

## ROCKY FLATS STEWARDSHIP COUNCIL

Monday, September 19, 2022

8:30 – 10:25 AM

Virtual Meeting via WebEx

**Board members in attendance:** Randy Moorman (Director, Arvada), Jacob Moyer (Alternate, Arvada), Summer Laws (Alternate, Boulder County), Marni Ratzel (Second Alternate, City of Boulder), Don Davis (incoming Second Alternate Director, City and County of Broomfield), Bill Fisher (Director, Golden), Andy Kerr (Director, Jefferson County), Pat O’Connell (Alternate, Jefferson County), Ashley Witkovich (Director, Northglenn), Mark Lacin (Director, Superior), Jan Kulmann (Director, Thornton), Caleb Owen (Alternate, Thornton), Jeannette Hillery (Director, League of Women Voters), Roman Kohler (Director, Rocky Flats Homesteaders), Murph Widdowfield (Director, Rocky Flats Cold War Museum), Kim Griffiths (Director/Citizen), Ken Freiberg (RFCWM), Rich Seymour (Director, Westminster)

**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:** Andy Keim (DOE-LM), Padraic Benson (DOE-LM), Shawn Eichelberger (DOE-LM), Cliff Carpenter (DOE-LM), Ramona Phillips (RSI Entech), M. Harry Bolton (RSI Entech), Dana Santi (RSI Entech), John Boylan (RSI Entech), Chris Stewart (RSI Entech), George Squibb (RSI Entech), Jody Nelson (RSI Entech), Karin McShea (RSI Entech), Ryan Wisniewski (RSI Entech), David Lucas (USFWS), Megan Klosterman (USFWS), Lindsey Murl (CDPHE), Cathy Shugarts (Westminster), Laura Hubbard (Broomfield), Shirley Garcia (Westminster), Travis H. Culley

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

**Public Comment:** There were no public comments.

**Consent Agenda:** The consent agenda included approval of the minutes from the June 6, 2022, meeting and checks written since that meeting. Roman Kohler moved to approve consent agenda. The motion was seconded by Jeanette Hillery. The motion to accept the minutes and checks passed 13-0.

**Executive Director’s Report:** David spoke to two items.

*LSO Applications:* Each year the Stewardship Council appoints two members to the board of directors. That process opened September 1; applications are due September 31. The two seats that are up are Rocky Flats Cold War Museum and Kim Griffiths.

*CERCLA Five Year Review:* Under CERCLA, the federal superfund law, every five years DOE conducts a review to ensure that the remedy remains protective. CDPHE is involved, with the EPA having final authority. EPA’s determination is called a “protectiveness determination.” As David explained, that essentially means that the remedy remains protective of human health and the environment. This year, EPA did not issue a protectiveness determination, citing the presence of PFOS and PFOA, two PFAS chemicals that are ubiquitous and not limited to cleanup activities at Rocky Flats. David noted that the science and politics around these two chemicals are evolving, with the EPA considering a national rulemaking that would severely limit the regulatory limits of both chemicals. In Colorado, in 2020, out of the 397 water systems tested that year, 120 exceed the new health advisory level. At Rocky Flats, DOE and CDPHE agreed to test for PFAS over the next two years and to implement a plan by summer 2026 to

access the corresponding risk. At that point, the EPA will reevaluate its protectiveness determination. All of the testing will take place within the Central Operable Unit (COU), the lands DOE manages.

Randy asked about the EPA not signing off on the Five Year Review and if the Board would engage on the PFAS issue. David replied that, if you look at Rocky Flats from a drainage perspective, we are in a holding pattern until downstream communities start discussions (mid-November) on where they stand. The downstream communities are the ones potentially impacted. David noted that the downstream communities' water supplies are protected. This model he's suggesting—of letting the downstream communities inform water-related discussions—is one the Board has used several times before.

### **DOE Overview of FY22 Q1 Report**

John Boylan gave an overview of the FY22 Q1 report. Highlights include:

#### Surface water

- All Rocky Flats Legacy Management Agreement (RFLMA) Point of Compliance and Point of Evaluation analyte concentrations remained below reportable condition levels throughout the first quarter.
- Quarterly performance monitoring for the Present Landfill (PLF) showed arsenic in excess of the RFLMA standard, triggering monthly sampling. The subsequent monthly sample was below the standard, and sampling frequency reverted to quarterly.
- Performance monitoring for the Original Landfill (OLF) showed acceptable water quality for the first quarter of 2022.

