the cold war history.... to tell the story of the site as a nuclear production site.”

Focus for this Meeting

As the Board discussed at the February meeting, it will offer to USFWS ideas regarding the type of information that the agency will provide to visitors. The Board will not (at least until USFWS starts to develop specific language for signs) offer or comment on specific language.

Further, as also presented in February, potential topics for the signs include:

1. History of the cleanup
2. Ongoing management
3. Monitoring activities
4. Groundwater treatment

At this meeting I recommend focusing on item #1, history of the cleanup.

In framing this topic I believe there are a few key facts you might want to highlight:

1. Rocky Flats operated as a nuclear weapons facility from 1951 until 1992.
2. Remediation activities began in earnest in 1995 and continued until 2005.
3. The site included both a production area – approximately 385 acres in total – and a buffer zone. The initial site spanned 2560 acres. Additional land was purchased in mid-1970s to expand the site to 6400 acres.
4. Rocky Flats was one of the major nuclear weapons facilities in the nation.
5. Activities included producing pits, which serve as the triggers for nuclear weapons. At one point all of the nuclear weapons in the US arsenal passed through Rocky Flats.
6. In 2001 Congress approved legislation protecting Rocky Flats as a national wildlife refuge. Local governments supported this decision as a means to both protect the site from future development and the habitat it harbors.

Clearly, these ideas are not exhaustive and depending on the types of signs USFWS uses, this information is likely more information than can be included in one sign. In my conversations with USFWS they stressed their willingness to work with the Stewardship Council. They are, however, concerned that we might try to dictate the language to be used on signs, or that we might press the agency to include more information (in terms of volume) than they believe can be effectively communicated via signs. Matt Jones with the City of Boulder has expressed similar caution about weighing down signs with too much information.

In addition to providing our thoughts on what information should be communicated on signs, USFWS and I have discussed the value of the Stewardship Council providing detailed background information to help USFWS as they develop their signs. USFWS, who will be responsible for educating site visitors about the history of the site as a nuclear weapons facility and on-going management needs, does not share the Stewardship Council, DOE, CDPHE or EPA's expertise on site cleanup and post-closure management of the DOE lands. So, one opportunity we have is to provide USFWS with the background information they will need to develop accurate, effective signs.

USFWS also reinforced the agency's commitment to work with the Rocky Flats Cold War Museum on integrating on-site information with off-site information that might be at the Museum and/or available on the web. That approach aligns with what I've discussed with the Board numerous times – namely, effective communication must occur in various forums. Site signs are one opportunity to communicate with an audience interested in the site. However, such signs are not exhaustive of the need or opportunities.

Please let me know what questions you have.

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Karen Imbierowicz

Rocky Flats History, Cleanup and Ongoing Management

The History of Rocky Flats and the Cleanup (1995 – 2005)

Rocky Flats operated from 1951 until 1989 and served as the nation's primary nuclear weapons trigger production facility. Production of triggers (known as pits) and other classified work resulted in widespread contamination within the buildings and throughout portions of the 6,200-acre site, with the greatest contamination and thus hazards within the 384-acre core industrial area. Site operations and fires in the production buildings also spread contamination to off-site lands and into off-site water supplies.

Production ceased in 1989 after the FBI and Environmental Protection Agency (EPA) raid on the site, yet DOE did not announce an end to the nuclear weapons production mission until 1993. Cleanup, which began in earnest in 1995 and was closely regulated by both the EPA and the Colorado Department of Public Health and Environment (CDPHE), took 10 years and cost \$7 billion. Local governments and community organizations closely tracked site issues and engaged on numerous issues, including cleanup levels and future use determinations.

The cleanup focused on four principal activities:

1. Stabilizing materials
2. Decontaminating and demolishing buildings
3. Shipping all waste to off-site receiver sites (note: the two landfills that were used during production were capped in place)
4. Remediating contaminated soils and contaminated groundwater, and protecting surface water quality

The overarching goals for the cleanup project included:

1. Ensuring waters leaving the site are available for any and all uses – at Rocky Flats the surface water standard for plutonium is 100 times cleaner than the federal drinking water standard
2. Demolishing all buildings and removing foundations to 6' below grade
3. Remediating soils to levels that support a wildlife refuge – in fact, most of the site is clean enough to support residential and/or industrial use
4. Developing and implementing a comprehensive post-closure stewardship plan

DOE, EPA and CDPHE determined off-site lands were not contaminated to levels that warranted remediation. Cleanup activities ended in October 2005, and in late 2006 and early 2007, DOE, EPA and the CDPHE declared the cleanup complete. The former buffer zone and off-site lands were removed from the Superfund list and 4000 acres of the former buffer zone were transferred to the Department of the Interior to be protected as the Rocky Flats National Wildlife Refuge.

