MINUTES
OF THE
LOCAL PRIORITIES WORKING GROUP

MAY 3, 1995

The meeting was called to order at 9:45 a.m. by Jack Frauenhoffer. Those in attendance were:

Bob Shelton, City of Berkeley
Tom Binz, Laclede Gas Company
Tom Manning, City of Hazelwood
David Braun, Union Electric
George Eberle, Grace Hill
Jan Titus, Lambert Airport
Jack Frauenhoffer, Mallinckrodt
Lorraine (Lori) Batton, City of Berkeley

Changes to the minutes of April 26 were proposed as follows: First paragraph change the words from DOE to "Task Force;" add Tom Binz as being in attendance; and change Tom Manning from Ms. to Mr. Mr. Shelton made a motion, seconded by Mr. Manning, to approve the minutes of April 26, 1995, as amended. Motion carried.

Mr. Binz distributed copies of an article titled "DOE Awards $3.5 Billion Contract for Cleaning Up Rocky Flats Site." (Attachment No. 1)

Mr. Frauenhoffer mentioned an article titled "Nuclear Weapons Facility Cleanup Estimated at $230 Billion Over 75 years. (Attachment No. 2). He suggested it would be beneficial for those participating in the St. Louis Site cleanup to be aware of other contaminated sites throughout the Country. Ms. Batton stated she had ordered a booklet from the DOE titled, "The Formerly Utilized Sites Remedial Action Program (FUSRAP), Building Stakeholder Partnerships to Achieve Effective Cleanup," and explained it is the booklet provided for those attending the National Stakeholders Conference, and that she had ordered enough for each member of the Local Priorities Working Group.

Ms. Batton distributed, on behalf of Jim Dwyer, a letter from Mr. Dwyer dated April 24, 1995, to David Adler, and the subsequent response received May 2, 1995, regarding the Fernald Uranium Feed Materials Plant near Cincinnati. (Attachment No. 3)

REPORT FROM NATIONAL STAKEHOLDERS CONFERENCE. Ms. Batton reported on a telephone conversation with Jim Dwyer (10:00 a.m.) reporting from the National Stakeholders Conference. He reported that the Conference was going very well and that the information being exchanged by the participants would bring an invaluable new perspective to the Task Force as it develops its recommendations.

He advised that he had stepped out of a working group on National Priorities to make this call, and remarked on how informative it is to consider the challenges of FUSRAP from a National point of view.

He reported that St. Louis representatives at the Conference include Sally Price, Jean Montgomery, Rita Bleser (Mallinckrodt), Laura Madden (City of St. Louis and Lambert Airport), June Fowler (St. Louis County Planning Department), Kay Drey, Dave Farquharson, Conn Roden, and Jim Dwyer. Also representing Missouri were Elsa Steward (MDNR) and Alan Wehyemer (EPA-Region VII).

Mr. Dwyer advised that the St. Louis Site was well represented and that he believes the Task Force process will be significantly enriched by its participation at the Conference.

MISSION STATEMENT. The Working Group formulated the following information for consideration in drafting a Mission Statement:

1. Identification of sites for cleanup;
2. Develop an objective criteria to prioritize cleanup;
3. Make recommendations to the Task Force;
4. Provide overall perspective of sites for cleanup;
5. Gather data on timing, etc.;
6. Risk to community, including volumes and levels of contamination, and including health risks -
    - o Values
    - o Benefit to community, including stating that benefit
    - o Land use and reuse considerations
7. Benefit to community -
    - o Cost/benefit analysis

It was determined Mr. Shelton would prepare a draft Mission Statement.

LISTING OF SITES: Ms. Batton referred to the "Feasibility Study/Environmental Impact Statement for the St. Louis Site," April 1995 prepared by the DOE. (Attachment No. 4) The group agreed to adopt this list of sites, but will be adding further specific identification, e.g. to distinguish commercial sites from haul roads, etc. Ms. Batton agreed to obtain further data for the identification of sites.

MATRIX. The Group worked on an evaluation matrix, identifying the following points:

1. Scoring and ranking
    - o Social benefit
    - o Economic benefit
    - o Current (and previous) use and planned use
    - o Current land value

The working draft of the matrix presented at the April 26 meeting was discussed. It was determined the data would be identified in numerical order as follows:

1. Site
2. Use
3. Health Risk
    - o Number of people exposed
    - o Levels of exposure

4. Value
    - o Social
    - o Economic

5. Social benefit
6. Degree of contamination
7. Volume
8. Cost

Mr. Frauenhoffer agreed to complete further work on the draft of the matrix, grouping the sites by utilizing the data in Attachment No. 4.

