

Rocky Flats Coalition of Local Governments

City of Arvada City of Boulder Boulder County
 City of Broomfield Jefferson County Town of Superior City of Westminster

Board Meeting Minutes
September 2, 1999
8:00 AM — 11:00 AM
Westminster City Hall

Board members in attendance: Sam Dixon (Director, Westminster), Mary Harlow (Alternate, Westminster), Tom Brunner (Director, Broomfield), Hank Stovall (Alternate, Broomfield), Mike Bartleson (Alternate, Broomfield), Nanette Neelan (Alternate, Jefferson County), Lorraine Anderson (Director, Arvada), Ken Fellman (Alternate, Arvada), Carol Lyons (Alternate, Arvada), Lisa Morzel (Director, City of Boulder), Mike Weil (Alternate, City of Boulder), Paul Danish (Director, Boulder County) Carolyn Dulchinos (Alternate, Boulder County).

Coalition staff members and consultants in attendance: David Abelson (Executive Director), Katie Ewig (Program Assistant), and Ed Icenogle (Icenogle, Norton, and Seter, P.C.)

Members of the Public: Cindy Trevithick (Rep. Tancredo), Ann Bormolini (Kaiser-Hill), Gerald DePoorter (RFCAB), Erin Rogers (RFCAB), Ken Korkia (RFCAB), John Swartout (Governor Owens), Rob Henneke (EPA), Tim Rehder (EPA), Steve Gunderson (CDPHE), Steve Tarlton (CDPHE), Angela Hutton-Howard (CDPHE), John Corsi (Kaiser-Hill), John Rampe (DOE), Dave Shelton (Kaiser-Hill), Janice Sinden (Senator Allard), Jack Hoopes (Kaiser-Hill), Elaine Nix (DOE-RFFO), Glenn Doyle (DOE-RFFO), Doug Young (Rep. Udall), Nancy Hunter (Rep. Schaffer), Felicity Hannay (Colo. Attorney General's office), Troy Timmons (Kaiser-Hill), Bob Card (Kaiser Hill), Allen Schubert (Kaiser-Hill), David Navarro (USWA 8031), Duane Johnson (CSU), Bob Lienemann (Westminster Open Space), Frank Burcik (WTDI), Brooks Kelly (WTDI), Bill McAllister (Denver Post), Chuck Baroch (City of Golden), Tom Marshall (RMPJC), Anne Callison (Barbour Communications), Hildegard Hix (Sierra Club), Ole and Deloris Olsen (League of Women Voters), David and Doris DePenning (Friends of Foothills), Tom Hoffman (Friends of Foothills), DeAnne Butterfield (CRNA), Nancy Hollinger (Blue Mtn. Homeowners Assoc.), Larry MacDonnell (Stewardship Initiative), David Chandler (Arvada Citizen), Rick Warner (Broomfield Resident).

Round Robin

Westminster: Sam Dixon stated that she had just returned from DOE's stewardship conference in Grand Junction and that one of the overall messages from the conference was that caps are ineffective and troublesome. Sam also reiterated Westminster's opposition to the rubble disposition plan.

Jefferson County: Nanette Neelan clarified that Jefferson County continues to support federal ownership of Rocky Flats post-closure and also supports preservation of the buffer zone as open space. Towards this end, she noted Michelle Lawrence recently wrote a letter explaining her reasons for voting against sending a Coalition letter to Congressman Udall at the August 5th Board meeting.

Arvada: Lorraine Anderson stated that she was pleased with the progress being made at the

stewardship study sessions and Coalition-CAB stewardship meetings.

Broomfield: Hank Stovall announced the Health Advisory Panel just released the results of their nine year study of cancer risks from Rocky Flats. Hank also urged everyone to pay close attention to the 2006 process and baseline assumptions, as they are vitally important to planning for future use of the Rocky Flats property. He also stated he is pleased with the progress being made at the stewardship study sessions and Coalition-CAB stewardship meetings.

