

MEMO

To: Lowry RAB Members

From: Elizabeth Sopher, Lowry Assumption, LLC

Date: December 11, 2009

Re: Restoration Advisory Board Adjournment
Former Lowry Air Force Base, Colorado

In accordance with 32 C.F.R. §202.10, RAB Adjournment and Dissolution, the former Lowry Air Force Base (Lowry) RAB has been adjourned. The basis for this adjournment is three-fold. First, there is no longer sufficient community interest to sustain the RAB as further described below (See 32 CFR §202.10(a)(v)). In addition, the environmental remediation program at Lowry has been successfully implemented through the efforts of the U.S. Air Force and the environmental privatization efforts of Lowry Assumption, LLC (LAC), with all required investigations completed. LAC has received Site Closure for all the known issues associated with soils, completed closure of the base landfill, and is in the process of remediating the groundwater plumes under remedies approved by the State of Colorado Department of Public Health and Environment (CDPHE). Based upon this progress, there are few, if any, restoration decisions left to be made (See 32 CFR §202.10(a)(i)). Lastly, the property at Lowry has all been transferred out of DoD control and day-to-day responsibility for making restoration decisions has been assumed by the Lowry Redevelopment Authority (LRA) and LAC, the environmental privatization contractor (See 32 CFR §202.10(a)(vi)).

This memorandum documents this adjournment decision including providing community consultations/input; rationale; notifications; and the information on ongoing public involvement opportunities through completion of the environmental remediation program. The memorandum has been sent to all current RAB members, and was posted on www.lowryafbcleanup.com, Lowrylink, Lowry.org and CDPHE's Lowry environmental webpage and has been submitted for posting on the US Air Force Administrative Record. In addition, a formal public notice was placed in the Denver Post in accordance with 32 CFR §202.10.

Community Involvement History

In 1993, the Lowry AFB Technical Review Committee (TRC) was established pursuant to the Superfund Amendment and Reauthorization Act (SARA) Section 211 to provide collective review and comment on proposed environmental actions/remediation at Lowry. In April 1994, in accordance with DoD/EPA initiatives to promote greater public involvement, the TRC became the Lowry RAB. In general, the RAB was developed as the primary mechanism to involve the

public throughout the environmental restoration process at closing and realigning military installations. The RAB community members provided input to the decision-makers on restoration issues, and the RAB forum allowed the expression and careful consideration of diverse points of view.

The Lowry RAB was active through 2007 with monthly meetings; however, there was a steady decline in membership and community involvement within the RAB. From its inception through 2007, there has been recurrent work to recruit and retain members (Attachment 1). In the spring of 2007, LAC technical support contractor contacted the remaining RAB members (Attachment 1) to ask their opinions on continuation of the Lowry RAB. At that time, only one RAB member wanted to continue with RAB meetings. Because the member level dropped below any sustainable level, formal RAB meetings ended at that time.

Following the cessation of the RAB meetings, LAC worked together with the various regulators to develop a website to inform and involve public in the cleanup progress at Lowry and distribute information as it becomes available. The website (www.lowryafbcleanup.com) provides current information on the environmental program and contact information for both LAC's environmental community relations specialist and CDPHE.

In 2009, LAC updated the Community Relations Plan (now known as the *Lowry Community Involvement Plan (CIP)*), including performing a series of stakeholder interviews. The four remaining RAB community members from 2007 were contacted, and two of those members elected to participate in the interview process. Other former RAB members who were asked to participate in the CIP interviews included those involved in the cleanup process representing EPA, CDPHE, Air Force, the City and County of Denver and City of Aurora. Interviewees also included community members historically involved with the RAB. As described in the CIP (LAC 2009), only one former RAB member stated that the RAB should continue. Several interviewees stated that it was time for the RAB to adjourn and all participants suggested community involvement tools that could be used in place of RAB meetings.

