

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 Thornton -- City of Westminster -- Town of Superior
League of Women Voters -- Rocky Flats Cold War Museum -- Rocky Flats Homesteaders
Nancy Newell

Board of Directors Meeting – Agenda

Monday, June 1, 2015, 8:30 AM – 11:30 AM

**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 11th Executive Committee meeting
- 8:40 AM Business Items (briefing memo attached)
1. Consent Agenda
 - o Approval of meeting minutes, checks and contract amendment
 2. Executive Director’s Report
- 8:50 AM Public Comment
- 9:00 AM Receive Stewardship Council 2014 Financial Audit (briefing memo attached)
- o 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: Approve Motion Accepting Stewardship Council 2014 Financial Audit**
- 9:10 AM Host DOE Annual Meeting (briefing memo attached)
- o DOE will brief on site activities for calendar year 2014.
 - 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 The briefing will also include an overview of the recent independent report on uranium transport.

- 10:25 AM Briefing/Discussion on cleanup levels at Rocky Flats (briefing memo attached)
- This briefing will focus on three primary questions:
 - What are the primary contaminants of concern, and what are the contaminant levels at Rocky Flats?
 - How do we know what the contaminant levels are?
 - What risks do these contaminants pose?

11:15 AM Public comment

- 11:25 PM Updates/Big Picture Review
1. Member Updates
 2. Review Big Picture

Adjourn

Upcoming Meetings:

September 14
October 26 (4th Monday of the month)

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. In a mass of Pu, Am increases in concentration over time which can pose personnel handling issues since Am is a gamma radiation-emitter which penetrates many types of protective shielding. During the production era at Rocky Flats, Am was chemically separated from Pu to reduce personnel exposures.
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 a document of this sort.
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 Response, Compensation and Liability Act	Federal legislation that governs site cleanup. Also known as the Superfund 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	Contact Record	A regulatory procedure where CDPHE reviews a proposed action by DOE and either approves the proposal as is or requires changes to the proposal before approval. CRs apply to a wide range of activities performed by DOE. After approval the CR is posted on the DOE-LM website and the public is notified via email.
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.
EEOICPA	energy employees occupational illness compensation program act	This act was passed by Congress in 2000 to compensate sick nuclear weapons workers and certain survivors. Unfortunately the program has been fraught with difficulties in getting benefits to these workers over the years.
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 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.
IGA	intergovernmental agreement	A cooperative agreement between local governments which sets up the framework of the Stewardship Council.
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.
LANL	Los Alamos National Laboratory	One of the US government's premier research institutions located near Santa Fe, NM. LANL is continuing to conduct highly specialized water analysis for Rocky Flats. Using sophisticated techniques LANL is able to determine the percentages of both naturally-occurring and man-made uranium which helps to inform water quality decisions.
LHSU	lower hydrostratigraphic unit	Hydrogeology term for deep unweathered bedrock which is hydraulically isolated from the upper hydrostratigraphic unit (see UHSU). Data shows that site contaminants have not contaminated the LHSU.
LM	Legacy Management	DOE office responsible for overseeing activities at closed sites.
LMPIP	Legacy Management Public Involvement Plan	This plan follows DOE and EPA guidance on public participation and outlines the methods of public involvement and communication used to inform the public of

Rocky Flats Acronym List
 Prepared by Rik Getty, Rocky Flat Stewardship Council
 October 2014

		site conditions and activities. It was previously known as the Post-Closure Public Involvement Plan (PCPIP).
M&M	monitoring and maintenance	Refers to ongoing activities at Rocky Flats.
MOU	Memorandum of Understanding	MOU refers to the formal agreement between EPA and CDPHE which provides that CDPHE is the lead post-closure regulator with EPA providing assistance when needed.
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.
nitrates		Contaminant of concern found in the North Walnut Creek drainage derived from Solar Ponds wastes. Nitrates are very soluble in water and move readily through the aquatic environment
Np	neptunium	A man-made radioactive isotope that is found as a by-product of nuclear reactors and plutonium production.
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.
PCE	perchloroethylene	A volatile organic solvent used in past operations at the site. PCE is also found in environmental media as a breakdown product of other solvents.
pCi/g	picocuries per gram of	A unit of radioactivity measure. The soil

	soil	cleanup standard at the site was 50 pCi/g of soil.
pCi/L	picocuries per liter of water	A water concentration measurement. The State of Colorado has a regulatory limit for Pu and Am which is 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.
PMJM	Preble's Meadow Jumping Mouse	A species of mouse found along the Front Range that is on the endangered species list. There are several areas in the Refuge and COU that provide an adequate habitat for the mouse, usually found in drainages. Any operations that are planned in potential mouse habitat are strictly controlled.
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 formed as part of DOE's site-specific advisory board network. 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
RFETS	Rocky Flats Environmental Technology Site	The moniker for the site during cleanup years.
RFLMA	Rocky Flats Legacy Management Agreement	The post-cleanup regulatory agreement between DOE, 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.
SEP	Solar Evaporation Ponds	In the 1950's when the site's liquid waste treatment capability was surpassed by the liquid waste generation rate, the site resulted to transferring liquid wastes to open-air holding ponds where solar energy was utilized to evaporate and concentrate the waste. The original SEPs were not impermeable and substantial quantities of uranium and nitrates made their way into groundwater. As a result the solar ponds plume treatment system was necessary to treat the contaminated groundwater before it emerged as surface water in North Walnut Creek.
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
SVOCs	semi-volatile organic compounds	These compounds are not as volatile as the solvent VOCs. They tend to be similar to oils and tars. They are found in many environmental media at the site. One of the most common items to contain SVOCs is asphalt.
TCE	trichloroethylene	A volatile organic solvent used in past operations at the site. TCE is also found in environmental media as a breakdown product of other solvents.
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.
UHSU	upper hydrostratigraphic unit	A hydrogeology term describing the surficial materials and weathered bedrock found at Rocky Flats. The UHSU is hydraulically isolated from the lower hydrostratigraphic unit (see LHSU). Groundwater in some UHSU areas of the site is contaminated with various contaminants of concern while groundwater in other UHSU areas is not impacted. All groundwater in the UHSU emerges to surface water before it leaves the site.
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,

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		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

- Cover memo
- April 6, 2015, draft board meeting minutes
- List of Stewardship Council checks
- Memos from David and Barb Vander Wall re: proposed contract amendment
- Draft contract amendment
- Management contract

ROCKY FLATS STEWARDSHIP COUNCIL

Monday, April 6, 2015, 8:30 AM – 11:30 AM

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

Board members in attendance: Sandra McDonald (Alternate, Arvada), Lisa Morzel (Director, City of Boulder), Tim Plass (Alternate, City of Boulder), Deb Gardner (Director, Boulder County), Mike Shelton (Director, Broomfield), David Allen (Alternate, Broomfield), Libby Szabo (Director, Jefferson County), Ray Reling (Alternate, Northglenn), Joe Cirelli (Director, Superior), Clint Folsom (Mayor, Superior), Emily Hunt (Alternate, Thornton), Bob Briggs (Director, Westminster), Bruce Baker (Alternate, Westminster), Mary Fabisiak (Alternate, Westminster), Jeannette Hillery (Director, League of Women Voters), Sue Vaughan (Alternate, League of Women Voters), Roman Kohler (Rocky Flats Homesteaders), Ann Lockhart (Alternate, Rocky Flats Institute & Museum), Ken Freiberg (Alternate, Rocky Flats Institute & Museum), Nancy Newell (citizen).

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

Attendees: Shirley Garcia (City & County Broomfield), Jim Rada (CO Water Quality Control Commission), Hannah Mullen (Rep. Perlmutter), Jeremy Rodriguez (Rep. Perlmutter), Karen Reed (DOE-LM), Scott Surovchak (DOE-LM), Padriac Benson (DOE-LM), Bob Darr (SN3), Carl Spreng (CDPHE), Vera Moritz (EPA), Anne Fenerty (citizen), Art Burmeister (citizen), Bonnie Graham Reed (citizen), Marian Whitney (citizen), Erik Sween (citizen), Jon Lipsky (citizen), Mike DiPardo (citizen), Marc Roberson (citizen), Ted Ziegler (former Rocky Flats safety rep.), Larry Hankins (former Rocky Flats RCT).

Convene/Agenda Review

Chair Lisa Morzel convened the meeting at 8:33 a.m. The first order of business was introductions of Board members. David Abelson noted that the Executive Committee had reviewed the agenda at its March 2, 2015, meeting. Among the attendees was Jorge Delgado, from Senator Gardner's staff. David commented that this type of engagement from congressional staff members was always appreciated by the Stewardship Council. David reported that the Executive Committee discussed the role of this organization and how to work with DOE on issues such as the planned Refuge visitor center.

Consent Agenda

David noted that a change to the January minutes had been presented by Mary Harlow, as the word 'not' was left out of her statement regarding DOE treatment systems. Bob Briggs moved to approve the January 26, 2015 Board minutes, as amended, and the checks. The motion was seconded Roman Kohler. The motion to accept the minutes and checks passed 13-0.

Tim Plass said that he had been contacted by a member of the public asking if public comments could be added to the written minutes of meetings. David Abelson explained that the Stewardship Council's minutes were not transcripts; however, DOE's Office of General Counsel has directed the Board to post all public comments to its website. Attendees who provide public comment are asked to email a copy of their comments to David so they may be posted online. Tim said that he just wanted to make sure that the written comments become part of the record. David Allen suggested that a note be added to the minutes when written particular comments were submitted and posted online. David Abelson said he would add a notation to the minutes and also add a live link in the minutes to the online version of the comments. (Note: Based on the Board's direction, those links have been added to prior minutes dating back to 2011.)

Executive Director's Report

David Abelson began his update by noting that the Board's annual financial audit had been completed. As has been the case in every previous year, the audit result was a 'clean opinion'. The auditor will present the results at the Board's June meeting, and information will be in the Board packet.

David introduced two new Board members. Bruce Baker joins the Board for Westminster, and Libby Szabo from Jefferson County. David also noted that Jerry Marks will be representing Arvada, but was not at this meeting.

The next item David reported on was the status of DOE's management contract for Rocky Flats. David explained that private contractors have always managed the site for DOE, and that since 2007, this contractor has been S.M. Stoller (now SN3). In 2012, SN3's contract reached an end, and DOE put out a formal request for proposals to engage a new contractor. Since then, DOE has made three selections, all of which have been protested. In the interim, SN3's contract has continued to be extended while the contract process is ongoing. In this last round of competition, DOE selected a bid from Navarro Research and Engineering. Again, there is a dispute, which should be resolved in late June. David explained that this was an issue of importance to the Board primarily because contractor personnel are the ones who provide updates to the Board. He noted that SN3's current staff is very knowledgeable about not only the site, but also about the expectations for public involvement at Rocky Flats. David explained that the existing employees are usually hired by the new contractors, as the new contractor typically does not have their own staff. He will continue to monitor developments and keep the Board updated.

David next mentioned that there was a new dynamic occurring with local governments' relationship with the local U.S. Fish and Wildlife Service (USFWS) that was not expected. He noted that the first USFWS site manager for the Rocky Flats National Wildlife Refuge, Dean Rundle, appreciated the importance of public engagement on issues related to Rocky Flats. Dean understood the historical context of Rocky Flats, and realized that this refuge could not be treated the same as any other parcel of land being used as a wildlife refuge. David observed that since then, the nature of relationship with USFWS had changed dramatically. Since shortly after the site conservation plan for the Rocky Flats refuge was approved in 2007, the agency began working under the assumption that because no funding was being allocated to the Refuge, there was no further need to engage the public. Now that the agency appears poised to open the

Refuge, David is wondering how the USFWS will communicate with the local governments and broader community. He said so far communication was not going smoothly and pointed to public controversy regarding the proposed prescribed burn in which broad-reaching concerns were raised about contamination and potential health-related issues. David said his hope was that there would be substantive engagement on all levels. However, so far there had been only one public meeting that related to the burn, and that was the Stewardship Council's last meeting. David emphasized that all of the questions and concerns from the Board and public raised at that meeting had been related to issues of contamination and safety. He noted that these types of questions are directly tied in with the history and cleanup of Rocky Flats, and are ones that originate with DOE, not USFWS.

