

***Final Minutes
Restoration Advisory Board
Former Lowry Bombing and Gunnery Range
March 24, 2004***

The March 24th, 2004, meeting of the Restoration Advisory Board (RAB) was held at the Doubletree Hotel at 13696 East Illiff Place., Aurora, Colorado 80014. The meeting started at 6:30 p.m.

Welcome and Opening Remarks

Ms. Bonnie Rader, Community co-chair for the RAB opened the meeting at 6:30 p.m. Ms. Rader asked all in attendance to introduce themselves.

Attendance

The following RAB members were present:

Jerry Hodgson, U.S. Army Corps of Engineers, Omaha District (USACE), Co-chair
Bonnie Rader, Community Co-Chair
Mark Harding, Rangeview Metropolitan District
James Ives, City of Aurora
Dave Denton, Laing Village, LLC
Carol Maclennan, Tri-County Health Department
Jeff Swanson, Colorado Department of Public Health and Environment (CDPHE)
Danna Ortiz, State Land Board
Lynn Robbio Wagner, Tri-County Health Department
Joe Freund, Citizen
Bob Hastings, Citizen
Pete Pagano, DTH#2
Marie Mackenzie, Board of County Commissioners

Other attendees:

Keith Wegner, Correlation Corp.
John Mullen, Shaw Environmental Inc.
Tracie White, Shaw Environmental Inc.
Teri Farrell, Shaw Environmental Inc.
Morey Engle, Shaw Environmental Inc.
Richard Rader, Citizen
Brenda Gallagher, Arapahoe County Planning Commission
Randy Hawbaker, Cherry Creek School District
Spencer Luft, Cunningham Fire District
Robyn Lydick, I70 Scout
Sue Errett, Army BRAC Office
Julio Iturreria, Arapahoe County
Laura Bishard, CDPHE
Peggy Linn, US EPA
Kimberly Cadena, Congressman Beauprez
Marge Klein, Congressman Beauprez
Jerry Jacobs, Oakwood Homes
Gary Parks, Shaw Environmental Inc.
Greg Wright, Army BRAC Office
Hohsin Bharmd, Army BRAC Office
Larry Beach, Headquarters Army
Jeff Kroll, Shaw Environmental, Inc.
Glenn Marks, US Army Corps of Engineers, Omaha District

David Wilmoth, City of Denver
Bill Killip, Citizen
Jim Anelle, US Army Corps of Engineers, Omaha District

GENERAL RAB ITEMS

Ms. Bonnie Rader (Community Co-chair) asked if the board had an opportunity to review the minutes of the prior meeting. The minutes for the January 21, 2004 RAB meeting were approved without comment.

TITAN MISSILE SILOS

TITAN 1 COMPLEX 2A

(presentation posted on the web)

Ms. Sue Errett, BRAC coordinator, gave a brief introduction for the Titan Missile Silo 2A (Bennett Site) presentation. She mentioned that the public comment period for the Engineering Evaluation/Cost Assessment (EE/CA) opens on March 31, 2004. Anyone with comments or questions may contact Ms. Errett. Mr. Gary Parks, Shaw Environmental, Inc., then gave an in depth project update and silo background briefing (see presentation for details).

Mr. Parks mentioned that the Draft Final EE/CA report was issued to regulatory agencies on February 2, 2004. The Draft Final EE/CA will be available for public review on March 31, 2004.

Ms. Marie Mackenzie, Arapahoe County Commissioner Office, asked if water deep in the well at the Bennett Site will be sampled. Mr. Parks responded that yes, the water in the wells will be sampled utilizing typical sampling methods, i.e., inserting a bailer into the well and withdrawing the water to test for Contaminants of Concern (COCs). Mr. Parks also mentioned that the actual depth to water in the wells is only around 400 ft. The well opening is not below the water surface, rather is housed in the power house.

The question was asked whether or not the wells are cased. Mr. Parks responded that the wells are cased through the cold zone at about 75 ft above the ground surface. He also mentioned that in the future, the wells will be abandoned according to the rules and regulations set forth by the state engineer's office. Well abandonment will be performed under direct supervision of a State Engineer.