Restoration Progress

As stated above, LAC has achieved Site Closeout of all of the remaining known soils issues associated with Lowry under its Consent Agreement with CDPHE. In addition, LAC has received Site Closeout of the Yosemite Gate Plume, and a closure of the former base landfill. The following is a list of the no further action determinations:

- ❖ PAA_2 - March 14, 2006
- ❖ Water Supply Wells - April 3, 2006
- ❖ Fire Training Zone Soil- May 5, 2006
- ❖ Outdoor Firing Range Soil - June 21, 2006
- ❖ Building 667 - September 7, 2006
- ❖ Operable Unit 2 Closure - September 8, 2006
- ❖ Powerhouse diesel spill - October 10, 2006
- ❖ Building 777 - November 1, 2006
- ❖ Buildings 546 and 568 - May 11, 2007
- ❖ Building 1496a - May 11, 2007

- ❖ Yosemite Street Gate Plume Area - May 11, 2007
- ❖ Building 606 - February 1, 2008
- ❖ Investigation for the RCRA Facility Assessment Soil Unknowns (Buildings 349, 353(345), 354, 359, 361, 383, 401, 850, 903, 905, and 999) - February 4, 2008
- ❖ Investigation for the RCRA Facility Assessment Soil Unknowns (Transformers at Bldgs. 901, 959 and 1499) and Soil investigations at Bldgs. 1499, 359 and 416 - February 13, 2008
- ❖ 1002E - April 30, 2008
- ❖ Building 898 - June 18, 2008
- ❖ Evaluation of Radiological Parameters, OU2 - July 21, 2008
- ❖ Havana Perchloroethylene (PCE) Plume - August 19, 2008
- ❖ Havana 1,2-DCA Plume - August 19, 2008
- ❖ RCRA Facility Assessment Groundwater Data Gaps - Sump Inspections in Buildings 849, 905, and 959 - February 27, 2009
- ❖ RCRA Facility Assessment Groundwater Data Gaps Follow-on, Thallium Resample - July 8, 2009
- ❖ Building 667 - September 7, 2007
- ❖ Lot 5, Block 1 of Filing 28 - February 29, 2008
- ❖ Tracts ABC and D in Filing 28 - March 14, 2008
- ❖ First 10 Lots, Filing 28 - March 4, 2008
- ❖ Thirty four lots, Filing 28 - June 6, 2008
- ❖ Filing 16 - September 22, 2009
- ❖ NWN Notice of Completion - September 29, 2009
- ❖ Building 753 Mercury Investigation – October 23, 2009

The remaining scope of work associated with the environmental program at Lowry is associated with contaminated groundwater plumes. LAC has been remediating these contaminated groundwater plumes under a Corrective Action Plan approved by CDPHE in accordance with its Consent Agreement. LAC is in the process of addressing the cleanup objectives associated with these plumes. In addition, LAC is performing post-closure monitoring of the former base landfill in accordance with the approved Post-Closure Monitoring Plan and the State environmental covenant.

Land Transfers

In 2006, the U.S. Air Force transferred all remaining acreage at Lowry to the LRA. Since that time, the LRA has transferred most, if not all, of this remaining acreage to developers, the City and County of Denver, and the various Public Conveyance Recipients. Lowry is 90% complete with its redevelopment efforts.

RAB Adjournment Procedures

The following sections document the procedures taken for RAB Adjournment as identified in 32 CFR Section 202.10.

32 CFR § 202.10(2)(i) Consult with EPA, state, tribes, RAB Members, and the local community, as appropriate, regarding adjourning the RAB and consider all responses before making a final decision.

EPA, State, RAB members, and the community were consulted as part of the Community Involvement Plan update in 2009. In preparing the CIP, LAC's technical support contractor, in cooperation with CDPHE and LAC, conducted one-on-one interviews with 29 community members in April and May 2009. Interview participants included representatives from EPA, CDPHE, and the Air Force, as well as former RAB and community members. All participants were asked about the RAB and generally supported its adjournment because of the status of the environmental program. Only one interviewee wanted the RAB to continue. All comments provided in the interviews were taken into consideration in the development of the updated CIP goals and activities.