David noted that a letter had been distributed just prior to the meeting that LeRoy Moore from the Rocky Mountain Peace and Justice Center had sent to DOE's Office of General Counsel. The letter alleges that the Stewardship Council was doing something illegal by discussing the proposed DOE-USFWS visitor center with the USFWS. David clarified that the Stewardship Council was not discussing the visitor center with USFWS, and thus the premise of Moore's letter was inaccurate. David noted that both the burn and the visitor center were not strictly USFWS issues, and that, for both, the Stewardship Council as the LSO was examining the DOE part of the issues. From the Stewardship Council's perspective, these questions and concerns were primarily DOE issues because they relate directly to concerns about the cleanup, contamination, and ongoing contaminant management needs, as well as telling the story of the history of Rocky Flats as a former nuclear weapons plant.

David concluded by noting that the Stewardship Council is now being challenged by a segment of the community for attempting to provide the only forum to discuss these issues. David noted that in providing this forum to begin discussing the DOE-USFWS visitor center, the Stewardship Council was closely adhering to its grant and the DOE-General Counsel's 2010 directive as the organization is not a FACA group or an advisory board to DOE. David further noted that for both of these issues, local governments would not be the only ones providing feedback, and thus is extremely concerned that LeRoy wrote DOE's Office of General Counsel raising concern about the Stewardship Council's public dialogues. He said he did not understand this dynamic, noting USFWS would not attend Stewardship Council meetings, and was very concerned about the apparent attempts to stifle public dialogue. A copy of Moore's letter can be found at: http://rockyflatssc.org/public_comment/RMPJCLMTORFSC04062015.pdf

Rik Getty noted that the Board's annual site tour was being scheduled for June. He said that he had emailed out six potential dates, and asked Board Members to respond with their preferences by April 24.

Public Comment

Anne Fenerty spoke first and said that Mickey Harlow had asked her to make a statement on her behalf. Anne said Mickey asked that Board members begin questioning the information they were being provided by DOE and the regulators related to the onsite treatment systems. She referred to the suggested change in the minutes of the last meeting regarding her comments. Mickey had said she would prefer that public comments be attached to the minutes, but would

like them to at least be posted online. Anne then moved on to her own comments. She noted that they were in reference to plans to construct a visitor's center for the Rocky Flats National Wildlife Refuge. She said that the current Adaptive Management Plan for Rocky Flats was a decision making process that could be adjusted as new information became known. She said that the areas of contamination at Rocky Flats were already known. She said that independent scientists criticized cleanup plans in 2005, and noted that the plans did not meet MARSSIM guidelines, or generally accepted methods. She stated that Scott Surovchak said at a previous meeting that DOE could delist the areas it still manages and have them become part of the Refuge. Anne read off a list of carcinogens that were found onsite, saying that all can cause cell damage. She said there was a need for an independent evaluation of the air, soil and water before a visitor center is built and the site becomes open to the public. Anne submitted the following comment to be posted on the Stewardship Council website
(see http://rockyflatssc.org/public_comment/Anne%20Fenerty%20comment%204-15.pdf)

Jon Lipsky spoke next, and introduced himself by explaining his involvement related to the 1989 FBI raid on Rocky Flats and the related five year criminal investigation. He said he had also been recognized as an expert witness for the Cook lawsuit related to Rocky Flats. Jon said that he had reviewed the Board's packet for this meeting, and had concerns with what he called the 'rewriting of history at Rocky Flats'. He presented the Board with a letter that listed six items that should have been included in the historical timeline of Rocky Flats events. He added that the Stewardship Council should act within the role it was chartered to do. He said that the Stewardship Council was supposed to promote public comment and that there were people in the public who had more knowledge than some Board members. Jon said that Rocky Flats workers were still trying to get special exposure cohort status related to health benefits and he would appreciate the support of the Stewardship Council in helping these workers. Jon submitted the following comment to be posted on the Stewardship Council website
(see http://rockyflatssc.org/public_comment/Lipsky%20040615.pdf)

Ted Ziegler spoke next, and stated he was a former Rocky Flats worker and union member. He said he started at the site in 1982 and spent 13 years working there. He said that at the last meeting he had very little opportunity to present his concerns. He stated that he had documentation regarding communication back and forth between DOE, contractors, and employees that was not available in any public records. He said they were signed documents relating to the toxic conditions onsite. Ted said he had prepared a small packet to present to anyone interested in reviewing. He said his documents included photographs and descriptions of exposure to employees and that the documents illustrated the conditions that existed at the time, when there were no mandatory procedures for daily work in that environment. He noted that employee concerns were disregarded or put on hold indefinitely. He said he was concerned about contamination that still existed and that there was a need for an independent laboratory (selected by members of the communities, not the agencies) to take samples. Tim Plass commented that Ted had said at the last meeting that he would work with Roman Kohler to pull together this documentation and asked about the status of that effort. Ted said he was also working with Jon Lipsky and had scanned several documents. Roman said they had a short meeting. Ted was asked to provide a copy of his packet to the staff and it would be disseminated to the Board.

Marion Whitney spoke next and said she was a former teacher. She referenced a comment David Abelson made related to site ecology issues not being a high priority for the Board. She wanted to emphasize that ecological conditions were holding contaminated soil in place. She said she lived downwind, and wanted the soil to stay in place. David Abelson clarified that his comment was directed toward site ecology activities unrelated to contamination, such as placement of bluebird boxes for nesting.

Larry Hankins was the next speaker and said he had 33 years of experience at Rocky Flats as a radiological worker. He said he performed environmental studies of contamination, and had many safety concerns that were not addressed, and that he was told by management not to speak up. He said he would rather see taxpayer dollars spent in other ways, and that the Board was supposed to answer to the public.

At this time, the audience members were asked to introduce themselves.

Briefing on the History of Rocky Flats

David Abelson introduced the next agenda item, which was a briefing on the history of Rocky Flats. He said that to help understand Rocky Flats today, it was imperative to understand the history of the site and scope of the cleanup. He said this information helps to frame many issues currently being evaluated and debated. David said that DOE gave a similar presentation at the April 2012 meeting and Board members found it extremely helpful in understanding the suite of issues.

Scott Surovchak with DOE provided the briefing. He began by discussing Rocky Flats during the production years, 1953-1994. This section was designed to provide insight for current activities at the site. At the time Rocky Flats was built, there was not much development to the east, south or north. The site was virtually a small city, with its own water supply and sewage treatment system. Scott showed several photos of different areas of the site from the time it was first built and throughout the years. He said that even though people primarily think about plutonium being used at Rocky Flats, the site produced weapons parts from just about every metal.

Scott noted that in 1989, with the end of the Cold War, Rocky Flats' mission started to change. A cleanup effort was begun, directed by the Rocky Flats Cleanup Agreement (RFCA). RFCA was signed in 1996 after a great deal of public discussion, including organizations such as the Rocky Flats Citizens Advisory Board and the Rocky Flats Coalition of Local Governments. The cleanup took 10 years and cost approximately \$7 billion. 'Physical completion' of the cleanup occurred in October 2005. Most of the cleanup work was done in the 385-acre former Industrial Area which contained 800 buildings and other structures. 21 tons of weapons-grade material was shipped to other sites and 100 metric tons of plutonium residues were dispositioned. In order to remove existing buildings, extensive decontamination was implemented prior to demolition. Scott showed several photos of the building decontamination work, as well as examples of how workers were suited up to safely perform this work. He said that after everything was stripped out of the buildings, workers used a grid process to test surfaces, and would continue cleaning until the results met the cleanup criteria. Tanks were drained of liquids, equipment and layers of concrete floors were removed, and items were donated, auctioned or disposed. Rocky Flats and

the sites at Mound and Fernald were granted exceptions to the standard GSA process for getting rid of government equipment, which helped to greatly speed up the timeline for closure. Facilities were demolished using heavy equipment, with final walkthroughs and extensive sampling prior to demolition. The rubble was shipped to sanitary, hazardous and radioactive waste landfills as appropriate. Building 881 was explosively demolished in place.

Many different types of waste needed to be dispositioned from the site, including:

- Special Nuclear Material
- Sanitary Waste
- Transuranic (TRU) Waste
- Low Level Waste
- Hazardous Waste
- Classified Parts

Scott showed a map that depicted where each of these categories of waste were shipped to and noted that this was a huge logistical effort.

In terms of environmental remediation, many projects were undertaken, including:

- Some soils thermally treated
- Some soils excavated and shipped
- Groundwater treatment (ongoing)
- Landfill covers
- Building foundations removed (some were 60-80 feet below ground)
- Historical disposal sites investigated and remediated

Scott explained that when soil was being excavated, workers removed everything they found that registered any contamination, even it was below the standards. Since they were already in the field and had equipment deployed, this was the easiest choice. Contamination was fixed in place in Buildings 771 and 371, and at least six feet of buffer soil was added, which has been constantly maintained.

In summary, 421 potentially contaminated environmental sites were investigated and 88 of these sites required remediation. Surface soils were cleaned up to a depth of 3 feet below the surface in the industrial area. Soils were cleaned up to below the 50 picocuries per gram (pCi/g) soil action level for plutonium (Scott noted that a majority of the site was below 7 pCi/g). Some plutonium/americium contamination was fixed and left in place in two building foundations and some process piping was filled with grout (all below 6 feet). 275,000 cubic meters of radioactive wastes were disposed.

Scott explained that ‘physical completion’ of cleanup included the following:

- All buildings removed with the exception of two vehicle inspection sheds
- All Individual Hazardous Substance Sites were dispositioned per Rocky Flats Cleanup Agreement
- Soil removal where needed; remaining soils are below the soil action level

- Two landfills were closed with covers meeting the applicable landfill regulatory closure criteria and monitoring wells
- Four groundwater treatment systems are operating to remove contaminant loading to surface water
- Continued evaluation of groundwater and surface water continues through RFCA sampling network
- DOE maintains a presence through its Office of Legacy Management (LM)

Regulatory completion of cleanup was defined as the following:

Central Operable Unit (COU)

- Consolidated all areas requiring institutional controls and ongoing monitoring and maintenance to implement the CERCLA remedy
- 1,309 acres managed by DOE-LM

Peripheral Operable Unit (POU)

- No Further Action
- Essentially uncontaminated former buffer area
- EPA determined the POU met unrestricted use/unlimited exposure conditions and delisted from National Priorities List
- Approximately 4,000 acres transferred to USFWS as Rocky Flats National Wildlife refuge
- DOE has responsibility for an additional 945 acres of POU land

Scott explained that DOE was responsible for several long term surveillance and maintenance activities pertaining to the cleanup remedies, including:

- Two closed landfills
- Four groundwater treatment systems
- 97 groundwater, 18 surface water monitoring locations
- Institutional Controls (which prohibit/control groundwater and surface water use, soil disturbance, damage to any remedy components, no trespassing signs/no public access)
- Best land management practices

Scott noted that DOE's community and public interaction responsibilities at Rocky Flats include periodic reporting and reviews, periodic public meetings and maintaining a public website.

Since many in the community are most interested in what remains onsite that could be a risk to the public or environment, Scott reviewed areas of residual contamination in the DOE-managed COU:

- Original Landfill
- Present Landfill
- Groundwater plumes – VOCs, nitrates, uranium
- Some infrastructure and building remnants
- Fixed contamination at least 6 feet below ground surface

- Some historical disposal trenches and pits (contents were remediated to at least 3 feet below ground)
- Residual soil contamination

Scott noted that soil was remediated to a level of 1 in 1,000,000 risk or lower of increased incidence of cancer to a Wildlife Refuge Worker (WRW) scenario. This level of cleanup met DOE/NRC decommissioning criteria. Also, surface water onsite meets drinking water standards.

Libby Szabo asked whether there was any program in place to track and test elk for contamination uptake. Scott said that was something they had done in the past, but has been discontinued. Joe Cirelli said that given the concern about soil contamination, Scott should talk about what was done to clean up the 903 Pad. Scott explained that drums containing cutting fluids and lubricants from machinery that was also contaminated with plutonium were stored outside in the 903 area. These barrels eventually decayed and leaked, and the area was paved over as a temporary means of containing the contamination. During closure, workers utilized movable tents and excavated the soil until they either hit bedrock or encountered soil that was clean. The soils were characterized as they went. During this effort, workers were very conservative in terms of meeting cleanup standards, and removed much more soil than needed.

