

ROCKY FLATS STEWARDSHIP COUNCIL

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

Board of Directors Meeting – Agenda

Monday, August 4, 2008, 8:30 – 11:30 AM

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

- 8:30 AM Convene/Agenda Review
- 8:35 AM Business Items
1. Consent Agenda
 - o Approval of May 5th meeting minutes and checks
 2. Executive Director's Report
- 8:55 AM Public Comment
- 9:00 AM Natural Resource Conservation – NRD Fund RFP and Proposed Legislation to Expand the Stewardship Council's Scope to include the Beyond the Fences Proposal (briefing memo attached)
- o The conversation will focus on two related items.
 - o The Natural Resource Trustees will provide an overview of the NRD Fund RFP that was discussed in concept at the May meeting. The Trustees will host a separate ½ day public workshop which will focus on natural resource damages and the RFP.
 - o The Board will also discuss the role of the Stewardship Council in Senator Salazar and Representative Perlmutter's Beyond the Fences proposal.
- 10:00 AM DOE Briefing on Plans to Notch Dams A-1, A-2, B-1, B-2, B-3, and B-4 (briefing memo attached)
- o DOE will brief the Stewardship Council on its plans to notch these dams.
 - o The purpose of the notching is to reduce the active management and maintenance needs.

- This decision follows the *Pond and Land Reconfiguration Environmental Assessment Comment Response, and Finding of No Significant Impact* that DOE completed October 2004 during closure activities

- 10:30 AM Host DOE Quarterly Meeting (briefing memo attached)
- DOE will brief the Stewardship Council on site activities for the first quarter of 2008 (January – April).
 - DOE has posted the report on their website and will provide a summary of its activities to the Stewardship Council.
 - Activities included surface water monitoring, groundwater monitoring, ecological monitoring, and site operations (inspections, maintenance, etc.).

11:15 AM Public comment

- 11:20 AM Updates/Big Picture Review
1. Executive Director
 2. Member Updates
 3. Review Big Picture

Adjourn

Next Meetings: October 6, 2008
 November 3, 2008

Business Items

- May 5, 2008, draft board meeting minutes
- List of Stewardship Council checks

NRD Briefing and Beyond the Fences

- Cover memo
- June 6, 2008, letter from Senator Salazar and Representative Perlmutter
- Proposed LSO legislation
- Arvada response to proposed LSO legislation
- Boulder response to proposed LSO legislation
- Boulder County response to proposed LSO legislation
- Broomfield response to proposed LSO legislation
- Keller Farm Property response to proposed LSO legislation and mountain backdrop legislation
- July 2, 2008, letter from Senator Salazar and Representative Perlmutter

Rocky Flats Stewardship Council

Monday, May 5, 2008

8:30 – 11:45 AM

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

Board members in attendance: Lisa Morzel (Director, Boulder), Matt Jones (Alternate, Boulder), Meagan Davis (Alternate, Boulder County), Lori Cox (Director, Broomfield), Mike Bartleson (Alternate, Broomfield), Jacob Smith (Director, Golden), Kate Newman (Alternate, Jefferson County), Shari Paiz (Director, Northglenn), Shelley Stanley (Alternate, Northglenn), David Allen (Alternate, Northglenn), Andrew Muckle (Director, Superior), Matt Magley (Alternate, Superior), Bob Briggs (Director, Westminster), Ron Hellbusch (Alternate, Westminster), Jeannette Hillery (Director, League of Women Voters), Sue Vaughan (Alternate, League of Women Voters), Kim Grant (Director, Rocky Flats Cold War Museum), Roman Kohler (Rocky Flats Homesteaders), Karen Imbierowicz (Director).

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

Attendees: Bob Nelson (citizen), Hillary Merritt (The Trust for Public Land), John Dalton (EPA), Vera Moritz (EPA), Carl Spreng (CDPHE), Jeanette Alberg (U.S. Senator Allard), Zane Kessler (U.S. Senator Salazar), Dan Miller (Colorado Attorney General's office), Steve Berendzen (USFWS), David Bird (DNR/DRMS), Jeremiah McLaughlin (Stoller), John Boylan (Stoller), Jody Nelson (Stoller), Rick DiSalvo (Stoller), George Squibb (Stoller), Shirley Garcia (Broomfield), Heather Cronenberg (Westminster), Cathy Shugarts (Westminster), Scott Surovchak (DOE-LM), Charles McKay (Church Ranch/JCMD), Jeffrey Schultz (citizen), Laura Schultz (citizen), Dean DeSantis (citizen), Eric Barnes (auditor, Wagner, Burke & Barnes), Jennifer Bohn (RFSC accountant).

Convene/Agenda Review

Vice Chair Jeannette Hillery convened the meeting at 8:35 a.m. There were no changes to the agenda.

Business Items

Prior to approving the February 4th meeting minutes, a correction was noted on page two. The correct officers for 2008 are Lorraine Anderson as Chair, Jeannette Hillery as Vice Chair, and Lori Cox as Secretary/Treasurer. There was also a typo above that which will be corrected. There were no changes for the April 7 minutes. Karen Imbierowicz moved to approve the February and April meeting minutes and the checks. The motion was seconded by Roman Kohler. The motion passed 11-0. (Arvada was not present)

Executive Director's Report

David noted some changes to the membership of the Stewardship Council. Since Bob Nelson is no longer an elected official for the City of Golden, he is not able to serve as a member of the Stewardship Council. David introduced Jacob Smith, the Mayor of Golden as a new member. Also, Nanette Neelan moved on to new position with Commerce City, so will no longer be with the Stewardship Council.

Local government funding contributions to the Stewardship Council have been received. One is still being processed.

David addressed the issue of pesticide spraying at Rocky Flats, and the desired notification of local governments. There has been no resolution as of yet, but there are some ongoing communications among the three involved cities (Broomfield, Northglenn and Westminster). They are looking into what standard governmental communications and protocols should be used. David will keep the group updated on any progress with these talks.

In mid-April, the Stewardship Council received a letter from Senator Salazar and Representative Perlmutter inviting the Stewardship Council to a May 29th meeting to discuss their Beyond the Fences proposal. The issues Salazar and Perlmutter identify in their letter directly touch upon Stewardship Council topics, so David encouraged the Stewardship Council members to discuss these issues within their own organizations prior to the meeting in order to give Salazar and Perlmutter direction. Salazar and Perlmutter want to create a forum made up of the surrounding governments which focuses on partnering on open space acquisition and preservation. Ideally, they would love to use the forum of the Stewardship Council. However, they first wish to discuss whether the governments are interested in working on Beyond the Fences issues. If they do, then the proper forum will be identified.

David noted that the Stewardship Council has some latitude for working on this issue, but there will come a point where the discussion moves beyond scope of Stewardship Council's IGA and LSO status. David Allen added that the first Beyond the Fences discussion was focused on Forest Service lands, and asked if this would bridge the gap. David said it may, partly. He recommends holding off a little bit on this question. These issues may be beyond the scope of the LSO. In David's conversations with representatives from Salazar and Perlmutter, a few options have come up. The Stewardship Council's IGA must be re-approved before February 2009, based on a triennial review requirement. The group does have the option to expand the scope of the IGA. Alternatively, if the Stewardship Council wishes to discuss these issues as the Rocky Flats LSO while using federal funding, the legislation must be amended. Both of these ideas are captured in the recent letter from Salazar and Perlmutter. David would like the group to discuss these options at the May 29 meeting. If federal LSO funding is not used, then alternative sources must be addressed. David added that most of the increased staff burden will fall on the local governments, not as much on Stewardship Council staff.

Public Comment

There was none.

Receive Stewardship Council 2007 Financial Audit

Eric Barnes briefed on the results of its financial audit of the Stewardship Council's 2007 finances. No material problems were found, and the auditors determined that the Stewardship Council was in compliance with all applicable laws and regulations. He walked the group through the various sections of the report, such as the auditor's findings, balance sheet, liabilities, revenue and budget. Everything was found to be in proper order.

Lori Cox moved to accept the 2007 audit findings. The motion was seconded by Roman Kohler. The motion passed 11-0. (Arvada was not present)

David Abelson noted that the Stewardship Council has furniture and office equipment that has been stored at no cost for the past couple of years. He is currently working with Jennifer and Barb to look at options for either selling or donating these pieces since there is no longer a need for the Stewardship Council to maintain ownership of these items.

Discuss DOE Documents

The Stewardship Council has expressed a strong interest in preserving Rocky Flats-related documents that were once housed in the Public Reading Room at the Front Range Community College Library. Because personal information was found in one or more documents, DOE has decided to destroy the entire collection, after making digital copies of some portion of the documents. David Abelson said that it his impression that DOE believes this issue is being pushed by Stewardship Council staff, and that the Board does not see this issue as very important. Jeanette Alberg interjected that Senator Allard is very aware of this issue and is also looking into it. David said Congressmen Udall and Perlmutter also support preservation of these documents. David sent a letter in April to DOE-HQ asking for an explanation of what is driving their position to destroy the documents. Mike Owen said in February that he believed there was a way to resolve this issue agreeably. David believes this as well. Many of the documents in this collection are not DOE documents, but are nevertheless in their possession and are subject to destruction. Gary Morell, the Front Range Library librarian who previously managed this collection for DOE, told DOE in a letter that it would be possible to narrow down the scope on any documents that may contain personal information. Another issue that was raised by Udall and Perlmutter was the need to maintain availability of these documents for workers trying to file health claims.

Scott Surovchak said no decisions have been made. He stated that if there is any suspected personally identifiable information (PII) in the collection, DOE is prohibited from releasing them. He added that redacting the documents would be very expensive. He said that DOE has found PII in the Administrative Record (AR) here and at other sites. Jeannette Hillery asked if the Stewardship Council can communicate with the decision- maker involved in this process. Scott said that person is John Montgomery with DOE. Lori Cox asked why these documents cannot be released now, since were stored at Front Range Community College for years. Scott said that most of the documents are copies of the AR, in which DOE has since found PII. Bob Darr noted that, although Reading Rooms have been around a long time, things have changed regarding misuse of personal information such as Social Security numbers. PII has a very broad

legal definition and, to follow the laws and the way they are enforced now, DOE cannot release these documents. Bob added that when DOE first found PII in these materials, they shut down reading rooms. There are 460 boxes of documents from Front Range. Jeanette Alberg said she visited with Montgomery to discuss this issue. One of things that makes any redaction or sorting more difficult is that the contents of the boxes are not in any kind of order.

David Allen expressed his frustration that this group was told that the documents were in transit to CU, only to find out they are now slated to be destroyed. He said many of the documents will not contain personal information. He added that, because this collection is of such importance, this group or others could offer funding or volunteers. Scott Surovchak said the decision is ultimately based on available funding. David Allen said that can be worked around. Kim Grant said he shares in the frustration. While he does not know how many documents potentially contain PII, the policy to destroy the lot seems very short-sighted. He said former plant workers do not remember using PII routinely in their work at the site. Kim reminded DOE that the CU library employs professional archivers, and that they also would be breaking the law to share PII. He concluded by saying that it seems like there is a solution to this whole issue. Jeannette Hillery said that the CU archive staff is willing to sit down with DOE to discuss security and protocol methods. Lisa Morzel said she agreed with everything that had been said. She added that library staff can scan for PII on the spot, too – as they do for other ‘protected’ collections. She noted that library science students may also be available to work on this collection. Lori Cox said she agreed with previous two speakers. She said the problems are not insurmountable, and that it is not just David Abelson supporting this course of action. She added that Broomfield would do their part to make sure these records stay local and stay intact.

David Abelson said that Front Range had all of these documents catalogued, so they are not just loose papers in the boxes. There is a place to store everything until any issues are resolved. The CU archives have funding to pay for dealing with PII. David added that DOE has not provided many specifics about which documents may contain PII. He referenced one example of shipping records for Envirocare, but has not heard of many others. Scott Surovchak stated that, as long as everyone agreed that legal liability was resolved, he would be eager to move forward with alternate arrangements. David noted that this was a positive opening. Roman Kohler, a former site worker, shared his experience that very seldom did workers use SSNs in their normal work documents. Jeanette Alberg said that her conversations with DOE have been productive, and reflected a willingness to look at options. She said Senator Allard has inquired as to whether he could acquire the documents and send them to CU (even though his own archives will be in Denver Public Library), or look at whether they can be included in other archives that already exist at CU. Laura Shultz, a former worker from 1987-2005 said they started using SSNs in 1995. Rik Getty said he worked at the site from 1983-2003, and that it was only when Kaiser-Hill took over the management contract that they started using SSN’s, but still not that often. Jeannette Hillery said she was looking for a motion stating that the Stewardship Council does support preservation of these documents, and recommending that a smaller group work with all parties to find solutions.

Kim Grant moved to send the letter to DOE’s Mike Owen. The motion was seconded by Lisa Morzel. The motion passed 11-0. (Arvada was not present)

There was a question of whether the Stewardship Council needed to provide any additional direction in order to proceed on this issue. Karen Imbierowicz said that the last paragraph of the letter is clear on what this group would like to do with the documents. David Abelson suggested that since the letter lays out a clear policy, the group should charge him with working with the Executive Committee to move this forward. Lori Cox said that Broomfield would prefer to direct staff to work with the Executive Committee also. Sue Vaughan asked about including the idea for a follow-up group in the letter that will be sent. Barb Vander Wall said she would not recommend taking this step. While the Stewardship Council can help work out some of the issues, it cannot make any statements about liability to DOE, so it would be best to leave this out of the letter. Jeannette Hillery said David will work with Executive Committee, and asked Board members to email them with any input. Lisa Morzel suggested having each Board Member sign the letter as sign of unanimity; however the group decided that the logistics would be too difficult.

Review and Approve Briefing Materials for Newly Elected Officials

The Stewardship Council identified a need to prepare briefing materials for newly-elected officials. The Board reviewed first drafts of the documents at the October 2007 meeting, and later reviewed these drafts via email. No changes were proposed to these revised drafts. Since Stewardship Council staff often receives inquiries about offsite lands, this topic was added to the list of titles. In preparing the drafts, staff is has tried to avoid making any references to what is or is not ‘safe’, and is instead attempting to frame everything as objectively as possible. All other work has been guided by the Board’s direction from last fall.

Roman Kohler said that these papers were very well done. Sue Vaughan added that the League of Women Voters in Jefferson County recently prepared an update on Rocky Flats and these were very helpful to them. Andrew Muckle also said they were very good and suggested putting timeline in more of a narrative format. David Abelson said that the Energy Communities Alliance put together a piece entitled “*The Politics of Cleanup*” and that the briefing materials can link to this report. He will also review this report again in case it can provide additional information. David Allen also thought the briefing materials were done very well, and he liked the format. He pointed out that whenever the reports make reference to ‘safe for humans’, staff should add ‘and the environment’. He added that they will be good to have for website. Barb Vander Wall suggested that they also add the date each was created. David Abelson noted that these documents and others will be made much more visual on website.

