



# PADUCAH GASEOUS DIFFUSION PLANT CITIZENS ADVISORY BOARD

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## **Paducah Gaseous Diffusion Plant Citizens Advisory Board Meeting Minutes August 18, 2005**

The Citizens Advisory Board (CAB) met at the CAB office in Paducah, Kentucky August 18, 2005, at 6 p.m.

**Board members present:** John Anderson, Allen Burnett, Barry Eadens, Chad Kerley, Shirley Lanier, Bobby Lee, Linda Long, Rhonda McCorry, and Jim Smart

**Board members absent:** Janet Miller and John Russell

**Ex Officio members and related regulatory agency employees present:** Brian Baker, Gary Morgan, Jon Maybriar, Gary Morgan, and Leo Williamson, Kentucky Division of Waste Management; David Williams, Environmental Protection Agency; Doug Dawson, Kentucky Department Fish and Wildlife Resources; Dewey Crawford and Eric Scott, Radiation Health Branch

**Deputy Designated Federal Official present:** Rachel Blumenfeld

**DOE Federal Coordinator present:** David Dollins

**DOE-related employees present:** Hope Belanger, Jeannie Brandstetter, Greg Cook, Kim Crenshaw, Jim Ethridge, Greg Felts, Bruce Ford, Bob Giroir, Guy Griswald, Steve Kay, Jackson Kinzer, Reinhard Kuerr, Tim Melton, Steve Polston, John Sheppard, Scott Smith, Joe Tarantino and Glenn VanSickle

Four members of the public attended the meeting.

## **Agenda**

Kay asked for proposed modifications to the agenda. McCorry said the templates for the Chairs Meeting would be discussed during the Executive Committee report. **The Board adopted the modified agenda by consensus.**

## **Minutes**

Kay asked for proposed modifications to the draft July minutes. There were none. **The Board approved the minutes as submitted by consensus.**

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

### **Progress of the Paducah Project**

Blumenfeld reported July progress:

- Secretary of Energy Samuel Bodman visited the Paducah Gaseous Diffusion Plant (PGDP) on August 2. He met with DOE and contractor employees, toured the site with Senator Bunning and Representative Whitfield, and met with the media. James Rispoli, Assistant Secretary of Energy for Environmental Management toured the PGDP and met with CAB members on August 15.
- The C-400 Source Removal Record of Decision (ROD) was signed by Bill Murphie, U.S. Department of Energy (DOE); Bruce Scott, Kentucky Department of Waste Management; and Ken LaPierre, Environmental Protection Agency (EPA) on August 9. Request for Proposal (RFP) bids are due on August 30.
- A recertification from the Nevada Test Site was received on July 15, allowing scrap metal shipments to start the week of July 25. D-yard field crews continue to downsize scrap; over 3,500 tons is now being loaded, with 10-12 shipments weekly and over 500 tons shipped to date. On July 19, crews began overpacking 221 SeaLand containers of scrap metal into gondola railcars for shipment to Envirocare. Approximately 120 containers have been shipped through August 19.
- All scrap metal turnings have been repacked into 239 boxes, actual weight 247 tons. 112 boxes were shipped for disposal in July and final shipment will be made on August 19.
- In Legacy Waste disposition, 1,925 ft<sup>3</sup> of Agreed Order waste was disposed in the C-746-U Landfill and 1,625 ft<sup>3</sup> of Agreed Order waste was shipped to Envirocare. 251 ft<sup>3</sup> of uranium tetrafluoride was shipped to Duratek pending processing for disposal at Envirocare.
- Shipments of UF<sub>4</sub> drums are 35 percent complete. Processing continues at Duratek to confirm contents are acceptable for disposal at Envirocare. Final shipment to Duratek is scheduled for completion by end of fiscal year 2005.

