

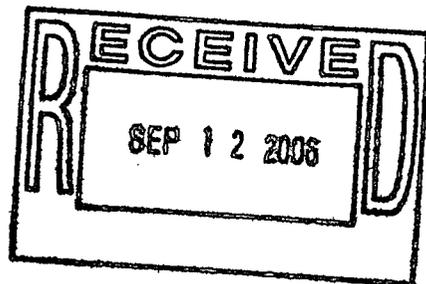
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ORIGINAL

Thursday, August 31, 2006

ROCKY FLATS ENVIRONMENTAL TECHNOLOGY SITE PROPOSED PLAN
PUBLIC HEARING COMMENTS
(Excerpt of Proceedings)

Arvada Center
6901 Wadsworth Boulevard
Conference Room B
Arvada, Colorado 80003



1/19

1 WHEREUPON, the following proceedings were
2 taken at 3:00 p.m.:

3 MR. HUGHES: So I'll take the first one, and
4 I'll look at my watch. So let's do it. Hildegard,
5 please. Again, name and spelling and address.

6 MS. HIX: I absolutely have to spell my name?
7 I'm Hildegard Hix, H-i-l-d-e-g-a-r-d, H-i-x. [REDACTED]
8 [REDACTED]. I really have a lot of
9 questions; but I, just for this hearing, chose three
10 that I wanted to address; and the rest I will send later
11 in writing. I feel that the fence needs to be a
12 regulatory mandate, and it should be identified in the
13 post-RFCA articles. It should not be just best
14 management practice.

15 Along the same lines, I'm concerned about the
16 Americium area that is down gradient from the 903 pad;
17 and I think it should be part of the DOE retained land.
18 I think it probably would be rather dangerous to have
19 people on horseback, hiking, or digging up. And I don't
20 think -- I could be wrong, but I don't believe that
21 there's anything that would restrict somebody from going
22 in there and digging, and I don't think it's safe.

23 The other is the sign language. I didn't see
24 anything about it. How many signs, how far apart, and
25 what they're going to say. I think we owe it to the

1 public for people who have not lived here very long to
2 know that it really could be dangerous. I really liked
3 the McKinley bill. I thought it was fair, and I thought
4 it was important. And I know this makes developers
5 unhappy; but I really think that we need to be more
6 concerned about the entire public, particularly since we
7 know that Mother Nature will have her way, and we're
8 going to have years and years and years of hard rain and
9 wind and there could be things uncovered and people
10 could be in danger. And I really feel they should be
11 warned.

12 I wanted to also thank you for using this
13 format. I was going to come at 6 o'clock and something
14 came up, so it's nice that you have arranged to have two
15 meetings, and I like the extension that we could send
16 the rest of our comments in September. So thank you for
17 this opportunity.

18 MR. HUGHES: Okay. Thanks.

19 MR. LOCKHART: One thing.

20 MS. HIX: Yes.

21 MR. LOCKHART: Thank you for your comments.

22 If you have any specifics about language for the
23 signs --

24 MS. HIX: Yes, I do.

25 MR. LOCKHART: -- or spacing or those points

1 you raised, you can include that in your written
2 comments. They would be considered.

3 MR. LOCKHART: Oh, thank you. Thank you.

4 MR. HUGHES: Good. Next taker.

5 MS. GARCIA: Shirley Garcia, city and county
6 of Broomfield and also representing Westminster. And
7 I'd also like --

8 MR. HUGHES: The spelling.

9 MS. GARCIA: Spelling? S-h-i-r-l-e-y.
10 G-a-r-c-i-a. I'd also like to thank Hildegard about --
11 for some of her comments about the fence. We also
12 believe that that needs to be a regulatory driver. Our
13 concern is, as a best management practice, we need to
14 have something that'll actually serve as layering and
15 protect the remedy itself, the life of the contaminants.

16 I would just like to make a statement. I
17 believe -- I'm a little disappointed that tonight's
18 stewardship is off the table as far as discussion
19 because not being able to comment on the CAD/ROD and the
20 downstream community's ability to deal with long-term
21 stewardship issues, that's one of the concerns that we
22 have tonight.

23 As far as the institutional controls, I
24 believe -- I'm really concerned about the map that was
25 proposed. Our community for over a year has been trying

1 to get a map -- a draft map, and institutional controls
2 do not include the points of compliance. They don't
3 include two of the surface water monitoring stations
4 that we're concerned about. And most importantly,
5 they're not identified as the two AOC wells in the
6 boundary or boundary wells. I've asked what the
7 controls will be on those, because most important of
8 all, the POCs are truly important to downstream
9 communities, and we need to have controls on those.

