

Rocky Flats Coalition of Local Governments

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

Rocky Flats Coalition of Local Governments Board Meeting Minutes Monday, August 1, 2005 8:30 a.m. – 11:15 p.m. Jefferson County Airport, Broomfield

Board members in attendance: Gary Brosz (Director, Broomfield), Lori Cox (Alternate, Broomfield), Mike Bartleson (Alternate, Broomfield), Sam Dixion (Director, Westminster), Jo Ann Price (Alternate, Westminster), Lorraine Anderson (Director, Arvada), Clark Johnson (Alternate, Arvada), Jim Congrove (Director, Jefferson County), Karen Imbierowicz (Director, Superior), Shaun McGrath (Director, City of Boulder), Alice Guthrie (Alternate, City of Boulder), Ben Pearlman (Director, Boulder County), Jane Uitti (Alternate, Boulder County).

Coalition staff members and consultants in attendance: David Abelson (Executive Director), Rik Getty (Technical Program Manager), Barb Vander Wall (Seter & Vander Wall, P.C.), Katie Ewig (Program Manager), Erin Rogers (consultant).

Members of the Public: John Rampe (DOE), Rob Henneke (EPA), Dave Kruchek (CDPHE), Edgar Ethington (CDPHE), Shirley Garcia (Broomfield), Doug Young (Rep. Udall), Roman Kohler (Rocky Flats Homesteaders), Ron DiGiorgio (USWA Local 8031), Mark Sattelberg (USFWS), Todd Neff (Boulder Daily Camera), Patricia Rice (RFCAB), Bob Darr (DOE), Marion Galant (CDPHE), Erin Hamby (RFCAB, RMPJC), Kim Cadena (Rep. Beauprez), Jeanette Alberg (Sen. Allard), Jayson Roehl (Sen. Allard), Scott Surovchak (DOE-LM), Anne Fenerty (citizen), Pam Tumler (GAO), John Corsi (Kaiser-Hill), Bob Nininger (Kaiser-Hill), Carl Spreng (CDPHE), Jerry San Pietro (retired RFETS employee), Donald Sabec (retired RFETS employee), Norman Warling (RFETS employee), Bob Nelson (City of Golden), Jim Arndt (City of Westminster).

Convene/Agenda Review

Chairman Shaun McGrath convened the meeting at 8:35 a.m.

Business Items

1) **Consent Agenda** – Karen Imbierowicz motioned to approve the consent agenda. Lorraine Anderson seconded the motion. The motion passed 7-0.

2) **Executive Director's Report** - David Abelson reported on the following items.

- David informed the Board that, consistent with his contract, he has started working with the Energy Communities Alliance on a subcontract project to evaluate successes at DOE cleanup facilities with regard to community

ADMIN RECORD

involvement.

- David reported that between June 9 and June 21 there was an exceedance reported for the GS10 point of evaluation on the upper reaches of the Walnut Creek basin, downgradient of Building 771. The reading was 0.45 picocuries/liter, which is approximately three times the standard. This was not a regulatory violation since this sampling point is not a point of compliance. John Rampe clarified that this exceedance was in the South Walnut Creek drainage, which drains the central part of the Industrial Area, not the 771 area. David noted that there have been similar exceedances at this point for a number of years. He sent an email to Board members including information from John Rampe and will continue to keep the Board posted as information becomes available.
- David flagged a letter that DOE sent to the City of Westminster regarding the consideration of the cities of Northglenn and Thornton as members in the future Local Stakeholder Organization (LSO). In this letter, DOE-LM wrote that they have tentatively approved a membership that includes the RFCLOG governments plus the City of Golden. Final determinations on membership will not happen until after RFCLOG completes more work on preparations for the LSO. The Woman Creek Reservoir Authority has also communicated that it will be requesting membership on the LSO. David will forward this letter to the Board when it is received.

At this point, David asked if there were any questions from the Board. Lorraine Anderson mentioned that the Jefferson Center Metropolitan District has also requested membership on the LSO. David noted that RFCLOG received an email from Charlie McKay on behalf of the Metropolitan District expressing their interest in serving on the LSO, which was forwarded to DOE-LM. At this time, RFCLOG has not received a letter of interest from the City of Thornton.

