

**ROCKY FLATS STEWARDSHIP COUNCIL**  
**Monday, September 9, 2019, 8:30 AM – 11:45 PM**  
**Rocky Mountain Metropolitan Airport, Terminal Building, Mount Evans Room**  
**11755 Airport Way, Broomfield, Colorado**

**Board members in attendance:** Mark McGoff (Director, Arvada), Sandra McDonald (Alternate, Arvada), Lisa Morzel (Director, City of Boulder), Matt Jones (Director, Boulder County), Summer Laws (Alternate, Boulder County), Mike Shelton (Director, Broomfield), David Allen (Alternate, Broomfield), Jim Dale (Director, Golden), Libby Szabo (Director, Jefferson County), Pat O’Connell (Alternate, Jefferson County), Joyce Downing (Director, Northglenn), Shelley Stanley (Alternate, Northglenn), Mark Lacis (Director, Superior), Ken Lish (Alternate, Superior), James Boswell (Alternate, Thornton), Kathryn Skulley (Director, Westminster), Lindie Aragon (Alternate, Westminster), Jeannette Hillery (Director, League of Women Voters), Roman Kohler (Rocky Flats Homesteaders), Arthur Widdowfield (Director, Rocky Flats Cold War Museum), Ken Freiberg (Alternate, Rocky Flats Cold 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 (Seter & Vander Wall, P.C), Erin Rogers (consultant).

**Attendees:** Scott Surovchak (DOE-LM), Jeremy Wehner (Navarro), John Boylan (Navarro), Linda Kaiser (Navarro), Ryan Wisniewski (Navarro), Nicole Lachance (Navarro), Chris Stewart (Navarro), Bob Darr (Navarro), George Squibb (Navarro), Jennifer Opila (CDPHE), Lindsay Masters (CDPHE), Lindsay Archibald (CDPHE), Karen McGowan (CDPHE), Vera Moritz (EPA), Trea Nance, John Aguilar (Denver Post), Patricia Calhoun (Westword), James Thompson (Sen. Bennett’s office), Ryan Hanson (Sen. Gardner’s office), Carl Spreng, Mary Fabisiak, Judith Mohling, Neshama Abraham, Gary Scofield, Max Dodson, David Williams, Erik Sween, Lynn Segal, Randy Stafford.

**Convene/Agenda Review**

Jeannette Hillery convened the meeting at 8:33 a.m. David Abelson noted that there was a film crew in attendance. The first order of business was introductions of Board members and the audience.

**Public Comment**

Lynn Segal said her family came to the area in 1957. She said she was at this meeting on behalf of her mother, and that her dad was in aerospace industry. She said that prairie dogs at Rocky Flats are digging up plutonium, and that people and kids should not be on the site.

Gary Scofield posed a question that he said he had not seen answered in the media. In reference to a past election/referendum regarding the Jefferson Parkway, he said he thought it was voted down. Mike Shelton said he believed the vote he was referring to was regarding a tax, not the routing of the road. Gary was also referred to an upcoming Jefferson County Parkway Authority meeting.

**Consent Agenda**

The Board moved on to the consent agenda, which included approval of the minutes from the last meeting and the checks written since the last meeting. One change to the minutes was offered – Sandra McDonald’s name was spelled wrong.

Roman Kohler moved to approve the June Board minutes as amended. The motion was seconded by Lisa Morzel. The motion passed 14-0.

Kathryn Scully moved to approve the checks. The motion was seconded by Joyce Downing. The motion passed 14-0.

### **Executive Director's Report**

David Abelson noted that the Stewardship Council had not yet received a response to its letter regarding potential oil and gas development. David said he had been told that a joint agency response was in process.

Next, David provided an update about some false information that had been circulating related to a recent meeting among homeowners in the Candelas neighborhood. Due to the news of the recent sampling result for a high level of plutonium, this meeting drew approximately 80-100 residents. According to reports, it was incorrectly stated that it was a Stewardship Council meeting, that David was in attendance, and that some people who were not homeowners and did not live in Candelas were asked to leave. There were Facebook posts that contained a great deal of false information. David said that Kim Griffiths was the only Board member there and she clearly stated that she was not representing the Board. David too was not at the meeting.

