

ROCKY FLATS STEWARDSHIP COUNCIL

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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
Arthur Widdowfield

Board of Directors Meeting – Agenda

Monday, June 6, 2011, 8:30 AM – 12:00 PM

**Rocky Mountain Metropolitan Airport, Terminal Building, Mount Evans Room
11755 Airport Way, Broomfield, Colorado**

- 8:30 AM Convene/Introductions/Agenda Review
- 8:35 AM Chairman’s Review of May 6th Executive Committee meeting
- 8:40 AM Business Items (briefing memo attached)
1. Consent Agenda
 - o Approval of meeting minutes and checks
 2. Executive Director’s Report
- 8:50 AM Public Comment
- 9:00 AM Receive Stewardship Council 2010 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 laws and regulations.
- Action item: Accept Stewardship Council 2010 Financial Audit**
- 9:15 AM Host DOE Annual Meeting (briefing memo attached)
- o DOE will brief the Stewardship Council on site activities for calendar year 2010.
 - o DOE has posted the report on its website and will provide a summary of its activities to the Stewardship Council.
 - o Activities included surface water monitoring, groundwater monitoring, ecological monitoring, and site operations (inspections, maintenance, etc.).
 - o DOE will also discuss additional changes it plans to make to the site in future years.
 - o DOE will also discuss changes to the site configuration it might make over the next 30 years.

- 10:30 AM DOE Update on Dam Breach EA, Adaptive Management Plan and Changes to Indiana Points of Compliance (briefing memo attached)
- Stewardship Council members have actively participated in these discussions, and local governments have raised a number of issues and concerns.
 - Additionally, at its April 4th meeting, the board approved a motion (1) opposing breaching of the terminal ponds, (2) calling on DOE to maintain water quality monitoring points at the eastern edge of the federal boundary, and (3) asking DOE to maintain current monitoring protocols as it moves the POCs from Indiana Street to the eastern edge of the DOE-retained lands.
 - DOE will brief on their decisions.
 - CDPHE will brief on their proposed changes to the environmental covenant for the site, including changes to site regulatory documents and upcoming public comment period on the proposed changes.

- 11:00 AM Start of Stewardship Council Triennial Review -- Meet with Thornton (briefing memo attached)
- No later than February 13, 2012, the Stewardship Council will need to renew the organization's IGA.
 - As part of this process, the Board will need to take two steps. First, meet with City of Thornton representatives to discuss that city joining the Stewardship Council. This conversation will take place at this meeting.
 - The second step the Board will need to take is to review the current IGA to determine if any changes to the scope and mission are warranted, and if so, the nature of those changes. We will begin that part of the dialogue at the September meeting.

11:45 AM Public comment

12:00 PM Updates/Big Picture Review

Adjourn

Next Meetings: September 12 (second Monday)
 November 14 (second Monday)

Acronym or Term	Means	Definition
Alpha Radiation		A type of radiation that is not very penetrating and can be blocked by materials such as human skin or paper. Alpha radiation presents its greatest risk when it gets inside the human body, such as when a particle of alpha emitting material is inhaled into the lungs. Plutonium, the radioactive material of greatest concern at Rocky Flats, produces this type of radiation.
Am	americium	A man-made radioactive element which is often associated with plutonium.
AME	Actinide Migration Evaluation	An exhaustive years-long study by independent researchers who studied how actinides such as Pu, Am, and U move through the soil and water at Rocky Flats
AMP	Adaptive Management Plan	Additional analyses that DOE is performing beyond the normal environmental assessment for breaching the remaining site dams.
AOC well	Area of Concern well	A particular type of groundwater well
B	boron	Boron has been found in some surface water and groundwater samples at the site
Be	beryllium	A very strong and lightweight metal that was used at Rocky Flats in the manufacture of nuclear weapons. Exposure to beryllium is now known to cause respiratory disease in those persons sensitive to it
Beta Radiation		A type of radiation more penetrating than alpha and hence requires more shielding. Some forms of uranium emit beta radiation.
BMP	best management practice	A term used to describe actions taken by DOE that are not required by regulation but warrant action.
BZ	Buffer Zone	The majority of the Rocky Flats site was open land that was added to provide a "buffer" between the neighboring communities and the industrial portion of the site. The buffer zone was approximately 6,000 acres. Most of the buffer zone lands now make up the Rocky Flats National Wildlife Refuge.
CAD/ROD	corrective action decision/record of decision	The complete final plan for cleanup and closure for Rocky Flats. The Federal/State laws that governed the cleanup at Rocky Flats required this document.
CCP	Comprehensive Conservation Plan	The refuge plan adopted by the U.S. Fish and Wildlife Service in 2007.
CDPHE	Colorado Department of Public Health and Environment	State agency that regulates the site.
CERCLA	Comprehensive Environmental	Federal legislation that governs site cleanup. Also known as the Superfund Act

Rocky Flats Acronym List
 Prepared by Rik Getty, Rocky Flat Stewardship Council
 May 2011

	Response, Compensation and Liability Act	
cfs	cubic feet per second	A volumetric measure of water flow.
COC	Contaminant of Concern	A hazardous or radioactive substance that is present at the site.
COU	Central Operable Unit	A CERCLA term used to describe the DOE-retained lands, about 1,500 acres comprised mainly of the former Industrial Area where remediation occurred
Cr	chromium	Potentially toxic metal used at the site.
CRA	comprehensive risk assessment	A complicated series of analyses detailing human health risks and risks to the environment (flora and fauna).
D&D	decontamination and decommissioning	The process of cleaning up and tearing down buildings and other structures.
DG	discharge gallery	This is where the treated effluent of the SPPTS empties into North Walnut Creek.
DOE	U.S. Department of Energy	The federal agency that manages portions of Rocky Flats. The site office is the Office of Legacy Management (LM).
EA	environmental assessment	Required by NEPA (see below) when a federal agency proposes an action that could impact the environment. The agency is responsible for conducting the analysis to determine what, if any, impacts to the environment might occur due to a proposed action.
EIS	environmental impact statement	A complex evaluation that is undertaken by a government agency when it is determined that a proposed action by the agency may have significant impacts to the environment.
EPA	U.S. Environmental Protection Agency	The federal regulatory agency for the site.
ETPTS	east trenches plume treatment system	The treatment system near the location of the east waste disposal trenches which treats groundwater contaminated with organic solvents emanating from the trenches. Treated effluent flows into South Walnut Creek.
FC	functional channel	Man-made stream channels constructed during cleanup to help direct water flow.
FACA	Federal Advisory Committee Act	This federal law regulated federal advisory boards. The law requires balanced membership and open meetings with published Federal Register meeting dates.
Gamma Radiation		This type of radiation is very penetrating and requires heavy shielding to keep it from exposing people. Am is a strong gamma emitter.
GAO	Government Accountability Office	Congressional office which reports to Congress. The GAO did 2 investigations of Rocky Flats relating to the ability to close the site for a certain dollar amount and on a certain time schedule. The first study was not optimistic

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		while the second was very positive.
g	gram	metric unit of weight
gpm	gallons per minute	A volumetric measure of water flow in the site's groundwater treatment systems and other locations.
GWIS	groundwater intercept system	Refers to a below ground system that directs contaminated groundwater toward the Solar Ponds and East Trenches treatment systems.
IA	Industrial Area	Refers to the central core of Rocky Flats where all production activities took place. The IA was roughly 350 of the total 6,500 acres at the site.
IC	Institutional Control	ICs are physical and legal controls geared towards ensuring the cleanup remedies remain in place and remain effective.
IHSS	Individual Hazardous Substance Site	A name given during cleanup to a discrete area of known or suspected contamination. There were over two hundred such sites at Rocky Flats.
ITPH	interceptor trench pump house	The location where contaminated groundwater collected by the interceptor trench is pumped to either the Solar Ponds and East Trenches treatment systems
L	liter	Metric measure of volume, a liter is slightly larger than a quart.
LM	Legacy Management	DOE office responsible for overseeing activities at closed sites.
M&M	monitoring and maintenance	Refers to ongoing activities at Rocky Flats.
MSPTS	Mound site plume treatment system	The treatment system for treating groundwater contaminated with organic solvents which emanates from the Mound site where waste barrels were buried. Treated effluent flows into South Walnut Creek.
NEPA	National Environmental Policy Act	Federal legislation that requires the federal government to perform analyses of environmental consequences of major projects or activities.
NPL	National Priorities List	A listing of Superfund sites. The refuge lands were de-listed from the NPL while the DOE-retained lands are still on the NPL due to ongoing groundwater contamination and associated remediation activities.
OLF	Original Landfill	Hillside dumping area of about 20 acres which was used from 1951 to 1968. It underwent extensive remediation with the addition of a soil cap and groundwater monitoring locations.
OU	Operable Unit	A term given to large areas of the site where remediation was focused.
pCi/g	picocuries per gram of soil	A unit of radioactivity measure. The soil cleanup standard at the site was 50 pCi/g of soil.

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pCi/L	picocuries per liter of water	A water concentration measurement. The State of Colorado set the regulatory limit for Pu and Am at 0.15 pCi/L of water. This standard is 100 times stricter than the EPA's national standard.
PLF	Present Landfill	Landfill constructed in 1968 to replace the OLF. During cleanup the PLF was closed under RCRA regulations with an extensive cap and monitoring system.
POC	Point of Compliance (surface water)	A surface water site that is monitored and must be found to be in compliance with federal and state standards for hazardous constituents. Violations of water quality standards at the points of compliance could result in DOE receiving financial penalties.
POE	Point of Evaluation (surface water)	These are locations at Rocky Flats at which surface water is monitored for water quality. There are no financial penalties associated with water quality exceedances at these locations, but the site may be required to develop a plan of action to improve the water quality.
POU	Peripheral Operable Unit	A CERCLA term used to describe the Wildlife Refuge lands of about 4,000 acres.
Pu	Plutonium	Plutonium is a metallic substance that was fabricated to form the core or "trigger" of a nuclear weapon. Formation of these triggers was the primary production mission of the Rocky Flats site. Pu-239 is the primary radioactive element of concern at the site. There are different forms of plutonium, called isotopes. Each isotope is known by a different number. Hence, there are plutonium 239, 238, 241 and others.
RCRA	Resource Conservation and Recovery Act	Federal law regulating hazardous waste. In Colorado, the EPA delegates CDPHE the authority to regulate hazardous wastes.
RFCA	Rocky Flats Cleanup Agreement	The regulatory agreement which governed cleanup activities. DOE, EPA, and CDPHE were signors.
RFCAB	Rocky Flats Citizen Advisory Board	This group was DOE's site-specific advisory board, a FACA-chartered group. They provided community feedback to DOE on a wide variety of Rocky Flats issues from 1993-2006.
RFCLOG	Rocky Flats Coalition of Local Governments	The predecessor organization of the Rocky Flats Stewardship Council. It was comprised of the following governments: Arvada, Boulder, Boulder County, Broomfield, Jefferson County, Superior, and Westminster.
RFETS	Rocky Flats Environmental Technology Site	The moniker for the site during cleanup years.
RFLMA	Rocky Flats Legacy	The post-cleanup regulatory agreement between DOE,

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	Management Agreement	CDPHE, and EPA which governs site activities. The CDPHE takes lead regulator role, with support from EPA as required.
RFNWR	Rocky Flats National Wildlife Refuge	The approximate 4,000 acres which compose the wildlife refuge.
RFSOG	Rocky Flats Site Operations Guide	The nuts-and-bolt guide for post-closure site activities performed by DOE and its contractors.
SPPTS	solar ponds plume treatment system	System used to treat groundwater contaminated with uranium and nitrates. The nitrates originate from the former solar evaporation ponds which had high levels of nitric acid. The uranium is primarily naturally-occurring with only a slight portion man-made. Effluent flows into North Walnut Creek
U	Uranium	Naturally occurring radioactive element. There were two primary isotopes of U used during production activities. The first was enriched U which contained a very high percentage (>90%) of U-235 which was used in nuclear weapons. The second isotope was U-238, also known as depleted uranium. This had various uses at the site and only had low levels of radioactivity..
USFWS	United States Fish & Wildlife Service	An agency within the US Department of the Interior that is responsible for maintaining the nation-wide system of wildlife refuges, among other duties. The regional office is responsible for the RFNWR.
VOC	volatile organic compound	These compounds include cleaning solvents that were used in the manufacturing operations at Rocky Flats. The VOCs used at Rocky Flats include carbon tetrachloride (often called carbon tet), trichloroethene (also called TCE), perchloroethylene (also called PCE), and methylene chloride.
WCRA	Woman Creek Reservoir Authority	This group is composed of the three local communities, the Cities of Westminster, Northglenn, and Thornton, who use Stanley Lake as part of their drinking water supply network. Water from the site used to flow through Woman Creek to Stanley Lake but the reservoir severed that connection. The Authority has an operations agreement with DOE to manage the Woman Creek Reservoir.
WQCC	Water Quality Control Commission	State board within CDPHE tasked with overseeing water quality issues throughout the state. DOE has petitioned the WQCC several times in the last few years regarding water quality issues.
ZVI	zero valent iron	A type of fine iron particles used to treat VOC's in the ETPTS and MSPTS.