- A landfill disposal package was approved for 17 roll-off bins of crushed empty drums and debris of outdoor low-level waste. Documentation packages are being prepared to ship 2,900 ft<sup>3</sup> of floor sweep to Envirocare. Data is being reviewed to determine the best disposal method for 5,300 ft<sup>3</sup> of soils.
- At the C-410 Decontamination and Decommissioning complex, treatment and discharge of 3,000 gallons of rainwater that had entered the building from roof leaks has been completed. Removal of fluorine cell stands and platforms in Sector 2 is continuing with completion expected in September 2005. The contractor will begin mobilization next week on the nitrogen facility. The paint sampling conducted on July 6 shows no polychlorinated biphenyls in the paint and is scheduled for completion by September 2005. Comments were received on July 11 from EPA and the Commonwealth of Kentucky on the Engineering Evaluation/Cost Analysis (EE/CA) for the Limehouse, Contaminated Item Incinerator, and West End Smelter. DOE submitted the D2 EE/CA to regulators on August 4.
- 1,682 of 2,375 screening samples and 248 of 347 lab samples were collected through August 12 for the Surface Water Operable Unit. Sampling of soils and sediments of the North-South Diversion Ditch (NSDD) Sections 3, 4 and 5, outfalls and internal ditches, and storm sewer discharge water is scheduled to be completed in October. The Site Investigation/Baseline Risk Assessment will be submitted to the regulators during the Summer of 2006.
- Drummed material at the DOE Material Storage Area (DMSA) is being removed, sorted, characterized, segregated, and repackaged. 643,000 of 860,000 ft<sup>3</sup> of DMSA material has been characterized. 260,000 ft<sup>3</sup> has been packaged and 256,000 ft<sup>3</sup> has been shipped. 16 out of 17 Outside DMSAs are now emptied. Rail care resizing is scheduled to continue into March 2006.
- Field work began the week of July 18, 2005 on the maintenance and warehouse building foundation at the DUF<sub>6</sub> conversion facility site. The warehouse building contract is expected to be complete by February 2006. The facility 90% design work was completed in March and is undergoing DOE review and approval.
- 79 tons of waste were disposed at the C-746-U Landfill in July. On July 6, Kentucky withdrew permit modifications for the S, T, and U landfills, including the leachate facility, due to internal procedural issues. The permit was reissued for public comment on July 11 and comment period ended on August 10. Reissuance of the permit modification is expected following completion of the comment period. Completion of the leachate treatment facility is now anticipated in December 2005.
- Discussions were held in July to resolve Kentucky and EPA comments on the D1 Southwest Plume Site Investigation (SI). The D2 SI Report is due to the regulators by September 7, 2005 and the D1 Proposed Remedial Action Plan submittal is scheduled for

October 7, 2005. The D1 C-746-S&T Landfill Site Evaluation Report is due to the regulators by September 30, 2005.

- On June 30, the Burial Grounds Operable Unit (BGOU) Remedial Investigation/ Feasibility Work Plan was submitted to regulators, who have 90 days to review and comment.
- The Source Evaluation Board released the amended RFPs on June 20, 2005 for the remediation contract. Offerors within the competitive range had until August 4, 2005 to submit responses to the revised RFP. For purposes of construction cost proposals, offerors have been instructed to assume a November 1, 2005 contract award date. DOE has notified Bechtel Jacobs Company LLC (BJC) of intent to extend their contract through Jan. 29, 2006.

### **Comments**

Smart asked where Duratek is located and what their function is. Blumenfeld said Duratek is a low-level waste facility that ensures the waste stream profiles meet the criteria that is being submitted to the disposal facility. She said Duratek, which is located in Oak Ridge, Tennessee, then ships the processed waste to Envirocare for disposal.

Smart asked if the rail cars that are being resized in DMSA OS-6, have been deemed clean and ready for disposal. Blumenfeld said the rail cars have been inspected and are verified to be empty. Any fluid or condensation that is in the rail cars is being collected, characterized and disposed appropriately.

Lee asked Blumenfeld to explain the Envirocare facility in Utah. Blumenfeld said Envirocare is a permitted licensed waste disposal facility. Envirocare receives the waste, sends it through their process and places the waste in the appropriate waste cells. Lee asked if Envirocare is a private company. Blumenfeld said yes.

Kerley asked when the public comment period would begin for the D2 EE/CA for the Limehouse, Contaminated Item Incinerator, and West End Smelter. Blumenfeld said that after the regulators have approved the document, it would be finalized for publication for a 45-day public comment period. Dollins said approval letters from the regulators should be received the following week. Blumenfeld said Kentucky and EPA have helped accelerate the review process in order for the plus up money to be spent and start fieldwork. Burnett asked if the comment period began when the document was published. Blumenfeld said a lead notice is issued as to where the document will be available in order for the public to have the opportunity to utilize the full comment period. Burnett asked where the notice is published. Blumenfeld said the notice is sent to the local paper providing locations where the document can be obtained, the web address where the document is published and contact information.

McCorry asked how many contractors have submitted bids for the remediation contract. Blumenfeld said that information is procurement sensitive.

## **Ex-Officio Comments**

Williams said the Government Performance Results Act (GPRA) was passed in the 1990s, which requires government agencies to meet certain goals. The GPRA goals apply to EPA in the Resource Conservation Recovery Act (RCRA) and other areas. In RCRA, environmental indicators have been established. The indicators are whether human health exposure is under control and whether groundwater contamination migration is under control at every RCRA facility. He said EPA is working with the State of Kentucky to be able to answer yes to these indicators. Soil vapor presence above the groundwater plumes or solvent plumes is the component of the groundwater migration pathway that has not been addressed. There was on-site testing that DOE conducted two years ago that indicated that the soil was not vaporizing on site but EPA will be testing in two weeks to take two samples on the northwest plume and one on the northeast plume at six feet to see whether or not there has been vaporization of the TCE into the soil. He said he hopes he will have the results for the CAB meeting.