Lori Cox moved to approve the briefing materials. The motion was seconded by Roman Kohler. The motion passed 11-0. (Arvada was not present)

Continue Discussing Use of NRD Funds

During this discussion, the Board planned to start identifying its priorities for use of the NRD funds. The Board and those organizations that have proposed projects will also start to identify additional funds that can be used to support their proposed project(s), and identify additional information needed to evaluate these proposals.

David Abelson began by referring back to a question posed by David Allen at the last meeting about the specific role of Stewardship Council in this process. There has been some clarification on this point since the last meeting. David explained that the Natural Resource Trustees will put out a Request for Proposals and serve as the grantor. The actual proposals will come from local governments and other groups. The Stewardship Council will not be submitting a proposal, but has the ability to endorse proposals as it sees fit.

Dan Miller noted that the next step for the Trustees is to put out the RFP. The grants will be administered by CDPHE. The RFP will be approximately 20-25 pages. So far, all of the proposals have been very conceptual projects, but the Trustees will need quite a bit more detail. Dan said the Trustees see this as an iterative process, which will progress through these conceptual plans, to preliminary plans, and then final proposals. Once the RFP is released, he envisions a back and forth dialogue between the Trustees and the project proponents, in an effort to help them modify proposals in order to score better. If the Stewardship Council does endorse a particular project(s), the Trustees will take the organization's support into account as part of their evaluation.

Lisa Morzel said that it was good to have this clarification. She hopes that the Stewardship Council continues to work as cohesive group and is able to avoid any fragmentation. She said she would be in favor of rolling all of the ideas into one proposal so the local governments will not be competing with each other. She also noted that, usually when a local government acquires open space, they try to keep it as quiet as possible prior to the acquisition. If there is much publicity, it has the potential of affecting the price and negotiations. Jeannette Hillery asked when the RFP will go out. Dan Miller said they are shooting for a May release. David Allen noted that the Stewardship Council has many of the key players at the table, providing for a head start on collaboration. He asked who will be eligible to submit proposals. Dan said that the Trustees have not specified an area for projects, but that they have a preference for geographic closeness. He expects a 30-60 day time period for submittal of conceptual plans. Karen Imbierowicz asked if the Stewardship Council will have the opportunity to weigh in at all three phases. Dan said they will. Meagan Davis said that Boulder County has already met with the City of Boulder to discuss prioritization and possibly scaling back on their original proposals. She added that they are looking to work more on this. Westminster has also had discussions along these lines. Lori Cox noted that this is a very different scenario than what understood before, yet she is still looking forward to working together with the other governments and groups.

David Abelson said he is still looking for the Board to develop a guiding vision for using this funding. They will need a basis for evaluating the various proposals. Matt Jones noted that everyone mentioned Section 16 in their initial proposals, but he is having a hard time understanding how much this land is worth, even a ballpark estimate. He said that, until this information is clear, no one can really decide how much they may want to contribute. Kim Grant said he also thinks Section 16 is the most difficult to consider, because of the lack of information available to prioritize it alongside other projects. Jeannette Hillery said the group may need to wait for the RFP to get additional information. In the meantime, the municipalities could try to start coordinating other projects. Andrew Muckle asked if there is a point person

who is going to explore a non-purchase lease agreement on Section 16. Dan Miller responded that the Attorney General's office can help do some of the research about issues, obstacles and challenges regarding this parcel. He added that the Trustees finally have their project contractors on board (Stratus Consulting). Dan said they could host a workshop at an appropriate point in the process in order to provide and explain in more detail about what they are looking for in these proposals.

David suggested arranging a meeting with Stratus immediately before the Beyond the Fences meeting on May 29. He also recommended not limiting this vision to the use of NRD funds, but looking at the bigger picture and what makes sense for the area as a whole. Lisa Morzel added that she does not see the NRD projects as the end of the vision. She noted that this level of thinking and planning is exciting, and hopes to keep it moving. Dan Miller said he is not sure if a May 29 meeting with Stratus would work, but he will check. Jeannette Hillery encouraged the various Stewardship Council members to keep their discussions going. Matt Jones asked about criteria for the proposals. Dan said that so far they are pretty general. However, there are very detailed technical issues that go into measuring the benefits of the proposals. He added that any meeting with Stratus to discuss these issues could last at least a half of a day. Kim Grant suggested perhaps spending an hour on the 29th going through the RFP if it is available by then. Dan said he was not sure it will be available.

Host DOE Annual Meeting

Representatives from Stoller at Rocky Flats were present to brief the Stewardship Council on site activities for calendar year 2007. DOE has posted the report on their website. Activities included surface water monitoring, groundwater monitoring, ecological monitoring, and site operations.

Rick DiSalvo began by providing a recap of the second Rocky Flats CERCLA Five-Year Review, which was completed in September 2007. The final Report is available on the Rocky Flats website. Based on this review, the remedy remains protective of human health and the environment. The Review was approved by EPA, and concurred by CDPHE. This Five-Year Review only addressed the Central OU (COU). A Notice of Partial Deletion for the Peripheral Operable Unit (POU) and OU3 was issued May 25, 2007, and most POU land was transferred to the U.S. Fish and Wildlife Service in July 2007.

Surface Water

George Squibb next provided an update on Surface-Water Monitoring and Operations for the year. The monitoring network was about the same as the previous year and included 23 surface water sampling locations, 100 groundwater wells, and 10 treatment system locations. During 2007, they collected 201 samples including 130 composites comprised of 7,074 grabs. The terminal ponds A-4 and B-5 were each discharged twice during the year due to snowmelt. Water quality at all Points of Compliance and all Points of Evaluation, except GS10, were below applicable standards. Reportable values for total uranium at GS10 were likely caused by groundwater contributions of naturally occurring uranium to South Walnut Creek.

Surface-water quality results supporting both the Original and Present Landfills indicate the remedies are functioning properly. Although values were high for some metals, additional sampling was conducted for required time periods, and these areas reverted back to a regular sampling schedule after the values decreased. George said the site is not anticipating any pond discharges this year based on current precipitation levels. Shelley Stanley asked if the site filters their surface water samples. She also asked how high the nitrates levels were. George said that nitrate levels decreased from 6 mg/l to 3 mg/l at Pond A4.

Groundwater

John Boylan presented information about Groundwater Monitoring at the site for both the 4th Quarter and then for the calendar year. Rocky Flats Legacy Management Agreement (RFLMA) 4th-quarter monitoring included Area of Concern (AOC), Sentinel, and RCRA wells, as well as Groundwater treatment systems. All locations were sampled as scheduled and the analytical results were consistent with previous data. Sentinel well 45605 (at the 901 hillside slump) was abandoned following sampling. Non-RFLMA sampling was conducted at both the Mound Site Plume Treatment System and the East Trenches Plume Treatment System to determine whether a change to upflow configuration had affected treatment efficiency. No significant effect was observed, so the systems were returned to downflow. Finally, samples at downgradient Solar Ponds Plume Treatment System locations (Discharge Gallery and GS13) were collected to support Colorado Water Quality Control Commission discussions.

Data showed that contaminant plumes in 2007 were consistent with conditions in 2006. Groundwater flow is as predicted prior to closure, potentiometric surface and flow conditions are very similar to pre-closure, and the post-closure hydrologic regime is equilibrating

Contaminant plumes are remaining consistent with previous years. The Groundwater Treatment Systems continued to treat intercepted groundwater and remove contaminants. No major maintenance was performed on the systems during 2007, although several studies and evaluations were completed. The site is in the process of evaluating the path forward for the Solar Ponds Treatment System (i.e. long-term maintenance costs, downgradient water quality).

During 2007, the site also updated several groundwater models, and confirmed that groundwater flow is consistent with pre-closure assumptions. They also evaluated the no-purge sampling method, and decided not to use it at Rocky Flats based on their results.

At the Present Landfill, conditions in 2007 were similar to 2006, with fewer metals exhibiting statistically higher downgradient concentrations and no volatile organic compounds detected downgradient. At the Original Landfill, conditions in 2007 were also similar to 2006, with fewer metals exhibiting statistically higher downgradient concentrations.

CO Water Quality Commission

Rick DiSalvo provided an update on Colorado Water Quality Control Commission (CWQCC) proceedings. Rocky Flats submitted a petition to adopt the statewide basic uranium (U) standard (~20 pCi/L). A hearing is scheduled for January 2009. This petition would eliminate site-specific standards of 10 pCi/L on Walnut Creek and 11 pCi/L on Woman Creek. A hearing was

held in December 2007 to review Rocky Flats' expiring Temporary Modifications. No changes were made.

An Issues Scoping Hearing for the Triennial Review of the South Platte River Basin was held in October 2007. Issues identified included Rocky Flats temporary modifications expiring on 12/31/09; a new statewide basic standard for arsenic (10 ug/L) which is below the Rocky Flats site specific standard (50 ug/L); whether CDPHE will adopt new EPA method for copper or other metals; the Uranium petition is already scheduled for rulemaking. An Issues Formulation Hearing will take place in November 2008 with a Rulemaking Hearing to follow in June 2009.

David Abelson asked why the site is pushing for the January 2009 uranium review and not simply waiting for the June 2009 Triennial Review. Rick said that DOE sees this as ripe for a stand-alone issue, and that they do not want to complicate the Triennial Review.

Ecology

Jody Nelson reviewed the 2007 Ecological activities at the site. Project support was provided for the Roads III Project; Functional Channel 1/B371 Excavation/Fill Project; 991 Slump Repair; Annual Dam Mowing and Riprap Spraying Project; Solar Ponds Potholing Project; and COU fence construction. Ecological monitoring activities included OLF and PLF monthly vegetation surveys; monthly weed surveys in the mitigation wetlands; revegetation monitoring; weed monitoring/mapping; Preble's mouse mitigation monitoring; and wetland mitigation monitoring.

DOE also treated much of the land for weeds outside of the COU fence, because USFWS did not have funding to do this work. Jody said there are hundreds of before and after photos in the report CD. Bob Briggs asked which herbicides were used. Jody said they used a lot of Milestone, which is more environmentally-friendly, and can be used close to the water's edge. They occasionally use other herbicides as well. Shelley Stanley asked how many acres were sprayed. Jody said it was about 850 total acres, including 450 acres of USFWS land.

Site Operations

Jeremiah McLaughlin updated the group on Site Operations during 2007. At the PLF, 11 inspections were performed in CY 2007. The inspection frequency was changed from monthly to quarterly in November 2007 according to revisions in the PLF Monitoring and Maintenance Plan. No significant concerns were identified. 15 PLF settlement monuments were installed on the landfill cover in August 2006. Quarterly surveys were completed in March, June, August and December. Movement was within calculated settlement data per the M&M Plan.

At the OLF, 12 inspections were performed in CY 2007. Seven settlement monuments were installed. Quarterly surveys were completed in June, August, and December 2007. Movement was also within calculated settlement data per the M&M Plan. Seeps #4, #7, and #8 showed areas of active groundwater seepage throughout most of the year. Smaller seeps were only present temporarily after precipitation events. The Berm #1 Slump was documented February 7, repaired on April 12 and May 7, and final repairs were completed on August 2.

Also at the OLF, a Geotechnical Investigation Project was designed to evaluate mechanisms for movement and/or settlement of the landfill cover. Phase 1 (geophysical survey) was completed

on December 6. This involved investigating locations of waste beneath cover with seismic and resistivity equipment. Phase II Test Pits and Boreholes will occur in 2008, and the project will conclude with a Stability Analysis Report and recommendations. Twenty consolidation monitors were installed at the OLF in September 2007. These monitors will evaluate movement in Berm #1 slump area and will be surveyed monthly.

At a slump south of former Building 991, a regrade project was completed in November 2007. Excess material was hauled to the 903 Pad for revegetation efforts. Thirteen consolidation monitors were installed to assess future movement. Other Site Operations projects included regrading near former B371 to improve drainage; construction of the COU fence and installation of required signs and fence flags; various road upgrades throughout the year; and site access and security.

George Squibb added that the site is planning to breach six dams in September of this year. Plans were originated by Kaiser Hill during closure, and are now being re-worked. Lisa Morzel asked if they are prepared for floods. George said they are. They have many plans in place, and they are reviewed every year. Shelley Stanley asked if there will be any water backed up after the dam breach. George said it will be minimal. The goal is to get the wetlands established and back to original conditions. Sue Vaughan asked about the status of air monitoring. It will be discontinued in September, and they are storing, but not analyzing, samples until then.

David Abelson pointed out that Rik and others do review the entire Annual Report in order to go into higher level of detail on the site activities. He also noted that Rik is currently planning a site tour, which will most likely take place in June. He will share details as they become available.

Public comment

Laura Schultz (former employee) stated that she is concerned about the fate of the documents from the Front Range Reading Room. Jeff Shultz, Laura's husband, added that she (Laura) has kidney cancer, and he shows signs of berylliosis. They both have claims in process, and are having a difficult time accessing records. They expected to be treated fairly; however, it is looking like workers will need to move more toward litigation. The historical documents are increasingly important. He said that former workers would volunteer to go through the documents for CU to check for PII, as they are already trained to handle classified documents.

Lisa Morzel recommended that Laura and Jeff put these comments in writing to their Congressional representatives.

Updates/Big Picture Review

David Abelson noted that, upon talking with Dan Miller, if a meeting with Stratus does take place, the Trustees will convene the meeting to avoid the need for Stewardship Council meeting notice requirements. Also, David will be in Washington, D.C. in a couple weeks for another project. The Stewardship Council has decided to cover his costs for one extra day so that he will have an opportunity to meet with DOE about the document archive issue.

Kim Grant handed out copies of an article about efforts to commemorate Cold War history, a summary of the Cold War Museum's recent oral history presentation, and preservation efforts at the Nevada Test site.

Upcoming meetings

August 4, 2008

Potential Briefing Items

- Host LM quarterly public meeting
- Continue discussing use of NRD funds
- DOE Petition to change site Uranium standard (possibly)

October 6, 2008 (special meeting, needed for budget process)

Potential Business Items

- Initial review of 2009 budget
- Stewardship Council Triennial IGA Review (desire to continue, changes in scope)

Potential Briefing Items

- Continue discussing use of NRD funds
- Annual review of Stewardship Council activities
- Begin discussing 2009 work plan
- Begin discussing interpretive signage for Rocky Flats.

November 3, 2008

Potential Briefing Items

- Host LM quarterly public meeting
- Continue discussing use of NRD funds

Potential Business Items

- Budget Hearings for 2009 budget
- Approve 2009 Work Plan
- Stewardship Council Triennial IGA Review

The meeting was adjourned at 11:40 a.m.

Respectfully submitted by Erin Rogers.

