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A PUBLIC MEETING REGARDING THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY - UNITED STATES DEPARTMENT OF ENERGY CONSENT AGREEMENT

05/09/90

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A public meeting regarding the United States Environmental Protection Agency - United States Department of Energy Consent Agreement for the Feed Mills Production Center (FMPC) site in Fernald, Ohio.

The above-entitled meeting was convened at 7:00 p.m. on Wednesday, May 9, 1990, at Ross High School, 3452 Hamilton-Cleves Road, Ross, Ohio, at 7:00 p.m. on Wednesday, May 9, 1990, with Chairperson Dan O'Riordan presiding.

1 APPEARANCES:

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3 Representing U.S. EPA:

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5 Dan O'Riordan

6 Community Relations Coordinator

7 U.S. Environmental Protection Agency

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9 Catherine McCord

10 Remedial Project Manager

11 U.S. Environmental Protection Agency

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13
14 Peggy Andrews

15 Office of Regional Counsel of

16 U.S. Environmental Protection Agency

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19 Representing Ohio EPA:

20
21 Graham Mitchell

P R O C E E D I N G S

1
 2 MS. McCORD: Okay, I think maybe we can get
 3 started. We're already a few minutes late. I'd like
 4 to welcome everybody here tonight, and thank you very
 5 much for coming. My name is Catherine McCord and I'm
 6 with the United States Environmental Protection
 7 Agency, the Region V office out of Chicago. I'm
 8 their remedial project manager for the clean-up
 9 action at the Fernald Site.

10 I have been involved with the site for
 11 almost three-and-a-half years now. Tonight we were
 12 here to present to the nation our new proposed
 13 Consent Agreement between the United States
 14 Environmental Protection Agency and United States
 15 Department Of Energy for the -- of the environmental
 16 investigation and the ultimate clean-up of the Site.

17 We hope that the accomodations here are
 18 adequate. We wanted you to be able to work at tables
 19 so that you could go over all the papers you have in
 20 front of you tonight. If anyone needs any of the
 21 other fact sheets or information folders, there's
 22 more available here, up front.

23 The Agreement that we're going to be
 24 discussing tonight was signed by U.S. EPA on April

1 9th. The documents went to the U.S. Department of
2 Justice for their concurrence, and we received that
3 concurrence on April 25, 1990.

4 The public comment period for this
5 document began May 1, and will extend to May 31st.

6 U.S. EPA will be reviewing all written and oral
7 comments on the Agreement that are presented here
8 tonight, and evaluating whether or not any changes
9 will be required to the consent agreement. If there
10 are any changes that we think are needed, we will
11 present those to the U.S. DOE in open negotiations,
12 essentially, again.

13 The primary purpose, again, for tonight's
14 meeting is to get an overview of the Consent
15 Agreement, have a period of question and answers, and
16 then, an opportunity to present testimony.

17 I'd like to introduce several people here
18 tonight from the both U.S. EPA and the Ohio
19 Environmental Protection Agency. There's some faces
20 that should look very familiar to you and a few that
21 might be new. At the front table here, at the end is
22 Ms. Peggy Andrews, she's from our office of Regional
23 Counsel of U.S. EPA. She's an attorney that's been
24 working with me for the last several years, and very

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1 much a prime actor involved in negotiating the
2 Consent Agreement. Also, of course, you know Graham
3 Mitchell from the Ohio EPA. He's been working on
4 this site, from the regulatory standpoint, longer
5 than any of us. And another new face for you tonight
6 is Dan O'Riordan. He's with the Office of Public
7 Affairs, and he is community relations coordinator
8 for the site. He'll be talking a little bit tonight
9 about public participation in the clean-up process.
10 We also have Sherry Bianchion (phonetic),
11 Environmental Engineer from our office in Chicago,
12 here. She's available to take any questions this
13 evening, or when we're on break, or having anything
14 that you might need, like documents from us.

15 And there's also several representatives
16 from U.S. EPA. A consulting firm is here, PRC,
17 people who are facilitating the meeting tonight.
18 Just so you understand who they are. We've also
19 asked that there be representatives of U.S. DOE here
20 for questions regarding the consent agreement later
21 on. They're in the audience, and I'm sure you
22 probably know most of them.

23 Well, right now, I'd like to turn the
24 meeting over to Dan O'Riordan. He is going to be the

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moderator for this evening's session.

MR. O'RIORDAN: Thank you, Catherine. Thank you, too, all of you for coming here tonight. It looks like it's going to be a stormy night. We do appreciate your interest and concern in this matter.

A couple of housekeeping things, first. There's a soda machine and faculty lounge back there in case you want to get up and go get a soda. There are bathrooms, also, down the at the end of hall. Also, for those of you who received the fact sheet in the mail, we have have made a revision. There was an error in the scheduling in terms of when some key dates are met. So we have substituted that, but we picked up a new fact sheet today. That correction will be in there, so it will say "revised" down there. And, also, we just have a regular handout, as it stands, by itself for those of you who brought your other fact sheet with you.

Briefly, I'd like to go over the agenda. Again, the reason for this meeting is, primarily, to accept oral comments on the proposed Consent Agreement. We do have a court reporter over here. He will be taking your oral comments, and he'll be transcribing them. We will put them into our record

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1 and respond to them in response to this summary,
 2 which will be inserted into the administrative record
 3 so that they will be a part of the public record.

4 You may also give written comment to us
 5 this evening while we're here. And as Catherine
 6 said, we will be accepting comments postmarked
 7 through May 31st, and you can use the fact sheet
 8 foldout here and write your comments; or write a
 9 comment here tonight and just give it to me before we
 10 leave, and we'll accept those as well.

11 We do ask you, if you do make a comment,
 12 to state your name, and to speak slowly into the
 13 microphone, because, as I said earlier, we do have a
 14 court reporter here, okay?

15 Briefly, on the agenda, Catherine will
 16 give an overview of the remedial and removal action
 17 process, what's going on right now. After she's
 18 finished with that, I will give a brief synopsis of
 19 the public participation and clean-up process, as
 20 well as some information on our Technical Assistance
 21 Grant. I do have some further information on that if
 22 you're interested in it, but there is a little fact
 23 sheet. We really do encourage you to take advantage
 24 of this program. It will allow you up to \$50,000 to

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1 gain access to your own experts in order to assist
 2 you in interpreting the data. This is a complex
 3 site. There's a lot of complex information. I
 4 certainly wouldn't understand it without the
 5 assistance of people who are professionals; and we
 6 encourage you to take advantage of that opportunity.
 7 I'll speak a little bit more about it later on.

8 After I'm through with that, Catherine
 9 will then give a consent agreement overview, which is
 10 really the reason why we're here tonight. After that
 11 we'll have a brief section of clarification
 12 questions. What we would like you to do is to ask
 13 questions that you need to ask in order to make a
 14 comment, because the reason we're here tonight is to
 15 get your comments on the consent agreement. So if
 16 you could please limit your questions to that, we
 17 would appreciate that.

18 After that we will go ahead and take
 19 actual formal comments.

20 MS. McCORD: I'm just going to give a brief
 21 overview of the remedial, removal process, the two
 22 major types of action which are going to be going on
 23 at the Fernald site. I'm sure this is something,
 24 really, we've hit on in other public meetings, but I

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1 wanted just to quickly review this for people that
 2 aren't so familiar with the process we're going to be
 3 following.

4 We haven't really gone through the normal
 5 hoops at this site, in the sense that we did not
 6 begin at the beginning of this diagram with site
 7 discovery. We won't quite discover a problem here.
 8 We did not go through the normal Superfund Remedial
 9 Process in that there was a preliminary site
 10 assessment and site investigation done, and the site
 11 was then scored, and then put on the NPL, and then a
 12 remedial investigation and feasibility study started.
 13 Instead, when the original Federal Facility
 14 Compliance Agreement was negotiated in '85 and signed
 15 in '86, it was already known that we had an
 16 environmental problem out at Fernald; and we jumped
 17 to the middle of this process right here (indicating)
 18 where the remedial investigation started. We're sort
 19 of caught up now, and we've done the back work, the
 20 paperwork.

21 Over this past year, the preliminary
 22 assessment and site investigation was completed;
 23 again, taking information from the remedial
 24 investigation and such, and doing the paperwork, the

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1 site was proposed for the NPL last year, and then
 2 went final on this National Priorities List in
 3 November of 1989.

4 The stage that we're at right now, as far
 5 as the major investigation at the site, is in the
 6 middle of this diagram, the Remedial Investigation
 7 and Feasibility Study. As you can see by the lines
 8 drawn on the diagram, this is an interactive process.
 9 We're, both, out in the field characterizing the
 10 environmental problem; at the same time developing
 11 and evaluating alternatives to address the
 12 environmental problems that are found.

13 After the Remedial Investigation and
 14 Feasibility Study are completed, U.S. DOE will be
 15 preparing a proposed plan. The proposed plan reviews
 16 each of the practical alternatives and ranks them
 17 according to U.S. EPA's nine criteria for evaluation
 18 of these alternatives and suggests an alternative
 19 which would be best to address the environmental
 20 problem.

21 The next document will be the Record Of
 22 Decision, or commonly referred to as the ROD. This
 23 is the document which outlines the actual selected
 24 remedy. It's the decision document.

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1 And the next phase will be Remedial
 2 Design. There will be a work plan submitted by U.S.
 3 DOE to EPA for approval. It's the work plan on how
 4 they will go about designing the clean-up alternative
 5 which was selected in the Record Of Decision.

6 The phase that we really are anxious to
 7 get to is the Remedial Action phase. That's the
 8 actual clean-up phase. And, then, in the long term,
 9 once the initial work is done under the clean-up
 10 phase, there's usually an Operations and Maintenance,
 11 an O and M period where some clean-up alternative
 12 which has been implemented may be long-term care. An
 13 example would be a groundwater pumping -- treating
 14 system where groundwater is being pumped for many
 15 years after the initial phases of clean-up.

16 And, currently, with the Remedial Actions
 17 we're going to be doing Removal Actions. In fact
 18 we'll be talking later this evening about the actions
 19 that have already started and the ones that are
 20 coming. The Removal Action is the other type of
 21 action that is provided for under the Superfund
 22 process. It's to address more immediate threats to
 23 the environment. It allows for an expedited
 24 decision-making process where we're getting out into

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1 the field and actually doing, you know, work.

2 I think right now I'm going to save the
3 rest of my specific discussions for the overview of
4 the Consent Agreement. Are there any specific
5 questions right now on this overall process that
6 people want to ask right now before we get to the
7 later dates?

8 Okay. I think this is probably something
9 that's very familiar to all. It's something that's
10 been reviewed in several of the meetings that DOE has
11 held. Dan?

12 MR. O'RiORDAN: Thank you, Catherine. One of
13 those nine criteria that Catherine was speaking of,
14 in terms of U.S. EPA and U.S. DOE in the determining
15 of the proposed plan for any type of clean-up action
16 at the facility is community acceptance. And that's
17 something that I can't speak enough of. This is your
18 community, and we do value your input, not only
19 because it's good input because you're here in the
20 vicinity, but it's also the law. So we do value what
21 you have to say.

22 Briefly, I'm going to speak over -- point
23 out the key comment period times in our scheduling.
24 You will be notified about this. There will be ads

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1 in the paper and things of that nature to remind you,
 2 but think of these things just in the back of your
 3 head of what we'll be looking for in getting these
 4 comments. Of course, we're not going to be giving
 5 you -- I'm talking to you now about the formal
 6 Comment Period. Throughout this process we will
 7 certainly welcome any of your comments. Call us and
 8 let us know what's happening. We'll be here from
 9 time to time. Pick up our toll-free number and call
 10 our toll-free number, write to us. So in a sense the
 11 informal Comment Period is on-going.

12 Currently, there is a formal comment
 13 period, though, that's going to be extended through
 14 April 17th, that's in the South Plume EE/CA. In June
 15 there will be another Comment Period on the waste
 16 pit.

17 FLOOR SPEAKER: You mean May 17th, don't you?

18 MR. O'RIORDAN: I'm sorry, yeah. It began in
 19 April. In June there will be a Comment Period on the
 20 Waste Pit EE/CA. In August, another Comment Period
 21 will begin on the EE/CA for silos one and two. In
 22 October, Operable Unit 4 Comment Period will begin.
 23 The Comment Period for Operable Unit 1 and 2 will be
 24 in February of '91. In June of '91, Operable Units 3

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1 and 5 will have their Comment Period. These were all
2 for the draft, the ISSs.

3 The proposed plan time period, Operable
4 Unit 4 will be in April of '91. (audience comments
5 garbled) Oh, excuse me. Those are FSSs? Right.

6 AUDIENCE SPEAKER: Mmm-hmm.

7 MR. O'RIORDAN: I'm sorry. That takes care of
8 them. Operable Unit 1 and 2, we should be having in
9 April of '91. Operable Unit 3 and 4 will be in March
10 of '92. The response of these summaries, which will
11 be the summary of your comments, and the responses to
12 them, how they are addressed will be due for Operable
13 Units 1 and 2 in June of '91. Operable Units for 3
14 and 5 will be in May of '92. And we have -- the
15 draft ROD for OU 4 will be in September of '91. For
16 OU 1 and 2 will be in February of '92, OU 3 and 5 in
17 June of '92. That's a lot of information to put on
18 you. You don't have to worry about remembering it
19 now, but the point is that there's going to be a lot
20 of opportunities for your comments. And keep in
21 touch with us. There will be advertisements. There
22 will be letters. There will be fact sheets. There
23 will be the whole business of the input, and we'll be
24 looking for your comments.

