

R-009-101.54

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**SOUTH GROUNDWATER CONTAMINATION
PLUME REMOVAL ACTION WEEKLY REPORT
SEPTEMBER 25, 1992**

09/25/92

**3
REPORT**

SOUTH GROUNDWATER CONTAMINATION PLUME REMOVAL ACTION

WEEKLY REPORT

3749

September 25, 1992

Part 1 - Alternate Water Supply

The 20-day period for property owners to respond to the condemnation requests has lapsed. The U.S. Attorney is to follow up with the owners.

Approximately 1,500 feet of the line will be finished by the end of this week (essentially all piping along Willey Road). The well field construction is under way.

Part 2 - Pump and Discharge

Package 2A (Discharge Pipeline): Construction work is progressing as much as possible. Construction activities have been impacted due to the previously discovered contamination at the river. The valve house and box culvert crossing are in construction.

Package 2B.1 (Outfall Cofferdam): The construction contractor has been put on hold until October 12, 1992, while Department of Energy (DOE) approval to the plan of action is obtained.

This action was verbally concurred with by United States Environmental Protection Agency (U.S. EPA) and Ohio Environmental Protection Agency (Ohio EPA) during the Tuesday, September 22, 1992 Program Managers meeting.

Package 2B.2 (Dissolved Oxygen): Bids were received September 24, 1992. A Construction Work Order (CWO) was issued to the construction manager on September 25, 1992.

Package 2C (Wellfield) and Package 2D (Test Well): Bids are due September 28, 1992. The U.S. Army Corps of Engineers (COE) received a letter from the Delta Steel property owner's attorney in response to a COE letter which informed Delta Steel that condemnation would be initiated. The attorney's letter is attached for your information.

Part 3 - Installation and Operation of an Interim Advanced Wastewater Treatment (IAWWT) system to reduce uranium contaminant loading to the Great Miami River to a level less than 1,700 pounds per year

Interim Advanced Wastewater Treatment (Biodenitrification-Effluent) IAWWT (BDN-ETS)

A schedule is in development for design and installation of a flocculation system to reduce the non-filterable solids loading of the influent stream.

Interim Advanced Wastewater Treatment (Storm Water Retention Basin)
IAWWT(SWRB)

The IAWWT(SWRB) unit has been operating successfully.

General

Enclosed is the property access schedule outlining the latest easement acquisition.

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September 16, 1992

Department of the Army
U.S. Army Engineer District, Louisville
Corps of Engineers
P.O. Box 59
Louisville, Kentucky 40201-0059

Attention: Michael G. Barter
Chief, Real Estate Division

Re: Delta Steel Property Owners -
Proposed Condemnation of 2.1 acres

Dear Mr. Barter:

This will acknowledge the receipt of your certified letters dated September 3, 1992. As you know, I am legal counsel for the four property owners of the 2.1 acres which the government seeks to condemn and obtain from my clients under Section 301(5) of Public Law 91-646. Your letter indicates that the government will seek immediate possession of such property from the court because such request does not involve any displacement within the purview of the Section.

The four Delta Steel property owners are completely at a loss as to any basis for the statement in your letter that such action by the Corps of Engineers would not involve any displacement. My clients through my office have repeatedly advised you that such action would constitute a complete taking of the Delta Steel property. Specifically, we have advised you on a number of occasions that such action would constitute a complete "taking" of the entire 15 acres of the Delta Steel property. The proposed use of the Delta Steel property for the location of extraction wells and piping to remove uranium contaminated groundwater from under the Delta Steel property and the transportation of same through and on the Delta Steel property would not only destroy all of the Delta Steel property, but also destabilize the foundation of the Delta Steel plant and endanger its employees.

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As you know, the proposed use of the 2.1 acres is for the removal of uranium contaminated groundwater from beneath, and transporting it through and on the Delta Steel property. Federal regulations will require the placarding with the black and yellow radiation warning signs of all equipment of the Department of Energy on such 2.1 acres. Also, up to 2500 gallons of uranium contaminated "radioactive" groundwater will be removed through and on the Delta Steel property by piping. All piping eventually leaks extent and this will further contaminate the Delta Steel property with uranium.

This use of the property will, therefore, interfere with the business operations of the Delta Steel Corporation and will require the evacuation of the Delta Steel property because of the danger to the buildings and the dangers of the extraction of radioactive materials to the Delta Steel Corporation employees.