3:50 PM
07/15/08

Rocky Flats Stewardship Council Check Detail April 19 through June 15, 2008

Type	Num	Date	Name	Account	Paid Amount	Original Amount
Check		4/30/2008		CASH-Wells Fargo-Operating		-2.00
				Admin Services-Misc Services	-2.00	2.00
TOTAL					-2.00	2.00
Check		5/28/2008		CASH-Wells Fargo-Operating		-2.00
				Admin Services-Misc Services	-2.00	2.00
TOTAL					-2.00	2.00
Check	1260	5/1/2008	Excel Micro	CASH-Wells Fargo-Operating		-10.75
				Telecommunications	-10.75	10.75
TOTAL					-10.75	10.75
Check	1261	5/1/2008	Qwest	CASH-Wells Fargo-Operating		-74.59
				Telecommunications	-74.59	74.59
TOTAL					-74.59	74.59
Check	1262	5/1/2008	Qwest	CASH-Wells Fargo-Operating		-27.22
				Telecommunications	-27.22	27.22
TOTAL					-27.22	27.22
Bill Pmt...	1263	5/1/2008	Blue Sky Bistro	CASH-Wells Fargo-Operating		-255.00
Bill		4/8/2008		Misc Expense-Local Government	-255.00	255.00
TOTAL					-255.00	255.00
Bill Pmt...	1264	5/1/2008	Erin Rogers	CASH-Wells Fargo-Operating		-450.00
Bill	4/21/...	4/21/2008		Personnel - Contract	-450.00	450.00
TOTAL					-450.00	450.00
Bill Pmt...	1265	5/1/2008	Jennifer A. Bohn	CASH-Wells Fargo-Operating		-1,207.00
Bill	2108	4/30/2008		Accounting Fees	-1,207.00	1,207.00
TOTAL					-1,207.00	1,207.00
Bill Pmt...	1266	5/1/2008	State of Colorado-State ...	CASH-Wells Fargo-Operating		-10.50
Bill	COR...	4/9/2008		Printing	-10.50	10.50
TOTAL					-10.50	10.50
Check	1267	5/2/2008	Wagner, Burke & Barnes...	CASH-Wells Fargo-Operating		-4,658.08
				Annual Audit	-4,658.08	4,658.08
TOTAL					-4,658.08	4,658.08

3:50 PM

07/15/08

Rocky Flats Stewardship Council
Check Detail
 April 19 through June 15, 2008

Type	Num	Date	Name	Account	Paid Amount	Original Amount
Bill Pmt...	1268	5/2/2008	Crescent Strategies, LLC	CASH-Wells Fargo-Operating		-7,247.12
Bill	4/30/...	4/30/2008		Personnel - Contract	-6,850.00	6,850.00
				Telecommunications	-142.21	142.21
				TRAVEL-Local	-50.50	50.50
				Supplies	-23.78	23.78
				Printing	-132.66	132.66
				Postage	-47.97	47.97
TOTAL					-7,247.12	7,247.12
Bill Pmt...	1269	5/30/2008	Blue Sky Bistro	CASH-Wells Fargo-Operating		-297.50
Bill	1390	5/5/2008		Misc Expense-Local Government	-297.50	297.50
TOTAL					-297.50	297.50
Bill Pmt...	1270	5/30/2008	Seter & Vander Wall, P.C.	CASH-Wells Fargo-Operating		-2,157.16
Bill	53622	4/30/2008		Attorney Fees	-2,157.16	2,157.16
TOTAL					-2,157.16	2,157.16
Bill Pmt...	1271	5/31/2008	Crescent Strategies, LLC	CASH-Wells Fargo-Operating		-7,376.23
Bill	5/31/...	5/31/2008		Personnel - Contract	-6,850.00	6,850.00
				Telecommunications	-134.41	134.41
				TRAVEL-Local	-53.03	53.03
				TRAVEL-Out of State	-322.80	322.80
				Postage	-15.99	15.99
TOTAL					-7,376.23	7,376.23
Bill Pmt...	1272	5/31/2008	Jennifer A. Bohn	CASH-Wells Fargo-Operating		-773.50
Bill	2808	5/31/2008		Accounting Fees	-773.50	773.50
TOTAL					-773.50	773.50
Check	1273	5/31/2008	The Hartford	CASH-Wells Fargo-Operating		-500.00
				Insurance	-500.00	500.00
TOTAL					-500.00	500.00
Check	1274	5/31/2008	Energy Communities All...	CASH-Wells Fargo-Operating		-950.00
				Subscriptions/Memberships	-950.00	950.00
TOTAL					-950.00	950.00
Check	1275	6/1/2008	Qwest	CASH-Wells Fargo-Operating		-27.03
				Telecommunications	-27.03	27.03
TOTAL					-27.03	27.03
Check	1276	6/1/2008	Qwest	CASH-Wells Fargo-Operating		-75.41
				Telecommunications	-75.41	75.41
TOTAL					-75.41	75.41

3:50 PM

07/15/08

Rocky Flats Stewardship Council
Check Detail
April 19 through June 15, 2008

<u>Type</u>	<u>Num</u>	<u>Date</u>	<u>Name</u>	<u>Account</u>	<u>Paid Amount</u>	<u>Original Amount</u>
Bill Pmt...	1277	6/8/2008	Erin Rogers	CASH-Wells Fargo-Operating		-575.00
Bill	6/1/0...	5/31/2008		Personnel - Contract	-575.00	575.00
TOTAL					-575.00	575.00
Check	1278	6/8/2008	Excel Micro	CASH-Wells Fargo-Operating		-10.75
				Telecommunications	-10.75	10.75
TOTAL					-10.75	10.75

ROCKY FLATS STEWARDSHIP COUNCIL

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

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

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

MEMORANDUM

TO: Board
FROM: David Abelson
SUBJECT: Natural Resource Conservation – NRD Fund RFP and Proposed Legislation to Expand the Stewardship Council’s Scope to include the Beyond the Fences Proposal
DATE: July 21, 2008

I have scheduled one hour for the Board to be briefed on the Natural Resource Damages Fund RFP and to discuss Senator Salazar and Representative Perlmutter’s proposed legislation to expand the Stewardship Council’s scope of work. These items are closely related so they have been included as one briefing item.

NRD Fund RFP

As the Dan Miller with the CO Attorney General’s Office explained at past meetings, approximately \$4.5 million remains in the Natural Resource Damages Fund. \$5.5 million was previously spent on acquiring certain mineral rights in the western side of Rocky Flats. Under CERCLA, NRD claims serve to make the public whole for injuries to natural resources by restoring or replacing injured natural resources. Natural resources include land, fish, biota, air, water, ground water, drinking water supplies, and other such resources owned, managed or controlled by the state or federal government; injuries are adverse impacts to a natural resource caused by a release of a hazardous substance. Damages come in the form of monetary compensation. The injured resources at Rocky Flats are groundwater, surface water and biota (prairie, riparian and wetland habitats)

The Trustees will issue grants based on responses to the RFP that they will soon issue. As part of its evaluation, the Trustees want to hear from the Stewardship Council its ideas, including any priority projects that fit within the NRD funding parameters. Ideally, the Trustees would like Stewardship Council members to identify projects its members can jointly support, but the Stewardship Council will not apply for a grant; individual members will instead apply.

The Trustees will brief the Board on the RFP and address other questions the Board might have. The formal public meeting(s) the Trustees are required to host will come in addition to this

meeting and other conversations the Stewardship Council and its individual members will have with the Trustees. I will email the RFP to the Board when it is issued.

LSO Legislation and Beyond the Fences

Members have discussed this topic at length, but because of the timing of the Board meetings and the Salazar-Perlmutter meetings the Stewardship Council Board has yet to discuss this topic as a Board. The conversation will principally focus on the role of the Stewardship Council and/or other forums the members might want to create or utilize, if any, to participate in this intergovernmental dialogue.

As you are well aware, Senator Salazar and Representative Perlmutter have asked the Stewardship Council to work together on regional open space acquisition and conservation efforts. This effort has been dubbed “Beyond the Fences.” Members, principally the local governments, agree with the importance of local governments working together on regional open space acquisition and management efforts. The governments, however, four of whom have drafted letters to Salazar and Perlmutter, are split on whether the Stewardship Council is the proper forum for this open space planning effort. Those letters are attached to this memo.

In early July Salazar and Perlmutter circulated draft legislation that, if it became law, would expand the Stewardship Council’s role to include working on “Beyond the Fences.” The relevant section is as follows:

“In the sole discretion of the members of the [Stewardship Council] consult and coordinate with the Secretary of Energy and the Secretary of the Interior on integrating the Rocky Flats National Wildlife Refuge and other open spaces in the Rocky Flats Environmental Technology Site into adjacent local governments regional open space, wildlife habitat, land and water resource conservation, and recreational enhancement initiatives or programs.”

The draft bill further specifies that in expanding our role, the bill does not authorize federal eminent domain or “usurp, preempt, or expand any local government powers.”

In addition the draft legislation would expand the Stewardship Council’s scope to include working with both the Secretaries of Energy and Interior in “managing the Rocky Flats National Wildlife Refuge”. Currently, under the federal LSO legislation that Congress approved in 2005 the Stewardship Council is not permitted to use its DOE grant funds to work on Refuge issues unless there is a direct nexus to DOE. This proposed provision would expand the organization’s role as the LSO for Rocky Flats to include all Refuge issues, even those for which there is no nexus to DOE, thereby allowing the organization to use its DOE grant funds for such purpose.

The draft legislation is attached to this memo. A decision as to whether Senator Salazar will attempt to attach this new LSO legislation to the Defense Authorization bill has not yet been made. (The annual defense bill was the legislative vehicle Congress used to pass both the 2001 Rocky Flats Refuge Act and the 2004 LSO legislation.) In the meantime, per the attached July 2, 2008, letter from Salazar and Perlmutter, the Senator and Representative are continuing to urge

the local governments to come together to establish their own Rocky Flats-adjacent open space preservation coordination plan.

Please let me know what questions and/or concerns you have.

Congress of the United States
Washington, DC 20515

June 6, 2008

Honorable Kathy Hartman
Chair, Jefferson County Commissioners

Honorable Nancy McNally
Mayor, City of Westminster

Honorable Ben Pearlman
Chair, Boulder County Commissioners

Honorable Kathleen Novak
Mayor, City of Northglenn

Honorable Bob Frie
Mayor, City of Arvada

Honorable Andrew Muckle
Mayor, Town of Superior

Honorable Shaun McGrath
Mayor, City of Boulder

Honorable Patrick Quinn
Mayor, City of Broomfield

Honorable Jacob Smith
Mayor, City of Golden

Mr. David Abelson
Executive Director
Rocky Flats Stewardship Council

Dear Rocky Flats Stewardship Council Members and Representatives:

We thank you for your participation at the May 29 meeting of the Stewardship Council government representatives.

At that meeting, we proposed a two-track process for moving forward on regional coordination of local government open space and conservation efforts: (1) amendment of the FY 05 National Defense Authorization Act regarding the Rocky Flats LSO authority, and (2) your review of the Stewardship Council's IGA authority as it may relate to such regional coordination.

Attached for your review is a proposed amendment to the Defense Authorization Act. It is our hope to include such an amendment in the pending FY 09 Defense Authorization bill scheduled for action by the Senate sometime later this month. The language of the amendment is based upon points discussed in our May 29 meeting:

- Current law only authorizes the Rocky Flats LSO to work with the DOE aspect of Rocky Flats; it does not allow the LSO to work on the Refuge.
- Current law does not authorize the LSO to work with either DOE or DOI to serve as a voluntary coordinating vehicle to integrate the Rocky Flats site into adjacent regional

open space and conservation initiatives in which the Rocky Flats site is the centerpiece for such efforts.


- There is a desire among local governments adjacent to Rocky Flats to work together to better coordinate their own open space and conservation programs, and a recognition that the Rocky Flats National Wildlife Refuge and remaining open space within the site can be and are integral links to open space, wildlife habitat preservation, land and water resource conservation and recreational enhancement opportunities beyond but contiguous to the Rocky Flats site.
- The amendment is not intended to require the Rocky Flats LSO to coordinate regional open space and conservation efforts, but authorizes it to do so if its members so decide, to the extent such plans involve the adjacent Rocky Flats site.
- In empowering the Rocky Flats LSO to coordinate regional open space and conservation efforts as they relate to linkage with the Rocky Flats site, it is important to ensure that such empowerment is not intended to preempt or usurp local government authority or decision-making, nor to authorize the federal government to exercise its eminent domain authority in connection with furthering such local regional planning coordination efforts or implementation of such plan.

We welcome your feedback on this amendment. Given the short time frame involved in connection with Senate consideration of the upcoming Defense Authorization bill, we would appreciate receiving that feedback no later than **June 17**. You can send your comments via email, letter or fax to the attention of Ken Lane in Senator Salazar's Denver office. Ken's contact information is ken_lane@salazar.senate.gov, 303-455-7600 (office), 303-455-8851 fax, and the mailing address is 2300 15th Street, Suite 450, Denver, CO 80202.

Additionally, we propose to meet again in early August for an update on where we are on the two-track process described above. Velina Wallick in Senator Salazar's office will contact you in the near future to try to set up an August meeting.

We look forward to hearing from you.

Sincerely,



Ken Salazar
United States Senator



Ed Perlmutter
United States Representative

110TH CONGRESS
2D SESSION

S. _____

To modify the responsibilities of the local stakeholder organization for the Rocky Flats Environmental Technology Site, Colorado.

IN THE SENATE OF THE UNITED STATES

Mr. SALAZAR introduced the following bill; which was read twice and referred to the Committee on

A BILL

To modify the responsibilities of the local stakeholder organization for the Rocky Flats Environmental Technology Site, Colorado.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Rocky Flats Environ-
5 mental Technology Site Act of 2008”.

6 **SEC. 2. ROCKY FLATS ENVIRONMENTAL TECHNOLOGY**
7 **SITE, COLORADO.**

8 Section 3118(c) of the Ronald W. Reagan National
9 Defense Authorization Act for Fiscal Year 2005 (Public
10 Law 108–375; 118 Stat. 2165) is amended—

1 (1) redesignating paragraphs (1) through (4) as
2 subparagraphs (A) through (D), respectively, and in-
3 denting appropriately;

4 (2) by striking “A local stakeholder” and in-
5 serting the following:

6 “(1) IN GENERAL.—A local stakeholder”;

7 (3) in paragraph (1) (as designated by para-
8 graph (2))—

9 (A) in subparagraph (C) (as redesignated
10 by paragraph (1)), by striking the “and” at the
11 end;

12 (B) by redesignating subparagraph (D) (as
13 redesignated by paragraph (1)) as subpara-
14 graph (E); and

15 (C) by inserting after subparagraph (C)
16 (as redesignated by paragraph (1)) the fol-
17 lowing:

18 “(D) with respect to the Rocky Flats Envi-
19 ronmental Technology Site, Colorado—

20 “(i) work with the Secretary of En-
21 ergy and the Secretary of the Interior in
22 managing the Rocky Flats National Wild-
23 life Refuge; and

24 “(ii) in the sole discretion of the mem-
25 bers of the local stakeholder organization,

1 consult and coordinate with the Secretary
2 of Energy and the Secretary of the Interior
3 on integrating the Rocky Flats National
4 Wildlife Refuge and other open spaces in
5 the Rocky Flats Environmental Technology
6 Site into adjacent local government re-
7 gional open space, wildlife habitat, land
8 and water resource conservation, and rec-
9 reational enhancement initiatives or pro-
10 grams; and”;

11 (4) by adding at the end the following:

12 “(2) LIMITATION.—Nothing in paragraph
13 (1)(D)(ii)—

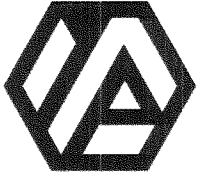
14 “(A) authorizes the use of Federal eminent
15 domain with respect to—

16 “(i) local government open space and
17 conservation initiatives or programs; or

18 “(ii) the implementation of local open
19 space and conservation plans; or

20 “(B) usurps, preempts, or expands any
21 local government powers, authorities, proce-
22 dures, or agreements established before, on, or
23 after the date of enactment of this subpara-
24 graph with respect to—

- 1 “(i) individual jurisdiction or regional
2 open space and conservation planning ef-
3 forts; or
4 “(ii) implementation of the individual
5 or regional plans.”.