Ongoing Management

Cleanup, however, did not eliminate all risk. The core production areas, settling ponds and two landfills hold the greatest hazards and thus remain under DOE's jurisdiction. Contamination is found along old building foundations, in pond sediments, in old underground process waste lines, in two landfills, and in other areas. This contamination, which is at or, in nearly all cases, below all federal and state regulatory standards, includes radioactive materials, chemical solvent wastes and heavy metal wastes. DOE's responsibility is to ensure the cleanup remedies are working as designed and to protect the remedies from human intrusion.

This remaining contamination poses no immediate threat to human health and the environment, but it does require ongoing management by DOE and regulatory oversight by CDPHE and EPA. Accordingly, DOE, CDPHE and EPA entered into a post-closure regulatory agreement, the Rocky Flats Legacy Management Agreement (RFLMA). The RFLMA identifies each party's management/oversight responsibilities. DOE's responsibilities include:

1. Monitoring and maintaining the two landfills and four groundwater treatment systems.
2. Conducting environmental monitoring, including surface water and groundwater monitoring, and repairing systems as necessary.
3. Maintaining legal and physical controls, including but not limited to:
 - a. Prohibiting excavation, drilling, tilling and other such intrusive activities except for remedy-related purposes and in conjunction with plans approved by CDPHE and EPA.
 - b. Ensuring surface water and groundwater on-site is not used for drinking water or for agricultural purposes.
 - c. Maintaining groundwater wells and surface water monitoring stations.
 - d. Prohibiting activities that may damage or impair the proper functioning of any engineered control, including treatment systems, monitor wells, landfill caps and/or surveyed benchmarks.
 - e. Maintaining signs and fencing demarcating the Rocky Flats National Wildlife Refuge lands from the DOE-retained lands.

Perhaps the best barometer to gauge whether the remedies are performing as designed is water quality, both surface water and groundwater. Per the RFLMA, water leaving the site must meet stringent standards, which in the case of plutonium is 100 times below the federal standard for drinking water. The current standard for uranium is two times more stringent than the state standard, although the site specific standard will likely be changed in 2009 to conform with state standards.

To determine whether water standards are being met, DOE uses an extensive water quality monitoring network. This network, which is found throughout both the DOE lands and the Rocky Flats National Wildlife Refuge, includes approximately 20 surface water monitoring

stations and nearly 100 groundwater monitoring wells. Changes to the network require approval by the state of Colorado. Water in the terminal pond system (two terminal ponds on Walnut Creek; one on Woman Creek) is tested by both DOE and CDPHE prior to releasing the water. That data is also shared with downstream communities prior to the releases.

The RFLMA can be found at:

http://www.lm.doe.gov/documents/sites/co/rocky_flats/rflma/RFLMA_200702.pdf

May 2008

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Karen Imbierowicz

Rocky Flats History – Timeline of Key events

(adapted from The Politics of Cleanup, Energy Communities Alliance, 2007)