## **Public Comments**

Ruby English, citizen and Active Citizens for Truth (ACT) Chair, said she believed Nola Courtney, a previous CAB member, gathered health information for the community around the plant and asked if the Board could address these issues again. Smart suggested adding this to the Community Outreach agenda and ACT participating in the task force. Eadens said Community Outreach would add a discussion of the issues to the committee's agenda.

English said "\$500,000 is going before Congress with Senator Mitch McConnell to do a study on the water to see whether it would benefit DOE to continue to pay the water bills or to buy the landowners' property." She asked if someone could elaborate on what the study would entail. Blumenfeld said she was not familiar with that provision, but there is a provision in the Senate's Appropriation Bill that directs a certain amount of the budget to perform an evaluation of a potential property acquisition and look at protectiveness. English said it has never been clarified by News Channel 6 that DOE is undertaking a study instead of considering the purchase of 121 plant-area homes whose wells are contaminated. McCorry said there is a response to the incorrect reporting in the CAB's newsletter. She said the Senate Appropriation Bill is located on the CAB website and the CAB will contact News Channel 6 and The Paducah Sun to give them the same information.

English said when Energy Secretary Bodman toured the plant, he said economic development is not DOE's job; the agency does create jobs, but only as part of the cleanup process, which would take the next 20 or 30 years. She asked if it would take another 20 or 30 years to reindustrialize the property around the plant. Blumenfeld said Secretary Bodman was speaking to timeframe issues such as the burial grounds and the groundwater that are being cleaned up on a schedule. She said the DUF<sub>6</sub> Conversion Facility would be in operation for 20-30 years, which is part of cleanup to get rid of the cylinders. Blumenfeld said she believes Bodman was saying there would be jobs at the site for that amount of time.

English asked what phase the C-746-U Landfill is in. Blumenfeld said there are five phases that are permitted and DOE is utilizing the third phase.

English said that in the past Vicki Jurka and she had received notice when a document was available for public comment. Blumenfeld said DOE was taking steps to ensure that she would be notified when future documents are available for comment. English asked Maybriar if the Commonwealth of Kentucky could send notification to her when a document is open for public comment. Maybriar said any permit for public notice in the Hazardous Waste Branch uses a newsletter to notify the public for review and that mailing list includes 2500-2600 people. He said the Solid Waste Branch mailing list only includes state and county officials and agencies. He said he has offered to send the Solid Waste Branch the mailing list the Hazardous Waste Branch uses if they will agree to use the expanded list. In the past, the larger list because was not used because of the difference in cost.

English said in the last meeting Jurka had asked Scott if the Radiation Health Branch has sampled any vegetation at private properties around the plant. Scott said he knew sampling took place in 2000, and possibly more recently. Jurka had asked if the data could be made available to ACT. English said she has issued a FOIA to Scott for this information.

Jurka asked if DOE sees any opportunity for re-industrialization before the 20-30 years outlined for the cleanup to be complete. She said a lot of money is being allocated while plant neighbors are dealing with numerous health concerns. Blumenfeld said re-industrialization activities for the sites usually follow the cleanup activities. She said a report is given monthly at the CAB meetings on near-term projects but the long-term projects still require the Comprehensive Environmental Resource Compensation and Liability Act (CERCLA) process.

Jurka said an addendum (sic) to the NSDD establishes institutional controls indicating that only .5 feet of surface soil of the NSDD will be suitable for re-industrialization. There will be restrictions below .5 feet of soil for re-industrialization. She said these documents were supposed to be filed at the McCracken County Courthouse. Jurka suggested that the Board obtain a copy of these documents.

She said a plant neighbor had received “an appraisal on her land and an informational institutional control adverse issue had been added on her property deed.” She asked if documents have been filed at the courthouse that the Board should be aware of and could they be made available to the Board. Blumenfeld said DOE would not be able to place any kind of institutional control or restriction on a deed for private property.

## **Task Forces/Presentations**

### **Swift and Staley Mechanical Contractors Inc. Overview**

Polston provided a presentation on Swift and Staley Mechanical Contractors Inc., infrastructure contractor at the PGDP for DOE.

McCorry asked how long the contract is in place, its dollar value and how many employees they have and how many are local. Polston said it is a five-year \$40 million contract. He said

they are permitted a re-baseline period to be more precise on the cost and it would rise. Polston said they have hired about 70 workers, predominantly local.

### **Waste Disposition Task Force**

Burnett said the task force requested more recent modeling data on the landfills and the estimate to manipulate the model would be approximately \$6,000. He said the discussion on this issue would continue at the next meeting. Dollins said it would be the Board's decision whether to spend the money for the modeling. Burnett said the task force established three top waste disposition issues to be presented at the Chairs meeting in INEEL.

