

## MINUTES

## St. Louis Site Remediation Task Force

December 12, 1995 Meeting

Hazelwood Civic Center  
Hazelwood, Missouri

APPROVED

Participants Attending

Tom Binz, Laclede Gas Company  
 Joseph Cavato, St. Louis County  
 Kay Drey  
 Larry Erickson, MDNR  
 Jack Fraunhoffer, Mallinckrodt Chemical  
 Company  
 Anna Ginsburg, City of St. Louis  
 James Grant, Mallinckrodt Chemical Co.  
 Leonard Griggs, Lambert Airport  
 Tom Horgan, Congressman Talent's Office  
 Donovan Larson, St. Louis County Water  
 Company  
 Nancy Lubiewski  
 Tom Manning, City of Hazelwood  
 Bob Marchant, Metropolitan St. Louis  
 Sewer District  
 Eileen O'Connor, Union Electric  
 Sally Price, Chair  
 Roger Pryor, Coalition for the  
 Environment  
 Josh Richardson, City of Berkeley  
 Conn Roden, St. Louis County  
 Health Dept.

Jim Dwyer, Facilitator  
 Chuck Jenkins, FUSRAP  
 Dave Miller, SAIC  
 Sarah Snyder, FUSRAP

Other Interested Parties

Bob Atkin, DOE-Oak Ridge  
 Wayne Black, St. Louis County Health Dept.  
 Bradley Brown, St. Louis County Water Co.  
 Lou Jearls, City of Florissant  
 Paul Kos, Stone Container  
 Ed Mahr Jr.  
 Linda Meyer, Weldon Spring Site Remedial  
 Action Project  
 Theresa Patterson, SAIC  
 Laurie Peterfreund, NCEIT  
 Al Rafati, Envirocare of Utah  
 John Rockaway, Coldwater Creek Panel  
 Mitch Scherzinger, Missouri Dept. of Natural  
 Resources  
 Gary Settle, Southwestern Bell Telephone  
 Ted Trimpa, Dawn Mining Co.  
 Jan Titus, Lambert Airport  
 Robert Wester, R.M. Wester and Associates

Support

Miranda Duncan, Co-Facilitator

<u>Agenda Item</u>	<u>Minutes</u>	<u>Determination</u>
Welcome, Opening Comments, Announcements	Chair Sally Price called the meeting to order at 7:45 a.m. She announced that Jim Dwyer would be arriving late because he was en route from New York, where he had missed	

the last flight the night before.

Ms. Price informed the Task Force that copies of information relevant to the group's discussions, including the many volumes of technology information being used by the Technologies Working Group, are available at DOE's Public Information Center on Latty Avenue.

She also announced that the agenda for the meeting had been revised as follows:

1. Call to Order, Opening Comment, Announcements
2. Approval of Minutes
3. Public Comment
4. Response to Fleischer Request
5. MDNR Letter
6. Administrative Matters
7. Communications Working Group
8. Discussion of Dawn Mining and Envirocare Requests for Presentations
9. New Business
10. Develop Agenda for January Meeting

*Approval of  
Minutes*

Ms. Price asked if there were any changes to the draft minutes from the November 14, 1995 meeting. James Grant moved to approve the minutes, with Jack Fraenhoffer seconding the motion. The minutes were approved.

**The minutes were approved without amendment.**

*Public Comment*

There were no public comments.

*Coldwater Creek  
Panel Meeting*

Ms. Price informed the Task Force that the Coldwater Creek Panel would meet at 8 a.m. on Wednesday, December 13, at the Stouffer Concourse Hotel. She said there would be three technical presentations to the panel and that the panel would then meet in a working session after 11 a.m.

Kay Drey asked how the panel could meet in a closed session and not violate the Missouri Sunshine Law.

Ms. Price called on panel member John Rockaway to respond to Ms. Drey's question. He said the panel had determined that it could work more efficiently and discuss ideas more freely in a closed session. He said the public would have ample opportunity to provide comment during the initial part of the meeting.

