

**PGDP Citizens Advisory Board
Waste Disposition/Water Quality Task Force
Meeting Summary
October 19, 2006 * CAB Office**

CAB Members Present: Bobby Lee, Chair
Judy Clayton
John Russell
Jim Smart
Rhonda Smith

DOE Representatives Present: Mitch Hicks
Reinhard Knerr

Commonwealth of Kentucky

Representatives Present: Brian Begley
Jon Maybriar

DOE-related employees present: Tracey Brindley
Lisa Crabtree
Mike Gerle

Support Staff Present: Kim Crenshaw

The meeting was called to order at 5:45 p.m.

Agenda Items

Concerns/Issues of Waste Acceptance Criteria Compliance at the Landfill (Recommendation)

Lee asked if DOE had provided a response to the letter from the Kentucky Division of Waste Management (KDWM) on allegations of free liquids entering the C-746-U Landfill. Maybriar said the original letter asked for a response by Oct. 17, but the U.S. Department of Energy (DOE) has requested additional time. Lee asked the task force if they should rely on the regulators to resolve the issue or should they continue with the recommendation. Russell believed the recommendation was necessary to inform the public of the Citizens Advisory Board's (CAB) concerns and they did not follow through with the recommendation then the CAB is ignoring their obligation to the public. Maybriar suggested that the CAB review DOE's response to the allegations and if they are not comfortable with the response, then move forward with the recommendation. Russell said the letter from the state becomes part of the CAB's rationale in issuing the recommendation. Smart said the recommendation was first discussed before the state had issued a letter to DOE. He believes the CAB should wait until a response is given to the state on the allegations. Lee said there has been progress made and suggested that the CAB encourage DOE to respond to the regulators in a timely manner because they are very concerned. She said she would give the recommendation additional thought before moving forward.

KPDES Permit Review

Smart said the CAB, as well as DOE, issued comments on the Kentucky Pollutant Discharge Elimination System (KPDES) permit and asked for an extension to the public comment period. He said the permit was issued the day after the hearing without incorporating comments from any party. Maybriar said he was informed by senior management in the state Secretary's office that the permit was issued quickly due to a timely "bean count" that had to be in to the Environmental Protection Agency (EPA) as quickly as possible in order to get a "bean" check on the KPDES program. Smart said the Division of Water (DOW) had three years to update the permit and it was rushed through in 30 days and that is not acceptable. Knerr encouraged the CAB to voice their opinion on their dissatisfaction. Smart asked to whom a letter should be sent. Suggestions were made to contact David Williams for the appropriate EPA person and to also send the letter to Teresa Hill, secretary of the Environmental and Public Protection Cabinet and David Morgan, Division of Water. Russell asked what changes were made to the permit.

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Changes include sampling methods, levels of polychlorinated biphenyls, outfall sampling points and significant other issues. Knerr said there were significant cost impacts to DOE on the changes in the permit. Maybriar requested the DOE and CAB comments on the permit. Knerr said the CAB could be provided DOE's comments. Smart said he would draft a letter to DOW and circulate within the task force for comments. He asked staff to compile a list of people that should be copied on the letter. Knerr said DOE is planning to appeal. Gerle said PRS is looking at appealing through the Administrative Hearing process or litigating through federal court. He said there are a number of provisions in the permit that PRS does not believe are achievable from a technical standpoint. Knerr said Gerle is referring to PRS's position on the permit; DOE is still evaluating the permit. He said there is a question on the table whether or not the hearing officer has the ability to stay implementation on the permit while DOE goes through the process of appealing.

Land Use Maps

The task force reviewed geographic information system (GIS) maps that Lee had requested at previous meetings. Russell requested a GIS layer indicating what areas would be available for full recreational use. Begley suggested a list of all of the coverages available on the GIS system. Russell said he would like different agencies to brief the CAB on how they visualize the site. Lee asked Russell to send additional requests to staff. Brindley said hard copies could be made publicly accessible but would need to be screened for security purposes.

Next Month's Agenda

1. Concerns/Issues of Waste Acceptance Criteria Compliance at the Landfill
2. KPDES Issues
3. Land Use/GIS Requests
4. Workplan Report/Updates
5. Next Month's Agenda

The meeting adjourned at 5:45 p.m.

Action Items

1. Staff will request a copy of DOE's response to KDWM regarding the allegations of free liquids entering the C-746-U Landfill. *Complete, 11/15/06.*
2. Staff will contact David Williams for the appropriate EPA person(s) for copy on the KPDES letter. *Complete, 10/25/06.*
3. Smart will draft a letter to be sent to DOE expressing their dissatisfaction in the KPDES process. *Complete, 10/22/06.*
4. Staff will send Maybriar CAB comments on the KPDES permit. *Complete, 10/19/06.*
5. Gerle will provide the CAB with a copy of DOE/PRS/UDS comments on the KPDES permit. *Complete, 10/20/06.*