David next discussed the issue of mineral rights at Rocky Flats. Members of the Colorado congressional delegation are currently working on addressing this issue through legislation. Senators Allard and Salazar have developed one strategy, while Representative Udall is seeking feedback on another strategy for moving forward. David has studied both drafts closely. He sees many positives for RFCLOG interests, but also has some concerns.

Senators Allard and Salazar drafted an amendment based on S. 1251 that they hope to attach to the Defense Authorization bill that the Senate will take up when it reconvenes after the August congressional recess. This amendment was worked out between the senators' staffs, DOE and the Department of Interior (DOI), and while it tracks key elements of S. 1251, there are some important changes. Some RFCLOG issues that the Coalition included in its July 25, 2005, letter to Senator Allard on S. 1251 were addressed in the amendment, including the liability question which was revised to limit NRD liability to releases known at closure. Under the amendment any unknown releases or future releases would be excluded from liability.

David believes the two main problems with this amendment are that it re-opens the 2001 Rocky Flats Wildlife Refuge Act and amends it by striking the need for the Memorandum of Understanding (MOU) between DOE and DOI. The sole issue

holding up issuance of the MOU is the jurisdictional dispute between DOE and DOI. With passage of this amendment the jurisdictional issue will be solved, paving the way for DOE and DOI to finalize the MOU.

David also noted that the amendment changes the boundaries of the Refuge until either 1) the mineral rights are acquired, or 2) the minerals are mined and the area is reclaimed. David noted that two parcels on Rocky Flats that are currently permitted for mining have conservation easements which state that no mining can happen in these locations for 25 years. If these lands are not acquired and mining does not occur, then the parcels shall remain under DOE's jurisdiction in perpetuity, unnecessarily excluded from the refuge.

Rep. Udall is circulating a draft bill during the recess in order to get feedback on how he should proceed once Congress returns. Consistent with Coalition policy, this draft bill authorizes more funding so that DOE can acquire mineral rights.

Any Natural Resource Damage (NRD) claims would offset funding. David reported that DOE, DOI, and the State trustees do not support this plan. Karen Imbierowicz asked why the agencies would not support this plan and David responded that they may be reading it differently than Rep. Udall, but that they are saying they do not like it. Shaun McGrath noted that this draft provides an offset for NRD claims like S. 1251, so he wonders what makes them not like this plan. David responded that there is a mandate in the Senators' approach that \$10 million be provided for minerals acquisition. In Rep. Udall's approach, there is an offset of these costs with NRD claims, which could be considerably less than \$10 million.

Lorraine Anderson asked if other items that have already been settled under the Refuge bill would also be open to changes under the senators' plan. David said that it would indeed open the door for other changes, but he thinks they can settle the mineral rights issue without opening the earlier legislation. Gary Brosz asked if Rep. Udall's bill addresses any timing issues. David responded that he did not know. John Rampe clarified that under the current permit, the two parcels in question may not be mined. He stated that DOE's rationale for minerals acquisition is to lock up ownership so there would be no possibility of mining in the future. Gary asked if there was a way to ensure reclamation takes place within a certain amount of time. David responded that this would be state/local permit issue. Gary stated his belief that if someone did mine these areas, reclamation would probably never occur.

Shaun McGrath suggested putting 10-15 minutes on the agenda after public comment to discuss this issue further.

Public Comment

Ann Fenerty (citizen) read a statement to the Board, noting that she had been unable to attend meetings for the past few months and that she was disappointed in the lack of attention given to the IVV reports by RFCLOG that she found in the meeting minutes. She submitted a list of questions to the Board that she would like to have DOE address in writing:

- 1) Why has MARSSIM not been used for the site survey?
- 2) Why have the OLF water contamination problems not been addressed
- 3) Why has there been no resolution of the many questions raised about final monitoring of the terminal ponds?
- 4) Has DOE proven that there is no contamination of the lower hydrostatic unit?
- 5) Why has DOE not addressed, in writing, these and the many other troubling closure issues brought up by the independent scientists?

