

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 November 12, 1994 Meeting

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

Task Force Staff: Doug Sarno, consultant
Sarah Snyder
Judy Armstrong

About 27 spectators, including members of the public and representatives from DOE, the Ohio Department of Health, the Agency for Toxic Substances and Disease Registry, FERMC0, and other state and federal agencies.

1. Approval of Minutes:

- The draft minutes of the October 8, 1994, meeting of the Task Force were approved without amendment.

2. Remarks:

Chair John Applegate said that the Task Force in October came to a number of decisions about risk levels. He said the Task Force still needed to address the issues left over from the

October meeting, including the future uses for the risk levels. Applegate said the Task Force would not talk about on-site disposal at the November meeting. The plan is to have the interim report address future uses and risk levels; the final report will address on site disposal and cleanup priorities.

Applegate said the main reason not to talk about on-site disposal is that the Task Force does not have all the information it needs yet, including the risks posed by transporting wastes, the disruption from transportation, protection of the aquifer, etc. He said that everyone recognizes that the proposed plan for Operable Unit 5 will probably recommend on-site disposal for some wastes. But this is not the issue before the Task Force now.

Gene Willeke said he would not like the Task Force to rule out a disposal cell as a possible future use, even if the Task Force did not make a recommendation on that issue. Applegate agreed that remained a possible future use.

3. Consortium for Environmental Risk Evaluation Project:

Applegate asked Pam Dunn to report on her trip to Phoenix to discuss the Consortium for Environmental Risk Evaluation (CERE). Dunn first noted that Jeff Smith, who is working on the project, was attending the Task Force meeting. The goal of the project, which is examining six DOE sites, is to eliminate some of the judgment problems associated with risk assessment. Tulane University is doing the risk assessment portion; Xavier University is doing the public involvement portion of the project.

Smith said the hope is to open up a more direct dialogue with the public, explaining that Congress asked for the report as a more comprehensive approach to thinking about risk assessment. Part of the project will involve talking to stakeholders about the public's concern with risk.

Johnny Reising said members of the CERE project staff have been to the site and talked to DOE. Dunn said she was glad to report that they have not had any problems getting information about Fernald.

Guy Guckenberger asked whether the CERE project were redundant. Smith said it was not supposed to be; the purpose is to get an independent evaluation of the risks at these sites. Guckenberger asked if

these evaluations hadn't been done "over and over again."

4. Process Discussion:

Applegate said he thought the last meeting had good parliamentary procedure with motions from floor and then the vote. He suggested that Task Force members continue with that procedure, if there were no objections. There were none.

Applegate then asked Doug Sarno to go over new information, specifically the information collected on the non-cancer risks posed by uranium and the non-uranium risks.

5. New Information:

Sarno discussed the maps that show the actual concentrations of uranium found on the site. Each dot represents a sampling point with the actual concentrations, corresponding to the cleanup levels the Task Force has been discussing.

Several "scatter plots" show the locations and levels of uranium contamination. Sarno pointed out that there are lots of "hits" in the production area, but not many in the grazing areas or off-property.

Sarno explained that these maps show a 50 parts per million (ppm) because the non-cancer health effects drives levels to 50 ppm, which is less than 100 ppm cleanup level agreed to by the Task Force at its October meeting. The 100 ppm level is necessary for protecting the aquifer, but when the non-cancer health effects are calculated, the cleanup level needs to be at 50 ppm. Sarno said the data show that the concentrations do not exceed 50 ppm off the Fernald property. He said that the Task Force might want to change its cleanup levels to protect against the non-cancer health effects and go to the 50 ppm.

Task Force members discussed the non-cancer health effects of uranium, including kidney disease.

Sarno said that the additional volume from moving from 100 ppm to 50 ppm is very little because there aren't many places where concentrations exceed the 50 ppm.

Before deciding about the 50 ppm level, the Task Force decided to

discuss the grazing issue.

