

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, June 2, 2003

8:30 - 11:30 a.m.

Mt. Evans Room in the Terminal Building
 Jefferson County Airport, Broomfield

Board members in attendance: Hank Stovall (Director, Broomfield), Tom Brunner (Alternate, Broomfield), Mike Bartleson (Alternate, Broomfield), Lorraine Anderson (Director, Arvada), Clark Johnson (Alternate, Arvada), Karen Imbierowicz (Director, Superior), Nanette Neelan (Alternate, Jefferson County), Lisa Morzel (Director, City of Boulder), Jane Uitti (Alternate, Boulder County), Sam Dixon (Director, Westminster), Ron Hellbusch (Alternate, Westminster).

Coalition staff members and consultants in attendance: David Abelson (Executive Director), Kimberly Chleboun (Program Manager), Melissa Anderson (Technical Program Manager), Barbara Vander Wall (Seter & Vander Wall, P.C.).

Members of the Public: Dave Shelton (Kaiser-Hill), John Corsi (Kaiser-Hill), Tom Dieter (Kaiser-Hill), Chris Gilbreath (Kaiser-Hill), Bob Davis (Kaiser-Hill), Mike Swartz (Kaiser-Hill), Bob Nininger (Kaiser-Hill), John Rampe (DOE), Joe Legare (DOE), Gene Schmitt (DOE), Pat Etchart (DOE), Jeremy Karpatkin (DOE), Liz Wilson (DOE), Karen Lutz (DOE), Patrick Etchart (DOE), John Schneider (DOE), Laurie Shannon (USFWS), Mark Sattleberg (USFWS), Dean Rundle (USFWS), Tim Rehder (EPA), Rob Henneke (EPA), Steve Gunderson (CDPHE), Denise Onyskiw (CDPHE), David Krucke (CDPHE), Patricia Rice (RFCAB), Shirley Garcia (Broomfield), Nancy Lemein (Arvada), Bob Nelson (Golden), Phil Cruz (RFSOIU #1), Robert Lynch (RFSOIU #1), Dan Chesshir (RFSOIU #1), Sandy Dazzio (Wackenhut), Roman Kohler (Rocky Flats Homesteaders), Doris DePenning (Friends of the Foothills), Hildegard Hix (Sierra Club), Karen Hollweg (citizen), Margaret Boyd (Boyd Solutions), .

Convene/Agenda Review

Chairman Lorraine Anderson convened the meeting at 8:38 a.m.

Business Items

1) Motion to Approve Consent Agenda - Hank Stovall motioned to approve the consent agenda. Karen Imbierowicz seconded the motion. The motion passed 5-0 (the City of Boulder and Jefferson County were not yet present).

2) Executive Director's Report - David Abelson reported the following items:

- Six senators sent a letter to Senators Domenici and Reid (Chair and Ranking Member on

ADMIN RECORD

appropriations Energy and Water subcommittee) regarding funding for worker transition. The letter is a companion to the House letter signed by Reps. Beauprez and Udall. Senator Allard did not sign the letter as he is an authorizer and directly involved in setting the funding levels for this program.

- Gene Schmitt reported at the Quarterly Stakeholder meeting that plutonium packaging and shipments to the Savannah River Site will be completed by the end of the year, although exact dates are classified. At that point Rocky Flats will no longer be considered a nuclear site and 300 people will lose their jobs.
- The security police officers (SPO) have met with success in finding jobs at other DOE sites due to the efforts of the SPO union. They have had limited success finding jobs locally.
- There was a voluntary steelworker reduction over the past month which 130 people signed up for.
- David met with Allard, Udall, and Beauprez staff to discuss mineral rights issues raised by the Coalition Board and Charlie McKay. Rep. Udall made changes to his draft mineral credits bill including: 1) a revised finding to reflect the fact that acquisition of mineral rights by DOI can reduce the amount of lands that DOE might have to retain; 2) revised language to make clear that accepting credits instead of cash would be optional for the seller and nobody could be forced to take the credits via condemnation; and, 3) deletion of the provision related to the method of establishing the value of the mineral interests. David explained Charlie McKay felt he could get a better deal if value was not based on federal guidelines which are subject to change.

Lisa Morzel asked who would manage the mineral rights if DOE did not. David replied if the mineral rights are permitted or being actively mined DOE will remain in charge of managing the area, although the permit system is through the county and state regulations are applied. He added that according to the current status of the Memorandum of Understanding (MOU) it looks like DOE would manage the rights and not USFWS.

Public Comment

There was no public comment at this time.

