

**Paducah Gaseous Diffusion Plant
Citizens Advisory Board
Meeting Minutes
January 15, 2004**

The January 15, 2004 Citizens Advisory Board (CAB) meeting was held at the CAB office in Paducah, Kentucky at 5:30 p.m.

Board members present: Richard Dyer, Byron Forbus, Fred Jones, Vicki Jones, Rhonda McCorry, Ricky Ladd, Rebecca Lambert, Linda Long, Douglas Raper, John Russell, Jim Smart, Dorothy Starr, and Bill Tanner

Ex Officio members and related regulatory agency employees present: Brian Begley, Jon Maybriar, and Vicki Voisard, Kentucky Department for Environmental Protection; Gaye Brewer, Gary Morgan, Kentucky Division of Waste Management; Brad Pendley, Kentucky Department of Fish and Wildlife Resources; David Williams, U.S. Environmental Protection Agency

The Deputy Designated Federal Official present: David Dollins for Bill Murphie

The DOE Federal Coordinator present: David Dollins

DOE-related employees present: Kim Crenshaw, Jim Ethridge, Greg Felts, Bruce Ford, R. D. George, Craig Jones, Lynn Link, John Morgan, Kendra Payne, Bruce Phillips, Oly Serrano, Joe Tarantino, Glenn VanSickle, and Debbie Wattier

Public: Jim Covert, Charles Jurka, Vicki Jurka, Merryman Kemp, Larry Starr, and Ken Wheeler

Agenda

Tanner called the meeting to order at 6:00 p.m. Kay asked if there were any proposed modifications to the agenda. Tanner stated the Depleted Uranium Hexafluoride (DUF₆) presentation would be postponed to February, and the U.S. Department of Energy (DOE) had requested that Risk-Based End State (RBES) be placed on the agenda. **The Board adopted the modified agenda with no objections.**

Minutes

Kay asked if there were any proposed modifications to the draft November minutes. There were no modifications. **The Board approved the minutes by consensus.**

Deputy Designated Federal Official's Comments

Dollins reported Murphie could not be present at the Board meeting due to the open house at the Lexington office the following day. Dollins stated he would be presenting Deputy Designated Federal Official comments in Murphie's absence.

Dollins reported handouts from the DOE Public Hearing for DUF₆ were provided in the Board packet. He stated comments on the draft Environmental Impact Statements for construction and operation of the DUF₆ Conversion Facility must be received no later than February 2, 2004.

Budget

Dollins stated the total appropriation allocated for Paducah is approximately 189 million dollars.

CAB Recommendation Status

Dollins stated the alleged land devaluation lawsuit regarding landowner compensation was recently dismissed and DOE plans to respond to the Citizens Advisory Board (CAB) outstanding recommendation for landowner compensation soon.

Dollins said there is also a recommendation advising DOE to conduct additional sampling for Section 5 of the NSDD. He stated a response from DOE will be issued closer to the time the document is being released because scoping for the Sampling Plan is still being established.

Dollins reported DOE has accepted the recommendation that lessons learned for the Six-Phase Heating project be documented; however, the list was incorporated into the Six-Phase Heating Treatability Study Final Report as opposed to the C-400 Remedial Action Proposed Plan.

Dollins said Site Management Plan (SMP) comments were received from the CAB and will be addressed in the comment response summary for the draft SMP.

Risk-Based End States

Dollins reported a public meeting will tentatively be held on January 29, 2004 at West Kentucky Community and Technical College at 7:00 p.m. Dollins said Murphie believed he would receive a grace period from Headquarters regarding the Risk-Based End State (RBES) document due to the transition of his Lexington office, but that an extension was not granted. Dollins said the document was a living document and can be modified in the future. He said it is very important to DOE that public input is incorporated into this document. Dollins said Morgan will be conducting a presentation on the RBES document later in the meeting.

Progress at the Paducah Project

Dollins said the Scrap Metal Removal project had its first rail shipment of 157 tons to Nevada Test Site (NTS) on December 22, 2003 following resolution of the NTS intermodal disposal issue. He stated that 585 tons were disposed in December and approximately 4,000 of 44,000 tons of scrap have been disposed to date, including all aluminum ingots.