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1 In order for you to make good comments,
2 and make comments that are assessable, because they
3 have some information on them, I do suggest that you
4 consider applying for a TAG Grant. These are
5 primarily for interpretation of data. They allow up
6 to \$50,000. They can be renewed. We have precedence
7 of them having been renewed twice. There are some
8 restrictions. However, we will work with you to
9 get -- you know, to work you through the process.
10 You have to incorporate. You have to get a name of a
11 group. You have to give in-kind or a monetary
12 contribution of up to 20 percent, but that's easily
13 garnered by in-kind services.

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14 For instance, if you came here tonight
15 and the school gave you the use of their hall, you
16 could charge 3 or \$400 or whatever it is you would
17 normally have to pay if you had to rent the hall.
18 Supplies, services, if you have people who are
19 attorneys who are working for free, they may charge
20 from the account. They don't get paid for it, but
21 that will be an in-kind contribution. There are
22 many, many ways to get around it. Don't be
23 intimidated by the process of the application. We
24 will assist you every step of the way. We want you

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to have one. We all here want you to be able to get one.

There's only one TAG awarded per site. So what you need to do is to get together in the community and make sure that the one group that applies for it is the group that represents the community. Once an application is received we have to publish notice to allow any other, any competing group or organization to apply for it. And the point of that is to make sure that the group does have a broad base of support in the community. We don't want, you know, people competing, but we do encourage you to get together and apply for it. If you have any questions on that, please contact me at our-toll free number that's on the fact sheet. I want to make sure that you get every type of assistance you'll need in applying for it.

Another thing about the Formal Comment Period; when we get this Proposed Plan, you don't have to restrict yourself to a comment on what we are proposing, or what is proposed. There are going to be alternatives. If you see an alternative that you think may be better, you're welcome to comment on that. You can comment on basically anything you want

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1 that has to do with the plan. So don't think that
 2 you must comment only on what we're proposing,
 3 because it is proposed.

4 There have been cases where we have
 5 changed parts of a ROD, because of input from the
 6 citizens. You may know something that we don't know.
 7 That does happen. You live here. So don't be
 8 intimidated by a lot -- you know, the depth of the
 9 information. We do value your opinion. We want to
 10 work with you. We want to have -- you know, this is
 11 your community. We want you to be closely involved
 12 in everything, involved with the clean-up.

13 Catherine will now give a little -- a
 14 brief overview of the main subject of this evening,
 15 which is, of course, the proposed Consent Agreement.

16 MS. McCORD: I think this will be sort of the
 17 meat of tonight's action. In your folder there's a
 18 table of contents, and a few other handouts that
 19 might be helpful, that you can follow this evening.
 20 I'm not going to be talking about every section of
 21 the clean-up Agreement, because we would have to be
 22 here all night. But you're welcome to ask any
 23 questions regarding the language and its meanings,
 24 what's meant by a section generally.

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1 I'm going give an overview of a few major
 2 portions of the Agreement. And then a couple of
 3 sections of the Agreement where I think there's been
 4 some, maybe, some bad information that I've seen in
 5 the press regarding cost reimbursement, and EPA
 6 paying cost of clean-up. So if there's any other
 7 section about which someone would like a discussion
 8 in detail. We can also -- I think we've got a small
 9 enough group here that we can extend the discussions.

10 First, let me give a little bit of
 11 history on the old Federal Facility Compliance
 12 Agreement. Many people refer to as the FFCA. That
 13 old Agreement was an agreement by consent between the
 14 Department Of Energy, signed in July of 1986. And it
 15 included more than just clean-up requirements in it.
 16 It required some actions under the Resource
 17 Conservation Recovery Act, which is the Hazardous
 18 Waste Law. It also required some work under the
 19 Clean Air Act regarding radon nuclides and emissions
 20 and testing reporting requirements to U.S. EPA. This
 21 original agreement for the clean-up portion was
 22 signed under section 106(a) of the Comprehensive
 23 Environmental Response Compensation and Liability Act
 24 of 1980; that's CERCLA, that's the Superfund Law,

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1 which was passed primarily in response to some of the
 2 things that had been going on in the late seventies
 3 at Love Canal.

4 The other portions -- there are still
 5 some outstanding issues related to other activities
 6 under this old Compliance Agreement. There are still
 7 problems with the hazardous waste program, and those
 8 problems are being addressed under both -- under some
 9 enforcement actions by the State of Ohio, and also an
 10 ongoing enforcement action from U.S. EPA against
 11 Westinghouse.

12 Some of the NESHAP portions of that
 13 Agreement are being picked up by a new Clean Air
 14 Agreement which is being negotiated between the
 15 Department Of Energy and U.S. EPA, Region V, and it
 16 has to do with permit applications and emissions for
 17 radon nuclides from the plant.

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18 There are several factors that were
 19 considered when it was determined that we needed a
 20 clean-up agreement to replace this old one.
 21 Several -- there were technical reasons that the
 22 framework for clean-up needed to be changed.

23 In 1986, CERCLA, the Superfund Law, was
 24 reauthorized and amended via the Superfund Amendment

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1 and Reauthorization Act, SARA. Tonight you may be
 2 hearing all of those terms, Superfund, SARA, and
 3 CERCLA. I think in the context of our discussions
 4 this evening you can think of them as being
 5 essentially the same thing.

6 Another event that occurred was the
 7 finalization decided on the National Priority List
 8 which, again, I said earlier had occurred last
 9 November. And there was a particular provision in
 10 SARA, in the new Superfund Law, that required federal
 11 facilities that were on the National Priority List to
 12 enter into clean-up agreements with U.S. EPA.

13 Another factor that lead us to believe
 14 that we needed a new clean-up agreement was the old
 15 timeframes under the agreement, and that the
 16 associated work plans were not going to be met. It
 17 was obvious to us that there was a gross
 18 underestimation of the scope of this project, the
 19 needs of the site for clean-up. I think that this
 20 underestimation can be illustrated by the increase in
 21 the budget just for the Remedial
 22 Investigation/Feasibility Study. Initial estimates
 23 were in the range of 1.5 million for completion of
 24 the RI and FS. I think we're well over 80,000 --

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1 83,000? \$83,000,000. High 70s, low 80s -- for
 2 completion of the Remedial Investigation/Feasibility
 3 Study. And that's not because we have made more work
 4 out there, but rather when the project was scoped out
 5 initially by the Department Of Energy, there was,
 6 again, a gross underestimation of the amount of work
 7 that would have to be done.

8 In December 1988, DOE approached U.S. EPA
 9 and the State of Ohio asking for more time for the
 10 Remedial Investigation/Feasibility Study. A few
 11 months after that, we were approached, also, to make
 12 a major change in the structure of the RI/FS in
 13 moving from a full complete site to a multiple
 14 operable unit scheme. It was sometime early, maybe
 15 March of this past year that the decision was made in
 16 my office that we needed to start negotiating with
 17 the DOE a new agreement, and with terms that we
 18 thought were more favorable to the completion of a
 19 successful project. Oh, yeah, I forgot, one more
 20 factor that we -- U.S. EPA thought was one that was
 21 very important for us to negotiate, EPA and DOE, was
 22 that the agreement for 1986 had the Office of
 23 Management and Budget, OMB, deciding all disputes
 24 between U.S. DOE and EPA. We felt that the statute,

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1 Superfund Law, itself, provides U.S. EPA with the
2 authority for selection of remedy, and we did not
3 want those kinds of disputes on selected remedy to go
4 to office of Management and Budget to decide. We
5 felt that was a technical decision that belonged with
6 our agency. So any dispute between U.S. DOE and U.S.
7 EPA, we will follow through a formalized dispute
8 resolution process, which is outlined in the
9 Agreement; but U.S. EPA's administrator in Washington
10 has ultimate say on all disputes including remedy
11 selection. This was a provision we felt very
12 strongly about that we needed in the agreement.

13 So here we are with a new Agreement. We
14 had some false starts on negotiations last year. And
15 last October 31st, there was a meeting in Cincinnati
16 between some people from DOE, Washington and some
17 people in my office, and an agreement was made that
18 we would sit down and make whole-hearted efforts to
19 get a document finalized by the end of the year. And
20 I think people heard about some of the delays in
21 getting that document signed, but we're happy that
22 finally has taken place.

23 This new clean-up agreement only replaces
24 the CERCLA portion of the old FFCA, and the reason

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1 for that is the state, when they settled one of their
 2 old lawsuits with the Department Of Energy, they
 3 signed this up to a Consent Decree in Federal Court,
 4 and that Consent Decree referenced our old FFCA. So
 5 we, on paper, are keeping that old document alive,
 6 but we've changed the rules of the clean-up game
 7 to -- under this New Consent Agreement.

8 This New Agreement is an enforcement
 9 agreement. U.S. EPA's role is one of oversight. We
 10 see this as the same role that we take with many
 11 other Superfund sites with responsible parties who
 12 are doing the clean-up themselves with EPA looking
 13 over their shoulder approving proposals, approving
 14 remedy selection. EPA only does a small portion --
 15 goes out and cleans up a small portion of those types
 16 themselves. They generally try to get private
 17 parties to go out and take responsibility for the
 18 contamination they've caused and clean it up on their
 19 own. So really, this is a similar situation to any
 20 other private company out there who needs to do a
 21 clean-up; and from a technical standpoint, that is
 22 how we're judging the proposals that come in to us.
 23 They're proposals done by the people with the
 24 responsibility for investigation of the site, and

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1 then, the ultimate clean-up.

2 Again, under this new Consent Agreement,
3 we have agreed with the U.S. DOE proposal to divide
4 the site into a Multiple Operable Unit scheme. We
5 originally talked about, last year, a six Operable
6 Unit scheme. During negotiations we cut that back to
7 five Operable Units. So, essentially, we're running
8 through --

9 Could you put the next slide up? Why
10 don't you just wait one more minute.

11 Under this new scheme we're, essentially,
12 going through the remedial process five times.
13 There's going to be five RI reports, five FS reports,
14 five proposed plans, five Records of Decision. We
15 see that this is an advantage in that we can start
16 work out there on portions of the site that we have
17 enough information on. We don't have to wait until
18 the complete environmental characterization is done.
19 There is no way that characterization would have been
20 completed to meet the original dates, which the
21 Record of Decision under the old agreement would have
22 been September of 1990. The work wouldn't have been
23 any good, and we recognized that DOE needed more time
24 to complete that work. At the same time, we also

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1 felt that work had to get started in the field. And
 2 because of that we had included in this Consent
 3 Agreement, requirements for removal actions, those
 4 shorter term reponse actions that are allowed under
 5 the Superfund.

6 I'm going to briefly go over the Operable
 7 Units. I know that many of you have seen this many
 8 times, so we'll do this fairly quickly.

9 Could you get the first Operable Unit,
 10 the base map, the first Operable Unit. We've
 11 numbered the Operable Units 1 through 5. They,
 12 unfortunately, aren't chronological. The work will
 13 progress in the order of Operable Unit 4, 1, 2, 3 and
 14 5; again, 4, 1, 2, 3, and 5. Some of those dates are
 15 very close to each other. The first Operable Unit,
 16 it involves the Waste Pits, one through six, up in
 17 the northwestern portion of the site, the Clear Well
 18 and Burn Pit. And as you can see by the diagram,
 19 they're areas that are in very close proximity. Most
 20 likely the clean-up approach to that entire area will
 21 be similar. We're not going to pick and choose one
 22 waste pit over another. Even though the contents do
 23 differ somewhat between pits, we felt that it made
 24 sense to lump all of these together.

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The second Operable Unit, we call other waste units. They include Fly Ash piles which are down in the southern end of the site in an area we have been referring to as the south field. There's both an old Fly Ash area and a Flash area that's currently in use. This is the old Fly Ash area; this is the one that's currently in use (indicating). There's also some evidence of a -- maybe, other material had been exposed in the south field; that's going to, also, be picked up in the Operable Unit. There's also Lime-Sludge Ponds up in this area (indicating), a solid waste landfill which supposedly took, hopefully, only general refuse from the plant, but most likely there's probably some other contaminants that have gotten in there. It also, generally, includes the south field area that is mentioned and the Scrap Metal piles which we tend to hear a lot about. There's actually several over here in the plant, new pad (indicating), and over in this part of the facility (indicating). Some of them have been recently removed over the last few years, those will be included in part of this Operable Unit.

The third Operable Unit is the general production area. And something that came out in the

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1 negotiations last November is that the effluent line
 2 which discharges out effluent from the water to the
 3 facility Stricker's Grove out to the Great Miami,
 4 that line is also a part of this Operable Unit; and
 5 we'll be looking for contamination that may have
 6 leaked from that line.

7 The fourth Operable Unit is Silos 1
 8 through 4. Silos 1 through 4 go from -- numbered
 9 north to south. Silos 1 and 2 have the K-65 residues
 10 in them. Silo 3 has the metal oxide in them. And 4
 11 has some water which competes with some other lower
 12 levels of contaminant. It appears that it could have
 13 just been precipitation infiltrating the tank.