6. Grazing:

Applegate said the actual monitoring data reveal no problem with the milk, but the Operable Unit 5 risk assessment shows a potential risk based on the current levels with certain assumptions that may or may not be accurate. He also said construction activities during remediation will have an impact on grazing; some areas also will need uranium-contaminated soil to be excavated to a depth of about six inches.

Two farms -- Knollman and Summe -- lease grazing land from DOE. These leases expire in February 1996.

Willeke said the reason the Task Force agreed to no new agricultural use of the site is because there is currently grazing. He said that for a degree of consistency, the Task Force might want to exclude this current use, adding that he sees no reason to continue grazing. Because this is not a major economic activity, let grazing end in February 1996 when the current leases expire. He added that perhaps the Task Force would want to consider recommending that there not be any renewal of leases for grazing.

Applegate reminded Task Force members that they are looking at a post-cleanup time frame.

Jerry Monahan asked if all the land were leased or owned. Sarno said the land on DOE property is leased for grazing, about 300 acres in all. Dunn asked if Summe, who grazes cows in the northern area of the site, was a dairy or beef operation. Sarno said both Knollman and Summe have dairy operations. He also reminded members that for future use, the land would be safe for grazing because it would be cleaned to a level that would permit such a use.

Guckenberger asked why the Task Force needed to consider a 50 ppm cleanup level if new agricultural and residential uses have been ruled out by the Task Force.

Applegate said that adopting a cleanup level of 50 ppm would be as a margin of safety, and not to have additional grazing. For example, the cleanup level developed on site would be appropriate for residential and agricultural at the 10^{-4} risk level, but the prohibition on new residential and agricultural uses would be for an extra margin of safety.

Tom Wagner said that thinking in terms of future use, if the Task Force wanted to have non-residential and non-agricultural uses, it would need to take a consistent stand and have no grazing on site.

Applegate pointed out that the current unremediated state of the site now has an intensive amount of use, like industrial and grazing. When the Task Force says these uses shouldn't continue, it needs to think about the consistency issue. What are we saying: Is it unsafe? Is it unacceptable?

Wagner said that the distinction is that with the exception of grazing, the current uses are for cleanup purposes. But grazing is a different activity; to a certain extent it is a discretionary activity. At some point the Task Force really needs to say that the site is going to be cleaned to levels which allow residential/agricultural use but not used for that purpose. He said he would argue that we press that issue.

Applegate said that what I'm hearing is to today think about it today as a future use in a post-cleanup time frame and reserve the current use of it for later?

Willeke said several responses need to be made. First, there is a difference between "okay now" and "not okay in the future." He said it is not likely that we would want to test milk ad infinitum. Second, there would not be the same contaminant concentrations as at present, so there would not be the degree of risk in the future.

Dunn asked about grazing during remediation. Is there a greater risk during actual remediation activities? Do we want cattle on that site when it is basically a construction and remediation site?

Lisa Crawford said she agreed with Dunn, adding that the Task Force is also talking about letting cows graze on a hazardous waste site. Obviously some of the remediation activities will affect grazing. Also, if -- and she emphasized the "if" -- there is a waste cell, there will be impact on the grazing areas. There will be a dust factor during remediation.

Crawford said she didn't think the environmental monitoring data on the cows is very good.

Willeke proposed splitting the decision in two parts: First, future use (post remediation) and then the 1996 time frame (at expiration of current leases, leading up to and during remediation).

Tom Rentschler asked, hazardous waste issue aside, what are the economic impacts of grazing.

Bill Knollman, of Knollman Dairy, answered some of the questions. He said leasing costs about \$10 an acre. Knollmans maintain the fences except the perimeter fences, which DOE maintains.

Knollman also said his family is going to discontinue the dairy operation about the 1st of April and exclusively graze beef cattle. He also said that no cows will be pastured on the leased areas after Thanksgiving of this year.

He said his family plans on using the pasture for the beef and expanding the grain operation.

