


ST. LOUIS FUSRAP OVERSIGHT COMMITTEE

*c/o 111 So. Meramec
Clayton, Missouri 63105
314.615.1635*

Ric_Cavanagh@Stlouisco.com

MEMORANDUM

TO: FUSRAP Oversight Committee Members
Other Interested Parties

FROM: Richard R. Cavanagh 
Chairperson

RE: Next Meeting

The next meeting of the St. Louis FUSRAP Oversight Committee will be on Friday, May 12, 2000, 11:30 am, at the trailers on Latty Ave.

Members who cannot attend should contact me at one of the above numbers to be excused.

Thank you.

:RRC

ST. LOUIS FUSRAP OVERSIGHT COMMITTEE

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Clayton, MO 63105

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Ric_Cavanagh @Stlouisco.com

Summary of April 14,2000 Meeting

Members Present: Jan Titus, Anna Ginsburg, Ric Cavanagh, Sally Price, Jack Frauenhoeffer.

Members Excused: Tom Manning, Bill Brandes

Other Interested Parties: Lou Dell'Orco, Sharon Cotner, Bob Boland, Col. Michael Morrow, Larry Erickson, Jo Anne Wade, Eric Gilstrap, Tom Horgan, Dave Wagoner, Barry Power

The following comments are in addition to the handouts provided by USACE (see attached).

Page 4 – Workers have actually encountered lower hits in the Radium Pits than expected. The 89 intermodals were for asbestos.

Page 5 – MDNR's issues were the blending of soils and dust control. At the time of the letter to USACE from MDNR, MDNR did not have a copy of the Dust Control Plan. At the request of MDNR, additional monitors were added (will be utilized for a few weeks, then their use will be evaluated to determine if continued use would be helpful). As of this meeting, MDNR was reviewing the Dust Control Plan. They stated that they basically were in agreement with it.

Sharon Cotner reported on an incident at the site. Five of the Contractor's workers were standing inside the gondola cars when dirt was poured into the cars. They breathed in some dirt. To follow up, sampling has been done, workers have had both urinalysis and fecal sampling. The personnel are being retrained, the five workers will not be back at the site.

Page 6 – 5862 cyds out of 8-10,000. 8a= small business, minority.

Page 7 – more volume than expected. Some decisions need to be made in the next two weeks whether to continue or to backfill and come back later. This is a budget issue.

Page 8 – Rev O is the one that goes to the Contractor. Plant 2 just has shovel work left to be completed.

Page 9 – The dispute with CX has taken over five months to resolve.

Other Issues:

- Eric Gilstrap distributed a report on field operations at the Radium Pits. This will be discussed at next months meeting.
- Ric Cavanagh discussed recent media issues relating to USACE's work at Tonawanda, NY. The April 10 Washington Post article made allegations that the Corps had not been responsive to community expectations, had not cleaned up to unrestricted use standards, etc. (see attached) A planned Senate Hearing on the subject that would have given Sen. Barbara Boxer the opportunity to express her concerns about the Tonawanda soil being shipped to what she asserts is an unlicensed landfill in California. When the hearing was cancelled, she issued a press release (attached).
- Col. Morrow addressed the Committee, specifically discussing the above issues. He pointed out that there were four major differences between St. Louis and New York State. First, public safety has been a high priority in St. Louis. There has been regular and ongoing input from both local and state regulators. Second, St. Louis has worked hard at assuring that low level material goes to low level sites. It makes no fiscal sense to send low level waste to high cost sites. Third, St. Louis has independent verification of samples at all times. New York does not. Fourth, clean up standards have been maintained consistent with Task Force recommendations.

Col. Morrow went on record that he will support clean up standards that match those recommended by the St. Louis Site Remediation Task Force.

The Committee agreed to have the Co-chairs of the Committee get the County Executive and the Mayor to draft a joint letter to editor of the Washington Post showing St. Louis' strong support for the work of the Corps of Engineers at the St. Louis FUSRAP sites.

NEXT MEETING
Friday, May 12, 2000
11:30 am
Latty Ave. Trailers



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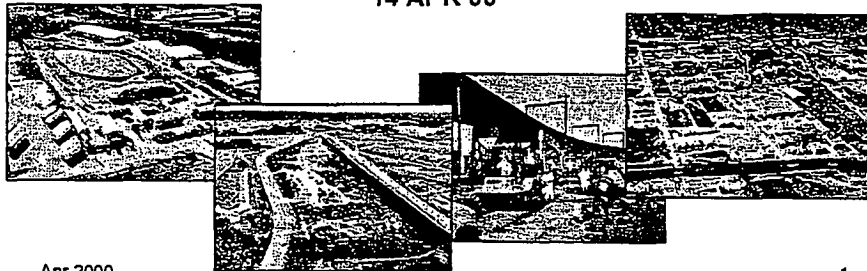
FUSRAP



Gateway to Excellence

St. Louis Oversight Committee Meeting Corps Update

14 APR 00



Apr 2000

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Agenda



Gateway to Excellence

- **Mississippi Valley Division**
- **Progress Report**
- **Community Interactions**
- **Taskers**
- **Questions**

