

**ROCKY FLATS CITIZENS ADVISORY BOARD
MINUTES OF WORK SESSION
November 3, 1994**

FACILITATOR: Kate Morrison, AlphaTRAC

Linda Murakami delayed beginning the meeting one-half hour to allow time for more Board members to arrive, then called the meeting to order at 6:30 p.m. At the time the meeting began, there was not a quorum of Board members present, so updates were given on the agenda until a quorum was present at about 7:10 p.m.

Board/Ex-Officio members present: Alan Aluisi, Lorraine Anderson, Gale Biggs, Jan Burda, Lloyd Casey, Ralph Coleman, Gislinde Engelmann, Tom Gallegos, Kathryn Johnson, Jack Kraushaar, Albert Lambert, LeRoy Moore, Linda Murakami, David Navarro, Richard Seebass, Reginald Thomas, Gary Thompson, Beverly Lyne Wilber, Steve Tarlton

Board/Ex-Officio members absent: Stuart Asay, Jim Burch, Chuck Clark, Tom Davidson, Eugene DeMayo, Martin Hestmark, Leanne Smith

Public/observers present: Joe Rippetoe (citizen); T. E. DuPont (citizen); John Law (Morrison Knudsen); Marilyn Stone (DOE-HQ); Rick DiSalvo (DOE-RFFO); Mike Freeman (Environmental/Waste Management Committee); Harlen Ainscough (CDPHE); Randy Malloy (LATA); Joe Nowak (citizen); Dan Miller (State Attorney General's Office); A. Danzberger (Danzberger & Associates); Peter Hixson (CH2M Hill); Jim Henderson (TNE); Chris Dayton (ICF Kaiser); Todd Barker (Keystone Center); Gary Baughman (CDPHE); Kelly Coleman (Colorado School of Mines); Sterling Smith (citizen); Mary Harlan (City of Westminster)

COMMITTEE REPORTS:

1) Executive Committee

- **Recommendation:** Co-Sponsor the Rocky Flats Summit, March 4, 1995.
Action: Motion to accept. APPROVED.
- **Recommendation:** Form Ad-Hoc Membership Committee.
Action: Motion to accept. APPROVED. The makeup of the new committee and issues to be addressed will be discussed at the Board retreat on November 20.
- **Recommendation:** Removal of Inactive Board Member.
Action: Motion to accept. APPROVED.

2) Site Wide Issues Committee

- **Recommendation:** CAB Serve as Non-binding Advisor between CDPHE and EPA as Part of the Rocky Flats Cleanup Agreement. Gale Biggs suggested that a clause be added that CDPHE and EPA notify CAB in writing as to whether or not they accepted CAB's advice, and why.
Action: Motion to accept as amended. APPROVED.

3) Environmental/Waste Management Committee

- **Recommendation:** Allow committees to seek clarification and answers to questions from DOE before bringing recommendations to Board. (If approved, the committee will forward its questions on the OU4 IM/IRA to request clarification and information.)
Action: Motion to accept. APPROVED.

ADMIN RECORD

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4) Community Outreach Committee

- Update on October 17 joint meeting with Site Wide Issues Committee. Received a presentation from RFCA negotiators and asked questions. On October 26, there was a workshop held on the RFCA, which was very successful.
- Two main items currently being addressed by Outreach Committee: Citizens Guide to RFCA; and first issue of the CAB newsletter (sample newsletter ready by end of the year).

5) Plutonium Issues Committee

- Inaugural meeting of the committee was held on October 25. There was an update on the stoppage of plutonium operations at Rocky Flats; and a presentation on plans to consolidate plutonium into one building. Next meeting: Tuesday, November 22, 7 p.m. at Westminster City Hall. At the next meeting, committee members hope to select an official name for the committee and regular meeting date/time/location. LeRoy Moore, interim chair of the committee, noted that only two Board members attended the first meeting, and requested that other Board members become involved in this committee.
- LeRoy Moore discussed his upcoming leave of absence. He will be on sabbatical from January through approximately June of 1995. Two issues: (a) LeRoy would like to request a leave of absence without resigning from the Board; and (b) LeRoy would like to designate Tom Marshall to replace him as interim member during his absence.
 - (a) **Recommendation:** Approve LeRoy Moore's leave of absence.
Action: Motion to accept. APPROVED.
 - (b) **Recommendation:** Designate Tom Marshall to serve as interim Board member in LeRoy's absence. Several Board members expressed concerns with this idea.
Action: Discuss this issue at Board retreat.