Applegate asked what effect having a beef or dairy operation has on the amount of grass needed for the cattle. Knollman said that beef cattle are fed more grain. He explained that he grazes on the southeast corner of the Fernald property; about 75 percent of feed is from their property.

Willeke said he was prepared to make a motion to exclude grazing some time for future use.

Guckenberger asked Knollman how important grazing is to the Knollman operation. Knollman said it is important, adding that he would hate to see anything happen in the near term. Economically, in the near term, it would be an impact to Knollman operation. "I don't know of any group of cows that have been tested any more than ours have," he said, explaining that the cows are tested monthly by FERMC0, a federal group, and the State of Ohio. Additionally, DOE gets samples from off-site dairy and from slaughtered cows.

Darryl Huff said he felt the need to keep addressing this issue for Mr. Knollman: eliminating grazing will impact his operation.

Rentschler said that, at the risk of being uncivil, the Knollmans have been substantially compensated because of the class action suit.

Warren Strunk pointed out that the Knollmans were not compensated more than anyone else. He said that if the Task Force "takes" the land, the compensation should be substantially more.

Monahan said that as soon as DOE finds out that uranium affects milk

or beef, then DOE should do something. As soon as DOE has information that there is a problem, then the Task Force should act. It is important to always respect other people's rights. In fact, the Task Force should make sure it is safe.

Guckenberger asked how cows can graze there now and not in the future. He also said there shouldn't be a need to continue monitoring, once the site is cleaned up because we do not expect it to get worse.

Bob Tabor asked why the Task Force was worrying only about the cows. What about the deer, the squirrels, etc.? He said these animals travel off the property and people eat the deer.

Crawford said eating the meat and drinking the milk posed potentially twice the problem.

Constance Fox said she felt compelled to make a psychological comment. She said she feels a lot of intensity about this issue and said it probably is because deep within our neurological apparatus, we want to avoid being poisoned. We are dealing with this on a logical level, but there is an emotional level that must be acknowledged.

Jim Bierer added that public perception of this issue is important. The public has been told grazing is okay and the Task Force now is kind of saying that the grazing is not safe.

Applegate said there is a consistency issue. First, is the issue of cleanup and wanting to make the site really clean. The other issue is not wanting to disrupt current patterns. He suggested the Task Force first decide on the 50 ppm cleanup level and asked Sarno to summarize the non-cancer health effects discussion.

Sarno said the Task Force has focused on cancer effects, but there are non-carcinogenic effects of uranium that are calculated into risk assessments. Non-cancer risk is calculated differently and uses something called a Hazard Index, of which the calculation threshold is 1. In order to achieve a Hazard Index of 1 in the most stringent case, the Task Force needs to recommend cleanup at 50 ppm, which is more stringent than the levels required for the resident farmer at the 10^{-4} risk level or for the protection of the aquifer.

50 ppm is the concentration that corresponds to the Hazard Index of 1 for the residential farmer. 50 ppm also protects the aquifer in Zone II. 50 ppm also permits:

- Green space usage at 10^{-6} risk level
- Industrial usage at 10^{-5} risk level
- Any usage at 10^{-4} risk level

Sarno said that when you compare 50 ppm and 100 ppm, there is an increase in volume of about 5,000 cubic yards for off-property cleanup.

Wagner asked for a special session on the grazing issue.

- Bierer moved that the Task Force accept 50 ppm for off-property soil contaminated by uranium to achieve the Hazard Index of 1 for cleanup levels. Monahan seconded the motion. The motion passed unanimously.

The Task Force discussed whether grazing cattle constituted an agricultural use. Sarno explained that the farmer scenario is calculated to be the most exposed individual. If the risk assessment just calculated grazing, there would be a different number.

Strunk said the surrounding community is changing drastically with water service being extended to the area. He suggested that the community should decide at a later point what to do with the land.

Applegate said that letting the community decide at a later point what should be done with the land would be consistent with having a list of "acceptable" uses and a list of "unacceptable" uses. Monahan referred to the summary of community input that has come in on the phone line and through the mail. Applegate said most comments were advocating green space usage.

