

ROCKY FLATS STEWARDSHIP COUNCIL

Monday, April 3, 2023

Virtual Meeting via Zoom

Board members in attendance: Randy Moorman (Director, Arvada), Jake Moyer (Alternate, Arvada), Tara Winer (Director, City of Boulder), Taylor Reimann (Alternate, City of Boulder), Marni Ratzel (Alternate, City of Boulder), Claire Levy (Director, Boulder County), Nick Robles (Alternate, Boulder County), Deven Shaff (Director, City and County of Broomfield), Don Davis (Alternate, City and County of Broomfield), Bill Fisher (Director, Golden), Andy Kerr (Director, Jefferson County), Pat O'Connell (Alternate, Jefferson County), Rich Kondo (Director, Northglenn), Shelley Stanley (Alternate, Northglenn), Laura Farzim (Alternate, Northglenn), Bob McCool (Director, Superior), Jan Kulmann (Director, Thornton), Caleb Owen (Alternate, City of Thornton) Rich Seymour (Director, Westminster), Trea Nance (Alternate, Westminster), Jeannette Hillery (Director, League of Women Voters), Linda Porter (Alternate, League of Women Voters), Roman Kohler (Director, Rocky Flats Homesteaders)

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

Attendees: Andy Keim (DOE-LM), Padraic Benson (DOE-LM), Dana Santi (RSI Entech), John Boylan (RSI Entech), George Squibb (RSI Entech), Chris Stewart (RSI Entech), Karin McShea (RSI Entech), Ryan Wisniewski (RSI Entech), Lindsey Murl (CDPHE), Lindsay Archibald (CDPHE), David Connolly (EPA), David Lucas (USFWS), Megan Klosterman (USFWS) Laura Hubbard (Broomfield), Cathy Shugarts (Westminster), Shirley Garcia, Lynn Segal, Travis Culley, Joan Seeman, Nancy Ford, Chris Allred, Emerald Thomas, Ash Bell, Tori Manogue, Andrea Dietz

Convene/Agenda Review: Jan Kulmann convened the meeting at 8:35 AM.

Public Comment: Lynn Segal raised the issue of possible wildfires and coal seam fires in Colorado. Travis Culley discussed David Abelson's role with the Stewardship Council and acknowledged prior Board members comments about fires in the area. He also discussed his previous comments about sludge. Chris Allred asked that meetings be recorded for the public and discussed David Abelson's role with the Stewardship Council. Emerald Thomas raised three topics: she requested that in-person meetings be recorded, she asked about arsenic found in Rocky Flats water, and she wondered about how DOE is monitoring topsoil that could be distributed by wind. Joan Seeman raised concern about PFAS. She indicated she is interested in the DOE federal study about PFAS.

Consent Agenda: The consent agenda included the draft February 2023 meeting minutes and checks written since that meeting. Roman and Melissa made one correction each. Roman Kohler moved to approve the checks and edited minutes. The motion was seconded by Jeannette Hillery. The motion to accept the minutes and checks passed 12-0.

Executive Director's Report: David discussed three topics. First, he has received the 2022 draft financial audit. He is reviewing it, and it appears to be a clean report. The results of the audit will be presented at the June 5, 2023, meeting. Second, the old website needs to be updated. He has been working with the Executive committee on this process, and hired Kerry Cheeseboro to build a new website. Lastly, regarding DOE's quarterly reports, David discussed that Stewardship Council staff has been

experimenting with how to discuss the quarterly reports as a Board. The Board has been struggling to find a balance between providing concise messaging and providing enough information. DOE presentations were changed to high-level reporting followed by a community round table in an attempt to increase community engagement. Staff members have heard frustrations from Board members and DOE that this new method is not working as community members participating in the roundtable are not reading the reports. Additionally, community member comments during round table discussions are not focused on the quarterly reports. David said we will return to the previous method of DOE presenting more in-depth overviews of the quarterly reports, but the briefings will be shortened. There will also be ample time for the Board to ask questions and for the public to make comments.

Deven asked if the new Stewardship Council website will comply with ADA-required functionality that local governments are implementing. David said there is some functionality for ADA compliance, and will look into it further.