Apr 2000

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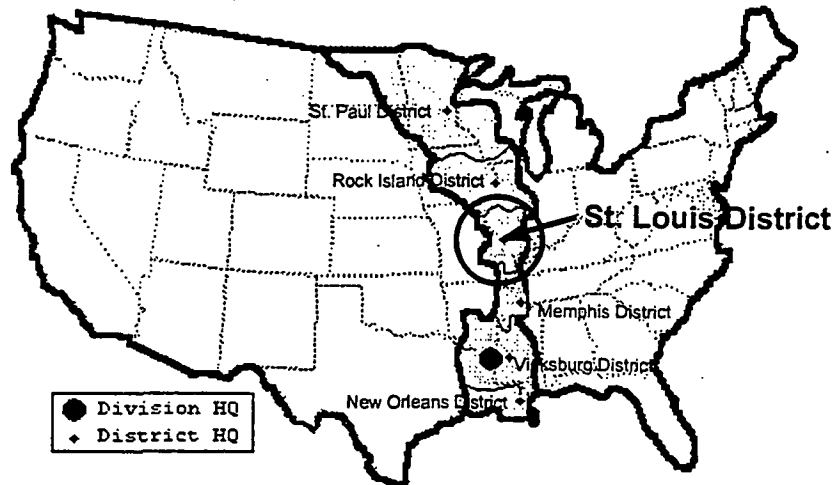


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Mississippi Valley Division



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Progress Report St. Louis Airport Site (SLAPS)



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- **Remedial Design**
 - **East End Extension**
 - Pre Design Investigation ongoing, REV A by 1 JUN
 - Split into East End, McDonnell Right of Way (ROW) and Railroad ROW
- **Remedial Action**
 - **Progress continues: 3,500 cyds excavated and disposed of to date**
 - 30,000 cyds of material are expected to be removed.
 - Pre Design Investigation (PDI) for gross excavation of Radium Pits completed
 - Quantities may rise, concentrations did not change
 - Blending has taken place in the Radium Pits rather than the loadout pad as a Best Management Practice (Currently on loadout pad)
- **Rail Shipments off SLAPS and Eva**
 - 118 gondola railcars & 89 intermodals shipped to date in FY 00 (7,700 cyds)

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Progress Report Radium Pits Update



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- **MDNR expressed concern over some issues:**
 - Blending - We are blending within the pits rather than on the loadout pad.
 - Dust Control - MVS provided MDNR a copy of the dust control plan and agreed to put out additional monitors until the results came back.
- **Incident**
 - 5 workers were standing inside the rail cars, holding down the liner, when a load of dirt was deposited in the railcar (Against procedure used by contractor)
 - Personnel were subject to possible contamination exposure from inhalation and ingestion. Lapel samplers showed no intake.
 - All removed from work involving radiation exposure and required to provide a urine and fecal bioassay sample for evaluation.
 - All individuals showed no detectable activity on nose blows with hand held instrumentation.
 - All passed an exit survey

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Progress Report Hazelwood Interim Storage Site (HISS)/Latty Avenue



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- **HISS Eastern & Railspur Spoils Pile Removal (12,650 cy total).**
 - Contractor is making good progress
 - Railroad spur piles 1 and 2 have been removed and shipped.
 - Removal of GIFREHC pile will commence next week
 - Soil is being sent to Envirocare
 - FY00 removal is 5,862 cyds to date
 - Supplementary Pile Plans and Specifications due 17 JUN
 - Funding is in place, work has begun on P& S
 - Acquisition Strategy Meeting was held for procurement
 - 8a contract will be used

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Progress Report SLAPS Vicinity Properties



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- **Remedial Design**
 - Pre Design Investigation complete for VP 9/10/11/12. Class 2 surveys are ongoing.
- **Remedial Action**
 - VP38 (SUPERVALU) remediation - 1 MAR start (1,500 cyds)
 - 1,865 cubic yards have been shipped to date.
 - Currently boring holes and taking samples around the excavation perimeter to further define the extent of contamination and cost to complete
 - Volume is expected to grow to 5,600 cubic yards
 - Material is being sent to EnviroSAFE
- **North County Site Prioritization Plan remediation strategy was completed**

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Progress Report St. Louis Downtown Site (SLDS)



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- **Remedial Design**
 - Plant 6E/ 6E1/2 90% (@ 3500 cyds) Remedial Design status
 - Rev 0 awaiting final USACE response to comments
 - Pre Design Investigation sampling is ongoing for SLDS Vicinity Properties
 - PVO Foods, Gunther Salt and the MSD Lift Station
- **Remedial Action**
 - Plant 2 Is - 99% complete, 10,200 cyds excavated.
 - Approximately 1 cyd remains
 - Site is 65% backfilled. Contractor is completing sewer tie in
 - Plant 1 preparatory work will begin in mid-May
 - Level of effort will increase when Plant 2 is complete
- **4,500 cyds shipped this FY (54 railcars) / 8,500 scheduled**
- **USACE has begun work on a Utility Agreement for the SLDS**
 - MSD, City Water and LaCiecle Gas are affected

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Progress Report Other Issues



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- **North County Feasibility Study/ Proposed Plan**
 - Received CX response to our comments, minus Office of Counsel, on 5 APR
 - Issue resolution conference was held 14 APR
- **Site A/E Contract - At Division HQ for approval**
- **Requested capability funding from HQUSACE, \$7.357 million**
 - Received \$4.007 for St. Louis Sites on 4 FEB, no status on remainder
- **DoE Program POC's interactions**
 - None during this timeframe
- **Completed and implemented the Document Management System**
- **Boxer / Buttonwillow Congressional Hearing**
 - APR 12 date postponed, not rescheduled to date
 - MDNR to provide written testimony, along with others
- **Teamsters - No other issues since last month**

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Community Interactions



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- **Recent Events**
 - Issued a Press Release to the Post Dispatch for the beginning of the Radium Pits.
 - Conducted interview with Post Dispatch on 13 APR, article is pending.
- **Upcoming Events**
 - Newsletter to be published in APR
 - Kids Day display at the St. Louis District on 26 APR

