

**Paducah Gaseous Diffusion Plant  
Citizens Advisory Board  
Meeting Minutes  
April 18, 2002**

The April 18, 2002 Citizens Advisory Board (CAB) meeting was held at the Environmental Information Center in Paducah, Kentucky, at 6:00 p.m.

**Board members present:** Nola Courtney, Mark Donham, Judy Ingram, Vicki Jones, Ricky Ladd, Ronald Lamb, Rebecca Lambert, Linda Long, Douglas Raper, Craig Rhodes, John Russell, Rosa Scott, Jim Smart, Bill Tanner, John Tillson, and Gregory Waldrop.

**Board members absent:** Merryman Kemp.

**Ex Officio members and related regulatory agency employees present:** Gaye Brewer, Kentucky Division of Waste Management (KDWM) and Tim Kreher, Kentucky Department of Fish and Wildlife Resources (KDFWR).

**The Deputy Designated Federal Official present:** Don Seaborg.

**The DOE Federal Coordinator present:** Pat Halsey.

**DOE-related employees present:** Gordon Dover, Jim Ethridge, Bruce Gardner, Jill Holder, Craig Jones, Steve Kay, Lynn Link, Walter Perry, Glenn Van Sickle, and Stacey Young.

**Public:** Richard Dyer, Ruby English, Mary Hall, Charles Jurka, Vicki Jurka, Al Puckett, Andrew Smith, and Joe Walker.

### **Agenda**

Kay called the meeting to order. He proposed to add a discussion regarding board self-evaluation to the agenda. **The Board approved the modified agenda by consensus.**

### **Minutes**

Kay asked if there were any modifications to the March draft minutes. **The Board approved the minutes by consensus.**

### **Deputy Designated Federal Official's Comments**

#### **Project Updates**

Seaborg indicated the updates were included in the board packets.

Seaborg said most of the action items are complete or ongoing.

Seaborg thanked members who attended the National SSAB Chairs Conference in Ohio.

### **Recommendation Status:**

There has not been a formal answer for the CAB Site-Wide Sediment Control Recommendation. Castaneda briefed the Surface Water Task Force at the April meeting.

### **ES&H Issues**

Workers completed a time critical removal of an underground storage tank (UST). Workers then found a tank filled with a gravel mixture and possibly liquid in another UST. Preparations are in progress to remove this tank. Previous below ground search techniques did not locate this tank.

### **Budget Update**

A copy of the Accelerated Cleanup Proposal, which DOE presented to EPA and the State of Kentucky on March 21, 2002, was provided to board members and the public. Discussions and negotiations among the agencies continue.

### **Questions**

Tillson asked how many tanks have been found in the K Cylinder Yard. Seaborg said two tanks have been found. Tillson said there are three tanks; a gas tank, a diesel tank, and a waste oil tank.

Donham asked if Seaborg could provide information about the negotiation process between DOE and regulators, and if William Murphie, DOE's new area manager, has decided on a central office location. Seaborg said he would not be able to provide much information. He said that Murphie is working on a variety of projects and there are no details as to where his office would be located.

### **Ex-Officio comments**

Kreher said Southern Illinois University graduate students would like to present a thesis argument for their environmental projects to the board. The environmental projects were part of a cooperative venture between the KDFWR and Agreements in Principle (AIP). The projects involved amphibians in the outfall ditches surrounding the Paducah Gaseous Diffusion Plant, sediment toxicity in invertebrates in the outfalls, and PCBs in insect-feeding birds.

Tillson asked if the students could be reimbursed for traveling expenses. Halsey said she would find out if this could be done.

Donham asked if the projects were cooperatively done between DOE and SIU. Kreher said AIP and KDFWR have had questions about pathways for contaminants to leave the site. The departments decided to use research proposals to decide what kind of study would be done. SIU was chosen because of location, and because a professor involved in the study

had done similar work in Oak Ridge. There was no direct paperwork between SIU and DOE.

Kay suggested the board receive a summary of the presentations at the May meeting, and that the board decide then if they wanted to add the students' full presentation to the June agenda.

Donham asked why an EPA representative was not present. Young said EPA representatives had not contacted her regarding attendance.