In addition to the foregoing, the Delta Steel property owners will establish at the trial of any such condemnation action a reverse condemnation claim against the United States. This results from the fact that all of the subsoil of the Delta Steel property has been contaminated by uranium which has emanated from the government operations at FEMP. The Delta Steel property owners through their experts will establish that uranium particles have attached themselves to all of the subsoil of the Delta Steel property and that such uranium contamination is permanent and may degrade into and cause the emission of radon gas. This contamination of all 15 acres of the Delta Steel property subjects the Delta Steel property owners under federal law to potential liability for the cleanup costs of such uranium contamination. The cost of such cleanup would be astronomical in light of the location of the contamination and of the fact that this contamination will continue to emanate to the Delta Steel property from the FEMP for approximately the next 30 years.

In light of the foregoing, Delta Steel property owners are prepared to establish at the time of the filing of any claim for possession of the 2.1 acres a reverse condemnation claim and to seek an order of the Court precluding any immediate possession of such property by the United States because such possession and extraction activity will destroy its plant, endanger its employees and further contaminate its property. In such action, Delta Steel property owners will also pursue the United States for cleanup

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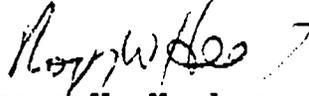
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costs as set forth above and other damages.

If you have any questions concerning the foregoing, please
don't hesitate to contact me.

Sincerely,

BUECHNER, HAFFER, O'CONNELL,
MEYERS & HEALEY CO., L.P.A.


Roger W. Healey

RWH:mlc

cc: Richard E. Dooley
Scott B. Pullon
Joseph P. McConnaughey
Donald R. Caudill

25-Sep-92

SOUTH GROUNDWATER CONTAMINATION PLUME - PROPERTY ACCESS STATUS/SCHEDULE

Legend: S - Schedule DOE - Dept of Energy
 F - Forecast COE - US Army Corps of Engineers
 A - Actual

PART 1 - ALTERNATE WATER SUPPLY

PROPERTY/INTEREST	RIGHT-OF-ENTRY SURVEY/EXPLOR.	RIGHT-OF-ENTRY CONSTRUCTION	COMMENTS
Rowe & Rowe, Trustees (Mandery)	Complete	Complete	Possession granted by U.S. District Court.
* Lienesch, Frank	Denied ----->	Denied, 9/30/92 F	* 20 day time period allowed for owners to respond to condemnation packages has elapsed. U. S. Attorney to followup with owners.
* Unknown Owner	----->	9/30/92 F	Accepted Easement Offer.
Burton, Clayton & Rose Ann	Complete	Complete	Accepted Easement Offer.
Roy, Clarence	Complete	Complete	* Negotiating easement agreement.
* CSX Realty	Complete	Complete	Indefinite right-of-entry.
Texas Gas & Transmission	Complete	Complete	Perpetual easement not required.
Albright & Wilson	Complete	Complete	

PART 2, Pkgs 2A/2B - DISCHARGE PIPELINE & OUTFALL TO GREAT MIAMI RIVER

PROPERTY/INTEREST	RIGHT-OF-ENTRY SURVEY/EXPLOR.	RIGHT-OF-ENTRY CONSTRUCTION	COMMENTS
Knollman Farms (S of Willey Rd)	Complete	Complete	Negotiations complete, Accepted Easement and License Offer.
Knollman Farms (E of RT 128)	Complete	Complete	Negotiations complete, Accepted License Offer.
Knollman Farms (W of RT 128)	Complete	Complete	Negotiations complete, Accepted License Offer.
Cincinnati Gas & Electric	Complete	Complete	Agreement signed CG&E management.
Mid-Valley Crude Oil Co.	Not Required	Not Required	Notification sent to Mid-Valley.

PART 2, Pkgs 2C/2D - WELLFIELD & TEST WELL

PROPERTY/INTEREST	RIGHT-OF-ENTRY SURVEY/EXPLOR.	RIGHT-OF-ENTRY CONSTRUCTION	COMMENTS
* Albright & Wilson	Complete	Complete	* Negotiating easement agreement.
* Delta Steel	Denied ----->	Denied, March 93 F	* COE issued condemnation package to DOE - Oak Ridge on 8/28/92.
* CSX Transportation (RR) and CSX Realty	Complete	Complete	* Negotiating easement agreement, CSX to terminate lease with Delta Steel.
* Weber, Earl	Complete	March 93 F	* COE issued condemnation package to DOE - Oak Ridge on 9/15/92.
Knollman Farms (new - for access rd & monitoring well)	Complete	Complete	Negotiations complete, Accepted License Offer.
Harrison Foundations (new - for access rd & monitoring well)	Complete	Complete	Agreement sent to DOE Realty Office for approval.
* Texas Gas & Transmission (new - for access road)	Complete	10/31/92 F	* Negotiations in progress.
* CSX Realty (new - for access rd & monitoring well)	Complete	Complete	Agreement sent to DOE Realty Office for approval.