She also brought up issues regarding the lack of specific monitoring requirements in the draft MOU and the lack of clarification regarding the future responsibilities of DOE and DOI in the future. She does not believe there is any interest in involving the public in a discussion of these closure issues, and also suggested that there may be a conflict of interest regarding DOE funding a project by RFCLOG's executive director.

Erin Hamby (RMPJC) stated that the Coalition is de-prioritizing public involvement in the LSO. She is happy to see RFCLOG discussing this issue and would like to see it co-sponsor a public meeting with RFCAB. Regarding the OLF, she is concerned that so many items are closed, as she sees a need for more data in writing and asks RFCLOG to continue to demand answers and documentation before closing issues.

Don Sabec (RFETS retiree) stated that he was a radiation control technician at RFETS from 1961-2004. In the past, he was tasked with decontaminating items retrieved from the original landfill. Personnel had become contaminated and they had traced the contamination back to the landfill. He believes there are still contaminants in the OLF that have not been identified.

Jerry San Pietro (RFETS retiree) stated that he does not think cleanup has gone far enough. He personally viewed what was in the trenches, including gram quantities of plutonium, americium, uranium and other constituents. He says that he has been raising these issues and is not getting any answers. He worries about the potential risk of a terrorist bomb in one of these trenches could create a 'dirty bomb'. He is also worried about groundwater issues in future and a ground fault at RFETS. He also stated that when he was working in an infinity room, there were gram quantities of liquid plutonium nitrate that had spilled and needed to be cleaned up. When they returned after a break to clean it up, it was gone. He was told that the concrete had absorbed it. For this reason, he does not think that enough floor areas were removed during building demolition.

Norm Warling (RFETS employee) works at the site as a radiological control technician. He is concerned about surface contamination being left at the site. He states that the site no longer uses a radiation detection instrument that can detect gamma down to a depth of 6 inches. They are now only using an alpha detector that cannot detect contamination below the surface. He says that covering up with

three feet of dirt is not enough and this contamination will get into water. Lorraine Anderson asked what RCT stands for; he answered it is an acronym for Radiological Control Technician.

Jim Congrove asked whether equipment exists that can detect contamination below the surface? Mr. Warling answered that a Fiddler instrument can detect contamination 6 inches down. In the late 70's or early 80's, a scan like this was done. Some areas were cleaned up, and some not. He thinks they would find more contamination using this method. Gary Brosz wanted to make sure RFCLOG captured the issues raised by the last 3 speakers: 1) OLF contamination issue, 2) gram quantities of radioactive material left in trenches, 3) not enough contamination removed under basement of 771 due to liquid plutonium leaks, and 4) not using fiddlers for surveys. Lorraine Anderson would like to ask DOE if these people have been interviewed. John Rampe asked the speakers to give their contact information to DOE. He will get someone in touch with them and is interested in what they have to say.

Gary asked the speakers to confirm if he captured their concerns with the four issues he mentioned. Mr. San Pietro said he had submitted 12 questions to Rep. Udall's office and had not received an answer in 7 months. He said they had sent a letter to the union office, but he is not speaking for the union. The speakers did confirm that Gary had captured their concerns. Gary would like RFCLOG to make sure this is followed up on. Shaun noted that there would be a discussion of the OLF later in this agenda. Regarding instrumentation, this was discussed in the IVV issues matrix. He believes there was lots of sampling at the trenches and B771, but that the Board could ask for a response from DOE. Gary responded that there were no discrete issues on these points on the matrix and he did not want to lose these specific points.

In response to the issues Gary raised, David noted that the Board has an answer on the landfill. The only way to really know what is in the landfill is to dig up everything, and no one is suggesting that. This means we need to rely on monitoring to identify contamination issues. Instrumentation issues are discussed through ORISE/MACTEC projects. This issue is really the whole point of IVV. Regarding the trenches, the waste in those areas is also heterogeneous, so future issues revolve around groundwater monitoring. David noted that if the Board sees a need to ask DOE for a response in writing, this can be done, but RFCLOG has been discussing these very issues for quite some time. Shaun noted that the Board has not sent a letter to DOE on the IVV yet, so these concerns could be incorporated if necessary.

