

ROCKY FLATS STEWARDSHIP COUNCIL

Monday, October 31, 2022

8:30 – 10:35 AM

Board members in attendance: Randy Moorman (Director, Arvada), Jacob Moyer (Alternate, Arvada), Marni Ratzel (Second Alternate, City of Boulder), Deven Shaff (Director, City and County of Bromfield), Claire Levy (Director, Boulder County), Summer Laws (Alternate, Boulder County), Ann Byerly (non-voting representing Golden), Pat O’Connell (Alternate, Jefferson County), Shelley Stanley (Alternate, Northglenn), Mark Lacin (Director, Superior), Jan Kulmann (Director, Thornton), Caleb Owen (Alternate, Thornton), Rich Seymour (Director, Westminster), Trea Nance (Second Alternate, Westminster), Jeannette Hillery (Director, League of Women Voters), Linda Porter (League of Women Voters), Roman Kohler (Director, Rocky Flats Homesteaders), Kim Griffiths

Stewardship Council staff members and consultants in attendance: David Abelson (Executive Director), Melissa Weakley (Technical Program Manager), Barb Vander Wall (Seter & Vander Wall, P.C)

Attendees: Padraic Benson (DOE-LM), Shawn Eichelberger (DOE-LM), Ramona Phillips (RSI Entech), Harry Bolton (RSI Entech), Dana Santi (RSI Entech), John Boylan (RSI Entech), Chris Stewart (RSI Entech), George Squibb (RSI Entech), Karin McShea (RSI Entech), Ryan Wisniewski (RSI Entech), Lindsey Murl (CDPHE), Lukas Staks (Colorado AG’s Office), Laura Hubbard (Broomfield), Giselle Herzfeld, Travis Culley, Max Dodson, Chris Allred

Convene/Agenda Review: Jan Kulmann convened the meeting at 8:37 am.

Public Comment: Giselle Herzfeld spoke about the ability to participate via virtual meetings. She thinks meetings should be recorded and available for online review. She supports a hybrid option for Board meetings. She is concerned about the time of the meetings in the morning, which she believes discourages public participation.

Travis Culley mentioned that he had problems leaving comments on the website. David said he would ask the IT person look into the problem. Travis passed out his statement of purpose for joining the Board.

Chris Allred spoke about the Stewardship Council not providing an accessible forum for the public, that meetings should be after work. He said that city council meetings are recorded and posted online. There needs to be a recording for the public record so people can engage. Meetings need to be held at a location where hybrid meetings are an option. He said the Stewardship Council’s funding is a conflict of interest and more money should be allocated to public accessibility. He passed out a letter from Jon Lipsky and Michael Ketterer regarding the Board’s funding.

Consent Agenda: The consent agenda included the draft September 19, 2022, meeting minutes and checks written since that meeting. Roman Kohler moved to approve the consent agenda. The motion was seconded by Mark Lacin. The motion to accept the minutes and checks passed 12-0.

Executive Director’s Report: David addressed the comments about funding coming from DOE. He reiterated that the Board is charged with allocating funding. He asked that Board members speak up if

their values are compromised by the Stewardship Council receiving an operating grant from DOE. He continued by noting that he has yet to see a local government official, their representative, or a community member change or moderate their views due to the Stewardship Council receiving an operating grant from DOE. To the request that the Stewardship Council meet at night, David noted we meet during the day due to city and town councils meeting at night.

David then spoke about the decline of public engagement during virtual COVID meetings. As David explained, a common narrative is that virtual meetings increase engagement. While that may be the case broadly speaking, it was not the experience of the Stewardship Council during the period that the Board was meeting virtually. Starting in January 2015, the Board saw a surge in attendance by the public – increased involvement was measured by the number of members of the public attending the meetings and the number of comments received at the meetings. Starting at the February 2020 meeting (the last in-person meeting prior to COVID) there was a precipitous drop-off that continued during virtual meetings – mirroring attendance in 2014, the first year David examined. David then placed the discussion in context.

