

**ROCKY FLATS STEWARDSHIP COUNCIL**

**Monday, September 13, 2021**

**8:30 – 10:30 AM**

**Virtual Meeting via WebEx**

**Board members in attendance:** Nancy Ford (Director, Arvada), Clare Levy (Director, Boulder County), Summer Laws (Alternate, Boulder County), Taylor Reimann (Alternate, City of Boulder), Deven Shaff (Director, Broomfield), Bill Fisher (Alternate, Golden), Andy Kerr (Director, Jefferson County), Pat O’Connell (Alternate, Jefferson County), Joyce Downing (Director, Northglenn), Shelley Stanley (Alternate, Northglenn), Ken Lish (Alternate, Superior), Jan Kulmann (Director, Thornton), James Boswell (Alternate, Thornton), Kathryn Skulley (Director, Westminster), Jeannette Hillery (Director, League of Women Voters), Linda Porter (Alternate, League of Women Voters), Murph Widdowfield (Director, Rocky Flats Col War Museum), Kim Griffiths (Director/Citizen)

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

**Attendees:** Gwen Hooten (DOE-LM), Andy Keim (DOE-LM), Padraic Benson (DOE-LM), Nicole Lachance (RSI Entech), Dana Santi (RSI Entech), John Boylan (RSI Entech), George Squibb (RSI Entech), Harry Bolton (RSI Entech), Chris Stewart (RSI Entech), Karin McShea (RSI Entech), Faith Anderson (RSI Entech), Lindsey Murl (CDPHE), Jesse Aviles (EPA), Cathy Shugarts (Westminster), Laura Hubbard (Broomfield), Lynn Segal, Giselle Herzfeld, Usama Khalid, Claire O’Brien, Jake Moyer, Catie Chershire (Westword)

**Convene/Agenda Review:** Joyce Downing convened the meeting at 8:30 am. She noted that the Executive Committee met to discuss today’s agenda.

**Public Comment:**

*Claire O’Brien* – Claire shared her opinion that generational knowledge about Rocky Flats is being lost and that she was concerned about the encouragement of recreation on the Rocky Flats National Wildlife Refuge, and what she sees as lack of posted information about the history of Rocky Flats. She said she was interested in hearing how the Stewardship Council plans to ensure the continued public knowledge about the risks posed from the remaining contamination on the site.

*Giselle Herzfeld* - Giselle said she grew up near the Rocky Flats, but that she had not heard anything about the site until recently. She said the funding that Stewardship Council receives from DOE is a conflict of interest, as she sees that DOE has a vested interest in keeping the perception of risks at the site minimized.

*Usama Khalid* – Usama said she works for various nonprofits around the Denver/Boulder area. She said she has concerns about the operation of the Stewardship Council. She said she would like to know more details about the discussion at the August 2021 meeting regarding the future dam breach at the site. She was also concerned about contamination at a Westminster dog park.

*Lynn Segal* – Lynn said she was concerned about future dam breaches spreading plutonium through water. She said Rocky Flats is not a refuge but is a Superfund site and should be treated as such. She recounted the history of her mother passing away from leukemia after what Lynn believes is a

correlation to inhaled plutonium after a fire at the site. She asked the Stewardship Council to work to keep people off the Refuge.

**Consent Agenda:** The consent agenda included the checks written since the June 7, 2021, meeting, and minutes from the May 3, 2021, and June 7, 2021, meetings. Jeannette Hillery moved to approve consent agenda. The motion was seconded by Kim Griffiths. The motion passed 14-0.

**Executive Director's Report:**

**LSO Applications:** Each year the Stewardship Council appoints two members to the board of directors. That process opened September 1; applications are due October 1. The two seats that are up are League of Women Voters and Rocky Flats Homesteaders. Both will reapply.

**Dam Breach:** David recently met with DOE and has been assured that DOE will not breach the terminal ponds so long as current management remains in place.

**Post COVID:** At the June 2021 meeting David spoke about resuming in-person meetings or hybrid meetings. That was before the Delta variant took hold. Accordingly, David is recommending that the board continue to meet virtually for the remainder of 2021 (November 1<sup>st</sup> in the sole remaining meeting).

**Lawsuit Against USFWS:** In an order dated July 9, 2021, a federal district court judge in Denver tossed out the remaining claims in the Rocky Mountain Peace and Justice Center et. al lawsuit against USFWS et. al seeking to block the 2018 opening of the Rocky Flats National Wildlife Refuge. This order brings to a close this lawsuit, pending an appeal by the plaintiffs. The plaintiffs filed a notice that they intend to appeal the decision. David previously shared with the Board the court's opinion. One thing of note is that in a 2018 hearing seeking a preliminary injunction, the plaintiffs' attorney stated, "the lawsuit does not challenge EPA's determination that the refuge is safe." Essentially, the case focused on two claims – endangered species and NEPA. Those claims were rejected.

**Lawsuit Against the City of Boulder:** In May 2021, a group that included one of the same plaintiff groups as the USFWS suit, represented by the same attorney, sued the City of Boulder challenging the City's continued involvement in the Rocky Mountain Greenway project. That lawsuit was also dismissed, with the court ruling that the legal basis of the suit was flawed and that the plaintiffs did not have standing, a legal basis to bring any suit.