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Taskers



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- **Old Taskers**

- Provide the name and number of the POC for McDonnell Blvd. Right of way to Ms. Titus. (Complete)
- Provide Ms. Price the contamination level of the SLAPS VP's vs. the levels at SLDS. (Complete)
- Provide Mr. Cavanagh and Mr. Horgan the exact date for the Congressional Hearing on 11(e)(2) in April. (Complete)
- Keep Mr. Fraunhoffer and Ms. Titus informed of the Teamster issue (Complete - no news)

- **New Taskers**

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Questions



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Questions? Questions? Questions?
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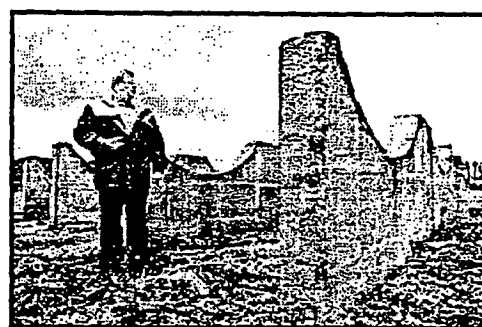
Nuclear Cleanup's Fallout

By Michael Grunwald

Washington Post Staff Writer

Monday, April 10, 2000; Page A01

TONAWANDA, N.Y. — A bleak industrial site cluttered with rusting trash bins and danger signs sits next door to the elementary school here, a radioactive relic of the race to build the atomic bomb. The site concealed a secret uranium plant during World War II, processing ore from Colorado and Congo for the historic Manhattan Project. Now it conceals a contaminated mess, a wartime legacy of low-level nuclear waste.



Thomas Dugan, manager for safety, health and Environment at Praxair, surveys cement cradles that held nuclear waste tanks in Tonawanda, N.Y. (Michael Williamson - The Post)

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The Army Corps of Engineers, the nation's largest and most energetic public works agency, is supposed to fix that mess. In September 1997, after a late-night flurry of political machinations, Congress transferred the radiation cleanup program for Tonawanda and 20 similar sites from the Department of Energy to the Corps. Eager to take on the \$140 million-a-year mission, Corps officials argued that their agency was "a natural for the job."

But in Tonawanda, a gritty suburb of Buffalo, the Corps may be making an environmental and political mess of its own. The agency's \$28 million cleanup plan for the site would allow radioactive uranium levels at least six and possibly 30 times higher than any other such plan in history; state and federal regulators say they have never seen a weaker proposal. New York's health department warned that the site may need a radioactive materials license--after the cleanup.

Meanwhile, the Environmental Protection Agency has launched a criminal investigation into early disposal efforts in Tonawanda, probing whether the contractors hired by the Corps mishandled waste and even manipulated data to disguise radioactive material as less dangerous garbage. California regulators are investigating, too; they claim that more than 2,000 tons of Tonawanda debris was buried illegally at a San Joaquin Valley dump without a federal radioactive waste license. On

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wednesday, a Senate committee will hold a hearing on the broader Corps decision to dispose of many of its Manhattan Project leftovers in such landfills.

The Corps insists its cleanup of the so-called Linde-Praxair site here will protect human health and the environment. And the agency's first two radiation cleanups--one in Tonawanda, one in nearby Buffalo--do appear to be success stories. The Corps believes less stringent standards make economic sense at Linde-Praxair, because the waste is confined to an industrial location and is generally considered "low level" uranium, thorium and radium. Sen. Barbara Boxer (D-Calif.) says one Corps lawyer told her it is so safe, she could roll around in it.

Leading radiation experts emphatically disagree. They caution that even low-level waste can increase cancer risks, and even low-level waste sites can hide dangerous "hot spots." And they warn that the Corps is literally breaking new ground in radiation protection, ignoring long-accepted procedures and introducing unprecedented assumptions into its cleanup plan.

Arjun Makhijani, president of the Institute for Energy and Environmental Research, reviewed hundreds of pages of Tonawanda documents at The Post's request. Makhijani also spoke at length to a Corps technical expert, and while he was impressed with the agency's openness, he believes its plan "sets a poor example for cleanup in other areas of the country."

"The Army Corps has claimed it is cleaning up this site to a free-release standard--clean enough so that homes can be built there and children can play," he said. "I have concluded that its claim is based on egregious assumptions."

The story of the Corps' recent entree into nuclear waste offers a new example of how this unusual Pentagon-based agency's close ties to Congress have allowed it to expand its mission over the years, sometimes into areas where its qualifications are in question. The result, say environmentalists, anti-tax advocates and local activists, has been a steady stream of wasteful pork-barrel projects, vast environmental damage--and now, at Tonawanda, the specter of a radiation debacle.

In recent months, the agency's military-led bureaucracy has been criticized for devising an internal "Program Growth Initiative" designed to boost the agency's budget by \$2 billion, and for allegedly rigging a study to justify billion-dollar projects on the Mississippi and Illinois rivers. Army Secretary Louis Caldera recently announced a series of management reforms designed to restore public confidence in the Corps, but suspended them on Thursday after just one week, a response to heavy pressure from several key Republican senators.

The agency's defenders inside and outside Congress say the Corps--an

aggressive, 37,000-employee powerhouse with a can-do mentality--is the obvious choice for an earth-moving job like Tonawanda. "We've got the expertise," said George Brooks, a top Corps engineer in Buffalo. "We know we can do this."

But the Corps is taking an unprecedented approach to nuclear cleanup, and its critics ask why a public works agency is setting new radiological standards. The Corps, they say, didn't enhance its case when it refused to follow the normal procedure of hiring a "verification contractor" to monitor its work in Tonawanda--even after a local citizens group offered to pay the bill.

"The Corps just doesn't seem to be operating in the real world," said Paul Giardina, chief of the radiation and indoor air branch for the EPA's New York regional office. "They're so far out of line; we've never seen anything like it."