Deb Gardner asked what kind of testing was done for soil and water in the buffer zone. Scott said it was the same type of testing that they did inside the industrial area. Workers broke the areas up into grids, and computed millions of analytical results. The areas were highly characterized. If anything came up as questionable, they removed it. She asked if they did much remediation in buffer zone. Scott said they did not need to do much remediation in this area. Deb also asked if this information was publicly available. Scott said it could be found in the RI/FS and Proposed Plan.

Ted Ziegler asked if the site enforced trespassing. Scott said they do, but that trespassing is infrequent. He said DOE had an agreement with the Jefferson County Sheriff for enforcement and making arrests. Scott pointed out that there was signage on the perimeter of the site, and the Indiana Street side had eight signs within a three-mile stretch. Scott noted these signs were for the Refuge boundaries, not the COU. Ted said that he thought the signs were in need of replacement and that additional signs should be put up. Lisa Morzel said that when she was visiting the Candelas development on the southern boundary of the Refuge, she saw two sets of signs, including old DOE signs and newer USFWS signs. Scott commented that the older signs just say 'U.S. government property', so were still accurate. Jeannette Hillery noted that it would be the responsibility of the USFWS to post signage for the Refuge. Scott added that DOE signs along the perimeter of the COU list the institutional controls, and there were also 'no trespassing' signs. He noted that fences were not part of the remedy, and that their real purpose was to prevent grazing in order to protect the monitoring and treatment equipment from potential damage.

Begin Scoping Goals for Rocky Flats Visitor Center

David Abelson introduced the next agenda item by noting that DOE and USFWS were in the early stages of developing the conceptual framework for a visitor's center at Rocky Flats. DOE

had expressed interest in understanding the public's goals and priorities as the agency worked with USFWS to develop a center that meets a range of interests. David pointed to a memo in the Board packet that set out some starting points for this discussion. He reiterated that as the LSO for Rocky Flats, he was focused on DOE's role in developing the visitor center, not USFWS'.

David suggested that it might be easiest for the Board to review what issues they were not going to discuss related to the visitor center, rather than deciding what they should address. He noted that this discussion was, by design, occurring in advance of the overall process. David said it was clear that the primary community concerns were likely to be related to risk issues and whether it would be safe to construct onsite and safe to visit. David Allen said that since a visitor center would be such a high profile facility, it would be helpful to hone in on the types of information the visitor center should present to the public. He referred to Rocky Flats history, cleanup, ongoing management, and worker issues, all of which fall under DOE's management responsibilities.

Tim Plass noted that the visitor center issue would be tied to the actual opening of the Refuge to the public, and that issues related to access would also be triggered. Jeannette Hillery suggested that it would be beneficial to see if there was a consensus among Stewardship Council members about guidance on certain criteria or concerns.

Tim Plass asked Barb Vander Wall to comment on the Stewardship Council's legal standing to address these types of issues. He said he wanted to make sure that the group operated to fullest extent permitted under its purview. Barb noted that the Stewardship Council was an intergovernmental entity under Colorado statutes, and was not a FACA group. The Stewardship Council has an Intergovernmental Agreement (IGA) as its authorizing document, which spells out all activities the group can undertake. She noted that FACA laws have a different set of criteria, and the Board has explicitly avoided putting itself in a position that would necessitate following FACA guidelines. She explained that if the Board were to undertake activities that were not permitted under its DOE grant, the Board could lose its Local Stakeholder Organization (LSO) designation, which would also mean losing DOE funding. Although the group could still operate legally under the IGA, the lack of funding would likely mean the organization would dissolve. David Abelson said that this highlighted the importance of the Board operating within the terms of the DOE grant. Tim Plass asked for a clarification of these boundaries. Scott Surovchak noted that the LSO legislation provided that definition. He said LSO status was created specifically as a venue to help DOE disseminate information pertaining to the remedy. Joe Cirelli said his recollection of the FACA law was that it was aimed at avoiding 'shadow governments', and suggested that the Board look at the grant language. He added his frustration that, among people he encounters, he could not seem to get past the belief there should not be public access to the Refuge, let alone discussing aspects of a visitor center. Tim Plass said the group might think about alternative venues in the event there are too many restrictions on Stewardship Council permitted activities.

David Abelson brought the discussion back to whether Board members felt that the issues in his memo were the types of things they thought were appropriate to discuss. He also asked if there were other briefing topics that should be planned in order to prepare for these discussions. Sue Vaughan said that it would be helpful to have a flow chart that listed the various topics related to

the Refuge, and the corresponding venue for those discussions, whether it was the Stewardship Council or another forum. David Abelson said he could put together a framework for how the Stewardship Council fit in to this overall picture once he knows the process DOE and USFWS will follow. David also noted that, although there would never be a public consensus about the risks associated with contamination left onsite, there was still a need to figure out how best to put forth objective information. He said that a briefing about contamination in buffer zone seemed to be the first question to tackle. David said he had no idea when the USFWS would start engaging the public on the visitor center. Lisa Morzel said that she received an email from USFWS stating that it was inappropriate for the Stewardship Council to be talking about these issues. Sue Vaughan commented that the issue about getting an independent assessment of contamination needs to be addressed.

Anne Fenerty noted that many people in the community with a long history of involvement and knowledge of Rocky Flats issue disagreed various statements that were routinely made about cleanup by DOE. She asked if a meeting could be scheduled to have Scott Surovchak answer questions and address information presented to him. David Abelson noted that the letter from the RMPJC to the Office of General Counsel would make such a meeting almost impossible. He said that letter argued that the Stewardship Council could not hold meetings with USFWS. David said he was advising the Board that it would run the risk of more complaints if it hosted such a meeting. He said that even though these claims were misguided, it would be a matter of perception. Lisa Morzel said that the Board meetings had regularly scheduled public comment periods during which the public could raise these concerns. She noted that the Board had been getting a large number of comments recently. Deb Gardner thanked Anne for her interest in these questions, and said she did not always feel qualified to ask informed questions. She added that it would be beneficial to have that exchange, and that it would be very informative. She also said she believed LeRoy Moore had sent a similar letter previously and asked how that was resolved. David Abelson said that there had been a similar complaint by LeRoy about the Stewardship Council's activities in 2010. The Office of General Counsel had noted that DOE could not treat this Board as an advisory committee, and that the Stewardship Council was to provide forum for discussion and a mechanism to forward community concerns to DOE. Deb stated that she did not see why LeRoy's letter should inhibit Anne's suggestion. Anne clarified her comment, noting she was not asking for a meeting with USFWS but with DOE. David responded that he thought she had requested a meeting to discuss Refuge issues.

Lisa Morzel posed the question of whether the Stewardship Council should engage someone at a different level within the USFWS since the relationship with the local office had really changed. Libby Szabo said she wondered if the public would even want to come to a visitor center, and asked if the USFWS had ever tried to gauge this interest. She said a visitor center was only one way of educating the public on these issues, and that other options were available. Lisa Morzel mentioned a similar set of circumstances were present when the Rocky Mountain Arsenal was developed, but she did not know how public issues were addressed there. David Abelson noted that public access opportunities at other former nuclear sites had been very popular after cleanup. Lisa said that public responses to access questions had been mixed when the USFWS developed their initial plan (CCP) several years ago. Bob Briggs said that visitor numbers at the Rocky Mountain Arsenal went from 30,000 visitors to 300,000 in its first two years. Bruce Barker stated that it would be fine mission for this group to address public concerns about being misled by

information from the agencies. Nancy Newell suggested that the term ‘visitor center’ might have different meanings to different people, and that perhaps they should consider calling it something else like ‘information center’.

David Allen said that the fundamental concern was to ensure that the remedy continued to assure safety through ongoing monitoring. He said that since the Refuge had already been delisted as a Superfund site, the public discussion should be well past questioning closure activities and cleanup. Deb Gardner suggested that the Board review the mission of the LSO, along with guidance from its attorney on specific activities. She suggested that members go back to the entities they represented to discuss how they want to be engaged and then see if those ideas meshed with the Board’s plans. David Abelson noted that the Stewardship Council was the only existing LSO at the moment. Larry Hankins asked how many people had even visited the Rocky Flats museum in Arvada. He said that his main concern, after working at the site and participating in soil surveys, was independent verification of soil contamination. Tim Plass said he agreed with Deb, and added that a visitor center would be valuable as a way to make sure people remember what went on at Rocky Flats. He also said he was distressed with the reaction of the USFWS because of the importance of public dialogue on these issues. He said he would like to keep trying to open up these lines of communication. Lisa Morzel said that Rep. Polis was told by USFWS in Washington, DC that the agency would welcome input from the public; however, this was not what the local USFWS staff was implementing. She noted that she was working to get a regional USFWS official, Noreen Walsh, involved in this issue. Roman Kohler said he thought questions and public comment on this topic had been addressed and suggested getting back on the agenda.

The Board asked Barb Vander Wall for a memo outlining the role of the Stewardship Council as the LSO for Rocky Flats, and identifying which items are beyond its role as the LSO.

Public Comment

John Lipsky referred to a February 19th Colorado Air Quality Control meeting. He said that according to CDPHE, no air sampling had been done at Rocky Flats since 2004. He said he would love to call upon people to present objective information about contamination at the site, and show evidence that contradicts DOE’s presentation.

Marion Whitney requested that the Board schedule a presentation regarding climate change and extreme weather, and have independent scientists present their predictions for the Rocky Flats area.

Updates/Big Picture Review

June 1, 2015

Potential Business Items

- Receive 2014 audit

Potential Briefing Items

- DOE annual update
- TBD (possible CDPHE presentation on buffer zone contamination)

September 14, 2015

Potential Business Items

- Initial review of 2016 budget
- Initial review of 2016 work plan
- Review community member application and appointment process

Potential Briefing Items

- DOE quarterly update

*TBD

- CDPHE briefing on contamination levels
- Overview of post-closure management (what DOE does and why)
- Continue discussing Rocky Flats visitor's center

Issues to watch:

- Uranium – Exceedances at WALPOC and GS-10, and Wright Water Engineers uranium report
- AMP sampling

Member Updates

Tim Plass referenced a report from the Jefferson County Nature Association which David had distributed to the Board and said he wanted to provide a clarification. He noted that Boulder's weed control program was listed as uncertain. He said they actually have a great program, and that their staff did try to get in touch with JCNA to provide information. He said that Boulder has less than .05 percent cover of weeds of concern.

Executive Session

At 11:30 a.m. Lisa Morzel made a motion to move into Executive Session for the purpose of discussing personnel issues, and to receive legal advice on such issues, as authorized under Sections 24-6-402(4)(b) and (f), C.R.S. Mike Shelton seconded the motion. The motion passed 13-0.

The Board reconvened from Executive Session at 11:35 a.m. and affirmed that no actions had been taken during Executive Session.

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

Respectfully submitted by Erin Rogers.