Business Items

- April 4, 2011, draft board meeting minutes
- List of Stewardship Council checks

Stewardship Council 2010 Financial Audit

- Cover memo
- Draft audit

ROCKY FLATS STEWARDSHIP COUNCIL

Monday, April 4, 2011, 8:30 – 11:30 AM

**Rocky Mountain Metropolitan Airport, Terminal Building, Mount Evans Room
11755 Airport Way, Broomfield, Colorado**

Board members in attendance: Marc Williams (Director, Arvada), Lisa Morzel (Director, City of Boulder), David Allen (Alternate, Broomfield), Dan Hartman (Alternate, Golden), Faye Griffin (Director, Jefferson County), Kate Newman (Alternate, Jefferson County), Sheri Paiz (Director, Northglenn), Shelley Stanley (Alternate, Northglenn), Joe Cirelli (Director, Superior), Chris Hanson (Alternate, Superior), Bob Briggs (Director, Westminster), Mary Fabisiak (Alternate, Westminster), Jeannette Hillery (Director, League of Women Voters), Sue Vaughan (Alternate, League of Women Voters), Shirley Garcia (Director, Rocky Flats Cold War Museum), Ann Lockhart (Alternate, Rocky Flats Cold War Museum), Roman Kohler (Director, Rocky Flats Homesteaders), Arthur Widdowfield (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.), Jennifer Bohn (RFSC accountant), Erin Rogers (consultant).

Attendees: Vera Moritz (EPA), Carl Spreng (CDPHE), Scott Surovchak (DOE-LM), Bob Darr (Stoller), Steve Berendzen (USFWS), Cathy Shugarts (Westminster), Emily Hunt (City of Thornton), Debra Williams (Town of Superior Trustee), Mary Harlow (citizen), Hildegard Hix (citizen), Anne Fenerty (citizen).

Convene/Agenda Review

Chair Bob Briggs convened the meeting at 8:37 a.m. The first item was introductions of attendees. He then asked if there were any suggested changes to the agenda, and there were not.

Consent Agenda

David Allen noted a minor correction on p.10 of the February Board minutes. In the first paragraph, last sentence, there should be a 'not' before the words 'regulatory driven'.

Sheri Paiz moved to approve the February Board meeting minutes and checks. The motion was seconded by Jeannette Hillery. The motion to accept the minutes as amended, and checks passed 11-0.

Bob Briggs updated the group that there had been a February 25 Executive Committee meeting. There were no questions.

Executive Director's Report

David Abelson noted that he had emailed a letter to Board members about a request from the City of Thornton to join the Stewardship Council. He commented that the timing is good for this

request, as it would be a fairly simple step to add a member as part of the Board's triennial review. The Board will be starting this conversation in June. Bob Briggs will communicate with city officials and explain the Board's process. He will invite them to meet with the Board at the next meeting in order to start a dialogue and to find out more about why they would like to join this organization.

David also reported about his meetings with DOE regarding the LSO review process. He met first with Scott Surovchak, and then Dave Geiser. In short, David reported that the exact process has not been mapped out. The primary task will be to look at what the Stewardship Council has been doing, and how this relates to the original 2005 guidance on LSO's. If there had been any divergence from the guidance, David said the Board would have heard about it from Scott by now.

David noted that the Rocky Flats Cold War Museum had recently signed a lease for a museum space, and asked Shirley Garcia and Ann Lockhart for an update. Ann said that they have distributed a press release announcing they have signed lease in Arvada. The idea for a Rocky Flats museum had its beginnings as far back as 2000 from the City of Arvada. For years, a committee has been looking at a facility either near the west entrance to Rocky Flats or locating it in Arvada. This announcement is the culmination of many years of hard work and dedication. David offered his congratulations.

David reported to the Board that State Rep. McKinley did not introduce a bill related to Rocky Flats signage this year, and he does not expect anything further this session. Finally, he noted that all but one of the annual government contributions to the Stewardship Council had been received (and that one is on the way) and thanked the Board members for making it an easy process.

Public Comment

Ann Fenerty introduced herself by saying that she had been involved in the cleanup process at Rocky Flats, and served on the Citizens Advisory Board. She said that at the last meeting it was brought up that some Board members are new. She said she would like to recommend the book, "*Making a Real Killing*", by University of Colorado journalism professor Len Ackland. She said it is a very well-referenced book, and is available from Amazon. She also mentioned a Los Alamos Study Group publication. She was also involved in an independent verification effort, and referred to an article from *Physics Today*. She said McKinley's bill was killed by the Stewardship Council and CDPHE in spite of the fact that a number of scientists involved in Rocky Flats supported the bill. She handed out a letter that was sent to Congress last year related to this issue. Finally, she noted that an FBI agent involved in the raid on Rocky Flats, Jon Lipsky, would be speaking in Boulder on April 17 about Rocky Flats and his role in the investigation.

Mickey Harlow said she had read DOE-LM's goals and objectives for 2011. She said they include protecting human health and the environment, reducing health risks, and long-term surveillance and maintenance. She said she would like DOE to explain how they can do this, while they are planning to remove dams and move Points of Compliance. She said that the

Stewardship Council should be made aware of what was left beneath the soil, and that many new members do not have this information. She wants staff to include maps delineating what was left behind after cleanup. She is concerned about the spray fields, and believes they are larger than what DOE has said. She said industrial and hazardous waste were sent to the sewage treatment plant and that Rockwell pleaded guilty in front of the Grand Jury to discharging these materials. She said they could not use the treatment plant because DOE messed it up, so they sprayed these materials in the buffer zone. She said she knows these materials will still move, and she is concerned that taking out ponds will not protect the public even though it will reduce costs. She also referred to classified 'shapes' buried underground. She complimented Rik Getty on his report about dust sampling, and added the need to provide information about an independent sampling expert hired by Broomfield. She said she does not think that DOE found all of the plutonium in the environment, referring to a Kaiser Hill helicopter flyover mapping effort. She said she has spent years studying these issues and that removing the ponds will put the community at risk.

Emily Hunt is the Water Resources Manager for the City of Thornton. She noted that Thornton's primary concern related to Rocky Flats was Standley Lake. She thanked the Board for their responsiveness to her City's request for membership.

Steve Berendzen spoke about Interior Secretary Salazar promoting the Great America Outdoors Initiative. He said Secretary Salazar would be presenting Colorado projects at the opening of the new Rocky Mountain Arsenal visitor center in late-May. As part of this, he will announce plans for a trail between the Arsenal and Rocky Flats. He said they will use existing trails for the main route, and will need to tie in with connector trails. There will be some funding for trail enhancement where needed. Bob Briggs asked Steve to keep the Board informed. David Abelson noted that this idea had been discussed years ago when Secretary Salazar was a U.S. Senator from Colorado.

Briefing on History of Rocky Flats Stewardship Council

With the changes to the Board composition since the group's inception in 2006, the members decided it would be a good idea to take a step back and discuss the reasons for the Stewardship Council's existence – including the legislative roots, mission, and focus since 2006.

David noted that Len Ackland's book, mentioned by Anne Fenerty, is a tremendous resource that everyone should read. It covers the history of the site, and this area. It also does a good job of putting Rocky Flats issues and questions in historical perspective, and delves deeply into the issues.

David began by noting that the meeting packet contained briefing materials about the history of the Stewardship Council. He said that a look back at questions that were being discussed in 1998 showed a concern for how to keep people engaged in Rocky Flats issues once closure had been completed. At the time, those involved were wondering if anybody would care or show up to discuss issues.

David Abelson noted that Dan Miller, who is with the Colorado Attorney General's office, had noted potential problems with institutional controls when there were too few people paying attention to use restrictions, and mistakes had been made at other sites. He said the best example of this is Love Canal. Back in 1998, a predecessor organization (Rocky Flats Local Impacts Initiative) began an ongoing dialogue about long term stewardship and the importance of thinking about these future responsibilities while cleanup decisions were being made. David said that is fundamentally why this Board is here – to engage agencies on the post-closure management of the site. Since the Stewardship Council is an institution, this group is boosting the 'institutional' side of long-term protection at the site. He also noted that as this group goes through the LSO review process, it will be an opportunity to update the work scope in the context of the congressional mandate.

David Allen referred to page three regarding the Board's mission. He said he thought it captured very well the role and purpose of this group.

Mickey Harlow asked what kind of power the Stewardship Council has, since it only provides comments, but does not make recommendations. David Abelson said this was an important question. He said that when Congress approved the law in 2004, many may not have fully understood the Stewardship Council's role. He said it is to solicit and encourage public participation, disseminate information, and transmit questions and concerns. The key role is really to provide a conduit between the community and the agencies. Based on a strict reading of the legislation strict reading, a citizen could ask the Stewardship Council to pass along their concerns to DOE. In reality, this step is not necessary. The Stewardship Council is not a FACA group, and because of this, DOE cannot directly ask the group for a recommendation, which would invoke FACA status. However, FACA does not prohibit this organization from telling DOE what it thinks. Over the years, the Stewardship Council has only written a handful of letters to DOE. Individual governments have also communicated directly with DOE, such as letters from Broomfield engaging on the EA for dam breaching and moving points of compliance.

Chris Hanson said he has been coming to these meetings for about a year, and has heard a lot of discussion about water sampling, and there has not been a lot of contamination. He noted that what he had not heard much about is soil and dust contamination. He said he was curious why this group would not be more vocal on this because of buried contamination. David Abelson said this was an extremely important point. To explain, he noted that DOE retains ownership of approximately 1,000 acres and that most of the buried contamination is associated with process waste lines and building foundations. While some of these contaminated structures were remediated, much was grouted in place. As result of this subsurface contamination, there are use restrictions at Rocky Flats, including a prohibition on excavation. These areas are still on CERCLA's National Priorities List, meaning Rocky Flats is still a Superfund site. All of the buried contamination is located within the DOE-owned lands. David also explained that the reason the Rocky Flats National Wildlife Refuge bill was approved was as a means to ensure that the site would not be developed in the future. Back in 1995, The Future Site Use Working Group (comprised of local governments, former workers and others) developed ideas for how the site should be used in the future. David noted that Superior wanted some of northeast corner to be used development, and there were discussions about the Jefferson Parkway cutting through

the northwest corner. He said that the Jefferson County commissioners had a desire to develop some of this land to increase their tax base. David said that, although the non-DOE lands were clean enough to be approved for residential development, it became clear that there was a desire to protect these areas from both residential and industrial development. In 2006, when the Stewardship Council began, most of the members had been present during these discussions, and understood the concepts behind the risk assessments that showed how the site would be safe in the future under different scenarios. David said that the current concern about sampling is primarily related to a change in personnel, meaning that there are fewer people who were present for the very comprehensive discussions and studies that took place during cleanup. In terms of clarification, David noted that in the DOE-owned lands, the contamination on the surface is below regulatory levels; however, depending on how deep you go, the levels can be much higher. Chris asked about contamination levels in the water. David said that surface water standards are being met, and that while contamination is not at zero, it is at very low levels.