FORMER LOWRY TRAINING ANNEX

FIELD WORK UPDATE

(presentation posted on the web)

Mr. Jerry Hodgson, USACE, on behalf of Ms. Sharon Moore, U.S. Air Force, Air Education and Training Command (AETC), presented an update regarding the Former Lowry Training Annex (FLTA) project status. There are a total of 670 grids, with 494 complete and 15 awaiting QA/QC. To date, 56 live items have been located.

There are currently three teams performing munitions response activities in the FLTA.

Mr. Joe Freund, citizen, asked when clearances will be complete in the FLTA. Mr. Hodgson responded that he anticipates finishing this calendar year. The center and southwestern portions of the FLTA contain a significant amount of debris, and it is currently unknown how long the clearance will take in these two areas.

FORMER LOWRY BOMBING AND GUNNERY RANGE

Technical Assistance for Public Participation (TAPP)

(presentation posted on the web)

Mr. Keith Wegner presented a progress report concerning the Technical Advisory Services for the Former Lowry Bombing and Gunnery Range (FLBGR). The report included a progress summary, current tasks, and a cost summary. Mr. Wegner's progress report is provided in the handout.

Mr. Wegner stated that he finished the Draft Final 2003 Area of Concern Prioritization Scoring for the (FLBGR) for 2003 on December 31, 2003. An electronic copy was submitted to all RAB members at that time. Mr. Wegner also provided hard copies of the report at the RAB meeting.

Mr. Wegner indicated that he also attended the 2004 UXO/Countermines Forum in St. Louis at the beginning of March. Mr. Wegner then stated that between the USACE, CDPHE, Shaw and Sky Research, nine technical papers regarding the FLBGR project were presented. One whole session at the Forum was reserved solely for Lowry; the FLBGR project was highly visible at the conference. Mr. Hodgson commented that it was refreshing to see how technologically advanced this project is compared to other sites across the country.

FIELD WORK UPDATE

(presentation posted on the web)

Mr. Jerry Hodgson presented an update regarding the FLBGR project status. The presentation included a summary of activities completed to date, ongoing activities, and future efforts. There are currently three conventional UXO teams performing munitions response activities in the Jeep/Demolition Range. RCWM operations were completed in February and conventional munitions response activities are on-going with perimeter air-monitoring. Teams are performing munitions response activities outside of the triangular berm area, which is expected to be complete around November 14, 2004. Ten additional grids have been completed in the Jeep/Demolition Range since the last RAB.

Wide Area Assessment Activities Discussion

Mr. Hodgson presented a briefing regarding the Wide Area Assessment (WAA) activities at the FLBGR. FLBGR is the only site in the world where the application of the WAA concept, recently recommended by the Defense Science Board (DSB), is being carried out.

The DSB report recommended initiating a national area assessment of approximately 10 million acres nationwide that are suspected of having munitions contamination.

WAA is used at Lowry to locate unknown AOCs by utilizing airborne technologies which can locate surface features associated with military munitions usage. The WAA process includes data acquisition, data processing and target modeling. WAA is used to identify areas of interest (AOI), develop AOI maps, perform field verifications, and delineate AOCs and presumptively clean areas.

The benefit of using WAA at the FLBGR is identifying and allocating resources to the acreage which requires full clearance. For example, the FLBGR encompasses approximately 59,000 acres. Utilizing WAA to determine AOIs and then categorizing them into AOCs has determined that approximately 42,000 acres (71% of the total area) are presumptively clean.

At the FLBGR, most of the AOIs have been informally verified. A formal field verification is scheduled to take place during the Summer 2004. Ms. Danna Ortiz, State Land Board, asked how much money, to date, has been spent on WAA activities. Mr. Hodgson responded that as contracting and management of the project has changed hands, it is difficult to determine a precise number. However, he feels that approximately \$5M (~\$125/acre) is a fair estimate.

Fixed Price Remediation with Insurance (FPRI) Discussion

Ms. Bonnie Rader, citizen, invited both Ms. Kimberly Cadena and Ms. Marge Klein, Congressman Beauprez office, to sit with the RAB at the front of the room.

Ms. Rader discussed some concerns she has regarding the FPRI decision. She looked up the Department of Defense (DoD) charter regarding public involvement. The DoD has developed community involvement programs in order to keep the public informed as well as allow public participation for environmental restoration programs. Ms. Rader mentioned she is concerned that the RAB was not included in the decision making process, to the best extent possible, when granting the FPRI pilot project to the FLBGR.