From January 2014 through September 2022, 143 different individuals attended Board meetings. Some attended many, and many attended one. 143 does not include the Board, local government staff, Congressional staff, DOE, CDPHE, and EPA; it is simply true members of the public, including the media. 143 might not seem like a lot of people, but at some DOE cleanup sites, David explained, a fraction of that number attended public meetings. David continued by noting that the 143 figure starts eight years after closure of Rocky Flats. During COVID, David noted, only eight new people started attending meetings, and of those eight, three attended only one meeting. It is clear, he said, that virtual meetings did lead to more participation at Stewardship Council meetings, and they did not lead to sustained engagement. Further, during COVID only 17 individuals attended meetings.

David concluded by noting what we missed during COVID was Board engagement that characterizes in-person meetings and direct access to DOE and elected officials. The success of our meetings over the years has been the Board getting to know one another, working together in-person, and having direct engagement with the public.

Claire Levy said we learned during COVID that hybrid meetings have value, and it's good for openness and accountability. She thinks we ought to consider hybrid meetings. Jan Kulmann replied that topic was discussed a few times at the executive committee, and it was decided it was too difficult for people online to communicate with people in person. She observed there was little engagement when we were online. She appreciates public engagement, but the purpose of this Board is to provide information to disseminate to constituents.

Mark Lacis replied that he supported hybrid option, and that a hybrid option in Superior has worked. He acknowledged that the hybrid format is not as effective when some members are remote and some are in person. He offered that the best compromise is to have a hybrid option for public participation and have recordings of the meetings. Mark thought the Stewardship Council should try.

Deven Shaff said Broomfield allows the public to call in. He supports having the meetings recorded. He wants to move away from a hybrid option, however, where members of the public interrupt Board members and people are talking over each other.

Randy Moorman expressed support for exploring a hybrid option.

Jan said DOE requires the Board to use WebEx for virtual meetings. She committed to discussing the issue again with the executive committee.

David Abelson said he watched the OWL camera videos and thinks the group may be too big for it. He also wondered who will manage disruptions. David does not know how to manage who is going to talk when he is in the room and there are people on-line.

Potential Executive Session: David talked about allowing the Board to go into Executive Session to discuss people the Board hires. The Board declined to go into Executive Session.

2023 Work Plan – Approval: David noted that the work plan was presented and discussed at the September 2022 meeting. There were no questions. No changes were offered.

Jeannette Hillery moved to approve the 2023 Work Plan. The motion was seconded by Rich Seymour. The motion to accept the work plan passed 12-0.

2023 Budget – Budget Hearing and Adoption: The Board reviewed the draft budget at the September 2022 meeting. The only change offered at that time was to clarify Revenue from Carry-Over. Prior to finalizing the budget, the Board must hold a budget hearing and allow time for public comment. Following the public hearing, the Board must approve the budget resolution.

Barb Vander Wall explained the budget hearing process, in which the Chair opens the hearing, comments are received, and then the Chair closes the hearing. She explained that the Stewardship Council is a unit of local government, a political subdivision under Colorado law, and that one of its obligations is to adopt a budget on an annual basis showing its revenues and expenditures. This process is to be completed by the end of the year and filed by the end of January. A notice of this public budget hearing was published.

Jan Kulmann opened the hearing for the 2023 budget. She asked for public comments.

Giselle Herzfeld reiterated concern that most of the Stewardship Council's budget comes from DOE and that most of the money goes to two staff members. She argued that it is in DOE's interest to incent council leadership to promote DOE's narrative. She clarified her earlier comment that she does not think the Board members compromise their values due to DOE funding.

Chris Allred said he agrees with Giselle's statement, and he appreciates the Stewardship Council discussing the need for more public accessibility. Chris thinks DOE monies going to the director is a conflict of interest and more money needs to be allocated to public participation. He urged the Stewardship Council to reject the budget.

Claire Levy asked if there were ways to amend the budget after it is passed. Barb Vander Wall said that could be done.

Kim Griffiths moved to approve the 2023 Budget. The motion was seconded by Jeannette Hillery. The motion to accept the budget passed 12-0.

Community Representatives Appointments: Jan noted that there had been four applicants for the two open non-governmental seats on the Stewardship Council. They were the Rocky Flats Cold War Museum (not present), Kim Griffiths, Travis Culley, and Herb Fenster (not present). David said Board members would vote on RFCWM, Kim Griffiths, and Travis Culley.

