

**Paducah Gaseous Diffusion Plant
Citizens Advisory Board
Meeting Minutes
November 21, 2002**

The November 21, 2002, Citizens Advisory Board (CAB) meeting was held at the CAB office in Paducah, Kentucky at 5:30 p.m.

Board members present: Mark Donham, Vicki Jones, Merryman Kemp, Ricky Ladd, Ronald Lamb, Rebecca Lambert, Linda Long, Douglas Raper, Craig Rhodes, John Russell, Rosa Scott, Jim Smart, Bill Tanner, and John Tillson.

Board members absent: Gregory Waldrop

Ex Officio members and related regulatory agency employees present: Tuss Taylor, Gaye Brewer, Linda Martin, Jon Maybriar, Gary Morgan, and Brian Begley, Kentucky Division of Waste Management.

The Deputy Designated Federal Official present: Dianna Feireisel for Don Seaborg.

The DOE Federal Coordinator present: David Dollins.

DOE-related employees present: Kevin Barber, Gary Bodenstein, Rudy Bonilla, Greg Cook, Theresa Crisler, Steve Davis, Gordon Dover, Jim Ethridge, Greg Felts, Mitch Hicks, Fraser Johnstone, Steve Kay, Stephen Lindamood, Lynn Link, Kendra Payne, Glenn Van Sickle, Tara Troutman, Tom Wheeler, and Stacey Young.

Public: Charles Jurka, Vicki Jurka, and Ken Wheeler.

Agenda

Kemp called the meeting to order. Kay asked if there were any modifications to the proposed agenda. Kemp requested that the Annual Report be added. Young stated the annual retreat needed to be added for discussion. **The Board approved the modified agenda by consensus.**

Minutes

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

Deputy Designated Federal Official's Comments

Dianna Feireisel represented Don Seaborg, who was out of the office on travel. She announced that Bill Murphie plans to attend future CAB meetings. She said he might be present for the January meeting.

ES&H Issues

Feireisel reported four Notices of Violation (NOV) that have been issued by the Commonwealth of Kentucky since last month. The first is an alleged violation relating to the discovery of items during U.S. Department of Energy (DOE) Material Storage Area (DMSA) characterization activities. The second states a failure to make a hazardous waste determination for waste disposal in the C-746-S and T Landfills. The third violation involves improper disposal of hazardous waste into the C-746-U Landfill. The fourth is a result of a May inspection, which discovered violations regarding waste storage and record keeping. Feireisel said DOE is evaluating all of the NOV's at this time.

Budget Updates

Feireisel stated DOE is still operating under a continuing resolution.

Project Updates

Feireisel gave a brief report on the project updates:

C-400 Treatability Study – Surface well installation is complete and the power unit is now onsite.

North-South Diversion Ditch (NSDD) – The hardpiping is underway.

Scrap Metal Removal – Site preparation work has begun, which involves establishing haul roads. Waste characterization sampling is being done.

C-746-U Landfill – The Commonwealth of Kentucky is holding a public hearing regarding DOE's proposed modification to the Resource Conservation and Recovery Act (RCRA) permit. The hearing is December 5 at Heath High School at 7 p.m.

Waste Shipments to Nevada Test Site (NTS) – DOE has submitted corrective actions to NTS. DOE hopes to resume shipments of hazardous waste to NTS in December.

C-410 Decontamination and Decommissioning (D&D) – Activity has been reduced due to safety basis issues.

CAB Recommendations Status

Feireisel stated DOE has responded to the sewer rehabilitation recommendation. She said the information has been included in the meeting packet. The site wide sediment control recommendation is still open.

Other

Feireisel reported the Site Management Plan (SMP) is still at the highest level of dispute. The issue is before the U.S. Environmental Protection Agency (EPA) administrator.

Comments

Donham asked if the NOV's are given in a verbal or written form and what the procedure was for responding to the violations. Feireisel said the NOV's are presented in a written format. She stated DOE evaluates each violation and then submits a response to the Commonwealth of Kentucky. Donham then asked what the potential outcomes could be. Taylor added DOE would respond to the violations, expressing agreement or disagreement. If there is disagreement, attorneys begin negotiations.

Ex-Officio Comments

Taylor reported that EPA Headquarters is supposed to make a decision by December 17 regarding the level of dispute over the Site Management Plan (SMP). He stated Kentucky is talking to EPA about a response to the administrator.

Action Items

Young stated the action to provide Tanner with a copy of the Site-Wide Sediment Controls Strategy document is dependent on the outcome of the formal dispute over the SMP.

Young reported there was no change regarding hiring a technical expert to assist the Waste Operations Task Force.