Corps officials have refused to change the controversial numbers in their official plan, but in public meetings, they have pledged that their final cleanup levels at Linde-Praxair will be well below the legal maximums, satisfying the demands of the critical state and federal regulators. The blunt-spoken commander of the agency's Buffalo district, Lt. Col. Mark Feierstein, has offered a straightforward message to the community: Trust us.

"To me, the Army is an organization where to the maximum extent possible you do the right thing, and that's why I stayed in it," Feierstein said at a meeting last April. "Again, if you trust your military, that's why Congress gave this mission to the Corps of Engineers."

A Congressional Switch

Actually, it was a bit more complicated than that.

The fiscal 1998 energy and water bill, the legislative vehicle that whisked the so-called FUSRAP nuclear waste cleanup program to the Army Corps from the Energy Department, was a textbook example of the long-running love affair between Congress and the Corps. The bill included a whopping 68 specific projects that members had directed the Corps to build in their home districts.

Many Republicans in Congress hated the Energy Department as much as they adored the Corps. They had tried to abolish the department after their revolution of 1994. Then the energy secretary, Hazel O'Leary, became embroiled in a foreign junket scandal. And shortly before the 1996 election, O'Leary appeared at a New Jersey FUSRAP site with a Democrat named William Pascrell Jr., who was mounting an ultimately successful challenge to then-Rep. Bill Martini (R-N.J.).

So the GOP was primed to attack Energy. And Energy's humbling had

...the EPA was primed to attack energy. The Energy Department had turned FUSRAP--Beltway bureaucratise for the Formerly Utilized Sites Remedial Action Program--into a juicy target.

In spring 1997, Rep. Joseph McDade (R-Pa.), then chairman of the House Appropriations energy and water development subcommittee, looked hard at FUSRAP. He discovered that the Energy Department had decontaminated only 25 of 46 sites since the program began in 1974. And he found that Washington-wired Bechtel Group Inc. had kept the primary contract without a competitive bid since 1980.

"I said, 'My God, this is outrageous,' " McDade recalled in an interview. "So I asked the Corps if they thought they could take it on instead. They said: 'Hell, yeah.' "

The Corps, after all, was on the prowl for new work. Lt. Gen. Joe Ballard, the agency's military commander, had just published a "Strategic Vision," and "Seek Growth Opportunities" was one of its three main principles. (The others were "Revolutionize Effectiveness" and "Invest in People.") The document urged the agency to "market and capitalize on opportunities for mission growth," to "continuously scan the horizon at all levels for emerging trends, challenges and opportunities," to "target new work that promotes core competencies."

No one ever held a hearing to ask whether FUSRAP matched those core competencies. In fact, when then-Energy Secretary Federico Pena testified before McDade's subcommittee, no one even mentioned the possibility of a switch. But McDade--egged on by a staff member who once worked at the Energy Department--tucked the provision into the House budget anyway. He said his committee members really saw FUSRAP more as an earth-moving program than a radiological health program.

They even had a nickname for it: Muck and Truck.

"Everyone knew this was very low-level stuff," McDade said. "Was the Corps trying to grow its budget? Of course. That's what bureaucracies do. But this was a perfect fit for them."

Still, a sudden shift seemed unlikely. The Senate bill left FUSRAP alone. The White House "strongly opposed" a transfer. Energy began explaining its plans to reform the program. And members from the eight states with active sites signed letters warning that a switch would further delay long-overdue cleanups. "Everyone told us the program was safe," one administration official recalled. "Then it got stolen in the dead of night."

The night was Sept. 24, 1997, when House and Senate committee members met to reconcile their versions of the \$20.7 billion bill.

McDade had already paved the way for the switch, using an old appropriator's trick. He had cut funds in the House version of the bill for Energy labs in New Mexico, the pet projects of his counterpart, Sen. Pete V. Domenici (R-N.M.). Then he agreed to undo the cuts--in exchange for concessions. So after the conference began, Domenici announced that the Senate would accept the House language on FUSRAP, and asked for a show of hands. The ayes have it, he announced.

Then something weird happened. Sen. Harry M. Reid of Nevada, the ranking Democrat on the committee, demanded a roll-call vote. "This is bad government," Reid declared.

Then something even weirder happened. The ayes didn't have it, by a 9 to 5 vote. Reid had lined up proxy votes, and had persuaded three Republicans to cross party lines. "Everyone was stunned," a lobbyist said. "You just never see that happen. It was a real ambush."

A red-faced Domenici quickly called a recess, and the chairmen and ranking Democrats retreated to a private meeting to finalize the bill. Everyone seems to recall a frenzy of horse-trading, but no one seems to remember what got traded.

In any case, when it was over, Reid backed down. FUSRAP was assigned to the Corps--and as a final gift, its budget was nearly doubled, to \$140 million.

Reid insisted that he didn't receive anything for his switcheroo; he noted that he had already secured funding for his top priorities, including Nevada's nuclear test site, Las Vegas flood control and a Corps project on the Truckee River. Reid said he simply gave in because he lost his votes: "From a public policy standpoint, I thought switching that program was foolish."

Action, and Then Anger

St. Louis could argue the point--although it probably wouldn't--but gritty Tonawanda, just 20 miles from the toxic disaster at Love Canal, has a plausible claim to be the FUSRAP capital of America. In addition to Linde-Praxair, home of the top-secret uranium factory known as the Ceramic Plant during the war, three nearby sites are in the program as well.

For years, the waste just sat there, nestled in walls and vents and underground tunnels, a corrosive presence in the town psyche. There were angry meetings with screaming politicians. There was talk around town about cancer clusters. The Energy Department and Bechtel became community pariahs.

