



WESTMINSTER
COLORADO

AGENDA

SPECIAL CITY COUNCIL MEETING

MONDAY, AUGUST 2, 1999 at 7:00 P.M.

- 1. Pledge of Allegiance**
- 2. Roll Call**
- 3. Purpose of Special Council Meeting**
 - A. TABLED – Resolution No. 52 re DOE proposal for Disposition of Concrete Rubble at Rocky Flats**
- 4. Adjournment**

July 30, 1999

To All Members of City Council:

A special meeting of the City Council has been set for Monday, August 2, 1999 at 7:00 P.M. at City Hall for the following purpose:

TABLED – Resolution No. 52 re DOE proposal for Disposition
of Concrete Rubble at Rocky Flats

Sincerely,

Michele Kelley, CMC
City Clerk

July 30, 1999

Michele Kelley, City Clerk
City of Westminster
4800 West 92nd Avenue
Westminster, CO 80031

Dear Michele:

Please call a special meeting of the City Council for Monday, August 2, 1999 at 7:00P.M. to be held at City Hall for the following purpose:

TABLED – Resolution No. 52 re DOE proposal for Disposition
of Concrete Rubble at Rocky Flats

Sincerely,

Nancy M. Heil, Mayor

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE SPECIAL CITY COUNCIL MEETING
HELD ON MONDAY, AUGUST 2, 1999 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE:

Mayor Heil led Council, Staff and the audience in the Pledge of Allegiance.

ROLL CALL:

Present at roll call were Mayor Heil, Mayor Pro Tem Merkel and Councillors Allen, Atchison, Dixon, Hicks and Smith. Also present were William Christopher, City Manager; Martin McCullough, City Attorney; and Michele Kelley, City Clerk. Absent none.

PURPOSE OF SPECIAL MEETING:

Mayor Heil stated the purpose of the special meeting was to consider Tabled Resolution No. 52 re proposal for Disposition of Concrete Rubble at Rocky Flats.

RESOLUTION NO. 52 – DISPOSITION OF CONCRETE RUBBLE AT ROCKY FLATS:

A motion was made by Dixon and seconded by Hicks to remove Resolution No. 52 from the Table. The motion failed with dissenting votes by Allen, Atchison, Heil and Smith. John Rampe, 2334 S. Hoyt Street, Lakewood, CO, Deputy Assistant Manager for Rocky Flats, was present to address Council and answer questions.

Councillor Atchison asked if Council should discuss this issue since it was not removed from the Table. Mayor Heil asked Council to vote on whether to proceed with the discussion since Mr. Rampe was present at the meeting. Mayor Heil, Mayor Pro Tem Merkel and Councillors Allen and Smith voted to continue the discussion; and Councillors Atchison, Dixon and Hicks voting in opposition. Discussion on the disposition of concrete rubble at Rocky Flats continued with the presentation by Mr. Rampe.

ADJOURNMENT:

The meeting was adjourned at 7:45 P.M.

ATTEST:

Mayor Pro Tem

City Clerk

Summary of Proceedings

Summary of Proceedings of the Special City Council meeting held Monday, August 2, 1999 at 7:00 P.M.

Present at roll call were Mayor Heil, Mayor Pro Tem Merkel and Councillors Allen, Atchison, Dixon, Hicks and Smith. Absent none.

Council discussed Resolution No. 52, Disposition of concrete rubble at Rocky Flats, but did not remove the Resolution from the Table.

At 7:45 P.M. the meeting was adjourned.

By order of the Westminster City Council
Michele Kelley, CMC, City Clerk
Published in the Westminster Window August 12, 1999.



WESTMINSTER
COLORADO

Agenda Memorandum

Date: August 2, 1999

Subject: TABLED Resolution No. 52 re DOE Proposal for Disposition of Concrete Rubble at Rocky Flats

Prepared by: Bill Christopher, City Manager

Introduction

City Council action is requested on August 2 at a special Council meeting to adopt the attached Resolution regarding the US Department of Energy (DOE) proposal for the disposition of concrete rubble at the Rocky Flats Environmental Technology Site.

Summary

City Council tabled Resolution No. 52 at its July 26 Council meeting to afford an opportunity for Council members to review the Parallax report regarding the assumptions made pertaining to the disposition of the concrete rubble at the Rocky Flats Environmental Technology Site. The resolution was tabled until the August 9 regular City Council meeting.

In order to assure a timely submittal of Westminster City Council's position on this matter, it is recommended that action be taken on the attached resolution at a specially called City Council meeting for August 2.

Staff Recommendation

1. Remove Resolution No. 52 from the table.
2. Adopt Resolution No. 52 recommending that no stock piling and disposal of rubble at the Rocky Flats Environmental Technology Site occur.

Background

Background information on this topic is contained in the attached City Council agenda memorandum dated July 26, 1999. Also, the recommended resolution is attached for City Council's consideration.

Councillor Herb Atchison has been provided a copy of the Parallax report per his request.