Rhodes said a Community Concerns subcommittee would hold a meeting before the January board meeting. He stated he would like to obtain some information from Joe Carson before the subcommittee meets.

Kemp reported she and Young would send a request to the Agency for Toxic Substances and Disease Registry (ATSDR), through their website, regarding a study of cancer Bradford Road.

Water Policy Presentation

Bodenstein gave a presentation to the Board on DOE's Water Policy. The presentation covered the history of the program, the geographical area covered by the policy, what the policy provides to landowners, and license renewals.

Questions

Rhodes asked about the results of the carbon filtering wells. Bodenstein said the results are always below the maximum contaminant level (mcl). MCL is a regulatory number that is protective of human health. Bodenstein stated the MCL is not used to determine whether or not to include a landowner in the policy. He said if Trichloroethylene (TCE) or Technetium 99 (TC-99) are detected, even in the slightest amount, the landowner is eligible for DOE to provide municipal water.

Tanner asked if there is any migration of the plumes. Bodenstein said the Northeast Plume ends at Little Bayou Creek and is not showing movement. He said the Southwest Plume is moving, but DOE is not sure if it is going up the creek bed or not. The plume has not moved outside DOE property.

Smart asked what kind of responses DOE is receiving on the license renewals. Bodenstein stated most renewals are being signed and returned. He reported that all but 12 have been signed.

Smart asked if DOE has any plans to move the Water Policy area. Bodenstein said DOE will be doing a five-year review in 2003. This review will include re-evaluating the Water Policy. He stated three additional wells would be installed along Metropolis-Lake Road to ensure that contamination is not spreading across the road. He said DOE has data confirming the direction in which the plume on the western side of the water policy area is moving. DOE will be evaluating and modeling the western side of the area. Bodenstein said DOE might evaluate releasing wells in the area thereby allowing those landowners to use their wells again. He also said that the public would have ample opportunity to get involved in that decision.

Maybriar asked if DOE provided water to new construction sites within the Water Policy box. Bodenstein said, historically, DOE provides water to everyone inside the box, including new construction.

Donham asked Bodenstein to clarify the figure he had given on how many wells have been installed and which wells are being tested. Bodenstein said DOE has installed a total of 404 wells. He said 232 of the wells are currently not being used, either because they have been abandoned or they are not part of the surveillance-monitoring scheme. Bodenstein stated that 78 wells are being used under the environmental surveillance program. He also reported 22 of the wells are residential. In addition, there are compliance monitoring wells located at the C-746-S & T and U Landfills as well as the C-404 Landfill. Bodenstein said he would provide Donham with a list identifying the wells.

Donham asked if the number of wells that are chosen each year for the environmental surveillance program is budget driven. Bodenstein said the wells are chosen based on the movement of the plume.

On behalf of the Active Citizens for Truth (ACT) committee, Jurka asked why institutional controls are being considered when physical controls are already in place and appear to be working. Bodenstein said that the locking of wells is not a physical control but an institutional control. Jurka asked if they are deeded. Bodenstein stated a deed restriction is a different type of institutional control. Jurka asked if DOE has considered any institutional controls beyond the locking of the wells. Bodenstein reported DOE is looking at all options and will choose the most effective. Jurka inquired about who would enforce any other institutional controls that may become effective. Bodenstein said DOE or whichever regulatory agency is in place at the time. Jurka asked if any zoning laws exist regarding the topic. Tanner said he was not aware of any.

Jurka also asked if it was Bodenstein's opinion that most wells in the box will never be clean enough for unrestricted use. Bodenstein said the wells could be used again but the time frame would depend on what kind of cleanup technology is used.

Jurka stated the ACT committee filed a Freedom of Information Act (FOIA) request in March requesting letters that have sent to the public for the contamination of wells. She said they have been unable to obtain the information. Bodenstein suggested that confidentiality issues regarding the landowners might be part of the delay. Hicks reported DOE is about one year behind on all of the FOIA requests. He said he would check into the request.

Lamb asked what would happen if there was a small plume on someone's property and they accidentally drilled a well, after institutional controls have been removed. Bodenstein stated DOE would evaluate the property and determine whether or not institutional controls should be reinstated or if the landowner can have unrestricted use.

Donham asked if it was possible for wells that are restricted to naturally become clean enough to use. Bodenstein said no.

Smart asked if there has been any discussion within DOE about additional compensatory packages for landowners. Bodenstein said he could not answer the question.

Discussion on Retreat

Kemp asked if the retreat discussion could be addressed. There were no objections.