10:25 PM

05/07/15

Rocky Flats Stewardship Council

Check Detail-2015

March 21 through May 7, 2015

Type	Num	Date	Name	Account	Paid Amount	Original Amount
Check		3/26/2015		CASH-Wells Fargo-Operating		-3.50
				Admin Services-Misc Services	-3.50	3.50
TOTAL					-3.50	3.50
Check	1727	4/3/2015	Century Link	CASH-Wells Fargo-Operating		-27.62
				Telecommunications	-27.62	27.62
TOTAL					-27.62	27.62
Bill P...	1728	4/3/2015	Crescent Strategies, LLC	CASH-Wells Fargo-Operating		-7,975.07
Bill	3/31/...	3/31/2015		Personnel - Contract	-6,850.00	6,850.00
				Telecommunications	-131.59	131.59
				TRAVEL-Local	-60.38	60.38
				Supplies	-30.00	30.00
				Printing	-208.32	208.32
				Postage	-231.98	231.98
				Subscriptions/Memberships	-462.80	462.80
TOTAL					-7,975.07	7,975.07
Bill P...	1729	4/3/2015	Jennifer A. Bohn	CASH-Wells Fargo-Operating		-703.00
Bill	15-26	3/31/2015		Accounting Fees	-703.00	703.00
TOTAL					-703.00	703.00
Bill P...	1730	4/3/2015	The Rogers Group, LLC	CASH-Wells Fargo-Operating		-700.00
Bill	3/12/...	1/26/2015		Personnel - Contract	-700.00	700.00
TOTAL					-700.00	700.00
Check	1731	5/7/2015	Century Link	CASH-Wells Fargo-Operating		-26.90
				Telecommunications	-26.90	26.90
TOTAL					-26.90	26.90
Bill P...	1732	5/7/2015	Blue Sky Bistro	CASH-Wells Fargo-Operating		-290.00
Bill	2003	4/6/2015		Misc Expense-Local Government	-290.00	290.00
TOTAL					-290.00	290.00
Bill P...	1733	5/7/2015	Crescent Strategies, LLC	CASH-Wells Fargo-Operating		-7,719.11
Bill	4/30/...	4/30/2015		Personnel - Contract	-6,850.00	6,850.00
				Telecommunications	-131.59	131.59
				TRAVEL-Local	-75.33	75.33
				Postage	-15.99	15.99
				TRAVEL-Out of State	-646.20	646.20
TOTAL					-7,719.11	7,719.11
Bill P...	1734	5/7/2015	HUB SW	CASH-Wells Fargo-Operating		-3,204.33
Bill	0202...	5/7/2015		Insurance	-3,204.33	3,204.33
TOTAL					-3,204.33	3,204.33
Bill P...	1735	5/7/2015	Jennifer A. Bohn	CASH-Wells Fargo-Operating		-551.00
Bill	15-33	4/30/2015		Accounting Fees	-551.00	551.00
TOTAL					-551.00	551.00
Bill P...	1736	5/7/2015	Seter & Vander Wall, P.C.	CASH-Wells Fargo-Operating		-6,461.46
Bill	71438	3/31/2015		Attorney Fees	-1,171.48	1,171.48
Bill	71562	4/30/2015		Attorney Fees	-5,289.98	5,289.98
TOTAL					-6,461.46	6,461.46

10:25 PM

05/07/15

Rocky Flats Stewardship Council

Check Detail-2015

March 21 through May 7, 2015

Type	Num	Date	Name	Account	Paid Amount	Original Amount
Bill P...	1737	5/7/2015	The Hartford	CASH-Wells Fargo-Operating		-500.00
Bill	1159...	5/7/2015		Insurance	-500.00	500.00
TOTAL					-500.00	500.00
Bill P...	1738	5/7/2015	The Rogers Group, LLC	CASH-Wells Fargo-Operating		-600.00
Bill	5/7/2...	4/6/2015		Personnel - Contract	-600.00	600.00
TOTAL					-600.00	600.00

ROCKY FLATS STEWARDSHIP COUNCIL

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City of Golden -- City of Northglenn -- City of Thornton -- City of Westminster -- Town of Superior
League of Women Voters -- Rocky Flats Cold War Museum -- Rocky Flats Homesteaders
Nancy Newell

MEMORANDUM

TO: Board of Directors
FROM: David Abelson
SUBJECT: Business Items
DATE: May 20, 2015

In addition to the minutes and checks, the consent agenda includes a request to increase Rik's fee by \$300 per month.

Rik Getty will soon be eligible for early retirement. I have been working with Rik to figure out a solution to be able to retain him, as I continue to strongly value his technical capabilities and knowledge of Rocky Flats. Rik and I have been operating under the same fixed fee contract since late 2007. We have turned down opportunities to increase our fee, but the circumstances have changed, which I strongly believe warrant the increase in Rik's portion of the fee.

Attached to this memo is a memo from Barb Vander Wall, the Stewardship Council's attorney, and a proposed contract amendment. The only change being proposed is to increase Rik's fee. All other terms would remain unchanged. Should the Board agree and accept the contract amendment, we have proposed June 1, 2015, as the effective date of the new fee. The 2015 budget will not need to be revised.

Please let me know what questions you have. Barb is also available to discuss any legal issues. Thank you for considering this important request.

MEMORANDUM

TO: Board of Directors, Rocky Flats Stewardship Council

FROM: Barbara T. Vander Wall, Seter & Vander Wall, P.C.

DATE: May 18, 2015

RE: First Amendment to Agreement for Executive Director / Technical Consulting Services

Background of Agreement:

The Rocky Flats Stewardship Council entered into an agreement with Crescent Strategies, LLC on November 6, 2007 for executive director and technical consulting services. David Abelson is the principal of Crescent Strategies, LLC. Crescent Strategies has engaged the services of Rik Getty to provide the technical consulting services to the Stewardship Council. The agreement has been annually renewed for successive years, through 2015. The agreement establishes compensation for services in the fixed amount of \$6,000 per month, plus the costs for technical services in the fixed amount of \$850 per month, for a total of \$6,850 per month.

Proposed Amendment to Agreement:

On behalf of Crescent Strategies, LLC, David Abelson is requesting the Stewardship Council approve an increase in the costs for technical services of an additional \$300 per month. This amount is expected to cover the costs required to retain the services of Rik Getty.

The purpose of the proposed amendment is to increase the technical services costs from \$850 to \$1,150 per month. The net change in the annual financial obligation is \$3,600 over a 12 month period, or an increase from \$82,200 to \$85,800. The Agreement is drafted to take effect as of June 1, 2015. All other obligations and commitments of the parties continue as provided in the original agreement.

**FIRST AMENDMENT TO AGREEMENT
FOR
EXECUTIVE DIRECTOR/ TECHNICAL CONSULTING SERVICES**

THIS FIRST AMENDMENT TO AGREEMENT ("Amendment") is entered into effective the 1st day of June, 2015 by and between the **ROCKY FLATS STEWARDSHIP COUNCIL**, a separate legal, public entity, created by intergovernmental agreement (as permitted by Colo. Const. Art. XIV, and section 18(2), part 2 of article 1, title 29, C.R.S.) (the "Stewardship Council"), and **CRESCENT STRATEGIES, LLC**, a Colorado limited liability company (the "Consultant").

RECITALS

WHEREAS, the Stewardship Council was created by intergovernmental agreement ("IGA") effective February 13, 2006, and was created to allow local governments to work together on issues related to the long-term protection of Rocky Flats; and

WHEREAS, the Stewardship Council entered into an agreement with Consultant, dated November 6, 2007 (the "Agreement"), for executive director and technical services in order to manage the Stewardship Council's activities, as described therein (the "Services"); and

WHEREAS, in providing the Services under the Agreement, the Consultant has made available the specialized skills and services of the individuals David Abelson and Rik Getty, who have unique familiarity and knowledge of Rocky Flats, as well as the Stewardship Council, and their purposes, which familiarity is not available through any other source; and

WHEREAS, the Consultant has advised that the expenses required to continue to perform the technical portion of the Services have increased; and

WHEREAS, the Consultant desires to increase the allowable compensation under the Agreement associated with the costs of the technical services; and

WHEREAS, the Stewardship Council desires to allow for an increase in compensation to cover the Consultant's costs, to assure the continuation of the Consultant's Services;

NOW THEREFORE, in consideration of the foregoing recitals and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Stewardship Council and Consultant agree as follows:

COVENANTS AND AGREEMENTS

1. **COMPENSATION.** The costs for technical services performed by Rik Getty, as described in paragraph 4 of the Agreement, shall be increased from the fixed monthly amount of \$850 to the fixed monthly amount of \$1,150.
2. **PRIOR PROVISIONS.** Except as amended herein, all provisions set forth in the Agreement and its exhibits shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this First Amendment to Agreement for Executive Director / Technical Consulting Services as of the date first above written.

**ROCKY FLATS STEWARDSHIP
COUNCIL**

By:

Joyce Downing, Chair

Attest:

Jeannette Hillery, Secretary

**CRESCENT STRATEGIES, LLC, a
Colorado limited liability company**

By:

David Abelson, Manager

**AGREEMENT FOR EXECUTIVE DIRECTOR/ TECHNICAL
CONSULTING SERVICES**

THIS AGREEMENT ("Agreement") is entered into the 5th day of November, 2007 by and between the **ROCKY FLATS STEWARDSHIP COUNCIL**, a separate legal, public entity, created by intergovernmental agreement (as permitted by Colo. Const. Art. XIV, and section 18(2), part 2 of article 1, title 29, C.R.S.) (the "Stewardship Council"), and **CRESCENT STRATEGIES, LLC**, a Colorado limited liability company (the "Consultant").

RECITALS

WHEREAS, the Stewardship Council was created by intergovernmental agreement ("IGA") effective February 13, 2006, and was created to allow local governments to work together on issues related to the long-term protection of Rocky Flats; and

WHEREAS, the Stewardship Council is governed by a Board of Directors made up of public official representatives of nine Colorado local governments including Boulder County, Jefferson County, the City of Arvada, the City of Boulder, the City and County of Broomfield, the City of Golden, the City of Northglenn, the City of Westminster, and the Town of Superior; and community stakeholder representatives currently including the League of Women Voters, the Rocky Flats Cold War Museum, the Rocky Flats Homesteaders and Ken Foelske; and

WHEREAS, the Stewardship Council requires executive director and technical services in order to manage the Stewardship Council's activities; and

WHEREAS, the Consultant has available to offer the specialized skills and services of the individuals David Abelson and Rik Getty, both of whom have unique familiarity and knowledge of Rocky Flats, as well as the Stewardship Council, and their purposes, which familiarity is not available through any other source; and

WHEREAS, the Stewardship Council desires to engage the Consultant to provide the executive director and technical services described herein, pursuant to the terms and conditions of this Agreement, and the Consultant desires to provide such services;

NOW THEREFORE, in consideration of the mutual covenants and agreements hereinafter set forth, the sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

COVENANTS AND AGREEMENTS

1. **SCOPE OF SERVICES.** The Consultant shall be responsible for performing all things stated in the Scope of Services attached as Exhibit A in connection with the provision of executive director and technical services (collectively referred to as the "Services"), as desired by the Stewardship Council. The Consultant shall perform such Services as set forth herein, and as may be directed, from time to time, by the Stewardship Council in accordance with Exhibit A, using that degree of skill and knowledge customarily employed by others performing similar services in the United States. The parties acknowledge that Consultant may employ the services of Rik Getty to perform the "technical" portion of Consultant's Services.

2. **ADDITIONAL SERVICES.** The Stewardship Council may request the Consultant to provide the Stewardship Council with certain additional services not covered in Exhibit A ("Additional Services"). Authorization to proceed with any additional work shall not be given unless Stewardship Council funds have been appropriated sufficient to cover the additional compensable amount under the Agreement. Compensation for Additional Services will be as outlined in paragraph 4 below, unless mutually agreed otherwise in writing. The Consultant shall perform such Special Services using that degree of skill and knowledge customarily employed by other professionals performing similar services in the State of Colorado.

3. **TERM OF AGREEMENT.** The term of this Agreement shall begin effective as of the 1st day of January, 2008, and shall expire on the 31st day of December, 2008, unless terminated sooner as provided for in paragraph 9 hereof. Thereafter, the Agreement shall renew each year on January 1st for successive one-year terms unless the Stewardship Council elects to exercise its termination provisions provided in paragraph 9; provided further that it shall be a condition precedent to each such renewal that the Stewardship Council make an appropriation for the ensuing year sufficient to pay for the Services. It is the Stewardship Council's intent to annually review the Agreement in the fourth quarter of the fiscal year.

4. **COMPENSATION.** In consideration of the performance of the Services, following the submittal of a satisfactory invoice, the Stewardship Council shall pay Consultant the fixed amount of \$6,000 per month, plus the costs for the technical services performed by Rik Getty, at the fixed amount of \$850 per month. In addition, the Stewardship Council shall provide reimbursement of eligible direct costs, not to exceed the amount of \$250 per month without prior Board approval, except as noted below. Only actual costs incurred shall be funded pursuant to this Agreement. Actual direct costs incurred by Consultant in connection with the Services which are eligible for reimbursement include consumable supplies, meeting expenses, postage, printing, delivery services, mileage reimbursement (paid at the federally imposed per mile rate), and telecommunications (fax, internet and telephone) charges. Costs for any out-of-state travel require prior approval by the Stewardship Council, through its Chair or Vice-Chair. In the event that Additional Services are requested, the Stewardship Council will compensate the Consultant for such services in an amount mutually agreeable to the parties.