#### Groundwater and groundwater treatment systems

- Sampled RCRA wells at OLF, PLF (sampled quarterly)
  - Results consistent with previous data, will be evaluated in 2022 annual report.
- Treatment system work at East Trenches Plume Treatment System (ETPTS) and Solar Ponds Plume Treatment System (SPPTS)
  - ETPTS discharge line segment replaced to address freezing (January); discharge gallery replaced because of clogs (February).
  - ETPTS air stripper inspected by manufacturer; operating normally in good condition.
  - SPPTS effluent plumbing added to support uranium treatment bench testing.

#### Operations and Maintenance

- RFLMA inspections completed, only routine maintenance
- 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 (North Walnut Creek Slump) survey: Continued monthly monitoring of survey points

#### Ecology

- Minimal field tasks conducted in winter – preparation of annual report and for field data collection
- Wildlife monitoring (looking for prairie dogs, none in COU)
- Vegetation management (e.g., looking for Russian olive trees, taking them out)

For additional details on any items noted here, please view the Rocky Flats FY22 Q1 report at [https://lmpublicsearch.lm.doe.gov/lmsites/41254\\_rfs\\_1q22.pdf](https://lmpublicsearch.lm.doe.gov/lmsites/41254_rfs_1q22.pdf)

After the briefing, Randy Moorman asked about community air monitoring requests. David replied it was in process. Andy Keim said that DOE is looking to host a meeting in November with interested parties to have further discussions on the topic. Andy said a letter would come out in the next week or so regarding a meeting; he thinks the meeting will be the week of November 14<sup>th</sup>.

### **Briefing on the DOE-USFWS Multi-Purpose Building**

Megan Klosterman (Deputy Manager, Rocky Flats National Wildlife Refuge) presented on the proposed multi-purpose building at the Refuge. First, she talked about the Refuge Act of 2001, which provided direction for management of Refuge lands. Priority public uses included interpretation and public recreation. In 2004, USFWS passed the Comprehensive Conservation Plan (CCP), which includes a “contact station” for interpretive displays and office space.

DOE and USFWS are planning to enter into an agreement with the U.S. Army Corps of Engineers (USACE) to design the multi-purpose facility at the Refuge. Refuge personnel will staff the facility, and USACE will design the facility. In 2017, USRFWS hosted a public session to provide design ideas. The Rocky Flats website has the CCP and 25% drawings. The 25% drawings will be the starting point for the design. Access to the facility will be Highway 128, where the current parking lot is. The exact location of the facility is being discussed.

A planned schedule is below:

- Late 2022, update conceptual facility design
- 2023, update NEPA documents, complete detailed building and exhibits design
- 2024, begin construction of the building and outdoor exhibits
- 2025, construction complete

Jeannette asked about the process for obtaining input from Tribal governments regarding the interpretive exhibits. Megan said she would reach out to them for input. David asked about NEPA process, Megan said public comments would likely be 30 days. ich asked about reaching out the Church family about homesteading. Megan said the USFWS is in close contact with the Church family. David asked whether USFWS was working with Open Space departments from the local governments. Megan said they work closely with Open Space departments from the communities.

Megan mentioned that the Refuge has done soil sampling throughout the years to ensure there are no residual contaminants. There is no issue regarding digging below certain depths on the Refuge (only an issue in the COU).

### **2023 Work Plan – Initial Review**

The Board reviewed the draft 2023 work plan. Formal approval of the work plan will take place at the October 31<sup>st</sup> meeting.

David highlighted tracking PFAS. Randy asked if DOE was planning on responding to Jon Lipsky’s letter to DOE on PFAS and other issues, requesting that management responsibility for Rocky Flats be transferred from DOE to USACE. David said he was not sure of DOE’s plans to respond, but that the letter was sent to a mid-level person at Office of Environmental Management (EM). David noted EM has no say over Rocky Flats, as Legacy Management (LM) manages the site. Additionally, making such a change would

require Congressional action. David concluded by noting that such a change was highly unlikely as LM was established to among other tasks manage former EM sites.