Mr. Binz distributed a revised draft "Institutional Controls" document. (Attachment No. 5)

SLAPS. Ms. Titus reported her understanding and expectation that the $500,000 proposal for interim stabilization at SLAPS is scheduled to proceed, stating she anticipates receiving a letter from MDNR and perhaps from EPA. She advised that a letter of clearance had been sent to David Adler, and indicated this would be brought up at the Task Force meeting on Tuesday, May 9. Ms. Titus stated this funding would come from the FY95 budget, and would not hinder proceeding with any other project already identified for FY95.

An agenda was outlined for the next meeting of the Working Group on **Wednesday, May 10, 9:30 a.m.** as follows: New information; act on Task Force guidance; start on matrix; assign responsibility on value; and report on DOE input regarding the matrix. Ms. Batton reminded the group it had been agreed at the April 26 meeting to request participation of a DOE representative at working group meetings to provide informed input regarding site identification and characterization, and projected costs to remediate.

"IMMEDIATE NEEDS" WORKING GROUP. Discussion was held concerning the potential of an additional working group to consider "*immediate needs*". It was stated the Local Priorities Group had requested budgetary consideration for these kinds of requests, and it was observed that consideration of short term projects is taking up all the time of the Local Priorities Group, thereby hindering work on the assigned task. It was agreed to further consider this matter at the meeting of May 10.

Mr. Manning will report for the Group at the May 9 meeting.

Mr. Shelton made a motion, seconded by Mr. Braun, to adjourn. Motion carried. Meeting adjourned at 11:50 a.m.

"This is about finding access and special access for special interests. And here it was just so blatant. The act itself, the various provisions in the reauthorization don't even match up—it's so clear that various special interests wrote various provisions."

McGinty said that while it was premature to discuss the ssibility of a veto of the Clean Water Act, there are other ills that are further along in the process that are unacceptable to the president. "We'll see how the risk bills come out," she said. "There are certain things in the risk bills that we would find unacceptable. For example, some of these bills would repeal 25 years of environmental, safety, and health legislation just by saying, 'Notwithstanding anything those laws say, from now on you can't act on the basis of protecting health and the environment. Everything's got to be decided on the basis of money.' That's something that we will not accept."

Takings Bill Also On Veto Screen

McGinty also singled out "takings" legislation as a veto target. "To us, this really threatens the whole notion of what it is to be a citizen of a country," McGinty said. "It says that I don't have to obey the law unless you pay me to do so."

McGinty said the White House is encouraged that state takings legislation is going nowhere. "Thirty-four states have considered the issue and every one of them has rejected it. That sends a loud message to us that despite the rumblings in Washington, what people at the local level think is that this is insane."

On environmental audit legislation, McGinty said the administration wants to encourage industries to voluntarily evaluate themselves. (See related item in this issue.)

"We think that the self audits can help by having industries identify themselves where they are in violation and then fix those problems," she said.

She said the administration does not have a problem with giving industries a grace period to correct violations discovered during audits. The administration is bothered, however, provisions that would shut the door to using any audit ormation against the companies, she said.

"Where we have concerns is where there are hard privilege [laws] put in place so that none of that information then can be used in the context of a challenge to a particular practice that an industry may have undertaken," she said.

Federal Facilities

DOE AWARDS $3.5 BILLION CONTRACT FOR CLEANING UP ROCKY FLATS SITE

The Department of Energy has awarded an environmental management joint venture a $3.5 billion contract to clean up the Rocky Flats Environmental Technology site, DOE announced April 4.

Under the contract, cleanup priority will be given to high-risk areas and hot spots. The contract also calls for acceleration of the consolidation and stabilization of plutonium and bases fees on contractor performance.

DOE awarded the contract to the Kaiser-Hill Co., a joint venture between two environmental management companies: ICF Kaiser and CH2M Hill. The contract calls for Kaiser-Hill to stabilize and store plutonium at the site while focusing on environmental restoration, waste management, decontamination and decommissioning, and economic conversion practices.

At a press briefing April 4, Energy Secretary Hazel O'Leary called the project "a model for effective and efficient cleanup of nuclear weapons materials."

The former nuclear weapons production facility near Go en, Colo., is one of five "top priority" cleanup sites listed b DOE environmental management report released April Rocky Flats was the second major area where there w competition for a DOE contract under the department's 19 Contract Reform Initiative. The first contract to incorpora performance-based features was the August 1994 award Lockheed Idaho Technologies Company for the Idaho Natio al Engineering Laboratory.

