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 May 6, 1995 Meeting

The Fernald Citizens Task Force met from 8:35 a.m. until 12:05 p.m. on May 6, 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
James Bierer
Marvin Clawson
Jack Craig, DOE (for Phil Hamric, DOE)
Lisa Crawford
Constance Fox
Guy Guckenberger
Darryl Huff
Gene Jablonowski, U.S. EPA
Graham Mitchell, Ohio EPA
Jerry Monahan
Tom Rentschler
Warren Strunk
Bob Tabor
Thomas Wagner
Gene Willeke

Members Absent:
Pam Dunn
Phil Hamric, DOE

Deputy Designated Federal Official Attending:
Ken Morgan, DOE Ohio Field Office

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

P. O. Box 544 Ross, Ohio 45061 513·648·6478

About 15 spectators, including members of the public and representatives from FRESH, DOE, U.S. EPA, Ohio EPA, the Agency for Toxic Substances and Disease Registry, and FERMCO.

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 for March 28, 1995 and April 8, 1995. Both 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 8 of these minutes.)

Applegate then opened the floor to Graham Mitchell, Ohio EPA, who announced an OEPA public briefing at 7:00 p.m. on May 15, 1995, for the OU5 FS/PP at the Venice Presbyterian Church, and an OEPA public workshop on the Proposed Site Treatment Plan at 7:00 p.m. on May 17, 1995, at the Crosby Elementary School.

Applegate asked the Task Force to look at the letter from Assistant Secretary Thomas Grumbly that was in response to the "Recommendation To Establish Site Priorities And Accelerate Remediation at Fernald" document. The general consensus of the members was that the letter thanked the Task Force for its efforts and said that Headquarters was considering the recommendation. Jack Craig, Fernald Area Office Director, said he believes that DOE Headquarters is now listening carefully to the accelerated remediation proposal as a direct result of the Task Force's recommendation.

Applegate reported that DOE and FERMCO are in the process of putting together funding estimates for a meeting with Mr. Grumbly on the budget for Fiscal Year 1997. He then introduced Terry Hagen, vice president of Environmental Compliance for FERMCO. Hagen first announced that on May 18, 1995, a group of congressional staffers will be touring Fernald on a fact-finding mission. Hagen then briefed Task Force members about the Fernald remediation status report. This document, which is being prepared at the request of Mr. Grumbly for use in budget discussions, is strictly a factual report of the status of

4. Discussion of Site Information:

Applegate introduced the "funnel" chart, which shows the process of working toward a future use recommendation. Applegate reviewed the progress so far: In January and February, Task Force members brainstormed about the various possibilities for the site; then those possibilities were organized into categories for land use. Now the Task Force will begin to identify legal constraints, develop criteria, and identify some reasonable future use options and evaluating their costs. Applegate said he has asked Sarno to develop a mock-up of what final report may look like for members to review next month. Applegate then turned the discussion over to Sarno.

Sarno introduced new meeting work books for the Task Force, explaining that all the information will be in one place. Information will be added as it is developed. The categories in the new binders include:

- Future Use Criteria
- Land Use Categories
- Work Plan
- Site Background
- Site Maps
- Contamination Profiles
- Risk Assessment Overview
- Technology Profiles
- Demographic Profiles
- Future Use Options
- Glossary
- Overlays of various aspects of the site

5. Discussion of Contamination and Risks:

Sarno asked Task Force members to identify what threats they associated with the Fernald site. He said the information is relevant in addressing the question of future use. He also asked Task Force members to identify the major components of remediation that need to be understood. Task Force members and the public identified the following threats:

- Drinking water wells and contaminated water off site
- Air quality during remediation

remediation at Fernald. Hagen said the report discusses how the study phase of the Fernald project is essentially complete, how final or proposed cleanup strategies have been identified for the entire site, how stakeholders have been actively involved in the decision-making process, and how the work is progressing in cooperation with the U.S. Environmental Protection Agency and the Ohio Environmental Protection Agency.

Hagen distributed a draft copy of the report for review, and explained that DOE would like the regulators, the Task Force, and FRESH to consider writing letters of concurrence for DOE to present with the report. He stressed that DOE was not attempting to "sell" headquarters and Congress on funding Fernald remediation; rather, the document was simply illustrated how DOE is poised to actually begin remediation at Fernald. Letters of concurrence would illustrate stakeholder and regulator support for DOE's assessment, Hagen said.

Task Force members expressed their willingness to prepare such a letter, and Applegate asked members to read the draft document at the break so a concurrence letter could be considered.