There was an email sent to David and members of the Executive Committee from attorney Ann Marie Cording. The letter requested that the Stewardship Council put pressure on USFWS about the prairie dog relocation issue and to inform them they were breaking the law. David and others decided this was not a Stewardship Council issue. He said that some Board members were being contacted individually as well, and that individual governments could take on this issue if they would like. A court brief on this topic was also filed recently.

David proceeded to caution to Board members to be aware of a potential tactic being used by some parties to 'divide and conquer' members of the Stewardship Council. He just said to watch out for this, and to come to him with any questions.

Mark Lacis noted that the Executive Committee decided on behalf of the Board not to get involved in prairie dog issue, and asked whether the Stewardship Council ever weighed in on prairie dog relocation. He said he would prefer that the full Board decide whether or not to address this topic. David Abelson offered that the Board could always add this to an upcoming agenda during the Big Picture discussion, but also that it must be thoughtful about which part of the issue would be discussed and whether it relates to Board's mission. He said that there could also be jurisdictional issues among counties to consider, as provided under state law. Lisa Morzel said that the Board had reviewed this previously, and that the issue was being blown out of proportion. She said that bioturbation and cyroturbation would always be taking place at Rocky Flats and everywhere else. She said that the idea of prairie dogs digging up contamination is a red herring, ill-informed and not ground in science. She added that she was grateful to the US Fish and Wildlife Service for doing such extensive recent soil sampling. Libby Szabo also pointed out that there was an existing process among governmental agencies that deals with this issue. Mike Shelton said Broomfield was relocating some prairie dogs to areas near Great Western Reservoir. Part of this had been approved, but they were still looking at the issue. Mark Lacis said he

would like Kim Griffiths to brief the group about the key messages from the Candelas meeting and what was communicated to the public.

Joyce Downing took over as Chair of the meeting.

### **CDPHE Soil Sampling Update**

Lindsey Masters, Rocky Flats Project Manager for the Colorado Department of Public Health and Environment (CDPHE), was asked to provide a short update on her agency's review of the Jefferson Parkway Public Highway Authority (JPPHA) soil sampling program. David cautioned that all questions would not be answered due to the limited information available at this time.

Lindsey provided information about the plutonium sample from JPPHA that came back at 264 picocuries per gram (pCi/g). This sample was one of about 250 surface soil samples that were taken. The sample was re-tested, and a value of 1.5 pCi/g was found. She said the rest of samples would not be available until the end of the year. She said that, although CDPHE did not have legal jurisdiction in this area, all agencies encouraged the JPPHA to conduct additional 'step-out' samples. She said that JPPHA agreed to do this and these results should be available by the of the month. Lindsey reported that CDPHE did not believe there was any immediate health threat based on this one sample result. She said that they would be proceeding through a data-driven process.

Mike Shelton asked about what process was used to re-test the sample. Lindsey said that CDPHE was still trying to clarify that with JPPHA. Summer Laws said she was also looking for clarification on same issue, and was wondering whether a separate portion of the sample was tested. Shelley Stanley asked Lindsey to explain step-out sampling. Lindsey said they would look at other locations within the sample area to get statistically representative samples. Ken Lish asked for clarification about who was doing the sampling and was told it was the Parkway Authority. Mark Lacis wanted to know exactly where the sample in question was taken. Lindsey said it was right in the middle of the wind-blown area, just south of the old access road. Lisa Morzel told Ken Lish that there was a map showing the location in the report. Lindie Aragon asked Lindsey to explain the reference to 8.8 microns in the report. Lindsey said that was another thing they were trying to find out. James Boswell asked if JPPHA had agreed to do what CDPHE was recommending. Lindsey said that was their understanding. He also asked if any of the split samples were sent to different labs. She said that they did not have QA/QC or other lab information yet. David Abelson noted that the sampling that found the elevated plutonium was not required legally. Mike Shelton asked if CDPHE was coordinating with Michael Ketterer. Lindsey said they were aware of his work, and if he wanted to send his results to them for review that they would be interested. Mike also stated that Dr. Ketterer was supposed to receive split samples from the Parkway Authority. Lindsey said that JPPHA was still working on collection and analysis of their planned 250 samples, and that this data was expected by the end of the year. Additional step-out sampling related to the elevated result should be complete by the end of September. Lindsey was asked whether CDPHE had received answers to questions they had submitted to JPPHA. She said most of this would occur once the step-out samples were processed. David Abelson noted that the fact that there was a hotspot was not surprising, in fact it was expected. However, the thing that was surprising was how high this one sample appeared to be.