Anne Fenerty commented that cleanup only went down to a six foot depth. David said that was not true, because in many areas they went deeper with the cleanup. He noted also that the standards are higher the farther down you go. With the buildings, the walls were cleaned before they were backfilled. David Allen stated that it was important to understand the difference between the DOE lands, known as the Central Operable Unit (COU), and the Refuge lands, which were delisted from CERCLA. While these lands could have been developed, the Refuge designation was an added level of protection. He clarified that Broomfield's concerns have always been related to the COU. He added that the Refuge bill contains a provision that these lands cannot be acquired by local governments and will remain in federal ownership in perpetuity. Sheri Paiz said she looks at the buffer zone (Refuge) as a safety net.

Arthur Widdowfield asked about how the Parkway Authority would be able acquire land based on the provision of federal ownership. David Abelson noted that there were two caveats in the Refuge bill – one for a potential future museum and one for the parkway. He said that, in order to get all seven governments to agree to support the bill, it included a 300-foot right of way for a regional transportation corridor. Bob Briggs asked if there was anything in the bill about cleanup standards or additional testing. David noted that Arvada wanted cleanup standards to be a part of bill. They wanted to ensure that the fact that this area was to become a Wildlife Refuge did not lead to a 'lessening' of the cleanup standards. This effort was not accepted by Congress. David said that, in the end, the entire site was cleaned to an industrial standard, which was more stringent, as Arvada had wished. To be more specific, the standard was based upon the assumption of a person being located directly on top of the 903 pad area and in the drainages. Sue Vaughan asked if there were requirements for any environmental testing or studies prior to construction of the Parkway. David Abelson said that when DOE transferred jurisdiction to USFWS, there had to be assurance of cleanup. This was done through closure documents (i.e. CAD/ROD), as well as EPA certification. When this land is transferred out of federal ownership, CDPHE will assume regulatory authority which will dictate environmental conditions that the Parkway Authority will have to meet. Steve Berendzen noted that the Comprehensive Conservation Plan for the Refuge also addressed the transfer of the right-of-way, and NEPA requirements were covered in that document. He said that after the Parkway Authority takes ownership of the land, they may have to do their own NEPA review. An

audience member asked what level of NEPA analysis was done as part of the CCP. David Abelson said an EIS was done in 2007 and covered all refuge land, or roughly 4,000 acres.

Mickey Harlow said that, according to Steve Tarlton with CDPHE, the former buffer zone areas have VOC contamination that would prohibit residential development. David Abelson noted that Mr. Tarlton was no longer fully engaged in Rocky Flats issues and that the lands in question were now part of the DOE lands, not part of the Refuge. Sheri Paiz said she was concerned about the lack of definitive information about the environmental requirements regarding the Parkway, and said there was a need to re-engage regarding safety precautions. David Abelson said that these discussions will be between the Parkway Authority and CDPHE. Sheri said this group should track the process and look for issues that come up. David said staff will flag issues, but will also stay out of the politics. Sheri suggested having a briefing at least once a year. Sue Vaughan echoed the need to keep the Stewardship Council role separate because the Parkway issues are not directly part of the Board's mission.

Bob Briggs said that this would be a good transition into the next discussion. Marc Williams said that there was no reason to re-open these issues. He said that predecessors of these Board members had addressed the issue and agreed that site has been cleaned up residential standards, and that it would be a political motive at this point to use safety concerns to delay the Parkway. He added that the Parkway Authority will fully comply with all requirements from CDPHE, and admitted some frustration with political opposition creeping into this group.

Meagan Davis said that, although she had no doubt that the Parkway Authority would comply with relevant requirements, it would still be fair to know and discuss what the issues are. Chris Hanson said that he truly wanted to understand if there are any concerns related to dust that would affect people walking around the site. Shirley Garcia added that it might be helpful for Steve to address key aspects of the CCP. She said to also remember this Board did support the Refuge law.

Board Discussion of Soil Sampling in the Eastern Part of the Rocky Flats Buffer Zone

In conversations about moving the water quality points of compliance from Indiana Street to the eastern part of DOE's management boundary, one question that emerged was about contamination levels between the terminal ponds and Indiana Street. Questions about contamination levels have also arisen regarding the proposed Jefferson Parkway and the Parkway's acquisition from the USFWS of a 300 foot right-of-way along Indiana Street. This conversation was set up to focus on any issues, questions and concerns that Board members have. The June meeting will then focus on addressing those issues, etc, and will likely include briefings by CDPHE, EPA and DOE. Importantly, the conversation and subsequent briefing(s) will not concern the wisdom or feasibility of building the Parkway, but will provide information board members can use in the appropriate forum(s).

Mickey Harlow referred to an article in the *New York Times* that explained how animals can pick up and move around contamination. Lisa Morzel also noted how freezing and thawing can bring things to the surface as well.

Bob Briggs noted to Carl Spreng that before he arrived there were some questions about environmental requirements that will apply to construction of the Jefferson Parkway. Carl said that the existing construction standard in the radiation control regulations dates back to 1972. He said it is based on assumptions and parameters quite different from what is used today. For example, the standard is 2 dpm (disintegrations per minute), which is equivalent to 1.9 pCi/g. In contrast, the action level used to clean up Rocky Flats was 50 pCi/g. The Radiation Control Division has said that they consider this standard antiquated and will need to review it. This standard would come into effect if and when the land is turned over to the Parkway Authority. The Radiation Control Division issued a memo to David Allen that stated they would require available data or additional sampling. The requirements will probably be nothing different than what is found at a typical construction site. Lisa Morzel asked why the standard needed to be revised. Carl said it is because of how that number was derived, and that certain parameters were not available that long ago. He added that in the area where the Parkway will be built, there was no buried contamination, so anything that was there was windblown. Because of this, it is likely that new sampling would show lower levels, as clean dust has settled on top of what was there before.

Bob asked if there were any other questions about sampling that could be addressed at the next meeting. Lisa Morzel asked if she could get a copy of the independent sampling report from Broomfield that was mentioned. Shirley Garcia said this had been shared with the Board, and that she would email it again. She noted that it was an 'independent review of DOE's independent review'. Mickey Harlow said that she would also like copy via the Board's email list.

Lisa Morzel requested that a list of acronyms be attached to future meeting packets.

Update on Dam Breach EA and Changes to RFLMA Points of Compliance

As discussed at the February meeting, DOE, EPA and CDPHE have been hosting public meetings to discuss the development of an Adaptive Management Plan (AMP) for Rocky Flats. The AMP will be focused solely on the dam breach EA. Stewardship Council members have actively participated in this process. Based on the many concerns a broad range of members have expressed with DOE's plans to breach the terminal dams, today's conversation was scheduled to serve as an update for members who have not been involved in the AMP process, and to identify common issues members share.

Broomfield, Northglenn and Westminster have been most actively engaged in this issue. David Allen reported that, beginning in December, DOE has hosted several AMP working group meetings. These meetings are now complete and the participants are in a holding pattern, waiting for DOE to release the draft AMP for review and comment. David said there will be one more meeting, after which the communities will submit written comments, and then the final AMP will be released. He said the local governments have provided very specific requests for additional data gathering (copies are in the Board packet), which he does not think is above and beyond what is going on currently. There was one request for an additional groundwater monitoring well, which would involve minimal cost. David referred to a March 2 document that

Broomfield prepared (p. 113 in Board packet). One of the requests was that DOE clearly identify goals and objectives to both begin and end flow-through operations. DOE has agreed to develop criteria to be used to breach dams. The document also included several specific performance criteria that Broomfield felt comfortable supporting related to dam breaching. They also noted that if contamination levels increase, they will need time to study. Broomfield said they are supportive of the moving the POCs, however their disagreement with DOE relates to the timing and location of the new points. Broomfield would prefer that they be located just outside of the Parkway right-of-way, but DOE is proposing that they be located further inside the Federal boundary.

Shelley Stanley said that the Woman Creek Reservoir Authority was providing additional suggestions for turbidity sampling and criteria for closing flow-through operations. She referred to a recent plutonium hit at SW027, and noted they would like to see vegetation more established in these areas. She added that WCRA was working with DOE to get their operations agreement updated with regard to POCs. David Abelson said that the draft AMP is anticipated to be available in April, and the Board will hear a presentation and discuss at its June meeting.

Sheri Paiz commented that although the Board has had numerous presentations, public comments, and government updates, it has stayed quiet about these issues. She said there was a good discussion at the end of the last meeting, and that she would like to see the Stewardship Council take things a step further. She said that Northglenn did not feel comfortable with what was being proposed, and they had heard from Board members and the public that others share this concern. She said that this Board does have the capacity to weigh in on these issues. Jeannette Hillery said that the League of Women Voters was also uncomfortable with some of the plans and processes, but felt it was really more up to the local government representatives to take the lead. Sheri said their primary concern was that it was just too soon to make these changes. Lisa Morzel said she had been thinking the Board needed a briefing from DOE on the full scope of changes they are considering making rather than hearing about them in piecemeal fashion. She asked Sheri if she had a process suggestion. Sheri said she did not have a specific process idea, although she would like Board to come out and say it was not comfortable with the timeframe and these changes happening so soon, and that DOE should not make changes at this point. Lisa said she agreed with this suggestion. Sue asked if there was a record of the Board's discussion to let local governments address these issues independently. She said that maybe it was time to think about sending a letter.

David Abelson said that regarding POCs and dam breach, it was always unclear just what the Board's role would be. In June of last year, the Board set a special meeting in August to develop comments that would be approved in September before the RFMLA POC comment period ended. At the August meeting, there were several suggestions that Board take a position that it did not support the changes, but would not oppose. After this, the Stewardship Council was used more as a forum for dialogue. He said he was hearing Sheri refer to the dam breach EA, and was hearing Lisa refer to that issue plus more. David said that, depending on which topics they were approaching, there would be different timelines. He said that at the August meeting, the Board did not want to create a situation in which the local governments could not make independent decisions. Also last year, Broomfield asked the Stewardship Council to provide letters of

support. Since then, there has been some movement on specific positions by the downstream communities.

Sheri Paiz said that Northglenn is becoming more uncomfortable the more they hear from DOE. She said they would be happy to see the status quo at the site remain, and would like to see the Board agree on a position before these documents are signed. Bob Briggs asked if it would be any different than the Board's previous position. Sheri said it might just be a re-affirmation. David Abelson said that the previous statement contained as many questions as positions. The letters were partly based on a lack of information, some of which no longer applies.

Sheri stated she would like to see the Board say something simple, such as that it would like to see no change. David Allen said that since the Board's initial letter, they have since seen draft information on moving monitoring points and frequency of sampling. However, there are still some outstanding questions about the final document, and there could be a compromise that would meet everyone's needs. Shirley Garcia said that there were also regulatory issues related to institutional controls, water lease agreements, and other things that need to be addressed before moving forward. Joe Cirelli noted that it seemed clear that the Board's goal was to support downstream communities. He said he was unsure what to do about POCs, because there was a good chance they would have to be moved regardless of any opposition. He said he would agree with learning more about the big picture, what is on horizon, and that there was a need to slow down. Barb Vander Wall spoke of the need to steer clear from an advisory committee role. She noted that these comments would be reflective of the common concerns of the communities. Sheri suggested that Board make a motion today and approve a follow-up letter at the next meeting. Megan Davis said that she wondered whether some of the requested items, such as what Broomfield has laid out, might provide further assurances down the road. Bob Briggs asked David Allen if he thought the Board should pursue a motion on this issue. David said that regarding the dam breach, he would be supportive of the Board reaffirming its previous statement. With regard to the POCs, he said he would be a little uneasy because existing language clearly lays out parameters for movement of POCs related to the Parkway. Accordingly, there is a need to discuss where to relocate them, but not whether to relocate them. Barb Vander Wall noted that the Board's previously-stated preference on the dam breach was for no action.