Guckenberger said he is reluctant to tell Knollman that he can never use the property in the future.

Dennis Carr, the FERMCO Operable Unit 5 manager, said the resident farmer scenario assumes that the farmer is a consumer of meat and milk for a period of 70 years for 350 days per year. The quantities assumed are a 1/2 quart of milk a day and 3.5 ounces of meat per day.

Dunn asked how much land would be lost if a disposal cell is put on site. Sarno said the cell size is estimated at about 1.6 million cubic yards and about 2000 by 2000 feet.

Rentschler asked if it were legitimate to ask what do we benefit by letting grazing continue. He said DOE picks up some money, but costs

might outweigh it. Perception is a big disadvantage, adding that it is not like grazing ground is the scarcest thing in the world. He argued that the tenant has been compensated for his other ground to a great degree.

Strunk asked whether DOE would have to pull the grazing leases during construction. Johnny Reising said, "During the construction stages, we (DOE) can't allow that kind of activity." Crawford asked why the leases shouldn't be allowed to lapse in 1996 and not be renewed.

Strunk asked why the Task Force members have to be "the bad guys?" He wondered why DOE does not stop the grazing.

- Willeke moved that the Task Force recommend that residential/agricultural usage not be the future use of the Fernald property and that agricultural usage be defined as not including grazing. Rentschler seconded the motion. The motion was amended after the following discussion.

Guckenberger said he planned to vote against that motion. He said grazing is allowed under the cleanup levels recommended by the Task Force, adding that the compensation argument is not a valid one. He said he would have no objection to excluding residential usage and not grazing usage. He said the Task Force shouldn't take an action that would further adversely affect the area.

Crawford said Task Force members need to look and evaluate the public perception; not everything can be based on scientific data. She said it doesn't look good to have cows grazing on a hazardous waste site, adding that if the Task Force lets grazing continue, it is sending a message that this use is okay.

Rentschler said what has happened in the past has been a problem and that removing the cattle is perceptively part of solving the problem. What was done in the past was not necessarily bad or good, but he said the Task Force should look at improving the perception.

Strunk said this motion resulted in actions affecting the people off-site, saying he had a problem with that.

Willeke pointed out that other people live off-site, too. The people near the site are as much a part of the community as the farmers. The other people living around the site are the people who ought to be in front of

the Task Force all the time. He said he is talking about the people in the wind rose along State Route 126.

Tabor asked how the Task Force intended to deal with the reality that on the south side of Willey Road, it is okay to have cows there, but it's not okay to have them graze on DOE property across the road. He asked how the Task Force would deal with the idea that once the land is clean, it is not okay to have the cows on the property, especially if the cleanup levels are the same for on- and off-property? Is there any difference in that line of demarcation?

Sarno asked if the Task Force wanted to recommend additional levels of safety by increasing buffer areas, perhaps to about 1000 feet? Crawford and Willeke said no.

Huff said the decision should be DOE's. Grazing is automatically going to be discontinued when the cleanup starts. The Task Force doesn't have to make that decision and shouldn't make that decision.

Applegate asked if the Task Force wanted to recommend a very substantial financial effort be made to return it to a particular use? Wagner said he is arguing that future use be limited, which is no new residential/agricultural use. He said he was going to vote in favor of Willeke's motion, adding that he doesn't want residential or agricultural use even though the site would be cleaned up to levels that will allow it. He said what is across the road is owned by private owners, but that DOE's Fernald property is a federal facility and the proposal is that it be restricted from residential and agricultural use. He said if the Task Force members make an exception to that and allow grazing, it would send a signal that the Task Force could allow other kinds of exceptions.

Wagner said he recognized that Strunk's point is valid that the area will be a very different community; nevertheless, the Task Force needs to make the decision now.

Marv Clawson said he thought the grazing issue should be left to DOE.