5. **INDEPENDENT CONTRACTOR.** The Consultant hereby declares itself to be an independent contractor and nothing herein contained shall constitute or designate the Consultant as an employee or agent of the Stewardship Council. The Stewardship Council is

concerned only with the results to be obtained. **AS AN INDEPENDENT CONTRACTOR, THE CONSULTANT ACKNOWLEDGES THERE IS NO ENTITLEMENT TO WORKER'S COMPENSATION BENEFITS THROUGH THE STEWARDSHIP COUNCIL AND THAT THE CONSULTANT IS OBLIGATED TO PAY FEDERAL AND STATE INCOME TAX ON ANY MONEYS EARNED UNDER THIS AGREEMENT.**

6. SUBCONTRACTORS. The parties acknowledge that the Consultant may subcontract for the performance of certain of the Services; however, the Consultant shall be solely and fully responsible for the performance of the Services.

7. CONSULTANT'S INSURANCE. The Consultant shall acquire and maintain, during the entire term of this Agreement, including any extensions of the term, statutory worker's compensation insurance coverage, general liability insurance coverage and automobile liability insurance in the minimum amounts set forth below:

Workers' compensation insurance: in accordance with applicable law;

General liability insurance: in the minimum amount of \$1,000,000 general aggregate.

Automobile liability insurance: in the amount of \$1,000,000 combined single limit bodily injury and property damage, each accident, covering all owned, hired and non-owned automobiles.

A current certificate evidencing such policies together with the amounts of coverage for the respective types of coverage shall be submitted to the Stewardship Council.

8. INDEMNIFICATION. The Consultant hereby agrees to indemnify and hold harmless the Stewardship Council and each of its directors, employees, agents, and consultants, from and against any and all claims, demands, losses, liabilities, actions, lawsuits, and expenses (including reasonable attorneys' fees), arising directly or indirectly, in whole or in part, out of the negligence or any criminal or tortious act or omission of the Consultant, in connection with this Agreement and/or the Consultant's Services or work hereunder, whether within or beyond the scope of its duties or authority hereunder. The provisions of this section shall survive termination of this Agreement.

9. TERMINATION NOT-FOR-CAUSE. In addition to any other rights provided herein, either party shall have the right, at any time and in its sole discretion, to terminate, not for cause, in whole or in part, this Agreement and further performance of the Services by delivery to the other party 30 days' prior written notice of termination specifying the extent of termination and the effective date of termination. Upon termination of this Agreement, Consultant shall be entitled to pro-rated payment for the Services performed.

10. WORK PRODUCT. All work product of the Consultant prepared pursuant to this Agreement, including but not limited to all maps, plans, drawings, specifications, reports, electronic files and other documents, in whatever form, shall remain the property of the

Stewardship Council under all circumstances, whether or not the Services are completed. All work product shall be provided to the Stewardship Council at the time of completion of any of the discrete tasks specified in the Services or at the time of termination of this Agreement, whichever event first occurs. The Consultant shall maintain reproducible copies on file of any such work product involved in the Services, shall make them available for the Stewardship Council's use, and shall provide such copies to the Stewardship Council, upon request, at commercial printing rates. At any time, the Stewardship Council may obtain reproducible copies of the Consultant's work product by paying printing costs as set forth above.

11. NOTICES. Any notices or other communications required or permitted by this Agreement or by law to be served on, given to, or delivered to either party hereto, by the other party, shall be in writing and shall be deemed duly served, given, or delivered when personally delivered to the party to whom it is addressed or in lieu of such personal services upon receipt in the United States Mail, first class postage prepaid, addressed to the Stewardship Council at:

Rocky Flats Stewardship Council
P.O. Box 17670
Boulder, Colorado 80308

with a copy to:

Seter & Vander Wall, P.C.
7400 Orchard Road, Suite 3300
Greenwood Village, Colorado 80111

Attn: Barbara T. Vander Wall

or to the Consultant at:

Crescent Strategies, LLC
1400 Riverside Avenue
Boulder, Colorado 80304
Attn: David Abelson
Phone: 303-859-1807

Either party may change its address for purposes of this paragraph by giving written notice of such change to the other party in a manner provided in this paragraph.

12. ENTIRE AGREEMENT. This Agreement constitutes the entire agreement between the parties hereto and sets forth the rights, duties, and obligations of each to the other as of this date. Any prior agreements, promises, negotiations, or representations not expressly set forth in this Agreement are of no force and effect.

13. ASSIGNMENT. The Consultant shall not assign this Agreement or parts thereof, without the express written consent of the Stewardship Council. The Stewardship Council may assign this Agreement.

14. AMENDMENT/MODIFICATION. This Agreement may not be amended or otherwise modified except by a writing executed by both parties.

15. FUNDING. To the extent necessary, the funding of this Agreement shall be subject to the annual appropriation of funds by the Stewardship Council in accordance with applicable law.

16. CONFLICT OF INTEREST. The Consultant shall not participate in any circumstance which might cause or appear to cause the Consultant's (or any of its members, employees or agents) impartiality to be questioned, without disclosing such conflict of interest to the Stewardship Council Executive Committee, and obtaining consent by the Stewardship Council, through its Executive Committee, for such participation.

17. BINDING AGREEMENT. This Agreement shall inure to and be binding on the heirs, executors, administrators, successors and assigns of all parties hereto.

18. NO WAIVER. No waiver of any of the provisions of this Agreement shall be deemed to constitute a waiver of any other of the provisions of this Agreement, nor shall such waiver constitute a continuing waiver unless otherwise expressly provided herein, nor shall the waiver of any default hereunder be deemed a waiver of any subsequent default hereunder.

19. CONTROLLING LAW. This Agreement shall be governed by and construed in accordance with the law of the State of Colorado.

20. ADDITIONAL PROVISIONS. This Contract is awarded pursuant to funds received through an agreement between the Stewardship Council and the DOE and under the direction of the DOE. In compliance with the requirements imposed by the awarding federal agency, the following provisions are included in this Contract:

A. All work product shall be subject to the copyright and publishing provisions of DOE's regulations.

B. All work product shall be subject to DOE's policies and procedures concerning patent rights.

C. The DOE requires that the Stewardship Council submit annual reports to the DOE for each year that the Stewardship Council continues to receive federal assistance, and for one year thereafter, which reports shall include the status of the Stewardship Council's activities funded by DOE, the costs incurred for each completed and/or partial activity, and any operational costs of activities, the degree to which the activities have achieved their goals, and the overall effectiveness of the economic assistance provided in meeting the adjustment needs of the area.

D. The Stewardship Council, the DOE, the Comptroller General of the United States, or any of their duly authorized representatives shall have access to any books, documents, papers, and records of the Consultant which are directly pertinent to this Contract for the purpose of making audit, examination, excerpts and transcriptions.

E. All required records developed in connection with this Contract shall be retained for a period of three years after the Stewardship Council makes final payment to the Consultant and all other pending matters are closed.

F. This Contract is subject to all mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Pub. L. 94-163).

21. ILLEGAL ALIENS. Pursuant to the requirements established by §§ 8-17.5-101, *et seq.*, C.R.S., the following provisions are incorporated herein and made a part of this Agreement:

- a. Consultant acknowledges that, prior to executing the Agreement, Consultant has certified that it does not knowingly employ or contract with an illegal alien and that the Consultant has participated or attempted to participate in the Basic Pilot Program¹ in order to confirm the employment of all employees who are newly hired for employment in the United States.
- b. Consultant shall not:
 - (i) Knowingly employ or contract with an illegal alien to perform work under the Agreement; or
 - (ii) Enter into a contract with a subcontractor that fails to certify to the Consultant that the subcontractor shall not knowingly employ or contract with an illegal alien to perform work under the Agreement.
- c. The Consultant has confirmed or attempted to confirm the employment eligibility of all employees who are newly hired for employment in the United States through participation in the Basic Pilot Program and, if the Consultant is not accepted into the Basic Pilot Program prior to entering into this Agreement, the Consultant shall apply to participate in the Basic Pilot Program every three months until the Consultant is accepted or the Agreement has been completed, whichever is earlier. This provision shall be applicable for so long as the Basic Pilot Program is in effect.

¹ "Basic Pilot Program" is described in § 8-17.5-101(1), C.R.S., as amended, and further defined as the Basic Pilot Employment Verification Program created in Public Law 208, 104th Congress, as amended, and expanded in Public Law 156, 108th Congress, as amended, that is administered by the United States Department of Homeland Security.

- d. Consultant is prohibited from using Basic Pilot Program procedures to undertake pre-employment screening of job applicants while the Agreement is in effect.
- e. If the Consultant obtains actual knowledge that a subcontractor performing work under the Agreement knowingly employs or contracts with an illegal alien, the Consultant shall:
 - (i) Notify the subcontractor and the District within three days that the Consultant has actual knowledge that the subcontractor is employing or contracting with an illegal alien; and
 - (ii) Terminate the subcontract with the subcontractor if within three days of receiving the notice the subcontractor does not stop employing or contracting with the illegal alien; except that the Consultant shall not terminate the contract with the subcontractor if during such three days the subcontractor provides information to establish that the subcontractor has not knowingly employed or contracted with an illegal alien.
- f. Consultant shall comply with any reasonable request by the Colorado Department of Labor and Employment (“Department”) made in the course of an investigation that the Department is undertaking, pursuant to the law.
- g. If the Consultant violates any of the provisions under this paragraph 21, the District may terminate the Agreement for breach of contract. The Consultant shall be liable for actual and consequential damages to the District.
- h. In case of any conflict between the Agreement and this paragraph 21, the provisions of this paragraph shall control.

IN WITNESS WHEREOF, the parties have executed this agreement on the date first above written. By signature of its representatives below, each party affirms that it has taken all necessary action to authorize said representative to execute this agreement.

ROCKY FLATS STEWARDSHIP COUNCIL

Jeanette Hillery
By: Jeanette Hillery
Title: Vice Chairman

ATTEST:

Karen Sullivan

**CRESCENT STRATEGIES, LLC,
a Colorado limited liability company**

David M. Allen
By: David M. Allen
Title: Principal

ATTEST:

EXHIBIT A

Responsibilities

1. Manage organization and help assure compliance with state and federal requirements.
2. Advise Board on strategic direction and specific policies to achieve organizational mission and make recommendations where appropriate.
3. Review technical data and provide technical assistance to the organization. Summarize, analyze, and provide comment and advice as necessary or requested. Prepare technical memos and issue briefs as needed. Items include:
 - a. Monitoring and data produced by DOE-Legacy Management (LM), including LM status reports
 - b. EPA certification of site cleanup and CERCLA delisting of site
4. Negotiate with outside entities, convey and advocate for organizational policies, as directed by the Board.
5. Serve as spokesperson with Department of Energy, Department of the Interior, state and federal agencies, the media and public. Monitor regional issues and coordinate with outside agencies on issues affecting Rocky Flats.
6. Prepare legislative strategies and positions for Board consideration.
7. Prepare work plan and budget for consideration by Board and implement as appropriate.
8. Implement public information strategies on behalf of the organization.
9. Make presentations to the Board and at other forums on a range of technical and policy issues.
10. Prepare periodic newsletter updating on relevant congressional and DOE policies and actions.
11. Represent organization at national meetings.
12. Ensure legal, financial, and office responsibilities (including minutes) are met.

13. Report on progress on Work Plan.

Responsibilities exclude:

1. Providing legal advice
2. Managing organization's finances
3. Managing website
4. Take meeting notes and prepare draft minutes

2014 Audit

- Cover memo
- Draft audit
- Journal entry

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 Thornton -- City of Westminster -- Town of Superior
League of Women Voters -- Rocky Flats Cold War Museum -- Rocky Flats Homesteaders
Nancy Newell

MEMORANDUM

TO: Board
FROM: David Abelson
SUBJECT: 2014 Financial Audit
DATE: May 20, 2015

Attached for your review is Wagner, Barnes and Griggs' draft 2014 financial audit of the Rocky Flats Stewardship Council, and a journal entry reclassifying local government contributions (final page of pdf).