Draft Refuge Planning Alternatives

Dean Rundle (USFWS) first explained status of the planning process. USFWS is currently getting public input on four refuge management alternatives, including their draft proposed alternative. These four conceptual alternatives were shaped by taking into account the 1800 comments they received during the public scoping process. USFWS will next begin drafting the Comprehensive Conservation Plan/Environmental Impact Statement (CCP/EIS) which will be released for a formal NEPA public comment period February 2004.

Dean explained that these four conceptual alternatives are all viable in terms of funding, habitat restoration, public use, and in supporting the refuge mission and purposes established by Congress. He emphasized that the alternatives, specifically the draft proposed alternative, can be altered by deleting, adding, or combining elements based on public input. Dean presented the maps which show habitat and restoration potential and public use for each alternative. He explained that the area outlined in the center of the maps (also known as "the blob") would be retained by DOE, subject to change based on cleanup decisions. He noted the area would most likely get smaller than larger, and it also does not preclude future cooperation between USFWS and DOE on future surface management. Dean then described the following four refuge management alternatives:

- Alternative A - No Action: Continue current habitat and wildlife management practices that focus on the Rock Creek drainage. Limit habitat and wildlife management in other areas to the protection of existing conditions. Restrict general public use to organized guided tours. Stabilize Lindsay Ranch barn. Chain link security fence. One part-time employee supported by Rocky Mountain staff.
- Alternative B - "Draft Proposed Action" Wildlife, Habitat and Public Use: Implement extensive habitat and wildlife management and conservation. Accommodate wildlife-dependent public use, including pedestrian and multi-use trails (excluding horses), some seasonal off-trail use, a youth and/or disabled hunting program, and a seasonally staffed visitor contact station. Stabilize and maintain Lindsay Ranch barn. Maintain current stock fences. Facilitate trail connectivity to surrounding open space. Three full-time employees.
- Alternative C - Ecological Restoration: Maximize habitat and wildlife management and conservation focused on the restoration to presettlement conditions. Limit general public use to one pedestrian overlook for organized tours only. Remove Lindsay Ranch structures and preserve through documentation and photos. Maintain current stock fences. Four full-time employees.
- Alternative D - Public Use: Focus habitat and wildlife management on the restoration of select plant communities and the conservation of existing native plant communities and wildlife species. Provide opportunities for a diversity of compatible public uses, including multi-use trails (including horses), limited hunting programs, and a visitor center. Maintain current stock fences. Five full-time employees.

Dean clarified that hunting programs would most likely occur on a couple weekends per year and would involve closure of the refuge and use of primitive hunting methods. He added that no pets would be allowed under any of the alternatives. Likewise, the 300 foot transportation corridor on the east side of Rocky Flats would be addressed in the draft CCP/EIS the same way under each alternative, including analysis of impacts and cost. There would not be any specific right-of-way width or configuration tied to any of the alternatives. Dean stated the refuge would be managed as part of the Rocky Mountain Arsenal complex, thus staff and infrastructure would not be duplicated. He also said the refuge would not open with all of the restoration and public access immediately in place on day one, but would most likely be phased in over time.

Lisa Morzel asked how phasing would work. Dean said they have are not yet to that level of detail, but he has received a lot of input about priorities. Also, stepdown plans such as fire management or hunting plans will require a public comment process. Ron Hellbusch asked about the funding process. Dean responded their funding source is annually appropriated funds through Congress to the USFWS budget. The refuge management information system identifies facilities and programs for approved CCPs, which then goes to the regional offices where chiefs make funding requests. He also explained that work is accomplished through partnerships with other organizations (such as Great Outdoors Colorado) and volunteers.

Nanette Neelan asked how he arrived at the number of full-time employees needed for alternatives B and C. Dean said, based on his twenty-five years of experience, he determined a refuge manager, public use/law enforcement staff, and a biologist would be necessary for B. An additional biologist would be needed for C, and additional public use staff would be needed for D. Lisa said that in reviewing the staffing requirements USFWS should consider that the City of Boulder open space has over 3.5 million visitors a year so the refuge could potentially see a lot of use. Dean responded that the refuge will have access to resources from the rest of the complex, and three staff to manage 5000 acres of grassland is a high staffing level for a refuge. He emphasized that dogs will not be allowed and no uses can be allowed unless they are deemed compatible. Dean also stated that alternatives A and C are attractive, but the intent of the legislation is to allow some public access to the refuge where it is determined safe to do so.