Then the Corps marched into town. And dirt began to fly.

"The Energy Department had no credibility around here," said Chuck Swanick, the chairman of the Erie County Legislature and a leader of Citizens Against Nuclear Waste in Tonawanda, or CANiT. "Then this guy in an Army uniform shows up and says: We're getting this stuff the hell out of here. And here go the bulldozers! Action! Action! Can you imagine how we felt?"

Even New York's aggressive radiation regulators are satisfied with the first two Corps cleanups. But at Linde-Praxair, the Corps is running into trouble.

The problems started at Building 30, where 28,000 tons of uranium ore arrived during the war to begin the concentration process for the A-bomb. Today, all that's left of Building 30 is a small loading dock on a concrete slab the size of a soccer field. The Corps demolished the structure in 1998, then sent 83 rail cars full of wood, concrete and insulation to a Buttonwillow, Calif., dump that is not licensed to receive low-level radioactive waste.

Now sources say the EPA's Criminal Investigative Division is digging into the disposal of Building 30. EPA officials would not confirm or deny the probe, but Giardina and his boss, environmental planning director Kathy Callahan, openly criticized the way the situation was handled.

First, Giardina and Callahan blasted the Corps for measuring only 26 small samples for radioactivity out of a 2,165-ton pile of debris; Lt. Col. Feierstein argued that the building had already been studied exhaustively in the past. But sources say the EPA investigators are looking at discrepancies between the studies and the actual Corps samples, and are not convinced the samples were truly representative of the rubble.

The EPA also denounced the Corps for mixing contaminated and uncontaminated debris from Building 30 and calculating the average radiation, instead of separating "hotter" sections for disposal under a radioactive materials license. Feierstein said his contractor simply segregated as much clean material as was practical, and did not need a license.

Investigators also want to know whether the Corps or its contractors manipulated the sample data in an effort to reduce the overall radioactivity average--in essence, whether anyone tried to mischaracterize the material to avoid regulation. Documents obtained by The Post suggest that at one point, a contractor considered removing two of the more radioactive samples as "outliers." But Feierstein said that in the end, "the idea was abandoned."

FUSRAP waste falls into a regulatory black hole, and there is widespread confusion about the responsibility of the Corps and its

widespread confusion about the responsibility of the Corps and its contractors to follow various state and federal rules. That said, Ed Bailey, radiation director for the California health department, flatly calls the Tonawanda disposal "completely unacceptable." His agency has determined that the Linde-Praxair waste poses no apparent health risk at Buttonwillow, but he believes the Corps clearly "mischaracterized" it, and had no business sending it to California.

Boxer goes even further: She believes the Corps should not send FUSRAP waste to any facility that is not licensed by the Nuclear Regulatory Commission. The agency is already shipping to unlicensed facilities in Utah and Idaho, which does not even have a radiation control program. "This is a mess, an absolute mess," Boxer said. "I am completely frustrated with the Corps. Their performance tells me that the last thing they need is new missions."

Assistant Army Secretary Joseph Westphal, the civilian leader of the Corps, has told Boxer that his agency will not send any more waste to California without written approval, but the Corps believes its actions were appropriate. Officials at Safety-Kleen Corp., which owns the Buttonwillow dump, charge that Boxer and other critics--notably Sen. Robert F. Bennett (R-Utah), who joined Boxer in requesting the hearing--are carrying water for well-connected Envirocare of Utah Inc., which runs an NRC-licensed dump that used to get most of the FUSRAP waste.

"This disposal process was very kosher," said Bill Ross, director of regulatory affairs at Safety-Kleen, which is enduring a scandal of its own after suspending three of its top officers over accounting irregularities. "On Monday morning after the big game, you can always talk about better ways to do this stuff. But we don't see anything wrong here."

The big question for the Linde-Praxair site is how much radiation is too much. Because as Corps officials love to point out, radiation is everywhere. In a glass of merlot. In a human body. In uncontaminated soil. In a bowl of Brazil nuts. "I want to be perfectly blunt and give you the unsugarcoated, unvarnished truth," Feierstein declared at the April meeting. "There is no way all of the radioactive material will be removed from this site."

Today, the 105-acre Ceramic Plant site serves as a research campus for Praxair Inc., the world's largest industrial producer of carbon dioxide. It provides jobs for 1,400 workers; unironic signs around the campus tout "An Atmosphere of Excellence." Praxair wants to develop the rest of the site, and local officials are eager to see that happen.

"They've studied the heck out of this site," said Thomas Dugan, Praxair's manager for safety, health and the environment. "Enough already. Let's get this over with."

That is a widespread feeling here. Local officials protested in April when the Corps announced that its maximum cleanup standard for uranium would be 600 picocuries per gram--six times higher than any previous radiation cleanup plan, and 10 times higher than the original maximum set by the Energy Department. But now the officials say they are waiting to see how the cleanup goes--even though the agency subsequently proposed maximum uranium levels as high as 3,021 picocuries per gram, comparable to the concentrations in minable uranium ore.

"The Corps is putting this entire area at risk, and nobody seems to care," said Ralph Krieger, a former Praxair union official who is now head of For a Clean Tonawanda Site, or FACTS, a more strident activist group that tangles often with the politicians who run CANiT. "People say: Dirt is moving, there's no danger now, so why worry? But what about our kids?"

Corps officials say that Tonawanda should not worry about the high numbers for radiation levels, that the only numbers that really matter are the projected doses for people. And they say their plan will create much less human exposure than, for example, porcelain dentures.