- 1951 On March 23rd, *The Denver Post* reports “There Is Good News Today: U.S. To Build \$45 Million A-Plant Near Denver.” Dow Chemical becomes the initial operating contractor.
- 1957 A major fire occurs in Building 771, later deemed the most dangerous building in the complex. Community is not told about fire until 1970 despite the spread of contamination to off-site lands.
- 1969 A major fire in a glove box in Building 776 – later declared the second-most dangerous building in the complex – results in the costliest industrial accident in the nation at the time; cleanup took two years.
- 1970 After independent scientists find plutonium on off-site lands, the Atomic Energy Commission (AEC) announces the contamination is the result of the 1957 fire, the first the community had heard about the fire, and leaking waste drums containing radioactive and hazardous materials.
- 1972 AEC determines it needs to expand the buffer zone around the production buildings; Congress agrees to spend \$6 million to buy an additional 4,600 acres, bringing the total site acreage to approximately 6400 acres.
- 1973 In April, the Colorado Health Department finds tritium in downstream drinking water supplies but does not alert local officials for five months; the AEC initially denies the presence of tritium at Rocky Flats but later admits to its presence.
- 1974 Gov. Richard Lamm and Rep. Timothy Wirth establish the Lamm-Wirth Task Force on Rocky Flats. The group, which includes site workers and anti-nuclear activists, is charged with making recommendations regarding the future of the site.
- 1975 Rockwell International replaces Dow Chemical as managing contractor.
- 1978 In April, large-scale protests begin at Rocky Flats when 5,000 people turn out for a rally at the west gate; protestors begin camping on railroad tracks leading into the Plant site and occupy the tracks until January 1979 when plans are made for a large-scale protest.

- 1979 In April, 9,000 protestors rally outside of Rocky Flats; 300 are arrested, including Pentagon Papers whistle-blower Daniel Ellsberg; in August the United Steelworkers of America, the main site union, holds a counter demonstration that draws 16,000.
- 1983 On October 15, 15,000 protestors nearly encircle the 17-mile perimeter of the Rocky Flats site.
- 1986 DOE, the Colorado Department of Health, and the Environmental Protection Agency sign an agreement to allow regulation of radioactive/hazardous waste at Rocky Flats.
- 1987 Rocky Flats Environmental Monitoring Council forms, a community oversight organization. It is replaced in 1993 by the Rocky Flats Citizens Advisory Board.
- 1989 On June 6, as part of Operation Desert Glow, 80 armed federal agents raid the site to investigate allegations of environmental violations; contractor Rockwell International later agrees to pay an \$18.5 million fine, the largest in the nation as of that date.
- 1990 EG&G takes over operation of Rocky Flats from Rockwell International.
- 1991 An interagency agreement among DOE, the Colorado Department of Health and EPA is signed, outlining multiyear schedules for environmental restoration studies and remediation activities fully integrated with anticipated National Environmental Policy Act documentation requirements. The approach stymies progress leading the parties five years later to sign the Rocky Flats Cleanup Agreement, which provides the regulatory basis to accelerate cleanup.
- 1992 In the State of the Union address, President George H.W. Bush announces the end of the W-88 warhead program, effectively ending the mission at Rocky Flats.
- 1993 Gov. Roy Romer and Rep. David Skaggs form a 29-member Citizens Advisory Board to provide advice on technical and policy decisions related to cleanup and waste management activities at Rocky Flats.
- 1995 In July, Kaiser-Hill LLC signs contract to clean up site with a target completion date of 2010 for an estimated cost of \$7.3 billion.
- 1995 In July, the Future Site Use Working Group issues a comprehensive report of the future use of the site, which includes protecting the 6,000-acre buffer zone as open space, but leaving open the questions regarding the future use of the 384-acre core production area (the Industrial Area).
- 1997 DOE and the regulatory agencies agree to no on-site burial of Rocky Flats waste.
- 1998 The Industrial Area Transition Task Force issues a report listing six alternatives for use of the Industrial Area. Final determinations about use of the Industrial Area are made in 2001 with the passage of “The Rocky Flats National Wildlife Refuge Act of 2001.”
- 1999 In February, seven surrounding local government form the Rocky Flats Coalition of Local Governments (RFCLOG) to give affected governments greater leverage over cleanup and future use decisions.
- 2001 Rocky Flats National Wildlife Refuge Act signed into law, as part of the 2002 National Defense Authorization Act (P.L. 107-107); it directs protection of the entire site as

national wildlife refuge following completion of cleanup activities and expressly prohibits reindustrialization of the site or local government annexation of the property.

- 2003 DOE, EPA and CDPHE agree to site-wide cleanup levels for soils contaminated with radioactive materials.
- 2005 On October 13, Kaiser-Hill announces physical completion of Rocky Flats cleanup, more than 14 months ahead of schedule.
- 2006 In September, EPA and CDPHE grant regulatory approval of the cleanup.
- 2007 Rocky Flats buffer zone and off-site lands are deleted from superfund list.
- 2007 On July 12th jurisdiction over 4000 acres of the former buffer zone is transferred to the Department of the Interior to be managed as the Rocky Flats National Wildlife Refuge. DOE retains jurisdiction of the vast majority of the former core production area and settling ponds (1309 acres), as well as jurisdiction over active mining claims (929 acres).