Mr. Frauenhoffer said that the panel had been directed by the Task Force to develop conclusions and recommendations, and not necessarily to hold public meetings. Ms. Price concurred.

Dave Adler said the question is whether to allow the group time and circumstance to engage in free deliberations and debate. He said he imagined that panel members might want to propose provocative ideas for discussion, but not want them to be taken as their actual positions. He said he thought the Task Force would obtain the desired results more quickly if the panel were allowed time for frank discussion. If the panel is not afforded time at this meeting, he imagined the members will utilize some other mechanism, such as a conference call, to engage in open discussion among themselves.

Ms. Drey said that she wanted to note the provisions of the Missouri Sunshine Law for the record. Chuck Jenkins said sunshine laws generally apply to elected or appointed decision-making bodies. The Coldwater Creek Panel is neither; rather, it is a consulting body to the Task Force.

Anna Ginsburg said she thought sunshine laws are interpreted more broadly and might apply in this instance.

Miranda Duncan asked Ms. Drey if she voiced this concern to ensure that the panel complies with legal guidelines or whether she thought the closed portion of the discussion may include some information that she would like to have?

Ms. Drey said both reasons motivated her. She said she was just making the point for the Task Force to consider.

Mr. Adler said that DOE would not be present for the panel discussion either.

*Response to  
Fleischer Request*

Ms. Price asked Mr. Adler to update those present about DOE's response to the recommendation that the Fleischer property on Hazelwood Avenue be remediated.

Mr. Adler said that the Fleischer property contains a small area of contaminated soil that averages 11 picocuries per gram of radioactivity at or near the surface. (11 picocuries per gram also is the highest level of contamination detected on the property.) He pointed out that if this level of contamination were located deeper than six inches in the soil, it would not exceed cleanup guidelines.

Potentially, DOE could either excavate the soil and ship it to a licensed disposal facility as DOE has been doing for other properties or, with requisite approvals, it could excavate the soil and send it to a local landfill for disposal. He explained that the level of radioactivity detected in these soils is less than levels commonly found in other materials -- such as flyash -- that these kinds of disposal facilities routinely receive.

However, before DOE could pursue this latter course of action, it would require agreement from the State of Missouri that this is a legal, technically sound approach. Mr. Adler said he has spoken to Bob Geller, and has sent a letter to MDNR inquiring if the minimally-contaminated material from the Fleischer property could be disposed of at a suitable local landfill.

Mr. Adler said DOE is developing a list of area landfills that would be technically suitable, and is seeking EPA concurrence.

that there are no legal barriers to disposal of minimally-contaminated materials in this fashion. If DOE can utilize area landfills for disposal of minimally-contaminated materials, it could prove to be a very cost-effective approach to remediation of some of the contaminated properties. He also advised that Mr. Fleischer has indicated support for this approach.

Mr. Adler said DOE is looking for landfills that presently accept large volume, low toxicity industrial wastes.

Ms. Drey asked whether there is anything in writing that supports treating these materials as if they were below regulatory concern, when in fact the actual levels of contamination require remediation according to current cleanup standards?

Mr. Adler said there is no clear line. He said DOE utilizes a process, called the supplemental standard process, that allows it to look beyond the numbers and decide on a site-specific basis what to do. This process requires an analysis of alternate disposal techniques to determine that any proposed action would not result in negative impacts. He said DOE's process is similar to EPA's or NRC's rule making in that it allows DOE to make site-specific decisions.

Ms. Drey asked what would prevent DOE from determining that similar contamination from other sites, perhaps in much larger quantities, could be disposed of in the same way. She asked about the airport site and whether DOE might try to "decree away" the contamination at that site.

Mr. Adler acknowledged that these were good questions. He said DOE would have to demonstrate that any proposed action would be protective of human health and the environment before proceeding to implement it.

Ms. Drey asked if DOE had a definite policy

on this matter. She said she didn't like the thought of setting a precedent without more definitive information.