Shelley Stanley asked if no other samples came back above 50 pCi/g whether that first sample could cause issues with construction. Lindsey said that the 264 pCi/g was still within the federal risk levels, but they would have to look at the additional information to make that determination. Mike Shelton noted that the result was above the Rocky Flats cleanup standard. Lindsey clarified that 50 pCi/g was a trigger

level for cleanup. However, now they look at other standards. Pat O'Connell said he believed that JPPHA would potentially need three permits from the State. Lindsey said she believed this was true. Jim Dale asked her to explain the federal risk range. Lindsey said it was based on a CERCLA risk assessment, using a refuge worker/visitor scenario and that the maximum safe level was about 900 pCi/g.

Randy Stafford, Jefferson County resident, asked about the Rocky Flats Cleanup Agreement (RFCA) process for this. Lindsey said that RFCA was outdated and that the current agreement was the Rocky Flats Legacy Management Agreement (RFLMA). Randy said he heard that CDPHE determined no action was necessary for this elevated sample. He said he had a phone call with CDPHE and drew that conclusion. Lindsey re-iterated that CDPHE did not have regulatory authority over soil sampling; however, they endorsed the plan to conduct additional step-out sampling and JPPHA agreed to do this. In response to a statement from Randy concerning state authority over radionuclides, David Abelson clarified that EPA had authority under CERCLA, while the State had hazardous waste authority. Randy asked what would happen if the CERCLA risk ranges were wrong, and brought up cancer/death statistics of surrounding residents. Lindsey replied that CDPHE had completed three cancer studies around Rocky Flats, and that they also collect information about every cancer diagnosis in the state. There was a 2017 supplementary study on rare cancers in neighborhoods surrounding Rocky Flats and no correlation was found.

Matt Jones asked if CERCLA authority was delegated to the State from EPA. Lindsey said it was not.

### **Host DOE Quarterly Meeting**

DOE was on hand to brief the Board regarding site activities for the first quarter of 2019. The full report was posted on the Rocky Flats website. Activities 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, also what constituents they monitor.

Routine surface sampling in Woman Creek, downstream of the Original Landfill (OLF) (GS59) during the first quarter of 2019 showed mean concentrations for all analytes below applicable RFLMA water-quality standards. At this location, they look at metals, VOCs and uranium. All samples at the Present Landfill (PLF) were also below applicable standards.

Point of Evaluation (POE) monitoring included location SW027. At this location, 12-month rolling average plutonium concentrations were reportable from June 2018 through March 2019. This average was calculated from a single sample collected in 2018 with 0.16 picocurie per liter (pCi/L) of plutonium (the standard is 0.15 pCi/L). There was only 10 days of flow at SW027 in all of 2018, and no flow June 2018 through March 2019. George said that this sample would likely have to be discarded at the end of year and they would start fresh with a new sample. Concentrations at the Woman Creek Point of Compliance (WOMPOC), downstream of SW027, were not reportable. No other RFLMA Point of Evaluation (POE) analyte concentrations were reportable during the first quarter of 2019, and no Point of Compliance (POC) concentrations were reportable either.

#### *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)

John noted that the first quarter was a light sampling period as only RCRA wells were sampled. Results were generally consistent with previous data. Analytical methods were updated to reflect the latest RFLMA revisions (effective January 1, 2019). The data will be evaluated as part of the 2019 annual report.

Treatment system activities included routine maintenance at the Mound Site Plume Collection System, East Trenches Plume Treatment System, and Solar Ponds Plume Treatment System (SPPTS). There was also a Uranium Treatment Component at SPPTS which involved the development of a procurement strategy and package. This will include confirmatory and pilot testing to support selection of the treatment method. Design will follow completion of testing.