Dollins reported the Treatability Study for the C-400 Groundwater Source Removal shut down September 6, 2003 for final data collection. He said more than 11 tons of trichloroethylene (TCE) was removed during operation. He stated that the Proposed Plan will be submitted to the Commonwealth of Kentucky

at the end of January and a copy will also be provided to the Environmental Information Center at that time for public comment.

Dollins stated 5,000 ft³ of DOE Material Storage Area (DMSA) material was characterized in November and December of 2003, and more that 525,000 ft³ of 800,000 ft³ has been characterized over the project life. He said less than 0.01% has been found to have any hazardous waste. Dollins reported 214 tons have been disposed in an on-site landfill in the first quarter of Fiscal Year (FY) 2004. He stated 13,000 ft³ of material has been disposed in November and December, and more than 60,000 ft³ has been disposed over the project life. Dollins also said eight of seventeen outside DMSAs are now empty.

Dollins stated 20m³ of mixed low level waste (LLW) and toxic substance control act (TSCA) waste has been shipped for treatment in FY 2004 and an additional 600 m³ of LLW is being prepared for disposal. He said 10 m³ of the waste went to Permafrix in Oak Ridge, Tennessee, and the other 10 m³ went to the TSCA incinerator.

Dollins reported that all 17 remedial units of Section 2 of the NSDD were completed in December. He said all of the Surge Basin excavation is complete and total construction for Section 2 is nearing completion with approximately 1300 burrito bags awaiting disposal. He stated the Section 1 Sampling Plan and Work Plan is pending resolution with the Commonwealth of Kentucky.

Dollins said DOE is preparing for disposition of Hydrogen Fluoride tanks and for fluorine cell decontamination at the C-410 Decontamination and Decommissioning (D&D) complex. He stated removal of all piping, stairways, platforms, and tank shelters from the hydrogen fluoride tank farm has been completed in the first quarter of FY 2004.

Dollins reported that 1,762 tons has been disposed in the operating landfill and the permit modification is still pending for additional waste streams.

Comments

Russell said the units of measurement need to be more consistent. Dollins agreed.

Smart asked why disposition was required for the aluminum ingots. Van Sickle stated approximately 2000 tons of aluminum ingots required disposition due to security issues.

Raper asked what additional waste streams are pending permit modification at the landfill. Dollins said this includes Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) waste that is solid and non-hazardous. Russell asked if this permit modification is different from the previous modification. VanSickle stated that DOE has requested a modification to allow the solid waste landfill to accept non-hazardous steel material that is considered CERCLA generated materials such as handrails, walkways, concrete rubble, or well installation materials from CERCLA projects. He stated the Commonwealth is working on the modification and it will possibly be ready by early spring. Russell said last fall the CAB was told future permit modifications for waste streams would be minor modifications and would not require public involvement. He said he was inquiring whether or not this was a major or minor modification. Brewer said she did not know, but would research it.

Federal Coordinator Comments

Dollins welcomed McCorry to the CAB on behalf of DOE. He said he would also like to commend Long for her perfect attendance to CAB meetings in 2003.

Ex-Officio Comments

Williams reported the draft SMP was received from DOE in November and a meeting with Senator Bunning and two meetings in Lexington have been conducted. He said progress has been made to resolve issues.

Public Comments and Questions

Vicki Jurka remarked that Dollins had reported 5000 ft³ of material was characterized on the DMSA project. She asked for the cost and the manner this was characterized. VanSickle said he would research this issue. Jurka asked that the information be provided to the Waste Operations task force.

Jurka said the Landfill Variance Public Hearing information was supposed to be provided at the Paducah Public Library but was not available. Brewer said the information should be there and will check to see why it was not available.

Task Forces/Presentation

Tanner said he would like to thank everyone for the 100 percent attendance at this meeting. He said one of the best changes this Board has made is to add task groups to look at detailed issues. He stated presentations would now be made at the task force level and presented to the Board by a member of the task force. He said he would like to encourage all members to be open for change and new ideas to improve ways to obtain information for the Board and to the public.