CITY OF ARVADA

CITY COUNCIL

FACSIMILE: 720-898-7515 ▲ TDD: 720-898-7869

PHONE: 720-898-7500

June 17, 2008

The Honorable Ken Salazar
ATTN: Ken Lane
2300 15th Street, Suite 450
Denver, CO 80202

The Honorable Ed Perlmutter
ATTN: Danielle Radovich Piper
12600 West Colfax Ave. Suite B-400
Lakewood, CO 80215

TRANSMITTED VIA EMAIL

RE: "Beyond the Fences" Proposal Letter dated June 6, 2008

Dear Senator Salazar and Congressman Perlmutter:

On behalf of the Arvada City Council, I would like to thank you both for your interest in open space coordination in the Arvada area and the opportunity to comment on your proposed process for accomplishing those goals. As you know, the City has preserved thousands of acres of open space and parks alone and in partnership with numerous entities. We continue to be committed to our preservation goals and continue to be willing to work with any partners.

However, at this time, the City of Arvada does not support the proposed changes to expand the Rocky Flats LSO authority or to change the Stewardship Council's IGA authority. The importance of the Stewardship Council's current mission, especially after only two short years of existence, cannot be overemphasized. As the local organization tasked with representing stakeholders regarding the long-term stewardship, monitoring and maintenance of the Rocky Flats site, as well as the representative voice for the development of the Refuge and its relationship to site remedies, it would be a mistake to change focus now.

The Stewardship Council has a diverse membership including local governments, non-profits, and one individual (representing a larger group of site retirees). The Stewardship Council has been successful because of the consensus built among these diverse members and the clear mission of the organization. It should be noted that the Stewardship Council has not met to discuss this specific proposal. However, based on the two public meetings held on this issue, it is fair to say that there does not appear to be consensus. In fact, it is fair to say that some members of the Stewardship Council have no interest in open space coordination beyond the boundaries of Rocky Flats (from an organizational and professional perspective, not personal).


With the above in mind, it is unclear why the Stewardship Council should change or add to its mission or focus now. This is especially true when the infrastructure and organizations already exist to help reach the previously stated intentions (per the letter of May 2, 2008 from Senator Salazar and Congressman Perlmutter) *“to coordinate the overall efforts of the various local governments to preserve open space, wildlife habitat and water resources, and promote recreational opportunities beyond the boundaries of Rocky Flats.”* There are seven local governments with open space holdings in the immediate vicinity of Rocky Flats. Most of those entities have worked together to purchase, coordinate, and manage their various holdings. Both Boulder County and Jefferson County have world class Open Space organizations and could coordinate a Working Group to include all interested local governments and any federal efforts.

Aside from working with the open space efforts already underway in the region, there are two additional options for your consideration: 1) In order to ensure a lasting legacy for open space and preservation in the area, it is imperative to fund the Refuge. We all agree that Congress creating the Refuge was a wonderful achievement; however, a Refuge with no funding is hardly a Refuge or responsible stewardship; 2) Finally, there is the opportunity to partner with members of the Stewardship Council as we work to develop appropriate projects for the remaining NRD funds.

Lastly, aside from the reasons stated above, the City of Arvada has some reluctance to support changes to the LSO designation of the Stewardship Council for fear of using Department of Energy funds on issues wholly unrelated to the purpose of those funds. Having fought for cleanup dollars for years, Arvada is acutely aware of the needs of other communities around the country. Rocky Flats is the exception, not the rule, and most sites around the country do not have the luxury of worrying about open space conservation – they have contaminated sites and not enough funding to clean them properly. It is our responsibility to be stewards of the site and ensure the site continues to be monitored, maintained, and managed properly. To divert our attention beyond that scope, especially with funds from DOE, is not appropriate.

Thank you for the opportunity to comment on this issue and we look forward to continuing to work with you on this and many other issues.

Sincerely,



Robert G. Frie
Mayor

cc: City Council
David Abelson, Rocky Flats Stewardship Council



**CITY
OF
BOULDER**

CITY COUNCIL OFFICE

Shaun McGrath, Mayor
Crystal Gray, Deputy Mayor
Suzy Ageton, Council Member
Matthew Appelbaum, Council Member
Macon Cowles, Council Member
Angelique Espinoza, Council Member
Lisa Morzel, Council Member
Susan Osborne, Council Member
Ken Wilson, Council Member

July 8, 2008

**Via First Class Mail and
Facsimile to: (202) 228-5036**

The Honorable Ken Salazar
702 Hart Senate Office Building
Washington, D.C. 20510-0605

**Via First Class Mail and
Facsimile to (202) 225-5278**

The Honorable Ed Perlmutter
415 Cannon House Office Building
Washington, D.C. 20515-0607

Dear Senator Salazar and Congressman Perlmutter:

On June 6th you sent the city a letter seeking feedback on an amendment to the FY 2009 Defense Authorization Act. That amendment would authorize the Rocky Flats Legacy Stakeholders Organization to work on coordinating regional open space and conservation efforts as they relate to Rocky Flats. Unfortunately, while you requested a response by June 17th, our city council was on recess until July 8th. Nevertheless, recognizing that this letter may be received after the Senate's consideration of the bill, the city submits the following response. It applies equally well to your most recent letter, dated July 2nd, in which you expand on all the options for moving forward.

The city of Boulder supports your proposed amendment to the FY 2009 Defense Authorization Act. By expanding the authority of the LSO, but not mandating such, the amendment respects the need for the board of the Rocky Flats Stewardship Council to prioritize which projects and programs it wishes to work on. With such authority, the city would hope that RFSC might choose to address the important regional conservation needs intertwined with the Rocky Flats Wildlife Refuge. If RFSC chooses not to participate, the city of Boulder is strongly committed to coordinating opportunities to work together with your offices and other local communities to pursue open space and conservation programs.

Regardless of the fate of the amendment or continued RFSC involvement in the "Beyond the Fences" initiative, the city of Boulder strongly encourages you to maintain your role in helping to facilitate regional collaboration on this matter. As you know, protection of our mountain backdrop is important to all our communities but fraught with challenges when it comes down to a parcel by parcel basis. The support of your offices is invaluable in helping to continue to bring the necessary parties to the table thereby increasing the possibility of reaching our mutual goals.

Thank you for your continued leadership on this front.

Sincerely,



Shaun McGrath
Mayor

cc: Congressman Mark Udall
Boulder City Council
Stephanie Grainger, Acting City Manager
Carl Castillo, Policy Advisor



Board of County Commissioners

13th & Pearl Streets • Boulder County Courthouse • Boulder, Colorado 80302 • (303) 441-3500 • (303) 441-4525 Fax

Representative Ed Perlmutter
U.S. House of Representatives
415 Cannon House Office Building
Washington, DC 20515

June 13, 2008

Dear Representative Perlmutter,

Boulder County would like to thank you for your commitment to Rocky Flats Wildlife Refuge and the preservation of the surrounding area referred to as "Beyond the Fences." We greatly appreciate your effort to facilitate regional local government coordination by establishing a framework to address conservation and management issues that occur on lands adjacent to Rocky Flats through the Rocky Flats Stewardship Council.

We support your proposed amendment to the Defense Authorization Act, and hope that the Stewardship Council can come to an agreement to move it forward. These proposed changes would allow the Rocky Flats LSO to work with all Federal entities that have a stake in Rocky Flats Wildlife Refuge: the US Fish and Wildlife Service, Department of Interior and Department of Energy. The additional authority would enable the Rocky Flats Stewardship Council to utilize its existing structure, forum, and collective influence to address regional conservation issues that affect not only Rocky Flats Wildlife Refuge but surrounding lands. The elective nature of the amendment would allow the group to freely determine its focus for projects and initiatives relative to the Rocky Flats area.

Should the Rocky Flats Stewardship Council determine that they do not wish to pursue these legislative amendments, Boulder County will remain committed to finding ways to coordinate opportunities and work together on open space and conservation programs. We hope that you will continue to support and recognize the efforts of local governments who work cooperatively to ensure the protection of the region surrounding Rocky Flats Wildlife Refuge.

Sincerely,

Ben Pearlman, Chair
Boulder County Commissioners



July 3, 2008

Honorable Ken Salazar
United States Senator
2300 15th Street, Suite 450
Denver, CO 80202

Honorable Ed Perlmutter
United States Representative
12600 W. Colfax Avenue, Suite B-400
Lakewood, CO 80215

RE: Comments on the Draft Rocky Flats Environmental Technology Site Act of 2008

Dear Senator Salazar and Representative Perlmutter,

The City and County of Broomfield owns over 600 acres of open lands immediately adjacent to the eastern boundary of the Rocky Flats National Wildlife Refuge. The Rocky Flats National Wildlife Refuge lies within the watershed of Broomfield's Great Western Reservoir that provides re-use water to our community. Because of this close proximity, Broomfield has been intimately involved in Rocky Flats issues for more than 35 years. As a member of the Rocky Flats Stewardship Council (RFSC), Broomfield appreciates the opportunity to review and comment on the proposed Rocky Flats Environmental Technology Site Act of 2008, regarding the Rocky Flats Local Stakeholder Organization authority. We would also like to express our thanks to Ken Lane, Senior Counsel and Zane Kessler, Community Liaison from Senator Salazar's staff, for attending our City Council study session on July 1st.

Broomfield fully supports the desire for open space preservation in the vicinity of the Rocky Flats National Wildlife Refuge and recognizes a need for local and regional cooperation to coordinate "Beyond the Fences" and "Mountain Backdrop" open space goals. However, after a thorough discussion at the City Council meeting on July 1st, the Broomfield City Council agreed unanimously that it does not support the RFSC taking on the additional scope of open space related projects that could result in the RFSC's mission being "diluted." The Council opinion is based on the following key points:

- There is great concern that changing the focus of RFSC by expanding its mission will lead to a possible drift from clean-up monitoring to open space/wildlife issues. Broomfield has a critical interest in continued clean-up monitoring. The monitoring is of paramount importance to City Council and to our citizens because of Broomfield's location downwind and downstream of the Rocky Flats National Wildlife Refuge and our long history with the Department of Energy (DOE). The approved remediation plan is the result of many years of negotiations with the DOE, the State, and numerous other groups to arrive at agreements that Broomfield and other governmental entities could support. Broomfield has a long-term commitment to our citizens to insure that these post-closure agreements are implemented.
- The current bill does not add resources. While Broomfield strongly supports the goals of coordinating open space and wildlife efforts within and adjacent to the Rocky Flats National Wildlife Refuge, there is concern about the RFSC taking on more work with the same resources (no new money, staff, or time). For example, the current RFSC staff might need to split its existing time between open space and remediation instead of just focusing on remediation.
- Although it is convenient that the RFSC is already in place and up and running, this is not a persuasive reason to change the group's focus to address open space related issues as well as remediation issues.
- There are alternative approaches as described below that could be implemented that would keep the current purpose of the RFSC in place while still allowing for work on the goal of preservation of open space, trail connectivity, and wildlife adjacent to the Rocky Flats National Wildlife Refuge.
- The existing Stewardship Council is comprised of representatives that were appointed to focus on remediation, health, and safety monitoring. If a new group is organized to focus on coordinating open space preservation around the Rocky Flats National Wildlife Refuge, it is likely that different representatives would be appointed by the communities, as open space issues are quite distinct from remediation issues. Allowing for the opportunity to broaden representation through a separate, new group that is focused entirely on open space related issues will likely result in more efficient and effective open space achievements.

To address the concerns above and allow the "Beyond the Fences" and "Mountain Backdrop" concepts to move forward, Broomfield offers the idea of working together to create a separate organization, but similar in membership to the RFSC, that would focus on open space related issues surrounding the Rocky Flats National Wildlife Refuge. Your July 2, 2008 follow-up letter to members of the RFSC recognizes that there exist viable alternatives to achieve regional cooperation on open space issues other than changing the mission of the RFSC.

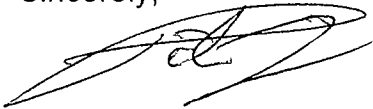
Our staff has completed some preliminary research on the Northeast Greenway Corridor (NGC), a group that Senator Salazar was instrumental in starting. Our

understanding is that the NGC is made up of six governmental entities that have created an inter-jurisdictional partnership through an agreement that was signed in October of 2006. There is also informal representation from several state agencies on the NGC. This group is dedicated to preserving greenways, open space, and trails surrounding the Rocky Mountain Arsenal National Wildlife Refuge. One of the first accomplishments of the NGC members was to establish an agreed upon list of projects. In 2007, Adams County was awarded a \$5 million Great Outdoors Colorado Grant for several NGC projects. The multi-jurisdictional cooperation and the fact that the NGC had a long-term vision and strategy for open space made the grant particularly attractive to fund.

To summarize, the clean-up of the Rocky Flats site has been a success. Yet, as we have learned from the ongoing management issues DOE is addressing---from slumping on the Original landfill, to worker health issues, to ongoing water management issues---community involvement in the management of residual contamination at the site remains our highest priority. Broomfield strongly believes in and supports the existing mission of the RFSC.

Moreover, we also support the intent to advance the open space concepts of "Beyond the Fences" and the "Mountain Backdrop." The Rocky Flats National Wildlife Refuge has the potential to be the centerpiece of an effort to better coordinate local and regional open space preservation. We think it would be worthwhile to pursue the option to create a separate organization with both of you and the communities surrounding the Rocky Flats National Wildlife Refuge. As suggested in your July 2, 2008 letter and as a first step, Broomfield will extend an invitation to the open space staff members from the communities represented on the RFSC to attend a meeting to discuss ideas on how such a separate organization focused on open space issues could be created. If you or any of your staff would like to attend this upcoming meeting, we encourage your involvement. We welcome continued discussion of this concept and look forward to working with you both.

Sincerely,

A handwritten signature in black ink, appearing to read 'Patrick Quinn', with a stylized flourish at the end.

Patrick Quinn
Mayor

pc: Broomfield City Council
Rocky Flats Stewardship Council



Keller Farm Property LLC
14802 West 44th Avenue
Golden, CO 80403
(303) 279-6611

July 7, 2008

Honorable Ken Salazar
United States Senator
Attn: Ken Lane
2300 15th Street, Suite 450
Denver, CO 80202

Letter was also sent to
Reps. Udall + Perlmutter

Dear Senator Salazar:

Keller Farm Property, LLC is a private landowner of over 2400 acres in northern Jefferson County. We are native Coloradoans, native Jefferson County residents and are 3rd generation business owners in Jefferson County, Colorado. We pride ourselves on being exceptional stewards of our land and natural resources. We understand there are two (2) pending legislative actions which will negatively affect private land ownership rights in north Jefferson County:

FY 05 National Defense Authorization Act ("Rocky Flats Environmental Technology Site Act of 2008" aka "Beyond the Fences") – This relates to the dedicated Rocky Flats Wildlife Refuge area and empowerment of the Rocky Flats LSO authority as well as securing a source of Federal funding for planning enhancement of that area.