Young stated Kenlake will be the location for the next retreat. She requested that the Board choose a date. Kenlake has two dates open: February 28 – March 1 and March 7-8. **The Board chose March 7-8 by consensus.**

Chairs Meeting Report

Kemp reported the last chairs meeting took place in Oak Ridge, Tennessee, on October 17-19. She said five members attended along with support staff, the federal coordinator, and the DDFO. Kemp stated the group was able to tour the Oak Ridge DOE facilities. Each advisory board presented the top three issues for their individual sites.

Kemp and Raper met with Roberson regarding the proposed reorganization within DOE. A conference call with the CAB and Roberson resulted from the meeting. Minutes from that call are included in the packet.

Young asked the Board about hosting a chairs' meeting. Tillson suggested tying it in with a local event. Young said Martha Crosland's office usually allocated funding to assist with meeting costs. She suggested the weekend of Barbeque on the River. Kay asked if there are any objections to hosting the chairs' meeting. There were no objections. Kemp will send a letter to Crosland's office volunteering to host the Fall 2003 chairs meeting.

Donham asked what the budget would be for hosting a chairs meeting. Young was not sure but said she would gather some information.

Tillson said he would like for some remediation activities to be occurring at that time for the visitors to observe. He asked what will be underway next September. Dover reported the Scrap Metal Removal project and the North-South Diversion Ditch will be in progress.

Comments

Taylor stated the date of December 17 for DOE Headquarters to make a decision on the level of dispute regarding the SMP is incorrect. December 19 is the correct date.

Kemp reported PACRO is moving to quarterly meetings instead of monthly meetings. The next meeting will be held on February 19, 2003.

Water Task Force

Smart reported the task force met on November 1. The task force received a presentation by Linda Martin on the Engineering Evaluation/Cost Analysis for Site-Wide Sediment Controls. He said the details are provided in the minutes.

Tanner said the Board has received a response on the sewer rehabilitation recommendation. He reported that DOE has decided not to take action. Tanner said some additional information has been provided to him and he hopes to readdress the issue in February or March of 2003.

Taylor stated, based on the increase in Solid Waste Management Areas (SWMU) notifications, it appears that the United States Enrichment Corporation (USEC) is repairing water pipes all over the facility. Tanner added that the leaking sewers and water lines are a main source of contamination. Maybriar estimated the pipes are leaking about 100 gallons per minute.

Donham asked if there would be a public hearing regarding the Kentucky Pollutant Discharge Elimination System (KPDES) permit before it expires on March 31, 2003. Taylor said he thought the public would be involved. Tanner told Donham that at the last task force meeting he received copies of the existing KPDES permit, the proposed permit, and the Commonwealth of Kentucky's comments regarding the permit. He also said the task force has asked Joe Devers about when the public hearing would be held. Brewer said Devers expected the public hearing to be held in February. Donham requested a copy of the information Tanner received at the task force meeting.

Long Range Strategy/Stewardship

Raper reported the task force met on November 13. Because Lambert was elected chair of the Membership, Nomination and Public Involvement subcommittee, a new chair, Bill Tanner, was elected.

The task force reviewed and edited the final draft text of the Annual Report. Some additional changes were made to the report. Raper also reported the task force reviewed a draft version of the DOE Site Transition Framework for Long-Term Stewardship. He said the task force has submitted a comment, made by Tanner, which reflects the opinion of the entire task force. The comment is included in the task force minutes.

Raper stated the task force discussed the letters that will be sent to the regulatory agencies requesting assistance regarding topics for consideration for the CAB's agenda priority setting exercise. Raper asked for board members to approve the letters, which reflect Kemp's edits.

Donham stated the responses the Board receives are only recommendations, and that the Board is not obligated to fulfill the recommendations. Smart asked if the Board would be able to get a response from

the agencies prior to the January board meeting. Taylor said the Commonwealth of Kentucky will respond by January 10.

Kay asked if the Board wanted to make a proposal to send out these letters to the five regulatory agencies asking for a response by January 10. **The board approved the proposal by consensus.**

Donham inquired about DOE's re-organization. He wanted to know if there are any new developments. Feireisel said the issue was being worked in Washington. It is unclear whether or not the Paducah/Portsmouth office in Lexington is in the plans. Tanner said the Courier-Journal stated that other alternatives are being looked into.

Public Involvement

Tanner reported that Lambert was elected as chair of the subcommittee.

Tanner stated the subcommittee revised the draft membership application. Some changes were made and the revised application will be used presented to the Board for approval.

Young said the by-laws state the Board must recruit annually and recruitment should begin in December. Kay said the application will be added to the January agenda for formal approval.