Doug Young noted that Rep. Udall did receive an email from Mr. San Pietro. Since the congressman could not answer the questions, they forwarded it to DOE for response. John Rampe did respond and Doug thought this had been sent back to Mr. San Pietro. He will follow-up and make sure he receives this DOE response.

Mineral Rights Acquisition

Shaun McGrath asked if there was any input from the Congressional staff

members present. Jayson Roehl (Sen. Allard DC office) stated that Sen. Allard strongly supports RFCLOG. He stated Senators Allard and Salazar, working with DOE, DOI, and the state Trustees, drafted an amendment for the Defense Authorization bill which is based on S. 1251. (See earlier sections of these minutes for an overview of the Allard-Salazar amendment.)

Under this amendment, the State will receive \$10 million. There have been suggestions that DOE purchase all mineral rights, but not all mineral owners have indicated they want to sell and no one is sure if others would sell for reasonable prices. DOI made clear they did not require the purchase of all mineral rights. The intention of excluding certain parcels from the Refuge is that in the future they will be included at such time as the mineral rights issues have been resolved with through purchase or completion of mining. (See earlier sections of these minutes for a discussion of Coalition staff concerns.)

Jeanette Alberg (Sen. Allard Colorado office) reported that DOI will not accept any mining or potential mining areas in refuge. The largest NRD settlement in Colorado previously was Summitville for about \$5 million. Marion Galant (CDPHE) confirmed that Jeanette's information about the NRD settlement at Summitville was correct. The State of Colorado likes this plan because it addresses natural resource damages claims and provides a fair settlement of these potential claims. Shaun McGrath asked about the possibility of using the land and water conservation fund for the purchase of these parcels in questions. Jayson Roehl responded that DOE does not want to buy mineral rights. Jeanette stated that extra funds could be used to purchase additional mineral rights. Lorraine Anderson noted that the City of Arvada wants to support Jefferson County in saying that any issue beyond the fences of Rocky Flats is a local issue. John Rampe stated that this has been a complicated process, and that DOE has been working hard on this. At this point, the Allard-Salazar amendment has not gone through analysis of OMB. DOE does not oppose the legislation, and is pleased with the work that has been done. Mark Sattleberg (USFWS) said that DOI cannot make an official endorsement regarding this issue, but it does seem to believe that this is a good compromise.

Doug Young commented that he thinks everyone is after same objective, but the questions are about how to get there. Rep. Udall has been talking about these very issues with RFCLOG for years. He feels it is necessary to provide the agencies with most flexibility possible in which to negotiate the acquisition of mineral rights. He has major concerns with Allard-Salazar amendment and feels that it removes some flexibility, including the imposition of a one-year deadline to acquire the rights. It is also inflexible with regard to the amount of money available for mineral purchases. Rep. Udall thinks Congress should authorize DOE to spend what they need. Regarding potential NRD claims, there should first be an assessment, as is required by the Superfund law. Rep. Udall does not believe that there is a need to amend the Wildlife Refuge Act. DOE and DOI should work together to acquire mineral rights. Under the Senators' amendment, excluded areas may never be mined and therefore never included in the Refuge. Rep. Udall's suggested approach would be to create a different amendment to the Defense Authorization bill. Doug noted that the community has about a month to come to an agreement, and that Rep. Udall would like the delegation to come together to introduce legislation that all can support.

Shaun McGrath suggested that the Board try to develop a position before the next meeting. Congress reconvenes on September 6, and the next RFCLOG meeting is not until September 12. He requested that the Board provide David some direction on moving forward with comments for the delegation.

Ben Pearlman stated that he found what Doug said to be very compelling. He agrees that the agencies should be doing a resource damage assessment. He does not see a need to change the boundaries of the Refuge. He questions why the State would side-step the resource damage assessment.

Gary Brosz would like to see RFCLOG pull all parties together as Doug suggested.

JoAnn Price asked if there were any responses to Doug's comments. Marion Galant (CDPHE) responded that the State Trustees have been working on this issue and that they feel \$10 million may be an adequate settlement. The State sees this as a way to possibly save years and large amounts of money, which would therefore be the best solution for State interests.