At this point, the Board took a 10 minute break so that members could talk about their next steps.

When the meeting reconvened, Sheri Paiz made the following motion: "In consideration of the concerns of the constituencies of the respective governments and entities of the Stewardship Council, we would like to: 1) Re-affirm the Board's position of no breaching of dams, 2) Based on current ongoing discussions regarding POC's; if moved, take the position that the same standards and methodologies should apply to the new POC's as existing POC's. The motion was seconded by Jeannette Hillery. Mary Fabisiak asked about new methodology discussions at the AMP meetings. Sheri said that the intent was to capture current ongoing discussions. Shelly Stanley said that the new monitoring was not related to POC's. Scott Surovchak said they are looking at different nitrate collection, and ratio of water flows. He added that all of their analyses were driven by regulatory requirements.

David Allen raised a point that the motion should refer specifically to the current standards at Indiana Street. He said that the second part of motion could be read to say that the Board supports moving the POC's to wherever DOE proposes. Sheri said she did not want to get too specific. David Allen said to remember that there were currently five POC's for surface water, and the two at Indiana have different monitoring and reporting requirements than the other three. He suggested revising the motion to say that any relocated POCs should carry the same reporting requirements that currently apply at Indiana Street. Jeannette said she would support the original motion, because the second part allows for additional input in future. David Allen said they were still working through the issue of 30-day rolling average. Lisa Morzel asked if they were talking about the eastern boundary of refuge lands, after the 300 foot right-of-way for the Parkway was removed. Marc Williams said he agreed with this approach. David Abelson noted that the motion lacked a discussion of continued monitoring at the eastern edge of the Federal boundary, even though the Board has supported retaining these 'data points' even if they are no longer POCs. Jeannette said that if this letter did not mention Indiana, it would not mean the Board cannot address it in the future. David said that these issues were being addressed in the AMP, so there was a time factor at play. Jeannette said that the letter could be approved and then submitted at the June meeting. David said he wondered why there was not a #3 that called for DOE to continue to collect water quality data at the eastern edge of the federal boundary. Lisa Morzel suggested adding a friendly amendment to clarify this point. The motion passed unanimously; Shirley Garcia abstained. Because DOE would be issuing its decisions prior to the Stewardship Council's June 6th meeting, the Board decided not to send a letter.

Lisa Morzel again raised the issue about asking DOE to provide a report about their long-term plans for site maintenance and remedy changes (i.e. next 30 years). David Abelson said this should be able to fit in as part of their quarterly briefing.

Public comment

There was none

Updates/Big Picture Review

Sheri Paiz requested getting more information about potential changes to the environmental covenant, which was mentioned at an AMP meeting. Carl Spreng noted that, under current discussions, the substance would remain the same, but here would be just a slight change in the enforcement mechanism. Dan Miller may be the person needed to provide an update. Scott Surovchak noted that this had to do with county vs. state enforcement authority and that these changes were happening in other states as well.

June 6, 2011

Potential Business Items

- Receive Stewardship Council audit
- Initial discussion of Stewardship Council IGA triennial review, including the question of Thornton joining the Stewardship Council

Potential Briefing Items

- Initial discussion with DOE about Stewardship Council's role as LSO
- Continue discussing water issues (focus on dam breach EA)
- DOE quarterly briefing

September 12, 2011

Potential Business Items

- Continue triennial review conversation, including the question of Thornton joining the Stewardship Council
- Initial review of 2012 budget
- Initial review of 2012 work plan

Potential Briefing Items

- Continue discussion with DOE about Stewardship Council's role as LSO
- DOE update on start of CERCLA 5-year review
- DOE quarterly briefing

Issues to watch:

Original landfill performance, including special sampling program results

Solar Ponds performance

Data for CERCLA review

Potential McKinley legislation

The meeting was adjourned at 11:34 a.m.

Respectfully submitted by Erin Rogers.

12:09 PM

05/20/11

Rocky Flats Stewardship Council
Check Detail
 March 9 through May 20, 2011

Type	Num	Date	Name	Account	Paid Amount	Original Amount
Check		3/25/2011		CASH-Wells Fargo-Operating		-3.50
				Admin Services-Misc Services	-3.50	3.50
TOTAL					-3.50	3.50
Bill Pm...	1480	4/1/2011	Blue Sky Bistro	CASH-Wells Fargo-Operating		-195.85
Bill	486	3/1/2011		Misc Expense-Local Government	-195.85	195.85
TOTAL					-195.85	195.85
Bill Pm...	1481	4/1/2011	Crescent Strategies, LLC	CASH-Wells Fargo-Operating		-7,485.85
Bill	3/31/...	3/31/2011		Personnel - Contract	-6,850.00	6,850.00
				Telecommunications	-145.40	145.40
				TRAVEL-Local	-31.62	31.62
				Postage	-215.99	215.99
				Printing	-242.84	242.84
TOTAL					-7,485.85	7,485.85
Bill Pm...	1482	4/1/2011	Jennifer A. Bohn	CASH-Wells Fargo-Operating		-357.00
Bill	11-25	3/31/2011		Accounting Fees	-357.00	357.00
TOTAL					-357.00	357.00
Bill Pm...	1483	4/1/2011	Seter & Vander Wall, P.C.	CASH-Wells Fargo-Operating		-2,106.53
Bill	60226	3/1/2011		Attorney Fees	-2,106.53	2,106.53
TOTAL					-2,106.53	2,106.53
Check	1484	4/1/2011	VOID	CASH-Wells Fargo-Operating		
TOTAL					0.00	0.00
Bill Pm...	1485	4/1/2011	The Rogers Group, LLC	CASH-Wells Fargo-Operating		-575.00
Bill	3/13/11	3/13/2011		Personnel - Contract	-575.00	575.00
TOTAL					-575.00	575.00
Check	1486	4/3/2011	Qwest	CASH-Wells Fargo-Operating		-27.70
				Telecommunications	-27.70	27.70
TOTAL					-27.70	27.70
Check	1487	5/5/2011	Qwest	CASH-Wells Fargo-Operating		-26.54
				Telecommunications	-26.54	26.54
TOTAL					-26.54	26.54
Bill Pm...	1488	5/5/2011	Blue Sky Bistro	CASH-Wells Fargo-Operating		-195.85
Bill	549	4/4/2011		Misc Expense-Local Government	-195.85	195.85
TOTAL					-195.85	195.85
Bill Pm...	1489	5/5/2011	Crescent Strategies, LLC	CASH-Wells Fargo-Operating		-7,078.26
Bill	4/30/...	4/30/2011		Personnel - Contract	-6,850.00	6,850.00
				Telecommunications	-142.40	142.40

12:09 PM

05/20/11

Rocky Flats Stewardship Council
Check Detail
March 9 through May 20, 2011

Type	Num	Date	Name	Account	Paid Amount	Original Amount
				TRAVEL-Local	-69.87	69.87
				Postage	-15.99	15.99
TOTAL					-7,078.26	7,078.26
Bill Pm...	1491	5/5/2011	Seter & Vander Wall, P.C.	CASH-Wells Fargo-Operating		-251.25
Bill	60435	3/31/2011		Attorney Fees	-251.25	251.25
TOTAL					-251.25	251.25
Bill Pm...	1492	5/5/2011	Jennifer A. Bohn	CASH-Wells Fargo-Operating		-663.00
Bill	11-32	4/30/2011		Accounting Fees	-663.00	663.00
TOTAL					-663.00	663.00
Bill Pm...	1493	5/5/2011	Seter & Vander Wall, P.C.	CASH-Wells Fargo-Operating		-1,363.28
Bill	60643	4/30/2011		Attorney Fees	-1,363.28	1,363.28
TOTAL					-1,363.28	1,363.28

ROCKY FLATS STEWARDSHIP COUNCIL

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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
Arthur Widdowfield

MEMORANDUM

TO: Board
FROM: David Abelson
SUBJECT: Rocky Flats Stewardship Council's 2010 Financial Audit
DATE: May 26, 2011

Attached for your review is Wagner and Barnes' draft 2010 financial audit of the Rocky Flats Stewardship Council.

Eric Barnes will present and discuss the audit, and will be prepared to answer any questions. If you have any questions for Eric prior to the meeting, please email me your questions and I will forward them to him. Eric 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 2010 audit.

May 24, 2011

DRAFT

Rocky Flats Stewardship Council
FINANCIAL STATEMENTS
With Independent Auditors' Report
December 31, 2010

DRAFT

Rocky Flats Stewardship Council

BASIC FINANCIAL STATEMENTS

December 31, 2010

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 and actual – general fund 7

Notes to financial statements 8

DRAFT

Rocky Flats Stewardship Council

STATEMENT OF NET ASSETS

December 31, 2010

	<u>Governmental Activities</u>
Assets	
Cash and cash equivalents	\$ 135,650
Total assets	<u>135,650</u>
Liabilities	
Accounts payable	9,106
Deferred grant revenue	2,330
Total liabilities	<u>11,436</u>
Net assets	
Unrestricted	124,214
Total net assets	<u>\$ 124,214</u>

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

DRAFT

Rocky Flats Stewardship Council

STATEMENT OF ACTIVITIES

For the year ended December 31, 2010

	Expenses	Program Revenues			Net (Expense) Revenue and Changes in Net Assets
		Net Charges for Services	Operating Grants and Contributions	Capital Grants and Contributions	Governmental Activities
Functions/Programs:					
Primary government	\$ (120,835)	\$ -	\$ 127,341	\$ -	\$ 6,506
Total primary government	<u>\$ (120,835)</u>	<u>\$ -</u>	<u>\$ 127,341</u>	<u>\$ -</u>	<u>6,506</u>
General revenues:					
					91
					<u>91</u>
					6,597
					<u>117,617</u>
					<u>\$ 124,214</u>

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

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Rocky Flats Stewardship Council

BALANCE SHEET - GOVERNMENTAL FUNDS

December 31, 2010

	General Fund
Assets	
Cash and cash equivalents	\$ 135,650
Total assets	<u>135,650</u>
Liabilities	
Accounts payable	9,106
Deferred grant revenue	2,330
Total liabilities	<u>11,436</u>
Fund balance	
Designated	124,214
Total fund balance	<u>124,214</u>
Total liabilities and fund balance	<u>\$ 135,650</u>

Amounts reported for governmental activities in the Statement of Net Assets are the same as above.

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

DRAFT

Rocky Flats Stewardship Council

**STATEMENT OF REVENUES, EXPENDITURES, AND
CHANGES IN FUND BALANCE - GOVERNMENTAL FUNDS**

For the year ended December 31, 2010

	Total General Fund and Governmental Funds
Revenues	
Grants	\$ 119,341
Contributions from local governments	8,000
Interest Income	91
Total revenues	<u>127,432</u>
Expenditures	
General government	
Annual Audit	4,550
Accounting Fees	4,973
Attorney Fees	12,359
Administrative Service - miscellaneous	891
Insurance	3,481
Miscellaneous Expense- local government	1,378
Personnel- contract	85,250
Postage	594
Printing	1,310
Subscriptions/membership dues	2,295
Supplies	145
Telecommunications	1,855
Website	384
Travel - local	1,238
Total expenditures	<u>120,703</u>
Net change in fund balance	6,729
Fund balances - beginning	<u>117,485</u>
Fund balances - ending	<u>\$ 124,214</u>

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

DRAFT

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, 2010

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)	\$	6,729
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.		
Depreciation expense		<u>(132)</u>
Change in net assets of governmental activities (page 3)	\$	<u><u>6,597</u></u>

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

DRAFT

Rocky Flats Stewardship Council

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

For the year ending December 31, 2010

	Original and Final Budgeted Amounts	Actual	Variance with Final Budget - Favorable (Unfavorable)
Revenues			
U.S. Department of Energy - Office of Legacy Management	\$ 125,000	\$ 119,341	\$ (5,659)
Contributions from local governments	8,000	8,000	-
Investment earnings	-	91	91
Total revenues	<u>133,000</u>	<u>127,432</u>	<u>(5,568)</u>
Expenditures			
General government			
Personnel	93,000	85,250	7,750
Travel- local	5,700	1,238	4,462
Equipment	500	-	500
Supplies	1,200	145	1,055
Contractual	40,100	24,151	15,949
Insurance	4,000	3,481	519
Postage	1,500	594	906
Printing	2,000	1,310	690
Subscriptions/membership dues	2,900	2,295	605
Telecommunications	3,400	1,855	1,545
Website	5,000	384	4,616
Total expenditures	<u>159,300</u>	<u>120,703</u>	<u>38,597</u>
Net change in fund balance	(26,300)	6,729	33,029
Fund balances - beginning	<u>117,485</u>	<u>117,485</u>	<u>-</u>
Fund balances - ending	<u>\$ 91,185</u>	<u>\$ 124,214</u>	<u>\$ 33,029</u>

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

DRAFT

Rocky Flats Stewardship Council
NOTES TO FINANCIAL STATEMENTS

December 31, 2010

Note 1 – Summary of significant accounting policies

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 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.

