



# PADUCAH GASEOUS DIFFUSION PLANT CITIZENS ADVISORY BOARD

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## **Paducah Gaseous Diffusion Plant Citizens Advisory Board Meeting Minutes April 20, 2006**

The Citizens Advisory Board (CAB) met at the CAB office in Paducah, Kentucky, April 20, 2006, at 6 p.m.

**Board members present:** John Anderson, Allen Burnett, Shirley Lanier, Bobby Lee, Linda Long, Janet Miller, John Russell, Jim Smart, and Rhonda Smith

**Board member absent:** Chad Kerley

**Ex Officio members and related regulatory agency employees present:** Brian Begley, Jon Maybriar and Leo Williamson, Kentucky Division of Waste Management; Tim Kreher, Kentucky Department of Fish and Wildlife Resources; and David Williams, Environmental Protection Agency

**Deputy Designated Federal Official present:** William Murphie

**Portsmouth/Paducah Chief Operating Officer:** Rachel Blumenfeld

**DOE Federal Coordinator present:** David Dollins

**DOE-related employees present:** Jeannie Brandstetter, Yvette Cantrell, Greg Cook, Kim Crenshaw, Bruce Gardner, Guy Griswald, Dick Halbrook, Steve Hampson, Mitch Hicks, Steve Kay, Christopher Lee, Jim McVay, James Miller, P.A. Piper, Bruce Phillips, Joe Tarantino, and Elizabeth Trawick

Four members of the public attended the meeting.

## Agenda

Kay asked for proposed modifications to the agenda. There were none. **The Board adopted the agenda by consensus.**

## Minutes

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

### Deputy Designated Federal Official *Attachment 1*

Murphie provided the project updates to the Board. Questions and answers (paraphrased) appear below.

Question/Comment	Answer
<b>Mr. Burnett</b> – How many cars are in a unit train?	<b>Mr. Murphie</b> – 24 cars
<b>Dr. Russell</b> – The emphasis for the land acquisition was never that purchase of property would be an exchange for remediation. It was thought that it might be in addition to remediation.	<b>Mr. Murphie</b> – The plan is to consider all options. From a U.S. Department of Energy (DOE) perspective, there is a motivation to look at what the land purchase would do. All the perimeters under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) will be considered, including institutional controls. If the land is owned by DOE, that could change the cleanup action. The study will be taking into account whether remediation is in the best interest of the taxpayers. <b>Mr. Williams</b> – A land acquisition would be regarded as a land use control, which would be a part of a CERCLA remedy. CERCLA still requires that continued progress be shown in the remediation. The Environmental Protection Agency (EPA) is working with DOE to bring the groundwater contamination at the Paducah site under control.

<p><b>Ms. Long</b> – This all started 18 years ago when a person asked the health department to check her well for contamination. The government knew there was pollution in the water and made no effort to check wells for neighbors. The pump and treat is a waste of money and time. The plant never should have been located in the middle of a populated area. The neighbors will be told their property is not worth anything and will be given an unfair amount and then later the real estate values will go up after the neighbors move. Industrial plants are moving out of the country. That is my home and I want to live there. I do not want any deals and I want my neighborhood left alone. I cannot see the government appropriating enough money to buy all of that land. I have a dim view of this study.</p>	<p><b>Mr. Murphie</b> – The study would document your feelings and part of the research would be to put on the record your feelings about these things to be considered and dealt with. It could be very beneficial to you to move forward with this study.</p>
<p><b>Dr. Russell</b> – Is DOE ready to move forward with the Kentucky Research Consortium for Energy and the Environment (KRCEE) doing the study? How much money is in the contract? I am surprised other entities are not allowed to apply for that grant.</p>	<p><b>Mr. Murphie</b> – There is no funding defined, it is not an earmark. We are working with KRCEE to define a cost estimate to support this scope of work, which will be a few \$100,000. There is no requirement for feedback, it is just a courtesy. Congress said to get it done and we have to move forward.</p>
<p><b>Mr. Maybriar</b> – The Division of Waste Management commented on the statement of work (SOW). Is there a deadline for all of the comments and will DOE be responding to the comments and issuing a new SOW?</p>	<p><b>Mr. Murphie</b> – We were waiting to see what the reaction would be. If there are no real problems, we will tell KRCEE to get moving, but if there are problems, we could wait a reasonable amount of time.</p>
<p><b>Mr. Williams</b> – Is a land acquisition study being done at any other DOE facilities?</p>	<p><b>Mr. Murphie</b> – No, just the Paducah site.</p>
<p><b>Ms. Smith</b> – There are no dates or deadlines on the timeline for comments. Does the Board need additional time to evaluate the SOW?</p>	<p><b>Mr. Murphie</b> – The Board can review the SOW for an additional week. Responses are due to Mr. Dollins by April 28. <b>Ms. Brandstetter</b> – Please copy the Board on all comments to Mr. Dollins.</p>
<p><b>Ms. Smith</b> – Is the area to be evaluated the property adjacent to the plant?</p>	<p><b>Mr. Murphie</b> – The area above the plume will be evaluated.</p>

