GWOU ADMINISTRATIVE RECORD
SECTION TITLE:
GW-500-502-1.06

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STATE OF MISSOURI
Mel Carnahan, Governor • Stephen M. Mahfood, Director
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF ENVIRONMENTAL QUALITY
P.O. Box 176 Jefferson City, MO 65102-0176

January 12, 2000

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

Mr. Mike Sanderson
Director, Superfund Division
U.S. Environmental Protection Agency, Region VII
901 N. 5th Street
Kansas City, KS 660101

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

Dear Messrs. McCracken and Sanderson:

First of all, I'd like to thank you for continuing to work with the department to address our concerns over the groundwater ROD for the Weldon Spring site. Second, I'd like to acknowledge the time and effort already invested by Mr. Gene Gunn, Mr. Steve McCracken and Mr. Bob Geller in trying to resolve the dispute issues. We value the good working relationship among our three agencies and appreciate your continued efforts to arrive at a conclusion that we can all support.

To facilitate our conference call scheduled for 8:30 a.m. on January 14, 2000, I have enclosed a list of terms that I am authorized to request in order to resolve the current dispute at the program managers level. I have reviewed the elements of Options 1 and 2 developed at the Branch Chief level that were proposed to resolve the issues. Given the importance of these issues to my management, I felt it would ultimately save time to determine their comfort with these options prior to proceeding with further interagency discussions. The enclosed terms reflect my management's direction to me.

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We will be discussing these terms in more details on Friday. However, as a general comment, the department is encouraged by the progress on the stewardship issue and discouraged by the lack of progress on the groundwater remediation issues. I sincerely hope that we can agree on additional groundwater remediation measures at the program managers level. If not, I have been directed to elevate all of the issues to the department director for resolution.

Thanks again for respecting our concerns by devoting your time and efforts to resolving these important issues.

Sincerely,

HAZARDOUS WASTE PROGRAM

Cindy Kemper

Cindy Kemper
Director

CK:db

Enclosure

MDNR terms for dispute resolution - January 12, 2000

Level 2-Program Managers
Signing of ROD by end of June 2000 with the following conditions:

a) Fully and adequately address groundwater contamination existing at or emanating from the site. TCE treatment would begin as scheduled in current proposal. DOE would conduct a pilot project and further analysis of potential remedial options to address all contaminants of concern, including reinjection and recovery wells onsite. Also, DOE would evaluate and if appropriate, install a passive treatment system offsite at springs and seeps which discharge contaminated water.

b) If it is determined after efforts described in issue (a), that the ARAR for uranium, nitrates, 2,4-DNT and/or TCE cannot be met, then an appropriate process to establish alternative cleanup levels would be followed.

c) Prepare a separate Record of Decision for Stewardship that: addresses all areas impacted by the site; defines responsibilities; describes long term effectiveness; and provides adaptability of the plan. Specific items would include: authority, funding, stewards, operations, institutional and physical controls, information systems development, maintenance, and accessibility. The GWOU ROD would contain a commitment to finalize a separate stewardship ROD within a specified time period.

d) Revise the Federal Facilities Agreement (FFA) to include MDNR as a full participant to the agreement prior to signing the GWOU ROD and any future RODs.

e) Recalculation of the Action Leakage Rate facilitated by EPA and separation of the cell closure and post-closure issues from the groundwater monitoring issues until the requirements can be determined.

f) A commitment from DOE to work with MDNR to develop a funding mechanism to insure perpetual surveillance and oversight.

g) A commitment from DOE to fund MDNR to conduct an assessment of natural resource injuries at the site.