Lisa asked how they would handle social trails so there is no degradation of land off-trail. If Vauxmont is developed to the south of the refuge there is a potential for users to not use the trailheads. Dean said it would be a challenge, but they would use resources such as law enforcement staff, education, fines and citations, and even arrest. Nanette asked about lands to be retained by DOE and how the transition of management would work. Dean explained the size of the area maintained by DOE would not change after the refuge is established as this is a decision that would be determined in the CAD/ROD after institutional controls are decided on. Ron suggested people visit the Rocky Mountain Arsenal refuge to get an idea of how an urban refuge can accommodate the needs of the public as it is a good model in operation. Karen Imbierowicz said the Arsenal is fenced off with little public access. Dean agreed it is an island surrounded by a security fence and access is highly managed as cleanup is still ongoing. They also did not want to fence covers within the refuge which could impact wildlife movement.

Tom Brunner asked what would happen to access roads. Dean said roads necessary for DOE management of remedies and fire suppression will remain. They will try to make trails accomplish as many purposes as possible. Public access will come in from Highway 93. Sam Dixon referred to phasing in programs and access and said she would like to see no public access for at least ten years until monitoring results are confirmed. Lisa asked if USFWS had discussed any research opportunities with local universities. Dean responded they had not directly done so yet, but research is one purpose of a refuge. He noted they had a long history working with Colorado State University's wildlife cooperative unit. Under alternative B USFWS would not actively seek out research partners and funding, but they might do so under alternative D.

Lisa asked why the Lindsay Ranch barn would be preserved but not the house. Dean stated the house is in really bad shape. The barn was badly damaged with the heavy snowstorm this spring and they are working with the Jefferson County Historical Society for a grant to assess structural stability. Nanette added the intent in preserving Lindsay Ranch is to preserve the cultural landscape, the concept of the ranch and the relationship between the buildings and ponds. David Abelson referred to the relationship between a refuge visitor center and the Rocky Flats Cold War Museum. He asked if USFWS would rule out being a partner with the Museum if alternative B is chosen. Dean said he can not conceive of a budget environment that would allow for another major urban visitor center with a flagship visitor center at the Arsenal. However, the Museum would provide a huge opportunity for partnerships, exporting of programs, and a higher level of programming than alternative B alone would allow for.

Remediation Alternatives for Deep Basements in Building 771

Tom Dieter (Kaiser-Hill) began by providing a background on Building 771/774. The building is 151,000 square feet and constructed within a hillside, with approximately 75,000 square feet located beneath six feet of original grade. The 771 Decommissioning Operation Plan (DOP) Modification, which was approved in September 2001, calls for decontaminating the concrete to unrestricted release presuming reuse on-site. Additionally, Tom said Site end-state and final use decision were still under review. Next, he described decontamination of the building thus far. Lorraine Anderson asked if the walls helped stabilize the hill, and Tom responded in the affirmative.

Dave Shelton (Kaiser-Hill) then explained the basis for the change in their approach to decontaminating the deep basements. The Site would like to apply a risk-based approach instead of cleaning to unrestricted release levels. Based on extensive characterization and experience gained from the

decommissioning of B779, the majority of the slab would require multiple hydrolasing passes (~90%) or cutting/rigging (~30%) in order to achieve the existing unrestricted release criteria. The concrete would not be reused as backfill. Dave stated if they cleaned to unrestricted release levels it would mean hazardous work for the work force, substantial waste produced, and little or no environmental risk reduction. He emphasized that the foundation slab and walls would remain in place under both the current or proposed plan.

Dave stated that this approach would be in line with the recently approved risk-based soil remediation approach and would apply the Industrial Area Sampling and Analysis Plan methodology and the risk screen analysis to assure appropriate actions. Additionally, based on the Actinide Migration Evaluation Study they know the plutonium and americium are not mobile in the subsurface. Under this proposal the B771/774 structure would be evaluated and dispositioned as follows:

- Structure within six feet of final surface grade will meet the unrestricted release criteria for building materials (100 dpm fixed, 20 dpm removable).
- Structure deeper than six feet below final grade will not exceed 7 nCi/g.
- Residual contamination above 20 dpm/100 cm² will be fixed.
- Additionally, structure within zero to three feet will be removed.

Dave said Kaiser-Hill expects that 95% of the building below six feet will be at or below 1nCi/g.

He then described characterization and verification sampling, and noted that approximately 5% of the slab will require removal including the infinity room, portions of the former processing areas and the B774 basement. The demolition plan will detail how areas of fixed contamination will be protected during demolition activities and void space mitigated. Soil, recycled concrete, and/or gravel may be placed on the slab to minimize equipment contact with the fixed concrete and voids.