ADDITIONAL ROCKY FLATS CLEANUP AGREEMENT (RFCA) COMMENTS/DISCUSSION: Tim Mealey read a statement indicating that at the Senior Executive Committee on 11/3, the state and EPA agreed to temporarily suspend negotiations on the RFCA until there is a further resolution of concerns regarding DOE's position on non-emergency removal actions and further development of the schedules to be included in the RFCA. The state and EPA will further clarify their concerns in a letter to be sent to DOE. The state will not participate in negotiation sessions at any level until the letter is transmitted; EPA will continue negotiations with DOE on issues of national significance that only affect EPA and DOE. This is a temporary measure, and parties will return to the table once the issues are resolved. It is hoped that the suspension will only last a few weeks. The main issue: DOE maintains that under CERCLA, they have the authority to take removal actions on their initiative without regulatory approval. The state believes that only in an emergency situation is this appropriate. They would like this agreement to state that in a non-emergency situation, it should require regulator approval and public comment. Informal public comment period on the RFCA will continue beyond November 15 as a result of this suspension.

ANNOUNCEMENTS:

- The **Board Retreat** will be held on Sunday, November 20, at the Table Mountain Inn in Golden. Staff is planning an event for the evening before the retreat - a murder mystery dinner at the Lumber Baron in west Denver (approximate cost per person is \$35). Board members will receive notices about the Saturday evening event from Erin Rogers.
- Reminder that the CAB will sponsor a **Contractor Forum** on Tuesday, November 29 from 6-8 p.m. at the Westminster City Hall. As the CAB did agree to sponsor this meeting, Board members are encouraged to attend and participate.
- **Environmental Laws and Regulations Workshop** will be held on December 2 and 3 at the Ramada Hotel in Westminster.
- Joelle Klein brought a cake on behalf of DOE to celebrate the **CAB's First Birthday**.

PRESENTATION: The Regulation of Wastes at Rocky Flats

There was a video presentation on mixed waste entitled "Searching for Solutions."

Kirk Ticknor, of the RCRA Permitting and Compliance Group at EG&G - Rocky Flats, presented information on the Resource Conservation and Recovery Act (RCRA). RCRA was created by Congress to provide for safe storage, treatment, disposal and transportation of hazardous waste. The law encourages recycling to minimize the amount of hazardous waste going to disposal sites. CDPHE manages the hazardous waste program. The major elements of RCRA include: training for those who deal with hazardous waste; contingency plans for spills or other problems; procedures to prevent hazards; inspections; physical requirements regarding containment; hazardous waste management permits; and specific requirements for cleanup. There are approximately 150 drum storage areas for hazardous wastes at Rocky Flats, about 500 tank systems containing hazardous waste, and 20 treatment units.

Rick DiSalvo, DOE-RFFO Waste Management Division, discussed the Atomic Energy Act (AEA). RCRA contains a provision that certain materials regulated by the AEA are not subject to RCRA, except when those materials are mixed with hazardous wastes (mixed waste). The AEA of 1954 promotes the safe use of materials that could produce energy or the utilization of the energy given off by radioactive materials (including production of weapons). The Act gives authority for regulation of these materials, thus the authority was given to the DOE over the utilization of materials for weapons production, and the Nuclear Regulatory Commission (NRC) governs all other uses. The largest volume of wastes handled at RFETS is radioactive.

Bob Ahlstrand, DOE-RFFO, talked about the Residue Compliance Agreement. About 1989-90, residues at Rocky Flats were declared to be covered by RCRA, as well as Colorado hazardous waste regulations. In February 1992, DOE submitted the Mixed Residue Reduction Report, which is a comprehensive plan for removing mixed residues from Rocky Flats. DOE began working more closely with CDPHE, and the result was a new settlement agreement in April of 1993 - the compliance agreement. The agreement provides for proper management of mixed residues, with the ultimate goal of removing them from the site. Currently program staff are working to develop storage areas, conducting treatment and disposal of liquids, characterizing solid residue materials, and developing alternatives for dealing with solid residues.

Panel Discussion / The Regulation of Wastes:

- Rick DiSalvo (DOE-RFFO), Local Perspective: Mixed waste residues must be treated to meet Colorado Hazardous Waste Act requirements. Some materials have special requirements, and there are different agreements related to those materials. DOE is required by the Federal Facilities Compliance Act (FFCA) to develop a plan to treat wastes over a specified period of time, to be approved by the state. Mixed waste poses a problem because you have to deal with both the radioactive and hazardous waste components. DOE must develop a plan that is satisfactory to the state by October 1995.
- Jackie Berardini (CDPHE), State Perspective: FFCA was adopted several years ago to regulate wastes that are hazardous but that are also mixed with radioactive substances. Treatment plans have to be approved at the site level by the state and EPA regulators, and additionally input and advice from the community is necessary. In addition, the law includes language that the state must consult with other affected states, which will initiate a discussion between the states about equity and burdens for mixed waste treatment. Since treatment and disposal facilities may not be available for many years, it poses the question of what to do with the wastes during the interim. Rocky Flats holds less than 10 percent of the volume of mixed wastes over all 50 sites within 27 states. Some waste will be shipped in the future to other states; however, much of the waste will be dealt with on-site. CDPHE would like to establish a precedent of the states working together to solve the waste problem.