"However, the Rocky Flats contract goes a step further fully incorporating performance-based features, and includ penalties for non-performance," a DOE press release said.. is the first contract that incorporates all of DOE's refor initiatives, the release said.

Performance-based contracts mean "you get paid whe you deliver," O'Leary said. "Eighty-five percent of this co tract is based upon performance, and 15 percent is base upon fixed price." If the work is not done, "then there's penalty," she said.

The contract also provides "dramatic incentives" for co savings. DOE said 35 percent of the cost savings go to th contractor, with half of those savings going directly to th employees. Rocky Flats currently has 6,000 employees.

Originally estimated at $4.7 billion, the contract pledges t save taxpayers $1.2 billion over five years, O'Leary said.

"The contract signifies a sweeping change in accountabi ity," Rocky Flats Manager Mark Silverman told the briefin via satellite from Colorado. "I believe this approach is exact ly what stakeholders and residents of Colorado have bee waiting for."

Urgent Risks First

The contract calls for "measurable results" in the follow ing urgent risk areas that will help determine the company incentive fee:

- Stabilize plutonium and plutonium residues by 1998;
- Consolidate plutonium in a single building by 2000; and
- Clean up and remove all high-risk "hot spot" contamina tion by 1998.

Rep. Dan Schaefer (R-Colo) told the briefing he was pleasec that DOE "was moving from cleanup of outside areas, anc moving toward [addressing] plutonium stored inside the buildings." Schaefer is chairman of the House Commerce Subcommittee on Energy and Power, which oversees DOE cleanup of federal facilities.

Kaiser-Hill's contract also commits to several short-term achievements in weapons material management anc cleanup, such as releasing 4,100 acres of land to the public remediating five hazardous sites, and shipping highly enriched uranium off-site.

O'Leary did not mention a specific interim storage location for the uranium but said interim storage facilities were available and that DOE would conduct an environmental impact statement before relocating the hazardous material. She added that Thomas P. Grumbly, assistant energy secretary for environmental management, is working on a draft recommendation to address interim storage and management at DOE's inactive weapons sites and facilities. That EIS is due for release and public comment in May.

Kaiser-Hill will replace EG&G Rocky Flats Inc., the contractor at the site since January 1990, and will assume full control of the contract July 1. Subcontractors to the project include Westinghouse Electric Corp., Babcock and Wilcox Co., Morrison Knudsen Corp., BNFL Inc., Dyncorp, Wackenhut Services, and Quanterra.

ATTACHMENT NO. 2

152/939/615

Nuclear Weapons Facility Cleanup Estimated At $230 Billion Over 75 Years

During the 50 years of the Cold War, the U.S. government's nuclear weapons centers were turning out warheads and related materials at a devil-may-care rate with little regard for the wastes they were producing. In the end, the devil laughed because the country's Cold War zeal left hot zones of every imaginable nuclear and chemical obnoxiety: spent nuclear fuel, drums and underground tanks leaking chemical concoctions too complex to describe, plutonium left scattered around fabrication areas, and aquifers and sedimentary rock laden with radioactive materials.

The Department of Energy had long argued that the messy practices of its weapons complex contractors were exempt from federal environmental laws. In 1984, DOE lost that legal fight, but moved only lackadaisically to conform to hazardous waste laws. In 1989, the Federal Bureau of Investigation raided the Rocky Flats complex near Denver and seized evidence of violations. Soon after, DOE established an Office of Environmental Management (OEM) to administer cleanup efforts.

But how complete should the cleanup—or remediation—be? And how much should it cost? These are two of the questions posed in the latest report by OEM on what it calls "the Cold War mortgage." The report says that based on a 75-year timetable, moderate cleanup will cost about $230 billion as a "midrange estimate," or about what the country's weapons program cost during those 50 Cold War years. It's hard to tell whether that estimate is correct. Already, $23 billion has been spent on the cleanup effort, and the General Accounting Office says the cleanup price could be as much as $1 trillion.

Of the 856 sites that need cleanup, remediation has begun at only 137, according to GAO. A GAO report issued last month says DOE overpromised what it could do to federal and state regulators and repeatedly failed to meet timetables.

DOE says its findings are based on information taken not from Washington bureaucrats as in the past but from people who know the sites intimately. It is also based on common-sense estimates of available technologies, not on mere wish lists. The report says it "also reflects a greater understanding of the nature and extent of contamination, as well as broader program support responsibilities than assumed for previous estimates."