10 I would ask that they put a stamped area
11 around those areas if they have controls that apply to
12 them. If not, it doesn't serve a purpose to have points
13 of compliance without the controls. And I also would
14 like to see that we have physical controls around them.
15 It doesn't cost much to put a fence around those at the
16 boundary of Indiana.

17 And also in regards to the institutional
18 controls, we also have a concern that the controls only
19 apply to the ponds themselves. They do not apply in the
20 refuge area, which we understand; but our concern is we
21 question the ability to have groundwater wells in the
22 refuge area. I know that's a water right issue, but
23 that also needs to be addressed or at least usage needs
24 to be included in the document as to if groundwater
25 wells or surface water usage will be allowed downstream

1 of our ponds.

2 Another concern that we have -- I know it
3 doesn't deal with that -- also is with less water in the
4 ponds. When we're talking about discharging
5 postclosure, we may go years without any water in the
6 ponds. So we're asking -- again this is a stewardship
7 issue -- that at least annually they support us in
8 monitoring the ponds even without a discharge so we can
9 actually have data to reflect the actual physical status
10 of the site. We continually get calls from citizens,
11 and it always helps if we have data to do that.

12 And we also would like language added to that
13 that Broomfield, also in conjunction, would also like to
14 perform sampling at the same time. That's all I have
15 for now.

16 MR. HUGHES: Good. Next? Three minutes seems
17 like not much time until you're up here. So any more?

18 MR. JOHNSON: It's Clark Johnson from the City
19 of Arvada. C-l-a-r-k, J-o-h-n-s-o-n. Easiest one all
20 night. I'll be extremely brief because the City of
21 Arvada will be submitting written comments.

22 First of all, I want to thank all of you for
23 having this hearing tonight and giving us the
24 opportunity to comment. We're in general support of the
25 proposed actions and have been. I do want to --

1 just because Shirley and -- well, because Westminster
2 and Broomfield are here and speaking tonight, I just
3 wanted to support them in their concerns related to
4 ponds and discharge and the opportunity to sample once a
5 year. To me it's blurry whether that's stewardship or
6 whether that's -- and I think that's really all I wanted
7 to say tonight. We do want to support the folks who are
8 downstream communities and make sure their needs are
9 taken care of. That's also related to institutional
10 controls.

11 And we, the City of Arvada, supports a minimal
12 fence, such as a cow fence for -- for land retention
13 demarcation between DOE and wildlife refuge; however, we
14 do feel there may be a need for additional, stronger
15 fencing around -- around various monitoring sites and
16 treatment systems. So hopefully you'll consider that,
17 and we'll send you more details in writing. Thanks.

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1 WHEREUPON, the following proceedings were
2 taken at 6:00 p.m.:

3 MS. STANLEY: My name is Shelley Stanley,
4 S-h-e-l-l-e-y, S-t-a-n-l-e-y. I am representing the
5 City of Northglenn and Women Creek Reservoir Authority.
6 The authority is comprised of downstream communities of
7 Thornton, Northglenn, and Westminster. A proposed plan
8 is silent on the involvement of downstream
9 municipalities and their role postclosure. We are
10 requesting that our representatives be part of the
11 drafting and review of postclosure documents.

12 Furthermore, we request disposition to our
13 comments prior to the release of the final CAD/ROD and a
14 meeting well in advance of its release.

15 In short, we are requesting that the post-RFCA
16 agreement continue in the spirit of cooperation and
17 transparency established in the original RFCA. Can we
18 have a commitment to maintain the same language and
19 process? We will be making written comments.

20 MR. HUGHES: Thanks. Okay. Next, please.

21 MS. ELOFSON-GARDINE: My name's Paula
22 Elofson-Gardine, P-a-u-l-a, E-l-o-f, like Frank, s like
23 Sam, o-n, like Nancy, hyphen, G-a-r, d like dog, i-n,
24 like Nancy, e. I'm the executive director of
25 Environmental Information Network, post office box

1 280087, Lakewood, Colorado 80228. And I'm here with
2 double carpal tunnel surgery from 20 years working on
3 Rocky Flats stuff, and I'm sure you're familiar with all
4 of our writings, I'm sure.

5 We have several concerns about this plan and
6 the cleanup, as you guys want to call it. There's quite
7 a bit that's left over, and we would prefer to see a
8 combination of alternatives two and three with the
9 institutional physical controls in charge of the surface
10 soil removed. I think it's important to create a hybrid
11 of those two alternatives simply because there is so
12 much left with the old and the new landfills and the
13 903 lip area.

14 This is not a pristine site. It should never
15 be characterized as a pristine site since it's got the
16 footprint of the Rocky Flats nuclear weapons facility
17 all over the buffer zone and the operational areas.