14 And, then, catch-all and last Operable
 15 Unit is what we call Environmental Media. It is the
 16 areas under and around all of these other Operable
 17 Units. If there is some contamination under or near
 18 the K-65 Silos, when those are being remediated, that
 19 near contamination will be taken care of under the
 20 K-65 Operable Unit. But if there is an extensive
 21 contamination, that will be picked under the Operable
 22 Unit 5, which will be addressing the general and
 23 soil contamination problems -- the impacts on flora,
 24 fauna, soils, surface, and groundwater.

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Okay, now we're going to just talk for a few moments about the Removal Action. When the President -- you know, after Congress passed SARA, the President had to turn around and write and sign what's called a Delegation Document. It delegates authority that Congress gives him in the law to the executive agency. Congress gave -- primarily, the authorities under Superfund were granted to EPA, but Congress, the President and everything on the hill understood that other executive agencies like the Department Of Energy, had clean-up responsibilities of their own. They had their own problems to clean up. And certain authorities under Superfund and SARA, were delegated also to the Department Of Energy; and those included the shorter term removal actions.

We were very concerned that -- we did not want DOE going out and doing removal actions on their own without oversight and integration into this overall clean-up scheme. Under the Consent Agreement both EPA or DOE can propose removal actions and these, again, are the short term, clean-up-type things, but EPA has final say on what has to be cleaned up, what has to be done.

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There are four specific Removal Actions outlined in the clean-up agreement, and these are ones that I think most of you have heard about, but I'll quickly review.

Removal number one has to do with removal of contaminated water, groundwater under plant buildings, water that's perhaps in shallow zones. Last year, pumping under Plant 6 Building started, and as some of the remedial investigation work continued in the production area, it became quite clear that we needed a more simple removal action under several other buildings, including Plant 9, and Plant 2 slash 3, 2/3.

U.S. EPA requested that DOE send a -- submit an amendment to their work plan for that Removal Action. That just came in two days ago, or early this week. And pumping, at some point, will start under those plants' buildings.

The Plant 6 removal has had some problems. That action was started and stopped two weeks ago, because volatile organic compounds were detected in that water in addition to the Radon Nuclides. The waste water treatment plant was not specifically designed for treatment of those volatile

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1 organic compounds, primarily solvent-type compounds.
2 And that water that's treated through the waste water
3 treatment plant goes out through the effluent line
4 and is subject to a permit called the National
5 Pollution Discharge and Elimination System, NPDES
6 permit, which controls the -- regulates the discharge
7 to the Great Miami. That permit does not allow for
8 discharge of volatile compounds. U.S. EPA recently
9 requested that DOE, again, amend their work plan for
10 removal at Plant 6 to include some type of treatment
11 for these volatile compounds. And those documents,
12 those work plans, will be in the administrative
13 records for your review.

14 The removal action is -- and actually
15 it's the other three removal actions that are
16 outlined in the clean-up agreement are seen as
17 somewhat longer term clean-ups, that some amount of
18 time needs to be spent on planning these removals.
19 Even though they're short term, they're longer short
20 term clean-ups. And what would have to be prepared
21 is a document referred to as EE/CA. EE/CA is the
22 Engineering Evaluation/Cost Analysis. This document
23 is the equivalent to a Remedial
24 Investigation/Feasibility Study, Proposed Plan, and

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1 Record Of Decisions all wrapped into one. It's the
 2 characterization of the problem, a review of the
 3 alternatives to address the problem, and then a
 4 selected remedy. It's sort of a plan of attack on
 5 how far to address the problem.

6 These documents, these EE/CAs are going
 7 to be prepared, or have been prepared for the other
 8 three removal actions outlined in the Consent
 9 Agreement. The EE/CA for removal number 2, which is
 10 collection of contaminated storm water from the Waste
 11 Pit area to prevent that contaminated water from
 12 entering Paddy's Run and continuing to contribute to
 13 the groundwater plume. That EE/CA is required to be
 14 submitted by May 30th, and will be available for your
 15 comments and available at administrative records and
 16 reading rooms.

17 Removal number 3 is the South Groundwater
 18 Plume. This document became available on April 16th.
 19 A 30-day public Comment Period is running right now.
 20 I believe the public Comment Period ends May 17th,
 21 and comments will be accepted up until that point in
 22 time.

23 And the last Removal Action outlined in
 24 the Consent Agreement is the Removal Action related

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to Silos 1 and 2, the K-65 Silos. U.S. EPA was very concerned on granting more time to U.S. DOE for the characterization, the RI/FS for the K-65 Silos without getting some kind of interim work in exchange. And this Removal Action is to address both radon emission and the stabilization problem that is associated with those tanks. The EE/CA for the document is going to be available August 1st, or later this summer, again, for a 30-day public comment period.

As we're moving towards the final clean-up of the site, U.S. EPA and U.S. DOE are in agreement that many additional Removal Actions will probably be required; in fact, we're already negotiating what these Removal Actions are. I don't think any of them will be the scope of the four that are listed in the Agreement, but these future Removal Actions will be incorporated into the Agreement once work plans are submitted and approved. The possibilities for additional Removal Actions, and I'd say very good possibilities, are Removal Action associated with that Plant 1 one pad. That's the one that was discussed at the last RA/FS meeting, the ones where the drums are imported -- from

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1 contributing further to the overall contamination
 2 problem. An example might be finding a tank they
 3 didn't know about and its got material in it and
 4 leaking it. I don't think any of these other Removal
 5 Actions will probably be of the scope of the four
 6 that have been reviewed here today. I'm hoping there
 7 won't be any more remedial problems found.

8 Again, removal number one is sort of a
 9 phased approach, that as we find additional
 10 contamination under plant buildings that removal will
 11 be continually expanding. There's no EE/CA developed
 12 for that document, because we consider that removal
 13 action a -- we call it a time critical removal, which
 14 means we, essentially, know the problem is -- the
 15 solution is obvious. We don't feel we have to waste
 16 the time to go through those additional documents.
 17 So that is why there was no EE/CA prepared for that
 18 first removal and won't be unless, for some reason,
 19 the condition found under one of the plants was so
 20 complex that we need to sort of sit back and make
 21 sure we do it right, and not do something foolish.

22 Okay, now I'm going to go on and talk
 23 about the -- but first, why don't we flip up the
 24 schedule, briefly. The schedules are outlined in

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1 here, in the agreement, but there's no real nice
 2 summary. I suggest that you keep the -- some of the
 3 pages that you were given here tonight. There's a
 4 commitment on the part of U.S. EPA that we feel very
 5 strongly that we have to stick to these dates. We
 6 feel, like, now there shouldn't be any new huge
 7 technical surprises, we're committed to holding DOE
 8 to the date that we've agreed on in this proposed
 9 Consent Agreement.

10 This first diagram is just a time line,
 11 sort of giving you an idea of each Operable Unit, and
 12 how that they're overlapping. There's going to be a
 13 lot of documents coming in available for your review,
 14 a lot of documents available in the administrative
 15 record. The administrative record is going to be
 16 organized by Operable Unit and Removal Action. So if
 17 you have wanted to see the documents that are
 18 pertinent to a particular Operable Unit, you can look
 19 at your -- these sheets we have here, or the
 20 Agreement that describes the Operable Unit, and go to
 21 those at the administrative record. As far as
 22 Operable Units, the one, again, that is first on line
 23 is the K-65 silos. Those Decision documents are
 24 going to be coming in early next year. The Operable

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1 Unit which is furthest out in the future is that
2 catch-all Operable Unit 5, which deals with, sort of,
3 all the other media; soils, groundwater, that type of
4 problem.

5 We, originally, did not have groundwater
6 included in Operable Unit 5. We had a separate
7 Operable Unit; but since we've got this removal
8 action to direct that South Groundwater Plume, we
9 felt that we did not need a separate Record Of
10 Decision or that process for that South Plume. We
11 hope that is a -- the removal action will be a very
12 good start on the long-term clean-up of that plume.

13 And also included in your packages, it's
14 just a -- the same information provided in more of a
15 chart form which is a little bit easier, if you keep
16 it for your record, it's the major milestone for each
17 of the Operable Units.

18 The documents which, again, we'll be
19 looking for formal public comment on are the Proposed
20 Plan. And there'll be a meeting at that stage,
21 proposed plan stage. There will be another public
22 meeting after each Operable Unit. A few of the
23 Operable Units are very close together. We may try
24 to lump some of those meetings so that we're not

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1 meeting people to death. But at least it gives you
2 an idea that these dates are further out in the
3 future than what was planned in the original FF/CA,
4 the Federal Facility Compliance Agreement, but
5 they're not that far off.

6 I'd like to spend a moment just talking
7 about a couple of the other major provisions in the
9 clean-up Agreement. First, a concern presented at an
8 earlier public meeting was that -- and a concern that
10 the U.S. EPA shared was that Radon Nuclide discharges
11 are not regulated under the Clean Water Act, and are
12 not subject to NPDES permit. And because of that, we
13 felt we needed -- we wanted a formal mechanism to
14 monitor the discharges that are going into the river.
15 The Consent Agreement does require reporting of these
16 discharges monthly.

17 Also, another point I spoke on earlier
18 was dispute resolution. We feel very strongly that
19 the dispute resolution process in this new Consent
20 Agreement is more in line with the authorities that
21 were given to U.S. EPA by Congress, as the
22 administrator that decides all remedy selection for
23 the Superfund Site.

24 And I think another area of the

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1 Agreement that there's been some confusion on is a
2 section called Funding. There's a question that's
3 been asked of me at earlier public meetings, who's
4 paying for this cleanup. The Superfund Laws, CERCLA,
5 SARA, Congress established a trust fund to be used to
6 clean up abandoned sites; and then the law provided
7 for U.S. EPA and the U.S. Government to cost recover
8 in order to replenish the fund. They can go out and
9 sue responsible parties to get the money back so that
10 they can go clean up other sites.

11 The other kind of clean-up that's forced
12 under Superfund is the one where EPA enters into
13 agreement with responsible parties and has them do
14 the clean-up. You know, this is more of the nature
15 of what we've got here where EPA has entered a
16 Consent Agreement with the Department Of Energy, that
17 they're doing the fieldwork, EPA is providing the
18 technical oversight. It has never been an issue on
19 who would pay for the RI/FS. Who was paying for, you
20 know, remedial contractors the DOE had hired. Who's
21 paying Westinghouse's bill as far as their involvement
22 in the project. It has always been quite clear that
23 it's the Department Of Energy's responsibility to pay
24 that bill.

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1 The issue which has been very hot the
2 last several months is who is going to pay U.S. EPA's
3 bill on the oversight costs. In the normal
4 responsible party, private party situation, EPA has
5 the right to get those costs back. And being that
6 we're dealing here with another federal agency, we
7 cannot sue them for those costs. And we were looking
8 towards the Department Of Energy to, essentially, pay
9 our bills, not to influence any of our technical
10 decisions, not to be involved with our policy making,
11 but to have a transfer of funds even at the office of
12 Management and Budget level. This is not an issue
13 which is unique to Fernald. It's a national issue.
14 U.S. EPA, nationally, is very committed to putting as
15 many resources needed to oversee these clean-ups at
16 the defense -- these defense facilities. We
17 recognize it's not going to be one person's time,
18 part time. It's a team of people's time over years.
19 It involves a lot of dollars as far as travel. It
20 involves a lot of dollars with respect to us getting
21 our own technical consultants backing us up. And it
22 adds up to a good amount of money nationally. And
23 because of that, U.S. EPA is working this issue at a
24 national level. I think I read a few articles in

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1 local papers after the time the Consent Agreement was
 2 signed that said U.S. EPA has agreed to pay the costs
 3 for one year of the clean-up. We're not paying the
 4 cost of clean-up. We're absorbing our oversight
 5 costs for one year while this issue is being worked
 6 nationally. None of these Superfund, Trust Fund
 7 monies are being used to pay for the clean-up. It's
 8 only being used to pay for all of our time here, you
 9 know, our oversight costs. So that is the issue
 10 which is being worked. U.S. EPA, Region V is
 11 committed to making sure this project is being done
 12 right, and we're a big enough organization that even
 13 if we don't get reimbursed, we're not walking away.
 14 You know, we've got a commitment to making sure that
 15 this problem's addressed here in Fernald.

16 I think, lastly, I'd just like to talk
 17 about the way this document is going to be filed
 18 today. I talked, briefly again, earlier on, about
 19 that. This public Comment Period is going to end at
 20 the end of the month, and U.S. EPA will be providing
 21 copies of all the comments to U.S. DOE, but will be
 22 doing the evaluation of whether or not there seems to
 23 be a need for some kind of correction or a
 24 modification to the Agreement as it stands. We feel

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1 it's a good Agreement. We feel, like, it will get us
 2 where we have to be, we also consider this a proposed
 3 Agreement until the time the public has reviewed it
 4 and agrees with us. So depending on what those
 5 degrees of comments are, you know, we either modify
 6 or will not have to make any changes in the
 7 Agreement. But once this public Comment Period
 8 closes, and if there are not significant Public
 9 Comments requiring changes, U.S. EPA will be
 10 notifying DOE of that fact, and the Agreement will be
 11 considered final. We'll put out a notice of that
 12 effective date, or if there appears to be any
 13 changes, we'll keep the community informed.