But experts say those dose calculations rely on unprecedented assumptions. Holmes Elementary School sits just west of the site; Two-Mile Creek runs right through it to the nearby Niagara River. Nevertheless, experts and regulators say, the Corps assumed in its analysis that the site will remain an industrial property forever, and that its groundwater will never become drinking water--even though its plan designates the site for unrestricted use after the cleanup, and even though the radioactive elements there could last millions of years.

"That site might be industrial for 10 years," Makhijani said. "But what about 20 years? What about 50 years? That radioactivity isn't going to disappear."

Still, the Corps has given the community more than an official plan. Feierstein also gave his word, promising that when the cleanup is done, the site will be safe for residential use. "Our credibility is shot if we don't make that," he said. "We're going to keep digging until we get there."

Digging, after all, is an undisputed Corps competency. And the agency's FUSRAP record is already giving it an entree into more complicated nuclear work. Congress has approached the Corps about cleaning up the highly contaminated uranium enrichment plant at Paducah, Ky. And the Buffalo district was recently hired to help decommission a nuclear reactor in Ohio.

"I hear that's a \$100 million job we're picking up," said Hank Waters, a Corps construction manager. "That's a nice little piece of work."

The Corps' Cleanups

In fall 1997, Congress switched a radioactive waste program from the Energy Department to the Army Corps of Engineers. In Tonawanda, N.Y., the Corps is literally breaking new ground in radioactive waste cleanups. There is dispute about the maximum uranium levels in the official Corps plan, but the levels are far higher than any other cleanup plan in history.

Max. uranium level after cleanup (picocuries/gram)

Tonawanda, N.Y.* 600 3,021

Maywood, N.J. 100

Springdale, Pa. 100

Hazelwood, Mo. 60

Fairfield, Ohio 35

Oxford, Ohio 35

Naturita, Colo. 30

* The Corps says it is committed to a maximum level of 600 picocuries/gram, but its documents include levels up to 3,021 for subsurface soils. The Energy Department had planned to clean the site to 60.

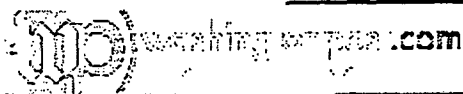
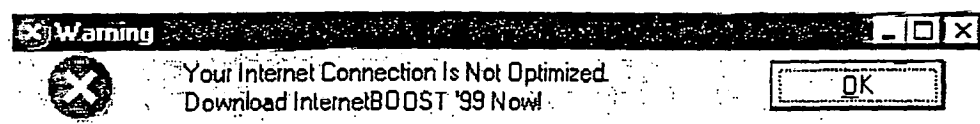
SOURCES: Army Corps of Engineers, Energy Department, Environmental Protection Agency

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Web Search:

From: "DellOrco, Lou MVS" <Lou.DellOrco@mvs02.usace.army.mil>
To: "ric_cavanagh@stlouisco.com" <ric_cavanagh@stlouisco.com>
Date: Tuesday, April 11, 2000 7:15AM
Subject: FW: Boxer News Release (Ref Washington Post Article)

Ric - Cong Boxer's insight on why the hearing was cancelled. Lou

> -----
 > Found this on Sen. Boxer's web site at:
 > http://www.senate.gov/~boxer/newsroom/04102000_renews.html
 > Full text follows, FYI:

>
 > **BOXER RENEWS CALL FOR SENATE HEARING**
 > **ON RADIOACTIVE WASTE**
 > Citing six-month delay, Senator asks Committee
 > Chairman Smith to reschedule hearing

>
 >
 >
 >
 > April 10, 2000

>
 > Washington, DC - U.S. Senator Barbara Boxer (D-CA)
 > today expressed her disappointment that the Senate
 > Environment and Public Works (EPW) Committee had
 > postponed a scheduled hearing on radioactive waste
 > disposal. In a letter to EPW Committee Chairman Bob
 > Smith (R-NH), Boxer urged him to reschedule the hearing
 > as soon as possible.

>
 > In September 1999, Boxer and Senator Robert Bennett
 > (R-UT) asked the Committee to investigate the U.S. Army
 > Corps of Engineers Formerly Utilized Sites Remedial
 > Action Program (FUSRAP). Boxer was particularly
 > concerned that the Corps had disposed of 2,200 tons of
 > radioactive waste in a Buttonwillow, California dump that

> is
 > not licensed to receive radioactive waste.

>
 > Today, in a front-page article, the Washington Post
 > detailed the Corps' problems with FUSRAP, focusing on
 > the New York site where the 2,200 tons of radioactive
 > waste sent to California originated. Chairman Smith cited
 > the article as the reason for postponing the hearing,

> which
 > was scheduled for this Wednesday.

>
 > Boxer told Chairman Smith, "I understand that the
 > hearing has been postponed because the majority
 > would like more time to investigate the issues raised
 > in today's Washington Post article on FUSRAP. While
 > I appreciate the gravity of those issues, I must note
 > that I have been raising them since I first requested a
 > hearing on this matter almost six months ago."

>
 > Boxer continued, "The Environmental Protection

> Agency has launched a criminal investigation to
 > determine whether the Corps and its contractor
 > illegally mischaracterized the New York radioactive
 > waste that it sent to California. If this waste has
 > indeed been illegally mischaracterized, the Assistant
 > Secretary of the Army for Civil Works' personal
 > assurances to me that the waste may safely remain in
 > California are meaningless."

> Boxer concluded, "Since there are serious doubts
 > about the nature of the waste that today remains in
 > this unlicensed California facility, it is critical to
 > examine this issue in the full Committee as soon as
 > possible."

Safety issue raised amid dispute about N-waste site

By DOUGLAS TURNER
News Washington Bureau Chief
4/11/00

WASHINGTON - The safety of a Town of Tonawanda nuclear cleanup site has been called into question because of a dispute between the nation's top environmental regulators and the agency that is cleaning up the site.