May 2008

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Karen Imbierowicz

MEMORANDUM

TO: Stewardship Council Board
FROM: Rik Getty
SUBJECT: Overview of the site's monitoring program
DATE: May 20, 2009

We have scheduled 30 minutes for DOE to present an overview of the site's extensive monitoring program. This briefing is in follow up to the April meeting in which DOE discussed the history and cleanup of the site. Immediately following this presentation DOE will brief on the 2008 annual report which includes 2008 monitoring results.

Physical closure of the site occurred October 13, 2005, signaling an end to the extensive environmental cleanup of the site. In September 2006, DOE, EPA and CDPHE signed the document known as the *Final Corrective Action Decision/Record Of Decision for Rocky Flats Plant (USDOE) Peripheral Operable Unit and Central Operable Unit (CAD/ROD)* which described the final environmental remedy for the site. The CAD/ROD can be found at: http://www.lm.doe.gov/land/sites/co/rocky_flats/cad_rod.htm

The following is excerpted from the CAD/ROD:

Under the CAD/ROD, two distinct areas were established within the boundaries of the Rocky Flats property: the Peripheral Operating Unit (POU; CERCLA acronym) and the Central Operating Unit (COU). The COU consolidates all areas of the Site that require additional remedial or corrective actions, while also considering practicalities of future land management. The POU includes the remaining, generally un-impacted portions of the Site and surrounds the COU. The response action in the Final CAD/ROD is no action for the POU, and institutional and physical controls with continued monitoring for the COU. The CAD/ROD determined that conditions in the POU were suitable for unrestricted use. The EPA subsequently published a Notice of Partial Deletion from the Superfund National Priorities List for the POU on May 25, 2007. This action culminated in the establishment of the Rocky Flats National Wildlife Refuge in the POU.

DOE, EPA, and CDPHE have chosen to implement the monitoring and maintenance requirements of the CAD/ROD under, and as described in, the *Rocky Flats Legacy Management*

Agreement (RFLMA), executed March 14, 2007. RFLMA Attachment 2 defines the COU remedy surveillance and maintenance requirements. The requirements include environmental monitoring; maintenance of the erosion controls, access controls (signs), landfill covers, and groundwater treatment systems; and operation of the groundwater treatment systems. The 87-page RFLMA can be viewed at:

http://www.lm.doe.gov/documents/sites/co/rocky_flats/rflma/RFLMA_200803.pdf

(Attachment 2, which is the heart of the monitoring program, is pages 26 – 64.)

The following is an excerpt from the Purpose and Background section of Attachment 2 which captures the reason why the COU needs to be maintained by DOE and not become part of the POU (Refuge):

The purpose of this attachment to the Rocky Flats Legacy Management Agreement (RFLMA) is to specify the legacy management requirements that will ensure the response action selected and approved in the final Corrective Action Decision and Record of Decision (CAD/ROD) for the Central Operable Unit (OU) remains protective of human health and the environment. The remedy specified in the final CAD/ROD is supported by a Comprehensive Risk Assessment, which is based on a specific land use. The remedy, therefore, relies on certain physical and institutional controls, which must be maintained to ensure long-term protectiveness. The remedy also includes engineered features – landfills and water treatment systems – which must be maintained to remain protective. Reduced levels of residual soil contamination remain at the site and may continue to affect surface water. Contaminated groundwater also exists at the site and may impact surface water quality. Continued routine monitoring for groundwater and surface water is therefore required. Air, soil, and ecological receptors have been extensively monitored for many years and routine monitoring is no longer required.”