S.2508: Colorado North Front Range Mountain Backdrop Protection Study Act (hereinafter referred to as the "Mountain Backdrop") – This action is intended to preserve for Open Space designation, much of the land lying west of Highway 93, east of Highway 119 between Boulder and Golden. The first action called for under this proposed legislation is a study to identify undeveloped land suitable for eventual preservation.

Keller Farm Property, LLC is a supporter of wildlife and open space preservation, but not at the expense of private property rights. Even though the "Beyond the Fences" action specifically states that no powers of eminent domain is bestowed upon the administrators of the proposed legislation, we believe the ultimate effect of this new law will be far-reaching insofar as negative impacts on private property owners. Focus of any efforts to better the Rocky Flats area should be focused only internally, within the current boundaries, and not outside its existing legal boundaries.

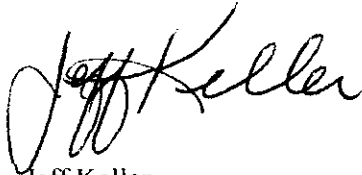
As to the Mountain Backdrop proposal, where the first action is a study, experience tells us that any such study is, in actual effect, a moratorium on private owners' development rights. In other words, it would be like inverse condemnation. In fact, such study would likely create a hindering effect on any owners' ability to sell or mortgage his land. We believe this bill will have long term and far-reaching negative impacts on private property rights.

Furthermore, there are currently over 30,000 acres of "Open Space" in this vicinity – a very substantial portion of the region. We believe that our County, our State and our Country would be better served to

direct any funds that might be expended on these efforts, towards much more pressing needs that we all face in today's present economic situation. We do not support either one of these proposed actions in their current form; in fact, we oppose the Mountain Backdrop legislation in its entirety.

We appreciate your careful consideration of our concerns and welcome any discussion on these matters. I can be reached at 303 279 6611.

Respectfully Yours,
KELLER FARM PROPERTY, LLC

A handwritten signature in black ink that reads "Jeff Keller". The signature is written in a cursive, flowing style.

Jeff Keller
Manager

Cc: Honorable Mark Udall
United States Representative

Honorable Ed Perlmutter
United States Representative

Mr. David Abelson, Executive Director
Rocky Flats Stewardship Council

Honorable Kevin McCaskey
Jefferson County Commissioner

Honorable Kathy Hartman
Jefferson County Commissioner

Honorable Jim Congrove
Jefferson County Commissioner

Honorable Robert Frie
Mayor – City of Arvada

Honorable Lorraine Anderson
City Councilor – City of Arvada

Mr. Ralph Schell, Director
Jefferson County Open Space

Mr. Charlie McKay
Church Ranch

Congress of the United States
Washington, DC 20515

July 2, 2008

Honorable Kathy Hartman
Chair, Jefferson County Commissioners

Honorable Nancy McNally
Mayor, City of Westminster

Honorable Ben Pearlman
Chair, Boulder County Commissioners

Honorable Kathleen Novak
Mayor, City of Northglenn

Honorable Bob Frie
Mayor, City of Arvada

Honorable Andrew Muckle
Mayor, Town of Superior

Honorable Shaun McGrath
Mayor, City of Boulder

Honorable Patrick Quinn
Mayor, City of Broomfield

Honorable Jacob Smith
Mayor, City of Golden

Mr. David Abelson
Executive Director
Rocky Flats Stewardship Council

Dear Rocky Flats Stewardship Council Member Governments:

As our June 6, 2008, letter to you indicated, there is another process to advance regional coordination of local government open space and conservation efforts around Rocky Flats. That process is Rocky Flats governments establishing their own framework, not involving federal legislation, to create and implement regional plans to preserve open space adjacent to the Rocky Flats site.

Amending the Rocky Flats LSO statute is simply a proposed option for your consideration. We encourage you to actively consider this “second track” of developing by intergovernmental local initiatives regional cooperation and coordination of local open government space and conservation efforts in which the Rocky Flats National Wildlife Refuge is seen as an integral link—a crown jewel—to your open space, wildlife habitat preservation, land and water resource conservation and recreational enhancement opportunities beyond the fences of Rocky Flats.

The particular example noted in the June 6 letter and in our meetings with Council members is your own review and possible amendment of the Rocky Flats Stewardship Council IGA as it may relate to such regional coordination—perhaps creating an “Open Space Regional Cooperation Task Force” under the umbrella of the Council, or other internal arrangement if members determine the entire Council may not be the best organizational entity for this purpose.

July 2, 2008

Page 2

Amending the existing Stewardship Council IGA may of course not be the only intergovernmental approach. Perhaps a different organization of local governments should be established for the express purpose of regional coordination of open space plans. As we have noted, the Northeast Greenway Corridor (NGC) coalition of local governments contiguous to the Rocky Mountain Arsenal National Wildlife Refuge in northeast metro Denver may be an approach Rocky Flats local governments may wish to consider.

The 2006 NGC IGA between Adams County, Aurora, Brighton, Commerce City, Thornton and Denver (which itself is based on an open space regional coordination partnership between these governments, the Colorado Attorney General's Office, and the Sand Creek Regional Greenway Partnership organized by then-Attorney General Salazar in 2002) specifies that its members agree "to coordinate and carry out open space and land use planning activities within their respective jurisdictions for purposes of creating an integrated regional greenway network consistent with" a master plan for developing an open space belt around, connected to, and anchored by the Rocky Mountain Arsenal Wildlife Refuge (referred to in the IGA as the Greenway Project Executive Summary and Map) and "to cooperate and consult with the other Governmental Entities to acquire, preserve, restore, and maintain the parcels of land within their respective jurisdictions in a manner consistent with [the Greenway Project Executive Summary and Map]." Our offices are happy to provide you a copy of the NGC IGA for your reference.

We would still like to meet with the Stewardship Council again in August, as our June 6 letter indicated, perhaps during the second and third weeks of August, for an update on moving forward with regional coordination of local government open space and conservation efforts around Rocky Flats. Velina Wallick in Senator Salazar's office will contact you to set up that August meeting.

Sincerely,



Ken Salazar
United States Senator



Ed Perlmutter
United States Representative

Dam Notching Briefing

- Cover memo
- DOE contact record
- Rocky Flats Coalition letter on dam notching

DOE Quarterly Update

- Cover memo
- Annual Report Executive Summary

Letters and Newsclips

- RFSC letter to DOE re Rocky Flats-related documents
- DOE response to RFSC letter to DOE re Rocky Flats-related documents
- Denver Post editorial about DOE re Rocky Flats-related documents
- Denver Post article on DOE decision re Rocky Flats-related documents
- Newsclips re Rocky Flats sick workers
- Newsclip re Los Alamos plutonium pit lab
- Newsclip re INEEL cleanup and Rocky Flats waste
- Newsclip re CH2M Hill and Sellafield cleanup

ROCKY FLATS STEWARDSHIP COUNCIL

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

MEMORANDUM

TO: Stewardship Council Board
FROM: Rik Getty
SUBJECT: Proposed Pond Dam Notching Briefing
DATE: July 24, 2008

We have scheduled 30 minutes for DOE to brief the Stewardship Council on their plan to notch the dams at ponds A-1, A-2, B-1, B-2, B-3, and B-4. Each of these ponds are upstream of either the A-4 and B-5 terminal ponds. Following this memo is the contact record between DOE and CPDHE which captures the nature of the action and basis for the decision.

According to the contact record, the purpose of the notching is to “reduce the active management and maintenance needs.” This action was first authorized in October in 2004 in the *Pond and Land Reconfiguration Environmental Assessment Comment Response, and Finding of No Significant Impact (DOE/EA-1492)* that DOE completed and EPA and CDPHE approved.

Purpose of the Ponds

The A- and B-series ponds are on two stems of Walnut Creek that meet on-site. (A is North of B). The ponds were installed during production to settle any contamination that was released into the streams prior to the water leaving the site. Cleanup activities included remediating some of the sediments in the ponds that were contaminated with hazardous and radioactive materials. The plan at the time was, following some period to determine how the remedies were performing, to notch the dams so that water could flow naturally. While the ponds helped the Atomic Energy Commission and later DOE protect water quality, as a regulatory matter the ponds are not part of the cleanup remedy. That means DOE is not required to maintain the ponds in order to meet their post closure responsibilities.

DOE and CDPHE (CO health department) have determined that they have sufficient data to now notch the dams. The terminal ponds – the most downstream ponds on each segment of Walnut Creek – are not going to be notched at this time. DOE plans to wait until 2018 or so to determine whether the A-4 and B-5 terminal ponds should be notched.

National Environmental Policy Act (NEPA)

Environmental Assessments are prepared in compliance with the National Environmental Policy Act (NEPA) of 1969. The purpose of the EA is to provide DOE with sufficient information to either support the action or determine whether a more in-depth environmental impact statement is required. DOE determined in October 2004 that the proposed dam notching actions could be done under the EA and that an EIS is not required. EPA and CDPHE concurred.

The EA public comment period was from May 3 to June 15, 2004. The following submitted written comments on the EA:

- EPA
- USFWS
- CDPHE
- FEMA
- Rocky Flats Coalition of Local Governments
- Rocky Flats Citizens Advisory Board
- City of Westminster
- City and County of Broomfield
- Ms. Anne Fenerty.

The Coalition's formal written comments are attached; we do not have copies of staff's oral or email comments. Westminster and Broomfield's comments were more detailed.

Finally, DOE is proposing to notch all dams at the site in three phases. Their schedule is as follows:

Phase 1: A-1, A-2, B-1, B-2, B-3, B-4 (2008/2009)

Phase 2: A-3, C-2 (a terminal pond) and Present Landfill pond (2012)

Phase 3: Ponds A-4, B-5 (both terminal ponds) (2018)

Please contact me with any questions.

ROCKY FLATS SITE REGULATORY CONTACT RECORD

Purpose: Discussion and Approval of Excavation Greater Than 3 Feet Below Grade to Breach Dams A-1, A-2, B-1, B-2, B-3 and B-4.

Contact Record Approval Date: June 18, 2008

Site Contact(s) / Affiliation(s): Scott Surovchak; DOE; Linda Kaiser, S.M. Stoller; John Boylan, S.M. Stoller; George Squibb, S.M. Stoller; Rick DiSalvo, S.M. Stoller

Regulatory Contact(s) / Affiliation(s): Carl Spreng, CDPHE

Discussion: Prior to completing the cleanup and closure of Rocky Flats, DOE issued the October 2004, *Pond and Land Reconfiguration Environmental Assessment Comment Response, and Finding of No Significant Impact (DOE/EA-1492)*, in which it proposed to breach Dams A-1 and A-2 (located in North Walnut Creek) and Dams B-1, B-2, B-3 and B-4 (located in South Walnut Creek) (DOE 2004). DOE proposed the dam breach to reduce the active management and maintenance needs by constructing “notches” in the dams, which would allow water to flow through the notches with lower upstream pool levels. Now that Rocky Flats has been cleaned up, has undergone closure, and is in the long term surveillance and maintenance phase, DOE intends to implement the proposed action in the Environmental Assessment. This work will involve excavation and heavy construction activities.

On March 6, 2008 and May 6, 2008, DOE, CDPHE and Stoller staff consulted regarding the proposed dam breaching. The attached Figures 1 and 2 show the footprints of the work area. Figure 3 shows the typical notch configuration to breach the dams. An associated stop log structure in each notch is designed to allow leakage during moderate flows and overtopping during high flows, thereby attenuating flow rates but not retaining significant quantities of water. Figure 3 also shows the typical stop log structure location in each notch. Figure 4 shows Dam C-1, after breaching in a similar manner was completed in 2005.

The excavation and construction involves actions prohibited by the institutional controls (ICs) incorporated in the Rocky Flats Legacy Management Agreement (RFLMA), and thus requires regulatory approval. CDPHE approval for this work is requested before final design and procurement activities proceed. The final design for procurement must be completed in June 2008 so that the construction work may begin in late September 2008. Construction is expected to take 3 to 4 months to complete.

One RFLMA well and one RFLMA surface-water sampling point are located in the construction footprint and will need to be replaced and possibly relocated. Activities that may damage or impair the proper functioning of engineered components, such as monitoring wells are prohibited by ICs (RFLMA, Attachment 2, Table 4, Control 7). The objective of IC 7 regarding prohibition of activities that may damage or impair water monitoring components is to ensure that required monitoring information is obtained and evaluated in accordance with RFLMA requirements for timely reporting and action determinations, if triggered by monitoring results.

Table 1 shows the RFLMA monitoring locations that will be removed or otherwise impaired during construction. As the design progresses, removed sampling points will be replaced at locations to be determined after consultation with CDPHE. Alternative temporary monitoring locations may be established based on the outcome of consultation. Routinely scheduled samples will be collected and analyzed shortly before any monitoring point is removed.

Table 1. RFLMA Monitoring Locations Expected to be Impacted During Construction.

ID	Location	Purpose	Monitoring Frequency	Analytes
TH046992	South Walnut Creek between Ponds B-3 and B-4	Sentinel well-downgradient of East Trenches Plume Treatment System (ETPTS) intercept trench	Semiannual	VOCs
POM2	South Walnut Creek at Pond B-4 outlet	Surface-water performance monitoring for ETPTS	Semiannual	VOCs

Furthermore, the excavation work will exceed the 3-foot-depth limit prohibited by ICs (RFLMA, Attachment 2, Table 4, Control 2) and thus requires pre-approved procedures.

The objective of IC 2 regarding excavations with a depth that exceeds 3 feet is to maintain the current depth to subsurface contamination or contaminated structures. This IC also results in achieving compliance with the CDPHE risk management policy of ensuring that residual risks to the site user are at or below 1×10^{-6} . As discussed further, below, the proposed work achieves the risk management policy goal.

The excavated soils will be placed in the spillways adjacent to each dam. Some excavated soils from within the notched area could also be used to provide materials for revegetation and minor recontouring activities in the Central Operable Unit to maintain/improve erosion controls.

The fill placement activity will be in conformance with the applicable institutional controls, and the final elevation after fill placement and reseeded is expected to be slightly above the existing elevations. Erosion controls for the excavation, construction, and fill activities will be employed in accordance with the *Erosion Control Plan for Rocky Flats Property Central Operable Unit, DOE-LM/1497-2007*, July 2007.

CDPHE has requested that the following information be included in contact records for soil excavation related to IC 2 that will not return soil to the preexisting grade:

1 - Provide information about any remaining subsurface structures in the vicinity so that the minimum cover assumption will not be violated (or state that there are none if that is the case).