Document the Rationale for Adjournment (See 32 CFR § 202.10(2)(ii))

Formal adjournment of the Lowry RAB is considered under three factors:

1. 32 CFR § 202.10(a)(v) which states that adjournment of the RAB may be considered if "there is no longer sufficient, sustained community interest, as documented by the installation with the RAB community members and community-at-large input, to sustain the RAB;"
2. 32 CFR § 202.10(a)(i) which states that a "record of decision has been signed for all DERP sites on the installation;" and,
3. 32 CFR § 202.10(a)(vi) which states the "installation has been transferred out of DoD control and day-to-day responsibility for making restoration response decisions has been assumed by the transferee."

The RAB was active from before 1994 until 2007, with continued active recruitment of RAB members (Attachment 1). Membership levels throughout the life of the RAB often did not meet the charter goal of 13 to 19 community members, and by 2005 had dropped to approximately four community members. Beginning at that time a series of efforts were pursued to contact all members and adjust meeting times and or formats to better suit the members and increase participation. In 2007, a representative from CDPHE contacted RAB members to discuss low community RAB member involvement. Based on that conversation, the community RAB co-chair contacted the other members to emphasize the need to recruit more people for the RAB to continue. Despite these efforts, only one RAB member remained interested in sustaining the RAB meetings. Therefore in May 2007, RAB members were contacted to announce the cancellation of the RAB meetings. Despite continued attempts by LAC, CDPHE, and RAB members to maintain active participation in the RAB, sufficient community interest was not demonstrated.

In addition, there are final remedy decisions being implemented with respect to all the former DERP sites associated with Lowry under the current Consent Agreement with CDPHE. Lastly, all the property has been transferred out of DoD control, and now is owned by various third parties, and the responsibility for those cleanup decisions is

controlled by the transferee (the LRA) through a Consent Agreement with CDPHE. Thus, the requirements and procedures for RAB adjournment have been met.

Notify Public

To notify both the RAB and the public, this memorandum was sent to RAB members and was posted on the www.lowryafbcleanup.com website, Lowrylink, Lowry.org, and CDPHE's Lowry environmental webpage and has been submitted for posting on the US Air Force Administrative Record. In addition, a legal notice was placed in the Denver Post.

Describe Ongoing Public Involvement Opportunities

Since the cessation of RAB meetings, LAC has worked to provide ongoing public involvement in the cleanup program through the development of a website dedicated to the environmental cleanup program (www.lowryafbcleanup.com), continued production of environmental factsheets, involvement with neighborhood organizations and the Lowry Redevelopment Authority and development of the updated CIP (LAC 2009).

The Lowry cleanup information website was launched in 2008 to increase access to environmental information and recent program documents. It is updated when new information is available and contains summary information on the environmental program as well as recent documents, maps, links to other information sources, and contact information for additional information. It also provides an opportunity for stakeholders to express their interest in the cleanup and request updates and information on meetings, etc. when available.

To inform interested/affected stakeholders on specific cleanup issues, LAC prepares environmental fact sheets. Fact sheets are distributed through the various venues, as appropriate depending on the subject matter, including public meetings, builder/developers sales offices, and door-to-door delivery as well as being posted on the Lowry Redevelopment Authority website, Lowry Link, LAC cleanup website and CDPHE's Lowry webpage. All fact sheets provide contact information and links for more information or comment.

To address changes in community involvement to meet the needs of the current Lowry community, LAC has updated the Community Relations Plan (now called a Community Involvement Plan), prepared by the Air Force in 2005 (Air Force 2005). Based on the information gathered through the interviews, three goals were developed to provide interested parties with regular information about the cleanup program and to provide opportunities for continued community input. Activities associated with these goals are described in detail in the CIP (LAC 2009)

References

LAC, August 2008, Final Five Year Review.