CDPHE Briefing on PFAS

Lindsay Murl gave an introduction of PFAS (per- and poly-fluoroalkyl substances), including that they are emerging contaminants of concern, human made (not naturally occurring), bio-accumulative and linked to health impacts, chemically and thermally stable, persistent and ubiquitous, and hard to detect and treat. PFOA and PFOS, two chemicals out of thousands, have been widely used and are the most studied PFAS. However, there are so many different PFAS compounds so it is challenging to get a handle on all of them. Lindsay gave an overview of PFAS uses and exposure routes, as well as the history of PFAS. She then discussed possible health impacts from exposure to PFAS.

Lindsay talked about the emerging regulatory landscape surrounding setting the standards for certain PFAS in drinking water. She discussed the 2022 EPA Health Advisory Levels for PFOA, PFOS, GenX, and PFBS, as well as EPA's proposed PFAS Maximum Contaminant Levels (MCLs) for six PFAS. The MCL would require public water systems to monitor for PFAS and notify the public/reduce levels of PFAS if the MCL is exceeded. There is a public hearing on the MCLs on May 4; Lindsay encouraged people to attend if they are interested. Lindsay then gave an overview of the challenges with addressing PFAS in drinking water: developing regulatory standards and clarity, the environmental stability of PFAS, current analytical abilities, limited environmental and health information, and communication of the above.

Lindsay presented an overview of the history of PFAS sampling at Rocky Flats (in water and in the resident elk herd). She also discussed the CERCLA "protectiveness deferred" determination for PFAS after the 2022 Five-Year Review (FYR). In 2026, a DOE CERCLA FYR PFAS supplement will be due, which will discuss the presence of and possibly risks from PFAS at Rocky Flats.

Lindsay showed where quarterly PFAS samples are being collected within the Central Operable Unit (COU). The highest levels of PFAS onsite have been found by the former fire-fighting area. PFAS monitoring results at the Rocky Flats surface water Points of Compliance (POCs) are one to two orders of magnitude lower than at the former fire-fighting area, but above proposed MCLs.

Shelley asked about what parts of the elk were being sampled for PFAS. Lindsay said they looked at liver and muscle tissue, with a range of elk ages tested. David Lucas added that PFAS constituents are most likely to be found in liver tissue, so USFWS did not look at blood samples.

Jeanette indicated that she thinks that we need more data on PFAS.

Randy requested confirmation that we are in the monitoring phase now, but we are not looking into mitigation yet. Lindsay said we are in a data-collection phase, so we can start to ask more sophisticated questions. She said we may have regulatory developments or risk-level developments to guide future actions.

Melissa asked about soil sampling for PFAS. Lindsay said no soil sampling has been conducted to date, but soil sampling may be discussed in the future.

Laura asked about human excretion of PFAS. Lindsay said she can direct these types of questions to CDPHE's toxicology people.

USFWS Briefing

David Lucas gave an update of activities in the Refuge. First, 70% of the Rocky Mountain Greenway trail project design was completed in March 2023. Construction is planned to begin in the winter of 2023. USFWS conducted confirmatory soil sampling along with proposed Greenway path. Initial sampling results are consistent with or lower than historical sampling data.

Regarding the multi-purpose building, DOE completed the final siting memo. The Army Corps of Engineers has started drafting a project schedule, project management plan, and communications plan. The final design is scheduled for December 2024, with construction complete in March 2026.

David then discussed the resident elk herd. USFWS determined a herd size of 200 to 250 elk is the carrying capacity for a healthy population at Rocky Flats. USFWS recently counted 360 elk residing on Rocky Flats, which is too many. USFWS is discussing options for reducing the herd size. Additionally, in March 2023, USFWS took samples of 15 animals plus one control (from Jackson County, Colo) for PFAS sampling. All 16 animals were sampled for chronic wasting disease (CWD), radionuclides, and PFAS. USFWS knows there is CWD in this area, but there is not a lot of data. Sampling results will be forthcoming.

Lastly, in March 2023, USFWS completed their spring mowing on the Refuge as a fire mitigation step (planned for twice per year).

Randy asked about USFWS's confidence level on the elk herd sample size. David Lucas said they were 95 to 98 percent confident on the representative nature of the herd. Randy asked when results from the study will come in. David said results came in late March. USFWS is reviewing the data and then they will share it with the public.