14 That will be it, as far as my overview of
 15 the Agreement. I'm sorry, Dan mentioned something
 16 about a -- that the fact sheet that was mailed out to
 17 everybody, anyone who is on our mailing list that
 18 means, was incorrect. We had the correction page
 19 over there. It was purely a printing error where a
 20 type set was changed after they had been approved.
 21 They also noticed that there's a date wrong on the
 22 sheet, the first one that we handed out here tonight.
 23 Operable Unit 1, the Remedial Investigation, second
 24 block over it said February 18th, 1980 and it should

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1 be '91. I'm sorry, February 18th, 1990 should be
2 February 18th, 1991. I apologize for that mistake.

3 MR. O'RIORDAN: Thanks again. And by now
4 I'm sure you realize that there is a -- this is a
5 complex site and this is a kind of a complex and
6 intense schedule. Again, from my perspective, I just
7 want to urge you to keep aware of the public Comment
8 Periods and to be involved with them, with the formal
9 periods. There will be several of them. You'll be
10 notified of them, and please keep apprised of the
11 situation. We value your comment. And any other
12 time, please, also if you have any general comments,
13 as I said the informal comment period is ongoing and
14 it won't end until the site is cleaned up, as far as
15 we're concerned.

16 What I'd like to do now is move on to the
17 clarification questions on the proposed Consent
18 Agreement. The reason we've distinguished this
19 section from the comments on the proposed Consent
20 Agreement is because we will answer your questions
21 tonight, if we can. We will not respond to your
22 comments tonight. What we do with that is we take
23 them and after we think about them, we'll respond to
24 them in response in summary. So the type of response

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1 you're going to get from us, when you make your
2 comment, is thank you very much. But please don't
3 think that that means we're not interested. It's
4 just the way that we run these things.

5 I'd also like to reiterate another
6 important thing that Catherine said, and that is that
7 this is not a fait accompli. This is a proposed
8 Consent Agreement just like all of the proposal plans
9 that will be coming out of the whole process. When
10 we propose them they are proposed. We do value your
11 input and it's not just a matter of us giving you lip
12 service. So please think about getting in TAG,
13 getting involved, let us know your concerns, and we
14 will address them.

15 I think what we need to do since we do
16 have a court reporter over here, if you do have
17 questions, we asked that you please come up to the
18 mic and just give your name. Again, these are
19 clarification-type questions.

20 If you don't want to give your name, you
21 don't have to, but this is just kind of for the sake
22 of the court reporter so we know what's going on.
23 I'd like to get to know you a little bit, too.

24 FLOOR SPEAKER: I have a quick question for

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Graham. It's reserved that the State of Ohio can still come back and sue if they're not happy with the results of all the clean-up; the way I understood that, is that correct?

MR. MITCHELL: That is correct. The reason we're not a signator to this Agreement is kind of convoluted and very legal. We've participated in all the negotiations involved in this Agreement. We're involved with our input into it. The Agreement reflects some of our opinions. We don't disagree with any clauses in this agreement. We think that this will lay the groundwork for cleaning up the site.

However, the reason the state does not sign this Agreement as other states sometimes do -- some states have and some states haven't signed three-way agreements -- is if we get to the end and there's a disagreement, we reserve the right to sue. If we sign this Agreement, we, basically, agree that U.S. EPA has the right to make the final decision in a dispute resolution. And, basically, that's the legal reason why we don't sign the Agreement. It's kind of -- as I say, it's a legal decision.

On a day-to-day situation, Catherine and

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I, and the U.S. EPA and I are going to be working close together to get the site cleaned up. And, hopefully, at the end we will not disagree on the remedy.

FLOOR SPEAKER: So, that Ohioans will have more of a direct pressure if they aren't happy with U.S. EPA's result?

MR. MITCHELL: That's the interpretation, and you can hear different things in different states. To be completely honest with you, other states are signing three-way agreements for other reasons. There are probably good reasons for that too. It's just an interpretation that the State of Ohio decided to make. You know, everyone can make their own decision on whether that's a good move or bad move. Technically, day to day, we're reviewing these documents; we're working together to get the site cleaned up.

MS. McCORD: And even though, again, Ohio's not signatory to this work, we're continuing to treat them as a full partner. We don't want to run into some of the problems that we've seen at some of the other western nuclear complex facilities. Where, in the State of Colorado the RODs (phonetic) were

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1 frequently lost on issues. We're committed that
 2 that's not going to happen here. We feel there's too
 3 much work to be done for the state and the region to
 4 be fighting over this.

5 MR. O'RIORDAN: Any other questions?

6 Clarification questions?

7 STEVE CONLIFF: On page 47, "A Force Majeure
 8 shall also include any strike or other labor dispute,
 9 whether or not within control of the Parties affected
 10 thereby." Does "other labor dispute" include a
 11 lockout? It seems that all the contractors have to
 12 do when they don't want to meet a deadline is provoke
 13 a labor dispute.

14 MS. ANDREWS: The language you see here in the
 15 "Force Majeure" section is language that we are --
 16 between the two agencies. And as part of the process
 17 of entering into an agreement with the DOE and other
 18 federal agencies, we've agreed to abide by this
 19 particular provision. So far as your specific
 20 question, you're saying if the contractor initiates a
 21 lockout, this would automatically invoke the "Force
 22 Majeure." There has to be a showing made, and if
 23 that showing -- that showing can be a dispute
 24 resolution. First, if the showing isn't made that it

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1 is a worthy invocation here of the the "Force
2 Majeure" provision --

3 STEVE CONLIFF: Is that a showing before a
4 judge?

5 MS. ANDREWS: I beg your pardon?

6 STEVE CONLIFF: What do you mean by "showing --

7 MS. ANDREWS: Well if you look at --

8 STEVE CONLIFF: -- before a judge"?

9 MS. ANDREWS: Pardon me?

10 STEVE CONLIFF: Do they have to go before a
11 judge and --

12 MS. ANDREWS: No, they have to make a
13 demonstration to us; a demonstration is made. And
14 that's subject to dispute resolution, then. In other
15 words, it would finally go as -- if it went far
16 enough, it would go to the U.S. EPA administrator for
17 decision?

18 STEVE CONLIFF: (Inaudible).

19 MR. O'RIORDAN: Are there any other questions?
20 You can feel free to sort of queue up behind the
21 microphone.

22 FLOOR SPEAKER: I've got another question. I'm
23 not familiar with what a National Contingency Plan
24 is. Can you give me a layman's quick answer on what

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1 it is?

2 MS. McCORD: The National Contingency Plan,
3 it's just the regulations associated with SARA.
4 Actually, the first contingency plan came out after
5 CERCLA was passed in 1980. So CERCLA was the law.

6 The regulations that are associated with that, which
7 are found in this Code of Federal Regulations, the
8 nickname is the National Contingency Plan, the NCP.

9 The NCP was proposed for many years in a
10 revision after SARA amended CERCLA. And the NCP was,
11 recently, the new regulations were file dated,
12 approximately, nine weeks ago. So, again, these are
13 regulations that implement SARA, and a copy of NCP
14 should be in the administrative record.

15 MR. O'RIORDAN: Or it certainly will be
16 shortly --

17 FLOOR SPEAKER: Is that true?

18 MS. McCORD: Currently, administrative record
19 is going under some major changes. There are four
20 reading rooms currently; two of them which include a
21 subset of documents, we're calling administrative
22 records which are documents that we're using for the
23 basis of all our decisions. This administrative
24 record is located at two places -- three places right

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1 now: In Chicago, our offices, which isn't much help
2 here, locally. At this site where it's located --
3 co-located in a reading room at this site and in the
4 Main Library. It has been our concern that these
5 locations have just -- I'd say that the structure of
6 the way these are laid out don't make them easy to
7 use. You've got two paper copies. There's no
8 documents that can be checked out. U.S. EPA and U.S.
9 DOE are currently negotiating a change in its format
10 where we're trying to come up with something better,
11 hopefully within the next few weeks, even if -- by
12 the timing of the RI/FS meeting in May 22nd, some of
13 the details of this change can be discussed. So
14 these documents, if you want to see them, are
15 available in the administrative record. We can also
16 make copies available, like the NCP available to you.
17 If you want to request that, we can even do that for
18 you.

19 MR. O'RIORDAN: Any other questions?

20 MS. CROFT: Mine are kind of mixed in with my
21 comments a little bit, so you're going to have to
22 bear with me. If the agreement is broken and the
23 time lines aren't met and all that, what happens?
24 According to this Agreement, what happens with that?

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1 MS. McCORD: I think at that point -- we're
2 essentially in the -- you know, this is the second
3 enforcement agreement we have. There were a lot of
4 reasons to go to the new Agreement other than just
5 that the old time frames weren't being met. But we
6 would have to look at what our other enforcement
7 options are. We are somewhat limited, because we are
8 dealing with a federal facility. The Agreement is
9 still enforceable by the state or through private
10 citizen's suit. We also have other options with
11 which to approach the Department Of Justice to
12 request them to take enforcement actions for us, or
13 we also have operators.

14 MS. ANDREWS: If you'll look at the
15 Enforceability Section and Stipulated Penalties, we
16 also have provisions there for certain actions when
17 the deadlines are violated where we can select civil
18 penalties and/or stipulated penalties. And then, of
19 course, one -- the major one is the citizen's suit
20 provision whereby the citizens who oppose the State
21 being able to sue under these penalties.

22 MS. CROFT: The civil penalty, is it a fine?

23 MS. ANDREWS: Yes.

24 MS. CROFT: With regard to removal action,

12 (1 Catherine, is there going to be a time when the
2 public can give their input to that? Do we have to
3 wait until we get to the EE/CA document before we
4 can -- or can we do that tonight?

5 MS. McCORD: You can actually give written
6 comment on anything in the administrative record at
7 any point in time. You can give those in a less --
8 "Informal Comment" is what we call them. There's no
9 public meetings scheduled in association with these
10 Removal Actions, but there is the opportunity to
11 still give something in writing, and there will still
12 be the information meetings which will discuss the
13 approaches and the findings, like the meeting that
14 will occur two weeks from now. But there's not going
15 to be -- there's nothing planned at this kind of
16 meeting for each removal.

17 MS. CROFT: Okay, so the first Removal Action,
18 though, to come through will be the South Plume,
19 then, right?

20 MS. McCORD: That's right.

21 MS. CROFT: I mean, when will the final
22 decision be made on that, actually; what the actual
23 removal's going to be?

24 MS. McCORD: The DOE started the public Comment

1 Period the same day the document was sent to Ohio
2 EPA, U.S. EPA for review and concurrence. As the
3 document stands right now, we're not going to approve
4 the document as is. And either way we'd be looking
5 at the public comments that are received and
6 evaluating those comments to see whether or not they
7 can drive a change in the EE/CA, or future work plan.
8 But there's also changes in those documents that
9 could occur because of comments provided by the State
10 or U.S. EPA. So, I don't know -- did I answer your
11 question? It's, essentially, written comments
12 that -- the Comment Period right now is scheduled to
13 go through May 17th.

14 FLOOR SPEAKER: Can there be a provision that
15 we could have a meeting, informational meeting as the
16 EE/CAs come out so that we can ask clarification-type
17 questions before we make the comments?

18 MS. McCORD: Would DOE be willing to commit
19 to -- U.S. EPA would be willing to commit to
20 entertaining the sessions, would you be willing?
21 Bobby said, yes, and I think we're always concerned
22 about meeting -- in giving too many meetings to the
23 public, in balancing that, you know. You all can't
24 live your lives going to meetings every night in the

1 week. I know your schedule, but at the same time
 2 when we can use the officers of the other meetings,
 3 we will try to. But if there's a need -- if we feel
 4 there's a concern, especially, reflections from
 5 comments, we can ask for meetings.

6 FLOOR SPEAKER: I think it would just be easier
 7 for us to give oral comment on things like this than
 8 it would be to have to sit down and actually write
 9 them out, and send them in and everything.

10 MS. McCORD: If DOE would be willing, and we
 11 would be willing to participate in such a meeting,
 12 oral comments, could be accepted.

13 FLOOR SPEAKER: Again, there's been a lot of
 14 serious questions about the South Plume Removal
 15 Action that means we have some real serious concerns
 16 about the way it looks like it's going to be done.

17 MS. McCORD: If we take a break at this time,
 18 or at the end of the meeting, if we don't take a
 19 break, maybe, Bobby -- if we can talk in private, we
 20 can set, maybe, the date. I know we will talk about
 21 it.

22 MS. ANDREWS: So far as how we proceed on the
 23 approval of the EE/CA, if you'll refer to paragraph C
 24 on page seven, that gives the approval process for

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1 the EE/CAs and the work plans on the removal. I
 2 think it will clarify it for you. It's rather
 3 complex, but I think if you read through it a couple
 4 times, you'll understand it; and if you have any
 5 questions, then --

6 MS. McCORD: That process applies to all
 7 removal, instead of having the process delineating
 8 each removal, it's a general process that will apply
 9 to all removal approvals.

