

**Rocky Flats Citizens Advisory Board
Meeting Minutes
July 10, 2003
6 to 9:30 p.m.**

Jefferson County Airport Terminal Building, 11755 Airport Way, Broomfield

FACILITATOR: Scott Woodard, AlphaTRAC

Victor Holm, the Board's chair, called the meeting to order at 6:05 p.m.

BOARD / EX-OFFICIO MEMBERS PRESENT: Dave Davia, Joe Downey, Jim Fabian, Anne Fenerty, Tom Gallegos, Shirley Garcia, Earl Gunia, Victor Holm, Jim Kinsinger, Bill Kossack, Alliyah Mirza, Andrew Ross / Rick DiSalvo (DOE), Joe Legare (DOE), Steve Gunderson (CDPHE), Dean Rundle (USFWS), Tim Rehder (EPA).

BOARD / EX-OFFICIO MEMBERS ABSENT: Tom Marshall, Mary Mattson

PUBLIC / OBSERVERS PRESENT: Ted Auker (CLTS, Brighton), Bill McNeill (Lafayette), Ralph Stephens, James Horan, Rob Henneke (EPA), Alan Trenary (Westminster), John Corsi (Kaiser-Hill), Vanessa Safonovs, Sam Dixion (Councilor, City of Westminster); Jerry Henderson (RFCAB staff); Ken Korkia (RFCAB staff); Patricia Rice (RFCAB staff)

PUBLIC COMMENT PERIOD / NEW BUSINESS:

Comment: Alan Trenary, citizen. Alan stated a concern for continued openness of the Wildlife Refuge Technical Review Group given the importance of the group's discussion in light of the long-lived nature of the contamination at the site. He also expressed concern with the decreased funding the government is providing to the Board and what he perceives is a lessening commitment by the government to clean up the environmental contamination.

New Business: Dave Davia: Dave first asked the Board to look at the most recent expense report that was part of the consent agenda. He asked that the line item budget for the ComRad Program be adjusted from \$120K to the actual amount spent. Also, he noted for the Board that the dollars under the SSAB Chairs meeting was not all money that came out of the Board's budget, but that a majority of this money spent will be a reimbursement from DOE Headquarters. Dave next reported on the most recent EMSSAB Chairs bi-monthly conference call. He participated in place of Victor. From the call, Dave noted that funding for DOE's EM program is flat for next year in relation to this year. He also noted that the other SSABs are facing similar budget cuts and that most have already completed their work plans for the coming year. Dave suggested that Victor provide updates to the Board on future calls. Finally, Dave reported that he and Patricia Rice are working on a stewardship presentation for next month's meeting. He also reported that DOE will soon release its Long-Term Stewardship Strategy document for 60-day public comment. The Stewardship Working Group has provided comments on earlier drafts. Staff will work on summarizing the document that will be a feature of next month's presentation.

New Business: Ken Korkia: Ken reported on the poll distributed to select a date for the Board's annual retreat. The dates looked at were August 16 or 23, with the least conflicts on August 16. During discussion, a concern was expressed that August conflicts with many vacation schedules and that normally the retreat is held in September for that reason. Also, a key member of the Grievance Committee would not be available in August. An explanation was provided that the August time frame was suggested to allow timely completion of the Board's transition plan. After further discussion, the Board confirmed September 6 as the retreat date.

APPROVAL OF RECOMMENDATIONS ON THE PROPOSED DEMOLITION PLAN FOR BUILDING 771/774:

The Board considered a pair of recommendations on the Building 771 Closure Project Decommissioning Operations Plan, Modification 5. Under a previous plan, it was assumed that all

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concrete would be decontaminated to meet the free-release criteria (20 disintegrations per minute, or dpm, for removable contamination and 100 dpm for fixed contamination). Past experience gained in the decontamination of B779 suggests that approximately 30% of the B771 slab would have to be cut out in order to meet this criteria. With the DOP Modification currently issued for public comment, the site is proposing to apply the risk-based subsurface soil approach to subsurface concrete that will be more than 6 feet below final grade.

Specifically, the proposal assumes:

- Concrete within 0-3 feet of final grade will still be cleaned to meet the free-release criteria, then removed, as required under the RFCA.
- Concrete within 3-6 feet of final grade will be decontaminated to free release.
- Concrete deeper than 6 feet below final grade could not exceed a contamination level of 7 nCi/g for plutonium and americium (approved on June 5, 2003 as the upper limit on allowable Plutonium/Americium contamination in subsurface soil between 3 to 6 foot deep).

