



080437

The Under Secretary of Energy

Washington, DC 20585

August 13, 1991

1991 AUG 21 AM 9:39

The Honorable Joan Kelly Horn
U.S. House of Representatives
Washington, D.C. 20515

Dear Congresswoman Horn:

This responds to your June 14, 1991, letter in which you requested that the Department of Energy (DOE) accelerate its schedule for the cleanup of contaminated sites located within the St. Louis, Missouri, area.

The cleanup schedule was established as part of a Federal Facility Agreement (FFA) the DOE negotiated with the Environmental Protection Agency (EPA) to comply with the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended. This schedule imposes substantial fines and penalties should the DOE fail to meet its agreed-to commitments. Moreover, the schedule reflects our intention to move forward as quickly as possible while providing for the review of key environmental documents by the EPA, the Missouri Department of Natural Resources, and the public.

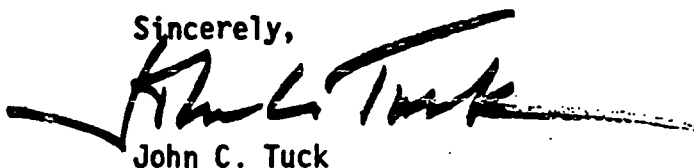
Your letter suggested the use of an exemption from certain requirements of CERCLA, which was authorized by Congress through its enactment of the Superfund Amendments and Reauthorization Act in 1986. This exemption may be applied only in certain instances where the site is owned and operated by the Federal Government. Since the DOE does not own the sites located in the St. Louis area, this is not an option that is available to us. Our challenge is to accelerate portions of the schedule negotiated with the EPA, which we are prepared to do. For instance, the Remedial Investigation Report was submitted to the EPA three months ahead of the deadline specified in the FFA. Additionally, we hope to establish a mechanism for initiating interim measures for performing remedial actions at all affected residential properties during calendar year 1992. I share your desire to see these sites cleaned up as quickly as possible, and the DOE will make every effort to expedite the process to the maximum extent possible.

You can help the Department to keep this project ahead of schedule by supporting future budget requests. Congress has, in the past, imposed reductions in non-defense spending, which includes the cleanup of contaminants in the St. Louis area. We have been able to limit the impact of these general reductions to the deferral of certain interim actions. While able thus far to fund longer-range environmental actions at sites (like those in the St. Louis area)

which have been placed on the EPA's National Priorities List, our future capability to maintain or exceed the FFA-driven schedule is obviously dependent upon the availability of adequate funding.

I hope that your recent visit to the DOE information facility and interim storage site located in Hazelwood, Missouri, was informative. Our actions to place these waste materials into the safest storage configuration possible has substantially reduced the threat that may be posed to public health and safety. I regret my response could not be more favorable and apologize for the inexcusable delay in responding to your letter.

Sincerely,

A handwritten signature in black ink, appearing to read "John C. Tuck", with a long horizontal flourish extending to the right.

John C. Tuck

memorandum

ES - 91-011584

Date: AUG 6 1991

SECRETARIAL ACTION REQUESTED BY: 08/12/91

Orig. Office: EM-421:Wagoner:3-8147

Transmittal: ACTION: Response to Congresswoman Horn (D-MO, 2nd District)

To: Under Secretary

Issue: Time it is taking to complete cleanup of contaminated industrial sites located in the St. Louis, Missouri, area.

Timing: Congresswoman Horn attempted to telephone the Secretary on August 5 to insist that the Department respond to her June 14 letter.

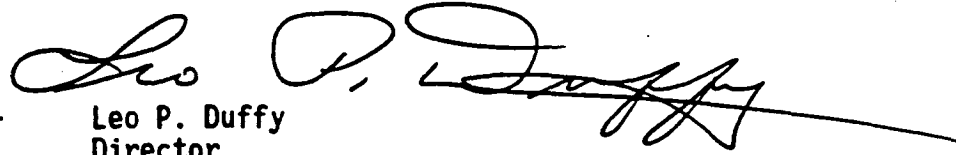
Discussion: Congress previously assigned responsibility for conducting remedial actions at a number of former industrial sites located in the St. Louis area (which date back to the Manhattan Engineer District era). These sites have been placed on the National Priorities List by the Environmental Protection Agency (EPA), which dictates to a large extent the pace at which the cleanup may proceed. This is similar to the situation in the Maywood, New Jersey, area, where citizens and their elected representatives have tried to force a faster cleanup pace (regardless of the present safe storage configuration and the very low potential health threat these contaminants pose the public).

The cleanup schedule for these sites was established as part of a Federal Facility Agreement (FFA) the DOE negotiated with the EPA to document compliance with the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). Your letter states that you share Horn's desire to see these sites cleaned up as quickly as possible, and promises that the DOE will make every effort to expedite a rather formal and time-consuming process (which should lead to the issuance of a Record of Decision in 1994).

The attached has no relation to the naval nuclear propulsion program. Naval Reactors concurrence is not required.

Sensitivity: Horn used this issue in defeating first-term Republican Jack Buechner in 1990. She and members of her staff made an unannounced visit last month to the temporary storage site we have established at nearby Hazelwood, which received the desired local media coverage. She has unsuccessfully tried to convince the chairman of a House Science subcommittee she serves on to hold a field hearing to keep pressure on the DOE to accelerate cleanup, regardless of the situation relative to the FFA and CERCLA.

Recommendation: That you sign the attached reply to Congresswoman Horn.

A handwritten signature in black ink, appearing to read "Leo P. Duffy", is written over the typed name and title.

Leo P. Duffy
Director
Office of Environmental Restoration
and Waste Management

Concurrence: CP 8/6/91

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SL-070

00-1136

Formerly Utilized Sites Remedial Action Program (FUSRAP)

ADMINISTRATIVE RECORD

for the St. Louis Airport and
Latty Avenue Sites, Missouri



U.S. Department of Energy

0989-10702

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