Strunk said there were no facts to support a decision to prohibit grazing; he said there is no information that grazing is going to have a negative impact.

Willeke said that was not necessarily the case. The ability of a group to make such fine distinctions all the time is the real obstacle to effective implementation of the decision. He said one of the ultimate symbols of

agriculture -- cows walking around eating grass -- sends a message to a large community. We just can't get that fine here.

Guckenberger asked how perception is improved by letting people hike on the site, work on the site. "I think I might feel better to see cows on that land and know that I don't have to worry about it."

Rentschler said the perception problem is exactly why the Task Force has devoted so much time to this discussion. Appearances are a large part of the issue.

Monahan said he was talking to someone in the audience who said a visitor from Russia was appalled to see cows on site.

A member of the public, who introduced herself as Chris Tickle with CLEAN, Inc., addressed the Task Force. She said she wanted to make an analogy about perceived risk. When a person invests money, that person has a sense of the risk. Everyone here has idea of what is acceptable risk after gauging the data. To me, that kind of explains why there is such a dialogue on the perception of risks on the site. It seems that you are going to have to find consensus somewhere in between. The land is a resource and it's our land. I would prefer, if the data is there, to allow the land to be used, if it can be used. A person will have information on the deed, if the land is sold. We aren't responsible for educating everyone who walks by and we can't help if they don't have all the information. We can't be responsible for everyone's uneducated level. I think the federal government will ultimately decide, but she wants to make the land available and let the people educate themselves.

Edwa Yocum also addressed the Task Force. "I'm sitting here and I am getting rather mad because I am thinking we have lost all respect for ourselves. Connie Fox talked about the emotional and psychological effects of watching the cattle graze. We let the cows graze and we eat the milk and the meat and we are slowly poisoning ourselves. The government will outlaw second-hand smoke and cholesterol, but we will let ourselves be poisoned. Don't allow grazing."

Strunk said if you show me the data that we are being poisoned, I would agreed. But we don't seem to have the data.

Yocum said to go back to the perception problem. There is always going to be a question about whether they are really doing their job.

Guckenberger asked whether the Task Force can amend the motion to reach consensus?

Dunn said this is the only DOE facility that allows grazing of cattle. She asked how many other Superfund sites allow grazing. Willeke said there was nothing really to compare it to because most Superfund sites are not vast reservations.

Sarno said the Task Force could find data on how different groups approach transition. Applegate also reminded members that they were talking about the site after it is cleaned up.

Yocum said she didn't think money should be the driver; that safety is paramount. Guckenberger said no one is suggesting that grazing be allowed if there is any evidence of a health risk. He asked if any use of this property is going to be acceptable to this community? Anything?

Yocum asked him if he would like to have his company next to a disposal cell.

Graham Mitchell said this was an important discussion. The Task Force really needs a goal here for the federal government to continue to fund the cleanup. If we pull up all the uses, Congress will not give us the money to clean up. He said the Task Force members need to make sure they march in that direction and keep the federal dollars coming in.

Applegate said the Task Force could recommend that any discontinued grazing not be started up again. He also asked if it is worth it to remediate this area for grazing purposes, which is going to be a very expensive proposition. Is it really appropriate to do this kind of use?

Wagner said he sensed that the Task Force really can't vote on this issue today. He asked, before making a motion to table Willeke's motion, what would be the impact of such a motion on the interim report.

Willeke said the compelling reason has expired now that the Task Force knows that the leases expire in February 1996. He also said grazing was a low value use.

Guckenberger asked what additional information might be needed. He said that in the meantime, why should land just sit there and not be used? It might be a generation before the site is cleaned up, adding that no one is suggesting that any use be permitted that isn't safe.

Crawford said the Task Force was going nowhere, adding that members need more information. She said she thinks it's a given that DOE cannot have cows grazing during remediation.

Guckenberger said it would be a darned shame to not have property used for something it is cleaned up to. Why not let it be used for grazing until we get to green space or whatever use is recommended?