### **Public Comments**

There were no comments from the public.

### **Presentations**

#### **Status: Site-Wide Sediment Controls Recommendation**

Tanner said the board made a recommendation to DOE in July 2001 concerning the Site-Wide Sediment Controls Engineering Evaluation/Cost Analysis (EE/CA). The Site-Wide Sediment Controls D1/R1 EE/CA is complete. He said the public comment period might be delayed. The State and EPA approved the EE/CA at the end of February. The EE/CA calls for sedimentation basins to be built for Outfalls 008 and 011. The document also calls for localized, system, and integrated controls. The document only addresses Outfalls 001, 008, 010, 011 and 015. The remainder of the outfalls are not addressed in the EE/CA.

Tanner discussed DOE's compliance with the recommendation. DOE has agreed to a risk level of  $10^{-4}$ . Tanner said although the EE/CA does not address all of the outfalls as the board recommended, the Site-Wide Sediment Control Strategy may address part of the board's recommendations. Sewer separation is discussed, but it was decided it would be too costly. The EE/CA does not address treatment of dissolved particles, but does not inhibit treatment. Tanner said the Site-Wide Monitoring Plan may address the dissolved phase. Tanner said a monitoring plan is not included in the EE/CA, but is in the Operation and Maintenance Plan that will be developed when basins are put into place. The Operation and Maintenance Plan is on hold until the Top-To Bottom Review is complete. Tanner said he believes the EE/CA addresses many issues, but is not as comprehensive as he had hoped. However, a combination of documents scheduled for future release may address the recommendation to a greater degree. Young will provide copies of both of these documents to Tanner as they become available.

#### **Report: National SSAB Chairs Conference Follow-up**

Raper discussed activities at the National SSAB Chairs Conference held in Cincinnati, Ohio. SSABs from various sites toured the Fernald site and discussed environmental management projects. Raper said many members said they were concerned that the cleanup schedule would slip as cost estimates increased. Members also discussed greatest issues of

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concern, transition periods for closed sites, and long term monitoring by regulatory agencies. Long added that the CAB members discussed ways to get the public involved in CAB activities. Raper informed the board that the next Chairs conference would be held in Oak Ridge on October 14-16.

Halsey said a workshop would be held early in 2003 concerning transportation of transuranic waste to the Waste Isolation Pilot Plant.

In reference to the budget information shared by Headquarters at the Chairs meeting, Smart asked if Paducah was included in the Oak Ridge cleanup budget. Seaborg said Paducah could be part of Oak Ridge cleanup.

Donham, referencing the same presentation, asked why the cost growth was high. Halsey said the growth is due to the integration of baseline budgets for the various sites.

Donham asked if members at the conference discussed the future of the Site Specific Advisory Boards. Raper said he believes Jesse Roberson will sign the renewed charter in May.

### **North-South Diversion Ditch**

Tillson said Froede offered to provide members with information on soil excavation in the North-South Diversion Ditch. However, Froede was not present at the meeting. Tillson said the Waste Operations Task Force is still waiting on an answer as to how the Paducah site and the regulators came to an agreement for excavating the soil.

Donham said he has received some information in response to the contained-in and derived waste rule, and whether or not it applies to the ditch. Tillson said the task force is considering hiring a professional to provide assistance on understanding the issue.

Russell said it was his understanding that hazardous waste from the ditch must be disposed of offsite. He questioned how waste that is not hazardous becomes RCRA Subtitle-D waste and is disposed of in a landfill.

Donham asked about information concerning costs of performing more intensive sampling. Russell said he read an e-mail that suggested the analysis has been done and favored proceeding with excavation. Young said she had not seen the e-mail.

Tillson said the ditch was initially six-feet wide. The task force has raised questions about F-listed wastes. Workers will now excavate the ditch to 35-feet wide and then sample to assess risk. He added that the State issued a contained-in exemption for the soil.

Seaborg discussed risk evaluation levels versus the definition of hazardous waste.

Russell said areas exceeding threshold were relatively small, but a great deal of material would be removed. He said there could be less excavation with more monitoring.