The Environmental Protection Agency said Monday that the Army Corps of Engineers' standards for cleaning up the Linde-Praxair site do not meet long-term "protective" criteria for radioactive material required under EPA regulations.

The EPA's chief concern, according to spokeswoman Bonnie Bellow, is the potential effect of leached radioactive materials on ground water drained from the site of nuclear waste from the Manhattan Project to build the first atomic bomb in World War II.

Two Mile Creek, which empties into the Niagara River, runs through the plant area.

Bellow said the EPA last December questioned the levels of radioactivity that the Corps would permit to remain in residue left on the site near Military Road and Sheridan Drive after the \$28 million project is completed.

She said the EPA began investigating the project this year after receiving complaints about the Corps' work from the Radiation Division of the New York State Department of Environmental Conservation. The DEC, she said, also complained about the high levels of radioactive material taken from Linde to a disposal area in California.

The EPA declined to confirm or deny reports that its criminal division is investigating whether a Corps contractor illegally disposed of the material there, knowing that the site was not licensed to receive nuclear waste.

In response, the Corps said: "There are no undue risks or threats to the public health or safety at the sites in question."

David Hewitt, Corps spokesman, said that "the Corps and its contractors have complied with all applicable laws and regulations."

"The Linde site will ultimately be decontaminated to levels at or below the newly promulgated Nuclear Regulatory Commission standards designed to protect public health and safety," Hewitt said.

"The public can be assured that the corps is conducting (the program) in a manner protective of public health and safety, and at considerable savings to the taxpayer."

The dispute between the Corps and the EPA will sorted out during a hearing of the Senate Committee on Environment and Public Works.

Sen. Daniel Patrick Moynihan of New York, ranking Democrat on the panel, urged the Corps to continue working on the project, even as the argument continues.

"The last thing we want to do is stop the work," said Moynihan's chief of staff, Tony Bullock. "We have people in Tonawanda saying that for the first time in 50 years, we're getting that stuff out of here."

Rep. John J. LaFalce, D-Town of Tonawanda, who has obtained special appropriations for the cleanup work, asked the Corps commandant, Lt. Gen. Joe Ballard, to respond to questions raised about the project by a lengthy article in Monday's Washington Post.

The article reported that the Corps plan would allow radioactive uranium levels up to 30 times higher than in any other such plan.

"My office has been advised that EPA has said cleanup levels proposed (by the Corps) for Linde are within those that are consistent with cleanup levels at other radiation sites," LaFalce wrote to Gen. Ballard, "and that EPA and DEC have signed letters in support of the Linde Record of Decision (the Corps' formal cleanup plan)."

Organizations such as Public Citizen's Critical Mass are complaining that the Corps standards for such cleanups are too lax.

Reportedly, Paul Merges of DEC's Radiation Division complained to the federal government about the Corps' conduct of the project, triggering the referral to the EPA's Criminal Division.

DEC officials in Albany refused to allow reporters to talk with Merges. Bullock said Merges is among those called to testify soon at the Senate hearing. No date has been fixed for the hearing/

Lt. Col. Mark D. Feierstein, who heads the Corps of Engineers office in Buffalo, said critics are comparing apples and oranges when alleging that the soil remaining at the Linde site would have higher levels of radioactive uranium than other cleanup sites.

The critics, they said, are comparing the average levels of radioactive uranium left at other sites with the maximum levels that will be permitted at isolated "hot spots" at the Linde site, he said.

Erie County Legislature Chairman Charles M. Swanick, D-Kenmore, and Town of Tonawanda Supervisor Ronald H. Moline said they like the Corps plan, and have nothing but praise for the way the agency has been handling cleanup efforts.

Swanick and Moline said an independent consultant for the town endorsed the Corps cleanup proposal.

"Based on an in-depth analysis by our own consultant, they will meet or exceed all of the cleanup standards at Linde," Swanick said.

At issue is the amount of radioactive uranium that will be left at the Linde site after the cleanup, which starts in June. It is expected to take more than two years to complete.

James Rauch, founder of For a Clean Tonawanda Site, charged that while Feierstein is saying one thing, the Corps' published working plan for the cleanup says another.

Rauch noted that the cleanup site abuts Holmes Elementary School, as well as residential property. He suggested that the Nuclear Regulatory Commission, not the Army Corp of Engineers, should have handled the project.

"It's been NRC's policy since 1981 to allow only a fraction of the contaminated levels suggested by (the Corps)," Rauch said.

Reporters Susan Schulman and Deidre Williams of the Buffalo News Northtowns Bureau contributed to this report.



Missouri Department of Natural Resources Hazardous Waste Program



Federal Facilities Section
FUSRAP/SLAPS Radium Pits Report
Mar23-April 12, 2000

From: Eric Gilstrap

Removal Action

- Equipment used: 1) rubber tracked tractor (Caterpillar Challenger) with a scraper.
- 2) backhoe.
- Work plans were revised from the original intention of removing the most contaminated spots first. The Challenger removes soil in shallow lifts, over large areas. This process is expected to combine the most contaminated material with other soils thus resulting in average concentrations more suitable for use of the gondolas.
- Difficulties have been encountered with Challenger, where hard packed soils could not be removed with equipment failure. The backhoe provided assistance by breaking up the soil.