Waste Operations Task Force

Russell presented a review of the Burial Grounds Operable Unit (BGOU).

Russell said the presentation was a preliminary discussion of the direction the Waste task force is taking regarding the BGOU. He stated a complete description for each Solid Waste Management Unit (SWMU) is being developed to adequately inform the Board of the location of each SWMU, when it was operable, when it was completed, characteristics, and problems with the characteristics.

Russell stated the Waste Operations task force believes the Board should recommend that DOE discontinue the S&T Landfill Site Investigation. He said the task force believes the Site Investigation Work Plan for the C-746-S&T Landfills has the limited purpose to determine whether or not the TCE and technetium-99 detected in the groundwater monitoring wells is originating from up-gradient sources. He stated it is unlikely the investigation will yield a result that establishes the groundwater contamination in the vicinity. Russell said if the investigation does establish groundwater contamination from up-gradient wells, no action will be taken. He stated the task force believes there is little possible value of the results from the proposed study comparable to the costs.

Smart asked if the Commonwealth of Kentucky, Bechtel Jacobs Company LLC (BJC), and DOE were all represented at the task force meeting. Russell said yes. Kay asked if there were any objections to the recommendation. There were no objections. **The Board approved the recommendation to DOE by consensus.**

Water Task Force

Smart reported the Water task force is working on a recommendation to DOE to conduct a Water Balance at the Paducah Gaseous Diffusion Plant (PGDP). He said he believes it is very important to know what the plumes will do when the plant shuts down. He stated that a former Water Budget from 2000 was presented to the task force. Smart said the presentation was from a dry study based on existing data. He stated that the data was estimated and the complete project cost roughly \$100,000 being only 30 percent to 40 percent accurate. He said the task force was told a full Water Balance would cost \$3 to 4 million. He reported BJC was going to provide more information involving cost versus accuracy at the next Water meeting.

Smart stated the C-400 Remedial Action Proposed Plan would be available at the next Water meeting. He said there would be a 45 day comment period and the D1 Record of Decision will be expected in mid-summer with an estimated 15-month construction time.

Tanner said he was made aware that the Surface Water Operable Unit scoping meeting would take place January 20, 2004 between the Commonwealth of Kentucky and DOE. He asked if it would be possible for a Board member to observe that discussion. Dollins said those meetings, being FFA related, are not the best place for the public to be involved. He said the task forces are already involved in the scoping process. He stated there needs to be time between the Commonwealth of Kentucky and DOE to sort out certain issues. Tanner asked if the Water task force could be updated after each scoping meeting. Dollins assured him this would be done.

Russell asked how a Water Balance could predict the movement of the plumes. Smart said the Water Balance would help decide the behavior of the plumes when water is no longer pumped in from the Ohio River after the PGDP is shut down. He said the Water Balance could also help identify leakage in pipes and sewers throughout the plant.

Fred Jones asked for a copy of the Paducah Water Balance Analysis.

Long Range Strategy/Stewardship Task Force

Tanner said the Annual Report is provided in the packets for Board approval. Kay asked if there were any objections to approve the report as it stands. There were no objections. **The Board approved the Annual Report by consensus.**

Tanner said RBES will be the topic at the next Site Specific Advisory Board (SSAB) Chairs meeting. He reminded the Board this document is a living document and can be modified.

Tanner stated the Board had previously asked DOE to prioritize where they needed to focus their attention. He said DOE had responded with a letter informing the Board to concentrate on the End Use Vision of the PGDP after Environment Management cleanup operations were complete. Tanner said input from several local organizations and private citizens had been provided. He stated the task force was close to a final recommendation.