DOE photo

Grumbly: introduce proven techniques

It focuses mainly on the five most prominent DOE sites, dominated by the plutonium manufacturing facilities at Hanford, Wash., and Savannah River in South Carolina. Each of these sites accounts for 21% of the total nuclear and chemical waste. Of the other three, Rocky Flats and Oak Ridge National Laboratory each account for 10%, and the Idaho National Engineering Laboratory, 8%. The remaining waste is scattered among other places such as Paducah, Ky.; Sandia National Laboratories; Lawrence Livermore National Laboratory; and DOE's nuclear test site in Nevada.

The report covers environmental restoration; waste management, treatment, storage, and disposition; nuclear materials and facility stabilization; and related "landlord" and management functions.

And the report makes a point of the issue's tentative nature. For example, it says, cost estimates are based on "disposing of vitrified high-level radioactive waste in a geologic repository beginning in 2016. [But] a permanent geologic repository location has not been finalized. Indeed, the suitability of a specific site has not yet been determined."

The $230 billion that DOE projects as the cleanup cost implies "limited use" for the five major sites. "Further reductions are simply going to defer the mortgage, not eliminate it," says Thomas P. Grumbly, who heads DOE's environmental management program.

On March 22, Grumbly testified at a Senate Energy & Natural Resources Committee hearing on problems at the Hanford site. The hearing was spurred by a report highly critical of the slow rate of progress at Hanford (C&EN, March 20, page 9). Grumbly said DOE was solving its problems. "We are changing the way business historically has been done at the department," he said, "by introducing proven economic and business techniques such as recompeting contracts at our sites to provide new incentives for performance."

What is clear from the debate is that nuclear waste cleanup at the old weapons sites will take a long time, cost a lot of money, and require a lot more public debate. The Hanford site alone represents "the largest civil works project in history; it has no end," Steven Bush and Thomas H. Heitman, engineers who prepared the Hanford report, told the committee.

"If the objective of the [Hanford] cleanup plan is a beautiful desert where children can play safely," they said in their statement, "no plan currently exists that can accomplish this vision at any time in the foreseeable future."

The new report, "Estimating the Cold War Mortgage," was mandated by the Defense Authorization Act of 1994 and can be obtained by calling (800) 736-3282.

Wil Lepkowski

ATTACHMENT NO. 3

1259 65

Rec'd 5/2/95

April 24, 1995

To: SAIC or David Adler
Oak Ridge Operations Office

May we please request the following information about the former Fernald Uranium Feed Materials Plant near Cincinnati?:

1. How much waste does the DOE expect to ship from Fernald to Envirocare in Utah for disposal? 700,000 yd³ (about one-half the total contam. mat.)
2. Is that waste to be containerized or shipped in bulk? Dried and loaded in bulk on Gondolas w/hard covers.
3. Is it to go by truck or rail?
4. What is the expected time-frame? 8 yrs. (begin FY '97)
5. What is the estimated cost? $515 million (includes drying, loading, railsiding transportation + disposal)

Your response will be appreciated.