Ms. Rader stated that a letter was sent to the DoD under the RAB signature stating the RAB's concerns regarding FPRI, and the RAB has not yet received a response. Ms. Rader also mentioned that a separate letter regarding the FPRI issue was sent to Senator Allard's office. She has called Senator Allard's office and spoke with Ms. Jeannette Alberg regarding the lack of response from the Senator's office as well. Ms. Alberg opened an inquiry as to why the RAB has received no response. As of the RAB meeting, Ms. Alberg did not yet have any answers for the RAB.

The Army has awarded the FLBGR \$5M for an FPRI project; however, Ms. Rader feels at odds with not being able to express concerns regarding how this additional funding will be spent. She also feels these concerns should have been addressed before the decision regarding the FPRI pilot project was made. Ms. Rader opened up her concerns for discussion among the RAB members.

When asked, Mr. Jim Ives, City of Aurora and Ms. Carol Maclellan, Tri-County Health Department, both indicated that they were unaware of the FPRI decision process until after the decision was made.

Mr. Hodgson stated that he briefed the RAB during the January meeting regarding the initial push to reorganize the FLBGR as a fixed price site. He feels he essentially "won the battle", in such that, the entire site did not become a fixed price project. Having a well run project turned over to a new contract mechanism would have been detrimental to the current quality of work performed. After the last RAB meeting, Mr. Hodgson stated that there was discussion regarding startup of a pilot project and finding an ideal test site.

During a conference call with Headquarters, Mr. Hodgson stated his concerns against the FLBGR being an FPRI site. During this conference call, he was informed there would be no discussion and that a decision was already made by Deputy Assistant Secretary of the Army (Environment, Safety and Occupational Health), Raymond Fatz and Congressman Bob Beauprez to use an FPRI pilot project at the FLBGR. The decision was also already made to fund this pilot project \$5M.

Mr. Hodgson mentioned he was unable to offer much insight into the decision making process, but feels it is positive that the FLBGR has received an additional \$5M in funding for a pilot project for munitions response activities. He mentioned he regards this additional funding as another \$5M to use for clearance efforts under a different contract mechanism. He also feels content knowing the whole project was not changed over to an FPRI site. This is an opportunity for Lowry to be the first in the world to succeed with a new mechanism; no other project has done an FPRI ordnance clearance pilot study.

Mr. Hodgson stated the goal of the FPRI contracting mechanism is to achieve regulatory closeout of a site at a fixed price to the government. FPRI contracts utilize the following:

- Site-specific performance based work statements
- Fixed price task orders
- Insurance policy (for up to 2 times the amount of the task order) to cover all known and unknown conditions at the site for work within the scope of the task order

The end goal is to report the results so that FPRI can be utilized effectively at other military munitions response sites.

Mr. Pete Pagano, DTH #2, asked when the FPRI is scheduled to be implemented at the FLBGR. Mr. Hodgson stated that the contract may be awarded by September 30, 2004. Subsequent to awarding the contract, the contractor would provide a schedule to the government. The contractor must meet certain milestones as stated on the schedule in order to receive payment from the government.

Mr. Swanson, CDPHE, stated that field work could begin early in 2005 which is relatively fast for a government contract. He also stated that if, for any reason, a contract for the \$5M is not awarded, the allotment of the funds toward FPRI will expire and Mr. Hodgson can then designate a use for the funding at Lowry.

Mr. Swanson also stated that his office was not informed of the FPRI decision until the press release came out. He mentioned that to date, his office has not been officially informed of the decision. He stated he shares some of Ms. Rader's frustration regarding the way the decision was made.

Mr. Hodgson stated that the current funding of \$8M at the FLBGR is unaffected by the \$5M for the FPRI pilot project. He stated the Corps of Engineers, Huntsville Center will select the contractor, but the Corps of Engineers, Omaha District, will execute the pilot project. The CDPHE will continue to provide regulatory oversight and the RAB involvement on the FPRI is not anticipated to change.

When asked about the Government's level of involvement in the FPRI munitions response, Mr. Hodgson stated that the government will be involved as far as oversight of safety. It is still undecided exactly what roles the contractor, Government, State of Colorado and the RAB will take on during this whole process. Mr. Swanson replied that all of this is yet to be determined. Mr. Hodgson did state that the Corps of Engineers will adhere to regulatory compliance rules.