There are no subsurface building or tunnel structures in the vicinity of the dams. However, outlet works, pipes, valves, drop structures, spillways, and miscellaneous components are integral to the dam structures. Table 2 lists the items that are in or adjacent to the notch areas associated with each dam.

The construction approach will be to remove any components or structures to below three feet from final grade. Openings in pipes, manholes, and drop structures will be filled with grout to the extent practicable on an as needed basis. Removed items will be dispositioned off-site as solid waste. Process knowledge regarding the material of construction for each item will be confirmed by visual inspection. Radiological field screening of these waste items will also be performed to identify waste with levels of residual radioactive contamination that require disposal as radioactive waste and controlled for off-site disposal under DOE Directives and Policy. If process knowledge cannot be confirmed by visual inspection additional characterization will be performed to determine proper disposition. Waste will be staged in a manner to prevent run-on and runoff of precipitation and surface water pending off-site disposition.

Table 2. Items in or Adjacent to Each Dam Notch Area

Dam	Item/Feature	Detail
A-1	main outlet pipe	corrugated metal pipe (cmp): ~100ft, 48in dia., full of grout; concrete cutoff collars, std metal end section
	outlet/valve works	steel platform; misc. concrete; valve components
	transfer pipe from N. Walnut Cr. Bypass Pipeline to Pond A-1	cast iron pipe (cip): ~40ft, 10in dia.
	valve A1-5 casing (vertical riser pipe on transfer pipe)	cmp: ~10ft, 24in dia.
A-2	main outlet pipe	ductile iron pipe (dip): ~150ft, 10in dia., full of grout; concrete cutoff collars
	outlet/valve works	concrete thrust blocks, valve and lift pedestals; valve components
	service spillway pipe	cmp: ~125ft, 42in dia.; outfall: std metal end section
	service spillway inlet drop structure	trash rack; concrete box drop structure
B-1	piezometer TH046592	typical well components
	piezometer TH046792	typical well components
	low level outlet pipe	dip: ~100ft, 10in dia., full of grout; concrete cutoff collars
	low level outlet/valve works	valve components; riser casing
	strip drain pipe	abs plastic: ~50ft, 4in dia.
	main outlet pipe	cmp: ~100ft, 36in dia., full of grout, std metal end section; conc. drop structure: full of concrete;
B-2	low level outlet pipe	dip: ~100ft, 10in dia., full of grout; concrete cutoff collars

Dam	Item/Feature	Detail
	low level outlet/valve works	valve components; riser casing
	service spillway drop structure	concrete drop box; trash rack
	service spillway outlet pipe	cmp/hdpe: ~100ft, 36in dia.
	old WWTP diversion pipe valve	valve components; riser casing
	old WWTP pipeline manhole	typical concrete MH
B-3	piezometer TH046992	typical well components
	piezometer TH047092	typical well components
	service spillway/drop structure	metal railing; concrete drop box
	service spillway pipeline	cmp: ~90ft, 48in dia., standard metal end section
	strip drain pipe	abs plastic: ~20ft, 4in dia.
	low level standpipe	dip: ~5ft, 10in dia.
	low level outlet pipe	dip: ~30ft, 10in dia.
	low level outlet valve	valve components and riser
B-4	service spillway	concrete spillway, box culvert, and flip bucket
	old stairway footers	concrete blocks

2 - Provide information about any former IHSSs/PACs or other known soil or groundwater contamination in the vicinity (or state that there is no known contamination).

The ponds are associated with the following former IHSSs/PACs:

Pond A-1 – IHSS 142.1

Pond B-2 – IHSS 142.6

Pond A-2 – IHSS 142.2

Pond B-3 – IHSS 142.7

Pond B-1 – IHSS 142.5

Pond B-4 – IHSS 142.8

More detailed information on these PACs/IHSSs and the disposition of these areas can be found in the *RCRA Facility Investigation – Remedial Investigation/Corrective Measures Study – Feasibility Study Report for the Rocky Flats Environmental Technology Site(RI/FS) Appendix B - FY2005 FINAL Historical Release Report*.

A Rocky Flats Cleanup Agreement (RFCA) accelerated action resulted in removal of soil and sediment from ponds B-1, B-2, and B-3 in 2005. This accelerated action is documented in the May 2005 *Closeout Report for IHSS Group NE-1 (Ponds B-1, B-2 and B-3) (Closeout Report)*. Ponds A-1, A-2, and B-4 did not require any RFCA accelerated action for soil or sediment removal.

Confirmation results from the accelerated action associated with ponds B-1, B-2, and B-3 are contained in the Closeout Report. Note that the excavated areas were backfilled with clean soil and thus the confirmation sample locations are now well below the current sediment surface elevations. Excavation deeper than the backfill depth is not anticipated. Characterization results for the investigation of ponds A-1, A-2, and B-4 investigations are presented in the October 2005 *Data Summary Report for IHSS Group NE-1 (DSR)*.

Based on the information included in the *Closeout Report* and the *DSR* characterization information for the ponds in question, all surface and subsurface concentrations or activities were less than the RFCA wildlife refuge worker (WRW) soil action levels (ALs), except for one subsurface-sediment sample in pond B-4. This pond B-4 subsurface-sediment sample was 217.0 pCi/g at 3.0-3.9 feet below surface (WRW AL = 50 pCi/g).

The Ponds are located in the Upper Walnut Creek Exposure Unit, which is evaluated as part of the RI/FS *Appendix A, Comprehensive Risk Assessment*. The results of the CRA for this Exposure Unit are in Volume 7 of Appendix A. Benzo(a)pyrene was identified as the only contaminant of concern (COC) for surface soil/subsurface sediment in this exposure unit. No COCs were identified for subsurface soil. The calculated risk to the Wildlife Refuge Worker for the surface and subsurface exposure scenario for benzo(a)pyrene in the CRA is 1×10^{-6} .

Plutonium was not identified as a COC in the exposure unit because it was screened out in accordance with the CRA methodology, and thus does not pose a significant risk.

3 - Resurvey any new surface established in subsurface soil, unless sufficient existing data is available to characterize the surface (or state that the excavated soil will be replaced and the original contours restored).

When completed, the new surface elevations will be consistent with the final design drawings for the regrading work. Final elevations will be surveyed and the resulting data will be used to update the Central OU topography maps.

Close Out of Contact Record: This Contact Record will be closed out when the as-built drawings are completed for the construction work, the Central OU topography maps have been updated with the final elevations, and the two aforementioned monitoring locations are reestablished.

Resolution: Carl Spreng, CDPHE, approved the excavation work and impairment and replacement as necessary of the monitoring locations as described in this contact record.

Contact Record Prepared by: Rick DiSalvo

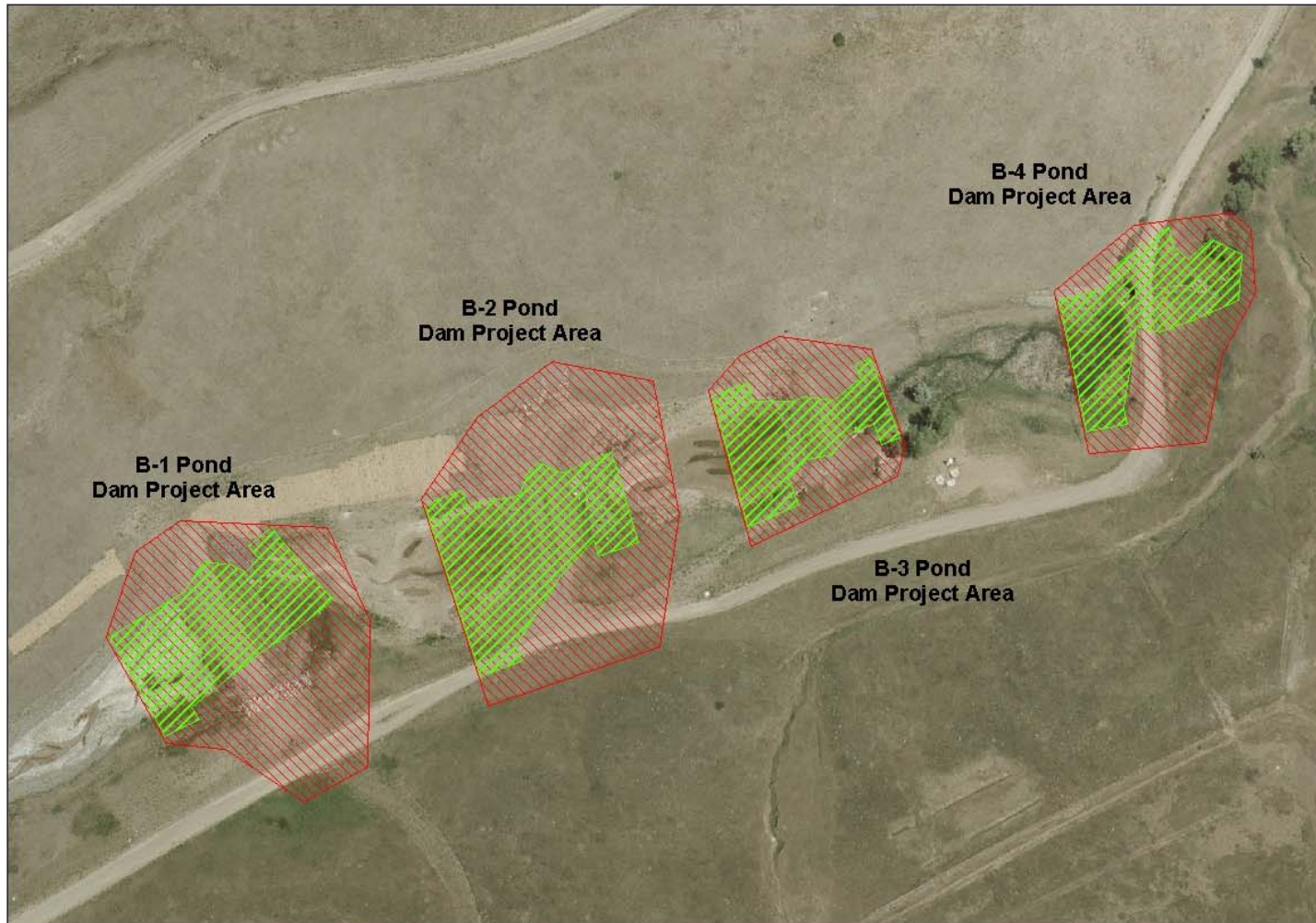
Distribution:

Carl Spreng, CDPHE
Scott Surovchak, DOE
Linda Kaiser, Stoller
Rocky Flats Contact Record File




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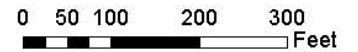
Figure 1. Dam Breach Project: A-Ponds Project Locations



**Dam Breach Project
B-Ponds**

Legend

-  Dredge/Fill Areas
-  Construction Footprint Area

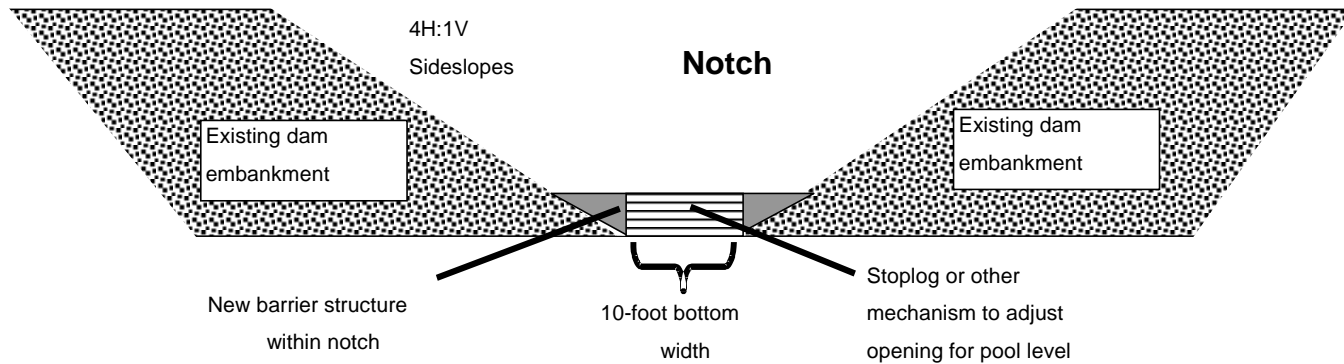


U.S. DEPARTMENT OF ENERGY GRAND JUNCTION, COLORADO	Work Performed by S.M. Stoller Corporation under contract No. 6E-ACD1-07-000002
DATE PREPARED: [April 11, 2008]	TITLE: [DamBreachBPondsFigure 8]

Figure 2. Dam Breach Project: B-Ponds Project Locations

Typical Front View of Modified Dam

(not to scale)



Note: Configuration shown is a "maximum impact" conceptual design.

Actual design for dam modification may vary, depending on results of engineering.

Figure 3. Typical Front View of Modified Dam



Figure 4. Example of Notched Dam with Stoplog Structure and Grouted Riprap

Rocky Flats Coalition of Local Governments

Boulder County City and County of Broomfield Jefferson County
City of Arvada City of Boulder City of Westminster Town of Superior

8461 Turnpike Drive, Suite 205
Westminster, CO 80031

(303) 412-1200
(303) 412-1211 (f)
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July 12, 2004

Richard Schassburger
U.S. Department of Energy
Rocky Flats Project Office
10808 Highway 93, Unit A
Golden, CO 80403-8200

Re: Draft *Environmental Assessment for Pond and Land Configuration of Rocky Flats*, dated May 2004

Dear Mr. Schassburger:

On behalf of the Board of Directors of the Rocky Flats Coalition of Local Governments, I am submitting this letter concerning the draft *Environmental Assessment for Pond and Land Configuration of Rocky Flats* (EA). The Coalition realizes that the public comment period has expired for this document. However, in the spirit of cooperation that exists between the Site, regulators and the Coalition, we respectfully request that you add this communication to the official record for the EA.

Although Coalition staff has commented on the draft EA, we would like to formally reiterate our position on a holistic approach to Site activities. Specifically, the Coalition is concerned that the EA, although mentioning the twelve Site ponds, only addresses environmental impacts to the nine ponds in the A and B series due to pond reconfiguration activities. If the Site plans on addressing the environmental impacts to the additional three ponds (C series ponds and present landfill pond) in future documentation, the future document(s) should be referenced in the EA. If future documentation does not address environmental impacts to the additional three ponds due to pond reconfiguration, then the impacts to the three ponds must be included in this EA. Without holistically examining all twelve ponds, it will be difficult to determine if the environmental impacts to the surrounding pond areas due to reconfiguration activities have been adequately characterized.

Thank you for the opportunity to comment on this document and for your continuing commitment to work with the Coalition on the safe and timely closure of Rocky Flats. If you have any questions about the Coalition's comments, please call me at (303) 412-1200.