Boulder County: Paul Danish explained that he refused to sign the rubble disposition letter from the Coalition to DOE because he does not feel that DOE or Kaiser-Hill has proven that the rubble is clean.

Boulder: Lisa Morzel noted she participated in Congressman Udall's tour of the Rocky Flats buffer zone.

Business Items

1. **Motion to Approve Minutes** — Sam Dixon motioned to approve the minutes with the corrections. Lorraine Anderson seconded the motion. The motion passed 7 — 0.
2. **Executive Director Report** - David Abelson announced the Coalition office had just moved from Arvada to Westminster, and asked the Board and members of the public to note the new address, phone, and fax numbers. David then gave an update on the Coalition's progress on creating a stewardship initiative, stating that the Coalition and CAB have decided to work together on developing a cooperative process. Currently the Coalition and CAB are developing a two-stage process that will entail bringing in a process consultant and forming a *de facto* steering committee with representatives from each local government. David also talked briefly about the Coalition contract with Parallax, and said that after speaking with Dolan Falconer, Parallax's Vice President, and Gary Baker, also from Parallax, he recommends continuing the contract between the Coalition and Parallax. Senator Allard arrived before David could get Board input on this matter.

Meeting with Senator Wayne Allard

Senator Allard greeted the Board and members of the public and thanked them for inviting him to the Coalition Board meeting. Senator Allard spoke briefly, stressing the importance of local officials working together to plan the future of the Rocky Flats site. He urged the Coalition to work toward being sensitive to each local government's concerns, and to compromise and resolve problems when necessary. Senator Allard stated that he believes that 2006 is a reachable goal, and that he looks forward to working with the Coalition on issues relating to the cleanup and closure of Rocky Flats. Chairman Tom Brunner then opened the floor for questions from the Board.

Lorraine Anderson thanked Senator Allard for his efforts to secure cleanup funding, and agreed with his assertion that local governments should play a key role in determining what happens at Rocky Flats. Lorraine voiced her concern that perhaps the Rocky Flats property should not remain in federal ownership, to which Allard replied that he believes the liability issues would be too great for a local government to handle. Sam Dixon then asked Senator Allard to review the language of the legislation creating a National Nuclear Security Agency (the Defense Authorization Act), since as it stands the language may take away local government control in cleanup and post-closure decisions. David added to Sam Dixon's statement by explaining that the language could be interpreted in such a way as to block the Colorado Department of Public Health

and the Environment from having continued oversight of the cleanup and decrease local government input. Senator Allard responded by saying that he thought there was strong language in the bill that would alleviate those concerns, but that he would check into it again.

Hank Stovall told Senator Allard that the local governments present own property adjacent to Rocky Flats, and that they are all concerned with getting a high level of cleanup. Hank stated that it is contradictory that cleanup levels will be based on the anticipated future use; local communities want the buffer zone to remain open space, but they do not want a lower level of cleanup because of this designation. Hank expressed his desire to see a stronger capability for local communities to influence cleanup levels. Allard responded that although he agrees that local communities should have input, he doesn't want this kind of issue to delay cleanup.

Returning to the ownership issue, Lisa Morzel stated that Rocky Flats is owned by the taxpayers and should stay in federal ownership. With the uncertain transfer of information between the various Rocky Flats contractors over the past forty years, the true liability of Rocky Flats can never be known for sure, and for this reason local governments should not accept ownership. Paul Danish echoed Lisa's sentiment that the property should remain in federal ownership, and he stressed that Boulder County wants a high level of cleanup despite the buffer zone's open space designation. Ken Fellman stated that he does not think any local government would want to accept liability for the site per se, but that the subject of ownership should remain open for discussion and debate. Ken also asked what would happen if 2006 turned out to be an unattainable goal and how that will impact cleanup standards.