Rocky Flats Stewardship Council

DRAFT

NOTES TO FINANCIAL STATEMENTS

(continued)

December 31, 2010

As of December 31, 2010, 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 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

Rocky Flats Stewardship Council

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NOTES TO FINANCIAL STATEMENTS
(continued)
December 31, 2010

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 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

Rocky Flats Stewardship Council

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**NOTES TO FINANCIAL STATEMENTS
(continued)
December 31, 2010**

estimated useful lives of the assets, estimated at 3 years. Depreciation expense was \$132 for the year ended December 31, 2010.

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, 2010, 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.

Note 2 – Cash and Investments

Cash and investments as of December 31, 2010 are classified in the accompanying statements as follows:

Statement of net assets:	
Cash and cash equivalents	<u>\$135,650</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

Rocky Flats Stewardship Council

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NOTES TO FINANCIAL STATEMENTS
(continued)
December 31, 2010

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 102% of 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, 2010, 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, 2010.

The Council's cash deposits at December 31, 2010 are as follows:

	<u>Carrying Balance</u>	<u>Bank Balance</u>
Deposits with financial institutions	\$135,650	\$ 135,650
Total cash and cash equivalents	<u>\$135,650</u>	<u>\$ 135,650</u>

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, 2010, the Council had no investments.

Rocky Flats Stewardship Council

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NOTES TO FINANCIAL STATEMENTS
(continued)
December 31, 2010

Note 3 – Capital Assets

An analysis of the changes in capital assets for the year ended December 31, 2010 follows:

	Balance 12/31/09	Additions	Deletions	Balance 12/31/10
Capital assets being depreciated:				
Furniture and equipment	\$ 398	\$ -	\$ -	\$ 398
Total capital assets	398	-	-	398
Accumulated depreciation	(266)	(132)	-	(398)
Capital assets, net	<u>\$ 132</u>	<u>\$ (132)</u>	<u>\$ -</u>	<u>\$ -</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, 2010, the Council had \$0 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, 2010, the Council had no restricted net assets.

As of December 31, 2010, the Council had unrestricted net assets of \$124,214.

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.

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.

Rocky Flats Stewardship Council

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**NOTES TO FINANCIAL STATEMENTS
(continued)
December 31, 2010**

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.

DOE 2010 Annual Report

- Cover memo
- Sections from Annual Report

DOE & CDPHE Updates on Dam Breach, Etc

- Cover memo
- Letter from DOE, CDPHE and EPA re: approval of changes to surface water points of compliance

ROCKY FLATS STEWARDSHIP COUNCIL

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City of Golden -- City of Northglenn -- City of Westminster -- Town of Superior
League of Women Voters -- Rocky Flats Cold War Museum -- Rocky Flats Homesteaders
Arthur Widdowfield

MEMORANDUM

TO: Board
FROM: Rik Getty
SUBJECT: DOE Annual Report
DATE: May 25, 2011

We have scheduled seventy-five minutes for DOE to present its 2010 annual update. The report, which is very detailed and lengthy (over 400 pages), can be found at:

http://www.lm.doe.gov/Rocky_Flats/Documents.aspx

The executive summary is found below. Attached to this memo is the report table of contents. All of the chapters and subsections are hyperlinked in the report. To access those sections, you need to click on the link above, open the report, and then click on the section of interest.

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

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

Please let me know what questions you have.

Annual Report 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.

LM prepared the *Rocky Flats Site Operations Guide* to serve as the primary internal document to guide work performed 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 (CY) 2010 (January 1 through December 31, 2010). 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 2010 and the contact record status as of December 31, 2010.
- Monitoring of the Original Landfill (OLF) inclinometers installed in 2008 showed deflection, indicating localized movement, and minor localized surface cracking was also observed. The inclinometers were installed as part of the geotechnical investigation to address localized slumping and settling of the OLF cover observed in 2007. The annual report includes a review of the data by a qualified geotechnical engineer. The data review concluded that the observed conditions are consistent with the geotechnical investigation findings. Continued monitoring and routine maintenance are presently considered adequate to address any observed surface cracking resulting from minor slumping due to observed localized movement.
- A geotechnical evaluation of the impact on berm stability from runoff from OLF Seep 7 due to heavy spring precipitation was completed in the fourth quarter of 2010. The evaluation concluded the saturation from runoff did not adversely impact the berm stability. The evaluation of data from soil sampling at the OLF during 2010 to provide information in relation to CDPHE's *Termination of Post Closure Care Policy* criteria was completed in the fourth quarter of 2010. The soil sampling provided data for comparison to data from the early 1990's and provided additional data for subsurface soil characterization and risk evaluation under the CDPHE policy criteria. The evaluation concluded the levels and location of contamination do not appear to pose a significant risk and will help inform the next CERCLA 5-year review, scheduled for completion in 2012.

- Proposed modifications to surface water and groundwater monitoring locations specified RFLMA Attachment 2, “Legacy Management Requirements,” were released for public review and comment in 2010. The proposed modifications were still under consideration for approval by CDPHE and EPA at the end of 2010.
- Surface-water flow volumes continue to 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 SW027 showed reportable values for Pu-239,240 starting on April 30, 2010. RFLMA Contact Record 2010-06, “Monitoring Results at Surface Water Point of Evaluation (POE) SW027,” provides a discussion of the monitoring results and recaps the outcome of the RFLMA Parties’ consultation regarding steps to be taken to evaluate the SW027 drainage area. Evaluation has suggested that the reportable values are due to transport of low-level residual contamination in the SW027 drainage. Mitigating actions taken in accordance with Contact Record 2010-06 included installing additional erosion control wattles in locations along the hillside north of the South Interceptor Ditch (SID) and permanent erosion blankets and reseeded three areas in the SID. This work was successfully completed on December 20, 2010. Approximately 2,560 linear feet of Filtrexx wattles and 8,452 square feet of permanent erosion matting were installed.
- All other POEs and all other analytes at SW027 showed acceptable water quality for the entire year.
- The results of statistical evaluations of groundwater quality at the OLF and Present Landfill (PLF) were essentially identical to the results of these evaluations performed in 2009.
- Water monitoring at the Present Landfill Treatment System (PLFTS) during CY 2010 showed no analytes detected above the applicable standards. Consistent with 2009, boron in groundwater samples from one of the downgradient PLF Resource Conservation and Recovery Act (RCRA) wells was both statistically higher in concentration than in upgradient groundwater and on an increasing trend. Regulatory consultation is underway in response to these conditions. Similar regulatory consultation was conducted in 2009.
- Surface-water monitoring for the OLF during CY 2010 showed no analytes detected above the applicable standards. Consistent with 2009, boron in all three downgradient OLF RCRA wells and uranium in one of these wells was determined to be present at statistically higher concentrations than in upgradient groundwater. None of these is on an increasing trend. Regulatory consultation is underway in response to these conditions. Similar regulatory consultation was conducted in 2009.

- Analytical results for effluent from the Mound Site Plume Treatment System (MSPTS) and East Trenches Plume Treatment System (ETPTS) continued to demonstrate the vast majority of contaminants is removed. However, concentrations of some volatile organic compounds (VOCs) in system effluent exceeded target concentrations. Consultation with the regulators followed and, per the subsequent agreement, additional sampling was conducted. VOCs continued to be present in system effluent at elevated levels, but concentrations decreased downgradient from these treatment systems. Contributing factors included the much higher flow rates and correspondingly lower residence times within the treatment media in 2010. Average flows corresponding to the sample dates in 2010 were approximately 50 percent to 100 percent greater than in 2008 and 2009 at the MSPTS, and 100 percent to 300 percent greater than in 2008 and 2009 at the ETPTS. Planning was underway to replace the media at the MSPTS and design an effluent polishing component.
- Phase II and Phase III upgrades to the Solar Ponds Plume Treatment System (SPPTS) were completed and implemented in May 2009. Optimization of these components and the system as a whole continued through 2010. The Phase I components installed in late 2008 continued to effectively capture and allow treatment of more of the contaminated groundwater that would otherwise discharge untreated to the creek. Concentrations of nitrate and uranium measured at the effluent discharge gallery have sharply decreased since Site closure, while at the surface water performance location, concentrations of nitrate are lower but uranium has increased. Increased sampling of SPPTS and North Walnut Creek locations continued to support various evaluations, including increasing uranium concentrations at this location.
- Groundwater quality and flow at the Site were generally consistent with previous years. Statistical trending calculations indicated numerous significant concentration trends.
- Elevated nitrate concentrations in groundwater that led to the reportable condition at Area of Concern well B206989 (located east of the Landfill Pond dam) in 2007 persisted through 2010. Concentrations were generally consistent with previous data, and statistical trending continues to indicate a decreasing trend in nitrate concentrations that is statistically significant at the 95 percent confidence level. A sample collected in 2010 reported the lowest concentration of nitrate since 2000.
- All RFLMA-required ecological data collection, analysis, and reporting were completed as scheduled.
- Revegetation monitoring data continue to document the establishment of the desirable grassland species at the Site. Several locations met success criteria this year.
- The annual data quality assessment showed that the Site continues to collect high-quality data sufficient for decision making.

**Annual Report
of Site Surveillance and
Maintenance Activities at the
Rocky Flats, Colorado, Site
Calendar Year 2010**

April 2011



**U.S. DEPARTMENT OF
ENERGY**

Legacy
Management

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Appendixes

- Appendix A Hydrologic Data
- Appendix B Water-Quality Data
- Appendix C Landfill Inspection Forms—Fourth Quarter CY 2010
- Appendix D Data Evaluation Flowcharts Reproduced from RFLMA and the RFSOG
- Appendix E *Technical Memorandum Regarding Instrumentation and Monitoring at the Rocky Flats OLF*
- Appendix F *Original Landfill Data Summary and Evaluation Report*
- Appendix G RFLMA Contact Records

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City of Golden -- City of Northglenn -- City of Westminster -- Town of Superior
League of Women Voters -- Rocky Flats Cold War Museum -- Rocky Flats Homesteaders
Arthur Widdowfield

MEMORANDUM

TO: Board
FROM: Rik Getty
SUBJECT: DOE/CDPHE updates on dam breach plan, points of compliance changes and an institutional control
DATE: May 25, 2011

We have scheduled thirty minutes for DOE to discuss their final decisions to breach the terminal ponds, to adopt an adaptive management plan for the pond breach, and to move the surface water points of compliance from Indiana Street to the eastern edge of the DOE boundary. CDPHE will also update on proposed changes to the institutional control limiting the circumstances and terms under which DOE can dig deeper than 3'.

As of the date of this memo, DOE has not released the final decision for the dam breach EA or the final adaptive management plan (AMP) for the dam breach. If they release the documents prior to the meeting, I will notify the board.

How the decisions align with the board's April 4th recommendation

At the April 4th meeting, the board approved a motion (1) opposing breaching of the terminal ponds, (2) calling on DOE to maintain water quality monitoring points at the eastern edge of the federal boundary, and (3) asking DOE to maintain current monitoring protocols as it moves the POCs from Indiana Street to the eastern edge of the DOE-retained lands.