Kim Griffiths: Kim spoke about her interest in rejoining the Stewardship Council. She is a resident of Candelas in Arvada. She pointed out her engagement in meetings and participation/presence at meetings.

Deven Shaff asked what the communities surrounding Rocky Flats have gained from Kim's participation. Kim replied that she has spoken with activists and neighbors at Candelas to discuss Rocky Flats issues. She has co-authored a website that shares peer-reviewed information. Deven asked how she disseminates information to the public. Kim listed the ways she has shared information with the public. Jan asked what Kim thinks the purpose of the Board is. Kim answered that she thinks the purpose is to monitor the remedy, listen to one another, and review and decide if you are going to accept the data received. Kim has met with RSI contractors to discuss Rocky Flats in the past, and she thanked them for their expertise and knowledge.

Travis Culley: Travis said that he can speak up for people who have been left out of the conversation. He is a local resident who grew up in Arvada. He said his father told him in the 1970s that he saw toxic waste being dumped in Marshall Lake. He then talked about the Marshall Fire and his belief that the Marshall Fire was started by people dumping waste in Marshall Lake. He thinks the election offers the opportunity for individuals to speak for themselves and he can give the conversation direction. He sees room for improvement in the activities of the Board. He argued that offsite contamination is being ignored.

Deven asked how long he had attended Stewardship Council meetings. Travis said his first meeting was in September 2022. He spoke of the retraction of the FBI raid on the Rocky Flats Cold War Museum website, which does not mention Jon Lipsky. Deven asked what the communities surrounding Rocky Flats will gain from his participation. Travis thinks he will air and consider voices that have not been represented. Travis thinks the Board can support emergency services regarding fires that may have plutonium and dust that can become flammable. Deven asked how he will disseminate information. Travis has a twitter page with 42 followers, and he participates in Rocky Mountain Peace and Justice Center meetings. Jan asked what he thinks the purpose of the Board is. Travis thinks the Board needs to oversee the Legacy Management agreement. She said he posted on his Twitter page that the Stewardship Council should be dissolved, so why, she asked, would he want to be a part of the organization. He thinks there is value in defunding the organization if the organization is not talking about Marshall Lake and the Marshall Fire.

Vote Count:

Rocky Flats Cold War Museum – 8 votes

Kim Griffiths – 8 votes

Travis Culley – 1 vote

Herb Fenster – 1 vote

Jan Kulmann moved to appoint the Rocky Flats Cold War Museum and Kim Griffiths to the Stewardship Council for a two-year term commencing February 2023. The motion was seconded by Deven Shaff. The motion passed 9-0 (only local governments vote to appoint members.)

Host DOE Quarterly Meeting:

George Squibb gave an overview of Second Quarter 2022 monitoring. Highlights included:

- Surface water
 - RFLMA Point of Compliance and Point of Evaluation analyte concentrations remained below reportable condition levels in the second quarter of CY 2022 with one exception. Despite no flow during the quarter, sample result from May - July 2021 at POE SW027 triggered a reportable condition for the 12-month rolling average plutonium concentrations for May 31, 2022, and June 30, 2022.
 - Results from quarterly performance monitoring for the PLFTS effluent were acceptable. Laboratory error in analysis omitted eight semi-volatile organic compounds. None of the omitted compounds have been detected above RFLMA standards in previous samples.
 - Performance monitoring for the OLF showed VOCs and mercury below RFLMA standards; mean concentrations for metals could not be calculated (June composite sample not completed in time for reporting).
- Groundwater and groundwater treatment systems
 - Sampled all RFLMA wells, Results generally consistent with previous data, will be evaluated in 2022 annual report.
 - Routine maintenance performed at all systems.
 - ETPTS discharge gallery finished (supply chain issues delayed selected valve boxes).
 - SPPTS plumbing modifications and related uranium treatment bench testing resulted in co-precipitation selected as the best treatment option. Pilot-scale testing to begin in Fourth quarter of 2022.
- Operations and Maintenance
 - RFLMA inspections completed including weather-related inspections of the COU and OLF on June 2 (no new issues identified), only routine maintenance performed.
 - OLF: Monthly inspections, no slumping observed.
 - PLF: Quarterly inspections, no issues noted.
 - Landfill Settlement Monument surveys: Vertical settling within design limits.
 - Site erosion controls monitored and maintained.
 - NWCS survey: Continued monthly monitoring of survey points.
- Ecology
 - Wildlife monitoring: nest box surveys, prairie dog surveys (no active towns in COU).
 - Vegetation monitoring: weed mapping, wetland surveys (water level, weed surveys), showy milkweed surveys.
 - Vegetation management: willow stake planting, inter-seeding, weed control.
 - Third quarter preparations: revegetation monitoring, Preble's mouse habitat monitoring, wetland monitoring, and other activities.