Applegate said what we are really saying is what the best use of the property is following remediation. Maybe we should address that question; I think we need to return to the question of interim use. We are making recommendations on future uses of the site; not making recommendations on what the site should be used for in the meantime.

Willeke said he would amend his motion to recommend that the Task Force eliminate from further consideration residential or agricultural use of the property.

Guckenberger said that the Task Force doesn't think the best use of the site is agricultural, which includes grazing.

- Substitute motion written on the flip chart: That the Task Force recommend that the best use of the property would not include residential and agricultural uses.

Applegate said Graham Mitchell's point was important; if we are driven too much by perception to not do anything (restrictive use), then Senator Glenn's comment about putting a fence around the site begins to make sense. We can't let fear dominate our thinking too much.

Willeke said the site is not a one-use property; nor should it be that. We can have an office building or other uses -- grazing cows doesn't get you anything.

Bierer said grazing is a land management practice. If we don't set our expectations high enough for land use, the money is not going to come, and we won't get the degree of cleanup we want.

Willeke asked whether Nevada and Utah would want to take waste into their states if there isn't going to be a future land use besides green space? Will those states want to take the waste if they don't see any benefit to the community here?

Strunk said the Task Force has asked for a level of cleanup that allows

for a wide range of future uses; let the community decide the use.

Fox said the Task Force seems to be hung up on grazing. She suggested it symbolized the trauma of the secrecy of the past practices and the hypocrisy. But the cow may symbolize the future, like the canary in the mine.

Applegate asked whether the motion language written on the flip chart were acceptable to everyone?

Strunk asked why act on the grazing issue if the Task Force is going to look at it down the line?

Wagner called for the question.

Rentschler said to clean up to this level in today's dollars it is \$1 million an acre -- reached by dividing \$1 billion by 1000 acres. Is it worth it?

- The Task Force unanimously approved the motion as written on the flip chart. The motion reads: That the best use of the property would not include agricultural or residential uses.

Monahan asked who is going to use the site if there is a waste cell?

Applegate said he felt like the Task Force did accomplish something, adding that he feels comfortable putting that recommendation in the interim report.

7. Interim Report:

Applegate said that for the December meeting, he proposes moving it from December 10 to December 8 and making it an evening meeting. The plan is to discuss the Task Force's path forward. He asked members to submit prior to the December meeting their ideas about topics for discussion between now and July. He asked that members list and prioritize what they think the Task Force needs to talk about. He said there would be an informal focus meeting on the grazing issue before the January meeting.

Monahan said it might be time to discuss the chair's role. He said that *Robert's Rules of Order* calls for the chair not to vote on issues, but he said that he thought it was fine for the chair to participate in the

discussions. Applegate said the December meeting certainly would be an appropriate time to discuss the chair's role. He said he has seen his primary role as not to take sides but to ensure that all points of view are heard.

Applegate said the interim report is not going to change much, except for incorporating the decisions made at the November meeting. He said he would get the interim report out for members' review by Friday, November 18 and asked Task Force members to try and have their comments back by Tuesday, November 22, prior to Thanksgiving.

Crawford announced that the last FRESH meeting of the year would be held on November 17. The topic will be Native American artifacts, burial grounds, and the water system. The meeting is open and everyone is welcome. After the presentation, there will be a celebration of FRESH's 10-year anniversary.

8. Opportunity for Public Participation:

There were no additional comments; public input was received during the discussion about grazing.

9. Materials Distributed at Meeting:

- New Tool Box pages and table of contents
- Operable Unit 1 draft Record of Decision
- Pam Dunn's memorandum on the CERE program
- Summary of public comments from the 1994 Community Assessment
- Brochure on Sole-Source Aquifers

10. Next Meeting:

The next meeting of the full Task Force is scheduled for 5:30 p.m. on December 8, 1994, at the Joint Information Center in Fairfield.

The meeting adjourned at 12:34 p.m.

Approved December 8, 1994