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**FERNALD CITIZENS TASK FORCE - ANNOUNCEMENT OF NEXT
REGULARLY MONTHLY MEETING - MAY 6, 1995**

04/21/95

**APPLEGATE TASK FORCE
5
ANNOUNCEMENT**

FERNALD CITIZENS TASK FORCE

A U.S. DEPARTMENT OF ENERGY SITE-SPECIFIC ADVISORY BOARD

Chair:

John S. Applegate

Members:

James Bierer
 Marvin Clawson
 Lisa Crawford
 Pam Dunn
 Dr. Constance Fox
 Guy Guckenberger
 Darryl Huff
 Jerry Monahan
 Tom B. Rentschler
 Robert Tabor
 Warren E. Strunk
 Thomas Wagner
 Dr. Gene Willeke

Alternates:

Russ Beckner
 Jackie Embry

Ex Officio:

J. Phillip Hamric
 Graham Mitchell
 Jim Saric

MEMORANDUM

TO: Interested Officials and Stakeholders

FROM: John S. Applegate, Chair 

DATE: April 21, 1995

RE: Regular Monthly Meeting of the Fernald Citizens Task Force

The Fernald Citizens Task Force will meet on May 6, 1995 from 8:30 a.m. to 12:30 p.m., at the Joint Information Center, 6025 Dixie Highway, (Route 4), Fairfield, Ohio. I have enclosed copies of the agenda and publicity flyer, as well as a map with directions to the JIC.

I also have enclosed for your information a copy of the approved minutes from the last Task Force meeting.

Thank you for your interest in the work of the Fernald Citizens Task Force, and I encourage you to participate as we address the issues of future land use, waste disposition, cleanup objectives, and cleanup priorities for the Fernald site.

If you have any questions, please call me at 513-556-0114 or the Task Force message line at 513-648-6478.

Enclosures: Agenda
 Flyer
 JIC (Fairfield Training Center) Map
 Approved Minutes of March 11, 1995 Meeting

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AGENDA

May 6, 1995

1. *Time and Place*

The next regularly scheduled meeting of the Task Force will be on Saturday, May 6, 1995, from 8:30 a.m. to 12:30 p.m., at the Joint Information Center, 6025 Dixie Highway, Fairfield, Ohio. We will begin the meeting promptly at 8:30.

2. *Subjects*

8:00	Continental Breakfast (optional)
8:30	Call to Order
	Approval of Minutes
	Chair's Remarks
8:50	Review of New Information
	Presentation of Assumptions Subcommittee
9:45	Break
10:00	Discussion and Draft Resolutions
11:45	Opportunity for Public Comment
12:00	Vote on Resolutions
12:15	Wrap Up
12:30	Adjourn

3. *Documents*

The documents and other materials relevant to the meeting's subjects are being developed by the Task Force staff. They will be distributed at the meeting.

4. *Chair's Announcements*

5. *Other Meetings of Interest (calendars enclosed)*



FERNALD CITIZENS TASK FORCE

May 6, 1995 • 8:30 a.m. to 12:30 p.m.
The Joint Information Center
6025 Dixie Highway, Fairfield, Ohio

The **FERNALD CITIZENS TASK FORCE** has been asked by the Department of Energy to make recommendations on several strategic remediation issues at the Fernald site. The Task Force will be finalizing its recommendations for future uses of the Fernald site after the cleanup is finished. In addition, it will evaluate potential risks and safety factors resulting from cleanup operations.

This is your opportunity to help the Task Force make its recommendations to the Department Of Energy, the U.S. Environmental Protection Agency, and the Ohio Environmental Protection Agency.

You are encouraged to attend the meeting and to express your opinions to the Task Force.

For more information, call the Task Force message line at
(513) 648-6478.

**Spinning Fork
Restaurant**

**Fairfield Training
Center**

Fairfield Training Center

6025 Dixie Highway

(Approximately 2.5 miles north of I-275)

Roesch Blvd.

**Banner
Buick**



*-Route 4
(Dixie Highway)*

**Springdale
Sheraton**

I-275 East

I-275 West

*-Route 4
(Dixie Highway)*

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Minutes from March 11, 1995 Meeting

The Fernald Citizens Task Force met from 8:36 a.m. until 12:40 p.m. on March 11, 1995, at the Joint Information Center, 6025 Dixie Highway, Fairfield, Ohio. The meeting, which was advertised in local newspapers, was open to the public; time was reserved for accepting public comments.

