



ENERGY AND ENVIRONMENT CABINET

Steven L. Beshear
Governor

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Division of Waste Management
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Leonard K. Peters
Secretary

December 19, 2013

Ms. Rachel Blumenfeld
US Department of Energy
Portsmouth/Paducah Project Site Office
PO Box 1410
Paducah, Kentucky 42002

**RE: Kentucky Request for Discussion Regarding CERCLA Waste Disposition Alternatives Evaluation Site 9 (Northwest Corner PGDP)
Request for Extension of Review Time for the D2 Proposed Remedial Action Plan for SWMUs 5 & 6**
Paducah Gaseous Diffusion Plant
Paducah, McCracken County, Kentucky
KY8-890-008-982

Ms. Blumenfeld:

On November 20, 2013 the Senior Managers met with the Paducah Citizen's Advisory Board (CAB) to hear and attempt to address its concerns regarding any near-term acceptance by the regulators of a capping alternative for Burial Grounds Operable Unit SWMUs 5 & 6. The CAB views any near-term agreement to cap these burial grounds as premature given that the CERCLA Waste Disposition Alternatives Evaluation (WDAE) Remedial Investigation / Feasibility Study now under review has retained Site 9 (the northwest corner of the plant) as a viable location for a potential future onsite CERCLA waste repository (cell). The CAB has made a valid point that while Site 9 remains under consideration, no action should be taken (e.g., capping of 5 & 6) that would effectively eliminate it from further consideration. Furthermore, the CAB has clearly stated its preference for siting a potential cell at Site 9, leaving the other four sites also under consideration available for economic development.

During the November 21, 2013 Senior Managers Meeting, DOE presented a possible compromise approach intended to address some of the CAB's concerns. In part, the approach would seek to modify the Proposed Plan for SMWUs 5 & 6 to allow for two separate preferred

alternatives rather than the single capping alternative presently identified as DOE's preferred alternative. Under the proposed approach, the alternative ultimately selected would be contingent upon a decision as to whether an onsite cell is to be constructed at the Paducah Gaseous Diffusion Plant (PGDP). Capping would remain the preferred alternative if a decision is made not to construct a cell at the PGDP. Excavation of SWMUs 5 & 6 would be considered if a decision is made to construct the cell onsite. This proposal would appear to address the CAB's request that a decision regarding cell siting be finalized prior to a decision being made to address SWMUs 5 & 6; however, it would fail to address its overriding concern that locations other than Site 9 may be selected for cell construction, thus rendering them unavailable for future economic development opportunities.

While challenging from a technical, logistical, and funding standpoint, there are significant advantages to constructing a cell at Site 9. For instance, construction of a cell at Site 9 would require excavation of most of the known burial grounds, which is consistent with the Division of Waste Management's (Division's) bias for footprint reduction. It would also reduce DOE's potential Natural Resources Damage Assessment (NRDA) liabilities in that waste currently residing in unlined pits would be removed and subsequently be placed in a cell specifically designed to hold such waste. Lastly, it would place the cell in a contaminated area, thereby leaving other less-contaminated sites available for potential redevelopment in accordance with the community's wishes.

Regardless of which site is ultimately selected (if any) for cell construction, it is the Division's position that a decision regarding Site 9 must be made prior to accepting a preferred alternative and ultimately approving a remedy to address SMWUs 5 & 6. DOE has expressed an interest in Site 9 in the past and expressed such interest again during the November Senior Managers Meeting. Per the siting study contained in the WDAE Feasibility Study, DOE considers Site 9 a viable site for a future CERCLA cell. Therefore, it is suggested that the FFA parties immediately begin to consider the merits and complexities of Site 9 as a potential cell location and develop a path forward. The Division requests that DOE propose a date and time in the near future for three party discussion of this matter. In order to allow adequate time for these discussions to occur, the Division requests in accordance with FFA Section XXIX.B.6 that its current deadline for responding to the D2 Proposed Plan be further extended by an additional 30 days.

If you have any questions or require additional information, please contact Todd Mullins at (502) 564-6716, or e-mail at todd.mullins@ky.gov.

Sincerely,



For April J. Webb, P.E., Manager
Hazardous Waste Branch

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