Dover said radioactive constituents were in the ditch and it is not possible to sample 100 percent of the soil. It would be cost-effective to place material in a landfill on site and would avoid the risk of placing material at an off-site landfill.

Donham asked about  $10^{-6}$  cleanup levels. Jones said the Record of Decision (ROD) contains lists of parameters and cleanup levels that the State, EPA and DOE agreed to. Dover said the levels would vary across the ditch.

Puckett asked if chemical hazards would be addressed. Seaborg said chemical and radioactive constituents are evaluated against the risk criteria.

Russell said he feels the board is interested in reviewing the profile for risk. This information is available in the draft ROD.

Donham asked about the status of reinstallation of PVC monitoring wells around C-746-U Landfill. Jones said wells have been installed and sampling is ongoing. Regulators will take split samples in the future. Donham requested the results of this sampling when available.

Donham asked if the ROD was on hold until the Top-To-Bottom Review process was resolved. Seaborg said the ROD is on hold as the review process continues.

### **Groundwater Operable Unit Task Force Report**

Smart said the task force did not meet in April, but would attend a Groundwater demonstration on April 23. The task force will meet with the Surface Water Task Force the first Friday in May.

Raper said the groundwater proposal was changed at the Chairs meeting from “all” groundwater to “DOE” groundwater and then signed. The intent of the proposal remains unchanged.

Donham said the Groundwater Feasibility Study suggested a 15-year plan of \$990 million. Dover said less than \$500 million was recommended. Donham said the current plan calls for \$72 million and asked about the cost difference in the two estimates. He suggested the Groundwater Task Force discuss the issue. Smart requested Donham send an e-mail to him to clarify the request.

### **Surface Water Operable Unit Task Force Report**

Tanner clarified his view on the Site-Wide Sediment Control EE/CA, saying it would be useful to consider the strategy and monitoring plan to make decisions, because Halsey had asked Tanner if the EE/CA included anything to prevent his support of the document.

The Surface Water Operable Unit Task Force will meet with the Groundwater Task Force on the first Friday of May. The task force met on Tuesday, April 9 at the CAB office for the monthly meeting, and April 16 to specifically focus on the Sewer Rehabilitation and

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Leak Repair Recommendation. Notes from the meetings were in the board packets for tonight's meeting.

Tanner noted changes to the proposed Sewer Rehabilitation and Leak Repair Recommendation. He said the task force recently discovered there are documents in existence that would have been helpful in developing the recommendation. The State brought some documents to his attention. He said the reports highlighted the need for slip lining sewers. He said the Sediment Control EE/CA discussed the impact of leaking sewers on groundwater. He said he has been unable to get a document discussing an interpretation of water levels, and added that two Kentucky regulations addressing the issue are referenced in the recommendation. He said the current groundwater plan does not address leaking pipes. Young will provide Tanner with the document.

Kay asked if there were any objections to approving the proposal as submitted. Smart asked about the language of recommending repair "all" leaks and if that would be a major problem. Tanner said the entire stretch of a sewer line is typically repaired, rather than using spot repair. **The Board approved the proposal by consensus.**

### **Waste Operations Task Force Report**

The Landfills/Waste Operations Task Force met Wednesday, April 10 at the CAB office. Tillson said there was much discussion about waste volume calculation and reduction. The task force discussed the UST in the cylinder yard. Tillson said he was concerned that information is not being examined prior to work.

Donham said he had a conversation with a United States EPA representative who was in charge of the contained-in/mixed-derived waste rule. The representative said when a substance is mixed with a hazardous substance it is all hazardous until separated. Tillson said he had been told the State has not adopted the rule. Donham said he would like clarification as to whether or not the State has adopted the rule. Kay asked if the board wanted to hire an expert, and if so, what kind of expert. Tillson said the task force would discuss the issue and make a suggestion to the board.

Donham said the public comment period for the Waste Disposition EA ends on April 25, 2002.

### **Long Range Strategy/Stewardship Task Force Report**

The task force did not meet in April, but will meet in May. Raper suggested changing the time of the May meeting.