Breaching the terminal ponds

As expected, DOE will breach the terminal ponds in 2018-2020 provided that the terms set forth in the AMP are met.

Maintaining monitoring points along Indiana Street

While DOE will move the water quality points of compliance from Indiana Street to the eastern edge of its boundary, DOE will continue to monitoring along Indiana Street (or on the western edge of the Jefferson Parkway should that road be built). DOE went one step further than the board requested. For the next two years, DOE will continue managing those monitoring point as regulatory points of compliance. Following the two years, DOE will continue to sample water quality along Indiana Street, but the points of compliance will no longer be regulatory

monitoring points. In the board's discussion leading up to its motion, there was no discussion of maintaining these points as regulatory points, so two years as regulatory compliance points is beyond the board's request.

The attached notification from DOE explains the changes.

Monitoring protocols

The board did not specify what specific protocols should be maintained and why. I've been told, however, that the protocols that DOE will use at the Indiana points of compliance will be the same ones used at the new points of compliance. Based on my understanding of the board's discussion and motion, I believe this request has been met.

When DOE releases the EA and AMP, we will be able to evaluate the extent to which DOE's final decisions align with community interests and concerns.

Institutional Controls

A key institutional control DOE and the regulatory agencies adopted at closure was prohibiting excavations below 3' except for remedy-related purposes. The dam breach EA revealed that this institutional control needed to be clarified, as the agencies never intended to prohibit DOE from performing non-remedy related work deeper than 3', which might become necessary to maintain or improve site conditions. The change the agencies are seeking is to allow excavations below 3' – not limiting the excavation to remedy related purposes – but still requiring DOE to get the consent of CDPHE and EPA. This change would cover activities such as the dam breaches, which are not remedy related.

DOE, EPA and CDPHE are working on the appropriate language to incorporate into site documents to correct this issue. They will issue a Proposed Plan for 30-day public comment on the new language, which will subsequently be incorporated into the CAD/ROD, RFLMA, and the existing state Environmental Covenant. As of the date of this memo, the Proposed Plan has not been released but it may prior to the June 6th Stewardship Council meeting. When it is released we will email it to you.

Please contact me if you have any questions.



U.S. DEPARTMENT OF
ENERGY



Colorado Department
of Public Health
and Environment



May 2, 2011

Subject: Transmittal of Modification to Rocky Flats Legacy Management Agreement (RFLMA) Attachment 1, Site map and Attachment 2, Legacy Management Requirements, for approval

Dear Rocky Flats Stakeholders,

Today the U.S. Department of Energy (DOE), the U.S. Environmental Protection Agency (EPA) and the Colorado Department of Public Health and Environment (CDPHE) are releasing the CDPHE and EPA approved modification to the Rocky Flats Legacy Management Agreement (RFLMA) Attachment 2, Legacy Management Requirements.

The modification establishes new surface water Point of Compliance (POC) monitoring locations in Walnut Creek and Woman Creek that will replace the existing POCs within the Central Operable Unit (COU) when DOE completes installation of flumes and monitoring equipment at the new POC locations.

The modification retains the Walnut Creek and Woman Creek POCs at Indiana St. (GS01 and GS03) in the Peripheral Operable Unit (POU) for a period of two years after the new flumes in the COU are operational. The modification also removes two designated Boundary wells in the POU as RFLMA monitoring locations.

The POU was delisted from the Comprehensive Environmental Response, Compensation and Liability Act National Priority List (NPL) and transferred to the U.S. Interior Department for management as the Rocky Flats National Wildlife Refuge in 2007. The RFLMA Parties have determined that RFLMA monitoring at locations in the refuge is not required because extensive monitoring in the remaining NPL site, the COU, demonstrates that the remedy remains protective of human health and the environment. With this modification the POCs located in the POU will be phased out as RFLMA required monitoring locations and the Boundary wells will no longer be RFLMA required monitoring locations.

The approved modification is based upon a proposed modification to RFLMA Attachment 2 released by the RFLMA Parties for public review and comment on July 20, 2010. The public comment period ended on October 19, 2010. Several public meetings

with stakeholders to discuss the proposed modification were also held by the RFLMA Parties during the public comment period. The RFLMA Parties considered all written comments received and incorporated some, but not all of the changes requested by commenters.

The enclosed *Common Concern Statement* and *Comment Responsiveness Summary* documents the RFLMA parties' response to the public comments. In addition, the Document History page in RFLMA Attachment 2 summarizes the changes made in this modification, dated "March 2011".

Some of the changes suggested by commenters also lead the RFLMA Parties to update the Figures in RFLMA Attachment 2 containing maps of the surface water features at Rocky Flats to reflect the configuration after breaching of dams for Ponds A-1, A-2 and B-1 through B-4 in 2009. RFLMA Attachment 1, *Site Map*, has also been updated to reflect the surface water features after breaching the dams for those ponds.

The final modification, the *Common Concern Statement* and *Comment Responsiveness Summary* documents are posted on the Community Involvement page of the Rocky Flats Site website at http://www.LM.doe.gov/Rocky_Flats/Sites.aspx?view=5.

If you have any difficulty accessing the document from the website, or have any other questions, please e-mail Bob Darr at bob.darr@LM.doe.gov, or call (720) 377-9672, to request assistance.

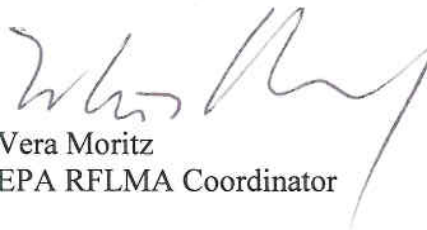
Sincerely,



Scott R. Surovchak
DOE RFLMA Coordinator



Carl Spreng
CDPHE RFLMA Coordinator



Vera Moritz
EPA RFLMA Coordinator

Stewardship Council IGA Review

- Cover memo
- City of Thornton letter re: joining the Stewardship Council
- Sample IGA continuation resolution
- Stewardship Council IGA

ROCKY FLATS STEWARDSHIP COUNCIL

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

(303) 412-1200
(303) 600-7773 (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
Arthur Widdowfield

MEMORANDUM

TO: Board
FROM: David Abelson
SUBJECT: Start of Triennial Review of Stewardship Council IGA
DATE: May 25, 2011

At this meeting, we will start the Stewardship Council's triennial review. This meeting will focus on Thornton's request to join the Stewardship Council. Time permitting, we will begin discussing the question of making Golden and Northglenn full members as they currently are rotating members. We will also discuss the review process, and answer any questions and/or concerns you have.

Background on the triennial review

The triennial review is specified in the IGA:

10. Term, Withdrawal and Dissolution. This IGA shall commence on the date of its full execution by all the Parties, and shall remain in effect until the earliest of
 - a. termination or rescission by the unanimous written agreement of all Parties, or
 - b. decrease of the number of Parties to fewer than six, or
 - c. **lack of a unanimous triennial determination by the Parties that the Stewardship Council should continue for an additional three (3) years. Every third calendar year, commencing from the effective date of this IGA until termination of the Stewardship Council, the Parties agree to consider whether to continue the Stewardship Council's existence.**

The last triennial review was in 2008, with an effective date of February 2009. Accordingly, no later than February 13, 2012, the Stewardship Council governments will need to renew the organization's IGA.¹ The easiest and most efficient way to continue the organization for another three years is for each government to adopt essentially the same resolution. Approval happens at the individual government, not at the Stewardship Council.

¹ The Stewardship Council is a unit of local government organized under the state constitution and implementing regulations. As such, only the governments are a party to the IGA, so only the governments can/must approve continuation of the IGA.

Should the board not change the membership, mission and/or structure of the organization, the attached resolution that the governments approved in 2009 would provide the easiest and most efficient way to renew the IGA for another three years. The resolution in short makes a finding not to terminate the Stewardship Council at this time, and to allow it to continue for an additional three years.

Should Thornton join the Stewardship Council, or the board otherwise change the mission and/or structure of the organization (e.g., change Golden and Northglenn's status), a different resolution would be needed. Each government would still need to approve essentially the same resolution.

Steps if Thornton joins the Stewardship Council

As I previously communicated with you, in a letter dated March 22, 2011, the City of Thornton requested joining the Stewardship Council. (That letter, which was previously emailed to you, is attached to this memo.) Should the board agree to their request, the IGA (and, in turn, the bylaws) will need to be amended. The triennial review process provides an easy and timely mechanism for amending the IGA.

If Thornton joins the Stewardship Council, a few sections of the IGA will need to be amended.

1. The initial paragraph will need to include Thornton
2. Under "Recitals", the first "Whereas" will need to include Thornton.
3. Under "Definitions", "Permanent Party" will need to be expanded to include Thornton. (This step would also suggest the board revisit Golden and Northglenn serving as "Rotating Party." More on this topic below.)
4. Under "Covenants and Agreements" Section 7 will need to be amended to state that the Board of Directors shall not exceed 13 members.

Golden and Northglenn – Changing their status from rotating members to members

The IGA provides that Golden and Northglenn are rotating members. That, in short, means both governments are members of the Board of Directors, but only on alternating years do they get a vote. The reason for their serving as rotating members while the other governments serve as members is rooted in the formation of the organization.

Without getting into the details, when the Rocky Flats Coalition of Local Governments and Citizen Advisory Board closed their doors following cleanup, both Golden and Northglenn expressed a desire to serve on the Stewardship Council. Neither government had served on the Rocky Flats Coalition, and there were questions regarding their commitment to this type of organization and dialogue that accompanies it. Clearly, both governments have been active participants in the Stewardship Council, so any questions people had have been more than answered.

As members of the executive committee discussed earlier this month, it no longer makes sense to have these governments serve as rotating members as both have shown their commitment to the Stewardship Council. Therefore, in addition to discussing Thornton joining the Stewardship Council, the executive committee believes the board should also discuss this change. Should the board agree, the IGA and bylaws will need to be changed to account for this change in status.

Voting and a Quorum

If Thornton joins and/or Golden and Northglenn gain the right to vote every year, the board will likely want to revisit the IGA and bylaw provisions that provide all votes require the approval of nine members. The reason for nine is that at any point the voting members are eight governments and four non-governmental parties/individual. Nine was chosen to ensure that all motions would require the support of both governmental and non-governmental parties. If all three join/get the right to vote every year, the board will have 14 voting members at any time.

A closely related question concerns the number of parties needed to constitute a quorum. Currently, like the voting numbers, the bylaws provide nine voting members must be present to constitute a quorum. The board might want to revisit this provision as well.

Please let me know what questions, if any, you have. Thanks.



City of Thornton

Civic Center
6501 Civic Center Drive
Thornton, Colorado 80229-4526

Office of the Mayor and City Council
303-538-7200
FAX 303-538-7562
www.cityofthornton.net

March 22, 2011

David Abelson, Executive Director
Rocky Flats Stewardship Council
P.O. Box 17670
Boulder, Colorado 80308-0670

RE: Rocky Flats Stewardship Council Membership

Dear Mr. Abelson:

The City of Thornton is requesting membership on the Rocky Flats Stewardship Council Board of Directors. Just as the other members on the Council Board of Directors, the City of Thornton has a direct interest in the ongoing management of the Rocky Flats Site given that a portion of our domestic water supply can be impacted by the Site. We want to be actively involved in providing ongoing oversight of Rocky Flats in cooperation with the other Council members, the Department of Energy, and the U.S. Fish and Wildlife Services. We believe we can best do that by being an active member on the Board of Directors.

Thank you for your Board's consideration in this matter. We look forward to hearing from the Board.