Members Present: John Applegate
 Jim Bierer
 Marvin Clawson
 Lisa Crawford
 Pam Dunn
 Guy Guckenberger
 Phil Hamric, DOE
 Darryl Huff
 Gene Jablonowski, U.S. EPA
 Graham Mitchell, Ohio EPA
 Jerry Monahan
 Tom Rentschler
 Warren Strunk
 Bob Tabor
 Gene Willeke

Members Absent: Constance Fox
 Thomas Wagner

**Deputy Designated
 Federal Official**

Attending: Ken Morgan, DOE Ohio Field Office

Task Force Staff: Doug Sarno, consultant
 Suzanne Gray, Battelle
 Judy Armstrong
 Ruth Triplett
 Chris Varner

About 25 spectators, including members of the public and representatives from FRESH, DOE, U.S. EPA, Ohio EPA, the Ohio Department of Health, the Agency for Toxic Substances and Disease Registry, FERMCO, Ross Township Trustees, Common Sense Environmental, and other interested parties.

1. Approval of Minutes:

The draft minutes of the February 18, 1995, meeting of the Task Force were approved without amendment.

2. Remarks:

Chair John Applegate noted that he had been invited by Dave Young, Ross Township Trustee, to attend and answer questions at a citizens meeting to discuss the disposal facility recommendation, on March 21, 1995, at the Ross High School, in Ross, Ohio. Ohio Task Force members are also welcome to attend.

Applegate distributed a memo from Don Beck of EM-5, titled "Informal Note", to SSAB steering committees. The subject was "Guidance on Identifying Goals for Evaluation of the SSAB Initiative" with a listing of evaluation criteria that Connie Fox had reviewed. Through Applegate, Fox said no action was necessary by the Task Force members unless they have suggestions to add to the list.

Applegate also distributed a memo from Steve Depoe, Center for Environmental Communication Studies of the University of Cincinnati, who is a member of the U.C. team working with the Consortium for Environmental Risk Evaluation (CERE). The memo titled "Update on CERE Public Concerns Inventory Project" was a progress report on data collection for the final CERE report. Pam Dunn said that she had issued comments on the draft of the basic CERE report on risk evaluation, but hasn't seen the public participation segment yet.

Applegate mentioned the report from the Agency for Toxic Substances and Disease Registry (ASTSDR), Health Consultation of the milk produced near the Fernald site, that was distributed to the Task Force. another Health Consultation on the K-65 Silos and radon was mailed to the Task Force before the March 11 meeting.

Applegate introduced the Task Force administrative support staff addition, Ruth Triplett, who replaced Brad Connley. Then, he

suggested that the members move into discussion of the two issues of concern for this meeting; 1) the waste disposal rationale of the resolution passed at the February 18 meeting, and 2) the Budget/priorities issue of which Jack Craig, DOE Field Office Director, plans to present an overview of DOE's perspective later in the meeting.

3. Waste Disposition Decision:

Applegate opened the floor to discussion of the detailed resolution document on the waste disposition question, that the Task Force had commissioned him to create at the February 18 Task Force meeting.

Guy Guckenberger wondered if something should be stated in the resolution based on the reality of Mr. Grumbly's comment of the 1/3 budget cut of all programs. He said that the Task Force had taken a realistic stance and was already at the lowest, bottom line position and hadn't proposed anything as a negotiating ploy from which it can safely depart if necessary. Much discussion followed of how to word the Task Force's expectation that budget cuts will NOT affect the recommendation. The addition reads:

DOE budget adjustments in the short or long term will not impact adversely the substance of our recommendation.

The decision was made to put Guckenberger's addition at the end of the considerations and conditions rationale of the resolution.

Ninety minutes of discussion and wordsmithing on the resolution document followed, with word changes that the members felt were necessary to protect the original intent. The Task Force decided to drop the word "resolution" from the recommendation document, for the title to read "RECOMMENDATION FOR AN ON-SITE DISPOSAL FACILITY AT FERNALD".

Phil Hamric brought up the fact that DOE can only commit to so much in the future, since future congress and administrations may change because of the budget cuts. Unless something becomes a law, the Federal Government can use the budget cuts as an excuse not to fulfill a commitment. Applegate suggested to have a subcommittee look into how to make the recommendation as long-lived as possible, to outlive this congress and this administration is an additional issue to this document.