10 MR. O'RIORDAN: So, perhaps we can insert that
 11 in the record, maybe as a comment, that this ought to
 12 be one.

13 MS. McCORD: What we would appreciate, I think,
 14 if you'd reintroduce that comment --

15 MR. O'RIORDAN: Yeah, during the comment period
 16 that is where --

17 MS. McCORD: -- so that we have all those
 18 together; or just write it down if you don't want to
 19 stand up here, write it down and we'll accept it here
 20 if you would rather.

21 MR. O'RIORDAN: I think what we might do is,
 22 maybe, have a break once the questions are asked, and
 23 then people could sit down and collect their comments
 24 for a few minutes, 'cause it is sort of hard to jump

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1 right into it.

2 But I do want to, quickly, just review
3 one thing that we did say, which I can't say this
4 enough. There are formal Comment Periods that are
5 required by law, and there's also informal comment
6 periods. So you can comment on something you want
7 anytime. So don't just think you have to comment
8 during the Comment Period.

9 FLOOR SPEAKER: When we get into the Comment
10 Period there's a question mixed in there and it won't
11 work any other way. I'll just mention we have a copy
12 of the South Plume EE/CA, and we just -- that's
13 FRESH, I'm asking for this, is there any way that we
14 can be assured that we'll receive a copy of each
15 EE/CA for each Operable Unit?

16 MS. McCORD: You mean --

17 FLOOR SPEAKER: In advance. I mean can we have
18 just a little bit of time to look over things?

19 MS. McCORD: Yeah. And this EE/CA,
20 particularly, has a lot of diagrams. It's not one
21 that's easy to reproduce. I'll tell you what, in the
22 community relation's plan we're working for revision
23 of this document with DOE, right now, and we could,
24 maybe, make a revision in that community relations

1 plan that as the documents are produced that a copy
2 could be forwarded directly to FRESH.

3 MR. O'RIORDAN: She's asking for something
4 else.

5 MS. McCORD: What did you ask for?

6 FLOOR SPEAKER: I just asked for a copy.

7 MS. McCORD: A copy when they become available.

8 FLOOR SPEAKER: From day one of the 30 days.

9 MS. McCORD: Okay, that's a copy of the
10 document which is going out for public comment.

11 FLOOR SPEAKER: Okay, and then I think the rest
12 of mine I'll take up at the time of the actual
13 comments.

14 MS. McCORD: The whole thing about this new
15 administrative record reading set-up is there will be
16 also extra copies of the document that you can pick
17 up there, but also there would be ones that could be
18 checked out so there would not only be the reference
19 copies of documents, but you can go there and
20 actually take something home for a couple of nights.
21 Sometimes you don't want a copy of all these things,
22 it's a waste of trees so -- but you just want to take
23 them home for a week. So we're trying to work out if
24 DOE is amenable to, maybe, something that's more

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1- accessible to the public.

2 MR. O'RIORDAN: We certainly want to have in
3 the rooms all the information by the time that the
4 time period begins, otherwise, you know, why have the
5 Comment Period. So the idea would be to have
6 everything that you would need to make a comment by
7 the time that the Comment Period ends. So we'll work
8 very hard to make sure that they are in place.

9 Are there other questions?

10 FLOOR SPEAKER: This is for someone else, her
11 voice isn't doing so well tonight; so correct me if
12 this isn't the right question. She's concerned that
13 you said DOE had stopped pumping at plant six because
14 of the volatiles. She wants to know if during the
15 time that you were pumping and treating and
16 discharging and the volatiles were going out, the
17 volatiles were there the whole time?

18 MS. McCORD: The indications are, yes, they
19 were. There was no -- what happened is there was a
20 series of samplings that occurred first, for just
21 uranium. Then there was a request by U.S. EPA to get
22 a broader spectrum of analysis. Full radon nuclides
23 were tested. In addition there was also requests for
24 the full hazardous substance list, that broad list

1 bunch of chemicals. It was this analysis which was
2 completed and returned approximately a
3 week-and-a-half ago. It indicated the volatiles
4 which were there and most likely we'd have to assume
5 were there since day one pumping. A letter regarding
6 U.S. EPA's concerns on what happened in this chain of
7 events is that the analysis should have been done
8 sooner. And it was directed that it should have been
9 done, that under any other of the other Removal
10 Actions for the plant buildings, there'd be full HSA,
11 full Hazardous Substances Analysis will be completed
12 before a full-scale pumping. It's not going to
13 happen again.

14 FLOOR SPEAKER: Is there a treatment ability,
15 though, at the site?

16 MS. McCORD: Not at the site, currently, other
17 than something that would -- a way that volatiles are
18 removed from the water is that they can be, actually,
19 stripped either through an aeration system or steam
20 system. The only way that volatiles are being
21 removed is just through their casual aeration,
22 nothing intentional. And a system is designed to
23 catch those volatiles, and they run them through a
24 charcoal bed. So there are charcoal filters systems

1 so they just aren't released to the environment. And
2 that is something that we've got to talk about,
3 whether or not those levels should be treated and put
4 through a, first, probably a stripper unit, and then,
5 also, a charcoal filter system.

6 MR. MITCHELL: Can I just say one more thing on
7 that? Just so you don't think there's been a lot of
8 volatiles discharged to the river, it does appear
9 from the sampling that the State has done through
10 NCBS Sampling, there are several volatiles. We have
11 not seen any large amounts of volatiles, but, really,
12 I don't have the data in front of me, but any
13 detectable -- you know, a lot of volume is going out
14 into the Great Miami River. So I would guess that
15 either the volume is so small that's being pumped or
16 the material is being stripped from their system.
17 However, this issue, now that we have found the
18 natural source of this material, brings another
19 regulatory decision and role, so they've got to come
20 up with some other treatment system or at least
21 indicate what -- you know, how we're going to get
22 from here to there now that we know the material is
23 there.

24 FLOOR SPEAKER: (Inaudible).

1 MR. MITCHELL: But I'm saying it isn't there
2 right now. I just did it just to let you know it's a
3 problem, but it doesn't appear to be a problem for
4 the river right now.

5 FLOOR SPEAKER: When you're talking volatile,
6 are you talking ones that --

7 MR. GRAHAM: I'm talking about solvents.

8 MS. McCORD: The lighter compounds, they have
9 shorter carbon chains that evolves a --

10 (Two speakers at one time)

11 FLOOR SPEAKER: Benzene?

12 MS. CORD: I don't think we're seeing Benzene.
13 I think it was chlorinated solvents. You have to
14 help me here.

15 FLOOR SPEAKER: Trichloroethane?

16 MS. ANDREWS: 1, 1, 1 (one comma, 1 comma, 1).

17 MS. CORD: They are solvents that are used,
18 have historically been used at the plant, and they're
19 the most common contaminants that you find at waste
20 sites, these volatile compounds.

21 FLOOR SPEAKER: Has any of this been detected
22 at the other effluent line down the road?

23 MS. McCORD: That's what Graham was talking
24 about, that they did test --

1 FLOOR SPEAKER: Did they really test it there?

2 MS. McCORD: Have they tested since the pumping
3 has started, since last August?

4 MR. MITCHELL: I'm not sure.

5 FLOOR SPEAKER: No, probably not. The same way

6 I asked about that chemical company down there, did
7 they ever test at the river, their flows down the
8 railroad track?

9 MR. MITCHELL: I got no answer on that one
10 either.

11 FLOOR SPEAKER: There's a lot of paperwork, but
12 there's no answers here.

13 BOBBY: What are you referring to?

14 FLOOR SPEAKER: Chemicals -- Chemical Company
15 down here that pumps the water back into the Miami
16 down the railroad track.

17 MS. McCORD: Albright & Wilson?

18 FLOOR SPEAKER: Yeah. I discussed that quite
19 lengthly with you.

20 MR. MITCHELL: Okay.

21 FLOOR SPEAKER: But I never did get no answer
22 about whether you're going to check it.

23 MS. McCORD: We can follow -- I think Albright
24 & Wilson has an NPPS permit which is a permit under

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1 the Clean Water Act.

2 FLOOR SPEAKER: Yeah.

3 MS. McCORD: And we can check and review what
4 is allowed in that permit and what type of
5 compliance -- sampling can be done by --

6 FLOOR SPEAKER: We don't care whether he's
7 allowed or not allowed. It's what he does at night,
8 a typical thing. See, we're common people around
9 here. We don't go for all this paperwork, what
10 you've been giving to us for an hour-and-a-half here.
11 I asked down here at night -- I heard a fisherman say
12 that at 3:00 one morning he was fishing down here,
13 and some stink came out of that pipe. It was orange
14 water come out of the pipe. And I asked Graham the
15 last time we had a meeting down here at Stricker's,
16 how about having somebody test that down there and
17 see what they're throwing into the river. At that
18 time he said there was two pipes. They had a permit
19 for one and the other pipe they didn't, right?

20 MR. MITCHELL: The other pipe belongs to
21 Rudkers Neece(Phonetic).

22 FLOOR SPEAKER: And they're not using it,
23 right?

24 MR. MITCHELL: Right.

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1 FLOOR SPEAKER: Right.

2 FLOOR SPEAKER: They're not using it?

3 FLOOR SPEAKER: That's what he says.

4 MR. MITCHELL: They have no permit.

5 FLOOR SPEAKER: Yeah, they have no permit, but

6 how do you know they're not using and dumping it down

7 the river and -- until you go down there and test it?

8 MS. CORD: You wouldn't necessarily know by

9 testing some place down the river if somebody

10 discharged something.

11 FLOOR SPEAKER: No, I mean at the end of the

12 pipe just like this line of Fernald's down there.

13 You know, it broke the other day. Remember when it

14 broke down there, and you found out they had a lot of

15 stuff down there, didn't you? Why don't the EPA do

16 some of this testing where we asked questions for?

17 You don't come back with no answers. You come back

18 with a lot of paperwork, a lot of baloney. In fact,

19 I don't think I'm going to come to the next meeting,

20 because this is just a bunch of officers with no

21 action; no action.

22 Now, if these people over here can show

23 us some action that they have taken within the next

24 30 days, then, I'm really for these people, but what

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1 action is there, really, been taken? Nothing but the
2 paperwork. You people are creating a -- millions of
3 tons of paperwork. To me it's just a bunch of red
4 paperwork, you know, all about the U.S. Government.

5 No more comment.

6 MS. McCORD: If you would like to refer the
7 individual who said he saw a discharge, we'd be very
8 interested in following it up.

9 FLOOR SPEAKER: I don't know him. He was down
10 at the Ross Bar, down there talking. I don't know
11 who he was. Could have been a drunk.

12 MS. McCORD: Hearing that, that is something
13 that U.S. EPA would be very interested in following
14 up, if there's any kind of intentional -- that's
15 criminal activity.

16 FLOOR SPEAKER: I know it is, that's just
17 exactly why I talked to Mr. Graham about it; but you
18 got to have -- you people got to do the testing for
19 us. We can't go down there and test it, and then
20 find the evidence and then say, hey, come on and get
21 after them and do something about it. That's what
22 the EPA is, isn't it? Aren't they supposed to find
23 out these places that have this problem?

24 FLOOR SPEAKER: This is just a clarification

1 question. Aren't the two chemical companies supposed
2 to be getting ready to do a RI/FS here very, very
3 soon?

4 MR. MITCHELL: It's already underway.

5 MS. McCORD: They're doing that under a State
6 Compliance Agreement, an administrative agreement.

7 FLOOR SPEAKER: How come they haven't had to
8 hold any public meetings or public participation or
9 public involvement? You know, we have been notified
10 of absolutely nothing. I, specifically, wrote a
11 letter to their -- like you are for Fernald, whoever
12 the man is for them --

13 MR. MITCHELL: Mike Starky.

14 FLOOR SPEAKER: Mike Starky -- and requested
15 that there be a public meeting held regarding RI/FS
16 at the chemical company.

17 MR. MITCHELL: And Ohio EPA needs to hold that
18 meeting the way they agreed to set it up.

19 FLOOR SPEAKER: That's right.

20 MR. O'RIORDAN: Are there any other
21 clarification questions around the Consent Agreement?

22 FLOOR SPEAKER: I'm not done yet. A couple
23 more. On page 55 of the Consent Agreement it talks
24 about a five year or years. Is this something that

1 has happened after they, basically, set up all the
2 things that they're going to be doing, like how the
3 pumping at the South Plume was going, and that kind
4 of thing?

5 MS. McCORD: Yes.

6 FLOOR SPEAKER: Exactly what happens if they
7 start any of the Operable Units or Removal Actions
8 and they started with one technology and another
9 thing a whole lot better comes up, and, you know,
10 it's proven within a period of time after that? Is
11 there a provision that they switch over to the better
12 technology if, it's, you know, reasonably economically
13 feasible?

14 MS. McCORD: That's something that could occur
15 before -- even before the last Record of Decision.
16 And one part that you do have is that these Records
17 Of Decisions are cumulative. And that you're always
18 sort of going back and seeing how these new Records
19 Of Decision or plans are affecting the previous
20 forms. And the problem or situation where a new
21 technology is found is something that -- that's why
22 you've got these five-year reviews.

23 FLOOR SPEAKER: Do you have to wait the full
24 five years, though, if something new comes up as the

1 mechanisms for kind of reopening the case, that sort
2 of thing?