Kim Griffiths interjected a response to the concern about lack of adequate signage at Rocky Flats. She said she hikes there frequently and that signage at both the north and south entrances thoroughly educate the visitors about the history of Rocky Flats as a former nuclear weapons site. She added that DOE continuously monitors the signage on the protected area of the site. Nancy Ford asked about a recent ruling regarding hunting on National Wildlife Refuge lands and whether this applies to Rocky Flats. David said his recollection was that there is something about this in the Rocky Flats Refuge plan but does not believe anything is being contemplated. He said he would check with the USFWS.

### **Host DOE Quarterly**

DOE was on hand to brief the Board regarding on the first quarter 2021 Surveillance and Maintenance Report for Rocky Flats. These quarterly reports are required under the Rocky Flats Legacy Management Agreement (RFLMA) to document that the CERCLA remedy continues to provide effective protection.

The Rocky Flats Site remedy components include:

- Maintain two landfill covers
- Maintain three groundwater treatment systems
- Monitor surface water and groundwater
- Maintain physical controls
  - Signage
  - Access restriction
- Institutional controls
  - No occupied building construction
  - Excavation and soil-disturbance restrictions
  - No surface water consumption or agricultural use
  - No groundwater wells, except for monitoring
  - Protection of landfill covers and engineered remedy components

Activities during the quarter included surface water monitoring, groundwater monitoring, ecological monitoring, and site operations (inspections, maintenance, etc.).

### ***Surface Water Monitoring – George Squibb***

George began with a quick review of the monitoring requirements and map of locations and monitoring sites, noting the list of constituents which are monitored.

Routine surface water sampling in Woman Creek at monitoring station GS59, downstream of the Original Landfill (OLF), showed mean concentrations for all analytes below applicable RFLMA water quality standards.

At the Present Landfill Treatment System (PLFTS) effluent monitoring station, quarterly concentrations for all analytes were below applicable RFLMA standards

George said that no Point of Evaluation (POE) or Point of Compliance (POC) analyte concentrations were reportable during the first quarter of 2021.

### ***Groundwater Monitoring – John Boylan***

John first reviewed the RFLMA monitoring network, which includes:

- 10 Resource Conservation and Recovery Act (RCRA) wells (sampled quarterly to evaluate potential impacts from OLF and PLF)
- 9 Area of Concern (AOC) wells and one Surface Water Support location (sampled semiannually). These are located in drainages downstream of contaminant plumes and are evaluated for plumes discharging to surface water
- 27 Sentinel wells (sampled semiannually). These are downgradient of treatment systems, edges of plumes, and in drainages, and are used to look for plumes migrating to surface

- water and treatment system problems
- 42 evaluation wells (sampled biennially). These are located within plumes, near source areas, and interior of Central Operable Unit (COU) and are used to evaluate whether monitoring of an area or plume can cease
- 9 treatment system locations (seven are sampled semiannually, and two are quarterly)

During the first quarter of 2021, 10 RCRA wells were sampled at the PLF and OLF. Results were generally consistent with previous data and will be evaluated as part of the 2021 annual report.

Routine maintenance was conducted at all treatment systems:

- East Trenches Plume Treatment System (ETPTS)
- Mound Site Plume Collection System (MSPCS)
- Solar Ponds Plume Treatment System (SPPTS)
- Present Landfill Treatment System (PLFTS)

At the MSPCS, transfer line repairs were performed in March 2021. All nine cleanouts and cleanout covers were replaced to address manufacturing defects and protect from future elk traffic. Water transfer was paused during this work. Water continued to be collected in the trench and accumulated water was transferred to ETPTS for treatment after the repaired line was ready for use.

At the ETPTS, parts exposed within a vault froze during a period of extreme cold in February 2021. Water transfer from MSPCS was paused until frozen parts thawed and were confirmed to be undamaged.

At the SPPTS, a sump pump in one of the vaults was replaced. Seasonal adjustments to dosing and residence time were continued. They also continued evaluating groundwater conditions west of the existing collection trench.

Shelley Stanley asked how long it took for the line to unfreeze and where the water was stored during this time. John said the line was frozen for five days before thawing. The water was stored in the collection trenches. Shelley asked what the depth of the section that froze was. John said the pipes are about 4-5 feet below grade and noted that the vaults are already insulated. Shelley also asked about the process they are using to modify the de-nitrifying bacteria treatment in the winter. John said that they did not modify the formula, but only the rate they are fed (dose rate and residence time). Shelley asked George, in light of climate change concerns, whether they saw any changes in volume of flow at any of the surface water sites. George said it is very hard to tease out climate change effects from basic weather effects on surface water. He says they are seeing normal variability.

### ***Site Operations – Harry Bolton***

RFLMA physical controls were verified during the quarter. Signs were inspected in February, and all were found to be in good condition and legible

Monthly and weather-related inspections were conducted at the OLF in January, February, and March:

- Coconut erosion matting that had been displaced from high winds and elk migration was re-staked, replaced or had wood straw spread as an alternative

- The March 26 inspection was combined with a weather-related inspection following the rapid melt of 10 inches of snow.
  - Rills were found outside of the waste footprint above berms 5 and 6, which deposited 1-3 inches of sediment into the berm channels. These were removed using hand tools.