As he has done in past years, Eric Barnes will present and discuss the audit at the meeting, and will be prepared to answer any questions. He did not find any material deficiencies, and issued a clean audit. The Stewardship Council will need to formally accept the audit at the meeting. If you have any questions for Eric prior to the meeting, please email me and I will forward them to him.

The Stewardship Council is not required by either state law or the DOE grant to seek an audit. However, an independent audit is an important check that confirms both the board and staff are managing the finances in accordance with applicable laws and regulations.

Action Item: Approve motion accepting Stewardship Council's 2014 audit.

Rocky Flats Stewardship Council

FINANCIAL STATEMENTS

With Independent Auditor's Report

December 31, 2014

DRAFT

Rocky Flats Stewardship Council

BASIC FINANCIAL STATEMENTS

December 31, 2014

Independent auditor's reportI

Basic financial statements:

Government-wide financial statements:

 Statement of net position 1

 Statement of activities 2

Fund financial statements:

 Balance sheet – governmental fund..... 3

 Statement of revenues, expenditures, and changes in fund balance –
 governmental fund 4

 Statement of revenues, expenditures, and changes in fund balance –
 budget and actual – general fund..... 5

Notes to financial statements 6

DRAFT

INDEPENDENT AUDITOR'S REPORT

To the Board of Directors
Rocky Flats Stewardship Council

We have audited the accompanying financial statements of the governmental activities and each major fund of Rocky Flats Stewardship Council (the Council) as of and for the year ended December 31, 2014, and the related notes to the financial statements, which collectively comprise the Council's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinions

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities and each major fund of Rocky Flats Stewardship Council, as of December 31, 2014, and the respective changes in financial position thereof, and the respective budgetary comparison for the General Fund for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Other Matters

Management has omitted management's discussion and analysis that accounting principles generally accepted in the United States of America require to be presented to supplement the basic financial statements. Such missing information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. Our opinion on the basic financial statements is not affected by this missing information.

Lakewood, Colorado
March XX, 2015

DRAFT

ROCKY FLATS STEWARDSHIP COUNCIL

STATEMENT OF NET POSITION

December 31, 2014

	<u>Governmental Activities</u>
ASSETS	
Cash and cash equivalents	\$ 140,426
Grants receivable	<u>25,142</u>
Total assets	<u>165,568</u>
LIABILITIES	
Accounts payable and accrued expenses	<u>8,008</u>
Total liabilities	<u>8,008</u>
NET POSITION	
Unrestricted	<u>157,560</u>
Total net position	<u><u>\$ 157,560</u></u>

DRAFT

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

ROCKY FLATS STEWARDSHIP COUNCIL
STATEMENT OF ACTIVITIES
For the Year Ended December 31, 2014

	Program Revenue			Net (Expense) Revenue and Changes in Net Assets	
<u>Functions/Programs</u>	Expenses	Charges for Services	Operating Grants and Contributions	Capital Grants and Contributions	Governmental Activities
Primary government	\$ 120,654	\$ -	\$ 129,147	\$ -	\$ 8,493
Total primary government	\$ 120,654	\$ -	\$ 129,147	\$ -	8,493
General revenues:					
Interest income					27
Total general revenues					27
Change in net position					8,520
Net position - beginning					149,040
Net position - ending					\$ 157,560

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

ROCKY FLATS STEWARDSHIP COUNCIL

BALANCE SHEET
GOVERNMENTAL FUND

December 31, 2014

	<u>General Fund</u>
ASSETS	
Cash and cash equivalents	\$ 140,426
Grants receivable	25,142
Total assets	<u>\$ 165,568</u>
LIABILITIES AND FUND BALANCES	
LIABILITIES	
Accounts payable	\$ 8,008
Total liabilities	<u>8,008</u>
FUND BALANCES	
Unassigned:	
General government	157,560
Total fund balances	<u>157,560</u>
Total liabilities and fund balances	<u>\$ 165,568</u>

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

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

ROCKY FLATS STEWARDSHIP COUNCIL
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE
GOVERNMENTAL FUND

For the Year Ended December 31, 2014

	General Fund
REVENUES	
Grants	\$ 119,147
Contributions from local governments	10,000
Interest income	27
Total revenues	129,174
EXPENDITURES	
General government	
Annual Audit	4,020
Accounting Fees	4,503
Attorney Fees	10,873
Administrative Service - miscellaneous	46
Insurance	3,513
Miscellaneous Expense - local government	1,462
Personnel - contract	85,125
Postage	592
Printing	1,073
Subscriptions/membership dues	1,390
Supplies	330
Telecommunications	1,986
Travel - local	973
Travel - out of state	4,418
Website	350
Total expenditures	120,654
Net change in fund balances	8,520
Fund balances - beginning	149,040
Fund balances - ending	\$ 157,560

Amounts reported for governmental activities in the Statement of Activities are the same as above

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

ROCKY FLATS STEWARDSHIP COUNCIL

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

For the Year Ended December 31, 2014

	<u>Original and Final Budget</u>	<u>Actual</u>	<u>Variance with Final Budget Favorable (Unfavorable)</u>
Revenues			
U.S. Department of Energy - Office of Legacy Management	\$ 130,000	\$ 119,147	\$ (10,853)
Contributions from local governments	10,000	10,000	-
Carry over - Rocky Flats Coalition of Local Governments	14,800	-	(14,800)
Interest income	-	27	27
Total revenues	<u>154,800</u>	<u>129,174</u>	<u>(25,626)</u>
Expenditures			
General government			
Personnel	96,600	85,125	11,475
Travel	5,700	5,391	309
Equipment	500	-	500
Supplies	1,200	330	870
Contractual	36,500	20,904	15,596
Insurance	4,000	3,513	487
Postage	1,500	592	908
Printing	2,000	1,073	927
Subscriptions/membership dues	2,100	1,390	710
Telecommunications	2,700	1,986	714
Website	2,000	350	1,650
Total expenditures	<u>154,800</u>	<u>120,654</u>	<u>34,146</u>
Net change in fund balance	-	8,520	8,520
Fund balance - beginning of year	<u>141,267</u>	<u>149,040</u>	<u>7,773</u>
Fund balance - end of year	<u>\$ 141,267</u>	<u>\$ 157,560</u>	<u>\$ 16,293</u>

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

Rocky Flats Stewardship Council

NOTES TO FINANCIAL STATEMENTS

December 31, 2014

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, Thornton, 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. All 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 14 in number. 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 has no employees and all operations and administrative functions are contracted.

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

**NOTES TO FINANCIAL STATEMENTS
(continued)
December 31, 2014**

As of December 31, 2014, 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 position 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 revenue, and business-type activities, which rely to a significant extent on fees and charges for support.

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

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.

Rocky Flats Stewardship Council
NOTES TO FINANCIAL STATEMENTS
(continued)
December 31, 2014

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

The government reports the following major governmental fund:

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

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

D. Use of estimates

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

E. Assets, liabilities, and fund equity

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 is computed

Rocky Flats Stewardship Council
NOTES TO FINANCIAL STATEMENTS
(continued)
December 31, 2014

using the straight-line method for all assets, based on the estimated useful lives of the assets, estimated at 3 years.

3. Fund equity

GASB Statement No. 54, "Fund Balance Reporting and Governmental Fund Type Definitions" provides for clearly defined fund balance categories to make the nature and extent of the constraints placed on a government's fund balances transparent to readers. In the fund financial statements the following classifications describe the relative strength of the spending constraints.

Restricted fund balance – The portion of fund balance constrained to being used for a specific purpose by external parties (such as grantors or bondholders), constitutional provisions or enabling legislation.

Unassigned fund balance – The residual portion of fund balance that does not meet any of the above or any other fund balance reporting criteria.

If more than one classification of fund balance is available for use when an expenditure is incurred, it is the Council's policy to use the most restrictive classification first.

The remaining fund balance is considered by the Council to be unassigned. At December 31, 2014, the Council had an unassigned fund balance in the general fund of \$157,560.

F. Budgetary information

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

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

Rocky Flats Stewardship Council
NOTES TO FINANCIAL STATEMENTS
(continued)
December 31, 2014

Note 2 – Cash and Investments

Cash and investments as of December 31, 2014 are classified in the accompanying statements as follows:

Statement of net position:	
Cash and cash equivalents	<u>\$140,426</u>

Deposits with Financial Institutions

Colorado statutes require that the Council use eligible public depositories as defined by the Colorado Public Deposit Protection Act (the Act). Under the Act, amounts on deposit in excess of federal insurance levels must be collateralized. The eligible collateral is determined by the Act and allows the institution to create a single collateral pool for all public funds. The pool is to be maintained by another institution or held in trust for all the uninsured public deposits as a group. The market value of the collateral must be at least equal to 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, 2014, 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, 2014.

The Council's cash deposits at December 31, 2014 are as follows:

	Carrying Balance	Bank Balance
Deposits with financial institutions	\$140,426	\$ 140,426
Total cash and cash equivalents	\$140,426	\$ 140,426

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:

Rocky Flats Stewardship Council

**NOTES TO FINANCIAL STATEMENTS
(continued)
December 31, 2014**

- 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, 2014, the Council had no investments.

Note 3 – Capital Assets

An analysis of the changes in capital assets for the year ended December 31, 2014 follows:

	Balance 12/31/13	Additions	Deletions	Balance 12/31/14
Capital assets being depreciated:				
Furniture and equipment	\$ 398	\$ -	\$ -	\$ 398
Total capital assets	398	-	-	398
Accumulated depreciation	(398)	-	-	(398)
Capital assets, net	\$ -	\$ -	\$ -	\$ -

Note 4 – Net position

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

Net investment in capital assets consists of capital assets, net of accumulated depreciation.

Restricted assets include net position 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, 2014, all of the Council's net position was unrestricted.

Rocky Flats Stewardship Council
NOTES TO FINANCIAL STATEMENTS
(continued)
December 31, 2014

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 - Concentration

The Council receives the majority of its funding through a grant from the U.S. Department of Energy (DOE). The DOE grant has a current expiration date of February 28, 2017.

Note 7 - Tax, spending and debt limitation

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

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

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

Client: **ROCKY FLATS STEWARDSHIP COUNCIL**
 Engagement: **2014 Audit - ROCKY FLATS STEWARDSHIP COUNCIL**
 Period Ending: **12/31/2014**
 Trial Balance: **3000.05 - TB**
 Workpaper: **3700.05 - Adjusting Journal Entries Report**

3700.05
LP
3/4/2015

Account	Description	W/P Ref	Debit	Credit
Adjusting Journal Entries JE # 1				
To reclassify contributions for local governments.				
4010	REVENUE Grants & Contributions		10,000.00	
4015	REVENUE Contributions from local governments			10,000.00
Total			<u>10,000.00</u>	<u>10,000.00</u>

DOE Annual Report

- Cover memo
- Report – Table of Contents
- Report – Executive Summary

CDPHE Contaminant Briefing

- Cover memo
- Map indicating site exposure units

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 Thornton -- City of Westminster -- Town of Superior
League of Women Voters -- Rocky Flats Cold War Museum -- Rocky Flats Homesteaders
Nancy Newell

MEMORANDUM

TO: Stewardship Council Board
FROM: Rik Getty
SUBJECT: DOE Annual Report Briefing
DATE: May 20, 2015

We have scheduled 75 minutes for DOE to present its 2014 annual report update. The report addresses all surveillance and maintenance activities conducted during 2014. DOE will also address the recent independent report on uranium transport.

The table of contents and executive summary are attached to this memo. Below are key highlights from the report. The report can be found at: http://www.lm.doe.gov/Rocky_Flats/Documents.aspx

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.).

Key Highlights

- Over the last few years uranium (U) concentrations in surface water along Walnut Creek have been increasing and then subsequently decreasing in a cyclical fashion on an annual basis. The point of compliance (POC) for Walnut Creek is WALPOC; it is located near the DOE-refuge boundary. During 2014, U concentrations at WALPOC exceeded the regulatory standard of 16.8 micrograms of U per liter of water (the reportable value was 17.0 ug/l).
- All other contaminants of concern remained below regulatory standards at the two points of compliance (POCs), WALPOC and the Woman Creek POC (WOMPOC).
- During the first half of 2014 at water monitoring station GS-10, a water quality point of evaluation (POE) located upstream of former Pond B-1 on South Walnut Creek, reportable conditions for plutonium and americium were observed. The standards for both are 0.15 pCi/l. For the last half of the year these values dropped below the standard. To place 0.15

pCi/l in context, the federal drinking water standard for gross alpha is 15 pCi/l, 100 times greater (less protective) than the Rocky Flats standard.