Deven asked about the NWCS and triggers for regrading. Harry Bolton discussed the regrading process and the inspections and how they address slumping. Dana Santi talked about the geotechnical

consultant being used at Rocky Flats to inform future actions. He explained that hillside was filled in the past, so it is susceptible to slumping. RSI is watching it.

Kim talked about reinstating site tours next June and encouraged Board members to attend if tours are reinstated.

Big Picture/Additional Questions/Issue Identification: David went through the Big Picture. The next meetings are scheduled for February 6, 2023, and April 3, 2023.

February 6, 2023

Business Items

- Elect 2023 Officers
- Adopt resolution re: 2023 meeting date

Briefing Items

- DOE Quarterly Update

April 3, 2023

Briefing Items

- TBD

Issues to watch:

- Uranium and plutonium reportable conditions
- North Walnut Creek slump
- PFAS
- Multi-purpose building
- Air quality monitoring (wildfire)

Board Roundtable:

No comments were offered.

The official board meeting adjourned at 10:18 am.

Roundtable Discussion of DOE's FY22 Q2 Report

At this point in the meeting, the room was rearranged and board members, non-board members, DOE and CDPHE convened for a roundtable discussion of the quarterly report.

Chris Allred asked about the reportable condition of plutonium and what the protocol is for handling reportable conditions. He also asked about the air quality meeting and why it has not been announced to the public. George Squibb said the RFLMA prescribes how reportable conditions are handled. DOE puts together a path forward for handling reportable conditions, and they have a meeting with RFLMA parties to discuss the reportable condition. They evaluate the situation and put together a contact record describing path forward. Examples could be enhanced erosion controls, additional ground cover, and/or increased frequency of monitoring. Ryan Wisniewski said a remedial action is not necessarily triggered.

David said the air quality meeting was triggered by three local governments sending letters to DOE about resuming air quality monitoring in case of fire at Rocky Flats. DOE will meet with them and other governments in the coming weeks.

Shelley Stanley asked George to review the new contact record for SW-027. Lindsay Murl explained SW-027 is towards SE corner of COU, on South Interceptor Ditch. It took time to get through CR 2021-03, because the RFLMA parties went through the dispute resolution process, which wrapped up in July 2022. CDPHE wanted DOE to look at an expanded area to the east for five years, and do vegetation management and aerial surveys, but they did not ask for additional soil sampling. David asked about what data analysis happens. Lindsay answered that it is a qualitative review of the aerial surveys. RSI is looking for bare ground, areas of erosion, etc. Data will be reported in the Annual Report.

Deven Shaff asked if the vegetation was there to prevent erosion or stabilize the area. George Squibb said it was both.

Randy Moorman asked about digging and the release of airborne contamination. George Squibb and Ryan Wisniewski talked about the consultative process if digging/surface disturbance is proposed.

Deven asked about weather-related inspections. George said the trigger was an inch of precipitation in 24 hours. They are looking for damage from runoff. They use some professional judgment based on the intensity of the weather event. George said the 2013 flood resulted in very little damage – some erosion was observed in creeks but there was no damage to dams.

Shelley Stanley asked about uranium treatments being evaluated at the SPPTS. John Boylan said they hired a subcontractor to review uranium treatment technologies. The bench-scale test showed the best technology was co-precipitation (adding aluminum sulfate to the raw water to cause the uranium to precipitate out of solution into a sludge). Pilot scale testing is scheduled to begin at the end of 2022.

Travis Culley asked if the sludge would be flammable. Ryan answered that the sludge was not flammable.

The meeting was adjourned at 11:15 am.