Jack Craig mentioned that the Congressional tour group is made up of high ranking staffers. Bob Tabor asked if the visit was specifically related to the accelerated cleanup, and Craig answered affirmatively.

Ken Morgan, DOE Ohio Field Office, said that the White House has regulatory reform underway. There are too many regulations that are counterproductive and need to be cleaned up. He said that discussions are in process about how to cut regulations down, and he would like to send to Washington, the recommendations the Task Force has submitted with references to regulations that are a problem, to reinforce this issue.

Lisa Crawford asked that this process be presented to FRESH, and Morgan concurred.

3. <u>Discussion on Draft Future Use Recommendations:</u>

Applegate then turned to the draft "Recommendations Regarding Future Use Of Fernald Property" document. He suggested that the Task Force should be concerned about isolating the disposal cell site and also keep it from being an eyesore.

Gene Willeke suggested that a plaque/memorial/museum be placed close to visible remnants of what the site used to be but not close to the disposal cell.

Jim Bierer asked for clarification about the buffer around the disposal cell. Applegate explained that the immediate area would have no deep rooted plants, but the 300 feet buffer zone could have trees and fencing that could actually enhance the appearance of the disposal cell.

Doug Sarno explained that the 300 feet buffer zone was not established for health reasons and is not a health risk. Lisa Crawford disagreed and stated that her conception of the buffer zone is to fence the 300 feet and restrict all access within that zone.

Vicky Dastillung, a member of FRESH, asked about the legal liability if someone developed ill health affects after being within the 300 feet buffer zone. Sarno answered that only materials with low concentrations of radioactivity will be placed in the cell and is therefore, not a health risk.

Jack Craig and Graham Mitchell noted that the 300 feet buffer zone is a requirement of the State of Ohio and is an Applicable or Relevant and Appropriate Requirement (ARAR), under Superfund law.

Gene Jablonowski, U.S. EPA, reminded everyone that the fence is not to protect people from the cell, but to protect the cell from people.

Connie Fox supported Lisa Crawford's position of limiting the future use of the 300 feet buffer zone because of children playing in the area. Vicky Dastillung also supported that position.

Applegate stated that the Task Force could determine the future use of the 300 feet buffer zone specifically, but warned against getting too specific regarding the area outside of the 300 feet. He suggested that the local community might want something else in ten years.

More discussion ensued with the general agreement that the local residents should decide what the specific future uses of the site should be.

Lisa Crawford opened the discussion about federal ownership of the site, stating that she wanted federal ownership forever. Jim Bierer suggested that the government could always lease the land and that monitoring is much easier if federal ownership is retained. Vicky

Dastillung asked Graham Mitchell if the OU2 Record of Decision (ROD) included federal ownership as a requirement. Mitchell responded by suggesting that the five year review plan for the RODs might be good for all future use adjustments. He also stated that if the future use of the land is restricted too much, appropriating funds for apparently useless land might be made more difficult.

After more discussion on the recommendation verbiage, Applegate asked for public comment on the changes. With no more comments offered, Crawford made a motion for a vote on the amended recommendation. Connie Fox seconded the motion. The Task Force voted unanimously to approve the recommendation as amended. The final recommendation document is attached. It will be distributed to DOE-FN, DOE-HQ, FERMCO, Ohio EPA, and U.S. EPA the week following the meeting.

4. Discussion on Fernald Remediation Status Report:

Applegate focused the meeting on the Fernald Remediation Status Report, asking the members to comment on the document. Minimal wordsmithing was suggested, but several members asked for the opportunity to comment on the draft final version. Terry Hagen agreed to coordinate that effort.

Applegate was tasked with drafting a letter to Jack Craig saying that the report concurs with the recommendations submitted to DOE by the Task Force. Applegate promised to circulate a draft letter with the final Status Report to give members an opportunity to object.

5. Discussion on Report by Groundwater Subcommittee:

Applegate opened the discussion on EPA Groundwater Standards by stating that it is important for the Task Force to understand what the Groundwater Subcommittee is doing. The Subcommittee is monitoring what laws are applying to groundwater standards. The Task Force proposed the maximum contaminant levels (MCLs) established under the Safe Drinking Water Act. However, standards under the Uranium Mill Tailings Remediation Act have also been used elsewhere by EPA, with higher numbers that suggest that more contamination will not pose a threat. Applegate suggested that the Task Force has the option of leaving the recommendation as is, but cautioned that the numbers EPA uses might be something of a moving target. He then turned the

meeting over to Gene Willeke, chairman of the Groundwater Subcommittee.

