

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

Minutes from June 10, 1995 Meeting

The Fernald Citizens Task Force met from 8:35 a.m. until 12:42 p.m. on June 10, 1995, at the Joint Information Center, 6025 Dixie Highway, Fairfield, Ohio. The meeting was advertised in local newspapers and open to the public. Time was reserved at the meeting for public comment.

Members Present: John Applegate
Marvin Clawson
Lisa Crawford
Pam Dunn
Constance Fox
Guy Guckenberger
Phil Hamric, DOE
Darryl Huff
Gene Jablonowski, U.S. EPA
Graham Mitchell, Ohio EPA
Tom Rentschler
Warren Strunk
Thomas Wagner
Gene Willeke

Members Absent: James Bierer
Jerry Monahan
Bob Tabor

Deputy Designated
Federal Official

Attending: Ken Morgan, DOE Ohio Field Office

Task Force Staff: Doug Sarno, consultant
Judy Armstrong
Ruth Triplett
Tina Krueger
John Coleman

About 25 spectators, including members of the public and representatives from FRESH, DOE, U.S. EPA, Ohio EPA, the Agency for Toxic Substances and Disease Registry (ATSDR), Greater Cincinnati Building & Construction Trades council, Fluor Daniel Engineering, FERMC0, and interested parties.

1. Call to Order and Approval of Minutes:

Chair John Applegate called the meeting to order and asked for approval of the draft meeting minutes of May 6, 1995. The draft minutes were approved without amendment.

2. Remarks:

Applegate explained the handouts and reading material for the members. (A list of the handouts is provided in item number 7 of these minutes.)

Applegate directed everyone's attention to a list of planned aerial photographs that are scheduled to be taken by the audio visual department of FERMC0. Applegate stated that if any member has additional suggestions for aerial photographs of the site, in addition to the listed photographs, to please contact him.

Applegate announced that the Ohio Utility Radiological Safety Board (URSB) Citizens Advisory Council (CAC) on Nuclear Power Safety, is looking for citizens to volunteer to become a member. He said that if anyone is interested in serving on this board, he will be happy to nominate them.

Applegate also mentioned that a citizen board for health assessments is being created locally by the Agency for Toxic Substances and Disease Registry (ATSDR) and he encouraged any interested member to become member. An overlap in membership would be useful.

Applegate then opened the floor to Phil Hamric, Manager of the DOE Ohio Field Office, who discussed the recent DOE budget meeting in Washington, D.C. Assistant Secretary Thomas Grumbly met with DOE field office managers and other administrative personnel to develop a Fiscal Year 1997 budget. The meeting lasted for one week while Headquarter representatives and field office managers presented their recommendations for the FY 97 budget. Jack Craig, DOE

Fernald Area Office Director, presented for Fernald. Hamric presented the ten year remediation plan to the budget committee with recommendations on how to save money and realize the ten year plan regardless of budget cuts. Grumbly stated that he wanted to see a seven year remediation plan. Hamric explained that the ten year scenario is more realistic.

Grumbly announced a commitment of 60 million dollars for Fernald in Fiscal Year 1997. The Fernald budget is now proposed as a straight line budget of 276 million dollars over a minimum of ten years. 1.4 billion dollars has been saved through landlord costs of keeping the site open. The largest savings have been achieved through reduction in administrative and overhead costs. Fernald is the first site to use the accelerated budget system to attempt remediation in ten years.

The budget proposal now moves to the Secretary of Energy, Hazel O'Leary for approval. An answer should be received in July. Then the budget must be approved by the Office of Management and Budget. Grumbly sent his thanks to the Task Force and the public for the positive work that has occurred at Fernald.

Applegate then turned to Pam Dunn and Marvin Clawson, who had participated in a DOE Budget Teleconference on Thursday, June 8, 1995. Participants from across the country were involved in the teleconference. Dunn reported that the budget process was explained to the participants and stated that the department appeared interested in public involvement and public interaction. Clawson echoed Dunn's observations and stated that he was impressed by the organization and presentation made by Hamric's staff. Clawson noted that several sites did not have a strong presentation and as a result received smaller budget commitments than Fernald.

3. Discussion on Fernald Natural Resources Mitigation:

Applegate then opened the floor to Terry Hagen, Vice President of Environmental Compliance for FERMCO, who briefed the Task Force regarding DOE's statutory requirements to mitigate impacts to natural resources that will occur during remedial actions. Hagen stated that DOE's primary issues of concern include:

- Mitigation activities associated with on-property wetlands;
- Mitigation of impacts on historical and archaeological sites including final disposition of human remains and the photographic documentation of the site;
and
- Restoration of the Paddys Run corridor which contains habitat for the Sloan's crayfish and the Indiana bat.