The first recommendation considered by the Board was drafted by the Closure Projects Committee. It dealt with the following topics:

- ✓ preference for source removal
- ✓ the proposal's dependence on land configuration and erosion modeling
- ✓ the need to fully investigate implications for plutonium and americium transport, especially related to the tunnel between Buildings 771 and 776
- ✓ characterization and the need for independent validation and verification
- ✓ the importance of downgradient monitoring
- ✓ stewardship
- ✓ the need to investigate possible interaction between carbon tetrachloride and slab contaminants
- ✓ concerns regarding demolition of the B771 stack

After brief discussion, the recommendation was approved by consensus.

The Board also unanimously approved an accompanying recommendation on long-term stewardship considerations related to the Building 771 DOP Modification 5. During discussion, one member noted a concern that future generations would not be able to understand signs and markers. He asked the recommendation include a phrase asking the site to identify a common language or way for future generations to understand the meanings of signs and markers. The Board agreed.

In summary, the Board asked the Department of Energy not to substitute the use of institutional controls and other stewardship activities for a permanent solution, when a permanent solution is cost-effective and safe for workers. The recommendation also asked DOE to "layer" controls, to conduct a lifecycle cost estimate of stewardship activity versus the cost of cleanup to free-release criteria, and to consult stakeholders on issues of long-term stewardship.

With reference specifically to the Building 771 DOP Modification 5, the Board recommended a ban on construction and excavation around Building 771 and a ban on using groundwater. It also recommended the placement of signs around the perimeter of the building and a fence to keep people and wildlife from walking onto the area. It also recommended groundwater monitoring, as well as monitoring of slope stability and revegetation efforts, as well as a periodic assessment to verify controls continue to work in the future. It also recommended information management measures. It also recommended the public be kept informed of stewardship decisions made post-closure.

The Board approved the stewardship issues recommendation as amended by unanimous consent.

Electronic copies of the Building 771/774 demolition recommendations will be available on the web

at <http://www.rfcab.org/Recommendations.HTML>. They may also be requested from the RFCAB office at 303.420.7855.

PRESENTATION AND DISCUSSION ON FINAL RFCA MODIFICATIONS: Rick DiSalvo (DOE-RFFO) gave a presentation on recently adopted modifications to the Rocky Flats Cleanup Agreement, modifications that incorporated a risk-based approach for both surface and subsurface contamination. Specifically, the presentation focused on how the RFCA parties plan to implement the new approach. Key implementing components identified were the consultative process, accelerated action determinations, decision documents, the conduct of fieldwork, and closeout reports. The consultative process occurs both among the RFCA parties, and between the RFCA parties and the community. One of the commitments made by the agencies is to continue to consult and work with the community as they implement the new soil cleanup approach going forward. This consultation involves not just formal and informal comments on decision documents. In the soil section of the final RFCA Attachment 5, there is a provision that calls for community consultation when an ER project encounters contamination in subsurface soil (3 to 6 feet deep) between 1 and 3 nCi/g. What that process should entail with respect to RFCAB was the subject of some discussion. In the past, the agencies have contacted RFCAB staff, who in turn informed the Board of the situation (i.e. information flowed in one direction, from the agencies to the Board). Due to the practical time constraints associated with making a field decision, it would not likely be possible for the Board as a whole to give real-time input on a particular field remedial decision. However, it was suggested that in the future, staff could poll the Board quickly and informally via email, and thereby give the agencies some real-time input from individual citizens.

The Board packet included background on the criteria for making accelerated action determinations, so Mr. DiSalvo did not go into a lot of detail on it. There was also discussion about put-back levels, particularly in the 3-6 foot depth profile. Put-back levels generally apply to soils that have been excavated and are below the cleanup levels. Attachment 5 gives the site the flexibility to return such contaminated soil to the hole from which it was excavated. In all cases, the site's implementation of put-back levels will be subject to regulator approval. One example given as to why the regulators and the site wanted this flexibility was a hypothetical hotspot at 6 feet of depth that does not technically trigger remediation, but which the community wants removed nonetheless. If DOE were forced to waste all overlying contaminated soil (irrespective of whether the cleanup level is exceeded), removal of the deeper hotspot might not be economically feasible. However, the site and the regulators believe this put-back-level provision could, under the right circumstances, provide them the flexibility to achieve additional hotspot removal. One concern raised was in regard to the action levels between 3 and 6 feet and how those levels relate to put-back levels. With the need to obtain backfill material throughout the site, there could be an incentive to use soil with an activity just under 1 nCi/g as backfill. It was stated that this might have a negative impact to surface water quality.

