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May 24, 1994

94-RF-05765

### Distribution

ROCKY FLATS CLEANUP AGREEMENT (RFCA) NEGOTIATIONS MAY 19, 1994 -  
PWS-064-94

RFCA negotiations were held at the Environmental Protection Agency (EPA), Denver Conference Center, on May 19, 1994 Attached is the meeting minutes If you would like a copy of the Rocky Flats Environmental Restoration Accelerated Cleanup presentation or the Strategic Planning Initiative, Review, and Implementation Team document, please contact my office at extension 7211

If you have any questions, please feel free to call me

Peter W Swenson  
Transition Management

ahb

Attachment  
As Stated

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ADAMS, K.	X	X
AYERS, P.	X	X
LEE, E. M.	X	X
MORISSETTE, L. S.	X	X
MURRAY, E. R.	X	X
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**ROCKY FLATS CLEANUP AGREEMENT (RFCA)  
MEETING ATTENDEES  
MAY 19, 1994**

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**ENVIRONMENTAL PROTECTION AGENCY (EPA)**

Martin Hestmark  
Lou Johnson  
Peter Ornstein  
Bill Fraser  
Cliff Villa  
Artura Duran

**STATE OF COLORADO (STATE)**

Gary Baughman - Colorado Department of Health (CDH)  
Joe Schieffelin " "  
Joan S Sowinski " "  
Colorado Attorney General (CAG) not in Attendance

**DEPARTMENT OF ENERGY (DOE)**

Rick DiSalvo  
Dave Brockman  
Ray Greenberg  
Tim Howell  
Frazer Lockhart  
Jennifer Pepe  
Jesse Roberson  
Regina Sarter  
Rich Schassburger  
Steve Slaten  
Vern Witherill  
Ann Taylor - Booz, Allen, Hamilton

**EG&G ROCKY FLATS, INC.**

Ed Lee  
Sue Stiger  
Wanda Busby  
Ned Hutchison  
David Ward

**KEYSTONE - Facilitator**

Todd Barker  
Tim Mealey

**ROCKY FLATS CLEANUP AGREEMENT (RFCA)  
AGENDA  
MAY 19, 1994**

The agenda for the day was presented, and is

- Presentation on Accelerated Cleanup
- Presentation on Accelerated Approach for Industrial Area OU's
- Update on Status of Public Involvement
- Calendar of Negotiations

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**ROCKY FLATS CLEANUP AGREEMENT (RFCA)  
MEETING MINUTES  
MAY 19, 1994**

**Negotiation Minutes**

From 8:30 to 12:00 a presentation was made by Frazer Lockhart of the Department of Energy, Rocky Flats Field Office (DOE, RFFO) on the Rocky Flats Environmental Restoration Accelerated Cleanup and the Strategic Planning Initiative, Review, and Implementation Team (SPIRIT) document, which were handed out at the meeting. Peter Ornstein of the Environmental Protection Agency (EPA) asked how that tied into negotiation because all the proposed action approaches were included in the existing Interagency Agreement (IAG) Interim Measures/Interim Remedial Actions (IM/IRA) process, except emergency removal actions. Frazer explained DOE was looking for more flexibility than the existing IM/IRA process allows, like not requiring a 60 day public notice on all "cleanup" removals.

Martin Hestmark asked if the accelerated actions could cause extension, like at OU2 and OU4. Frazer stated DOE was looking at the long range picture and that the final cleanup would probably be sooner, but some near term milestones may have to be slipped. Martin stressed it may be better to do things better, not faster, and that maybe hurried up actions on OU1 and OU2 may have caused spending unwisely. Martin pointed out that DOE needed to realize the risk of the accelerated program. Based on his questions about budget and effect of accelerated actions on out year budgets, it appears Martin meant DOE's risk of mission milestones, because they spent money on the accelerated program and not milestones.

Lou Johnston did not see the impact on the IAG schedule on accelerated action screening lists. Frazer added it.

Joe Schieffelin brought up what is the point of accelerating if you have no where to dispose of removed items. Joe brought this up many times. Frazer stated this has to be worked in parallel, but that is might be better to get the high risk items out of the ground and stored in a contained covered area. Martin pointed out putting it in drums did not allow you to close out the OU.

Lou is concerned about errors of omission and wants coordinated approval. Frazer agreed and wanted a shared willingness to start the process.

Ornstein stated all these actions have to flow through the existing IM/IRA process and when Frazer agreed Martin asked how come we haven't heard about it formally before now. Frazer stated EPA and the Colorado Department of Health (CDH) had agreed by the change control process. This is where Martin challenged the effect on the IAG budget and the discussion drifted off to the budget process once again.

Martin asked how Decontamination and Decommissioning (D&D) pilots fits in to the accelerated process and budget. Frazer stated D&D was not part of the IAG process. Ornstein stated DOE was negotiating on "bad faith", because DOE knows EPA is interested in the D&D plans. Frazer said if DOE was operating in "bad faith" he would not be making this presentation. Ornstein pointed out the fuel oil tanks was a Comprehensive Environmental Response, Compensation and Liability Act Removal.

**ROCKY FLATS CLEANUP AGREEMENT (RFCA)  
MEETING MINUTES  
MAY 19, 1994**

This whole discussion ended up with the establishment of a task group with members from each agency to establish

- 1 Modification to the IAG Work Package
- 2 Develop Language
- 3 Categories of IHSS
- 4 DOE Self-Inspection of the IM/IRA protocols

EPA agreed this looked like a good idea CDH wants to know where the removals are going to be stored and disposed

Wanda Busby presented the need to change the OUs in the industrial area and requested a task group to evaluate how this should be done It was decided to use the same work group with some additional people

The discussion ended at 2 00 p m and all but the negotiating team members left

Tim Meally provided an update to the public involvement based on a meeting last night, May 18, 1994 The next public meeting is June 1, 1994, for scoping, to review the negotiating schedule, and to issue a list of public values

The Negotiating Calendar was evaluated.

May 26, 1994 8 30 - 3 00  
June 9, 1994  
June 16, 1994  
June 27, 28, 29, 1994 in Keystone  
July 7, 1994  
July 14, 1994  
July 20, 21, 1994  
July 27, 28, 1994

\*No Negotiations June 2, 1994

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