Carolyn Dulchinos asked Senator Allard if he planned to introduce legislation in the Senate similar to Udall's, and Allard replied he was working with Udall towards that end. Mary Harlow reminded Senator Allard of some of the issues that could impact the 2006 closure goal, including slow WIPP shipments, the lack of a repository for orphan waste, and the unavailability of shipping containers. Lorraine Anderson added that these issues make the local governments worry that some waste will end up being stored at Rocky Flats after the Site is cleaned and closed.

David Abelson then raised the issue that many of the Rocky Flats cleanup assumptions depend on what happens at other DOE sites, so it's crucial to keep pressure applied on that front. Tom Brunner then brought up worker issues and stressed the need to support 3161 worker transition funds and give incentives to workers who will stay out at Rocky Flats and get the cleanup job done. Tom then opened the floor to questions from the public.

State Deputy Attorney General Felicity Hannay voiced her concern that the Defense Authorization Act, which would create a new agency to oversee the nation's nuclear secrets, may hamper the state's oversight of the cleanup of Rocky Flats and limit the powers of the Energy Department officials who have been cooperating with state officials. Allard responded that he thought Hannay's fears were overstated and that the legislation would apply only to active nuclear facilities, not inactive plants like Rocky Flats.

Tom Marshall from the Rocky Mountain Peace and Justice Center urged Allard to remember the importance of including local citizen groups in the discussion of issues related to Rocky Flats. Tom also stated that the quality of the cleanup is more important than the 2006 deadline, and that an open space land use designation should not drive a lower level of cleanup.

Dave Navarro from the Steelworkers Union stated that the cleanup of Rocky Flats must be done safely, without cutting corners for the sake of a faster cleanup. Dave requested a meeting with

Allard and other senators when the Steelworkers Union travels to Washington, D.C. for a conference.

In closing, Senator Allard re-emphasized that success hinges on the local governments working together, and that his staffers will continue to attend Coalition meetings.

Meeting with Congressman Udall

Udall began by thanking the Coalition for working closely with his staff on the Rocky Flats Open Space Act revisions and other Rocky Flats-related issues. He also thanked Senator Allard for his work on Rocky Flats and encouraged him to pressure the appropriations committee to not cut 3161 funding. Before seeking Board comment, Udall briefly addressed specific Rocky Flats issues. Regarding orphan waste, Udall stressed the importance of the Coalition, regulators, DOE, Kaiser-Hill, and public working together to come up with solutions for its disposal. Regarding the rubble disposition plan, Udall stated that the rubble should be proven clean before the plan is approved. Udall expressed concern about the interim storage of waste onsite as well as the use of tents for storage. Udall assured the Board that he communicates frequently with other Representatives that have DOE sites in their states, and that they are all committed to the safe and expeditious cleanup of these sites.

After Tom Brunner opened the floor for Board comment, Hank Stovall expressed concern over the soil action levels, and asked that the local governments be given strong input in the decision-making process. Stovall asked that open space designation not be an excuse for weaker cleanup standards. Udall explained that in writing the Rocky Flats Open Space Act (H.R. 2179), he tried to ensure the open space designation not drive cleanup levels but that cleanup levels be based on health and safety concerns. Udall explained the five main goals of his bill: 1) to keep the buffer zone as open space in perpetuity, 2) to not drive the Industrial Area Strategy, 3) to make clear the liability and ownership of the federal government, 4) to establish a mechanism for local input and management, and 5) to not drive cleanup levels based on the anticipated future use plans, i.e. open space designation.

Paul Danish then voiced his idea that perhaps cleanup standards should be higher at sites closer to large metropolitan areas. Danish then stated that he would not support the rubble disposition plan until the rubble has been proven clean. Lisa Morzel agreed with Danish regarding the importance of ensuring the rubble is clean, and then asked Udall what the timeline is for getting the Open Space Act passed in Congress. Udall replied he hopes the bill could be subject to committee hearings early next year and then be sent to the House floor. He further stated that with rare exception bills take two or three years after introduction be passed and signed into law.