Gary Brosz wondered whether the one-year mineral purchase timeframe in the Allard-Salazar amendment meant that if mineral rights were not acquired during this time the land would not be part of the Refuge. David Abelson responded that this was the case and that there are many reasons why acquisition of these minerals might not be successful. Jayson Roehl answered that the one-year timeline provides the Secretary of Energy an incentive to get deal done. He added that deals will be done quickly if owners want to sell anyway.

Lorraine Anderson asked if the land will still be owned by DOE under the Allard-Salazar amendment. David responded yes, and that DOE could do other things with this land because they would be excluded from the provisions of the Refuge Act. John Rampe noted that DOE is prohibited from transferring land out of federal ownership. He said that the only alternative use that is allowed is a highway easement.

Shaun asked Jayson why this bill eliminates the requirement for the MOU. Jayson answered that both agencies no longer saw need for an MOU since this bill would settle the only outstanding issue, which was mineral rights. He posited that perhaps the agencies could substitute an administrative MOU in place of the statutory document. Shaun continues to see need for an MOU. He noted to Doug Young that the offset section of Rep. Udall's draft does not seem to distinguish between future and existing contaminant discharges. Doug responded that if DOE spends money to purchase mineral rights, it will be used as a credit for DOE with respect to any NRD claim.

Shaun suggested that David draft some principles, get agreement from the Board and then draft a letter on this subject. Gary Brosz asked if David could present some options with pros and cons listed. David agreed. He will get this to the Board by close of business Wednesday and it will need a quick turnaround by Board members.

Shaun noted that even though the LSO discussion was the next agenda item, the Board should discuss the IVV first in order to make sure there would be a quorum for the necessary action.

Independent Verification

Sam Dixon began the discussion by stating some of the City of Westminster's concerns regarding the Original Landfill. She stated that one cannot compare the OLF closure to Marshall Landfill as the Marshall Landfill uses a pump and treat system. She stated that the current closure just does not meet regulations, and she is not sure why they have been waived. Westminster is concerned that the whole basin is protected, which would mean: 1) a closure cap that prevents groundwater intrusion, or 2) re-routing water to pond C2. Even if the water coming from the OLF area is diverted from Woman Creek Reservoir, it still goes into the community. Westminster has flexibility on these issues, but just wants to make sure their concerns are addressed.

Shaun asked CDPHE and EPA to address Westminster's concerns. Carl Spreng (CDPHE) stated that no regulations have been waived. OLF is being closed under the same regulations (Subtitle C) as the present landfill, but under different circumstances. Since the OLF operated during the years 1952-68, some regulations are not applicable, but are potentially relevant and appropriate. CDPHE did a thorough analysis to determine what was relevant and appropriate. At least 100,000 analyses were available for review. Many surveys (Fiddler and HPGE) were done. Surveys identified some Uranium-238 hotspots and removal actions were completed. The most critical element of the OLF closure is to stabilize the hillside. The decision document required the development of a proper cover, in addition to long-term monitoring. Shaun McGrath asked whether the OLF cap was a Subtitle D design. Carl stated that it is a Subtitle C cover, but some elements were not deemed relevant and appropriate. Shaun then asked Sam Dixon what other actions beyond the installation a Subtitle C cap would Westminster be looking for. Sam responded with some of Westminster's concerns. She said that CDPHE has stated that the current cap design will 'minimize' water going through it. Sam read some of Dr. Dwyer's comments on this issue. Carl noted in response that there are up and down gradient wells for monitoring that will be placed in next couple weeks. Water only goes through at a gallon per minute, so there has not been much going through the OLF over the past 50 years. There are approximately 50 wells in the area. CDPHE knows which contaminants may be mobilized. One well had Uranium-238 above action levels, so wells were placed, but they did not find any additional U238. Shaun asked if the Subtitle C-equivalent cap was currently being placed over the OLF. Carl replied that it will be completed in a couple days. Shaun asked if once the cap completed downstream hits of contaminants should go down and if there will be monitoring before any water goes into woman creek. Carl responded yes and in Woman Creek there are 3 down-gradient wells and one upgradient. Lorraine Anderson inquired about the potential bathtub effect if the cover is not completely impermeable and accumulates water below it. She also asked about the possibility of making this an interim solution so if it fails, the site can implement other remedy. Carl responded that all remedies are designed to be final, but are also subject to 5-year reviews. Changes can be triggered by monitoring data. Lorraine asked if there have been 100-500 year flood events at the site. John Rampe noted

a 25-50 year event occurred fairly recently and that all remedies are designed to accommodate a 100-year event.

