GWOU ADMINISTRATIVE RECORD
SECTION TITLE:
GW-500-502-1.03

- 85034

Mel Carnahan, Governor • Stephen M. Mahfood, Director

STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF ENVIRONMENTAL QUALITY
P.O. Box 176 Jefferson City, MO 65102-0176

September 27, 1999

Mr. Steve McCracken, Project Manager
United States Department of Energy
Weldon Spring Site Remedial Action Project
7295 Highway 94 South
St. Charles, MO 63304

Mr. Mike Sanderson
Director of the Superfund Division
U. S. Environmental Protection Agency, Region VII
901 N. 5th Street
Kansas City, KS 66101

RE: **Dispute Resolution for the Groundwater Operable Unit, Weldon Spring Site Remedial Action Project, Weldon Spring, Missouri**

Dear Messrs. McCracken and Sanderson:

Pursuant to the letter dated August 31, 1999, which invoked dispute resolution for the Groundwater Operable Unit (GWOU), the three agencies met on September 10, 1999. At that meeting, each agency presented their position with respect to the six issues under dispute. I appreciated the professionalism and candor from each of the participants as we attempted to find closure to the points of disagreement.

The Department of Energy (DOE) transmitted an Official Review Copy of the Record of Decision (ROD) September 22, 1999, which was received by Missouri Department of Natural Resources (MDNR) on September 23, 1999. MDNR then received four edited pages to replace the originals in the ROD September 24, 1999. MDNR was able to provide copies of this document to our support agencies and programs by the afternoon of September 24, 1999. This leaves only eight (8) hours for our support agencies and programs to review and provide comments to be compiled and transmitted to DOE. It is also expected that additional language pertaining to Stewardship and Institutional Controls is forthcoming. Due to this very tight time constraint and without the receipt of the additional language, an adequate and comprehensive review by this office or our support agencies cannot be accomplished by September 27, 1999, as DOE had requested.

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After a preliminary review of the ROD, it appears that issues three (3) and four (4) have been addressed. The ROD includes performance goals for the chemical oxidation of trichloroethylene and has included the 40 CFR 192.02 standard for uranium in drinking water of 30 pCi/l as an Applicable or Relevant and Appropriate Requirement (ARAR). Our Department does not agree with the waiver of this ARAR for the reasons originally explained in issue two (2) and maintains our position on this issue in the dispute.

Without resolution of all issues by the Dispute Resolution Committee within the time frames noted in the Federal Facilities Agreement, we request that the unresolved issues be elevated to the Senior Executive Committee for resolution. MDNR remains committed to working with the Environmental Protection Agency and the DOE on the Record of Decision during the dispute resolution process.

Sincerely,

HAZARDOUS WASTE PROGRAM

Cindy Kemper

Cindy Kemper
Director

CK:leg

Enclosure

c: Dennis Grams, EPA Region VII
John Young, DEQ
G. Leah Dever DOE Oak Ridge Operations
Dan Wall, EPA Region VII
Ron Kucera, Director's Office