Tanner reported the recommendation will include re-industrialization inside the fence and a recreational wildlife area outside the fence. He said DOE should deed the area outside the fence to the West Kentucky Wildlife Management Area. Tanner said the specifics to achieve this recommendation are as follows:

- Encourage environmental remediation companies with innovative technologies (don't want polluters or re-polluters).
- New private companies could hopefully further clean up the site.
- DOE should investigate ways to modify security/access for the reindustrialization process to begin now, not waiting until the plant ceases operations.

Possible examples of companies that might meet the reindustrialization criteria:

Example: UK is researching ways to remove neptunium from nickel.

Example: UK is researching use of converted depleted uranium for batteries.

Example: Hazmat Training/Response - need place for training in handling hazardous materials, etc.

- Use footprint of the four large process buildings instead of an on-site waste disposal facility (CERCLA cell).

Encapsulate waste in concrete in buildings.

Eliminates some future monitoring.

- EM should consider the taxpayer when making financial decisions.

(Cost to EM at this time versus cost to taxpayer on long term basis)

- Burial Fields – remove if possible.

(Reindustrialization without top secret dump sites is more attractive to companies.)

- Sewer Rehab – DOE has stated they don't plan to do it at this time, but at reindustrialization.

(Concern that local taxpayers will be left with costs of rehabilitation later.)

- DOE through consulting with Paducah Area Community Reuse Organization/Greater Paducah Economic Development Council should investigate buildings scheduled for D&D to see which buildings may have future value.

Buildings scheduled for re-use rather than D&D need to be cleaned up and all traces of contamination removed – rather than the risk-based approach.

Smart said the recommendation needs to request that DOE thoroughly characterize the site. He said reindustrialization company contracts should include an indemnity clause stating they are not responsible for the existing contamination.

Russell said the recommendation should have a statement of principle at the beginning that drives all the specific recommendations.

McCorry suggested that this draft recommendation be available at the scoping meeting. Tanner agreed as long as everyone realizes it is a working draft.

Smart said the landowners in the community should be involved in the reindustrialization process. He said the community should know what kind of industry will move into their backyard.

Dollins stated it was a very good presentation and requested a copy of the draft recommendation be sent to him and all Board members. Tanner requested the Board's permission to present this recommendation to other groups and gain endorsements from the community. The Board agreed. Tanner said the recommendation should be finalized in March or April.

Public Comment

Wheeler said the draft End State Vision shows a lot of effort to include input from the entire community. He said the idea of having other organizations endorse the recommendation would add a great deal of validity. He stated Western Kentucky is on a list for a possible location for the University of Kentucky. Wheeler said industrial sites across the country are hard to find and there are innovative possibilities with the Brownsfield Bill being passed last year.

Risk Based End State

Morgan presented the draft Risk-Based End State Vision document to the Board.

Morgan said he commended the efforts on the End State Vision presentation. He stated that the draft RBES Vision document could be a valuable tool to compliment the CAB's End State Vision.

Russell said there was a statement made in the presentation implying that RBES may cleanup to a less restrictive value than the current cleanup plan. Morgan said the goal is to look at the current use and the future use and take both into consideration using the CERCLA nine criteria for selecting a protective standard for the basis of the site.

Dollins reminded the CAB that this document is a living document and can be amended through public comment beyond the March completion date.

Williams said EPA Headquarters is currently addressing RBES. He said EPA has some concerns with the policy statements being developed. Brewer said Tuss Taylor asked her to address RBES and inform the Board that the Kentucky Department of Environmental Protection (KDEP) has several concerns with RBES being inconsistent with CERCLA issues, the state hazardous waste laws, and the Resource Conservation Recovery Act permit. She said KDEP is concerned with the risk of failure of institutional controls, and long term stewardship not being addressed.

Russell asked when the CAB could review the document. Morgan said he would ask Murphie and notify the Board.

Jurka said she would like to refer the Board to a Risk-Based End State Policy and Guidance document that was issued in January. Payne said the document and comment response was provided to the Long Range Strategy/Stewardship task force.

Raper asked how the questions and answers will be handled at the public hearing. Morgan said the format is still being discussed.