Hagen further stated that compliance with the pertinent regulations concerning mitigation of impacts to wetlands, cultural resources, threatened and endangered species, and other habitats is statutorily required. DOE will be proposing to pursue mitigation activities (e.g., creation or expansion of wetlands) on-property in upcoming meetings with the regulatory agencies. Hagen also pointed out that DOE is working with their Natural Resource Trustees and that the Trustees may require additional natural resource restoration activities, beyond the regulatory driven mitigation requirements, as compensation for impacts to natural resources at the Fernald Site. Hagen said that his goal was to ensure that proposing mitigation/compensation activities on-property is consistent with the recommendations of the Task Force. Hagen distributed and explained a handout emphasizing the drivers for DOE's report and familiarized the Task Force with his proposal.

First, the State of Ohio has agreed to a photographic history of the site in archives to satisfy the mitigation regulatory requirement. The State Historical Society is involved because of the role Fernald played during the Cold War. Historical artifacts and Native American remains both dating back to the late 1700s have been found on site. If Native American remains or artifacts are found during construction a tribe must be sought out that may have claim to the remains or artifacts. If a tribe is found, the tribe may request possession of the remains or request reburial on site. Remains were found during construction of the waste water treatment facility and they will

be reburied on site after remediation. If no tribe is found, ordinarily, the artifacts are donated to a museum.

Second, siltation in Paddys Run will occur from remediation and may affect the Sloan's crayfish. If the crayfish cannot withstand the change in their current environment they will be relocated upstream.

Lastly, natural resources was discussed. Natural resources on the site consist of the aquifer, Paddy's Run, and wetlands. Hagen's recommendations spoke mainly to the wetlands, which include the higher quality northern wooded wetlands and ten acres of lower quality wetlands spread throughout the site. Remediation will impact the ten acres of wetlands spread throughout the production waste pit area. The regulations mandate a preference for onsite mitigation near the damage. If that alternative is not possible, then mitigation in the northern wooded wetlands will be the focus.

A 3:1 ratio of replacing natural resources is the usual recommendation for resource damage mitigation. Hagen is recommending a 1:1 ratio because the ten acres of wetland affected consist of ditches and low quality wetlands that were created from construction of the site. Hagen voiced his preference for expanding the northern wooded wetlands because expansion is substantially easier than creating a new wetland area.

Applegate then asked for the Task Force's response to the proposal. Gene Willeke stated the he did not feel that the topic was appropriate for the Task Force to spend a great deal of time investigating, and that the Task Force should simply endorse the recommendation. Lisa Crawford and Guy Guckenberger voiced their discomfort with endorsing a 1:1 replacement ratio. Graham Mitchell noted that the ratio will be negotiated further down the road with Ohio EPA. Tom Rentschler commented that restoring man-made wetlands is absurd and that he would oppose a recommendation to do so.

Lisa Crawford made a motion to remain silent in the Final Report regarding the DOE proposal and instead to write DOE a letter stating that their recommendation appears to be consistent with Task Force recommendations. Tom Wagner seconded. Motion passed unanimously.

Applegate asked the audience for public comment. None was offered.

4. Discussion on Final Report:

Applegate indicated where new material had been added to the Draft Final Report. He emphasized that one of the primary objectives of the Final Report is to give context to the recommendations already adopted by the Task Force. Applegate then asked for amendments and additions for the Final Report.

A brief summary at the beginning of the report was suggested and supported by the group. A glossary of technical terms used within the report was also suggested and supported. A proposal was made for a time frame analysis that would show how the Record of Decision (ROD) process and the Task Force process intertwined. A recommendation was made to include maps of the site that explain the five Operable Units (OUs), ground water maps, and an over site map.

Applegate asked the Task Force to go through the toolbox and let him know during the next three weeks what charts and graphs members would like to see included in the final report. He advised members to consider items that struck them as particularly persuasive.

The length of the background information and organizational approach was discussed. The general consensus was that the length should remain as is because the current length explains the Fernald story and the Task Force experience, which should prove helpful to other Site Specific Advisory Boards (SSABs).