<p><b>Dr. Smart</b> – There needed to be a milestone half way through the study from KRCEE to address the Citizens Advisory Board (CAB) on their how the study is going and their findings.</p>	<p><b>Mr. Hampson</b> – Meetings with the CAB and the public have been proposed in the draft SOW and it can be accommodated.</p> <p><b>Mr. Murphie</b> – A CAB briefing could be added.</p>
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**Federal Coordinator Comments**

Dollins said the National Chairs Meeting would be held in Oak Ridge next week.

**Ex-Officio Comments**

Maybriar said Guffey discussed the permit modification that includes changing operations from Bechtel Jacobs Company (BJC) to Paducah Remediation Services (PRS), DOE Material Storage Area Closure Plans, Site Treatment Plans, and the draft permit prepared by EPA covering organic emissions in four tanks. He said changes to the permit would be received by DOE on Monday. He said a comment was received that there is a piece of property off of Palestine School Road that historically a private contractor had brought and stored feed cylinders that were going to the Paducah Gaseous Diffusion Plant (PGDP). After Williams and he did some research, the property was located and based on the information that was found, it was never owned or ran by DOE. It was a private entity that handled the cylinders and it was not enriched uranium, it was a feedstock for the facility. That information was turned over to the Radiation Control Branch (RCB) to investigate if there is risk to the citizens living in that area. Williams said the facility, which was called the Nuclear Transport and Storage, was a permitted facility. Maybriar said the facility did hold a historic Rad license through the RCB. Williams said under the original Atomic Energy Commission, private facilities were needed to store feed material for the plant. He said the UF<sub>6</sub> cylinders were kept in storage until the Paducah plant was ready for them. He said the facility sued the plant in 1988 because the plant allowed free storage of unriched product but was dismissed because a private party cannot sue the United States. According to the records, annual reports were filed with the state until 1998. The biggest concern is that it is an open access area to the public.

Maybriar said the state is investigating rubble piles, some associated with Waste Area Grouping (WAG) 17 and other rubble piles that have not been documented. He said over 40 additional rubble piles were not identified under the WAG 17 investigation. After the Rad surveys were complete, none of the piles in the Wildlife Management Area (WMA) were contaminated with radiation. One rubble pile in Outfall 1 was found to be contaminated and DOE was there in 15 minutes to do an investigation. He said that area was immediately secured with Rad postings and within one week, the material was brought back inside the plant.

Maybriar said that Long had asked at the previous meeting if her pond could be sampled and he said the state could sample the soil, water and her fish if she wishes. He said the mercury found in some ponds sampled in the past is not believed to be coming from the PGDP. He

said there is a statewide fish advisory for mercury consumption in the fish. Maybriar said they could talk off line to set up a time for sampling.