Administrative Issues

Review of Workplan

Tanner said the Workplan will be discussed at the Annual Planning Retreat. He said he would like all Board members to participate in the task forces. McCorry stated she would like to join the Waste Operations task force. Dollins, Dyer, Forbus, Ladd, Lambert, Long, McCorry, Raper, Russell, Smart, Starr, and Tanner said that they plan to attend the retreat if their schedules permit.

Tanner said the DUF₆ presentation will be made at the February meeting and Conflict of Interest will be postponed to a later date.

Review of February's Agenda

Tanner said he would like to add RBES under the Long Range Strategy/Stewardship task force and add the retreat to Administrative Issues.

Action Items

All action items were closed at this time.

Subcommittee Reports

Community Concerns

Long stated the alleged land evaluation lawsuit regarding landowner compensation was recently dismissed and the recommendation can be addressed since it is no longer in litigation. Dollins said DOE will respond to the recommendation.

Tanner said combining Community Concerns and the Nomination, Membership, and Public Involvement subcommittee will be discussed at the retreat.

Executive Committee

Tanner reported the draft member handbook will be mailed to all Board members for review. He asked everyone to get comments back as soon as possible to support staff in order for the handbook to be approved at the February Board meeting.

Tanner said he had received guidance from Jessie Roberson regarding CAB support staff. He said DOE Headquarters wants a clear accounting of money spent on the SSABs and an independent staff that is not employed by a contractor. Tanner said Roberson's office provided the SSABs with two long-term options to implement her directive: to incorporate as a 501(C)3 non-profit corporation and operate on a grant or to take administrative support directly from the local DOE Site Office. He said Board members would be financially and legally responsible if the Board incorporated as a 501(C)3 non-profit corporation. He stated some of the sites have claimed it is illegal to require the SSABs to incorporate as a 501(C)3.

Tanner said three sites have sent a letter to Roberson requesting a third option allowing the SSABs to operate under a Section 8(a) Small Business. He suggested the Board should also send a letter to Roberson stating their concerns and requesting that she include Section 8(a) Small Business as a long term option. He stated Murphie will have to respond to DOE Headquarters by April 2, 2004 with a decision and a plan to implement one of the options.

Smart stated he did not like any of those and suggested that the Executive Committee meet with an attorney to discuss other options. Tanner said the Idaho National Engineering and Environmental Laboratory CAB, the Savannah River Site CAB, and the Northern New Mexico CAB have sent letters to Roberson. Raper suggested inquiring whether the sites have received a response from Headquarters. Ladd said if the Board does choose the 8(a) option he would suggest including language for a seamless transition of wages and benefits for the support staff. Tanner agreed.

Smart proposed to empower the Executive Committee to decide to contact an attorney for alternatives if needed before the next Board meeting. **The Board approved the proposal by consensus.**

Nomination, Membership, and Public Involvement

Tanner stated in the November Board meeting DOE had been asked to fill seven unexpired terms. He reported DOE has filled one of these terms with McCorry, but the other terms also need to be filled in order to accomplish their task. Raper said at least 16 members were needed for participation in the task forces and subcommittees. Tanner requested the Board make a recommendation to appoint additional

members. Smart suggested recommending to DOE that five members be added to the Board, but no less than three. There were no objections. **The Board approved the proposal by consensus.**

Tanner reported an attendance issue concerning Fred Jones, who missed seven of ten meetings in 2003. He said according to the Operating Procedures, Dollins had contacted Jones. Jones said there were circumstances that prevented him from attending the meetings and he is interested in continuing on the Board. Smart proposed the CAB send a letter to DOE recommending Jones be put on a six month probation status. If he attends the next five out of six Board meetings, he will remain on the Board. There were no objections. **The Board approved the proposal by consensus.**

Final Comments

Tanner stated Conflict of Interest will be discussed at the Annual Planning Retreat. He said the Member Handbook also covers this issue.

Ladd said he would like for all questions to be answered by DOE at the Public Meetings. He said he was told questions not answered at the previous Public Meetings would be answered on the web site and the answers are not there. He said DOE should be required to answer all questions submitted.

The meeting adjourned at 9:35 p.m.