The group then discussed Tom Rentschler's handout regarding the quality of risk assessment information disseminated to the group. The thrust of Rentschler's handout is that he does not feel that the group received enough empirical data explaining how the regulatory risk standards were decided and that he is uncomfortable with this section of the report. He emphasized, however, that he was not dissenting from the recommendations. The Task Force discussed the length and detail that would be required to discuss risk assessment within the report and decided that analysis of particular MCLs was not their goal. Agreement

was reached that language reflecting Rentschler's concern would occur within the body of the report where data is discussed, and his exact words would be included in the "Issues Evaluated" section.

5. Discussion regarding the "Next Steps" of the Task Force

The Task Force then discussed the "Next Steps" segment of the Report. Graham Mitchell stated that he would like to see the Task Force continue. He feels that the public should be involved in the process of DOE's attempt to clean up the site over ten years, and that reaching that goal will be difficult for DOE without public involvement. Also, keeping the agreement that no other waste comes into Fernald requires the public to keep on top of situation. Phil Hamric said that the Department of Energy would very much like to see the Task Force continue to be active throughout the remediation process. He noted that better decisions are being made in response to public involvement.

The group agreed that continued monitoring of the site is necessary. Rentschler asked is there a fiscal requirement to reduce costs by dissolving the Task Force, and if not, does the Task Force need an amended mission statement or DOE approval. Applegate responded that the charter is vague on this point and does not specify a time duration for the Task Force. However, monitoring is part of the Remedial design/Remedial Action (RD/RA) process and the Task Force should be covered under that process. Gary Stegner, Director of Public Information for the DOE Fernald Area Office, is evaluating this issue and will prepare any paperwork required to continue the Task Force. The logistics of continued monitoring will be discussed at the September 30, 1995 meeting.

Several members expressed a preference for Doug Sarno's continued employment as a consultant to the Task Force, a view which was discussed and supported by the Task Force. Hamric stated that he would look into the reason why Sarno's one year extension option needs to be changed.

Professor Applegate turned to the audience for public comment, but nothing was offered.

Suggestions for specific changes to the final report were then discussed and are as follows:

- * The recommendations area should be set off from the specifics. A box design was suggested to delineate the recommendations from the discussion portion.
- * A historical interpretation problem with the statement that the Cold War ended production. Production was halted is a sufficient explanation.
- * Define/compare the percentage of aquifer that Fernald effects, reflect the size of the aquifer.
- * General comment that the sentences are long, edit for easier reading. Consent agreement is referred to without prior definition.
- * Note that the Task Force should have been created sooner. For Fernald, the timing of the SSAB commitment was after cleanup had begun at site.
- * The timeline/chart should begin at a minimum in 1993, preferably in 1991, and designate the start date of cleanup and the start date of the Task Force.
- * Include a timeline with an executive summary at beginning of the document.
- * Include FutureSite in the appendix with a 3D diagram of game in the text.
- * Disagreement with the sentences on water sources and the reasons for supplying alternative water sources. Willeke and Mitchell agreed that the current wording is not correct.
- * Some parts appear to reflect a conceptual misunderstanding of MCL, even though the sentences are correct as written. Rewording may resolve the problem. Also, there are MCLs for other contaminants besides uranium, keep this discussion specific.
- * Note that number of 20 ppb may be inaccurate, or unattainable if the Safe Drinking Water Act changes the MCL to

50 ppm. Willeke does not want the Report or the Task Force to become bogged down by numbers that may not be followed.

* Darryl Huff wanted his dissent to be identified within text. Agreement that his dissent shall be noted within the text.

* Further explanation of the fencing wording was requested.

The Draft Final Report will be revised by Applegate and Sarno, sent to a technical editor within a week, and then sent to Task Force members by June 23, 1995.

6. Opportunity for Public Participation:

Applegate asked for public comments. No further comments were made.

7. Materials Distributed at Meeting (Attached):

- Revised Agenda for June 10, 1995
- First Review Draft of the Final Report of the Fernald Citizens Task Force
- Schedule for the Final Report
- Letter from Tom Rentschler
- Letter from Edith Binford of the Utility Radiological Safety Board of Ohio
- Items for the helicopter photo shoot
- Natural Resource Briefing
- Fernald Environmental Remediation Progress Status Report

9. Next Meeting:

The next meeting of the Task Force is the regularly scheduled monthly meeting on July 8, 1995, 8:30 a.m., at the Joint Information Center in Fairfield, Ohio.

The meeting adjourned at 12:42 p.m.

Approved July 8, 1995

I certify that these minutes are an accurate account of the June 10, 1995, meeting of the Fernald Citizens Task Force.



John S. Applegate, Chair,
Fernald Citizens Task Force

7/8/95
Date



Ken Morgan
Deputy Designated Federal Official

7/8/95
Date