Tanner reported the task force discussed the self-evaluation survey summary. They suggested using the survey summary at the annual retreat. The task force felt it should be discussed in more detail. Tanner said there were a number of comments regarding conflict of interest. He suggested that each board member state their possible conflicts of interest following the presentation at the January meeting. Kay asked if that was a recommendation. Tanner answered yes and that he would like to give everyone the opportunity to voice concerns. Kay asked if the round robin needed to be added to the January agenda. **The board agreed by consensus.**

Young said Pat Halsey had provided the board with examples of questions that other boards have asked regarding conflict of interest issues. She asked members to submit questions they would like answered to better prepare the presenter at the January meeting.

Cook reported that Bechtel Jacobs Company LLC is re-writing the community relations plan. He invited the task force and any other interested members to participate in a focus group being held on the subject. The focus group was scheduled for December 3 in the Environmental Information Center (EIC) at 6 p.m.

Waste Operations Task Force

Russell reported he was elected chair of the task force.

Russell said the task force discussed the North-South Diversion Ditch. Russell expressed the desire of the group to obtain environmental monitoring data that exists for phases outside the fence. He said they would like to have the opportunity to discuss the data.

The task force also discussed the C-746-U Landfill permit modification. Russell said the task force has expressed its concerns regarding the timeliness of the information that has been made available. He stated

the CAB was not provided the information made available to the public by the Kentucky Division of Waste Management (KDWM) in preparation for the upcoming public hearing. Russell said the Board expects to be informed in a timely manner in order to participate in related events. He said the group has since received the information packet, but has not yet had the chance to discuss it. He stated he has reviewed the permit modification information and found several inconsistencies.

In response to Russell's comments, Dover said the landfill was designed to hold a capacity of 1.6 million cubic yards of material. He said it was originally envisioned for 5,000 cubic yards per year. A public hearing on the local determination with McCracken County was held to get the annual capacity for the landfill. Dover stated the 100,000 cubic yards is a cap not to exceed. The state solid waste branch recommended that number given the size of the landfill. Dover also said the actual request to the state was to add a waste stream category for non-hazardous spill residue.

Donham asked if members were given notice of the public hearing, which will be held on December 5. He said he was not aware of the meeting and believes it is the responsibility of DOE and the support staff to notify the Board. Young informed Donham that the support staff is responsible for providing information released by DOE. She stated that KDWM, not DOE, is holding the public hearing.

Russell said the Board should not find out through the newspaper that DOE has applied for a permit modification. Dollins stated the permit was submitted over a year ago as a minor modification. Feireisel said the state had changed it to a major modification. Dollins suggested going through past meeting minutes to follow the path of communication. He also said there is always room for improvement and hopes to improve communication.

Feireisel brought to the board's attention that Steve Davis gave a presentation approximately eight months ago on the landfill. Dollins suggested checking records to locate the details of what Davis presented.

Donham expressed concern about missing a legal procedure where the opportunity to voice concerns was lost. Kemp said the Board needs to be alerted to any such legal procedures. Feireisel said DOE will ensure people are informed.

Kay said the concern is clear and the interest to improve communication is clear. He asked if anything else needed to be added. There were no further comments.

Community Concerns

Rhodes reported the proposed recommendation and questionnaire had been mailed out to the Water Policy Box participants. Rhodes stated a compilation of the comments and results that have been received will be in the January board packet.

Rhodes said he has e-mailed Joe Carson regarding his addressing the board and has not received a response. He plans on holding a subcommittee meeting prior to the January board meeting.

Administrative Issues

Kemp asked members if they have any changes to make to the annual report to please do so as soon as possible. Discussion ensued regarding using the word *remediation* instead of *excavation* in a caption located on Page 14 in the annual report. The Board decided to leave the caption as is.

Review of Workplan

Kay asked if anything needed to be scheduled. Kemp said the Conflict of Interest presentation is scheduled for January. Tanner suggested setting aside time in February for the KPDES permit discussion. He also asked for time to be set aside in March to re-address the Sewer Rehabilitation Recommendation.

Review of Next Agenda

Kay asked if there were any additions to next month's agenda. Young suggested moving the retreat discussion ahead of the presentation.

Young reminded members that she needed to know if anyone else wanted to attend the transuranic waste workshop in Carlsbad, New Mexico. Kay asked members if they are interested to contact Young.

Federal Coordinator Comments

Dollins reminded the Board that there will not be a board meeting in December. He also said the task forces and subcommittees have chosen not to meet in December.

The operating procedures require that members should not miss more than three meetings a year. Dollins reported that he has spoken to Rosa Scott and Vicki Jones regarding their attendance. He said both are still interested in being members and had valid reasons for their absence.

Final Comments

Long stated she has received the final Environmental Impact Statement on Yucca Mountain if anyone would like to review it.

The meeting adjourned at 9:05 p.m.