3 MS. McCORD: There's not a formal mechanism in
4 the terms of the agreement --

5 MS. ANDREWS: This is no less often. It's
6 every five years, so it doesn't require five years.

7 FLOOR SPEAKER: It could be more often.

8 MS. ANDREWS: To assure human health in the
9 environment.

10 FLOOR SPEAKER: Okay. In Westinghouse's
11 progress report of a couple months ago, they talked
12 about -- that, they had agreed with EPA to drop some
13 of the documents from the administrative records.
14 What kinds of things are being dropped out of the
15 administrative records?

16 MS. McCORD: Okay, I know what this is. How
17 many people have actually been to the reading room?
18 It's actually a series of long notebooks -- and
19 Westinghouse, who is going to set up the
20 administrative record, is doing that, managing that
21 for DOE, wanted to include all of that, and we said
22 no. And there's a lot of old documents in there or
23 other reports that aren't relevant to a decision
24 process for Remedial Removal Action. It's good

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1 background information, but it's -- you don't want to
 2 expand the administrative record beyond documents
 3 that are needed. EPA has guidance on the kinds of
 4 documents that need to be included in the
 5 administrative record. And they had, you know, FEPC
 6 newsletters. There's just things that weren't
 7 necessary in there. And, right now, a copy of the
 8 full administrative record, the new one, the new
 9 improved version, has been shipped off to Chicago,
 10 approximately, four weeks ago. That document will be
 11 reviewed to make sure it meets our requirements for
 12 the administrative record. But there will still be
 13 all these other documents in these reading rooms
 14 which are beyond these problems.

15 MR. O'RIORDAN: Are there any other
 16 clarification questions on the proposed Consent
 17 Agreement?

18 FLOOR SPEAKER: The copy I was given tonight,
 19 will someone read from what starts as the last
 20 sentence on page 30 and picks up on 31?

21 MS. McCORD: Starting with "Comments by U.S.
 22 EPA adjudicates" -- my, my. Mr. Tyler of DOE, who is
 23 an attorney involved in negotiating the agreement,
 24 brought another -- not that signed version. It's one

17

1 of these -- oh, it's your own retyped version?

2 MR. TYLER: It's one of the earlier drafts that
3 we worked on, but that sentence is in the agreement
4 that was signed.

5 MS. McCORD: There's a line, it's going to
6 agree with you. It's after comments by U.S. EPA. It
7 should say -- shall be provided with adequate
8 specificity so that U.S. DOE may respond too. So,
9 what we'll do is, we're going to have to make a
10 change in the document that's in the administrative
11 record to reflect that line with which we've got a
12 problem with the typing. Did everyone get that
13 language? Tyler, do you want to stand up and read
14 that sentence?

15 MR. O'RIORDAN: Okay, the sentence should read,
16 the bottom of page 30, last sentence extending onto
17 page 31: "Comments by U.S. EPA shall be provided
18 with adequate specificity so that U.S. DOE may
19 respond to the comment, and if appropriate, make
20 changes to the draft report.

21 MS. McCORD: What we're going to do is, we're
22 going to make a change-page, attach it to the
23 agreement in the administrative record. We're also
24 going to send out the change-page to everyone on the

1 mailing list. So everyone that got the fact sheet --

2 MS. CRAWFORD: You don't have to send this out
3 to us. We wrote it down. Don't cut any more trees
4 down for us.

5 MS. McCORD: We'll make sure that the change
6 gets in the administrative record then.

7 MS. CRAWFORD: That's all I think we need to
8 worry about.

9 MR. MITCHELL: I'd like to readdress the
10 comment that was made earlier. I have been remiss in
11 addressing your concerns about discharges of Albright
12 & Wilson and Rudker Neece (phonetic), and I will
13 follow up on that.

14 FLOOR SPEAKER: I'll appreciate it.

15 MR. MITCHELL: As far as concerns about the
16 gobs of paperwork associated with this, this is an
17 extremely complex process. This is an extremely
18 complex site. I hope things move fast on the site,
19 but I don't think they're going to move fast. But
20 this is the blueprint for cleaning up the site. This
21 is how -- this is the game plan. This is how it's
22 going to happen. There's no other game plan that's
23 going to step in and take over. We've got to follow
24 this process through. It's not going to be an easy

1 one. We're going to have a lot of tough meetings,
2 much tougher than this one coming up, especially when
3 we start talking about cleaning up the site. We're
4 going to have to work together, and get our comments
5 together, and come up with a way of cleaning up the
6 site. It's the only game in town.

7 FLOOR SPEAKER: In farmer English, we have two
8 silos down there and a lot of us are really upset
9 because the U.S. Government's been lying to us. Are
10 you recording this, Mr. Court Reporter? Are you
11 recording this comment? Oh, there he is. You're
12 over there, I'm sorry. Okay. So the U.S. Government
13 has been downright lying to us down here, and
14 according to Les, the only people we could trust was
15 the EPA; and now I'm starting to distrust EPA,
16 because it looks like -- because all this paperwork
17 is just feet dragging, you know, to me. Now, we know
18 what's in this K-Silo down here. Now, why do we need
19 all this paper to start to get the process cleaned
20 up? That I don't comprehend.

21 MS. McCORD: The reason the analysis -- first
22 of all, I agree that things have not been handled
23 well in the past. And I'd like to repeat that
24 there's a very strong commitment, a very strong

1 commitment on the part of people involved in the site
2 and records and the commitment of our agency that,
3 you know, we're going to make sure it's done right
4 out there. And it's not going to have to be done
5 again. There's not going to be any false starts.

6 And in certain parts of the clean-up out there,
7 including K-65 Silo, the work had not been done in
8 the past to know even how to handle the material.
9 It's not as simple as going out there and opening the
10 door and emptying those tanks.

11 FLOOR RESPONSE: Why not?

12 MS. MCCQRD: Well, because of the dangers to
13 the people and the public by doing that; and people
14 involved at the site, but also the public. We have
15 to make sure it's done in a safe fashion, and, again,
16 that it's done properly. We don't want to be
17 managing that material more times than we have to.
18 And the Superfund mandates that the final remedy to
19 be implemented, is not just bandaid. You know, we
20 don't want it just moved into another tank and
21 sitting here. We need to have tests done so we know
22 how to properly treat that material, so we can make
23 intelligent, good decisions.

24 FLOOR SPEAKER: And that's what all this

1 documentation is all about?

2 MS. McCORD: That's what it's about. It's the
3 process laid out by Congress. It's not a short one,
4 but we saw -- EPA saw that there was a need to get
5 out there and start some of this work. That's why we
6 told DOE, in order for us to grant you more time on
7 these long-term clean-ups, and we technically agree
8 they need it, that we need these shorter-term
9 removals. And to be honest with you, we did not give
10 them all the time they asked for. We had many heated
11 discussions late into the night, and taking apart the
12 micro-schedules that DOE contractors had in the
13 performance of this work.

14 We've even staffed through it and picked
15 out all those, you know, soft schedules, that had
16 been built into those -- but I think we would have
17 been, from our perspective, EPA, State, U.S. DOE
18 would have been cheating the citizens around Fernald
19 if we said to DOE, hey, you go ahead and stick to
20 that September 1990 Record Of Decision date in that
21 original agreement. It would not have been an
22 adequate approach to the problem. We would have been
23 out there starting work and running into more
24 problems. It wouldn't have been a good job. And

1 we're committed to make sure it's a good job.

2 FLOOR SPEAKER: Do you have any idea when you
3 expect this total project to be completed?

4 MS. McCORD: Well, look at -- you look at the
5 dates here.

6 FLOOR SPEAKER: But that doesn't mean very
7 much.

8 MS. McCORD: I know it doesn't. I know it
9 doesn't, and that's right.

10 FLOOR SPEAKER: That just means that the paper
11 says this is going to happen at that time.

12 MS. McCORD: That's the decision-making point
13 of what the final clean-up is going to be. This
14 clean-up is going to continue on this site for years
15 in the future. There'll probably be --

16 FLOOR SPEAKER: What does that mean; five
17 years, 10 years, 20 years?

18 MS. McCORD: It means there'll probably be
19 treating of groundwater for 50 years.

20 FLOOR SPEAKER: 50?

21 MS. McCORD: I would guess that they're going
22 to be doing it for that long.

23 MS. ANDREWS: As a matter of fact, at most of
24 our Superfund Sites, they're projected for around 30

1 years. Some of them have shorter period of times,
2 but that's the usual projection.

3 MR. O'RIORDAN: Records Of Decisions include 64
4 years. Are there any other clarification questions?

5 MR. NEAL: My name is Richard Neal. Do you
6 know how to handle everything that's in there? Do
7 you have the techniques and technology available to
8 handle all these contaminants in that site?

9 MS. McCORD: In the silo or generally in the
10 site?

11 MR. NEAL: Generally, on the whole site.

12 MS. McCORD: Some areas, yes. With groundwater
13 treatment there's known technologies to address the
14 material. The other end of the spectrum are the K-65
15 silos. You know, this -- from our understanding it's
16 the biggest radon source in the United States. It's
17 technologically a very difficult project. There's
18 people who were involved with Three Mile Island who
19 are involved with the brainstorming sessions that
20 will be coming up with the solution to those silos.

21 MR. NEAL: So let's take a worse-case scenario
22 where the K-65, is that right, silos are the worst.
23 Is it a matter of you progress to a point where you
24 say we can get this, and we develop the technology to

1 do this, and then you find something different in the
2 future?

19
3 MS. McCORD: We will go with the technology
4 that's available at the time the decision is made on
5 what to do with it. We can only look at existing
6 technologies or ones that could be tested as part of
7 a Feasibility Study. There can be some other studies
8 that are done, treatability studies for testing the
9 technologies that you want to use to clean it up.
10 For example some material that has been removed from
11 the K-65 silos have been sent out to the State of
12 Washington for vitrification tests, which is
13 essentially a melting of the material so we can class
14 them. Those are the kinds of things that need to be
15 done. Because, again, the material in K-65 Silos is
16 so unique, there's really no precedent for handling
17 material that is that loaded with radon.

18 MR. NEAL: Well, is there money in there to
19 develop new technologies, then, money for those kinds
20 of problems or not?

21 MS. McCORD: There -- in the Superfund process,
22 the EPA actually funds projects --

23 MR. NEAL: Mmm-hmm, generally across the
24 country.

1 MS. McCORD: -- across the country. We
2 actually -- anybody who wants to propose, it's called
3 Superfund New Data Technology, that once it's
4 proposed, U.S. EPA just grants it, because they
5 recognize a lot of the stuff is being run out of
6 Cincinnati, because U.S. EPA's lab's there.

7 In this case, I think DOE, nationally,
8 also recognized they need to do research and
9 development, because they have sites which are
10 different than all these other private party sites.
11 They themselves have to develop those technologies,
12 and they are looking at spending more money on that
13 research and development program. Because in some
14 sense I think we're lucky in Fernald, in that our
15 schedules for these clean-ups are much more in the
16 near future than we are in these other plants. I
17 mean Handford's thing is 30 years just to sort of get
18 to the stage that we think we'll be in 10. I think
19 Fernald is ahead of the game. We're further along in
20 the RI/FS stages than many of these other sites which
21 are negotiating clean-up agreements today, and are at
22 ground zero.

23 But the fortunate part of that is that we
24 will be benefiting from technologies being developed

1 at other sites. Again, we're always adjusting to the
2 remedial action that will be going on here, when new
3 technologies are available, when new technology for
4 better water treatment is discovered that can be,
5 then, implemented and take the place of something
6 that is really kind of outdated.

7 That's going to happen here. You know,
8 this project is going to be going on so long, that in
9 the future we will be replacing some of the clean-up
10 systems with new data. I think water treatment is
11 one of the areas that's most likely to do that.

12 MR. O'RIORDAN: Question from the back of the
13 room.

14 FLOOR SPEAKER: What would have happened if a
15 tornado had touched down in Fernald instead of
16 Middletown town this week? What would happen if we
17 got hit with that problem?

18 MS. McCORD: There is a recent study that DOE
19 commissioned for reevaluation of the structural
20 integrity of the K-65 silos. That study said in a
21 situation such as tornados, that those silos, those
22 tanks would not make it; and if that happened,
23 material probably would be spewed all over the
24 county --

1 FLOOR SPEAKER: Would it be an explosion or --

2 MR. MITCHELL: There's two scenarios, I'm
3 pretty sure. The dome could either be flattened,
4 crashed in from the outside from the wind; or a
5 direct hit would cause an explosion via pressure, by
6 a rapid pressure change just like any tornado.

7 There's two types of tornado damage; either you blow
8 it down or you explode it. There's two different
9 possibilities, possible scenarios.

10 FLOOR SPEAKER: Would there be a chain
11 reaction?

12 MS. McCORD: No, but, you know, like a tornado,
13 a house would actually be knocked down from the wind
14 itself, or the house would actually explode, because
15 of the tremendous pressure differentials going on,
16 because of the high winds. So, I mean, those are
17 scenarios that were reviewed in this recent
18 reevaluation of the structural integrity.

19 FLOOR SPEAKER: Would this contaminate all of
20 our environment, then, all of our ground? I don't
21 understand what the effects would be on it.

22 MS. McCORD: The effects, I think, would all
23 be -- did the DOE analysis go that far? What would
24 happen if material was dispersed throughout the area?