Sincerely,

/s/

David M. Abelson
Executive Director

cc: Joe Legare, DOE
Mark Aguilar, EPA
Steve Gunderson, CDPHE
John Corsi, Kaiser-Hill
Rocky Flats Citizen Advisory Board
Rocky Flats Coalition of Local Governments

ROCKY FLATS STEWARDSHIP COUNCIL

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

MEMORANDUM

TO: Stewardship Council Board
FROM: Rik Getty
SUBJECT: DOE Quarterly Report Briefing
DATE: July 24, 2008

We have scheduled 45 minutes for DOE to present its quarterly update for the site. The update is for the first quarter of 2008 (January through March). DOE has posted the quarterly report on their website:

http://www.lm.doe.gov/documents/sites/co/rocky_flats/quarterly_reports/1st_qtr08.pdf

The report is 102 pages long so attached to this briefing memo is the executive summary.

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

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

Highlights for this quarter included:

- As part of the on-going geotechnical study of the slumping at the Original Landfill, nine test pits were excavated to depths of 10-12 feet below surface. Soil samples were collected in accordance with the investigation plan for geotechnical analysis. No radiological concerns or other problems were encountered. In addition inclinometers (slope measurement devices) were installed. The samples and inclinometers will help determine whether additional remedial actions are necessary at the OLF to help prevent future slumping and subsidence.
- Wetland seeding was conducted at the Functional Channel 1 wetland area. Additional inter-seeding was conducted in the former 400 Area where the vegetation is growing in strips. Staff reseeded areas associated with the Present Landfill, Mound site, Solar Ponds site, and the former Building 991 Hillside, as well as the area along the former First Street.
- The site continued deployment of groundwater trolls (automated water level monitoring devices) in various wells around the Site.

- New telemetry system components, which allow DOE to gather some data remotely from the site, were installed at Ponds C-2, A-3, A-4, B-5, Present Landfill, gauging station GS12, POC GS08, and at air sampler S-136 along Indiana Street.
- Five new movement monuments were installed on terminal pond dam B-5 to address ground movement that was recorded during the 2007 Annual Inspection. The monuments will be surveyed quarterly to further characterize movement in the dam B-5 structure.

Please contact me if you have any questions.

Quarterly Report Executive Summary

(quoting from the report)

The U.S. Department of Energy (DOE) Office of Legacy Management is responsible for implementing the final response action selected in the Final Corrective Action Decision/Record of Decision (CAD/ROD) issued September 29, 2006, for the Rocky Flats Site. Prior to the CAD/ROD, cleanup and closure activities were completed in accordance with the requirements of the *Rocky Flats Cleanup Agreement* (RFCA). Under the CAD/ROD, two Operable Units (OUs) were established within the boundaries of the Rocky Flats property: the Peripheral OU (POU) and the Central OU (COU). The COU consolidates all areas of the site that require additional remedial/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 Site). 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.

The *Rocky Flats Legacy Management Agreement* (RFLMA), signed March 14, 2007, superseded RFCA. RFLMA is a Federal Facility Agreement and Consent Order under the Comprehensive Environmental Response, Compensation, and Liability Act, the Resource Conservation and Recovery Act, and the Colorado Hazardous Waste Act, between DOE, EPA Region 8, and the Colorado Department of Public Health and Environment. The purpose of RFLMA is to establish the regulatory framework for implementing the CAD/ROD final response action in the COU and ensuring that it remains protective of human health and the environment. The monitoring, surveillance, and maintenance activities for which quarterly, annual, and 5-year review reports are issued are included in RFLMA Attachment 2, “Legacy Management Requirements.”

This report describes surveillance, environmental monitoring, maintenance, and associated operations that were conducted during the period January 1 through March 31, 2008 (first quarter calendar year 2008) under the CAD/ROD and RFLMA.

ROCKY FLATS STEWARDSHIP COUNCIL

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

May 5, 2008

Mr. Michael Owen
Director, Office of Legacy Management
Department of Energy
1000 Independence Avenue, SW
Washington, D.C. 20585

Dear Director Owen,

On behalf of the Board of Directors of the Rocky Flats Stewardship Council I am writing to express our deep concern regarding the Department of Energy's decision to destroy documents that were once housed at the Front Range Community College Library in Westminster, Colorado. The Stewardship Council had hoped to be able to resolve our differences with your staff but we have been unable to reach agreement on preserving these important documents.

As the DOE-designated Local Stakeholder Organization (LSO) for Rocky Flats one of our primary missions is to work with DOE to ensure information is publicly available. The attached letters from the University of Colorado Archives and Front Range Community College Library make clear that these documents have been and remain critical to understanding the history of the site. According to the CU Archives, these documents "not only have an abiding historical value, they are also a vital resource for future environmental research."

While some of these documents will be preserved as part of the official Administrative Record, many others are not part of the Record. Some documents in the collection we are seeking to preserve are the only copies in the DOE system, so in destroying these documents DOE would be deleting from the public record information that was once readily available to the public. In addition, this collection provides a broader understanding of Rocky Flats than the records that comprise the Administrative Record. The Administrative Record – a collection of documents which form the basis for an agency's decision – is an important accounting of the cleanup, but it is not comprehensive. This collection of documents, which include community-directed studies, Colorado health department records, engineering data, municipal monitoring data, extends well beyond the narrow bounds of the Administrative Record. Accordingly, these documents provide information that is central to the history of the site, not just the environmental remediation project.

DOE is also seeking to destroy documents at a time when former workers are struggling to show a direct link between their illnesses and exposures received while working at Rocky Flats. It is unknown whether any of these documents could help workers prove their case. Taking this step without first providing workers and their families with the opportunity to review the documents might increase the workers' burden.

Maintaining these documents in Colorado is of great importance. Providing access to electronic copies on the web and maintaining hard copies at a storage facility in West Virginia is valuable but does not obviate the need to maintain hard copies in Colorado. Among other things, electronic formats change which may make electronic copies largely unavailable. Federal regulations do not ensure these documents will not one day be destroyed and history is replete with many documents vital to our country's history being destroyed. Destroying these documents, especially those which are the only copies in the DOE system, would be unconscionable.

We understand DOE's reason for destroying the documents is that personal information was found in one or more documents. Clearly, personal information should not be made public. Yet, the decision to destroy these documents is not the proper response to what may be a limited problem. Gary Morrell, the Front Range Community College Library librarian who managed these documents for DOE, believes the documents that contain personal information is rather limited and can be easily narrowed. By using the Library's list of documents to identify potentially problematic documents makes it easier and less costly for DOE to remove the personal information prior to making these documents once again public.

Despite repeated requests by our staff, DOE has yet to specify in writing the legal and regulatory basis for destroying these documents. DOE has likewise not explained how directives the Administration has issued are reconciled with federal regulations requiring documents be maintained. As the LSO for Rocky Flats we request you make this important information publicly available and provide a full accounting to the Stewardship Council.

DOE should move forward with its initial plan to give these documents to the CU Archives, while working with the Archives to ensure no personal information is transferred to CU or that CU otherwise does not make documents public until it verifies that personal information will not be released. The CU Archives has pledged to work to make sure no personal information is made public and is experienced in handling sensitive information.

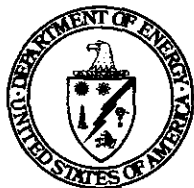
We look forward to working with you to resolve these important issues.

Sincerely,



Lorraine Anderson
Chairman

Cc: Senator Wayne Allard
Senator Ken Salazar
Representative Mark Udall
Representative Ed Perlmutter



Department of Energy

Washington, DC 20585

June 6, 2008

Lorraine Anderson
Chairman
Rocky Flats Stewardship Council
P.O. Box 17670
Boulder, CO 80308

Dear Ms. Anderson:

A handwritten signature in cursive script that reads "Lorraine".

This letter is in response to your April 16, 2008, letter to Director Michael Owen regarding the disposition of 500 boxes that were maintained at the Department's former public reading room at the Front Range Community College. The 500 boxes contain copies of DOE records or copies of other materials created by non-Federal entities (e.g., State and local governments).

My office maintains over 40,000 cubic feet (one box is equal to one cubic foot) of DOE official records relating to the Rocky Flats site in the Denver Federal Records Center. Since the enactment of the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) in 2000, DOE has responded to over 4,000 requests for information in support of individual compensation claims for illnesses associated with workers' exposure at the Rocky Flats site. In addition to EEOICPA claims, DOE has responded to hundreds of Freedom of Information Act, Privacy Act, and other records requests associated with the Rocky Flats site.

In response to the public interest, as well as ongoing litigation, the Department intends to continue to store the 500 boxes, and is evaluating storage options in Colorado. As part of our evaluation, we will consider the most appropriate way to make this information available to the public, while preserving the contents of the boxes for litigation purposes and protecting sensitive information. Our decision to retain the contents of these boxes as one unique collection should address your concerns.

Please feel free to contact me or Mr. Steve Lerner in the Office of Congressional and Intergovernmental Affairs at (202) 586-5450 should you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Michael W. Owen".

Michael W. Owen
Director
Office of Legacy Management



denverpost.com

THE DENVER POST

editorial

Flats secrecy taken too far

By The Denver Post

Article Last Updated: 05/13/2008 07:43:31 AM MDT

Little about the history of the Rocky Flats nuclear trigger plant engenders the trust of Coloradans.

From its secretive Cold War era roots, to suppressed reports about contamination, to a stifled grand jury investigating environmental crimes, there remains a lingering suspicion that we still don't know everything about the former plant.

The U.S. Department of Energy's recently announced plans to digitally copy — then destroy — 500 boxes of records pertaining to the plant will only make matters worse.

Legitimate arguments can be made about how cutting-edge advances in software and hardware quickly become outdated, making it very possible that future access to the digitally copied records would be difficult.

Think about it: How many floppy disks do you have lurking in the back of a desk drawer that you no longer have any practical way of accessing?

Technical issues can be overcome with an

adequate budget for updates, but how likely is that?

More important, though, is how the public perceives the trustworthiness of the DOE.

The department was painted as a major villain in a class action lawsuit over off-site plutonium contamination from the plant, 16 miles northwest of Denver. Lawyers for the owners of 12,000 properties near the plant, who won a nearly \$554 million judgment in 2006, attacked the DOE with allegations the department improperly designated information as classified in order to keep misdeeds and mistakes secret.

That's not the only instance where the public has been left to wonder about what really went on at Rocky Flats.

The now-infamous Rocky Flats special grand jury is a 16-year-old wound that has never healed. The grand jury investigated environmental crimes at the plant for 2-1/2 years, sifting through hundreds of boxes of evidence and testimony from more than 100 witnesses.

Grand jurors were discharged in 1992, days before federal prosecutors crafted a plea agreement with Rockwell International Corporation, one of the contractors that operated the plant.

The jurors have been struggling to be heard ever since, filing federal actions in an effort to get permission to release publicly their allegations and beliefs about what went on at the plant.

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THE DENVER POST

A decision last week by Senior U.S. District Judge Richard Matsch to keep much of the jury's contentions under wraps only deepens the air of mystery surrounding Rocky Flats.

It is against this backdrop that the decision to destroy 500 boxes of original records will be viewed, regardless of efforts to explain how they would all be diligently copied and preserved.

If the DOE wants to make digital copies of the plant's records to offer greater access, that's fine. The public would welcome the access. But the department should preserve the originals so people have one less reason to think they're not hearing the whole story about Rocky Flats.

The nuclear trigger factory may be gone, but its legacy will linger for a long time — and it's important that citizens know as much as possible about its history.

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denver and the west

Protests stir energy agency to preserve Flats papers

By Ann Schrader
The Denver Post

Article Last Updated: 06/07/2008 11:38:30 PM MDT

A U.S. Department of Energy official said Friday that his agency will continue to store 500 boxes of Rocky Flats-related documents while evaluating storage options in Colorado.

"As part of our evaluation, we will consider the most appropriate way to make this information available to the public," Michael Owen, director of DOE's Office of Legacy Management, wrote in letters to members of Colorado's congressional delegation.

Contents of the boxes, which had been housed in the Rocky Flats reading room at Front Range Community College until December, will be preserved "for litigation purposes and protecting sensitive information," Owen's letter stated.

U.S. Reps. Mark Udall, Ed Perlmutter and John Salazar, and Sen. Ken Salazar joined a local coalition of Rocky Flats-area governments in expressing concern about DOE's plans to destroy the documents.

DOE had planned to give the documents to the

archives at the University of Colorado at Boulder but then discovered personal information — including Social Security numbers — in some documents.

The Front Range librarian who was the documents' caretaker said some documents may not exist elsewhere. Delegation members said they were pleased with DOE's decision.

"These records are critical for former workers who may be struggling to gather information needed to make illness claims related to exposure they received while working at Rocky Flats," said Perlmutter.

Udall said it is "imperative that any and all information related to Rocky Flats workers be maintained and protected."

Ann Schrader: 303-278-3217 or aschrader@denverpost.com

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'We're not going away,' Flats workers say at rally

By David Accomazzo

Thursday, June 26, 2008

Former Rocky Flats employees demanded Wednesday that the federal government cut red tape and provide quicker compensation for work-related illness.

About 20 workers and supporters held a rally outside a building in the 1900 block of Broadway in Denver that houses the Department of Labor, which administers the compensation program. It was one of at least five such rallies across the country.

"We have to tell people, 'Don't give up, we're not going away,' " said Judy Padilla , a breast cancer survivor who worked with weapons-grade plutonium and other radioactive materials for 20 years at the defunct nuclear weapons plant.

She blames radiation exposure for her cancer, saying that five of her male co-workers also developed breast cancer, four of whom have died.

Congress established the Energy Employees Occupational Illness Compensation Program in 2001 to compensate former energy workers who have radiation-related illnesses.

But former workers say that navigating the bureaucracy can take years - time that some cancer-stricken former employees don't have.

"(The workers) can't lose a day, much less months and years," said Joan Fitz-Gerald, the former Democratic state Senate president who is running for the U.S. House of Representatives in the district that includes Rocky Flats.

Sen. Ken Salazar's office issued a joint statement on behalf of the Democratic senator and U.S. Reps. Mark Udall, John Salazar and Ed Perlmutter in support of the workers.

"Action in favor of the employees and their families must be taken immediately and benefits granted," the statement said.

A spokesman for the labor department, which oversees the compensation program, said that the agency is doing all it can to get money to as many people as possible.

The release said that the government has paid out \$3.8 billion in aid to more than 41,000 former employees or their survivors since 2001.

Rocky Flats employees have received almost \$120 million. According to labor department statistics reviewed by the *Rocky Mountain News*, more than 163,000 claims have been filed nationwide, but only 50,000 have been approved.

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George Barrie is dying. His wife's advocacy work may have become a weapon against him

By Laura Frank

Sunday, July 20, 2008

CRAIG — The pain drives George Barrie from his bed about 3 a.m. — a nightly occurrence.

He leaves his sleeping wife and stumbles to his recliner in the living room. He sits down heavily, shifting his weight, trying to make the pain bearable.

The house is silent except for his labored breathing.

On the opposite wall are family photos that show him in healthier days. Once when a visitor asked about them, Barrie broke down and cried at his own image.

"How dare they do this to me?" was all he could say.

Barrie is an ex-bomb maker, a highly-skilled machinist who shaped toxic beryllium and plutonium metal to top-secret tolerances within a fraction of the width of a human hair.

Among his myriad illnesses, doctors have confirmed that at least his pre-cancerous stomach condition is the result of his work with dangerous materials at the Rocky Flats nuclear weapons complex.