Sincerely,

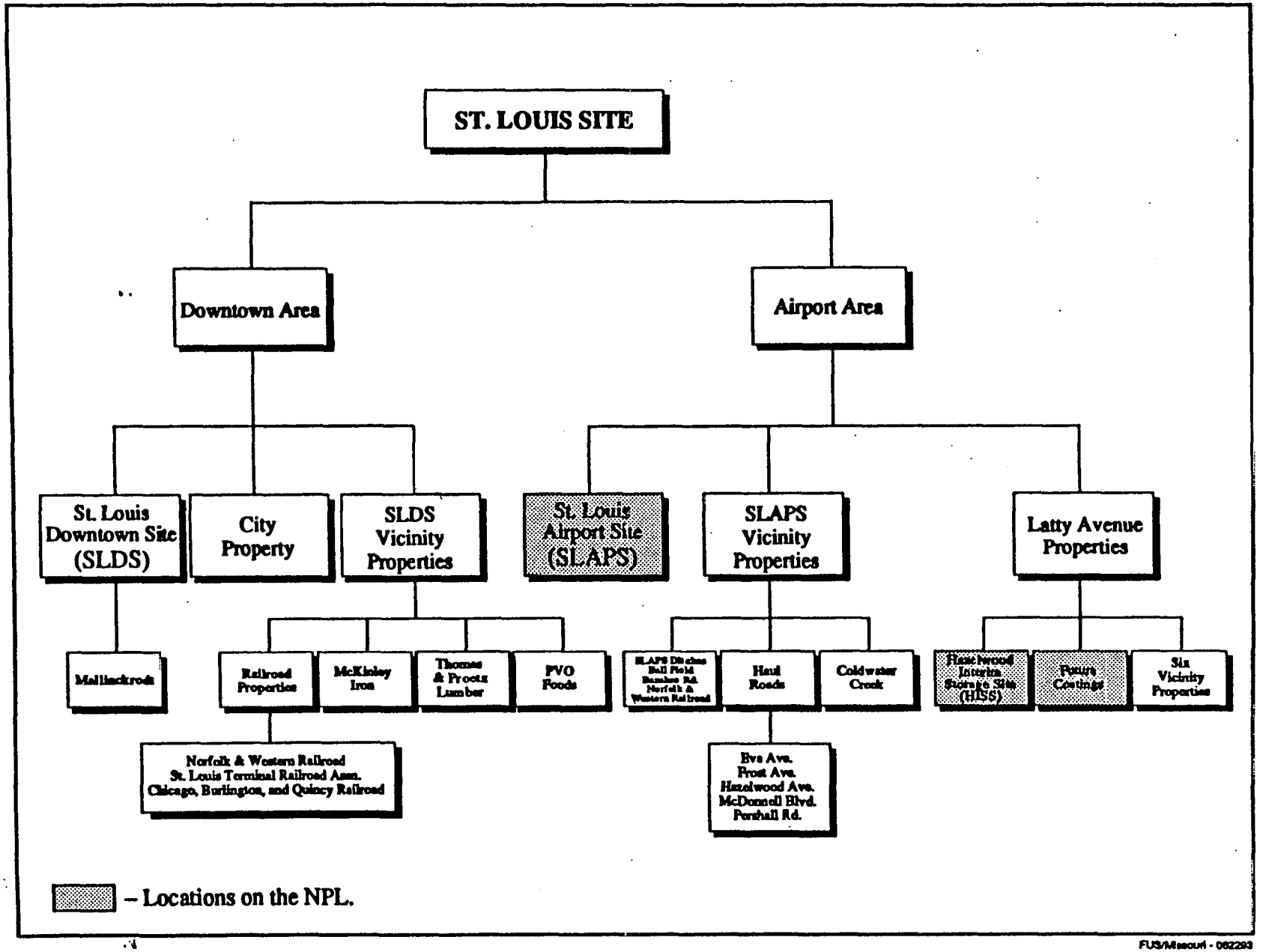

Figure 1-2. Schematic Representation of the St. Louis Site

ATTACHMENT NO. 5

5/31/95
122965
Draft

LOCAL PRIORITIES SUBCOMMITTEE
Working Document Rev. #2

What is an *"institutional"* control(s)?

EPA expects to use *institutional controls* such as water use and deed restrictions to supplement *engineering control* as appropriate for short term management to prevent or limit exposure to hazardous substances, pollutants, or contaminants. *Institutional controls* may be used during the conduct of the remedial investigation/feasibility study and implementation of the remedial action and, where necessary, as a component of the completed remedy. The use of *institutional controls* shall not substitute for *active* response measures (e.g., treatment and/or containment if source materials, restorations of groundwaters to their beneficial uses) as the sole remedy unless such *active* measures are determined not to be practicable, based on the balancing of trade-offs among alternatives that is conducted during the selection of remedy. (40 CFR 300.430)

Active institutional control means: (1) Controlling access to a disposal site by any means other than passive institutional controls; (2) performing maintenance operations or remedial actions at a site, (3) controlling or cleaning up releases from a site, or (4) monitoring parameters related to disposal system performance. (40 CFR 191.12)

Passive institutional control means: (1) Permanent markers placed at a disposal site, (2) public records and archives, (3) government ownership and regulations regarding land or resource use, and (4) other methods of preserving knowledge about the location, design, and contents of a disposal system. (40 CFR 191.12)

EXAMPLES:

I. Legal Controls
- A). Deed restrictions
- B). Contract
- C). Consent Decree/Administrative Order of Consent
- E). Record of Decision
- F). Permits
- G). Zoning Ordinances
- H). Code of Federal Regulations
- I).
- J).

II. Administrative Controls
- A). Fence/Signage/Security System
- B). Restricted Access/Sign-in - Sign-out Procedures
- C). Personal Protective Equipment/Respirators, etc.
- D). Lock out - Tag out Procedures
- E). Education & Training
- F). Monitoring
- G). Compliance with the Regulations
- H). Policies and Procedures
- I).

III. Engineering Controls

A). Capping/Shielding
B). Slurry Walls
C). Containerization
D). Treatment Systems
E). Minimization or Consolidation
F). Storage Cells/Bunkers
G). Remedial Action
H). Soil Washing
I).
J).

Formerly Utilized Sites Remedial Action Program (FUSRAP)

ADMINISTRATIVE RECORD

for the St. Louis Site, Missouri

U.S. Department of Energy