- Marilyn Stone (DOE-HQ), National Perspective: The draft site treatment plans recently released have each site's preferred options listed. The states requested that DOE review the feasibility of on-site waste treatment options. Waste shipments will be difficult and controversial for the states. DOE wants to be certain that the states have done an in-depth analysis and are certain that on-site treatment is feasible. The plans currently propose that only two percent of the waste in the complex be shipped to other states; the vast majority of wastes will be treated on-site. Some of the treatment facilities that need to be built are already in DOE's budget. Recommendations on proposed treatment facilities should be forthcoming to the states on November 14. Site treatment plans are expected to be completed by February 1995.
- Arturo Duran (EPA), Accelerating Waste Treatment: Treatment technologies are being developed to prepare for when the site treatment plans are approved. In July 1991, the Departments of Defense, Energy, Interior, and the EPA agreed to identify avenues for development of technical solutions for waste management issues (the Western Governors' Association is responsible for this initiative). As a result, the DOIT Committee was established in December 1992; the DOIT Mixed Waste Working Group is identifying potential technologies to solve mixed waste problems. Two of the technologies selected for Rocky Flats are low temperature thermal desorption and microwave melting. Also, DOIT hopes to improve the process by identifying better ways to select technologies, identifying priorities, creating a more effective stakeholder involvement, and reducing regulatory barriers. Phase II of this initiative will focus on soliciting information on technologies available, and beginning an RFP process to get the technologies in place.

NEXT MEETING:

Date: December 1, 1994, 6:30 - 9:30 p.m.
 Location: Westminster City Hall, Multi-Purpose Room
 Agenda: • *The Future Disposition of Wastes at Rocky Flats*

ACTION ITEM SUMMARY:

ASSIGNED TO:

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| 1) Discuss policy and membership of new ad-hoc Membership Committee (at Board retreat); including policy regarding appointment of replacement for LeRoy Moore during his sabbatical | Board members |
| 2) Notify Bruce Belleville of his removal from Board | Kathryn Johnson |
| 3) Seek clarification on solar ponds closure | Staff, Environmental/
Waste Management Committee |

MEETING ADJOURNED AT 9:55 P.M.

* Taped transcript of full meeting is available in CAB office.

PUBLIC COMMENT PERIOD:

- Question:** Will topical items for consideration be solicited prior to the Summit?
Answer: Yes, any topics would be welcome for the Summit. Suggestions can be directed to Erin Rogers at the CAB office.
- Question:** Is there any word as to what will happen Monday with WSI? Their contract ends November 6 and there is a possible strike or walkout planned.
Answer: The negotiations are ongoing. The contract runs out at midnight on Sunday. In the event of a strike, there will be notification to staff members, and access will be limited to one gate at the site. But there will be business as usual. Designees have been brought in in the event there is a work stoppage.
- Question:** Is there anything official on the three groups who have bid for the RFP?
Answer: Yes, the three bidders will be Parsons, Kaiser/Hill, and Jacobs.

QUESTION AND ANSWER PERIOD TO BRIEFING ON REGULATION OF WASTES:

- Question:** Does EPA promulgate guidelines for cleanup of facilities which regulate radioactive material in the environment?
Answer: Yes.
- Question:** Does EPA have any role in the Residue Compliance Agreement?
Answer: We are working with them, but not as part of the compliance agreement. The reason is because the state is authorized to run the RCRA program and are the regulators for this program.
- Question:** What incentive is there for any of the states to step forward and become a treatment or storage site?
Answer: DOE would also like to discuss this issue. The state needs to address what the needs are for establishing a large treatment facility.
- Question:** What about transportation between the states - transporting through states without the treatment or disposal facilities?
Answer: All the transportation issues have not yet been resolved.
Comment: Perhaps the waste should be cleaned here before shipping to a permanent storage site, rather than transporting for both operations.
- Question:** Working in a compact-type arrangement, how will we be able to surmount many of the difficulties?
Answer: It will be difficult, but we need to establish cooperative relationships with other states about treatment, and have that serve as the model.

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