1 MR. TYLER: The only thing that's different on
2 here we have an assumption of the site -- and so
3 forth, how far material has spread from the silo and
4 how much must be removed -- (inaudible).

5 MS. McCORD: Would you speak up so the court
6 reporter can hear this?

7 FLOOR SPEAKER: (Inaudible).

8 MS. McCORD: We do have a concern about that
9 radon emission and the stability of those silos, and
10 that is why the Removal Action is included in the
11 Consent Agreement -- so that we can -- if it's not
12 going to do anything for us tomorrow, but in six
13 months it may do something for us.

14 FLOOR SPEAKER: Radon is an alpha, right? --

15 MS. McCORD: Your radium is alpha.

16 MR. TYLER: You got a variety of isotopes. The
17 radon is --

18 MR. O'RIORDAN: Excuse me, we do have a court
19 reporter that we engaged, so I'm going to ask you if
20 you could both speak louder, because he really can't
21 hear you.

22 MR. TYLER: There's generally two types of
23 radiation dealing with K-65 materials: The radon
24 itself which is a gas, and it's gauged by an alpha

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1 emission; and radium, which is the parent of the
2 radon, and there are also very strong gamma
3 emissions, some external radiation, so the external
4 radiation can bring the radiation consideration into
5 the material. So there are two considerations. The
6 worker -- for example, worker protection: You have
7 to consider very much the gamma radiation that's
8 around the mote, the radium and the daughter
9 (phonetic) as well, the radon gas itself -- so it's a
10 combination of things.

11 FLOOR SPEAKER: Being a radon gamma count, a
12 higher gamma count, would that be normal, then --

13 TYLER: A higher gamma, radiation gamma --
14 (inaudible)

15 MR. O'RIORDAN: To get back to your first
16 question, as I hear it and for the benefit of the
17 court reporter, the DOE has not made final that
18 scenario --

19 MR. TYLER: -- it's in draft ROD, it will be
20 included and it's being used as far as the EE/CA has
21 been developed in all these K-65 Removal Actions, so
22 at least part of that document going in.

23 MR. O'RIORDAN: Another question?

24 MR. POSTUM: Norman Possum is my name. Is K-65

1 currently impacted due to the accident, investigating
2 Class C? Is all work stopped around K-65 due to the
3 accident? The last time I heard it was stopped.

4 MS. McCORD: You're talking about -- there was
5 two times when people were exposed out there: One
6 was during a sampling event; another one when there
7 was a team out there and people had noticed a crack
8 in the radon treatments system. You're talking about
9 the second (phonetic) plant?

10 MR. POSTUM: Yeah.

11 MS. McCORD: There is a re-analysis of the
12 safety procedures, and work was held up. Some of
13 these -- we're getting ready to have sampling done
14 underneath facilities, some drilling done at angles
15 to cut soil samples. There's felt a need by U.S. DOE
16 to readdress health and safety considerations. And
17 EPA thought at that point in time, because of some of
18 the problems out there, had agreed with those initial
19 delays, but work is back on track again. Bobby do
20 you have any comments?

21 BOBBY: All the -- the direct relations appeal
22 of the radon treatment system and access there.
23 Although those are being addressed, we are not going
24 to be resuming the sampling schedule. There will be

1 some time before we get back to that.

2 MS. McCORD: You're talking about the
3 internal --

4 BOBBY: Internal --

5 MS. McCORD: Correct, but then, how about the
6 external?

1

7 BOBBY: Any water that's scheduled outside the
8 chain link fence, if you will, that surrounds the
9 silos, any work outside that area. To finish your
10 question, we're very concerned about the
11 preliminary -- scan, because this is --

12 MR. POSTUM: Has there been any consideration
13 about filtering the radon gas into the Carver
14 building on a twenty-four-hour basis, rather than
15 this -- other than when we got people out there under
16 construction or sampling?

17 MS. McCORD: Absolutely, that's one of the
18 alternatives which are being evaluated in that EE/CA
19 that's coming out in August. And we have emphasized
20 to DOE that radon control has to be a major portion
21 of that and purpose of that activity, not just the
22 stability of tanks; that we do want a reduction in
23 radon emissions. There were some new air regulations
24 which went into effect March 15th under the Clean Air

1 Act, Under the National Emissions Standard for
 2 Hazardous Air Pollutant, NESHAP requirements.

3 There was a radon standard in there which
 4 applies to, actually, five or six locations in the
 5 United States; it has to do with the weapons
 6 facilities, and on the list is Fernald. That
 7 standard applies to radon sources at Fernald. It
 8 promulgates a standard which needs to be met once the
 9 clean-up has been completed. So there is now a
 10 standard that we will be applying to the clean-up of
 11 those silos.

12 FLOOR SREAKER: Are they going to be able to
 13 meet those standards?

14 MS. McCORD: They cannot meet it now. They
 15 will have to meet it as far as the final clean-up.
 16 They are far above that level now, but that standard
 17 was meant to apply to post remediation. What is that
 18 standard? The number is 20 -- am I right, 20
 19 hyper-inpurities (phonetic) per year, and that
 20 standard -- compliance with that number is being
 21 addressed with this new Air Compliance Agreement
 22 including Region V's Air Provision and U.S. DOE, but
 23 actually that standard was meant to be implemented
 24 through the CERCLA clean-up process. In fact, that's

1 what that regulation presents. I mean it talks about
2 CERCLA and intermittent clean-up agreements between
3 DOE and EPA, and that that standard is meant to apply
4 during long-term storage periods and post clean-up.

5 FLOOR SPEAKER: A couple things. The first is
6 what are the plans for filtering or cleaning water
7 that's pumped from other than plant six line, and two
8 and three? Then the second is what are the plans for
9 the clean-up of the pit, that they remain in place
10 and remain under control? Are there mechanisms for
11 testing the soil under the pit, because some of those
12 pits, they go way back to the early 50s.

13 MS. McCORD: There are really two questions
14 there. Let's first address the treatment of the
15 water in Plant six. A letter has gone out from U.S.
16 EPA earlier this week about the problems with the
17 first work stoppage. We're concerned that -- we want
18 to get that pumping started, and at the same time we
19 feel adequate treatment of those volatile organic
20 compounds is necessary. We're asking for DOE to
21 submit, what we would -- in 30 days, a work plan
22 modification to include treatment for these solvents.

23 FLOOR SPEAKER: Are the solvents Kerosene and
24 Durex?

1 MS. McCORD: The solvents are chlorinated
2 solvents. I don't think I have the results with me.
3 Trichloroethane, right? Ethylene and one other;
4 what's the other?

5 FLOOR SPEAKER: Tributyl phosphate.

6 MS. McCORD: No. It was another -- I believe
7 it was another chlorinated solvent.

8 MR. MITCHELL: You're referring to the raw
9 materials they use in plant 2,3; is that right?

10 MS. McCORD: Okay, and we're only talking about
11 Plant 6. The plant 2,3 pumping system has not been
12 installed. A proposal has just come in U.S. EPA; the
13 first time I saw it was yesterday. Again, those
14 proposals will be part of the administrative record,
15 and the treatment of any water that is pumped out of
16 2,3 will be decided after we know what's there. But
17 the samples -- the chlorine around the plant and
18 inside the building and the wells that have been
19 installed so far, indicate that there is gross
20 contamination there.

21 But to be honest with you, the three
22 places we really expected to find it, was plant 6,
23 plant 2,3, and plant 9 anyway, because of the kind of
24 operations they had; I think that was acid. With

1 immobilized metal, we expect to see gross
2 contamination.

3 The question about Plant 2,3, the waste
4 pit. The codes for the waste pits and addressing
5 them will not be decided until we know, really, how
6 far the contamination is going. We already know the
7 pits are leaking, and there are technologies
8 available right now to cut off leaking pits like
9 that. And there's also other approaches which would
10 involve exuding the material, treating it to make it
11 less mobil or less toxic, and then at some point
12 there'd be treatment residues, which would have to be
13 either disposed of off site or on the property in an
14 engineered disposal set-up.

15 But the situation that's out there right
16 now is not acceptable. Somehow the continuing
17 contamination, leaking of contaminants into the
18 groundwater has to be cut off. We also need to cut
19 off, if the material out there did stay in place, and
20 I understand that is not a decision that ever has
21 been made at all -- that you have to cut off rain
22 flow into the pit so that you're not continually
23 having a downward pressure of water breaking down
24 outside of this. In fact that's why waste before was

1 covered a year-and-a-half ago, was to cut off
2 rainwater after immobilizing contaminants and further
3 contributing to the groundwater contamination
4 problem.

5 MR. O'RIORDAN: Is there -- we have to move on.

6 FLOOR SPEAKER: I noted, at first blush,
7 there's some -- indication here on enforceability
8 that there are -- this could be enforced by any
9 person which would enable private lawsuit or lawsuit
10 by a group such as FRESH. I've been reading through
11 this. I note the assistant attorney general has
12 pointed out that we certainly don't want to waive
13 sovereign immunity. And there were modifications
14 that were made. Since that, essentially, kicks out
15 civil penalties, and knowing the history of DOE for
16 not abiding by agreements or court orders, what
17 realistically does this -- what good does that do for
18 us to have a private right of action under this
19 Agreement?

20 MS. ANDREWS: That only applies to the
21 change-page that we took out, with regard to
22 sovereign immunity. That applied to one phrase that
23 has to do with RC/RA. And under RC/RA there's a
24 difference in the sections that are sighted here

1 under "Surplus," and the section under RC/RA. Under
2 RC/RA, the definition of "person" does not include
3 U.S. Government. Whereas under CERCLA, which is the
4 section that we cite in this document on page 41,
5 "person" does include U.S. Government, and that's why
6 we don't need the RC/RA section that was formally in
7 there, that we took out the phrase. We only need the
8 CERCLA section, which does include the U.S.
9 Government.

10 FLOOR SPEAKER: So the U.S. Government is
11 subject to a civil penalty and we can enact -- we can
12 take private actions against DOE for not complying
13 with the CERCLA?

14 MS. ANDREWS: Right. The attorney general was
15 sorry that we had put section 3008 of RC/RA in, which
16 does not include U.S. Government under the definition
17 of person. And that would be waiving their sovereign
18 immunity under RC/RA. So that was the issue here.

19 FLOOR SPEAKER: Thank you.

20 MR. POSTUM: Due to the massive pollution at
21 Fernald and the clean-up in progress, or will be in
22 progress, is there any way possible you could prevent
23 Fernald from ever operating, production-wise, until
24 all things are fixed? Or if they say, someday, we

1 need the production, we start up -- without their
 2 addressing any of the problems or fixing anything and
 3 staying with the old '50s wore out equipment? Now, I
 4 mean, is there any way you can prevent them from
 5 operating that plant?

6 MR. MITCHELL: I'm not sure that that's going
 7 to be an issue. I think that Fernald and DOE has
 8 pretty much said in recent press articles that it's
 9 not going to operate.

10 MR. POSSUM: But I mean, is there a --

11 MS. ANDREWS: Under 106, we can take actions
 12 necessary to protect the public from imminent
 13 substantial danger; that the President can make any
 14 order under that provision. Now I don't know that
 15 that --

16 FLOOR SPEAKER: I mean, if you're a private
 17 industry, and they find there's a nasty problem, you
 18 have to fix that before you can start up production.
 19 Does the same thing hold for Fernald and DOE?

20 MS. McCORD: If that production would present
 21 imminent substantial danger to the public, we could
 22 order -- we would order that that work could not
 23 occur.

24 MS. ANDREWS: Under Section 106, the President

1 can make any order necessary to protect human health
2 from impairment, if there is imminent substantial
3 danger; that's the standard, that's under 106 A.

4 FLOOR SPEAKER: Well, that would certainly
5 apply here at Fernald wouldn't it?

6 MS. ANDREWS: If there's imminent substantial
7 danger.

8 MR. O'RIORDAN: Are there any other
9 clarification questions?

10 FLOOR SPEAKER: Can someone tell me what
11 (inaudible) with thorium?

12 MR. O'RIORDAN: The gentlemen's asking what
13 sort of tests will be done on thorium. You'll really
14 have to speak up.

15 FLOOR SPEAKER: How do you test for thorium?

16 MR. O'RIORDAN: How do you test for thorium?

17 MS. McCORD: Just testing? There's protocols
18 for testing for the presence of thorium.

19 FLOOR SPEAKER: Isotopic thorium. That's in
20 the groundwater?

21 MR. O'RIORDAN: I'm sorry, would you please
22 remember there's a court reporter here?

23 DOE SPOKESPERSON: The question was, how do you
24 test for thorium? There's several methods. One is,

1 our lab takes the samples that you're analyzing and
2 ingest it in acid and then you precipitate the
3 liquid. (Inaudible).

4 MS. McCORD: The analytical method which is
5 approved for analysis is every compound which is
6 tested for out at Fernald is laid out in a plan
7 called the Quality Assurance Program Plan, called the
8 QAPP, the QUAPP (phonetic), that is actually part of
9 the work plan for the RA/FS. That is in the -- it's
10 part of the administrative record. It's actually a
11 separate three-ring notebook document which has gone
12 through review by our analytical people and health
13 physicist and EPA partners. We reviewed comments,
14 and they were modified by those copies in the
15 original work plan of the book several years ago.
16 Laboratory people with knowledge of (inaudible), they
17 reviewed that document.