Russell said the newspaper reported the whistleblower suit involving the manager of the landfill alleges that material containing radiation was put into the landfill by other standards than negotiated with DOE. He said that radioactivity is appearing in the leachate and that radioactivity is not affected by the leachate treatment process. The article said the Division of Waste Management is looking into this issue. Maybriar said he would talk with the solid waste branch; they deal with the leachate treatment system. Burnett said he thought those accusations are from long ago. Smith said she had just seen it in the newspaper the previous day. Russell said he believed the issue of the level of radioactive material that is allowed to be placed in the landfill has been settled. Whether or not consideration was given to the levels of radioactivity that would appear in the leachate and then be affected by the treatment is what is new. Maybriar said he would get a response to the question. Murphie said the landfill is not a low-level waste or a hazardous waste disposal facility. DOE regulates the levels of what is allowed to go into the landfill and it is not a zero standard. Analysis has been done to determine what is an acceptable safe level of radioactivity to go into the landfill to be a non-radioactive facility. He said it is almost at non-detectable levels and is well within drinking water standards.

Russell said the news also had a story about the security fence at the PGDP being cut. A statement by someone said there wasn't any enriched uranium of any value to be stolen inside the plant so they must have been trying to steal something else. Why are they spending \$15 million dollars a year to make secure something that isn't of value? Murphie said this issue was taken very serious; the Federal Bureau of Investigation and homeland security was contacted. He said an immediate inventory was taken of all items and nothing appeared to be missing. He said it is still being investigated.

Williams said EPA Headquarters has been mandated to get human health exposure and groundwater contamination migration under control in Paducah. He said that the congressional hearing he spoke of last month was not specific to Paducah. He said the hearing was for confirmation of Susan Parker Bodine, EPA Assistant Administrator. In her confirmation hearing, the Senator held up her nomination until details could be gathered on the 103 sites on the Superfund National Priorities List for getting the environmental indicators under control. Her confirmation went through in December and in February, Ms. Bodine wrote a letter to James Rispoli, DOE Assistant Secretary, indicating the sites that environmental indicators were not under control and emphasized the congressional mandate to track the indicators and to accelerate the projects that would bring the indicators under control.

Kreher said when members of the public access the WMA, particularly DOE-owned property, they are very stringent to identify those members and make clear on where they may go to minimize security issues. He said a hole was cut through the fence and it is being brushed off. He asked if it is known for sure whether the person that cut the fence is not still inside. He said there is a big show of security with the WMA users that are being honest and security did not prevent someone not suppose to be there on getting through the fence.

Kreher said he believes some of the security priorities are being focused in the wrong direction. Murphie said the situation is not being taken lightly. He said the United States Enrichment Corporation (USEC) administers the guard force and sets the security policies under their license. If there were an issue, he would be happy to go with Kreher to talk to USEC about the problem.

**Public Comments**

Johnson, former DOE contractor employee, said he discovered when working on the waste management projects that 5000 cylinders had been generated and no database was set up to track the contents. He said the waste water was poorly managed. He said there were very limited controls on what was dumped into the landfill and DOE cannot tell the levels of radioactive nuclides that were in the landfill. Johnson said when the waste in the dumpsters was inspected, Resource Conservation and Recovery Act (RCRA) waste, PCB waste, asbestos, and highly radioactive materials were found. He said he could answer several of the questions that have been asked by the Board members. He said he had spoken with Tony Hatton, Division of Waste Management, about the problems at the PGDP.

Jurka said regarding the land acquisition study, the Paducah Sun article said that DOE will be looking at 9,500 acres. She said the reservation is only 3,500 acres and the Land Acquisition Study SOW states the study would be the area above the plume. Jurka said there is no way that the 9,500 acres is just the area above the plume. She said it has been asked several times how many residential wells are actually contaminated. In the Federal Facilities Agreement, it states 12 wells are contaminated. She said Laura Schachter, DOE Lexington Public Affairs, had contacted her and said the SOW would be changed to include everyone on the Water Policy. Jurka said two of the driving factors of the End State Vision are natural attenuation and institutional controls. She said those factors would be used to eliminate the cost problem for cleaning up the groundwater plume but it does not help if the plumes take a different route caused by an earthquake or plant shutdown. She said the Active Citizens for Truth would not participate in the comments for the SOW; she is speaking on her own behalf. Jurka said this study would also be interfering with a lawsuit that has been ongoing since 1957.

