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WELDON SPRING SITE REMEDIAL ACTION PROJECT
 MK-FERGUSON CO., INC. WO 3589 (314) 441-8086
 295 Highway 94 South
 St. Charles, MO 63304

Document Number: 85262

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SUBJECT WELDON SPRING SITE GROUNDWATER OPERABLE UNIT

AUTHOR MCCRACKEN, S. TO SANDERSON, M. DATE 10/22/99

SUBJECT CODE/WORK PACKAGE NUMBER 03010

REFERENCED DOCUMENT(S) _____

ACTION ITEM TRACKING

INITIATE ACTION ITEM

INDIVIDUAL ASSIGNED TO ACTION _____ DEPARTMENT _____

ACTION REQUIRED _____

DUE DATE 11 ACTION ITEM LOG NUMBER _____

CLOSE ACTION ITEM

ACTION ITEM LOG NUMBER _____ INITIATING DOCUMENT DIN _____

COMPLETION DATE _____ APPROVAL _____

COMMENTS _____

303-1.09

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85262

OCT 22 1999

Mr. Michael J. Sanderson
Director
Superfund Division
US EPA Region VII
901 North 5th Street
Kansas City, Kansas 66101

Dear Mr. Sanderson:

WELDON SPRING SITE GROUNDWATER OPERABLE UNIT

As per your October 14, 1999 letter regarding the above subject, enclosed please find the signed and dated original correspondence. By signature of this letter, the Department of Energy (DOE) is in agreement with the issue resolution process as it is outlined.

Upon notice from the Environmental Protection Agency that the Missouri Department of Natural Resources has also agreed to the process outlined in the letter, the DOE will issue a public notice to start a 60 day comment extension period. If you have any questions, please contact myself or Karen Reed at (636) 441-8978.

Sincerely,
ORIGINAL SIGNED BY
STEPHEN H. MCCRACKEN

Steven H. McCracken
Project Manager
Weldon Spring Site
Remedial Action Project

Enclosure:
As stated

cc w/enclosure:
R. Blumenfeld, CC-10
G. Hachey, WSCC
C. Kemper, MDNR
D. Wall, EPA

PAI:YDeyo:x7034:emh:10/21/99 (m:EPAGWOU Issue Resolution)

CONCURRENCE/ REVIEWED BY:
RTG SYMBOL PAI
INITIALS/SIG. YDeyo
DATE 10/21/99
CONCURRENCE: RTG SYMBOL EM-95
INITIALS/SIG. TP [Signature]
DATE 10/22/99
CONCURRENCE: RTG SYMBOL EM-95
INITIALS/SIG. SM [Signature]
DATE 10/22/99
CONCURRENCE: RTG SYMBOL
INITIALS/SIG.
DATE
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

OCT 14 1999

Ms. Cindy Kemper
Director, Hazardous Waste Program
Division of Environmental Quality
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, Missouri 65102-0176

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

Dear Mr. McCracken and Ms. Kemper:

Re: Weldon Spring Site Groundwater Operable Unit

This responds to Ms. Kemper's letter of September 27, 1999, requesting that unresolved issues pertaining to the proposed remedial action for the Groundwater Operable Unit (GWOU) be elevated to the Senior Executive Committee for resolution. As we discussed in our September 10, 1999, meeting, since the state of Missouri is not a party to the First Amended Federal Facility Agreement (FFA) in the matter of the Department of Energy's (DOE) Weldon Spring Site, the Missouri Department of Natural Resources (MDNR) cannot invoke dispute resolution under the FFA. However, since the Environmental Protection Agency (EPA) is also committed to trying to reach a mutually satisfactory resolution of the outstanding issues and takes seriously all the state's concerns, we suggest that EPA, DOE, and MDNR agree to follow a process similar to the FFA's dispute resolution procedure to address the remaining issues.