Dave also described the relationship of B771/774 to environmental remediation (ER). The preliminary under building contamination characterization indicates that no action is warranted. It appears that contamination was caught in the concrete and did not make it down to the soil underneath the slab. The final grade of the hillside will be approximately eight to one, or 12%, in order to address erosion and slope stability. Dave provided illustrations which showed cross sections of B771 and groundwater flow around it, including the carbon tetrachloride plume. He described french drains, groundwater collection, treatment and monitoring to ensure groundwater flow around the building. Dave also stated they would remove the carbon tetrachloride source.

The DOP modification will be released for a formal 30-day public comment period to begin the week of June 16th. Dave assured the Board that issues such as slope stability, erosion, groundwater infiltration, and the carbon tetrachloride plume are not impacted by this proposal and are manageable.

Lisa Morzel asked if the Site would consider extending the comment period. Dave said the contractors are doing decontamination now and they need to know their scope of work, but if something significant changes he would ensure further discussion. Hank Stovall asked how deep the carbon tetrachloride plume runs and to what level it would be remediated. Dave said depth to bedrock is twelve to fifteen feet, and they do not have specific remediation details yet but they want to remove as much of the source as possible so there would not be a continuing source to move downhill.

David Abelson said it would be a clear mistake to look at the deep basements in isolation as the bigger picture involves the surrounding area and how the building relates to the carbon tetrachloride plume, moving groundwater, and B371 drainage. He said it does not make sense to move forward until they

understand how they will address the entire hillside. Dave respectfully disagreed, stating the issues David raised are totally independent of the contamination in the B771 basement. He said the hillside and groundwater issues will be there whether or not they leave contamination in the basements. Tim Rehder (EPA) asked if the DOP would provide details on how much contamination would be left in place, the slope grade, or groundwater flow. Dave referred to the issue of groundwater flow and said it would be an ER consideration, not Decontamination and Decommissioning. Nannette Neelan asked if they were putting in a french drain due to hydrostatic pressure, and if they get a lot of flow through the current drain, because their placement of the french drain does not make sense. Dave explained the french drain would be an insurance policy to prevent groundwater moving through the basement in case the current drain at the bottom of the wall fails. He noted the flow is very low and there are some unsaturated areas, but according to the Water Balance Study groundwater in the Industrial Area will rise due to increased infiltration after structures are removed. Hank said basement contamination levels and the carbon tetrachloride plume are two separate issues and should be addressed separately, although he would not want carbon tetrachloride in the basement.

David stated decisions become interrelated and referred to cross sections of the slope. He said if groundwater is moving through the basement to the shallow toe of the slope, one concern is a seep, combining with plume movement and movement of plutonium and americium as particulates out through the seep. Sam said that in earlier discussions the cities said they wanted the foundations removed. Dave said Kaiser-Hill never planned on removing them due to the safety issues and the potential for the whole hillside to fall into the open pit. Lisa said she had the same recollection as Sam, and then asked about the slope stability, soil profiles, and the potential for the basements to act as aquicludes, creating aquifers in the materials above. Dave said the soil is Rocky Flats Alluvium, but a lot of dirt has been moved around onsite. He referred Lisa to information already provided from the erosion study. Dave stated the basement will not be solid concrete once several chunks of the slab are removed, and they are planning for the eventuality of water in the basement. He added they would be working to ensure stabilization downgradient, and there would not be plutonium seeping out of the hillside. Lisa responded she is not worried about plutonium, but is concerned about uranium from the solar ponds. Dave said uranium is not a concern due to the collection and treatment system.

David asked Kaiser-Hill to explain the threat to workers. Tom Dieter described the conditions workers would be under while removing slabs of concrete within the confined area, including respirators and heavy gear resulting in heat stress, and the dangers of chains, cables and hoists moving the concrete. There are airborne and electrical hazards. He said hydrolasing could not go down far enough to get all the concrete to the free release level. Nanette asked how they would take down the north wall, and Tom said it is an outside wall so they will clean it to free release levels and take it down with backhoes. Sam Dixon referred to the french drain, and said she wished they would use correct terminology since the french drain they described (possibly using gravel) is not really a french drain. Dave said they would create a durable, high permeability zone to act as a drain, but he does not have the exact details yet on how it would be constructed. Lisa asked Coalition staff to keep the Board apprised of Rocky Flats Citizens Advisory Board (RFCAB) comments on these issues.