- All other POE contaminants of concerns remained below the appropriate water quality standard.
- Major changes were made at the East Trenches Plume Treatment System where groundwater contaminated with volatile organic compounds (VOCs, solvents) is treated. The original treatment process was deemed not efficient and replaced with a new process which utilizes a commercial air stripper to effectively remove the VOCs from the groundwater.
- The Solar Ponds Plume Treatment System was the focus of continued study in an effort to improve cost and treatment effectiveness. A pilot-scale project using small containers (“microcells”) of various forms of treatment media—on the order of 1 to 2 gallons—continued being tested to treat uranium. Both of these approaches are being optimized for potential full-scale implementation.
- All groundwater wells were sampled in 2014. Groundwater quality and flow were generally consistent with previous years, and no reportable conditions were observed.
- In 2008, inclinometers were installed at the Original Landfill (OLF) as part of the geotechnical investigation to address localized slumping and settling of the OLF cover. The localized instability is caused by the weakening of one or more soil layers in the shallow subsurface due to moisture in these layers. This annual report includes the inclinometer data; the data indicate that movement at the OLF is exacerbated by precipitation events and elevated water levels. Overall, DOE believes the OLF is stable, but localized failures have occurred on the landfill under elevated water level conditions. Continued monitoring and routine maintenance of the OLF cover are recommended.
 - Minor localized cracking and subsidence in the northeast portion of the OLF were observed in the first half of the year. Cracks were filled to minimize infiltration of additional precipitation as required by the M&M Plan.
 - A 2014 project to re-contour the East Perimeter Channel to increase slope stability in that area occurred from October 2014 to January 2015.
- Water monitoring at the Present Landfill Treatment System showed arsenic and vinyl chloride above the applicable standards. Monthly sampling was required.
 - The arsenic concentrations did not reoccur in the subsequent monthly sampling, so DOE resumed quarterly sampling.
 - Vinyl chloride was detected above the standard in three successive monthly samples but was not detected in the March monthly sample. Consequently, in accordance with the site management program, DOE ceased monthly sampling and resumed quarterly sampling.
- All RFLMA-required ecological data collection, analysis, and reporting were completed.
- Revegetation monitoring data continued to demonstrate the establishment and sustainability of desirable grassland species.

Please let me know if you have any questions.

**Annual Report of Site
Surveillance and Maintenance
Activities at the
Rocky Flats, Colorado, Site
Calendar Year 2014**

April 2015



U.S. DEPARTMENT OF
ENERGY

Legacy
Management

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Appendixes

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Appendix G	2014 RFLMA Contact Records

DVD

Ecology DVD: 2014 Annual RFS Ecology Reports

Abbreviations

Ag	silver
Am	americium
ANOVA	Analysis of Variance
AOC	Area of Concern
B	boron
B	Applies to analytical data for organics, indicating that the constituent was also detected in the blank
Be	beryllium
BMP	best management practice
Ca	calcium
CAD/ROD	Corrective Action Decision/Record of Decision
Cd	cadmium
CDPHE	Colorado Department of Public Health and Environment
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act (also known as “Superfund”)
CFR	<i>Code of Federal Regulations</i>
cfs	cubic feet per second
COU	Central Operable Unit
Cr	chromium
CR	Contact Record
Cu	copper
CY	calendar year
DCB	dichlorobenzene
DCE	dichloroethene
DER	duplicate error ratio
DG	Discharge Gallery
DNAPL	dense nonaqueous-phase liquid
DOC	dissolved organic carbon
DOE	U.S. Department of Energy
DQA	data quality assessment
DUP	duplicate sample
EPA	U.S. Environmental Protection Agency
EPC	East Perimeter Channel
ERP	<i>Emergency Response Plan for Rocky Flats Site Dams</i>
ESL	Environmental Sciences Laboratory
ETPTS	East Trenches Plume Treatment System
FC	Functional Channel
FR	<i>Federal Register</i>

ft/yr	feet per year
GIS	geographic information system
gpm	gallons per minute
GWIS	Groundwater Intercept System
HDPE	high-density polyethylene
HRC	Hydrogen Release Compound
HRT	hydraulic residence time
IA	Industrial Area
IC	institutional control
IHSS	Individual Hazardous Substance Site
IMP	Integrated Monitoring Plan
ITSS	Intercept Trench System Sump
J	For sampling data, a laboratory and/or validation qualifier that indicates an estimated value.
K	hydraulic conductivity
kg	kilograms
K-H	Kaiser-Hill Company LLC
L	liters
LANL	Los Alamos National Laboratory
LBNL	Lawrence Berkeley National Laboratory
LCS	laboratory control sample
LM	Office of Legacy Management
M&M	monitoring and maintenance
M-K	Mann-Kendall
MCL	maximum contaminant level
µg	micrograms
µg/L	micrograms per liter (sometimes expressed as ug/L)
mg/L	milligrams per liter
MS	matrix spike
MSD	matrix spike duplicate
MSPTS	Mound Site Plume Treatment System
n	effective porosity
N	nitrogen
Ni	nickel
NOIPD	Notice of Intent for Partial Deletion
NPL	National Priorities List
NREL	National Renewable Energy Laboratory
NTU	nephelometric turbidity units
OBP	Oil Burn Pit
OLF	Original Landfill

OU	Operable Unit
PARCC	precision, accuracy, representativeness, completeness, and comparability
PBA	Programmatic Biological Assessment
PCE	tetrachloroethene
pCi	picocuries
pCi/L	picocuries per liter
PIP	Public Involvement Plan
PLF	Present Landfill
PLFTS	Present Landfill Treatment System
POC	Point of Compliance
POE	Point of Evaluation
POU	Peripheral Operable Unit
PQL	practical quantitation limit
Pu	plutonium
PU&D	Property Utilization and Disposal
PV	photovoltaic
QA	quality assurance
QC	quality control
R	For sampling data, a laboratory and/or validation qualifier that indicates a value rejected as unusable.
RCRA	Resource Conservation and Recovery Act
Refuge	Rocky Flats National Wildlife Refuge
RER	relative error ratio
RFCA	<i>Rocky Flats Cleanup Agreement</i>
RFETS	Rocky Flats Environmental Technology Site
RFLMA	<i>Rocky Flats Legacy Management Agreement</i>
RFS	Rocky Flats Site
RFSOG	Rocky Flats Site Operations Guide
RNS	rinsate sample
RPD	relative percent difference
S-K	Seasonal-Kendall
Se	selenium
SED	Sitewide Ecological Database
SEPro	Site Environmental Evaluation for Projects
SEP	Solar Evaporation Pond
SID	South Interceptor Ditch
SPP	Solar Ponds Plume
SPPTS	Solar Ponds Plume Treatment System
STP	Sewage Treatment Plant
SVOC	semivolatile organic compound

TCA	trichloroethane
TCB	trichlorobenzene
TCE	trichloroethene
TOC	total organic carbon
U	uranium
U	For sampling data, a laboratory and/or validation qualifier that indicates an analyte not detected at the indicated concentration.
UHSU	upper hydrostratigraphic unit
USACE	U.S. Army Corps of Engineers
USFWS	U.S. Fish and Wildlife Service
v	seepage velocity
V&V	validation and verification
VC	vinyl chloride
VOC	volatile organic compound
WQP	water quality parameter
WWTP	Wastewater Treatment Plant
Zn	zinc
ZVI	zero-valent iron

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)* (DOE 2006a) issued September 29, 2006, for the Rocky Flats, Colorado, Site (Site).

Under the CAD/ROD, two Operable Units were established within the boundaries of the Rocky Flats property: the Peripheral Operable Unit (POU) and the Central Operable Unit (COU). The COU consolidates all areas of the Site that require additional remedial or corrective actions while also considering practicalities of future land management. The POU includes the remaining, generally 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, and subsequently revised in 2012 (CDPHE et al. 2012). 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 and continually updates the Rocky Flats Site Operations Guide (DOE 2013b). It is the primary document to guide work performed to satisfy the requirements of RFLMA and to implement best management practices at the Site.

This report addresses all surveillance and maintenance activities conducted at the Site during calendar year (CY) 2014 (January 1 through December 31, 2014). Highlights of the surveillance and maintenance activities are as follows:

- The 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 the 10 RFLMA contact records issued in 2014 and the contact record status as of December 31, 2014.
- Inclinometers were installed at the Original Landfill (OLF) as part of the 2008 geotechnical investigation to address localized slumping and settling of the OLF cover observed in 2007. The localized instability is caused by the weakening of one or more soil layers in the shallow subsurface due to moisture in these layers. This annual report includes the annual review of the inclinometer data by a qualified geotechnical engineer. The data indicate that movement at the OLF is exacerbated by precipitation events and elevated water levels. While the large-scale, overall OLF slope is stable, localized failures have occurred on the landfill under elevated water level conditions. Continued monitoring and routine maintenance of the OLF cover are recommended. Minor localized cracking and subsidence

in the northeast portion of the OLF were observed in the first half of the year. Cracks were filled to minimize infiltration of additional precipitation as required by the M&M Plan. A 2014 project to recontour sideslopes in the East Perimeter Channel to increase slope stability in that area began construction in October 2014 and was completed in January 2015. Berm-height criteria were redefined in 2013 based on the observed performance of the berm channels during the September 2013 heavy precipitation event. In July 2014, the berms were regraded where necessary to restore the appropriate berm height, using the new approved criteria, and to repair damaged berm outfalls.

- Reportable 30-day average uranium concentrations occurred from December 18, 2013, through May 17, 2014, for surface water at RFLMA Point of Compliance (POC) monitoring station WALPOC, which is located on Walnut Creek at the eastern COU boundary. The same sample results causing the reportable 30-day average also caused the 12-month rolling average to subsequently become reportable on October 31, 2014. As of December 31, 2014, the 12-month rolling average remained at a reportable level (17.0 micrograms per liter). Water quality at WALPOC is evaluated in Section 3.1.2.1 of this report.
- All other RFLMA POC analyte concentrations/activities remained below reporting levels throughout CY 2014.
- Reportable 12-month rolling average americium (Am) and plutonium (Pu) activities were observed during the first half of CY 2014 in surface water at RFLMA Point of Evaluation (POE) monitoring station GS10, which is located on South Walnut Creek upstream of former Pond B-1. As of June 30, 2014, the 12-month rolling averages for Am and Pu were no longer reportable.
- All other RFLMA POE analyte concentrations/activities remained below reporting levels throughout CY 2014.
- The results of statistical evaluations of groundwater quality at the OLF and Present Landfill (PLF) were largely identical to the results of these evaluations performed in 2013.
- Water monitoring at the Present Landfill Treatment System during CY 2014 showed two analytes, arsenic and vinyl chloride, detected above the applicable standards for individual sample results collected at the system effluent during routine quarterly sampling.

The observed arsenic concentrations did not reoccur and RFLMA consultation regarding arsenic was not required during CY 2014.

Vinyl chloride was detected above the standard in three successive monthly samples following the routine quarterly sample. In accordance with the evaluation protocols in RFLMA Attachment 2, Figure 11, "Groundwater Treatment Systems," these consecutive results triggered consultation among the RFLMA Parties and sampling at location NNG01 (outfall of the former PLF Pond area) for vinyl chloride. NNG01 was sampled on March 26, 2014. Vinyl chloride was not detected in the sample from NNG01, and consequently the PLFSYSEFF quarterly sampling frequency was resumed. The consultation is documented in Contact Record 2014-06 (http://www.lm.doe.gov/Rocky_Flats/ContactRecords.aspx).