A discussion followed about such issues as permanent ownership of the site by the Federal Government, broken assurances of the expectation of a specific action, and the question asked by Pam Dunn about the RODs being legally binding. Applegate said that we needed a response back from DOE on these questions.

More discussion continued on the best way to emphasize that Darryl Huff opposes the disposal facility but approves the considerations and conditions; and how to make certain that everyone understood what they were voting for, the considerations and conditions rationale that the chair was asked to create at the February 18 meeting.

The chair summarized all of the changes for the members and the audience. Applegate said that he had been in touch with the absent members, Dr. Constance Fox and Tom Wagner, and they approved of the rationale. Voting proceeded and passed unanimously on the completed recommendation. (Copies of the draft resolution document and revised resolution document are attached.) Copies of the final document were distributed to the Task Force members before the meeting was adjourned.

4. Update on Nevada Test Site (NTS):

Erich Evered, FERMCO Vice President, Materials Disposition, was asked to talk about the lawsuit brought by Nevada to halt shipments of DOE waste to NTS. He said that the judge hearing the case back in January dismissed the suit on the Environmental Impact Statement (EIS) because he lacked jurisdiction to intervene, but he left open blocking waste from sites that don't already have CERCLA decisions to send waste to Nevada. As such, Fernald was excluded and will continue to send waste. DOE may cap the amounts of waste sent there to share the pain among the sites. No new waste generators will be allowed to ship there until the EIS is completed.

Jerry Monahan asked Evered to explain how Fernald is different under CERCLA. Evered explained that Congress wrote into the law that once these long painful decisions are reached by sites in a valid manner under CERCLA, the courts cannot overturn the decisions. Fernald has done that and had listed NTS as the disposal option. Thus, they cannot sue to stop Fernald shipments. Monahan asked if Fernald waste was less dangerous than what was already there. Evered said that, yes, their site was pretty bad.

Guckenberger brought up an issue out of order stating that he would like to see the letter that Huff had given to the Task Force members on the meeting break, included in the record.

Huff stated that he wanted to note publicly what his opinion was about the disposal facility and to respond to Willeke's memo. He said that he was told privately that it really wasn't an option to send the waste off-site because of the cost. A discussion followed on what the term "clean-up" means and whether the communities around Fernald really understand what it means.

Lisa Crawford said that FRESH has tried to educate people to the broad definition of "Clean-up".

Guckenberger stated that he thought the Task Force needed to respond to Huff's letter and state that it had considered a full range of clean-up options, including complete clean-up. He wanted the letter included in the meeting minutes. He also suggested that the chair respond to Huff's concerns in a letter.

Applegate stated that Huff's memorandum, together with Willeke's letter and Applegate's response would be included in the minutes.

Willeke stated that he had written the letter as the maker of the motion for the chair to write the rationale for the resolution to recommend an on-site disposal facility.

Monahan stated that the term "clean-up" is misleading and Applegate suggested using "remediation" instead.

A resident from Ross in the audience, Mr. Richard Garrett, ask to speak. He is a local resident and an employee at the FEMP. He said he had been working on a scenario that could get the site cleaned in 5 - 8 years but was not at liberty to discuss the matter. He suggested contacting our congressmen because the "window of opportunity" is out there now.

5. Budget Discussion:

Jack Craig gave a presentation on the Fernald Area Office Budget. If the budget was unconstrained, cleanup would take about 10 years. However, current budget estimates suggest that it will take on the order of 23 - 25 years for cleanup. For FY94 and FY95, the figures are

actual but the presentation focused on the targeted budget from FY96 - FY2000 with emphasis on FY96. The scenarios for FY95, FY96 and FY97 show 48%, 48%, and 52% respectively of budget dollars going for actual cleanup. The FY96 budget OMB request was \$309,540,000; the adjusted target budget for FY96 is \$243,790,000. From that amount subtract \$10 million for the Day lawsuit, \$20 million for the FERMCO fee (based on 75% of fee), and \$15 million for DOE-FN (covers subcontractors, OEPA, litigation, etc.). The final amount for cleanup for FY96 is \$198,790,000. The projected adjusted amount for cleanup for FY97 is \$179,500,000 and the out years to 2000 is \$136,559,000. In consideration of the decreasing budget, DOE's cleanup project priorities include: OU4 K-65 silos; thorium; legacy waste; mixed waste disposition (FFCAct); safe shutdown, disposal cell planning and meeting all milestones of the Amended Consent Agreement.

