

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 October 14, 1993 Meeting

Members Present:

John Applegate
Jim Bierer
Marvin Clawson
Jack Craig (for Phil Hamric, DOE)
Lisa Crawford
Pam Dunn
Constance Fox
Guy Guckenberger
Darryl Huff
Graham Mitchell
Jerry Monahan
Robert Tabor
Thomas Wagner
Gene Willeke

Members Absent:

Tom Rentschler
Warren Strunk
Jim Saric

About 25 spectators, including members of public, DOE, and FERMCO representatives.

1. Approval of Task Force Charter:

There was some discussion about which document was controlling -- the Keystone report or the Task Force charter. Thomas Wagner asked whether additional constituencies should be represented on the Task Force; that question was deferred until the discussion about the draft ground rules.

- Gene Willeke moved that the charter be adopted. Connie Fox seconded the motion. The motion passed unanimously; the charter was approved.

2. Approval of Minutes:

- Connie Fox moved that the Task Force approved the minutes from the September 9, 1993, orientation tour and from the September 18, 1993, orientation retreat. Lisa Crawford seconded the motion. The motion passed unanimously; the minutes were approved.

3. Draft Ground Rules:

Tom Wagner asked whether the Task Force wanted to consider adding other potentially responsible parties (PRPs) to become ex officio members of the Task Force, as is recommended in the Keystone report. Graham Mitchell said that the Paddy's Run Road Site, which is comprised of several industrial operations south of the Fernald site along Paddy's Run Road and which is undergoing a Remedial Investigation and Feasibility Study, would not be considered a PRP for the Fernald site because the aquifer flows south through the area. While the Paddy's Run Road Site companies may be contributing to groundwater contamination, any contamination from the Paddy's Run Road Site would be south of the Fernald site.

Jerry Monahan asked whether ex officio members had term limits. This prompted a discussion about the length of terms for the regular Task Force members. Lisa Crawford said she did not recall seeing anything about the length of terms. Chair John Applegate said Dr. Eula Bingham, as convener, established term limits. He promised to get that information to Task Force members.

- Guy Guckenberger moved that the Task Force approve the ground rules. Fox seconded the motion. During discussion the following amendments were offered:
 - a.) Wagner moved that language (a sentence taken from the middle paragraph of page 25 of the Keystone report) be added to the ground rules allowing the Task Force to appoint ex officio members if the Task Force deemed it necessary to have more PRPs represented. Guckenberger seconded the motion. The motion was approved unanimously; the language was added to the ground rules and becomes No. 4 under Section B, Membership.
 - b.) Gene Willeke moved that language under No. 3 under

Section B, Membership, be added to say that the Task Force "shall continuously attempt to identify stakeholders not represented on the Task Force." The motion was seconded by Graham Mitchell. The amendment was approved unanimously; the language was added to the ground rules.

- c.) Guy Guckenberger moved that No. 1 under Section C, Meetings, be amended as previously discussed to read: "The Task Force intends to hold regular monthly meetings. The chair of the Task Force will schedule monthly meetings and may schedule additional special meetings with notice to all members." Jim Bierer seconded the motion. The motion was approved unanimously; the ground rules were amended.
- d.) Guckenberger moved that No. 4 under Section C, Meetings, be amended to say: "The public shall be informed of the time, place, and subject of all public meetings of the Task Force, and the public shall have an opportunity to participate in public meetings, in the manner deemed most appropriate by the chair or by the Task Force." The motion was seconded by Wagner. The motion was approved unanimously; the ground rules were amended.

The ground rules, as amended, were adopted unanimously.

4. Defining the Task Force Mission:

Most of the discussion addressed the mission of the Task Force. Applegate suggested that the Task Force needed to agree upon three things by the end of the meeting:

- What should be the basic work plan for the Task Force? That is, how will the Task Force organize the issues identified in the charter and in what order will the Task Force address those issues?
- How will the Task Force be organized? How will it go about deciding those issues?
- What kind of support will the Task Force need in order to

expeditiously conduct its work? What kind of staff will it need to develop and how will that staff be selected?

Applegate said he had learned from conversations with DOE Headquarters officials and others involved in this process that the problem of future use is new. Fernald has the first site-specific advisory board (SSAB) established under the auspices of the Keystone recommendations, so Task Force members are truly breaking new ground. Applegate suggested that one of the most important lessons from other efforts is the need to stay focused on the issues.

Applegate suggested that the Task Force might consider future use first because it seems to tie into all the other issues. He said that if the Task Force decides what the site should look like after it is remediated, then the Task Force can work backward to determine the more technical issues, such as "How clean is clean?"