Respectfully submitted,

William M. Christopher
City Manager

Attachments

Agenda Memorandum

Date: July 26, 1999

Subject: Resolution No. 52 re DOE Proposal for Disposition of Concrete Rubble at Rocky Flats

Prepared By: Mary Harlow, Rocky Flats Coordinator

Introduction

City Council is requested to adopt the attached Resolution regarding the U.S. Department of Energy (DOE) proposal for the disposition of concrete rubble at the Rocky Flats Environmental Technology Site.

Summary

Mayor and Members of the City Council postponed making a formal recommendation on the Department of Energy's proposal to reuse concrete rubble as fill at the Rocky Flats Environmental Technology until an Engineering consultant was retained by the Rocky Flats Coalition of Local Governments to review the proposal. Parallax, Inc. was contracted to provide the engineering review of the disposition plans for concrete rubble from onsite buildings, all available documents, and to interview pertinent Rocky Flats personnel involved with the proposed action. Parallax found that the operating protocol document is a conceptual model for concurrence and that when it is agreed upon, then other documents would be generated. DOE does not have a schedule to allow public comment on these documents. Public review of these documents is necessary to ensure the integrity of the process.

Parallax was not able to provide a thorough review of the proposal due to the lack of the necessary additional documents. Significant findings include: (1) that little substantial documentation is provided to validate the total cost of each option considered; (2) the DOE and Nuclear Regulatory Agency rules and regulations for meeting the "free release" standards cannot be used for rubbleized concrete; and (3) there is a potential for further contamination of surface and groundwater under the DOE plan to store the rubble for a long period of time. The proposal does not provide the documentation that was used to derive the environment, safety and cost advantages as stipulated.

Alternative

City Council could recommend that rubble be stockpiled and used on site and that DOE must provide all information lacking from the current proposal. This option allows rubbleization and crushing of concrete onsite. It will result in airborne contamination release, as well as the potential for putting radionuclide concrete back into foundations located in the Woman and Walnut Creek drainage.

Staff Recommendation

Adopt Resolution No. 52 recommending that no stockpiling and disposal of rubble at the Rocky Flats Environmental Technology Site occur.

Background Information

On December 30, 1998, the Mayor and members of the City Council were provided with a Staff Report on the Management and Disposition of Rubble from Rocky Flats Building Decommissioning.

The report provided three options for City Council to consider: (1) recommend that there be no onsite stockpiling and disposal of rubble; (2) work to negotiate a tradeoff with the Department of Energy; or (3) support the hiring of an engineer by the Rocky Flats Coalition of Local Governments to provide recommendations. Staff recommended the latter decision, which City Council supported.

On March 1, 1999, the Rocky Flats Coalition of Local Governments (RFCLOG) contracted with Parallax, Inc. to review disposition plans by the Rocky Flats Environmental Technology Site for concrete rubble derived from onsite building decommissioning/decontamination and destruction activities. Parallax reviewed the disposition plan, all available documents related to the plan and conducted interviews with Rocky Flats personnel involved with the proposed actions from the Department of Energy (DOE) and the regulatory agencies.

DOE Proposal for Rubble Disposition: The DOE anticipates that it will require 174,000 cubic yards of fill material to backfill building excavations and to contour the site after all remediation has been completed. Approximately 75% (130,000 cubic yards) of this material can be obtained from onsite sources, thereby reducing the need to bring in fill materials from offsite. DOE believes that using the concrete as fill will create less environmental and safety issues than removing the material from onsite and disposing it in an offsite landfill.

Parallax recommendations and findings: The rubble disposition plan was written as a Rocky Flats Cleanup Agreement Standard Operating Protocol (RSOP) that applies to a routine decommissioning activity regulated under the Rocky Flats Cleanup Agreement. It is not meant to be an inclusive document but is a conceptual model for concurrence. Once agreed upon, other documents are generated. Currently there is no DOE schedule or plan for public review of these additional documents, which is necessary to ensure the integrity of the process. Without these documents, it was very difficult for Parallax to discern enough detail to fulfill the review that RFCLOG requested.

Documentation is not provided for validation of the cost per ton disposal nor the total cost of each option that may have been considered. There are no estimates for importing similar type backfill to the site but no consideration was given to fill of a different nature such as soil from an offsite construction site rather than the concrete rubble. Parallax questioned why the environmental impacts of placing the rubble in the ground would be less than if it were placed in the ground at a landfill; or whether the truck air emissions would be greater or less if the trucks travel over a distance of 80 miles versus the lower dispersion found from onsite transportation in the relatively smaller confines of the site. The RSOP does not provide the documentation that was used to derive the environment, safety and cost advantages as stipulated in the document.

Radiological: The RSOP provides only general descriptions of the recycle process and assumes that the concrete has already been decontaminated to “free release” (acceptable for any use) criteria; has undergone decontamination, and can be dispositioned without further regard to remaining radionuclide contamination present. The DOE uses order 5400.5 and the Nuclear Regulatory Commission Regulatory Guide 1.86 to provide “free release” criteria for the rubble. Once the walls are rubbleized, the release criteria are no longer applicable because the shape of the surface has changed.