We understand from your letter that two issues may have been resolved, however, we are not clear on the status of the remaining issues. We suggest the parties adopt the following procedure to attempt to resolve the remaining issues:

023851

OCT 18 1999

RECYCLE PAPER CONTAINS RECYCLED FIBERS

1. Within two weeks of the effective date of this agreement, MDNR, as the disputing party, would submit, in writing, a statement of the remaining issues the state of Missouri has with respect to the proposed remedial action, the technical and legal basis for this position, and the proposed changes necessary to satisfy its concerns.
2. Designated agency representatives, consistent with EPA's branch chief level, would have 21 days from receipt of MDNR's submittal to meet, in person or by teleconference, to resolve the dispute. If the dispute is resolved to everyone's satisfaction, a written statement would be prepared setting forth the issue and manner in which that issue was agreed to be resolved.
3. At the conclusion of this 21-day time period, if any party does not agree that the dispute has been fully resolved at the branch chief level, the parties will have two weeks from the end of the 21-day period to meet again, at the program manager level, to attempt to resolve the dispute. If the dispute is resolved to everyone's satisfaction, a written statement would be prepared setting forth the issue and manner in which that issue was agreed to be resolved.
4. At the conclusion of this two-week time period, if any party does not agree that the dispute has been fully resolved at the program manager level, the Regional Administrator will decide all remaining issues, after having the opportunity to consult with senior officials within MDNR and DOE.
5. The public comment period will be extended for a time period to cover this process; i.e., an additional 60 days from the date the notice of the extension is published. The expectation of the parties would be that the dispute resolution process could be completed during this extended comment period, so that information developed during this process could be included in the administrative record supporting the record of decision.
6. This agreement pertains only to the issues MDNR has raised in its comments on the GWOU proposed plan, and does not alter either DOE's or EPA's rights or obligations under the FFA or MDNR's rights to contest the remedy selected for the GWOU.

If you agree to this process, please note your agreement by signing in the space provided below. EPA will consider this agreement effective upon receipt of the signed pages from each party. EPA would like to resolve these issues as quickly as possible. If we have not heard back from you on this proposal by October 29, 1999, we will assume you are not interested in following this approach.

85262

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If you have any comments or questions on this proposal, please contact me at (913) 551-7050 or Dan Wall of my staff (913)-551-7710.



Stephen H. McCracken
Project Manager

10/22/99
Date

Cindy Kemper
Director
Hazardous Waste Program

Date

Sincerely,



Michael J. Sanderson
Director
Superfund Division

cc: John Young, MDNR

Please file with
DIN 85262

EM - CORRESPONDENCE FILE
 SUBJECT Document Number: _____
 41-8086
 Document Type: LR-DOE-EPA
 Originators DCN: _____
 UNRESOLVED ISSUES RELATED TO THE REMEDIAL

ANDERSON, M. DATE 10/22/99

TRACKING

DEPARTMENT _____

NUMBER _____

DOCUMENT DIN _____

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85262



Department of Energy

Oak Ridge Operations
Weldon Spring Site
Remedial Action Project Office
7295 Highway 94 South
St. Charles, Missouri 63304

October 22, 1999

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Director
Superfund Division
US EPA Region VII
901 North 5th Street
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Sincerely,

A handwritten signature in black ink, appearing to read "S H McCracken".

Steven H. McCracken
Project Manager,
Weldon Spring Site
Remedial Action Project

Enclosure:
As stated

cc w/enclosure:
R. Blumenfeld, CC-10
G. Hachey, WSCC
C. Kemper, MDNR
D. Wall, EPA



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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901 NORTH 5TH STREET
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OCT 14 1999

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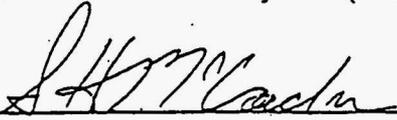
023851

OCT 18 1999

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Stephen H. McCracken
Project Manager

10/22/99
Date

Cindy Kemper
Director
Hazardous Waste Program

Date

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Michael J. Sanderson
Director
Superfund Division

cc: John Young, MDNR