Sincerely,

Thornton City Council

Mack Goodman
Mayor Pro Tem

Eva Henry
Councilmember - Ward 2

Lynne Fox
Councilmember - Ward 3

Randy Drennen
Councilmember - Ward 4

Steve Lebsock
Councilmember - Ward 1

Val Vigil
Councilmember - Ward 2

Beth Humenik
Councilmember - Ward 3

Eric Tade
Councilmember - Ward 4

Mr. Abelson
March 22, 2011
Page 2

cc: **The Honorable Michael Bennet, United States Senate**
 The Honorable Mark Udall, United States Senate
 The Honorable Jared Polis, House of Representatives
 The Honorable Ed Perlmutter, House of Representatives
 Director Marc Williams, City of Arvada
 Director Lisa Morzel, City of Boulder
 Director Lori Cox, City and County of Broomfield
 Director Shari Paiz, City of Northglenn
 Director Bob Briggs, City of Westminster
 Director Bill Fisher, City of Golden
 Director Joe Cirelli, Town of Superior
 Director Faye Griffin, Jefferson County
 Director Ben Pearlman, Boulder County
 Mr. Thomas Pauling, DOE, Director of Site Operations
 Mr. Reggie Cheatam, EPA, Acting Director of Restoration and De-use
 Bud Elliot, Deputy City Manager of Infrastructure, City of Thornton

RESOLUTION
of
[COUNTY/CITY/TOWN of _____]
Regarding

**Triennial Determination for the Continuation of
The Rocky Flats Stewardship Council**

WHEREAS, effective as of February 13, 2006, the City and County of BROOMFIELD, the Counties of BOULDER and JEFFERSON, the Cities of ARVADA, BOULDER, GOLDEN, NORTHGLENN and WESTMINSTER, and the Town of SUPERIOR (collectively, the "Parties"), entered into an intergovernmental agreement ("IGA") establishing the Rocky Flats Stewardship Council, a separate legal public entity created by such IGA as permitted by Colorado Constitution Article XIV and section 18(2), part 2 of article 1, title 29, C.R.S. ("Stewardship Council"); and

WHEREAS, the Stewardship Council was established to allow local governments to continue working together on issues related to the long-term protection of Rocky Flats, as described in the IGA; and

WHEREAS, pursuant to the terms of the IGA, the Stewardship Council shall terminate absent, *inter alia*, the unanimous triennial determination by all Parties that the Stewardship Council should continue for another three years; and

WHEREAS, the [BOCC/COUNCIL] of the [COUNTY/CITY/TOWN] now desires to consider and make a determination concerning the continuation of the Stewardship Council;

NOW, THEREFORE, BE IT RESOLVED BY THE [BOARD OF COUNTY COMMISSIONERS/COUNCIL] OF [COUNTY/CITY/TOWN OF _____] AS FOLLOWS:

That the [BOCC/COUNCIL] of the [COUNTY/CITY/TOWN of _____] does hereby find and determine that,

- a. It is not desirable for the Stewardship Council to terminate at this time; and
- b. The Stewardship Council should continue for an additional three (3) years from the date of February 13, 2009, pursuant to paragraph 10 of the IGA.

APPROVED AND ADOPTED this _____ day of _____, 2008.

[BOCC/COUNCIL]

By: _____
Chair

ATTEST:

By: _____

First Reading:
Second Reading:

DRAFT

RFSC/RESO/08
BTWV1354
0756..0007

INTERGOVERNMENTAL AGREEMENT
ESTABLISHING THE
ROCKY FLATS STEWARDSHIP COUNCIL

This Intergovernmental Agreement (“IGA”) establishing the Rocky Flats Stewardship Council is made and entered into as of this 13th day of February 2006, pursuant to Colo. Const. Art. XIV, Section 18(2), part 2 of article 1, title 29, C.R.S., by and among the following parties who have executed this IGA: BOULDER COUNTY, a body politic and corporate and political subdivision of the State of Colorado, JEFFERSON COUNTY, a body politic and corporate and political subdivision of the State of Colorado, the CITY OF ARVADA, a home-rule municipal corporation and political subdivision of the State of Colorado, the CITY OF BOULDER, a home-rule municipal corporation and political subdivision of the State of Colorado, the CITY AND COUNTY OF BROOMFIELD, a Colorado municipality and county, the CITY OF WESTMINSTER, a home-rule municipal corporation and political subdivision of the State of Colorado, the TOWN OF SUPERIOR, a municipal corporation, the CITY OF GOLDEN, a home rule municipal corporation and political subdivision of the State of Colorado, and the CITY OF NORTHGLENN, a home-rule municipal corporation and political subdivision of the State of Colorado (singularly and/or collectively, “Party/Parties”).

RECITALS

WHEREAS, the Rocky Flats site (“Rocky Flats” or “Site”) is a U.S. Department of Energy (“DOE”)-owned cleanup and closure site located in Jefferson County and adjacent to or near Boulder County, the City and County of Broomfield, the cities of Arvada, Westminster, Golden and Northglenn, the Town of Superior, and the City of Boulder; and

WHEREAS, since 1995, Rocky Flats has been undergoing nuclear deactivation and decommissioning, waste management and shipment, special nuclear material removal, environmental cleanup and site closure, pursuant to an accelerated closure contract between DOE and Kaiser-Hill Company; and

WHEREAS, as successor to the Rocky Flats Local Impacts Initiative formed in 1993, the Rocky Flats Coalition of Local Governments (“Coalition”) was established by Intergovernmental Agreement dated as of February 9, 1999, and amended by Amended Intergovernmental Agreement, dated as of November 3, 2003, by and among the following seven governments: the City and County of Broomfield, the Counties of Boulder and Jefferson, the Cities of Arvada, Boulder and Westminister, and the Town of Superior, for the purpose of working together to have a coordinated local government involvement in information sharing, advocacy and planning concerning Rocky Flats; and

WHEREAS, effective October 13, 2005, the Rocky Flats Site has been declared to be “physically cleaned up” and closed down, with DOE’s regulatory approval of the closure anticipated to be reached in late 2006; and

WHEREAS, pursuant to the “Rocky Flats National Wildlife Refuge Act of 2001,” vast portions of Rocky Flats will become a National Wildlife Refuge, managed by the Department of the Interior (“DOI”) through the United States Fish and Wildlife Service (“USFWS”), with retained jurisdiction by DOE for continuing responsibility for management of cleanup remedies; and

WHEREAS, Section 3120 of the 2005 National Defense Authorization Act, Public Law No. 108-375, directs the DOE Office of Legacy Management to establish a “local stakeholder organization” (“LSO”) at the Rocky Flats Site; and

WHEREAS, the DOE Office of Legacy Management has provided the Coalition with certain guidance in the establishment of the LSO, based upon the language of the 2005 National Defense Authorization Act, including parameters for the development of an LSO operating plan, and elected official and non-elected membership of the LSO; and

WHEREAS, the Coalition parties and the parties to this IGA, with participation from representatives of other key stakeholders and members of the public, have developed and submitted to DOE a plan which includes an LSO mission, organizational objectives and scope of work (“LSO Plan”), which LSO Plan was approved by DOE on December 21, 2005; and

WHEREAS, the Coalition parties and the parties to this IGA desire to provide (1) continuing local oversight of activities occurring at the Rocky Flats site, to ensure that local government and community interests are met with regards to long-term stewardship of residual contamination and refuge management; (2) a forum to address issues facing former site employees, including but not limited to long-term health benefits and pension programs; and (3) an ongoing mechanism to maintain public knowledge of Rocky Flats and to educate successive generations of ongoing needs and responsibilities regarding contaminant management and refuge management; and

WHEREAS, the Coalition parties and the parties to this IGA have determined to establish the Rocky Flats Stewardship Council (“Stewardship Council”) to oversee all post-closure Rocky Flats activities, including serving as the LSO and implementing the LSO Plan; and

WHEREAS, following the creation of the Stewardship Council, it is anticipated that the Coalition will conclude its existence, having fulfilled its purposes; and

WHEREAS, the Constitution and the laws of the State of Colorado permit and encourage local governmental entities to cooperate with each other to make the most efficient and effective use of their powers and responsibilities; and

WHEREAS, pursuant to Colorado Constitution Article XIV, Section 18(2), and part 2 of article 1, title 29, C.R.S., the parties may cooperate and contract with each other to provide any function, service or facility lawfully authorized to each and, further, any such contract may provide for joint exercise of the function, service, or facility, including the establishment of a separate legal entity to do so; and

WHEREAS, such cooperation would be of particular benefit for the purposes stated in this IGA and, additionally, would be in the best interest of the Parties, the region and the people of the State of Colorado; and

WHEREAS, the Parties are all local governments which shall exist in perpetuity, and which have a fiduciary duty to protect the health and welfare of their communities, and thereby desire to establish the Stewardship Council; and

WHEREAS, it is not intended that the powers and responsibilities of governmental entities be in any way usurped;

THEREFORE, the Parties to this IGA hereby covenant and agree as follows:

DEFINITIONS

As used in this IGA, unless the context otherwise requires:

“Alternate Director” means, in reference to a Permanent or Rotating Party, one of up to two alternates designated by a Party, who may be either an elected official or employed by the Party, to serve as a voting Director in the event of absence or resignation of a Director. In addition, in reference to a Member who is acting on behalf of an *entity* (as opposed to a Member who is an individual acting for him or herself), “Alternate Director” means one of up to two alternates designated by a Member, to serve as a voting Director in the event of absence or resignation of a Member Director.

“Board” means the Board of Directors of the Rocky Flats Stewardship Council.

“Bylaws” means that set of operational procedures of the Rocky Flats Stewardship Council adopted, revised, repealed, re-enacted and amended from time to time by the Board.

“Committee” means any committee established by the Board as provided in the Bylaws for purposes of assisting the Board in the discharge of its duties and making recommendations on matters before the Board, whose members shall be appointed by the Board and whose membership may include persons representing entities other than local governments.

“Director” means each individual selected by each Party, who shall be an elected official of the Party, to be a voting member of the Board, and shall include Alternate Director(s) who shall act in the absence of his/her director. In addition, in reference to a Member, “Director” means the individual appointed by a Member to be a voting member of the Board.

“DOE” means the U.S. Department of Energy.

“DOI” means the U.S. Department of Interior.

“LSO” or “Local Stakeholder Organization” means the Rocky Flats post-closure entity organized under the direction of the DOE Legacy Management, pursuant to Section 3120 of the 2005 National Defense Authorization Act, Public Law 108-375.

“Meeting” means a regular or special meeting of the Board as more specifically defined in the Bylaws.

“Member” means one of up to four (4) community stakeholder representatives with a right to appoint a Director to the Board, selected pursuant to the procedures established by the Stewardship Council in its Bylaws.

“Party” means a unit of local government who is either a Permanent party or a Rotating Party and a signatory to this IGA.

“Permanent Party” means a public entity signatory to this IGA whose ability to appoint Directors to the Board does not rotate with other Parties, and includes the City and County of Broomfield, the Counties of Boulder and Jefferson, the Cities of Arvada, Boulder and Westminster, and the Town of Superior.

“Rocky Flats” means the entire Rocky Flats closure site, a federal facility currently under the jurisdiction of the United States Department of Energy located in Jefferson County, Colorado, and inclusive of all lands within such site regardless of whether or not management of such lands is transferred to either DOE or to DOI.

“Rocky Flats National Wildlife Refuge” means the area designated as such pursuant to the Rocky Flats National Wildlife Refuge Act of 2001, approved by the U.S. Congress and signed into law on December 28, 2001, and as may be amended from time to time.

“Rocky Flats Stewardship Council” or “Stewardship Council” means the entity established by this IGA.

“Rotating Party” means an eligible public entity signatory to this IGA whose right to appoint Directors to the Board rotates with other parties and includes the Cities of Golden and Northglenn.

“USFWS” means the U.S. Fish and Wildlife Service who is tasked with the management of the Rocky Flats National Wildlife Refuge under the DOI.