Gene Willeke distributed a memo to the Task Force containing a report from the Groundwater Subcommittee that an issue under discussion between DOE and the two regulatory agencies is the appropriate standard for evaluating groundwater cleanup levels. He said that the proposed uranium MCL standard for ground water quality under the Safe Drinking Water Act, 20 parts per billion (ppb), exists only as a proposed rule. U.S. EPA was under a court order to issue new standards by April 30, 1995, but did not meet the deadline. The new MCL may be the same or higher than 20 ppb. U.S. EPA, OEPA, DOE and FERMCO recently met to discuss this issue, with all parties agreeing verbally to use the new MCL numbers when the final rule is issued by U.S. EPA, without reopening the RODs. Willeke said, however, this agreement is not in writing.

Willeke then added that, meanwhile, the U.S. EPA's new UMTRCA uranium groundwater standard of 30 pCi/L (potentially equivalent to 44 ppb, dependent on site-specific U-234 and U-238 equilibrium), became effective in February 1995.

Willeke suggested that the significance of this debate to Fernald is that if the higher UMTRCA number is used, it would greatly impact Fernald for the following reasons: a substantial reduction in the amount of soil that would have to be moved to be protective of the aquifer, some reduction in risk from airborne pollutants during remediation, more rapid aquifer cleanup, a much smaller disposal cell would be needed, and a cost savings of several hundred million dollars. Willeke also stated that if the groundwater cleanup numbers change, the Task Force should revisit the discussion on the groundwater standards that have been recommended.

Lisa Crawford voiced her concern that the new 44 ppb MCL standard is too high, and she reminded everyone that Fernald is not an UMTRA site.

Graham Mitchell stated that OEPA thinks the 20 ppb standard is appropriate, and if the number is changed, OEPA will sit down and discuss it thoroughly. Gene Jablonowski, U.S. EPA, added that the real focus is how the number is derived and what it represents, and what risks were contemplated when the number was formulated. He said that the 20 ppb standard takes kidney risk into account and the 44 ppb standard does not. He also stated that even if the 44 ppb standard

is used, any groundwater that is used for public drinking water still must meet the 20 ppb standard.

Willeke agreed to keep the Task Force informed of all discussions and changes.

6. Opportunity for Public Participation:

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

7. Discussion on Final Report:

Applegate stated that a draft of the final report text and a list of appendices are being prepared for review and discussion at the June 10 meeting. Comments will then be incorporated by June 15 and sent to the members for review and further comment for the final discussion at the July 8 meeting. The Final Report will be published by the end of the month of July 1995.

Guy Guckenberger suggested that a groundwater MCL discussion be included in the final report with a qualifier stating that the Task Force will revisit the issue if anything changes.

Applegate also discussed the formation of a local merchants and residents economic development group, that will address land planning, zoning, sewage and other issues. He asked members to think about how it might relate to the Task Force and offer suggestions on this topic. Gary Stegner, DOE Fernald Area Office, is the point person working to help create the new organization. Ken Morgan suggested that DOE might be able to participate by facilitating or mediating discussions for the group.

Applegate then introduced Nancy Weatherup, FERMCO's Director of CRU2, who presented the artist's rendering of the disposal cell that had been requested at the April 8, 1995, Task Force meeting. She asked for feedback from everyone for future renderings. Gene Willeke requested that the graphics be extended to encompass the surrounding community on the next version.

8. Materials Distributed at Meeting (Attached):

- 1995 Tool Box additional pages
- Revised Agenda for May 6, 1995
- Letter from Assistant Secretary Thomas Grumbly to John Applegate
- Future Use Recommendation Markup Draft 5/5/95
- Memo from Gene Willeke
- DOE news release for May 3, 1995
- Saving Dollars and Making Sense *Strategic Alignment and Downsizing*
- The Executive Summary of the 1995 Baseline Environmental Management Report (BEMR) entitled Estimating the Cold War Mortgage
- The Yellow Pages, a technical reference guide
- Proposed Plan for Operable Unit 5
- Final Draft Record of Decision for Remedial Actions at Operable Unit 2

9. Next Meeting:

The next meeting of the full Task Force is the regularly scheduled monthly meeting on June 10, 1995, at 8:30 a.m., at the Joint Information Center in Fairfield, Ohio.

The meeting adjourned at 12:05 p.m.

Approved June 10, 1995

I certify that these minutes are an accurate account of the May 6, 1995, meeting of the Fernald Citizens Task Force.

6/10/95

John S. Applegate, Chair, Date
Fernald Citizens Task Force

6/13/95

for Ken Morgan Date
Deputy Designated Federal Official