18 I think it's important to also consider
19 rerouting groundwater for dewatering of the site. Greg
20 Marsh will be sending in a more detailed email comment
21 about that if you haven't gotten it already. And the
22 water turning has been grossly deficient, and it should
23 have been maintained at a minimum of a weekly, not a
24 quarterly level.

25 Public access should be barred with clear

1 signage detouring trespassing and noting that public
2 tours are inappropriate for this site. And we will send
3 in more detailed public comments by email. Thank you.

4 MR. HUGHES: Thank you. Okay. More?

5 UNKNOWN SPEAKER: I'd like to make comment,
6 but I don't know what you'd think of it.

7 MR. HUGHES: Correct. Okay. Please.
8 Shirley, go ahead.

9 MS. GARCIA: Shirley Garcia, city and county
10 of Westminster. And I would like -- I forgot to thank
11 you guys last time for giving us this opportunity. I
12 apologize, my three minutes was up.

13 The presentation that was given tonight and
14 also at previously given meetings, I just have a few
15 comments on. On Slide 7, Institutional Controls, O&M
16 and monitoring embodied in a post-RFCA enforceable
17 agreement will be addressed; and I support Shelley on
18 her comments. And I just want to ensure -- be assured
19 that the post-RFCA will be a public comment document.
20 We haven't -- that hasn't been confirmed with us and
21 that truly is a concern with the city, especially the
22 downstream communities.

23 And the second comment is the CAD/ROD
24 summarizes all site information and outlines the
25 selected remedy. And previously for several years,

1 especially the state, has always committed that in the
2 final document we would have a map of the site showing
3 where residual contamination was remaining. And the
4 plan was silent on that, and we still have yet to see
5 that, specifically to identify where no residual
6 contamination is including the basements that were left
7 in place and areas over by 779 and --

8 UNKNOWN SPEAKER: Processed lines.

9 MS. GARCIA: The processed lines is what she
10 said. Basically that's a digital contamination that's
11 known. It would be very helpful for us in the future
12 postclosure in case there are any issues, at least we'd
13 have a map we'd be able to go to.

14 One last thing. Again, the administrative
15 record still isn't operating, and we'd just like
16 confirmation that the College Hill Reading Room will be
17 open until we can be assured that it is available
18 electronically. We, for months, have been informing the
19 RCRA parties it's not working. And one of the key
20 issues of that is the older documents have been scanned
21 in, and the documents are in black and white, and
22 they're of no value to us if we can't read them; so if
23 you could work with us on that. We had a commitment
24 also from Ray Pinus of Legacy Management that they would
25 work with us on that. And that's basically all I have

1 to say. Thank you.

2 WHEREUPON, the within proceedings were
3 concluded at the approximate hour of 9:00 p.m. on the
4 31st day of August, 2006.

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REPORTER'S CERTIFICATE

STATE OF COLORADO)
) ss.
CITY AND COUNTY OF DENVER)

I, LYNNETTE L. COPENHAVER, Certified Shorthand Reporter and Notary Public, State of Colorado, do hereby certify that the said proceedings were taken in machine shorthand by me at the time and place aforesaid and was thereafter reduced to typewritten form; that the foregoing is a true transcript of the questions asked, testimony given, and proceedings had.

I further certify that I am not employed by, related to, nor of counsel for any of the parties herein, nor otherwise interested in the outcome of this litigation.

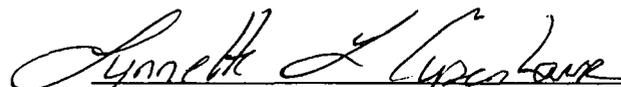
IN WITNESS WHEREOF, I have affixed my signature this 11th day of September, 2006.

My commission expires April 26, 2010.

_____ Reading and Signing was requested.

_____ Reading and Signing was waived.

X Reading and Signing was not required.



Lynnette L. Copenhaver
Registered Merit Reporter

LYNNETTE L. COPENHAVER
NOTARY PUBLIC
STATE OF COLORADO



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September 11, 2006

Mr. Robert Darr
United States Department of Energy
12101 Airport Way
Suite A
Rocky Flats Project Office
Broomfield, Colorado 80021

Re: Rocky Flats Environmental Technology Site Proposed Plan

We are filing with your office by Federal Express the following Original Deposition(s) and/or Original Exhibit(s):

- _____ Exhibit(s).
- _____ Master Videotape(s)/DVD(s).
- _____ Signed, no amendment(s),
copy enclosed.
- _____ Signed, with amendment(s),
copy enclosed.
- _____ Unsigned, notice duly given
_____, pursuant to the
Rules of Civil Procedure.
- _____ Unsigned, notice duly given
_____, since trial set for
_____.
- Public Hearing Comments
August 31, 2006
_____ No signature required.
- _____ Signature page(s)/amendment(s) to be
returned to Court on date of trial.

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srk

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