At the Original Landfill, settlement monuments were surveyed in March. Vertical settling was within design limits. Areas of stabilization activities remain stable and in good condition.

At the Present Landfill, the quarterly inspection was performed in March and the landfill was found to be in good condition.

A quarterly inspection was also performed at the Former Buildings 371, 771, 881 and 991 areas in February. A depression was located near the southeast corner of the former B881 area. This depression was about 40 inches in diameter and 3 feet deep and was backfilled with approximately one yard of material.

At the North Walnut Creek Slump, data collection was continued from inclinometers and piezometers were possible. Slump monitoring points were surveyed in January, February and March and no substantial changes were seen. Total vertical movement since baseline (Sep. 2017) was approximately 3.6 feet.

Shelley Stanley asked whether any of the structures installed to stabilize the OLF interfered with the operation of inclinometers or piezometers. Harry said 2-3 piezometers were lost, but they still have enough to collect the data they need. Some inclinometers were lost prior to the stabilization effort, but the ones that remain are showing very little movement.

Deven Schaff asked where the erosion sediment was found within the landfill area. Harry said it was just a result of heavy rainfall and nothing was out of the ordinary. No major damage was done. Deven also asked about the origin of the fill material for the depression near B881. Harry said for these types of projects, they will use both Rocky Flats alluvium saved from other projects, as well as material brought in from the quarry adjacent to the site (this is so that it is as similar to existing soil as possible).

Nancy Ford asked what a rill is. Harry said it is like a little gully or channel. Nancy added that she really appreciated the presentations that were given today, along with the photos that were presented. She thinks it would be a good idea to share similar videos/photos with new members of the Stewardship Council to help educate them about the site and the activities that are being undertaken there. David said he agreed with this idea and would look into incorporating something like this in a future meeting.

### **2022 Work Plan – Initial Review**

The Board reviewed the draft 2022 work plan. Formal approval of the work plan will take place at the November 1<sup>st</sup> meeting. David noted that one big issue starting now and lasting through next summer is the CERCLA Five-Year Review at Rocky Flats. This is the official agency review to ensure the cleanup remedy is working as designed. This review is prescribed by regulations and will be approved by EPA. David also noted that, based on conversations with USFWS, he replaced references to looking at a potential visitor center at the Refuge with the topics of interpretive signage and/or a visitor center. There was also language added to the work plan about PFAS. Claire Levy asked for clarification about the

levels of involvement intended on various topics in the workplan (i.e., track, engage, monitor, etc.). David said there is no significant difference in how the Board intends to handle these issues, however he explained that 'engage' does imply a somewhat more active level of participation in an issue.

Deven Shaff brought up the issue of interpretive signage and the need for additional information for visitors at the site and online. He said this is something he hears often from residents. He said he thought having QR codes for additional resources would be a good improvement and would like to see the Stewardship Council try to speed up the process of moving this along. David said there have been many discussions about this issue, including ideas about having different layers of information, and possibly even bringing in a third party to develop such information. In response to Deven's inquiry about the timing for this and possibly getting it moving more quickly, David noted that decision-makers from DOE and USFWS were on the call, and he would follow-up with them on this topic to see what can be done. David also encouraged the Board to follow up with their federal representatives about this topic, especially Rep. Perlmutter, Rep. Neguse and Sen. Bennett.

### **2022 Budget – Initial Review**

At this meeting, the Board reviewed the draft 2022 budget. The budget hearing and adoption of the 2022 budget will take place at the November 1st meeting. David noted two changes from the draft as presented in the Board meeting packet -- (1) a fee increase for staffing, and (2) a budget line-item for meeting room rental fees (based on the expectation of meeting in person in 2022). David noted they were in the process of finding a larger meeting room that was more conducive to COVID protocols. Other than these two items, the remainder of the budget was fairly static. Ken Lish asked why the grant amount was higher for 2022, given that the Stewardship Council underspends each year. David noted that DOE has expressed appreciation for the manner in which the Stewardship Council manages its spending, and the increased allotment came from them. David also explained that the organization routinely over-budgets as a way to avoid supplemental budget hearings.

**Board Roundtable:** There were no updates.

### **Big Picture/Additional Questions/Issue Identification:**

#### **November 1, 2021**

##### *Business Items*

- Adopt 2022 work plan
- Adopt 2022 budget
- New member interviews & appointments

##### *Briefing Items*

- DOE Quarterly Update
- Overview of CERCLA Five Year Review

#### **February 7, 2022**

##### *Business Items*

- Elect 2022 Officers
- Adopt resolution re: 2022 meeting date

*Briefing Items*

- DOE Quarterly Update

Issues to watch:

- Changes at SPPTS
- Status of OLF
- Uranium exceedances in surface water
- Trichloroethylene (TCE) exceedances in groundwater
- North Walnut Creek slump

The meeting was adjourned at 10:33 am.

*Respectfully submitted by Erin Rogers.*