LAC, December 2009, Updated Community Involvement Plan for the Former Lowry Air Force Base.

DoD, 2006, 32 CFR Part 202 pp. 27610-27621 Department of Defense Restoration Advisory Board Final Rule.

U.S. Air Force, April 2005. Community Relations Plan for the Former Lowry Air Force Base.

Attachment 1
RAB Recruitment History
Selected Referrences

Date	Source	Activity
15-Feb-95	RAB Transcript	Discussion of members not attending, down to 50% of members
12-Oct-98	RAB FY 1998 report	Documents outreach mailing list and assistance to membership committee "to keep membership at levels which meet by-laws.
16-Feb-00	RAB minutes	Discussion of inaction by Membership committee on application received in October 99; goal of diverse and balanced representation and call for committee meeting
13-Mar-00	Letter from Sheila Gaston (CDPHE) to neighbors	Letter asking for participation
23-Jan-02	Memo from RAB to Bob Lackey (USAF)	Discussion of role of RAB with P1; discussion of optimal size of 19, and idea to "welcome more members who live on Lowry", and CAC members.
23-Jan-02	Memo from Doug Karas (USAF)	Summary of RAB meeting and discussion of perceptions of RAB toward P1; reluctance of RAB to add too many members with connections to LRA
17-Apr-02	RAB Transcript	Request from Doug (K) for help from RAB with recruitment
20-May-02	RAB Transcript	Discussion of non-active members and RAB charter
1-Sep-02	RAB applications	Several applications in response to membership drive and submittal to membership subcommittee
17-Sep-04	Letter from Lowry Neighbors HOA	"RAB has struggled to attract and keep members" proposal for comm input to be incorporated with LCMA
5-Oct-04	email from Sheila Gaston	P2 stakeholder process re:discussion with Lowry Neighbors ; SG noting that RAB "desperately need[s] representation from on-site committees which are currently not RAB members and continue to grow exponentially".
18-Jan-05	RAB Minutes	Discussion of possible interaction with LCMA to get adequate representation from community
19-Jan-05	RAB meeting minutes for January	Report of E Sopher (LAC) and Derek Boer (CDPHE); discussion of membership drive
1-Feb-05	Re:Developments Newsletter	Ad for members
17-Feb-05	Lowrylink.com	Ad for members
1-Mar-05	emails from three Lowry residents in response to ads, one application	Responses to RAB recruitment ads
15-Jun-05	Email from Sarah Jones (RAB Tech Support contractor)	Contact attempts to all RAB members for meeting to discuss format, requesting input
1-Jun-06	email to RAB (example of process for last few years of meetings)	requested RSVPs, only David K was to attend

Attachment 1
RAB Recruitment History
Selected Referernces

Date	Source	Activity
14-May-07	Emails with Chris O and S Gaston	Discussion of how to handle having only 1 RAB member in attendance
15-May-07	Email from ESopher	Announcing cancellation of the RAB meeting and asking when they would like the next meeting.
18-May-07	RAB letter	Discussion and request for input of format going forward, reporting lack of participation, 8 mtgs in 2006 with average of 2.6 attendees; 2 members at Jan 07, 1 member in March 07, 0 RSVPs for May 07
19-Jun-07	Email from ESopher to Sheila Gaston	Reporting on conversation with David K re:his discussion with RAB members Chris O and Jan F and his understanding that if they want to continue they will have to recruit more people - ball is in their court - they will let us know what they want or when they would like to discuss. We offered our support and tech support contractor
17-Sep-07	Email from Sheila Gaston to RAB members	"we have not hear back from anyone after trying to schedule this meeting. We are trying to have a meeting with all the current RAB members (it may be only 3 people right now) we need some feedback from all of the RAB members as to how we move forward with getting the information out to the group or whether the group is still interested". (Email trail also offers individual meetings)