After all fieldwork is done on an ER project, the final step is preparation of a closeout report. Its purpose is to document not only the results of an accelerated action, but also the sampling and analysis which establishes the levels of residual contamination. It is imperative to preserve this information for stewardship purposes, and indeed, the closeout report includes long-term stewardship recommendations for an individual hazardous substance site (IHSS). For those IHSSs where a no further accelerated action determination is made, the residual contamination is documented in what is called a data summary report.

The Board discussed how it might follow-up on the agencies' response to comments. One suggestion was for the Board to send a letter thanking DOE for its responses and include a list of three or so top issues still of concern to the Board. The Board delegated responsibility for considering this letter to the Closure Projects Committee since they would meet the following Monday evening. Another suggestion was for the Board to develop a list of questions, concerns or issues in advance of the next meeting to help guide a follow-up discussion with the agencies. Members were asked to use CABlist to submit their issues or questions.

CAB FUTURE DISCUSSION: Dave Davia and Victor Holm began the discussion noting the need for general Board agreement on the structure or outline for a transition plan and an understanding of who would be responsible for actually drafting the plan. The Board's discussion first focused on the structure of the plan. Dave provided an outline he uses in his work where one first describes the current status and reason for developing the plan (i.e., what is the change that is going to occur?), followed by a description of the changes. Such an outline then allows one to develop a budget supporting the new activities.

Other comments included a concern that developing a plan based on assumed funding would be a mistake, or at least there should be two plans, one that assumes a certain level of funding and one that does not. Also, the Board needs to include information on its exit strategy providing details such as when staff will depart and what will be done with the Board's records and assets. Another idea was to start back with the mission statement and goals for the Board and use that as a springboard for developing more refined details on operations for the next several years. Another idea was to contact DOE regarding the data identification description (DID) its uses in preparing its own transition plans and use that as a model. It also was suggested that the plan must include activities related to cleanup at the site and as well as activities related to long-term stewardship. Discussion also centered on whether the Board should pursue future funding from the Office of Legacy Management within DOE. A reminder was made that DOE offered to provide staff resources to the Board to assist in developing the transition plan.

Based on the discussion, Scott Woodard, the evening's facilitator, summarized the key points. These included the need to reexamine the mission statement and goals; the need to provide a comment on the Board's view that its work scope is not diminishing over time, but rather making a transition from cleanup related activities to those associated with stewardship; the need to include future work scope; and the need to include an exit strategy.

The Board decided to take the following actions. First, the Executive Committee will contact DOE to obtain a copy of its DID. It will also inquire about the availability of DOE personnel to assist in writing the plan. Second, members were recruited to assist in drafting the plan. The volunteers included Joe Downey, Dave Davia and Jim Fabian.

The Board next discussed near-term ideas to save money. These included whether to continue using a facilitator for Board meetings and whether there might be cheaper venues to hold meetings. With respect to the question of using a facilitator, members generally agreed that not all Board discussions need facilitation. Suggestions were made that either staff or the chair could lead many of these discussions. The Board decided to explore these alternatives beginning at the next monthly meeting. With respect to alternative meeting locations, the Board was asked to provide ideas to staff.

NEXT MEETING:

Date: August 7, 6 to 9:30 p.m.

Location: Jefferson County Airport Terminal Building, Mount Evans Room, 11755 Airport Way, Broomfield

Agenda: Follow-up discussion on the RFCA modifications; Discussion with the Board's attorney regarding lease obligations; Presentation and discussion on the Rocky Flats Long-Term Stewardship Strategy; Update on the development of the Board's transition plan

MEETING ADJOURNED AT 9:35 p.m. *

(* Taped transcript of full meeting is available in the RFCAB office.

EXECUTIVE SESSION: The Board heard a report from its Grievance Committee outlining findings of

its investigation into issues raised between certain staff and board members. The Board will discuss lessons learned from the report as part of its annual retreat agenda.

RESPECTFULLY SUBMITTED:

Joe Downey, Secretary
Rocky Flats Citizens Advisory Board

The Rocky Flats Citizens Advisory Board is a community advisory group that reviews and provides recommendations on cleanup plans for Rocky Flats, a former nuclear weapons plant outside of Denver, Colorado.

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