His wife, Terrie, is a former waitress who was so angered by the government's treatment of her husband and others like him that she became a leading advocate for sick nuclear workers nationwide.

Barrie filed seven years ago for the federal benefits available to sick nuclear weapons workers or their survivors, but the government repeatedly has denied him full compensation.

Terrie Barrie helped found a national organization for sick workers, and now has the ear of powerful leaders in Congress. But when the couple recently discovered that copies of advocacy letters Terrie wrote to government officials were contained in George's official government case file — even though they were not related to his case — they began to fear that her advocacy work has derailed George's chances for full compensation.

"Why would they have put those letters in his file?" Terrie said. "I think it was a way to intimidate me, pure and simple. It's like, 'We know what you do and we're not paying George.'"

She said she is haunted by the thought that doctors might have prevented her husband's precipitous physical decline if the government program had approved coverage without delay.

"They're letting him die," she said, anger rising in her voice. "They murdered him at Rocky Flats. His own government murdered him and they are still murdering him."

George Barrie's government file, his claim for compensation, runs 4,000 pages. That his wife's letters were in there is not the only disturbing experience the two have had.

On a clear night in Denver, April 25, 2006, the Barries arrived at the Sheraton Hotel on Colorado Boulevard. Inside, a panel appointed by President Bush would hear concerns from sick workers such as Barrie about the failings of the compensation program.

But the Barries were going to complain about much more than that.

"We uncovered something that was important," Terrie Barrie said. "It was huge."

She and George were going to explain how they believed that the entire compensation process for former Rocky Flats workers had been undermined, and that agency officials knew about the problem but had ignored it.

The very same scientist who'd once been in charge of the Rocky Flats program to protect workers from radiation had just recently been hired by the government to review the quality of his own program.

The government also had based its opposition to automatic aid for Flats workers on the information from that man, Roger Falk. The Barries believed that if public faith in Falk were lost, the government's position would not hold.

As George Barrie got settled in the meeting room, a top program official approached him.

Kate Kimpan had a long history with the program. As a senior policy advisory at the U.S. Department of Energy, she had been key in the program's early going.

The energy department's handling of that launch was deemed such a failure that Congress took it away in 2004 and gave it to the Department of Labor.

Kimpan also had been the key liaison among DOE and the departments of health and labor. Now, Kimpan was working for DOL contractor Dade Moeller & Associates, overseeing radiation exposure estimates for the program.

Kimpan had first met the Barries before the compensation program was established. But they had spoken only once since Kimpan left DOE. Terrie Barrie said Kimpan had called her at home earlier in the week, trying to persuade them to meet with her in Denver.

"She said to me, 'I can help George,'" Terrie recounted. "My first thought was, if she can help George, why didn't she (already)? I thought she was implying that if I didn't say anything (about the Falk allegations), she'd help George get paid."

"I didn't like being intimidated, or bribed, or whatever you want to call it. They were trying to make me or him not say stuff by dangling that hope out there. I resented it."

Kimpan said she does not remember calling the Barries.

That night at the Sheraton, Terrie Barrie had begun talking to other claimants when Kimpan approached George Barrie.

"She said 'George, don't do this,'" he said. "If you don't do this, I can help you."

Kimpan said she does remember speaking to him in the hotel. However, she did not try to stop him from talking, she said.

"The only thing I can think of is they really must be confused," Kimpan told the Rocky. "There's no logic in it."

Kimpan said she would not have offered to help because in her job overseeing radiation estimates, she had no role in the part of the program handling George's claim.

But that's what made the call and encounter stand out, Terrie Barrie said.

"I knew she shouldn't have been able to have any effect," she said. "That's why it shocked me so much."

In addition to problems that the Barries believe are associated with Terrie's advocacy, they have encountered the same kinds of perplexing roadblocks that other ill nuclear workers complain about.

Government officials originally said records showed that George worked in only two buildings on the sprawling Rocky Flats complex. But George happened to keep some of his own records, which show he worked in other buildings as well. Proving specifically where an employee worked can be vital to proving they deserve compensation because it becomes evidence of what toxic exposures they faced.

Rockwell International, the contractor that ran Rocky Flats while George worked there, previously had reimbursed some of George's medical bills based on his successful state workers' compensation claim. But after Rockwell left the site in the 1990s, it wanted to close out the claim and gave George a \$17,000 settlement.

DOL now argues that the same amount must be deducted from George's federal compensation, even though its own rules say that deductions for previous settlements do not include medical reimbursements.

One of George's conditions — nephritis of the kidneys — is covered automatically under a different federal compensation program for which his job doesn't qualify.

The Radiation Exposure Compensation Act assumes that this illness was caused by radiation and automatically compensates uranium miners and those who lived downwind of atomic tests. But the program that covers bomb builders such as George, the Energy Employees Occupational Illness Compensation Program, does not.

Like many other sick nuclear workers across the country, George Barrie said he is less concerned about the lump sum he might receive from the program. What he really needs is medical care.

"I need help," he said.

On a recent routine medical visit to replace the breathing mask he wears at night, George discovered that the oxygen level in his blood had dropped to 88 percent. Anything less than 90 percent can signal lung

disease.

Barrie fears that his former work as a machinist is now causing him to develop chronic beryllium disease, which has plagued thousands of other beryllium workers.

The government will reimburse him for lung tests only if the results show he has beryllium disease. But George knows that the tests — which involve inflating each lung with saline solution, giving patients the sensation that they are drowning — notoriously produce false negative results.

George doesn't want to risk wasting any money right now, so he will wait awhile longer because the more severe this incurable disease is, the easier it is to diagnose.

"The best place I ever worked got me sick," he said. "I'm dying. It's not like I did anything to deserve this."

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POSTED ON JULY 9, 2008:

Waste not want not

Fifty-year waste debate ignores future waste streams

By Nathaniel Hoffman

When Gov. C. L. "Butch" Otter stood with two former Idaho governors on July 1 to announce an agreement between the state and the U.S. Department of Energy on radioactive waste cleanup, the message was: Getting rid of nuclear waste is good for Idaho's people and environment.

"We enter into this agreement confident that it is in the best interest of the aquifer, the Idaho National Laboratory and all Idahoans," Otter said.

Former Gov. Phil Batt, who signed the original agreement with DOE in 1995, called the deal practical and comprehensive, though he suggested the state could possibly have held out for more. And former Gov. Cecil Andrus said that the waste has been buried in Idaho for too long.

But nuclear cleanup has not been the overarching nuclear message in recent years in Idaho. At the same press conference to announce the agreement, held first in Idaho Falls and then in Boise, DOE's assistant secretary for environmental management James A. Rispoli referred to a "nuclear renaissance" and said that the INL west of Idaho Falls is a key player in America's energy future.

Idaho, first under Andrus and then Batt, fought federal shipments of nuclear waste, mostly from the former Rocky Flats nuclear weapons factory near Denver. The plutonium-contaminated waste, including equipment used to process triggers for nuclear bombs, was haphazardly dumped in a southwest corner of INL, above the Snake River aquifer.

The state signed an agreement with the Feds to get rid of the waste in 1995, won several rounds in court, and with the latest agreement, will ship the stuff that can be practically exhumed to New Mexico within a decade.

The waste in the dump at INL is highly contaminated transuranic waste—material that is heavier than uranium and cannot be handled directly by workers.

Each of the governors—present and past—sees a future for nuclear energy in Idaho. But there is still the problem of where to put the new waste that a nuclear plant will produce.

"Still, there's a question of the disposal of the waste and it needs to be addressed before we go further, I think," Batt said.

Otter spokesman Jon Hanian said that in the past, nuclear waste was not dumped responsibly, but that any future ventures will go through a rigorous permitting process and fall under federal and state monitoring.

"None of those oversights were in place in the '50s and '60s when the bulk of the waste at INL was disposed," Hanian said.

And Andrus, who once ordered trains full of nuclear waste stopped at the state line, says the transuranics buried at INL are quite different from the type of waste coming off a modern nuclear power plant.

Still, he acknowledges, there is nowhere to put the spent fuel rods yet.

"I oppose the creation of new reactor core waste until such time as America comes up with the repository for the waste," Andrus said.

URL for this story: <http://www.boiseweekly.com/gyrobase/Content?oid=315409>



Plutonium pit plan for N.M. lab faces opposition

By DEBORAH BAKER – Jul 1, 2008

DIXON, N.M. (AP) — The market at the heart of this little village is stuffed with locally grown produce. Fat, red radishes practically fly out of the display basket next to the cash register hours after leaving the field.

Nourished by a small river that empties into the Rio Grande, the narrow valley is dotted with farms, orchards and vineyards.

"Almost everybody grows a garden," Sheri Kotowski said, sitting one recent afternoon under an apple tree behind the market.

Small wonder, then, that Kotowski and others in this canyon keep a wary eye on their big, mesa-top neighbor, the Los Alamos National Laboratory.

They're fretting about a U.S. Department of Energy proposal to have the nuclear weapons lab increase its production of plutonium pits, the core of nuclear warheads, from a few each year to as many as 80.

It's part of a restructuring plan for the eight sites in the nation's nuclear weapons complex that the DOE says is aimed at making the complex smaller, more secure and less expensive.

"We need to consolidate and make it more of a 21st-century national security enterprise," said John Broehm, a spokesman for DOE's National Nuclear Security Administration.

Los Alamos, the only place where pits are manufactured, produced 11 last year and will produce six this year, according to the NNSA.

Under the restructuring proposal preferred by DOE — one of several it presented for public comment this year — the nuclear operations footprint at Los Alamos would shrink by almost half. Plutonium and other nuclear materials would be consolidated from a half-dozen sites on the sprawling property to two sites with more modern facilities.

Joe Martz, project director with the lab's nuclear weapons program, says that would mean a dramatic improvement in safety and security.

"We are still working with many of these materials in World War II vintage buildings," Martz said.

The movement of material would be reduced, as would the number of areas that have to be secured, he said.

And even 80 pits a year is a fraction of what was produced at Rocky Flats, the Colorado plant that was the federal government's main pit production facility until it closed in 1989, Martz said.

"There are some that worry we will become a pit factory. Nothing could be further from the truth," he said.

Broehm says replacement pits are needed for the submarine-launched W88 warheads that are taken apart for testing, destroying their pits in the process.

But there has been a barrage of objections to the proposal some critics call "the bombplex."

Kotowski and others contend the DOE hasn't done an adequate analysis of the possible effects on farmland.

The Los Alamos National Laboratory "is located within the food basket of northern New Mexico," said the New Mexico Acequia Association, which told the DOE it is concerned about potential radioactive contamination of land and water. Acequias are the irrigation ditches that feed farmland.

Some 40 miles northeast and downwind of Los Alamos, the Embudo Valley was reminded after a huge fire in 2000 just how close the lab is. The fire rained ash on the area and cloaked it in smoke.

A citizens' group, in conjunction with the state Environment Department, began monitoring air and sampling soil and produce for radionuclides, in an effort to determine exposure levels.

Of concern are exceptionally high levels of strontium, cesium and plutonium high in the Sangre de Cristo mountains above the valley, at the top of the watershed.

The lab says they are to be expected, because global fallout brought to earth by rain and snow gets concentrated at such high elevations. The Environment Department suggests it could represent either routine or accidental releases from Los Alamos over decades.

In any event, Kotowski said, "If you have contamination at the top of the mountain, you can't expect it to stay at the top of the mountain." The Embudo Valley Environmental Monitoring Group plans more testing this summer.

Kotowski and other critics say a comprehensive regional environmental health assessment is needed before the DOE considers expanding the lab's operations.

And the state Environment Department says cleanup of the lab's 60-year "legacy of pollution" — not expanded pit production — should be the DOE's priority.

"They want to expand, but they haven't cleaned up the other stuff," said Craig Quanchello, governor of Picuris Pueblo, a small American Indian tribe in the valley.

Opponents say the pit plan is premature, since a new administration is due to reassess the nation's nuclear posture review in 2009. They also dispute the need for new pits, saying the U.S. already has thousands that would be good for decades.

The nuclear security administration expects to decide by year's end which restructuring plan to pursue.

From The Times

July 7, 2008

Field narrows in bid to clean up Sellafield nuclear site



The winner of the Sellafield contract will be at the forefront of the UK's £70 billion nuclear decommissioning industry

Angela Jameson, Industrial Correspondent

Ministers have whittled down the contenders for a £1 billion-a-year contract to clean up the Sellafield nuclear site to two, with a decision expected to be announced next Friday, The Times understands.

The favourites, from a shortlist of four, are understood to be CH2M Hill - the US engineering and construction services company that was hired to clean up New Orleans after Hurricane Katrina, and SBB Nuclear - a consortium that includes Babcock & Wilcox, Serco, and Bechtel, the privately-owned US engineering consultancy.

Senior industry sources believe that the SBB Nuclear consortium is well ahead on price, but that the Government favours CH2M Hill primarily because it is a single company with clear lines of responsibility.

CH2M Hill is also renowned for its involvement in Rocky Flats, a former weapons facility that required one of the largest and most complex clean-up projects in the US.

The company has also spent a lot of time in Cumbria and has more support from the local community and unions.

The Nuclear Decommissioning Authority was understood to have sent its recommendations to John Hutton, the Secretary of State for Business Enterprise and Regulatory Reform, at the start of the month. However, the final decision on who will win the contract, which starts next March, rests with Mr Hutton.

The winner of this competition will be at the forefront of the UK's £70 billion nuclear decommissioning industry. The contract is initially for five years but could be extended to 17 years.

A nuclear industry insider said: "[SBB Nuclear] appears to be far cheaper than the other parties. But Bechtel is renowned for bidding low to secure contracts.

The Jubilee Line Extension, in which Bechtel was involved, experienced delays accompanied by soaring costs. Bidders for the clean-up contract have been asked to propose financial models of how they would

wish to be reimbursed and incentivised for the contract.

It is thought that SBB Nuclear may have suggested a financially engineered repayment model that looks cheap in the early years but sees the consortium's rewards accelerate further into the contract.

As well as CH2M Hill and SBB Nuclear, the other bidders are a partnership between Fluor Corp and Toshiba, and Nuclear Management Partners, a consortium comprising Washington International Holdings, Amec Nuclear Holdings and Areva.

Whichever consortium wins will find itself in the throes of a dispute with Sellafield's 10,000-strong workforce.

After months of negotiations the employees have rejected a 2percent pay settlement and will ballot on industrial action later this month. Workers are expected to vote for a strike which would shut down of the plant for up to a week.

Nuclear workers have received relatively generous awards in the past, but unions believe that the latest below-inflation offer is too little during a time in which the nuclear industry is undergoing considerable change.

They were calling for a 3.8per cent increase - the same level as the retail prices index (RPI) in March. However, views have hardened since then as the Government has dug in its heels and RPI has gone above 4 per cent.

Mike Graham, national officer for energy at Prospect, the engineering union, said: "We are absolutely disgusted with the pay offer and it could well lead to industrial action. This is the time of the biggest change for Sellafield and we are being offered a very low reward."

Prospect's opposition to the offer is backed by the GMB and Unite, the general unions.

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