**Task Forces/Presentations** *Attachment 2*

Halbrook provided a presentation on the Ecological Impact Summary Project by the KRCEE. Questions and answers (paraphrased) appear below.

<b>Question/Comment</b>	<b>Answer</b>
<p><b>Mr. Maybriar</b> – Have you checked to see if there are other studies that have been done in this area to determine whether there are good background studies? For example, samples of fish with mercury concentrations have been found in ponds, but it cannot be tied to the PGDP.</p>	<p><b>Dr. Halbrook</b> – The first thing that is being done with this data is looking at the concentration for when you should become concerned. This data is to establish which wildlife may need to be looked at closer.</p>

<p><b>Mr. Williams</b> – Are you looking at any missing species that may be sensitive to the contaminants and have not been present since the plant started up?</p>	<p><b>Dr. Halbrook</b> – I have not looked to see what species would be expected to be in this area. One species of interest would be mink.</p>
<p><b>Ms. Lee</b> – When all of the 800 documents have been entered into the Management System, who would have access to that information?</p>	<p><b>Dr. Halbrook</b> – The database should be complete in October. It should be accessible to the public.  <b>Dr. Hampson</b> – It is “to be determined” where the information can be accessed.</p>
<p><b>Mr. Dollins</b> – Please explain the concentration levels based on the data gathered.</p>	<p><b>Dr. Hampson</b> – The concentrations found at Paducah for cadmium, lead, and mercury are significantly less than expected. These concentrations are preliminary and conclusions cannot be drawn from them.</p>
<p><b>Mr. Maybriar</b> – Historically, the Division of Waste Management has funded studies in the last five or six years with Dr. Halbrook. The state is working with him to pull together data from the reports that we have and a White Paper will be submitted to him. A proposal has been forwarded to DOE to fund a study through the AIP to look at snapping turtles in the area with Dr. Halbrook. The study would last three years.</p>	<p><b>Ms. Blumenfeld</b> – I had only heard of that proposal last week.</p>

**Waste Disposition/Water Quality Task Force**

Lee said the Waste Disposition/Water Quality task force received updates on several ongoing projects and the task force will receive a one page summary sheet on the Southwest Plume at the next meeting.

Lee said the land acquisition study is not a decision document but neighbors might be interested in the results. She said she can't see the harm in doing the study.

Lee asked if EPA was working with Kentucky Department of Fish and Wildlife Resources (KDFWR) on the signage in the WMA. Williams said human exposure is not under control due to child recreators at the Little Bayou Creek (LBC). DOE, the state, and EPA are working to resolve the issue whether that would be additional signage or additional institutional controls. Kreher said all public access where the road crosses is clearly signed. He said KDFWR is waiting to see what the EPA suggests. Maybriar said DOE and the state each tests twice a year and they are not seeing severe contamination widespread through the whole stream. Some 10<sub>6</sub> risk exposure is found which is almost no health effects and is acceptable with the state of Kentucky. 10<sub>4</sub> risk exposure is also found which indicates slightly higher elevated levels of pcbs and radionuclides. Blumenfeld said the risk is

hypothetical. Williams said the EPA has seen pictures of kids swimming and activity in the LBC recently so it is no longer hypothetical.

### **Public Comments**

Jurka said the human health exposure is not included in the food webs that Dr. Halbrook showed in his presentation. She said there are many things on the web that the residents in that area consume such as the deer, rabbits and fish. She said she would like to see human health data included in the studies and there are many ways to test to see if human health is being impacted. Jurka said hair analysis from people in that area show metals in the 95 percentile in toxicity. She said there are many people in that area that would participate in the testing if funding was made available.