Mr. Adler explained that DOE must comply with the 100 millirem annual dose limit, which is the maximum exposure permissible to the public. He said that DOE has been able to demonstrate at other sites that it can meet that limit. At other sites, annual dose exposures have been limited to single digits in millirems with appropriate covers and controls. In the case of landfills, there are controls for other metals, like those from disposed car batteries, that also would serve to control radioactivity.

Ms. Price asked if MDNR had some thoughts to contribute to the discussion.

Larry Erickson, who was attending for Bob Geller, said MDNR has received the relevant data from DOE, but has not had an opportunity to evaluate it fully. Mr. Erickson said MDNR will take a close look at this proposal, and he cautioned that it might be next month before a decision can be made on whether the proposed approach is viable for the Fleischer site wastes.

Ms. Price asked whether DOE would containerize the excavated material. Mr. Adler said containerizing is expensive, so DOE would prefer to avoid that approach.

#### *MDNR Letter*

Mr. Adler noted that David Shorr, the director of MDNR, had responded to a letter from Mr. Dwyer seeking comment on the Task Force's recommendations to DOE for fiscal years 1996 and 1997. He reminded Task Force members that Dan Wall of EPA had voted in favor of the proposed priorities, while MDNR had abstained. A copy of MDNR's response was available as a handout.

Mr. Adler said he didn't see any "show stoppers" in Mr. Shorr's letter.

As for the state's response to the proposal to excavate hot spots at the Berkeley ballfields and cover the remaining minimally-contaminated material with clean fill, Mr. Adler said it first seems unclear whether the state would support this proposal, but the letter then says there is some precedent for protecting people by covering contamination with soil. Mr. Adler said he remains hopeful regarding this proposal but that there are issues that must be resolved.

Mr. Erickson said the state still is looking at alternative engineering options, but that MDNR generally agrees with what Mr. Adler is saying. However, MDNR remains concerned with radioactive waste being in contact with groundwater at SLAPS.

Mr. Adler said that, generally, contamination on the ballfields is shallow and is not in contact with groundwater, in contrast to SLAPS, where there is contamination that is in contact with groundwater.

Ms. Drey said that the Priorities Working Group has been discussing whether there is an alternative for ballfields in the City of Berkeley.

Mr. Adler said DOE can only spend funds on contaminated property, because the FUSRAP mission is to clean up property. DOE is not authorized to buy alternate sites for recreational facilities.

Mr. Larson said that the concern Ms. Drey is referring to is that if the primary motivation to clean the ballfields is so they can be used again for recreational purposes, there may be a better way to do it, such as buying another uncontaminated site for new ballfields and using the current site for something else. He added that Mr. Erickson's comments are interim observations and do not represent the final word from MDNR on the near-term priorities recommended by the Task Force. He said the technical details for these proposed

activities need to be developed by DOE, and that the Task Force is looking to DOE for confirmation that the proposed priorities are reasonable and can be implemented. The Task Force needs to know MDNR's concerns so priorities for FY 96 and FY 97 can be carried forward.

Ms. Drey asked whether there is a public comment component to siting a new facility in the state, which is being investigated as part of the near-term priorities. Mr. Erickson said there is no requirement to inform the public if disposal is to be at an existing landfill. However, if a new facility is to be sited, then there is a requirement for public comment.

#### *Administrative Matters*

#### *Invitation to Potential New Stakeholders*

Ms. Price reported that the additional stakeholders identified by the Task Force at its November meeting have been contacted and invited to participate in Task Force activities.

The City of Bridgeton and the Metropolitan St. Louis Sewer District have accepted the invitation to appoint voting participants to the Task Force. Ms. Price welcomed Bob Marchant, the MSD representative, to the meeting and said Councilman Ray Rolan will be the Bridgeton representative.

The City of Black Jack, the U.S. Army Corps of Engineers, and Southwestern Bell Telephone all have asked to be put on the Task Force mailing list.

Ms. Price said she is still waiting for the City of Florissant and McDonnell Douglas to determine whether they would like to participate. She advised that a representative from Florissant is attending today's meeting as an observer.