A pathway analysis needs to be completed where bulk radiologically contaminated material is being released to the environment or for unrestricted access. The DOE needs to demonstrate that the fill material activity in the soil will not exceed the soil action level limits for radionuclides.

DOE has concluded that because the rubble will meet the free release criteria that radiological air monitoring will not be necessary during the demolition, processing, or placement of the rubbleized material. Parallax does not support the DOE conclusion and believes that extensive environmental monitoring is necessary.

Hydrogeological: Materials will be stockpiled until processed and/or used as fill material. The DOE does not plan to place these materials on impervious surfaces. The rubble will be stored for a significant period of time (6 to 10 years). A potential exists for the downward migration of these materials into the underlying soil columns. Surface precipitation may dissolve materials and carry them into the underlying soils and groundwater. There are no apparent plans to prevent surface migration of fines and dissolved materials into the underlying soil column or groundwater.

Structural: The RSOP states that the maximum amount of slump over the lifetime of the backfill areas is 1%. There are no apparent provisions being made to characterize the sites for geo-technical purposes and record retention.

Quality Assurance: Parallax questions the Colorado Department of Public Health and Environments (CDPHE) role at Rocky Flats since it holds both a familiar and a regulatory role at the Site. The dual role has the potential for loss of objectivity and seeing the whole picture from an arms length perspective. Too much familiarity can encourage public distrust in the objectivity of the regulatory body. Parallax urges CDPHE to be vigilant that it maintains its oversight responsibility for the integrity of the overall site endpoint.

Environmental: It is not clear that all environmental issues have been resolved. The question as to whether the use of the backfill rubble constitutes disposal of a non-hazardous solid waste and therefore requires permits, has not been answered.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

RESOLUTION

RESOLUTION NO. 52

INTRODUCED BY COUNCILLORS

SERIES OF 1999

DISPOSITION OF CONCRETE RUBBLE AT THE ROCKY FLATS ENVIRONMENTAL TECHNOLOGY SITE

WHEREAS, the U.S. Department of Energy anticipates that it will require 174,000 cubic yards of fill material to backfill building excavations and to contour the Rocky Flats Environmental Technology Site after all remediation has been completed;

WHEREAS, the Department of Energy believes that using rubbleized concrete from site buildings will create less environmental and safety issues than removing the material from onsite and disposing of it in an offsite landfill;

WHEREAS, the Rocky Flats Coalition of Local Governments, of which Westminster is a member, hired Parallax Inc., to review the Departments of Energy's rubble disposal proposal;

WHEREAS, Parallax has concluded its review of the available documents and has provided the Coalition with a report; and

WHEREAS, the City of Westminster desires to provide a formal resolution on the DOE proposal.

NOW, THEREFORE, be it resolved that the Westminster City Council declares that:

1. Based on current information and the Parallax report (The Consultant to the Rocky Flats Coalition of Local Governments) dated July 22, 1999, the City of Westminster does not support the rubbleizing of concrete, onsite storage of the concrete, or the use of this material as foundation fill or for contouring at the Rocky Flats Environmental Technology Site.
2. Concrete should be removed to a designated sanitary landfill and clean fill from offsite construction excavation should be acquired when necessary. Storage of rubbleized concrete at Rocky Flats for extended periods of time will lead to further contamination of the site and the air that could eventually impact Standley Lake and the residents of Westminster.
3. The Rocky Flats Cleanup Agreement Standard Operating Protocol document for use of the rubble is a conceptual model for concurrence only. Other documents will need to be generated. Public review of these documents is necessary to ensure the integrity of the process. The City of Westminster cannot support conceptual model documents. The Department of Energy must provide more complete information so that the City of Westminster can provide informed recommendations.
4. The Department of Energy does not provided the documentation to substantiate the environment, safety and cost advantages as stipulated in the protocol document. The City of Westminster requires this information in order to make informed safety and economic based decisions.
5. The Department of Energy and Nuclear Regulatory Commission regulations for "free release" are not applicable to bulk rubble and therefore cannot be applied at Rocky Flats. Because of this, a pathway analysis needs to be completed by the DOE for radiologically contaminated material that is being released to the environment for unrestricted access.

6. The rubbleized concrete will be stored onsite for up to four or more years awaiting demolition of the two buildings that are slated to receive the fill. A potential exists for the downward migration of these materials into the underlying soil columns and into the groundwater. Runoff from the storage sites may have an adverse impact on the Woman and Walnut Creek Drainage's.
7. Because of its unique role as both a familiar and a regulator at Rocky Flats, the Colorado Department of Public Health and Environment must ensure that it maintains its objectivity and oversight responsibility for the integrity of the overall site cleanup.

Passes and adopted this 2nd day of August, 1999.

ATTEST

Mayor

City Clerk