Randy asked what will the Stewardship Council's Work Plan be around PFAS. In follow up to the prior discussion, David said we would track and update the Board as necessary.

### **2023 Budget – Initial Review**

The Board reviewed the draft 2023 budget. The budget hearing and adoption of the 2023 budget will take place at the October 31<sup>st</sup> meeting.

David stated that we overbudget so that we do not have to do supplemental budgeting, which is time-consuming, in the event of something unexpected.

Regarding the "Revenue" column, Pat asked if Local Government contributions should be zeroed out. David said no. The \$10,000 he noted is not new funding but is carryover. The only new revenue is DOE grant funding. Rich would like to see it called "Carry Over".

Randy asked about what the Executive Director's (ED's) duties, and if there is a detailed work plan so he can understand what the ED does. Barb read aloud from David's contract the duties and responsibilities. Randy asked if the Board could get monthly updates on what ED did that month. David said they used to do that, but updates were not being read. David said updates were discussed at Executive Committee meetings. Also, the Stewardship Council opted to have fixed-price contracts for staff so that staff does not have to account for specific work items.

**Board Roundtable:** No comments.

**Big Picture/Additional Questions/Issue Identification:** David went through the Big Picture. The next meetings are scheduled for October 31, 2022, and February 6, 2023.

### **October 31, 2022**

#### *Business Items*

- Adopt 2023 work plan
- Adopt 2023 budget
- New member interviews & appointments

#### *Briefing Items*

- DOE Quarterly Update

### **February 6, 2023**

#### *Business Items*

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

#### *Briefing Items*

- DOE Quarterly Update

#### Issues to watch:

- Uranium and plutonium reportable conditions
- North Walnut Creek slump

- PFAS
- Multi-purpose building

Randy Moorman asked if the Big Picture could include air quality monitoring to issues to watch. David added that item.

Official Board meeting adjourned at 9:50 am.

### **Roundtable Discussion of DOE's FY22 Q1 Report**

George Squibb gave an overview of Q1 surface water monitoring results, and John Boylan gave an overview of Q1 groundwater monitoring results. Harry Bolton discussed signage, building subsidence, PLF and OLF maintenance. Karin McShea discussed ecology.

David asked how the site held up with the dry winter and late snow. George said they did not see much difference from the snow. They saw bigger impacts from dryness in spring/summer.

Pat asked about presentation of data and recommended something like a Story Map. George said RFLMA requires quarterly reports, but they are open to suggestions. Pat said he wondered if there was something that could tell the stories differently. George replied that RFLMA sets up parameters for monitoring and quarterly reporting. George talked about GEMS for availability of monitoring data.

Laura Hubbard asked about uranium on woman creek (WOMPOC) – one result was rejected. George said the result was 19.1 ug/L uranium at WOMPOC – above the standard, which was very unusual. George looked into it and determined the sample likely was errant. They asked the lab to test duplicate sample. The second sample came in just over 3 ug/L, which was expected. If the next result comes back high, they will reevaluate.

Travis Culley commented that Marshall Lake should be tested for radionuclides. He posited that the Marshall Fire was the result of a nuclear reaction from off-site contamination and/or from plutonium disposed of in Marshall Lake. Multiple board members and DOE told him his theory was without any basis in fact or science. David asked that he stick to the topic, the FY22 Q1 monitoring results.

Melissa Weakley asked about monitoring frequency at the OLF. Harry Bolton replied that monitoring of the OLF was formerly done quarterly, then the frequency increased to monthly during the OLF stabilization process. DOE will discuss with the RFLMA parties when to reduce frequency back to quarterly.

Laura Hubbard asked about the arsenic, focusing her question on the source. John Boylan thought it could possibly be something like treated wood, which buried was in the landfill, or maybe old electronics components. The Front Range is also slightly high in naturally occurring arsenic.

David asked if there was anything else the CDPHE was looking for in future monitoring, besides PFAS. Lindsey mentioned boron and the SW027 hillside, possibly other PFAS types of chemicals.

Travis Cully discussed regional sampling, suggesting no one knows of contaminant levels off-site. Lindsay Murl said off-site areas were studied and historical data exists. Murph Widdowfield talked about past air monitoring data and surface soil data, which was clear of plutonium.

The Board meeting was adjourned at 10:35 am.