As part of DOE’s ongoing management responsibilities of the COU, Attachment 2 requires the site to report on the following monitoring topics in the annual report:

- Discussion of surface water monitoring data;
- Discussion of groundwater monitoring data;
- Discussion of groundwater treatment system monitoring data;
- Discussion of ecological sampling data;
- Adverse biological conditions;
- Summary of actions taken in response to reportable conditions;
- Summary of maintenance and repairs;
- Inspection reports;
- Verification of the environmental covenant and evaluation of the effectiveness of institutional controls;
- Original Landfill Monitoring Report (see Table 3 and Section 6.1 of the Original Landfill Monitoring and Maintenance Plan); *Final Landfill Monitoring and Maintenance Plan, RFETS, Original Landfill, DOE 2006.*
- Present Landfill Monitoring Report (see Table 3 and Section 6.1 of the *Present Landfill Monitoring and Maintenance Plan and Post-Closure Plan, RFETS, DOE 2006*);
- Assessments of analytical data, including laboratory audits; and
- Other conditions or actions taken that are pertinent to the continued effectiveness of the remedy.

In summary, DOE in partnership with CDPHE and EPA have long-term obligations to ensure the protectiveness of the final remedy. The monitoring program is at the heart of that effort.

Let me know if you have any questions.

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Karen Imbierowicz

MEMORANDUM

TO: Stewardship Council Board
FROM: Rik Getty
SUBJECT: DOE 2008 Annual Report Briefing
DATE: May 20, 2009

We have scheduled 45 minutes for DOE to present its annual update for the site. At previous Board meetings DOE briefed the Stewardship Council on site activities for each of the first 3 quarters of 2008. The fourth quarter update is included in the annual report. The report is detailed and lengthy (several hundred pages) so I have attached the extensive Executive Summary to this briefing memo. The annual report can also be viewed at: http://www.lm.doe.gov/land/sites/co/rocky_flats/annualreport2008.htm

DOE will brief on the following topics in a similar format to past quarterly and annual report updates:

- surface water monitoring;
- groundwater monitoring;
- ecological monitoring; and,
- site operations (inspections, pond operations, security, general maintenance, etc.).

Executive Summary

The U.S. Department of Energy (DOE) Office of Legacy Management (LM) is responsible for implementing the final response action selected in the *Final Corrective Action Decision/Record of Decision for Rocky Flats Plant (USDOE) Peripheral Operable Unit and Central Operable Unit (CAD/ROD)* issued September 29, 2006, for the Rocky Flats Site (Site).

Under the CAD/ROD, two Operable Units (OUs) were established within the boundaries of the Rocky Flats property: the Peripheral OU (POU) and the Central OU (COU). The COU consolidates all areas of the Site that require additional remedial or corrective actions, while also considering practicalities of future land management. The POU includes the remaining, generally unimpacted portions of the Site and surrounds the COU. The response action in the Final CAD/ROD is no action for the POU, and institutional and physical controls with continued monitoring for the COU. The CAD/ROD determined that conditions in the POU were suitable

for unrestricted use. The U.S. Environmental Protection Agency (EPA) subsequently published a Notice of Partial Deletion from the National Priorities List for the POU on May 25, 2007.

DOE, EPA, and the Colorado Department of Public Health and Environment (CDPHE) have chosen to implement the monitoring and maintenance requirements of the CAD/ROD under, and as described in, the *Rocky Flats Legacy Management Agreement* (RFLMA), executed March 14, 2007. RFLMA Attachment 2 defines the COU remedy surveillance and maintenance requirements. The requirements include environmental monitoring; maintenance of the erosion controls, access controls (signs), landfill covers, and groundwater treatment systems; and operation of the groundwater treatment systems.

The *Rocky Flats Site Operations Guide* was prepared by LM to serve as the primary internal document to guide work to satisfy the requirements of RFLMA and implement best management practices at the Site.

This report addresses all surveillance and maintenance activities conducted at the Site during Calendar Year 2008 (January 1 through December 31, 2008). Highlights of the surveillance and maintenance activities are as follows:

- RFLMA references the use of contact records to document CDPHE approvals of field modifications to implement approved response actions. RFLMA Attachment 2 references the use of contact records to document the outcome of consultation related to addressing any reportable conditions. This report discusses RFLMA contact records issued in 2008 and their status as of December 31, 2008.
- Several Colorado Water Quality Control Commission (WQCC) proceedings related to surface water standards for stream segments at Rocky Flats occurred in 2008. WQCC accepted DOE's petition for a rulemaking hearing, set for January 2009, to revise the Site specific uranium (U) surface-water standard to the statewide surface-water standard, which is the drinking water standard, and to eliminate the gross alpha and gross beta Site-specific standards. These changes were requested due to changed conditions resulting from cleanup and closure of the Site. WQCC also ruled in December 2007 that the current surface-water temporary modifications did not require change or elimination and that the current expiration date of December 31, 2009, remains in effect. DOE submitted information at WQCC's October 2008 issues identification hearing for the triennial review of the South Platte River Basin surface-water standards, set for June 2009.
- Conditions that warranted further repair and that triggered further investigation were found at the Original Landfill (OLF) beginning in 2007. These conditions involved the localized slumping and settling of the OLF cover, seeps observed to daylight intermittently on the cover, and the development of a continuous seep at the eastern toe of the buttress (identified as Seep 8). Investigation fieldwork for the OLF Phase 2 geotechnical work began in December 2007 and was completed in April 2008. The Phase 2 work revealed that a clay layer containing organic materials at or near the bedrock contact appears to be a weak interface area. Modeling predicts small-scale instability due to percolating moisture that lubricates this weak interval. The OLF buttress is providing stability as intended, and there is no large-scale instability predicted; therefore, the observed conditions do not appear to indicate a need for urgent or major responses. Maintenance and repairs were made in 2008 after completion of the

geotechnical investigation to address the observed conditions. The actions included adding soil to raise diversion berm heights to meet design criteria, constructing an extension to the Seep 7 drain, and adding fill to and regrading the west diversion channel to improve slope stability.

- Phase I upgrades to the Solar Ponds Plume Treatment System (SPPTS) were completed and implemented in October 2008. In an effort to improve water quality in North Walnut Creek, the upgrades were designed to capture and treat more contaminated groundwater that would otherwise discharge, without treatment, to the creek. A collection sump (the Interceptor Trench System Sump [ITSS]) was constructed adjacent to the former Interceptor Trench Pump House, and the east and west Interceptor Trench System manifolds were connected to the ITSS. Water that collects in the ITSS is pumped up the hill into the collection well installed within the groundwater intercept trench. The water is then pumped into the SPPTS treatment cells. Sampling of the SPPTS and North Walnut Creek locations was increased to support an evaluation of the effects of Phase I improvements to the system and to support planning for additional system upgrades to effectively treat the additional flow and higher concentrations of contaminants resulting from Phase I.
- Surface-water flow volumes show expected reductions resulting from land configuration changes and removal of impervious surfaces.
- All surface-water Points of Compliance showed acceptable water quality for the entire year.
- Point of Evaluation (POE) location GS10 continued to show reportable values for total U. Evaluation has suggested that these reportable values are due to changes in hydrologic conditions, which have caused groundwater with naturally occurring U to make up a larger proportion of streamflow at GS10. All other POEs and all other analytes at GS10 showed acceptable water quality for the entire year.
- Surface-water monitoring at the Present Landfill Treatment System showed four analytes as periodically above applicable standards. Additional monitoring was performed as required by the RFLMA data evaluation process. Results of the additional monitoring did not indicate water-quality levels requiring consultation between the RFLMA parties.
- The groundwater treatment systems at the Site continued to successfully remove contaminant loading to surface water from groundwater plumes.
- Groundwater quality and flow at the Site were generally consistent with previous years. Statistical trending calculations indicated numerous significant concentration trends. More trends were found to be decreasing than increasing (54 versus 44).
- The reportable condition reported at Area of Concern well B206989 in 2007 due to elevated concentrations of nitrate in groundwater samples persisted through 2008. Concentrations were consistent with previous data, but statistical trending incorporating 2008 data now indicates a decreasing trend in nitrate concentrations that is statistically significant at the 80 percent confidence level. Additional consultations will be held to confirm the path forward.
- The well that had monitored the hillside south of former Building 991, and which was abandoned in 2007 to support regrading of that slumping hillside, was replaced. The new well, 45608, is artesian. Analytical data are generally consistent with those from the original well, 45605, and with the former French drain outfall location, SW056.

- All RFLMA-required ecological data collection, analysis, and reporting were completed as scheduled.
- Revegetation monitoring data continues to document the establishment of the desirable grassland species at the Site.
- The annual data quality assessment showed that the Site continues to collect high-quality data sufficient for decision making.

Please contact me if you have any questions.