Applegate also introduced Vicky Dastillung, who is a member of DOE's Environmental Restoration and Waste Management Advisory Committee, which is known as EMAC. She told Task Force members about the history of the EMAC: Originally, it began as a way to solicit citizen input on the Programmatic Environmental Impact Statement (PEIS), a study of the programmatic issues of waste management at DOE facilities nationwide. But the EMAC has grown into more, particularly in light of the enactment of the Federal Facilities Compliance Act, which is forcing federal agencies to address the issue of mixed waste. These two initiatives -- the PEIS and the Federal Facilities Compliance Act -- have dove-tailed for the EMAC. The EMAC also is looking at a variety of related issues, such as future use. The EMAC recently developed a draft white paper on land use that was submitted to DOE in August. Now DOE has tasked a working group with developing a resource document as a result of the EMAC white paper. That resource document is early next year.

One of the recommendations EMAC made about land use was that local communities need to drive the process.

Task Force members discussed whether the Task Force could reach a recommendation on future use without knowing what the cleanup objectives should be. Crawford said she didn't feel comfortable making a decision on future use without knowing where the waste will be disposed and how clean the site will be. She suggested that information would drive the future use question.

Bob Tabor suggested that the issues were very closely aligned and perhaps could be addressed in any order. But he suggested that it might be easier for the Task Force to approach the problem of future use through a process of elimination; that is, toss out the possibilities that won't work. He suggested that trying to add up the components to arrive at the big picture is very much the way planning has proceeded at Fernald already, adding that perhaps the Task Force is necessary because it can go directly to the big picture.

Connie Fox suggested that the Task Force think of the long-term as more than 20 years. She said it was not unreasonable to project 500 years into the future when addressing the issue of future use.

Crawford said the Task Force will have to justify some of the decisions it makes because there are community members who want the site to be cleaned to background levels, even though that is not possible given the limitations of budget and technology.

Darryl Huff said the term "cleanup" is misleading, because it suggests that the site can be restored. Crawford agreed, adding that there are lots of different definitions of cleanup. Fox suggested that the Task Force think about remediation as "containment," and not "cleanup."

Willeke asked who would own the site in perpetuity, once it is remediated. He said ownership is an important aspect of the future use issue.

Wagner suggested that one approach might be to lay out all the alternatives, from the least -- containment to protect public health -- to the most -- restoring the site to background levels with no restrictions on its use. That sort of continuum of use would allow the Task Force to identify those points and what is in between.

Guckenberger said he would like to hear from a land use planner about how to approach this issue. Applegate said that raised the question of staff support. He said there are two models that the Task Force can follow:

- Working group, in which the members themselves decide how to approach the issues and then go out and get the information themselves. (This requires a significant commitment of time.)
- Advisory group, in which the members work with professional staff who coordinates what information might be needed.

Task Force members agreed they wanted to have outside staff support them in their work. Crawford said the staff should not be FERMCO in order to preserve the Task Force's credibility because of the perception that FERMCO would not be independent of DOE as DOE's contractor. Guckenberger said he needed outside staff to boil down information and translate it for him so he would know what is truly important.

Applegate said the Task Force might want to have a coordinator to organize the effort and to track down the various experts the Task Force needs to consult. Crawford, Willeke, and Guckenberger said the outside staff should be local. Applegate asked how the Task Force wanted to go about choosing its staff. He said speed is important.

Ken Morgan, DOE's director of public information at Fernald, pointed out that any expenditure of more than \$25,000 required competitive bidding and would take a great deal of time. He also said that the Task Force could not parcel out the work in \$25,000 chunks to avoid the requirements of DOE's procurement rules.

- Wagner moved that the chair and one or two other Task Force members form a working group to develop a scope of work for the outside staff and screen possible candidates. Willeke seconded the motion. The group would report back to the full Task Force before hiring any staff. The Task Force approved the motion unanimously. Willeke volunteered to pass along some of his thoughts about what might be useful to include in the scope of work. Fox and Dunn volunteered to serve on the working group; they will meet with Applegate next week.

The Task Force discussed whether it needed to reschedule its December meeting because it falls on the first day of Hanukkah. It was decided that if there were a problem, the meeting would be rescheduled.

5. Public Participation:

One member of the audience asked what was going on at the site now, explaining that employees don't seem to be patronizing merchants as much as they used to. Jack Craig said there weren't any changes of which he was aware, but Crawford said that the 30 minute lunch break was being enforced on site. She also said that one of the access road was closed because of the potential for a strike.

6. New Member:

Applegate said that when the Task Force was convened, there wasn't a representative from Morgan Township included, despite the potential impacts of Fernald restoration on Morgan Township: if waste is shipped off-site from Fernald by rail, it will go through Morgan Township.

The membership committee considered whether adding Darryl Huff made sense, and concluded that Huff should be a member. The membership committee recommended to the full Task Force that the Task Force recommend to DOE that Huff be appointed to the Fernald Citizens Task Force.

- Guckenberger moved that the Task Force recommend to DOE that Darryl Huff be added to the Task Force. Wagner seconded the motion. The motion was approved unanimously recommending to DOE that Huff be appointed to the Task Force.

7. Next Meeting:

The next meeting of the full task force is scheduled for 4 to 6 p.m. on November 18, 1993, at the Meadowbrook.