Lorraine Anderson brought up the subject of budget cuts, and asked Udall what would happen at Rocky Flats if the federal government decided to cut the budget for the cleanup. Udall stated that he shares her concern, and that he will do what he can to insure that Rocky Flats continues to receive funding until the cleanup is complete.

David Abelson then briefly described the stewardship process being planned by the Coalition and RFCAB. He stated that the Coalition is in the process of looking at DOE's closure assumptions, the post-closure liability risks, and the costs of various maintenance structures such as caps. David said that two important questions the Coalition must look into involve what the end-state of Rocky Flats will be and what stewardship responsibilities that end-state may bring to the local communities. Tom Brunner stressed that the local governments that comprise the Coalition will

continue to work together to insure the safe, effective cleanup of Rocky Flats. Tom then opened the floor for public comment.

Rick Warner expressed to Udall that he believes more funding is needed for research on how to reduce the toxicity of nuclear wastes. Doris DePenning stated that as a citizen and homeowner living near Rocky Flats, she is supportive of the efforts to keep the entire buffer zone open space. Tom Marshall encouraged Udall to write DOE and ask for a list of costs associated with the various post-closure maintenance structures that are under consideration at Rocky Flats. Tom also urged Udall to include citizen groups in the Advisory Council that he proposes in the Open Space Act.

2006 Closure Project Assumptions — Kaiser-Hill

Bob Card began his presentation by telling the Board that Kaiser-Hill's assumptions are markers in the cleanup and that there needs to be an ongoing, open dialogue between Kaiser-Hill and the Coalition regarding these assumptions. He then gave an overview of the basic project assumptions (a list of these assumptions was in the Board packet). Card stated that two of the assumptions -- the use of closure caps and the use of rubble as backfill -- both need more discussion in the near future. Concerning water quality standards, Card said that Kaiser-Hill cannot technically guarantee the current .15 picocuries/liter standard will be met onsite all of the time. Card said that the standard can be met on an annual level, but not as it is currently written. Paul Danish expressed his concern about which entity would be responsible for insuring the standards are met after cleanup is complete. Card announced that there is a risk analysis model currently under development that will explore every "what if" scenario that could prevent water quality standards from being met.

Lisa Morzel stated that she is not convinced that caps are secure and safe. She asked why Kaiser-Hill is not instead addressing the removal of the contamination and the costs associated with that. Card responded that he believes caps will work, and that listing caps as an assumption is a way of putting a solution in the baseline. He said he is optimistic that the use of caps will be minimal since all institutional controls that remain at Rocky Flats after closure are undesirable from a long-term maintenance and liability standpoint. Lorraine Anderson expressed concern over the process through which the local communities will have input on cap decisions. Anderson said that Arvada has a vision of the open space at Rocky Flats being actively used, not fenced off and capped.

Tom Brunner asked Card if 2006 would still be attainable if the Coalition disagreed with Kaiser-Hill's assumptions. Card replied that everything is on a tight schedule, so disagreements with the assumptions could slow the cleanup. Tom said that he does not want to see the Coalition become a political scapegoat if there is opposition to the assumptions and Kaiser-Hill fails to meet their 2006 goal. Card replied that a proposal for public involvement would be brought up at the next Kaiser-Hill meeting.

Public Comment

John Swartout urged the Coalition to keep the pressure on for funding and support.

Parallax Contract

Before the meeting ended, several Coalition members (Hank Stovall, Lisa Morzel, Sam Dixon, and Lorraine Anderson) expressed concern to David Abelson about the Parallax contract. David

said that he would be in touch with each local government in the coming week to get guidance on how to proceed with Parallax. The Board directed David to prepare a memo outlining Parallax's work to date and option for terminating the contract, should the Board choose that option. David said he would ask Barb Tenney to review the Coalition contract with Parallax and advise the Board as to its options. The Board further stated the Executive Committee would first review the situation and then present a recommendation to the Board at the October Board meeting.

The meeting was adjourned at 11:10 am.

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