

Notes Summary
AMP development working group meeting
Jan. 13, 2010

- Statements from participants recorded on flip chart
 - Responses noted on flip chart
 - Summary of general discussion noted by staff

INTRO AND RECAP

- DOE – review proposed action evaluated in EA and recap AMP development status.
 - DOE – Purpose of the AMP development working group meetings was to determine a list of criteria to include in the AMP
- Broomfield – Concerned about our participation in this forum –want a meeting next week to discuss issues that are outside the AMP process.
 - DOE – will meet with anyone upon request to discuss other issues.
- Broomfield - DOE needs RFLMA approval in order to operate ponds in flow-through.
 - DOE - No, pond operations are not a RFLMA issue.
- Broomfield – Why does the EA, AMP have to be done by April? What will you do then? What is the rush for something that won't happen for 8 – 10 years? Need to address changes to RFLMA monitoring before making the dam breach decision. Monitoring is monitoring, regulatory status is irrelevant.
 - DOE – timeframe for completing the AMP was set up in DOE letter to Broomfield committing to delaying the EA decision until April.
 - Discussion included Broomfield concerns that DOE will get the final say on the AMP regardless of whether consensus is reached. Wanted to know why they should participate if “DOE is just jumping through some hoops” to show public involvement and not enough time has been allotted in the process to discuss all of the issues. DOE responded that reaching consensus is the goal. DOE stated that if more meetings were needed to discuss the issues, then more meetings may be held. Broomfield asked why not discuss RFLMA issues as well. DOE stated that monitoring for AMP purposes doesn't depend on whether at a RFLMA POC or POE, RFLMA regulatory issues aren't relevant to this discussion. DOE wants to develop a list of things that should be included in the AMP for a DOE commitment.

ICs

- Broomfield – Until IC issue is resolved, dam breach decision is moot.
- CDPHE – Nothing has been proposed that would not have oversight by regulators. Separate meetings can be set up to discuss issues outside the AMP.

Regulators intend to clarify IC language concerning 3-foot excavation restriction to meet the intent of the CAD/ROD.

- Broomfield – Is this clarification part of the CAD/ROD? Is there a public participation process to change the CAD/ROD, Environmental Covenant, ICs? How long will it take to make changes to these regulatory documents?
 - CDPHE – will provide clarification in the next few weeks; consulting with state Attorney General (AG) staff on issue.
- Broomfield – who enforces a restrictive notice as opposed to who enforces an environmental covenant? There are beneficiaries under the covenant (JeffCo) but not under a restrictive notice.
 - CDPHE and DOE – Consultation with AG staff will help address differences between notice and covenant
- DOE – will distribute summary notes of meetings to participants. These are summary notes only, and will become part of the NEPA record, but are not intended to be official transcripts.
- Broomfield – believe institutional control changes require public process and the changes being considered constitute a major modification to CAD/ROD.
 - Additional discussion of Restrictive Notice (state enforcement power but no beneficiaries), time frame for IC changes in CAD/ROD, Environmental Covenant and RFLMA. Broomfield noted they consider any change to the Environmental Covenant is seen as a significant change and requires public comment. CDPHE and DOE will consult with their attorneys to obtain a legal opinion on significance. CDPHE reiterated that AG staff expected to advise on these items in the next few weeks. CDPHE will keep the group informed.

MONITORING

- Broomfield – How are you going to determine monitoring data comparisons between new POCs and Indiana St. locations.
 - DOE – Data evaluation for monitoring under AMP will help inform any comparison.
- Broomfield – want to relocate Indiana POCs to west edge of Parkway right-of-way if Jefferson Parkway is built
- Broomfield – want to look at data and compare with past data to develop monitoring protocols for flow-through operation
 - Stoller – AMP can determine location, frequency, analytes, etc.
- Broomfield – Adaptive management should be incremental.
- Broomfield - What are the loads through the pond systems?
 - DOE – Loading information is located in 2009 annual report.
- DOE – Offered months ago to continue to monitor at Indiana locations regardless of RFLMA MOD, at least until the Parkway construction eliminates monitoring locations.

- Broomfield – could you postpone the RFLMA process/decision until we get through the AMP process?
- Broomfield – Don't want to lose the regulatory authority over Indiana St. POCs. Want it in writing that criteria have to be met before Indiana St. monitoring points go away. It is too easy to change the AMP – it is more difficult to change RFLMA.
- Broomfield – Will the AMP continue to be in effect after the dams are breached?
 - DOE – Yes, but the AMP will include an “exit strategy” because AMP monitoring can't go on forever.

MONITORING PROTOCOLS

- Westminster – concerned with sediment mobility, have you considered turbidity meters in Woman Creek?
- Concerned with SW027 – elevated plutonium levels there.
 - DOE – SW027 follow-up is an ongoing effort – revegetation, additional erosion controls.
- Westminster – like to see more field data to determine if flow-paced monitoring captures all the data we need.
 - DOE stated that RFLMA monitoring protocols would not change and the AMP could implement recommendations for additional monitoring locations. Question concerning need for additional risk assessment to excavate over three feet, DOE responded that the Remedial Investigation did evaluate risk for >3-foot excavation. Broomfield wants to look at the data, analytes, etc. to compare what has changed, mechanism for next steps (opening dam valves). Said modeling for sediment movement, floods, would help make Broomfield comfortable. DOE responded that Actinide Migration Evaluation (AME) had done that, but would look at data and modeling again. Additional discussion of enforcement of water quality at POCs versus other monitoring points. Broomfield concerned about compliance actions at non-RFLMA locations and what would be the response to an exceedance if not a regulatory monitoring point.

ITEMS TO FOCUS ON AT NEXT MEETING (Group input)

- Analytes; locations; frequency variations; special studies; targeted events; valve closure triggers; other event/incident triggers; exit strategy for additional, non-RFLMA monitoring.
- WCA – concerned that changing the label of POC on Indiana monitoring locations removes DOE responsibility for exceedances going into SLPP.
 - DOE – No. New POCs would be functional equivalent of Indiana St. POCs.
- Periodic re-evaluation of AMP and what is the process?

- Ecological monitoring, wetlands coverage and density.
- Purpose or basis for going forward.
 - DOE – DOE wants to get out of the water storage business.; eliminate operations and maintenance and future repair costs; enhance habitats.
- PLF dam breach – look at current data and how it would be captured at new POC.
- Westminster – will the FONSI be a mitigated FONSI?
 - DOE – Is a mitigated EA now.
 - Broomfield wants response on the water lease commitment. DOE has already paid Broomfield total amount under lease - agreed to consult attorneys and continue discussion .

ACTION ITEMS

CDPHE will notify the attendees regarding evaluation of differences between environmental covenant and restrictive notice.

DOE/Stoller will provide

- clarification on proposed Draft AMP outline concerning item 1.4.
- clarification on what initial goals are, and to define goals.
- paragraph on what would be included in the EA concerning the AMP and obligations.

Next Meeting February 10, at 1:00 p.m. at DOE office in Westminster.