Karen Imbierowicz referenced Dr. Dwyer's email and his point about water moving through the cap. Carl agreed that it will. Karen asked why the site does not just install a cap that prevents water intrusion. Carl responded that plastic layers could not have been placed on a hillside like this, that it would not be stable. She asked why a more robust design was not necessary. Carl replied that given the monitoring history and in future, a more robust design was not relevant and appropriate. Karen asked about Dr. Dwyer's claims that contaminants continue to leach from the OLF. Carl responded that U-238 was found in one well (mentioned earlier); some semi-volatiles from asphalt were also detected. She asked about the possibility of directing runoff to Pond C-2 as requested by Westminster. Carl responded that the decision document did not require this approach.

Shaun asked if there have been actions taken to ensure runoff from OLF is not going to get into Woman Creek. Carl pointed to the stabilization of the hillside, covering with a minimum of three feet of soil (up to 15-18 ft. in places), and a huge buttress at the bottom to stabilize. There is no diversion planned because there have not been contaminants found in Woman Creek to warrant it.

Karen Imbierowicz asked what it would take to have Westminster's concerns addressed. John Rampe replied that tons of monitoring data show there are no water quality concerns in Woman Creek. Diverting the runoff to pond C2 is a solution that does not have a problem behind it. Also, DOE does not think it is a good idea to mingle some problematic water that is currently caught by pond C2 with clean water coming from the OLF area.

Shaun McGrath noted that Dr. Dwyer says that 7% hits from the OLF have been contaminated over the last 15 yrs. John Rampe responded that current standards are set at the 85th percentile, so 7% is not bad. DOE simply does not agree with Dr. Dwyer. Westminster has always said if Woman Creek were diverted to pond C2, everything could be collected in one place and dealt with. Sam noted that Dr. Dwyer points that out no risk assessment has been done on this area. Carl replied that there was a risk assessment done in 1995 as part of OU5, and it will also be a part of the comprehensive site-wide risk assessment. He asked if the cities got the results of EPA's sampling effort from April. David said this data was provided at the transition meeting a couple of weeks ago.

Gary Brosz, who has served as an independent reviewer on various work projects, noted independent reviewers will often have different opinions. With this background, his experience is that independent reviewers are not always right, they have a limited time and budget, but they are another set of eyes. He noted that he has witnessed all of the independent reviewers at Rocky Flats being wrong about an issue and then figuring it out. Dr. Dwyer provided great service by identifying issues and seeing that they have been re-examined. However, the Board needs to consider his opinions as just one expert with limited time versus all the experts at the regulatory agencies with years of experience at Rocky Flats working on these issues. Gary feels comfortable that this issue has been adequately addressed.

Karen Imbierowicz motioned to designate the landfill issues on the Coalition independent review matrix as 'resolved, pending final documentation', and that the Board allow a couple of months to see how the OLF cover is working and then can re-evaluate the effectiveness and any needs for further remedy/diversion at that time. The motion was seconded by Lorraine Anderson.

Sam Dixon noted that EPA's samples of stream sediments adjacent to the landfill were invalid because of incorrect packaging. Rik Getty agreed, responding he had discussed the problems with some of the samples with the EPA. Nevertheless, had there been elevated levels of plutonium the EPA would have still be able to identify any problems. Lorraine Anderson asked if EPA was going to resample the area given the problems identified. EPA will get back to the Board with an answer. Gary asked if this would this mean bringing back construction equipment once it is already gone.