Shelley Stanley asked if uranium treatment would follow the nitrate treatment. John said it may, but the subcontractor would be making this determination. David Allen noted that 10304 was reportable previously and asked about the outcome. John said that reportable TCE remained in groundwater adjacent to Woman Creek. The agencies have engaged in consultation. In grab samples, the last result was a non-detect. He added that these results were expected when wet conditions were seen based on Ryan's Pit/903 Pad plume projections. However, the long-term trend has been downward since it reached its highest point in 2016. Sandra McDonald asked if GS51 was also a non-detect. John said that this location was not analyzed for VOCs.

#### *Site Operations – Jeremy Wehner*

Jeremy reported on the RFLMA annual site inspection, which was conducted on March 26, 2019. The scope of this activity was to inspect the site and monitor for evidence of significant erosion and violation of institutional controls. They verified that the restrictive notice for the COU remains in the Administrative Record and on file with Jefferson County. Also, they found no evidence of institutional or physical controls violations. They identified some items as debris and trash that were picked up or subsequently removed. Animal burrows were observed, and a couple of areas showed minor depressions, although none required immediate action.

Ken Lish referred to a statement Jeremy made about needing to mark a certain location and asked what they had to go back to retrieve. Jeremy said this referred to something like a large piece of plastic or debris.

Quarterly sign inspections are part of RFLMA physical control requirements. Signs were inspected on February 28, 2019, and all were in good condition and legible.

Jeremy also reported on three monthly inspections at the OLF (January 17, February 15, and March 18, 2019). A few 0.5"-2.0" holes were found between berms 1A and 2. Jeremy said that the March 18 inspection was also a weather-related inspection. No weather-related deficiencies were noted (snowmelt). Settlement monuments were surveyed on March 6, and vertical settling was within design limits. A Geotechnical slope stability evaluation was completed in September 2018. Design of a slope stabilization project was in process.

Mike Shelton asked about the 0.5"-2.0" holes that Jeremy referenced and wondered whether that referred to depth or diameter. Jeremy said it was diameter and added that these holes were about a foot deep.

Jeremy reported that the East Subsurface Drain continues to function as designed. The Seep 10 siphon operated during the last few days of the quarter. Since season startup on March 27, approximately 1,600 gallons were diverted by the end of March. This water would historically come to surface and run across the slump area to the East Perimeter Channel, saturating and potentially destabilizing this area. The temporary groundwater intercept system was not operated due to winter conditions.

The PLF quarterly inspection was performed on February 19, and a weather-related inspection on March 18. Jeremy said that the landfill is in good condition. Some minor maintenance work was done at the Present Landfill Treatment System outlet during the quarter.

At former Building Areas 371, 771, 881, and 991, a weather-related COU inspection was conducted on March 18, following a storm event. This was also the quarterly best management practice inspection for these areas, including routine inspection for erosion and subsidence. No new issues were identified.

Jeremy next reported on the North Walnut Creek Slump, where a geotechnical evaluation continues. There is also continued data collection from piezometers where possible. Slump monitoring points were surveyed on January 3, February 4, and March 6. Movement was found to be approximately 12 inches vertically. The scarp crack has largely remained closed due to elk traffic in the area, and small cracking has developed in the ITSS access road.

Lastly, Jeremy noted that no road maintenance was conducted during the first quarter of 2019, and that maintenance of site roads was being planned for summer (July).

Jeremy was asked whether soil anchoring work on the OLF had started. He said that the contractor was mobilized and set up, and the site was hoping to issue notice to proceed within a week. Ken Lish referred to the previous conversation about prairie dogs/burrowing animals and asked whether this could be dangerous within the COU. Jeremy said they were getting near the fence, but were not on the COU. Regarding prairie dogs, David Abelson noted that the possibility of contamination coming to the surface through this type of process (bioturbation) was analyzed during the cleanup process. Mike Shelton asked whether the conclusion was to keep prairie dogs off of the COU. David said he did not recall specifics, but that it should not have changed the risk analysis. Mike asked if it was DOE policy to keep prairie dogs off the COU. David said it was, but not in the Refuge. Lynn Segal asked about the non-functional monitors along the North Walnut Creek slump area. Jeremy said that they got the groundwater data they needed from these monitors and that they were no longer needed.