### **Community Concerns Report**

Rhodes said the subcommittee members would like to ask the board to run an ad in the local newspaper to gather voluntary comments from the community concerning the proposed recommendation for landowner compensation. He said if there is no interest from the community, there is no reason for the task force to continue its efforts. Rhodes said he wanted to emphasize that participation in a potential compensation program would be

voluntary.

Ingram asked how the subcommittee would contact landowners who were afraid to participate. Rhodes said participation would be voluntary.

English said she is concerned about deactivating the subcommittee. She said there are many things that could be done for the community, and some people in the community are affected even though their groundwater is not contaminated. Rhodes said groundwater is the only type of pollution DOE has confirmed. English said many people who are sick do not live on the groundwater plumes and are too sick to live in their homes to participate. She said this recommendation would only take care of those living on the plumes. Rhodes said other types of contamination could be addressed as they arise.

Kay said the subcommittee should investigate whether or not the community is interested in the proposal. The subcommittee needs to talk to the community to make a determination.

Russell said there is no mechanism for the public to approve the appraisal process. Waldrop said DOE would develop the plan. Tanner suggested obtaining the water policy list and mailing information to those on the list. Young said the subcommittee sent a mailing before their last meeting to people in the water policy area. Tanner proposed sending a questionnaire to water policy participants instead of running an ad to gauge community interest. Tillson said he would like others not included in the water policy to get involved.

Donham said he would like to insure that individuals are able to maintain their rights to compensation.

Tillson said he would like to know if DOE has ever purchased property from those involved in a program like this. Halsey will investigate other DOE sites and contact EPA headquarters.

Kay said the question before the board is whether or not the subcommittee is needed and if the community would participate in this program. If not, the subcommittee should not devote time to the issue.

Tanner said there are families who are not included in the water policy that are affected by the groundwater.

Kay clarified the proposal by saying a letter would be sent with suggested changes to those in the water policy. Tillson said this would include some people not in the water policy. He said the subcommittee would develop another proposal for the board.

Jurka remarked that the proposal was modeled after workers' compensation programs. She said workers withdrew from the suit thinking they had sufficient evidence, but now realize they do not. She said that there is obviously not a pool of money to accommodate the proposal, so there is no reason to enter a community and give a false hope of compensation. She asked if this type of buyout has occurred before.

Smart said he does not have a problem with the recommendation, but would be interested in finding out if a precedent has been set.

Seaborg said there might be federal statutes prohibiting a voluntary program.

Donham said the proposal could involve asking DOE to request money from Congress to fund the program.

Rhodes suggested Donham e-mail explanatory paragraphs to the subcommittee and ask for comments before the May meeting. Taking into consideration the above decision, the subcommittee will draft and circulate new language for the proposal and determine who it should be sent to.

Jurka asked why the subcommittee felt the proposal should include people only on the water policy. She also asked if the water policy program would end for those who participate in the proposed landowner compensation program.

### **Public Involvement Report**

Ingram said there was no report.

### **Nomination and Membership**

Courtney said she has received responses from all of the prospective new members. She stated she has samples of other SSAB applications that provide more detailed information, which could be used to revise the CAB membership application. She will distribute these samples to board members upon request.

### **Self-evaluation**

Kay distributed self-evaluation forms for the board's review and discussion at the May meeting.

### **Review of Agenda**

Kay recommended the board modify the agenda so that the action items are a separate agenda item. **There were no objections to modifying the agenda.**

### **Barnes Creek Tour**

Donham discussed his tour of Barnes Creek, where seismic surveys were being performed to determine if a CERCLA Cell disposal facility would be feasible at the Paducah site. He said he was able to see that there had been seismic activity at some point in some of the structures, but they seemed to end at the soil layer. He said he has not toured the seismic survey activity at Site 3A.

## **Review of Workplan**

The SIU student presentations were added to the workplan.

Halsey said she would continue to work with William Murphie in bringing him to Paducah to meet the board.

## **Federal Coordinator Comments**

Halsey had no comments.

Courtney suggested those in attendance donate money to provide food for the next CAB meeting.

Raper requested information regarding the Emergency Action Alert Plan for PGDP.

Meeting adjourned.