Shelley asked about the sampling depth for Rocky Mountain Greenway soil samples. David said samples were from surface soil. Shelley asked about the sampling methodology. David said all samples were individual, not composited. She then asked who is supplying water for and addressing wastewater from the multi-purpose building. David said the wastewater system will probably be septic, and fresh water will probably come from a purveyor to the east. Shelley asked about elk that will be culled (how many and when?). David said USFWS has not developed a management plan yet. They will assess elk samples first, then work with Colorado Parks & Wildlife to come up with plan (hunting, hazing, culling, etc.). He thinks culling will happen in the fall of 2023, so the over-population problem does not continue to grow.

Claire asked about what we know about mowing and the health of the tall-grass prairie. David said USFWS is finishing a review of the xeric tall-grass prairie. Mowing is not the preferred management method, but the roads being mowed are not the best habitats. Repetitive mowing will impact grasses over the long-term. David said burning is the best method for managing the grasslands. David Abelson mentioned that prescribed burns have been opposed due to political concerns. If there is a change in the politics, it is something the Board should discuss. Claire also asked about interpretive material being developed and consultation with tribes. David said USFWS is consulting with tribes for the exhibits.

Trea asked about having a fire truck out in the Refuge in the winter. David Lucas said the fire truck will be out there in April, but USFWS cannot have it at the Refuge in the winter because of lack of heating. USFWS is waiting on Xcel to install a transmission line.

Deven asked if we are taking soil samples outside the Refuge for comparison. David Lucas said no soil samples were being taken on non-Refuge lands for comparison, but there is sizeable historical data set for comparison. Deven asked if USFWS is auditing labs to ensure the samples are accurate. David said duplicate samples and spikes are used to calibrate lab equipment. He has high confidence in the lab being used for this round of sampling. Deven asked about mitigation measures being planned during construction. David said mitigation for construction of the multi-purpose building will be traditional dust abatement. Deven then asked what fencing will be placed in the Refuge so people do not migrate into areas they should not be. David said the COU has a fence and signage around it already, and there are no plans to change that at this time.

Jeanette asked about the possibility of using solar energy rather than an Xcel transmission line at the Refuge. David replied that NREL offered USFWS a free powerline for the Refuge, which USFWS accepted.

Rich Kondo asked what radionuclides are monitored and what radionuclides aggregate in elk tissue. David replied that samples are being assessed for americium, two plutonium isotopes, and three uranium isotopes. Samples were taken from elk liver, muscle, and kidney tissue.

Board Roundtable Discussion on Air Quality Monitoring to Evaluate Wildfire Impacts

David Abelson summarized recent discussions surrounding air quality monitoring at Rocky Flats, focusing on a November 2022 meeting DOE hosted with local jurisdictions and other community representatives. He explained accepted facts are (a) Rocky Flats has burned and will burn in the future; (b) there is residual contamination; (c) following a fire people will ask questions; and (d) there will be a smoke plume that will drift over a community/communities. Board members reflected in the past that people feel better with information and knowledge, and we will battle misinformation. DOE reflected that there was no data or regulatory driver for reopening the decision to discontinue air monitoring. Board members mentioned climate change, being in a post-fact world, and public assurance. DOE offered that it could provide assistance for communities to establish an air monitoring system. DOE, EPA, and CDPHE were unwilling to implement agency-led monitoring program because there is no technical or regulatory basis for that action.

Board members then discussed options for resuming air quality monitoring. Agency representatives discussed the need for a robust and clear sampling design to define the objectives of the sampling (how things have changed, possible exposure to downwind receptors, etc.), access to the Refuge and the COU, and past results/reasons for discontinuing monitoring. Some of the governments will meet to

figure out next steps, and will report back to the Stewardship Council, as needed. Those meetings are not Stewardship Council meetings.

Big Picture/Additional Questions/Issue Identification: David went through the Big Picture.

June 5

- 2022 audit results
- DOE quarterly update

September 18

- Initial review of 2024 work plan and budget
- DOE quarterly update

October 30

- Adopt 2024 work plan and budget
- New members interviews/appointment
- DOE quarterly update

Deven asked about the process for discussing staff contracts. Deven would like to discuss the contracts in person (in June), if possible.

Board meeting adjourned at 10:53 AM.