COVENANTS AND AGREEMENTS

1. Establishment and Denomination of Stewardship Council. The Parties hereby establish a separate legal entity to be denominated the “Rocky Flats Stewardship Council.”
2. Mission Statement. The mission of the Stewardship Council is --

- a. To provide continuing local oversight of activities occurring at the Rocky Flats site, to ensure that local government and community interests are met with regards to long-term stewardship of residual contamination and refuge management;
 - b. To provide a forum to track issues related to former site employees, including but not limited to long-term health benefits and pension programs;
 - c. To provide an ongoing mechanism to maintain public knowledge of Rocky Flats and to educate successive generations of ongoing needs and responsibilities regarding contaminant management and refuge management; and
 - d. To provide an ongoing forum to address all other issues pertinent to Rocky Flats, as determined by the Stewardship Council Board of Directors.
3. Purposes. Specifically, the purposes of the Stewardship Council are:
- a. To provide a forum for elected officials and community members to discuss with federal, state, and local elected officials and agencies issues related to the long-term stewardship and management of the Rocky Flats site.
 - b. To provide a forum for elected officials and community members to be briefed on the results of the operational and performance monitoring data of site operations.
 - c. To provide a mechanism for keeping elected officials and community members informed of the results of the monitoring data.
 - d. To provide a mechanism for educating succeeding generations about the residual hazards and the continued need for a comprehensive site-wide stewardship program.
 - e. To provide a forum for USFWS staff to work with elected officials and community members on issues related to the management of resources under that agency's jurisdiction.
 - f. To serve as the designated LSO, pursuant to Section 3120 of the 2005 National Defense Authorization Act, Public Law 108-375.
 - g. To serve as a participating agency under the National Environmental Protection Act (NEPA) for preparation of environmental impact assessments, serve as a participating agency under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)

Section 120(f), and assist the Parties in their consultative roles as provided in Section 27, Section 281 of the 1996 Rocky Flats Cleanup Agreement.

- h. To act as a spokesperson for the community's interest in Rocky Flats in discussions with other public and private entities concerning local issues affecting Rocky Flats.
- i. To provide a forum for all other issues pertinent to Rocky Flats, as determined by the Stewardship Council Board of Directors.

4. Powers. The Stewardship Council shall have the following powers, to the extent such powers are delegable functions or services lawfully authorized to the Parties, and to the extent they are reasonably related to the purposes stated above:

- a. Enter into contracts;
- b. Sue or be sued;
- c. Solicit and accept funds and in-kind contributions in whatever form, including grants, donations or loans;
- d. Incur revenue-based or other non-general obligation debt;
- e. Own, buy, sell and lease real estate and personal property;
- f. Hire employees and retain agents, consultants and services;
- g. Administer and supervise grants and loans to other entities;
- h. Obtain insurance;
- i. Advocate policies, programs, funding and legislation with other governmental entities;
- j. Prepare and disseminate public information;
- k. Indemnify its directors, officers and employees to the extent they are operating within the scope of their capacities with the Stewardship Council;
- l. Establish projects, committees, trusts, foundations or other vehicles to help further the purposes of this IGA;
- m. Negotiate agreements on behalf of the Stewardship Council;
- n. Engage in lobbying activities in accordance with state and federal law;
- o. Perform services for a fee;
- p. Adopt bylaws;

And to have such other powers as may, from time to time, be agreed upon by the unanimous consent of the Parties pursuant to recommendation of the Board, except that the Stewardship Council shall not have the power to levy taxes.

5. Reservation of Powers. The powers of the Stewardship Council shall not be construed as restricting or limiting any Party, individually or severally, from performing any governmental or regulatory powers or duties otherwise granted by law. Each Party expressly reserves and retains its right to develop, adopt, implement and enforce, in its sole discretion, land use plans, land use, zoning and building regulations, redevelopment plans, capital improvement plans, and public improvement or service plans for property, buildings, and facilities within its

jurisdiction. Nothing in this IGA shall be deemed to restrict, modify or otherwise impair the powers of any Party in any manner, including any separate or discrete actions which may be taken by any Party relating to Rocky Flats. However, it is the intention of the Parties that the Stewardship Council will be the forum for discussion of issues of mutual interest as pertaining to Rocky Flats.

6. Operations. It is the intent of the Parties that the Stewardship Council shall be a political subdivision, and unit of local government of the state of Colorado and that the Stewardship Council shall abide by all federal, state and local laws applicable to governmental entities. To the extent that any of the Stewardship Council's funds are contributed by the Parties, then such funds shall be subject to their lawful appropriation by the respective Party. To the extent it is subject to the provisions of Article X, Section 20 of the Colorado Constitution, the Parties intend to establish the Stewardship Council as an enterprise thereunder. The procedures and operations of the Stewardship Council shall be subject to the provisions of this IGA and the Bylaws of the Board.

The Board shall annually prepare and adopt a budget pursuant to the provisions of Title 29, Art. 1, Part 1, C.R.S. The Board shall provide for an annual audit conducted by an independent accountant which complies with Title 29, Art. 1, Part 6, C.R.S., and with applicable federal regulations for receipt of federal funds. The Treasurer of the Board or his/her designee shall provide a detailed quarterly financial statement to all Directors and Alternate Directors. The Board shall annually prepare and distribute to the Parties and make available to the public a report of its performance. The financial statement shall include all revenues, revenue sources, expenditures and balances. The Stewardship Council shall operate in accordance with the Open Records Act, §§ 24-72-201, *et seq.*, C.R.S.

7. Board of Directors. The legislative and administrative power of the Stewardship Council shall be vested with a Board of Directors not to exceed twelve (12) in number, one representing each of the seven Permanent Parties, one representing one of the Rotating Parties, and one representing each of the Members (not to exceed four); each with one equal vote. The Directors shall be selected as set forth in this paragraph:

a. Permanent/Rotating Parties. Directors shall be designated in writing by each Party upon execution of this IGA, and annually thereafter on or before February 1 of each year. Parties may appoint one Director who shall be an elected official of the Party, and up to two Alternate Directors. A Director serves at the pleasure of the Party designating him or her and may be replaced by the Permanent Party at any time. Failure to take action by the specified dates shall not prevent a Party from designating its Director and Alternate Director(s). The Rotating Parties shall annually alternate with each other for each term of office for Director and Alternate Directors on the Stewardship Council Board. The process for selection of the Rotating Party to initially serve on the Board shall be provided for in the Bylaws.

b. Members. Following selection of the Members to the Board, and annually thereafter on or before February 1 of each year, each Member shall designate in writing one Director and up to two Alternate Directors, to serve on the Board. However, in the

event a Member is an individual rather than an entity, then such Member shall not be entitled to the appointment of Alternate Directors. A Member Director serves at the pleasure of the Member designating him or her, and may be replaced by the Member at any time. Failure to take action by the specified dates shall not prevent a Member from designating its Director and Alternate Director(s).

c. Term. A term of office for each Director shall be for one year, beginning February 1 and expiring January 31 of the following year, without limitation on successive or additional terms served by any Director, except as applicable for Rotating Parties.

d. Oath. The Directors and Alternate Directors shall take an appropriate oath of office.

e. Alternate Directors. Alternate Directors may serve in lieu of Directors in the event of absence, resignation or removal of Directors.

f. Compensation. Directors shall receive no salary or compensation for their services, except to cover such expenses as may be provided in the Bylaws.

g. Ex-Officio Directors. The Board may provide in the Bylaws for non-voting ex-officio members.

h. Chair/Officers. The Board shall annually elect a Chair of the Board in accordance with procedures established in the Bylaws, who must also be a Director, who shall preside at all regular or special meetings of the Board and who shall serve at the pleasure of the Board, and such other officers as may be provided in the Bylaws. The Board may act by motion or resolution.

i. Board Procedures. Board procedural matters, including agenda, quorum, voting, meeting and notice requirements shall be established in the Bylaws, except as set forth in this IGA.

j. Actions of Board. Actions of the Board require an affirmative vote of at least nine Directors. In the event a decision is made with less than a unanimous vote, a Director in the minority may include a statement in the record reflecting its views.

8. Establishment of Committees. The Board may establish committees to assist the Board in the discharge of its duties and to make recommendations on matters before the Board. Committees may include members who are not Directors. Committee members shall be appointed by the Board. The composition, appointment, duties, and operations of committees shall be defined in the Bylaws.

9. Meetings. Regular meetings of the Board shall be held at such times as the Board shall from time to time establish, but not less than quarterly, unless otherwise provided for in the Bylaws. No regular meeting of the Board shall occur without written notice to each Director and

Alternate Director of the time, date, and place of such meeting, together with a written agenda; provided, however, the actions of the Board shall not be limited to matters on such agenda. Special meetings of the Board may be held as provided in the Bylaws. All regular and special meetings of the Board and committees shall be conducted pursuant to the Open Meetings Law, §§ 24-6-401, *et seq.*, C.R.S.

10. Term, Withdrawal and Dissolution. This IGA shall commence on the date of its full execution by all the Parties, and shall remain in effect until the earliest of

- a. termination or rescission by the unanimous written agreement of all Parties, or
- b. decrease of the number of Parties to fewer than six, or
- c. lack of a unanimous triennial determination by the Parties that the Stewardship Council should continue for an additional three (3) years. Every third calendar year, commencing from the effective date of this IGA until termination of the Stewardship Council, the Parties agree to consider whether to continue the Stewardship Council's existence.

Any Party may withdraw from participation in this IGA upon thirty days' written notice to the Board of its intent to withdraw, and contingent upon adequate provision for satisfaction of its outstanding debt or other obligations of the withdrawing Party which such Party had previously agreed to pay.

11. Distribution, Disposition, or Division of Assets. The Board shall have the power to make all decisions regarding the distribution, disposition, or division of assets of the Stewardship Council as it deems appropriate.

12. Amendments. This IGA contains all the terms agreed upon by and among the Parties. Any amendments or modifications to this IGA must be reduced to writing and executed by all Parties to be valid and binding.

13. Indemnification. To the extent permitted by law, the Stewardship Council shall indemnify and defend each Director, Alternate Director, officer and employee in connection with any claim or actual or threatened suit, action or proceeding (civil, criminal, or other, including appeals), in which he or she may be acting in his or her official capacity by reason of his or her being or having been such Director, Alternate Director, officer or employee, or by reason of any action or omission by him or her in any such capacity, and shall pay any judgment resulting therefrom, except any liability arising from criminal offenses or willful misconduct or gross negligence. The Stewardship Council shall further indemnify and defend each Party in connection with any claim or actual or threatened suit, action or proceeding (civil, criminal, or other, including appeals), in which the Party may be acting in its capacity as a participant in the Stewardship Council, and shall pay any judgment resulting therefrom, except for liability arising from criminal offenses or willful misconduct or gross negligence. Such indemnification and duty to defend in either event shall be subject to and limited by the resources of the Stewardship Council available for such purposes. This indemnification shall in no way be construed to be an indemnification of a Party in connection with a claim, suit, action or proceeding brought by

another Party, Director, Alternate Director, officer or employee, nor shall it be construed as a waiver of the Governmental Immunity Act. The Board shall obtain and maintain in force liability and public officials' insurance in amounts it deems appropriate.

14. No Obligations. No obligations of the Stewardship Council shall be deemed to be an obligation or indebtedness of any Party. The Stewardship Council may not impose any involuntary charges or assessments on Parties.

15. Severability. If any provision of this IGA, or the application thereof to any person, entity or circumstances, is held invalid, such invalidity shall not affect other provisions or applications of this IGA, which can be given effect without the invalid provision or application, and to this end the provisions of this IGA, and each and every provision thereof, are declared to be severable.

16. Applicable Laws. This IGA shall be governed by and construed in accordance with the laws of the State of Colorado.

17. Assignability. No Party to this IGA may assign or transfer any of its rights or obligations hereunder without the prior written consent of all the non-assigning Parties.

18. Binding Effect. The provisions of this IGA shall bind and shall inure to the benefit of the Parties and to their respective successors and permitted assigns, if any.

19. Enforcement. The Parties agree and acknowledge that this IGA may be enforced in law or in equity, by decree of specific performance. No Party's rights under the Colorado Governmental Immunity Act shall be modified, abridged or deemed to be waived pursuant to the application or interpretation of this paragraph.

20. Counterpart Execution. This IGA may be executed in several counterparts, each of which shall be deemed an original, and all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the Parties have executed this IGA effective as of the date first written above.