### **Administrative Issues**

#### **Budget Review**

Smith asked if EHI would receive a contract amendment from DOE to increase the budget to \$345,000. Murphie said DOE has \$345,000 set aside for CAB activities but have only committed \$292,000 to EHI at this time. He said money had been set aside at the time the 8a contract was being set up, because DOE did not know if there would be costs beyond EHI for the CAB and there was an overlap with Bechtel Jacobs Company, LLC (BJC) on work done and not charged. Murphie asked Dollins to check with BJC to make sure there are no outstanding charges. He said the \$345,000 is available for CAB activities whether it is in the contract or not. He said before the end of the year this money will be committed to EHI's contract. Smith asked if the money could carryover to next year if not all of the money is used. Murphie said DOE is a fortunate organization to have carryover money and any money left over will be added to the money received in 2007. He said if the CAB does not use the money, it could be used for cleanup money. Burnett asked that the spreadsheet indicate how much of the budget is EHI's and how much is Board expenditures. Dollins said Burnett's request should be addressed in the Executive Committee meeting.

#### **Review of Workplan and April Agenda**

Dollins asked to postpone the Site Management Plan presentation until June to allow time for DOE to respond to comments made by the state and EPA. Smith suggested that the Land Acquisition Study SOW be added to the May agenda to discuss comments that are received.

#### **Action Items**

Dollins said DOE has provided the CAB with the Land Acquisition SOW so the action for providing information to the CAB can be closed. Brandstetter asked if the Oak Ridge Environmental Information System (OREIS) data should be added to the Community Outreach agenda or does the information provided in the Annual Site Environmental Report (ASER) meet the need for the fish and wildlife sampling. Miller said there are pages and pages of data on OREIS and it is not in explanatory form. Lee asked if the ASER data was available electronically. Dollins said to contact Cook at BJC for an electronic copy.

## **Subcommittee Report**

### **Executive Committee**

Smith said the Annual Report is lacking a letter from Murphie for the “Message from the Deputy Designated Federal Official.” Brandstetter said Laura Schachter, DOE, is reportedly working on the letter. Smith asked for DOE to provide a contact for the Board since Paducah Remediation Services (PRS) will be taking over the remediation contract. Dollins said Yvette Cantrell would be his temporary contact for PRS if anything was needed in Public Relations.

### **Chairs Meeting Preparation**

Burnett asked Murphie how the transition from BJC to PRS was going. Murphie said it is going better than the Portsmouth transition. He said the lessons learned from Portsmouth have been used at Paducah. Burnett said the newspaper reported that PRS underbid the contract by \$100 million. Murphie said the original contract was for five years. When the protests came in, DOE had to start all over and the period of performance was fixed. PRS’s contract is for three and a half years. It is for the same level of effort but for a smaller period of time and is unfair to say that PRS underbided the contract by \$100 million.

Smith asked if the draft topics are sufficient for the Chairs Meeting. She said if anyone has any comments on any of the topics to be addressed, please send them to staff on the following day.

Murphie said the submittal of the Land Acquisition Draft SOW to the CAB was intended to build a relationship with the community. He said DOE is trying to accommodate some of the complaints and criticisms of the past. He said it is very difficult for him when people directly or indirectly impugn their integrity believing they are not telling the truth but they are doing their best. Murphie said he is speaking for himself, Blumenfeld and his entire team. Murphie said as federal employees, they do not get anything out of this business except their commitment to the taxpayer and their commitment to do the right thing. He said they do not get any financial rewards by playing games with anybody. He said there may be some misunderstandings, but if anyone truly believes they are being misled, please come to him and talk about it.

Smith said that Melissa Nielson has approved the CAB’s membership package. However, one of the new members has withdrawn his membership due to other obligations. She said there is one unexpired term that Murphie can approve through November 2006.

Smith said a new Chair for the Community Outreach task force will be discussed at the next Executive Committee meeting.

The meeting adjourned at 9:10 p.m.