However, the EPAs do not necessarily agree with DOE's interpretation of compliance and priorities. Some Task Force members do not want to set priorities at all. This same information will be presented at a DOE Community Meeting, March 14 at the Plantation in Harrison, Ohio. Break-out sessions will be utilized to get feedback from the public on their concerns about the priorities. John Applegate will be assisting with a break-out group.

6. Discuss Cleanup Schedule Scenarios:

Doug Sarno presented his information which include some changes to the 1995 Tool Box and the additional pages with new dollar figures for works in process. He emphasized how important it was to know that these numbers may change. He stated that they were looking at various scenarios, some of which were unrealistic. With the given numbers, he broke it down to 10 years unconstrained funding and 25 years with current expected funding.

The Task Force brain-stormed their criteria for cleanup priorities and created the following list:

- Reduce biggest risks first
- Groundwater contaminated sources
- Removing groundwater contamination
- Eliminate most visible risks
- Structurally unsound
- Drummed waste inventories
- Non-waste spec. nuclear materials (find home)

- Follow last Amended Consent Agreement
- Safe shutdown

Sarno allowed each member to use 3 votes to create the group's top 3 priorities. After the vote, the top priorities were (1) following the Amended Consent Agreement (2) Safe Shutdown (3) Reduce biggest risks first.

Jack Craig brought up that in order for the Task Force to have a say in the selection of FEMP cleanup priorities, its recommendation to DOE must be received by at least April 3, earlier, if possible.

Time ran out for the members to continue the discussion so a special meeting will be held March 28 at 5:00 p.m. at a location to be determined, to come to a consensus on a cleanup priorities recommendation.

The grazing issues discussion was deferred until the April 8 meeting.

7. Announcements:

Lisa Crawford announced a conference on April 1 & 2 at which Arjun Makajani is involved and urged members to make reservations if interested. She also recommended the Task Force be sent the publication, *DOE - This Month*. Gary Stegner said that this will be done.

8. Opportunity for Public Participation:

There were no additional comments; public input was received during the discussion about the waste disposal facility issues and the DOE budget presentation for the Fernald site.

9. Materials Distributed at Meeting and Entered into Minutes (Attached):

- Fernald Citizens Task Force 1995 Tool Box
- Jack Craig's DOE budget presentation
- ATSDR milk study memo and document
- Don Beck's memo to SSAB steering committee
- Steve Depoe's memo to the Task Force updating CERE activities

- Revised agenda for March 11, 1995 meeting
- Markup version of the "Resolution To Recommend an On-Site Disposal Facility"
- Draft version of the "Resolution To Recommend an On-Site Disposal Facility"
- Revised version of the "Recommendation For An On-Site Disposal Facility"
- Memo to Fernald Citizens Task Force from Gene Willeke
- Memo to Fernald Citizens Task Force from Darryl Huff
- Letter from John Applegate to Darryl Huff

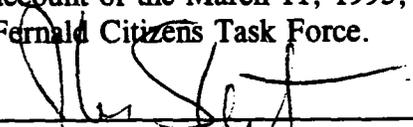
10. Next Meeting:

The next meeting of the full Task Force is scheduled for 5:00 p.m. on March 28, 1995, at the Ross Fire House in Ross, Ohio, and the regularly scheduled monthly meeting is April 8, 1995, at 8:30 a.m., at the Joint Information Center in Fairfield, Ohio.

The meeting adjourned at 12:40 p.m.

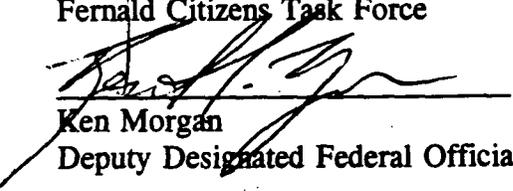
Approved - April 8, 1995

I certify that these minutes are an accurate account of the March 11, 1995, meeting of the Fernald Citizens Task Force.



 John S. Applegate, Chair,
 Fernald Citizens Task Force

4/7/95
 Date



 Ken Morgan
 Deputy Designated Federal Official

4/7/95
 Date