18 FLOOR SPEAKER: When Merck (Phonetic) issued
19 that we're starting up the plant again, apparently as
20 recent as October they were anticipating that for
21 fiscal year 1991 they may not have enough supply of
22 uranium, completed uranium for (inaudible) Plant.
23 And they were discussing steps to take to restart the
24 plant on an as-needed basis. So if they were to

1 restart the plant for production again would that
2 affect the clean-up and affect this Agreement?

3 MS. McCORD: The deadlines to the Agreement are
4 still imposed. There are facilities that are in
5 operation, you know, production-type facilities while
6 they're going through these clean-ups. You know,
7 they're not always abandoned sites. It can, in some
8 instances, make clean-up technically more difficult
9 because you're working around people who are doing
10 production. I mean a problem they've got at Fernald
11 is that we're not happy that all the material is
12 stored outside in drums. The DOE recognizes and
13 Westinghouse recognizes that's a problem, also.

4
14 What's happening right now is equipment
15 is being unbolted, pushed aside from the buildings to
16 make room for this drum material.

17 Tonight when we presented those documents
18 before the meeting started, there were indications
19 from the unions that they may actually want to start
20 production up again here. That caught me by
21 surprise. There had been no official petition from
22 DOE. EPA has been told that in July a decision will
23 be formally announced; but every indication by the
24 movement of this equipment, and, also, budget

1 projections that we've seen are not based on
2 production activities.

3 Do you have any suggestions or comments?
4 Do you know anything about those documents that are
5 coming out of Oak Ridge, about discussing with union
6 people about when production could be started?

7 DOE SPOKESPERSON: I'm not familiar with that.

8 FLOOR SPEAKER: There's been absolutely no talk
9 of restarting production.

10 DOE SPOKESPERSON: (Inaudible).

11 FLOOR SPEAKER: If they don't do that, they'll
12 have to start up production.

13 FLOOR EXPERT: Two things: one, the Agreement
14 took place when we were -- production would impact --

15 FLOOR SPEAKER: Well, I mean, there's several
16 times in this document it says -- it says expedited
17 many, many times --

18 MS. McCORD: Is this the document, the union
19 document?

20 MS. CRAWFORD: This is the document that
21 someone gave us, someone gave to FRESH, and it does
22 mention -- several times the word "expedited" is
23 entered in here. Does that mean if they figure out
24 that there's not enough that they're going to run

1 production on the short term?

2 DOE SPOKESMAN: (Inaudible).

3 MR. O'RIORDAN: For the record, would you
4 identify that document? Is there a --

5 FLOOR SPEAKER: It's a memorandum. It's to
6 John Rinehart, acting assistant secretary for the
7 defense program and it's signed by Bill Malone.

8 MS. McCORD: What's the date, Lisa?

9 MS. CRAWFORD: October 16th, 1989. The
10 document clearly presents a lot of questions on our
11 part, and we don't feel like production should be
12 resumed at this point in time, because of the
13 antiquated, dirty, dusty situation at the site.

14 MS. McCORD: One option might be to make a -- I
15 was in Washington recently and spoke with Pat
16 Whitfield at DOE Headquarters, who works for Leo
17 Duffy. Pat Whitfield is supposed to head up all
18 remediation for DOE nationally in these western
19 facilities. And I mentioned to him that there was
20 dissatisfaction that there had not been more higher
21 level representation at the citizen's meetings. He
22 said that was going to change.

23 MS. CRAWFORD: Yeah, they floated in -- they
24 floated back out, but --

1 MS. McCORD: He said that they would be sending
2 people to some of the RA/FS meetings. I don't know,
3 but those are the kinds of --

4 MR. O'RIORDAN: Are there any other questions
5 on the Consent Agreement?

6 FLOOR SPEAKER: On this Consent Agreement,
7 there's nothing in there where the Department Of
8 Energy has to notify you they're going to start
9 production, is there?

10 MS. McCORD: There's nothing in there.

11 FLOOR SPEAKER: So, then, you wouldn't know or
12 have the slightest idea, with all this paperwork
13 you've got, whether gas gets down -- whenever gas
14 gets factored -- it meant a lot of radiation dust
15 going out in the sky.

16 MS. McCORD: Even though they're cleaning up,
17 if they started production up, they still have to
18 comply with all of their air permit requirements.
19 And in the past those air permits and all those
20 permits were not being met, but --

21 FLOOR SPEAKER: Well, what makes you think
22 they're going to be better when they start up again.

23 MS. CRAWFORD: If they couldn't meet them,
24 then, Catherine, there's no way they're going to meet

1 them out there now.

2 FLOOR SPEAKER: Yeah. What makes you think
3 that they are going to start doing a better job?
4 That's what we're all talking about.

5 MR. MITCHELL: There's no way that they can
6 start production without notifying us.

7 MS. CRAWFORD: That's what we want to find out.

8 FLOOR SPEAKER: Well, answer me one question:
9 They will notify you?

10 MR. MITCHELL: It's just that we're down there,
11 probably, once a week at least, and we're dealing
12 with these people day-to-day. They're not going to
13 start up an operation that's going to take months to
14 get started. You don't just flip a switch out there
15 and start this operation up.

16 FLOOR SPEAKER: I have been trying to say that,
17 if you know about it when they start production?

5

18 MS. McCORD: What I recommend, if you're
19 concerned that something like that needs to be
20 included, I'd put that in as your comment on the
21 Agreement. There's nothing in there, though, that
22 requires them to tell us that they're starting
23 production.

24 FLOOR SPEAKER: I just think it would have a

1 big impact, if they were to start production again,
2 and we're in the middle of this clean-up in these
3 Operable Units and the EE/CAs and all these documents
4 and Comment Periods, I just see a huge mess.

5 MS. McCORD: Just so we don't lose this for the
6 record, I'd rather either some of you could get it
7 into writing, or sort of inch it into the comment
8 phase here that -- make sure we get it into the
9 record, and we will address those concerns.

10 MR. MITCHELL: One point of clarification out
11 here is that DOE has plans to run certain facilities
12 as part of the clean-up --

13 FLOOR SPEAKER: In the plant.

14 MR. MITCHELL: -- in the plant, like the rotary
15 film and several other facilities. Just so we make
16 sure that we're not calling that production.

17 MS. CRAWFORD: No.

18 MR. MITCHELL: Okay.

19 MR. O'RIORDAN: Are there any other
20 clarification questions? Okay, I think we should
21 take, what, a 15-minute break, and be back at 25 of
22 10:00? And for those of you who are interested, if
23 you want to leave and write your comments now, also,
24 you can give them to me here. There's a pen and pad

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up here, also.

(OFF THE RECORD.)

MR. O'RIORDAN: Okay, we're ready to start the Comment Period. I hope you had time to get your thoughts together in terms of your comments. A couple of quick items before we get into it. Someone asked us if they could distribute a booklet at the front desk here, and I guess a copy will be there, but we have not read it. So we don't know what's in it, but you're welcome to pick up a copy on your way out.

Also, I would like to remind you, again, on May 22nd there will be an availability session at Stricker's Grove, this is a DOE availability session. The availability sessions run from 6:00 to 7:00 p.m., then there's a meeting immediately following at 7:00 p.m. So, for those of you who don't know that, you know it now; and pass it on to those who may not be here.

We're now entering the real reason we're here tonight, to take your comments. We heard from some questions, and some of those questions were comments, and we'll try to sort those out, if they're not repeated here now. One thing that is crucial at

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1 this point is that the comments are given into the
 2 microphone. That is the real reason we're here.
 3 Some of the questions weren't heard by the court
 4 reporter, that's okay. But I must enforce the use of
 5 the microphone, it's crucial for us and for the
 6 record and for everyone, now, that comments be heard.
 7 You're welcome to give us your name. And, again, I
 8 want to stress with you, we will be accepting your
 9 comments tonight. So the response you're going to
 10 hear from us is, thank you very much for your
 11 comments. We're not going to be answering your
 12 comments or addressing them here this evening. They
 13 will be addressed in the responses and summary.

14 That said, are there any comments on the
 15 proposed Consent Agreement?

16 MS. CRAWFORD: My name is Lisa Crawford. From
 17 what I've been able to read and understand, I think
 18 it looks like a really good agreement, and it seems
 19 to be very comprehensive. A couple of the things I
 20 have questions about and some concerns about, it
 21 looks like EPA has no or very little jurisdiction
 22 over the drum path, the air monitoring, or the
 23 filtering. Also, the public process area allows for
 24 some concerns, comments will be considered by a

1 formal process prior to taking action. And I have
 2 serious concerns that I want to know if the public
 3 will be consulted or alternatives will be considered
 4 or possibly delay due to insufficient funding?

5 With regard to the funding, it doesn't
 6 seem to be real specific in actual numbers to the
 7 clean-up process. DOE looks to be responsible for
 8 making the best efforts for such funding. They can
 9 request funds, but, then, when the funds are not
 10 received after the budget process, DOE needs an
 11 excuse to alter the schedule for action date. This
 12 seems to be beyond DOE's control; and it seems the
 13 Agreement should specify actual dollars required,
 14 that DOE pledge to spend whatever dollars needed,
 15 regardless of the budget process.

16 And, now, I'll bring up the last point:
 17 If production should begin at the site, we think it's
 18 imperative that the EPA be notified, immediately,
 19 before it even begins.

20 MR. O'RIORDAN: Thank you for your comments.
 21 Any other comments?

22 FLOOR SPEAKER: This is -- we talked about it
 23 earlier, I think that there needs to be an
 24 educational-type information meeting at the beginning

1 of our 30-day comment period to allow us time to ask
 2 questions of the experts, so we can understand what
 3 it is that we're trying to comment on for the EE/CAs
 4 and for the Operable Units as each thing comes up.
 5 It could be, maybe, done, you know, a workshop-type
 6 thing, by reservation if they're trying to keep it
 7 smaller other than the gigantic open meeting. There
 8 are a few people in the community, at least, that
 9 need that access.

10 MR. O'RIORDAN: Thank you very much. Any other
 11 comments?

12 MR. CONLIFF: Steve Conliff, C-o-n-l-i-f-f. I
 13 think it should be on the record. I do think that
 14 this clause about a strike or labor dispute is a
 15 loophole that a truck can be driven through! And I
 16 mean I'm convinced that enough is known about the
 17 contents of the K-65 silos, and about thorium to say
 18 whether it is or is not being cleaned up in
 19 compliance with this agreement.

20 MR. O'RIORDAN: Thank you for your comment.
 21 Other comments?

22 MR. FANGMAN: Fangman, F-a-n-g-m-a-n, Junior.
 23 I'm a little concerned about this Consent Agreement.
 24 I don't have time to dig into it, but what goes

1 through my mind living so close to here, 19 years
2 down here, I know all these problems a long time.
3 What would happen to this consent decree, if -- I
4 hear a little scuttlebutt, it's just strictly
5 scuttlebutt -- if the operator, now Westinghouse,
6 would not renegotiate a contract to run the plant,
7 and the government would probably be in a spot where
8 nobody wants to touch it, because of the lawsuit we
9 have; what will happen then?

10 MR. O'RIORDAN: Thank you for your comment.

11 MS. RING: Kay Ring (Phonetic). I'm concerned
12 about the Miamitown area. I have lived there my
13 whole life, and we swim in an open lake there. And I
14 was wondering if there's any way of putting into the
15 monitoring, like, the lake, the property owners along
16 128 and the river, and different property on the way
17 down from Miamitown bridge, could there be some type
18 of a monitoring-type system for that, or to tell you
19 what the water radiation level is? Can that be added
20 to this?

21 MR. O'RIORDAN: Thank you for your comment.

22 MS. MERIT: My name is Magda Merit, and we -- I
23 was one of the FRESH members that just made a tour of
24 Washington. And we heard that -- when Mr. Watkins

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1 was in a subcommittee hearing he said we're going to
2 try to restrict air traffic over these facilities.
3 Now this one at Fernald is supposed to be
4 declassified now, why would they want to restrict air
5 traffic?

6 MR. O'RIORDAN: This really is a Comment
7 Period. I think you really need to make that into a
8 comment, your concern that you are concerned that
9 they are restricting air traffic and what impact
10 would that have.

11 MS. MERIT: Yeah.

12 MS. McCORD: If you have any more questions,
13 we'll be around afterwards, too.

14 MR. O'RIORDAN: Any other comments on the
15 proposed Consent Agreement? Any other comments? We
16 will, of course, accept written comments through --
17 post marked through May 31st, or if you have any
18 other -- if you're writing comments, you can hand
19 them to me now or after we end the meeting. If by --
20 one more time, is there any other comment on the
21 Agreement? Okay, thanks a lot for being here. We
22 know that it shows that we have your concerns about
23 this and we hope to see you 22nd of May.

24 Thank you, and good night.

ACE REPORTING SERVICES

(HEARING ADJOURNED 10:00 P.M.)

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I, Shelly Blackman, Jr., the undersigned, a court reporter for Butler County, Ohio, do hereby certify that at the time and place stated herein, I recorded in stenotypy and thereafter transcribed into typewriting, the foregoing 104 (one hundred and four) pages, and that the foregoing is a true, complete and accurate report of my said stenotype notes.

Shelly Blackman, Jr.
Court Reporter for
Butler County, Ohio