- The East Trenches Plume Treatment System (ETPTS) was reconfigured in 2014 to eliminate the original relatively costly and wasteful treatment approach, and replace it with a more effective method that should sharply reduce long-term costs. The original treatment media, zero-valent iron (ZVI), did not meet RFLMA treatment targets and had to be replaced every

3 to 4 years, and the spent media required proper disposal, sometimes as low-level radioactive waste. The ZVI was eliminated from the reconfigured system, and other system components were modified and adapted to support a commercially available air stripper. The electricity powering this air stripper is from the ETPTS solar/battery facility (installed in 2013 to support a smaller air stripper designed and built by Rocky Flats staff), with some additional solar capacity installed in 2014 using repurposed solar panels that were no longer used for their original application. The project to reconfigure the ETPTS was nearing completion as 2014 ended and represents the only solar-powered air stripper known to the manufacturer in the U.S.

- The Solar Ponds Plume Treatment System was the focus of continued study in an effort to improve cost and treatment effectiveness. Pilot-scale lagoons continued to support studies of better ways to treat nitrate. Using small containers (“microcells”) of various forms of treatment media—on the order of 1 to 2 gallons—continued being tested to treat uranium. Both of these approaches are being optimized for potential full-scale implementation.
- All RFLMA wells were sampled in 2014 (including Evaluation wells, which are routinely sampled every other year). Groundwater quality and flow at the Site were generally consistent with previous years. No reportable conditions were indicated. Statistical trending calculations indicated numerous significant concentration trends. Conditions observed at some locations, particularly with respect to groundwater elevations, suggested climatic causes: the effects of the extremely heavy precipitation received in September 2013 continued to be observed through the first portion of 2014.
- All RFLMA-required ecological data collection, analysis, and reporting were completed as scheduled.
- Revegetation monitoring data continued to demonstrate the establishment and sustainability of desirable grassland species at the Site.
- The annual data quality assessment showed that the Site continues to collect high-quality data sufficient for decision making.

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Nancy Newell

MEMORANDUM

TO: Stewardship Council Board
FROM: Rik Getty
SUBJECT: Remaining Environmental Contaminant Levels Briefing
DATE: May 20, 2015

We have scheduled 50 minutes for Carl Spreng with CDPHE to brief on cleanup levels and remaining contaminants of concern. CDPHE will discuss the contaminants that were released to the three principle environmental media—soil/sediments, water, and air—and the remaining contamination levels throughout Rocky Flats.

The briefing will focus on three primary questions:

1. What are the primary contaminants of concern (COC) and their remaining contaminant levels at Rocky Flats?
2. How do we know what the contaminant levels are?
3. What risks do these contaminants pose?

In reviewing this material and preparing for the briefing, bear in mind that late in the cleanup Rocky Flats was divided into two major management units—the Central Operable Unit (COU), which are the primary DOE-retained lands, and the Peripheral Operable Unit (POU), which largely comprise the Rocky Flats National Wildlife Refuge. This memo and briefing will include both the COU and POU as, together, they comprise the historic weapons facility.

Executive Summary

1. What are the primary contaminants of concern (COC) and their remaining contaminant levels at Rocky Flats?

The primary COC are plutonium (Pu), americium (Am), uranium (U), volatile organic compounds (VOC), and semi-volatile organic compounds (SVOC). Cleanup levels vary between the different contaminants, but the contaminant of greatest concern during cleanup was plutonium. Pu remediation focused on soil remediation.

The final surface soil (defined as the top 3' of soil) cleanup level for Pu (and Am) was 50 picocuries per gram of soil (pCi/g). This standard was based on the most likely future use scenario (a wildlife refuge worker) and drove many aspects of the cleanup. Throughout the COU

and POU, soil sampling was performed to confirm that the remaining surface soils contained less than 50 pCi/g. For the COU, the remaining contaminant levels for Pu in the surface soils average 4 pCi/g. For the POU, the sampling data indicates the remaining soils contain on average less than 1 pCi/g of Pu, and in most places are background or close to background. Some of the subsurface soils in the COU contain far higher levels of Pu.

As discussed below, the other COCs exist throughout the COU. DOE manages and treats these contaminants (e.g., the Solar Ponds Plume Treatment System). Issues have emerged that require ongoing investigations and management actions (e.g., U levels in Walnut Creek)

2. How do we know what the contaminant levels are?

The short answer is extensive sampling. DOE collected and analyzed thousands of soil samples across the entire site prior to closure. Surface soils, subsurface soils, and drainage sediments were analyzed. These results were used in an intensive health risk assessment that was overseen by the EPA and CDPHE. In addition, the EPA performed further soil testing to verify DOE's results. The results were confirmed by the Agency for Toxic Substances and Disease Registry (ASTDR).

3. What risks do these contaminants pose?

DOE calculated the greatest risk from residual Pu contamination is to a refuge worker with an individual increased cancer risk estimated to be 2×10^{-6} , or two in one million. These levels are also protective of wildlife and refuge visitors. Accordingly, in 2007 the EPA certified the cleanup was complete and removed (de-listed) the POU lands from the CERCLA National Priorities List (NPL). The POU lands were deemed available for any and all uses. The COU lands remain on the NPL due to ongoing groundwater remediation.

Details on Primary COC and their levels at Rocky Flats

Pu, Am, U, VOC, and SVOC can be found in both soil and water. The radionuclides were released to the environment at many locations across the COU, as well as the POU, with some contamination moving offsite by wind-borne dispersion and via the surface waters of Walnut and Woman Creeks. VOC are found in groundwater plumes emanating from the East Trenches waste disposal area and the Mound Site waste disposal area. Both of these areas have groundwater treatment systems designed to remove the VOC from the contaminated groundwater plumes.

Examples of some of these COC releases to the environment were:

- Pu, Am, and U contamination from over 5,000 leaking drums (late 1950's and early 1960's) of machining fluids at the outside drum storage area (903 Pad) on the southeast side of the Industrial Area. Early attempts to remediate the area resulted in air-borne dispersal (primarily east and southeast) of radioactive particulates by high winds.
- leaking drums of VOC in the East Trenches and Mound Site which contaminated groundwater
- fires in Building 771 in 1957 and Building 776 in 1969 which released some radionuclides to the air but not near as much as the 903 pad releases
- releases of radionuclides within and surrounding production buildings which eventually led to contaminated surface and subsurface soils

- U releases in the Solar Ponds evaporation area which contaminated groundwater that eventually goes into North Walnut Creek (a groundwater plume treatment system is located near North Walnut which treats U-contaminated groundwater)
- releases from leaks in underground liquid process waste lines

Independent community assessment of Pu cleanup levels

The initial soil cleanup levels (called soil action levels) for Pu were 651 pCi/g. Due to widespread community concerns, DOE agreed to fund a community-designed and directed independent assessment. The community oversight panel hired the Risk Assessment Corporation (RAC), headed by Dr. John Till. Till and the community panel evaluated, among many factors, Pu movement, the impact of drought and fire, contaminant ingestion, and inhalation rates. RAC proposed a future use scenario where a resident ranching family with children would live on Rocky Flats and get all their food and water from the site. Based on the future use scenario (the most use intensive scenario possible) and model inputs, RAC and the oversight panel adopted a Pu soil cleanup level of 35 pCi/g. They concluded that 35pCi/g would protect the ranching family and comply with the EPA's risk range of excess cancer rates.

In 2003, the RFCA parties modified their soil action level for Pu to 50 pCi/g, though most of the surface soils in the COU and all of the soils in the POU are far cleaner than 50pCi/g. According to DOE, EPA and CDPHE data, soils in the POU contain on average less than 1 pCi/g of Pu, and in most cases are at background. The remaining soil in the COU contains on average about 4 pCi/g of Pu.

In other words, with few exceptions, the Pu soil cleanup levels at Rocky Flats are largely cleaner than the RAC's resident ranching scenario of 35pCi/g. The notable exception is the subsurface soils in the COU as there are areas along building foundations and old process waste that are substantially higher than the 50pCi/g level. Cleanup levels were predicated on those subsurface contaminants remaining in the subsurface or, alternatively, being brought to the surface through natural process in quantities that do not exceed the surface soil standards.

Contaminants and water quality

The Pu and Am water standards for surface water at the site are both 0.15 pCi/liter of water. This site-specific standard is 100 times lower (more protective) than the EPA's nationwide standard for gross alpha. The site standard for U in surface water is 16.8 microgram/liter, which is not based on radioactive risk but rather on heavy metal toxicity risk.

Throughout the past few years there have been radionuclide exceedances at Point of Compliance water monitoring location WALPOC (on Walnut Creek at COU boundary) and Point of Evaluation water monitoring location GS-10 on South Walnut Creek upstream from former Pond B-1. Over the last few years U at WALPOC has exceeded the water standard of 16.8 ug/l. Although these instances were reportable conditions, they were not finable because the U dropped below the standard. There have also been reportable conditions for U, Pu, and Am at GS-10 but these elevated levels also dropped below the corresponding standard. An independent study by Wright Water Engineers on U transport in the Walnut Creek drainage was recently completed which helps shed light on the cyclical nature of U levels in Walnut Creek.

The East Trenches and Mound Site VOC- contaminated groundwater plumes exceed the EPA water quality standards, but after treatment and discharge into surface water the VOC levels are below regulatory standards. As noted above, the COU remains on the CERCLA NPL due to ongoing groundwater treatment.

Details on how we know the remaining COC levels in soils

Before and during cleanup there were thousands of soil and sediment samples collected both onsite and offsite (primarily east of Indiana Street). During cleanup, Rocky Flats was divided into 12 exposure units (EUs; CERCLA nomenclature). (See attached map). These EUs were based on topography, past uses, and other factors.

Beginning in 2004, within each EU, DOE and its prime contractor performed a complex risk-based analysis using results from environmental sampling. This CERCLA analysis is termed a comprehensive risk assessment (CRA). CRAs examine environmental sampling results for soil, air, and water, and try to determine what impact, if any, contamination may have on human health and the environment. There were two CRAs performed in each EU, one for human health and the other for environmental (risk to flora and fauna). Although there was extensive historical soil testing, a few data sets could not be used due to suspect data quality, so additional testing was required. Accordingly, DOE, with oversight from EPA and CDPHE, implemented a new sampling effort. That work generated additional characterization data for these EUs.

In addition, the EPA also performed additional soil testing in each of the EUs. Based on DOE's Buffer Zone testing, the EPA picked the grid cell location within each EU which had the highest level of Pu contamination. The EPA then collected five soil samples from that grid location and analyzed them separately (they did not composite the five samples into one sample). The EPA results aligned with those obtained by DOE.

For a more detailed discussion on EU sampling results see the board packet from the April 2011 Stewardship Council meeting:

http://www.rockyflatssc.org/RFSC_agendas/RFSC_Bd_mtg_packet_4_11.pdf

Remaining risks

In 2007, the EPA certified the cleanup was complete and removed (de-listed) the POU lands from the CERCLA National Priorities List (NPL). The POU lands were deemed available for any and all uses. DOE calculates the greatest risk from residual contamination is to a refuge worker; the calculated increased cancer risk is 2×10^{-6} , or 2 in one million. These levels are also protective of wildlife and visitors.

A refuge worker's annual dose is calculated to be less than 1 mrem/year. The dose visitors to the Rocky Flats National Wildlife Refuge would receive would be significantly less. 1 mrem/year compares to other doses as follows:

- Average dose to US public from all sources: 360 mrem/year
- Average dose to US public from natural sources: 300 mrem/year
- Average dose to US public from medical sources: 53 mrem/year
- Average dose to US public from nuclear power: < 0.1 mrem/year

Average US terrestrial radiation: 28 mrem/year
Terrestrial background (Atlantic coast): 16 mrem/year
Terrestrial background (Rocky Mountains): 40 mrem/year
Cosmic radiation (Sea level): 26 mrem/year
Cosmic radiation (Denver): 50 mrem/year
Radionuclides in the body (e.g., potassium): 39 mrem/year
Building materials (concrete): 3 mrem/year
Drinking water: 5 mrem/year
Pocket watch (radium dial): 6 mrem/year
Eyeglasses (containing thorium): 6 - 11 mrem/year
Coast-to-coast airplane (roundtrip): 5 mrem
Chest x-ray: 8 mrem
Dental x-ray: 10 mrem
(source: Idaho State University, Radiation Information Network)

Please let me know if you have any questions.

Figure 1.1
Rocky Flats Environmental
Technology Site
Exposure Units