Mr. Hodgson discussed the timeline required for the Multiple Award Remediation Contract (MARC). By April 7, 2004, the Request for Proposal (RFP) Phase 1 is due. Qualifying contractors from Phase 1 will provide proposals for Phase 2. During Phase 2, three contractors will be selected for the MARC and one for the FLBGR pilot project. The contract is due to be awarded on September 30, 2004.

Mr. Denton asked if there is any concern regarding the new contract mechanism at the pilot project by the current field teams. Mr. Hodgson responded that there is concern the new contractor may potentially take some people from current Lowry teams which could drive up the price and lower the productivity currently on-going at the FLBGR.

Ms. MacLennan asked whether or not the Corps of Engineers, Omaha District will manage the Phase 2 RFP. Mr. Hodgson clarified that Phase 1 and 2 are part of the same solicitation and will be managed by the Huntsville Center. Upon selection of a contractor, the project will be transferred to the Omaha District for execution.

Mr. Hodgson stated the Scope of Work (SOW) must be comprehensive and cover all aspects of the expected munitions response activities. Before a SOW can be written, an AOC will need to be chosen for the target pilot project. Mr. Hodgson and Mr. Swanson both feel that Bombing Target 5 is the optimal AOC for the pilot project.

Mr. Hodgson used the following criteria in determining which AOC to use for the pilot project:

- Estimated cost to complete less than \$5M
- Stand alone site (no potential to overlap with other AOCs)
- No previous military munitions removals performed at the site
- RAB priority – pick highest priority site possible, based on current RAB project prioritization
- Land Use/Ownership – pick site with highest potential for near term development/public use
- Characterization – pick site with highest level of characterization

Based on these criteria, Bombing Target 5 is being recommended.

Mr. Wegner performed an independent analysis of the twelve AOCs for the pilot project. He used the same criteria as Mr. Hodgson, but also utilized various scores for different categories from the prioritization process. Mr. Wegner agrees that Bombing Target 5 would be the most viable (but robust) test of the FPRI contracting mechanism.

Mr. Denton asked what would happen if the FPRI contractor finds something that is not covered in the SOW, i.e. chemical warfare material (CWM). Does the contractor continue clearance? Mr. Hodgson stated that the contract is awarded for conventional munitions response only. If any CWM items are found, the contract may be terminated. Contractors will not perform CWM clearance activities under this contract.

With regards to Ms. Rader's concerns, Mr. Mark Harding, Rangeview Metropolitan District, mentioned that although decision to execute the FPRI pilot project at the FLBGR may not have gone the way the RAB would have preferred (i.e. with RAB input), he feels the RAB should view this as a terrific opportunity and also view this as further evidence of the confidence this project has gained on a national level. He also feels the RAB should be thankful for another \$5M in funding for clearance activities that otherwise would not have been allocated to the project. Mr. Harding also mentioned that he has full confidence that Mr. Hodgson will give the FPRI a fair shot as

to the success or failure of the project. Mr. Harding also mentioned he felt that Bombing Target 5 pushes the funding to the limit, as the Corp's estimated cost to complete is just under \$5M.

Ms. MacLennan asked if the County agrees that Bombing Target 5 is the best option. Ms. Marie Mackenzie, Board of County Commissioners, stated that she may not agree with using Bombing Target 5, as the area is not scheduled to be developed near term. Ms. Ortiz, State Land Board, concurred with Ms. Mackenzie.

Mr. Hodgson pointed out that Bombing Target 5 is currently being actively farmed.

Ms. Rader mentioned that it is important to choose a stand alone site for the FPRI to avoid intermingling of work crews.

Mr. Swanson stated that it is important to choose an AOC that has not previously been worked. A contractor may not accept previous work performed by another contractor which may then lead to re-working previously-cleared areas. For this reason, Mr. Swanson believes Bombing Target 5 is the best option.

Ms. Rader indicated that she was still upset that she received no response to the RAB's letters from either Senator Allard or the DoD. Given that she has already approached Senator Allard's office regarding their lack of response, she asked for RAB approval to write a letter to DoD regarding unresponsiveness. Her motion to write the letter was approved.

Adjournment

Arrangements were made for the next meeting to be held May 19, 2004, 6:00 p.m., at the Aurora Library

Meeting notification for the next RAB meeting should be sent on or around May 10, 2004.