*Meeting Times*

Miranda Duncan reminded Task Force members that the second Tuesday of the month conflicts with another meeting for Jean Montgomery, the mayor of Berkeley. She said the issue for the Task Force is whether to change its meeting from the second Tuesday of the month to the first, third, or fourth Tuesday of the month to accommodate Ms. Montgomery's schedule. The meeting time would remain the same.

She asked Task Force members to vote on ballots that were distributed.

After the ballots were counted, Ms. Duncan reported that the Task Force agreed to change its meeting date and indicated a preference for the third Tuesday of each month. The next Task Force meeting will therefore be January 16.

*Communications Working Group*

Ms. Price said the Communications Working Group has requested that the Task Force approve a plan for a public meeting to discuss the Task Force's draft recommendations. The plan, which was distributed at both the September and November meetings, recommends a format for the proposed public meeting. She asked for any comments.

Mr. Adler said he hopes the process will allow for DOE to have insight into the recommendations prior to their being presented to the public. He said DOE needs an opportunity to indicate whether the proposed recommendations are within the bounds of acceptability before they go to the public for review.

Jim Dwyer, who had joined the meeting, advised that Mr. Adler's concern has been anticipated and will be accommodated.

The public meeting plan was approved unanimously.

*Dawn Mining and*

Mr. Dwyer advised that subsequent to the

*Envirocare  
Requests*

November Task Force meeting, he had received phone calls from both Dawn Mining Co. and Envirocare representatives asking for the opportunity to make presentations to the Task Force.

He said initially it was thought that presentations could be scheduled for the January Task Force meeting. However, it has been proposed that initial presentations be made to the Alternative Sites Working Group, in order to allow adequate time for thorough consideration of all relevant issues. The working group would then report to the full Task Force.

Ms. Ginsburg suggested that the Alternative Sites Working Group meet first to consider both format and content. She said she doesn't want the presentations to become the "battle of the PR guys."

Jim Grant also suggested that the entire Task Force be informed of the schedule of working group meetings, so that all interested parties may attend.

Mr. Frauenhoffer suggested that people contact Mr. Dwyer if they are interested in attending the working group meetings or if they have questions about Dawn Mining or Envirocare.

The Task Force concurred with the proposal to invite Dawn Mining and Envirocare to make presentations to the Alternative Sites Working Group.

*New Business*

Mr. Larson informed Task Force members that representatives from some utilities would be meeting later in the day with DOE to discuss emergency response procedures when utilities work in contaminated sites.

Mr. Frauenhoffer said the possibility of scheduling a second Task Force meeting in January had been discussed. Mr. Dwyer said

the schedule is dependent on when the Coldwater Creek Panel finishes its work. He said there is a likelihood that the Task Force may have to meet more than once a month in order to conclude its work on schedule.

Mr. Adler said he wanted to alert the Task Force to a potentially confusing issue that has arisen between DOE and MDNR. He said that DOE has been monitoring and maintaining SLAPS and has no intention of backing away from that commitment. However, he said MDNR demands that DOE obtain a stormwater discharge permit for the site, and that DOE's position is that such a permit is not required.

Mr. Adler said that despite this procedural issue, the important thing for the Task Force and the community to know is that the site is being monitored by DOE and that there is no backing away from this commitment to manage the property.

Mr. Erickson said he is not sure the permit debate is an appropriate issue to put before the Task Force. He said the state is not trying to hold the project up. Rather, MDNR wants DOE to obtain a permit as any other industry would have to do. He added that this is not a new issue; it has been under discussion for nearly two years.

*Agenda for  
January Meeting*

Ms. Price asked for proposed items for the agenda for the January meeting. There were no suggestions.

The meeting adjourned at 9:21 a.m.

The next meeting of the St. Louis Site Remediation Task Force is scheduled for January 16, 1996.

Approved January 16, 1996

00-1839

Formerly Utilized Sites Remedial Action Program (FUSRAP)

# ADMINISTRATIVE RECORD

for the St. Louis Site, Missouri



U.S. Department of Energy