Coalition End-State Policy

Lorraine Anderson referred to the Coalition's two end-state letters and stated there is still plenty of opportunity to continue to comment on end-state issues, as shown during the current Board meeting. David Abelson reviewed some of the remaining cleanup decisions to be made, including:

- Building 776 DOP modifications

- Original Landfill remediation
- Present Landfill remediation
- Long-Term Stewardship strategy
- Deep basements in buildings 771 and 371
- Industrial Area plume treatment system
- Comprehensive risk assessment methodology
- Final land configuration design
- 903 Pad VOC and groundwater treatment plan

David said none of these decisions are precluded by the Coalition's end-state letters. Karen Imbierowicz said it appears the Site's long-term stewardship strategy is important, and asked if DOE had addressed any of the stewardship issues raised by the Coalition. David explained that stewardship planning is a multifaceted continual effort with no definitive timeline, with some issues not being resolved until final Site documents are signed. He directed attention to the Coalition's assertion that CDPHE and EPA must have a continuing regulatory role post-closure, and stated that the details of post-closure enforcement are still being worked out. Right now CDPHE and EPA hold the same role as the Coalition in weighing in on the Long-Term Stewardship Strategy document. David believes there is no adequate partnering on the development of the stewardship plan and DOE is resisting greater certainty. David also referred to the issue of funding and said the Office of Legacy Management may make annual appropriations more likely. He noted trust funds create their own host of challenges, and that funding is another stewardship issue to be resolved over time. Karen supported continued focus on stewardship issues.

Round Robin

City of Boulder - Lisa Morzel motioned to re-open approval of the minutes as she was not present when they were approved. Sam Dixon seconded the motion. The motion was approved 7-0. Lisa motioned to remove her statement in the last paragraph on page 2 "the Site is very short-sighted". Sam Dixon seconded the motion. The motion was approved 7-0.

Lisa also raised the issue of the term "Original Landfill" being misleading since it is technically not a landfill, but a dump. Lisa Morzel motioned that in future discussions the Original Landfill be referred to as the Original Dump. Sam Dixon seconded the motion. The motion failed 4-2. (Arvada and Broomfield opposed; Jefferson County abstained). There was further Board discussion about wordsmithing, the history of the landfill, using appropriate terminology and misleading the public, and allowing Board members enough time to speak before moving to the next agenda item.

Arvada - Lorraine Anderson announced Secretary Abraham had appointed her to the DOE Environmental Management Advisory Board, a seven member board that advises DOE. She will be representing the Energy Communities Alliance not just Rocky Flats.

Public Comment

Tim Rehder (EPA) reported back to the Board on the use of geophysical techniques and ground penetrating radar to characterize the Original Landfill, as requested at the May Board meeting. Tim said he had researched other landfills around the country and the radar has been used successfully to identify landfill locations and boundaries, but not for characterizing the landfill contents. He explained there would be too much rubble and density layers that would create too much noise. His findings are summarized in a paper with references which he provided to Melissa Anderson.

Big Picture

David Abelson reviewed the Big Picture. The Board agreed to cancel the July meeting as there will be a short lull in information available to discuss.

The Board discussed the B771/774 deep basements and agreed to work through staff to submit comments to the Site. The Board again considered issues of: worker risk versus future risk to public health and the environment; erosion; how much contamination would be left; working with the RFCAB; long-term stewardship; backfill, revegetation and land configuration.

Lisa Morzel said she wants the RFCAB to have an avenue through the elected officials to be able to speak to the regulators. Hank Stovall said he does not want the Coalition to begin basing concerns and fashioning decisions on the RFCAB. David said that local government and Coalition staff already work with RFCAB staff on these types of technical issues. Lisa responded this deep basement approach is new information to the Coalition and other stakeholders and the timeline is very short to provide public comment. She added her concern is not so much about the 12% slope as it is about having enough information to make a well-informed decision. David expressed the opinion that it does not matter whether the comment period is 30 or 120 days as the overall issues will take some time to address. Melissa Anderson further clarified that the Coalition could provide comments that would not necessarily give approval of the plan, but instead cite the Coalition's concerns with the project. Nanette Neelan asked if Kaiser-Hill could postpone backfilling the basement until a more global perspective is possible. Melissa said it is possible a huge open hole would be a worker and environmental hazard. Clark Johnson added it may also be difficult since crews are being mobilized now.

The meeting was adjourned by Lorraine Anderson at 11:34 a.m.

Respectfully submitted by Kimberly Chleboun, Program Manager

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