Regarding the motion on the table, Shaun McGrath noted that the Board is reserving its ability to revisit this remedy issue if the cap is proven to be not effective. Gary noted that DOE would revisit the issue anyway if problems were found. He suggested that the Board was simply saying it agrees with DOE on the OLF remedy. Shaun noted that the Board was simply making sure it would evaluate the effectiveness of the remedy. Sam suggested making the timeframe for evaluating the cap 12 months. This friendly amendment was accepted by both Karen and Lorraine. Gary re-iterated that he was struggling to see value-added of this path forward arguing that an evaluation of effectiveness is a given for every remedy taken throughout cleanup. The Board approved the motion 7-0.

The Board next discussed a draft letter to DOE conveying the IVV matrix, including the three issues requiring further response by DOE. A number of changes were made to the letter. Shaun McGrath asked if the prioritization in the matrix could be eliminated. It will be. Shaun asked if the Board should delete the sentence that says item #19 is closed. The referenced data could not be found at College Hill library where DOE said it was located. The Board would like to make sure DOE gives RFCLOG the data. Sentence was deleted. Shaun suggested issue #23 be reclassified as "resolved, awaiting final documentation". The Board agreed. He next suggested issue #41 also be reclassified as "resolved, awaiting final documentation". David noted that RFCLOG actually has that data and will change the language. Items #44 and #48 will be reclassified as "resolved, awaiting final documentation". Jane Uitti asked whether item #46 needed to be adjusted based on Karen's motion. It will be reclassified as "resolved, awaiting final documentation". Gary concluded the conversation by directing Coalition staff to take over making the updates on the matrix.

Gary Brosz motioned to send the letter and matrix to DOE with changes. Lorraine Anderson seconded the motion. The motion passed 7-0.

Local Stakeholder Organization

David took a few moments to prep the Board for this discussion at the next Board

meeting. He highlighted a RFCAB December 2004 recommendation on Purpose/Objectives/Responsibilities of LSO with which he felt there was a lot of agreement with RFCLOG. The Board will need to approve something by October 31, including LSO purpose/goals and categories of members. David agrees with everything CAB wrote. One problem area will be whether LSO will address issues on DOI land or just DOE. DOE thinks the LSO should not address refuge management issues. David recommends pushing back on this directive, specifically with regard to refuge issues that are affected by Rocky Flats closure issues. David suggested inviting RFCAB members, retirees, and citizens to future RFCLOG meetings to discuss these issues. The Board needs to look over documents put together by Coalition staff and RFCAB, and translate into the language that DOE is looking for. Then the Board can talk about categories of members. David suggests working on the purpose/goals first, then move onto membership issues.

Gary Brosz asked if this guidance from DOE regarding the LSO not addressing Refuge issues was a big change from previous discussions. David does see it as a big change. Board members thought refuge issues would be the main focus of the LSO. Lorraine Anderson said she envisions that there will be some kind of 'friends of the refuge' group that would address refuge issues specifically. David added that there might be room to work on Refuge issues with non-federal funding for the LSO.

Regarding LSO membership, Sam Dixon stated that if you eliminate a public meeting to discuss the formation of the LSO, you may miss hearing from some people in the community. She said if people are at this meeting to discuss the LSO, and cannot be here next month, the Board wants to hear from you.

Public Comment

Ann Fenerty (citizen) stated that people should realize how large 1 gram of plutonium nitrate would be (1 billion picocuries). As a chemist, she would like to question some of the data from DOE.

Erin Hamby (RMPJC) is very concerned about the gram quantity allegations heard from the workers during the earlier public comment. Regarding the OLF, the reason it did not meet relevant and applicable criteria is because of the date of closure, not because of the contents of the landfill.

Marion Galant (CDPHE) announced that Steve Gunderson has taken over as Director of the Water Quality Control division for the state. She introduced Carl Spreng and David Kruchek as the CDPHE contacts on Rocky Flats issues.

Jeanette Alberg (Sen. Allard) noted that Senator Allard is still working on benefit issues for Rocky Flats workers and noted a recent press release on this issue.

Big Picture

Topics for the September 12, 2005, will include: 1) update mineral rights legislation, 2) discussion of the LSO, and 3) a briefing on the final land

configuration.

The meeting was adjourned by Shaun McGrath at 11:40 a.m.

Respectfully submitted by Erin Rogers.

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