## **2020 Work Plan – Initial Review**

The Board began work to review and edit its draft 2020 work plan. Formal approval of the work plan was scheduled to take place at the October 28th meeting. David noted three additions that had been proposed.

1. Continue to engage issues regarding soil sampling programs (USFWS, Parkway Authority, local government testing through the FLAP grant, and Downwinders.)
2. Slumping on North Walnut Creek
3. Bill by Rep. Neguse regarding acquisition of minerals on CERCLA sites (David does not think this will proceed during this Congress).

Other than these changes, the work plan would remain the same. David asked for Board comments.

Mark Lacia said he would like to have more information from DOE/USFWS on their positions related to prairie dogs in the Refuge. Mark said he wanted to know if there was any underlying risk, and if so, what the impacts would be. David said these issues were already covered in the work plan. Mark responded that this issue merited being called out separately and to discuss the issue at the October 2019 meeting, and that he wanted to know policies/positions of the various agencies on this topic. Lisa Morzel asked whether the current litigation against USFWS meant that they could not present information to the Stewardship Council. David said that there were two cases and that Superior's lawsuit affects USFWS' ability to brief the Stewardship Council. Mark asked which entity would be most appropriate to present prairie dog information. David responded that DOE and CDPHE could undertake the briefing. He said the briefing would not be a difficult briefing as data to support the regulatory position already existed. He said these questions had been addressed before, but they can revisit it within the current context. Mike Shelton suggested the Board look at the 'why' regarding how standards were set, what were models, statistics, etc. Jim Dale asked if there would be a reason to get an annual update from USFWS on Refuge issues. David said they would not be able to do this because of the Superior lawsuit.

## **2020 Budget – Initial Review**

The Board began review of the draft 2020 budget. The budget hearing and adoption of the 2020 budget will take place at the October 28th meeting. David explained that the Stewardship Council's budget was by design greater than anticipated expenditures. This was done each year in order to avoid the need for supplemental budget hearings. David said there were no significant changes in the draft budget from 2019. He said that the largest expenses were controlled by the Board, such as the management contract and legal services. The Board had no questions or comments.

## **Board Roundtable – Big Picture/Additional Questions/Issue Identification**

Jeannette Hillery encouraged all local governments to address the 2020 Census, which is scheduled for April 2020. She advised that they make sure their low income, senior communities, and remote areas were all covered.

Kim Griffiths shared the website [rockyflatsneighbors.org](http://rockyflatsneighbors.org). She said that the slide deck from the 8/27/19 Candelas meeting could be found on the 'Documents' tab.

Mike Shelton said that Broomfield was considering an item to relocate prairie dogs to Rocky Flats at the City Council meeting that week. Information was available on the city website, agenda item 11a.

Murph Widdowfield announced an opportunity for the Museum to raise funds through the Amazon Smile program. He encouraged fellow Board members to use this program and to designate RFCWM as a recipient.

### **October 28, 2019**

#### *Potential Business Items*

- Adopt 2020 Work Plan and Budget
- New Member Interviews/Appointments

#### *Potential Briefing Items*

- DOE Quarterly Update
- Possible Jefferson Parkway sampling update?
- Briefing re: today's discussion on contamination levels, standards, etc. (depending on how many new board member applications are received)
- TBD

### **February 3, 2020**

#### *Potential Business Items*

- Elect 2020 Officers
- Adopt resolution re: 2020 meeting dates

#### *Potential Briefing Items*

- DOE quarterly update
- TBD

#### Issues to watch:

- Soil sampling results
- Dam Breach
- Uranium exceedances in surface water
- Trichloroethylene (TCE) exceedances in groundwater

### **EXECUTIVE SESSION**

At 10:40 a.m. Joyce Downing made a motion to move into Executive Session for the purpose of discussing Stewardship Council personnel contracts for 2020, authorized pursuant to Section 24-6-402(4)(e) & (b), C.R.S., to determine positions relative to matters that may be subject to negotiation, and conferencing with the attorney on such matters. Lisa Morzel seconded the motion. The motion passed 14-0.

The Board reconvened from Executive Session at 11:03 a.m. and affirmed that no actions had been taken during Executive Session.



The meeting was adjourned at 11:03 a.m. *Respectfully submitted by Erin Rogers.*