### **Water Quality Task Force**

Smart said four CAB members attended the signing for the C-400 ROD. CERCLA requires that ground must be broken on the project within 15 months of the ROD signing.

Smart said the task force discussed the Kentucky Pollutant Discharge Elimination System permit, the state permit that sets limits on contaminant levels in discharge waters to outfalls around the plant. He said Larry Sowder, state permit writer, attended the task force meeting to answer questions on the permit. He said a summary is provided in the Board packet.

### **Long-Range Strategy/Stewardship**

Kerley announced the Board is accepting nominations for Chair-Elect. McCorry nominated Smart for the vacancy. Burnett seconded the nomination. Kerley said the election would be held at the September Board meeting and other nominations could be submitted until the time of the vote.

### **DUF<sub>6</sub> Conversion Facility Project Overview**

Burnett provided an overview of the DUF<sub>6</sub> Conversion Facility project.

Burnett asked for the status on the air permit. Sheppard said the permit is nearing completion. He said the permit is undergoing final review by EPA.

Sheppard introduced Guy Griswald, Uranium Disposition Services Construction Manager.

### **Community Outreach**

Eadens said a press release was sent to six radio stations, 14 newspapers and three TV stations for membership recruitment. A newspaper ad was sent to nine newspapers. He said several applications have been requested and two have been received by the Board.

Eadens said Community Outreach would work with ACT on formulating feedback to DOE on the property study. Blumenfeld said she is working with Laura Schachter, DOE Public

Affairs at the Lexington Office, to clarify the information that was incorrectly reported by News Channel 6.

Long asked if Ricky Ladd would be replaced by another PACE Union member. McCorry said the Board should send a letter to PACE for interest in representation on the Board.

Eadens said Greg Dunker, WKYX radio station, has offered for CAB members to be on his program to promote member recruitment.

### **Administrative Issues**

#### **Budget Review**

Kerley said the budget would be reviewed at the August Executive Committee meeting.

#### **Review of Workplan**

There were no changes to the work plan.

McCorry requested a copy of the Remedial Action Completion Report for the North-South Diversion Ditch Sections 1 and 2.

#### **Review of September Agenda**

There were no changes to the September agenda.

#### **Action Items**

Kay said the first action item is for DOE to meet with the CAB when more information is gathered and the structure for the land buyout study is determined. Smart suggested moving this topic to the Long-Range Strategy/Stewardship agenda, but leave the action open until the Senate Appropriation Bill is signed.

Kay said the second action is for DOE to address the public to clear up confusion on the land purchasing study. Smart suggested moving this topic to the Community Outreach agenda, but leave the action open.

Eadens asked how the public would be involved in the study for the land buyout. Blumenfeld said she does not believe there would be a decision made in the context of this study. It is more of an analysis and an evaluation. Eadens asked who would receive this information from the study. Blumenfeld said, in her opinion, the CAB should have access to the information and the results of the evaluation will be analyzed in a decision making process under CERCLA. It would become part of an RI/FS and have different alternatives for the Proposed Plan. She said there would be a chance for public participation at that time. She said the document may not draw a conclusion, it may show what needs to be considered.

Kerley asked what proposed amount was budgeted for the study. Blumenfeld said it would be funded out of the site cleanup money.

## **Subcommittee Reports**

### **Executive Committee**

McCorry said Burnett, Eadens, and she met with James Rispoli, Assistant Secretary of Energy for Environmental Management on August 15. She said one of the issues was the future of the CABs after the facilities are cleaned up and shut down. Rispoli was asked to consider the letter that was sent a couple of months ago extending some form of a CAB Board after the sites are closed to oversee concerns in the community such as re-industrialization and end state of the sites. McCorry said they discussed community outreach and she extended an invitation to our Annual Planning Retreat.

McCorry said she participated in a chairs conference call on August 11. She said she mentioned the rebidding of the infrastructure contract on the call and the visit from Secretary Bodman to the site. The CABs were told the budget is being reviewed by Congress in September and we will not know what the budget will be until the bill is signed. The chairs meeting in Idaho Falls in September was discussed.

McCorry said the September Executive Committee meeting would be re-scheduled due to travel to the chairs meeting. She said the date would be established at the next meeting.

McCorry asked for suggestions for the chairs meeting templates that were e-mailed earlier in the week. Smart and Lee suggested including groundwater remediation for one of the top three issues for the Board. The Waste topics include future use of the U-Landfill, excavation of the burial grounds, and D&D of the PGDP. McCorry asked for all other suggestions to be sent to the support staff before the Executive Committee meeting. The templates would be finalized at that meeting and sent to headquarters on August 26.

McCorry said the revised CABfare is in the Board packet.

The meeting adjourned at 9:00 p.m.