Air Monitoring:

- USACE is using high volume air samplers for 24 hr/7 days a week perimeter monitoring and as verification for Data Rams. Filter papers are changed twice a day (once in the morning and once after work, this gives daily results during removal actions and after work.) Note: Additional 24/7 monitors have been set up around the Radium Pits as a 3 week study to

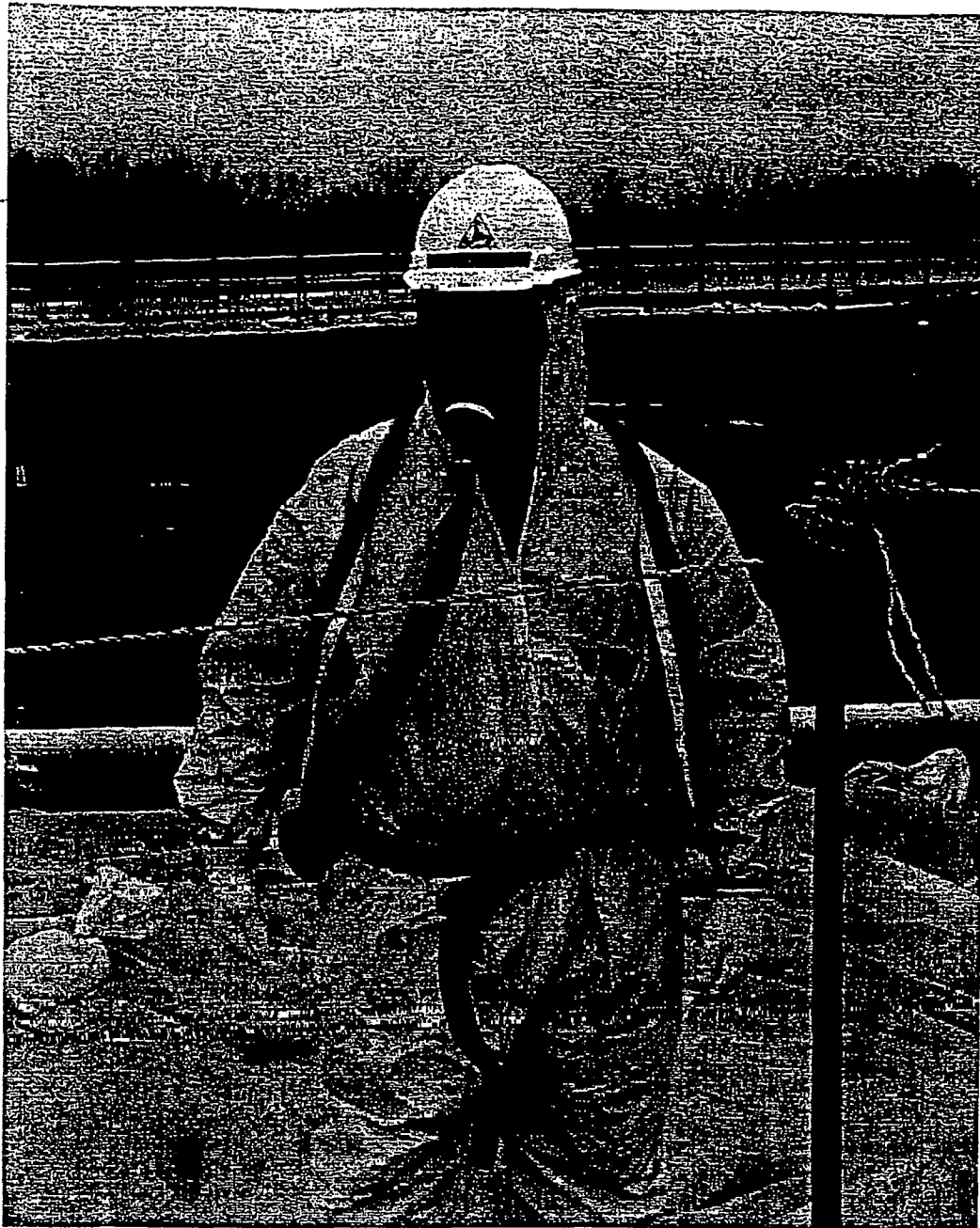
study dust suppression effectiveness. MDNR desires one or two of this monitors to be kept throughout the duration of the excavation because they provide additional monitoring between the Radium Pits and McDonnell Boulevard that would otherwise be unavailable. Wind conditions (such as velocity and direction) can change rapidly causing drying of soil and change in potential impact to passerbyes. Weather changes are not limited to working hours when USACE personnel would be unavailable to respond.

- Data Rams are real time early warning sensors used to protect people during times soil is being processed or disturbed. This equipment measures particulates. USACE correlates particulate count to potential exposure and sets action levels. Exceeding action levels results in an audible alarm from the equipment. Note: The audible alarm can be triggered when it is moved or bumped. MDNR personnel have been on-site when a monitor was moved resulting in an alarm sounding. It is very noticeable even with several pieces of heavy equipment operating and traffic passing by. Additional high volume air samplers are placed by the data ram so that an analysis of site conditions can be made should an alarm sound.
- During working hours, personnel are available to relocate monitoring equipment when wind conditions change.



Personal Protection Equipment:

- Laborers and operators currently wear level C protection while soil is being disturbed. This includes an air-powered cartridge respirator, tyvek, hard hat, boots, and gloves.
- PPE is downgraded by USACE when soil removal is not in progress dependent upon soil contaminant levels.



Dust Suppression:

- Covering stockpiles, watering the ground, and to minimize handling and disturbance of soil are the three key means of minimizing dust generation. Stockpiles are covered by USACE, but only if average contaminant concentrations exceed an action level.
- USACE does keep water trucks on-site to keep haul roads and remedial action areas wet. Constant monitoring by supervisory personnel is needed to ensure appropriate areas are adequately watered and others are not needlessly becoming saturated. During a site visit conditions were noted that soil removed by the excavator (approximately 1' below the surface) was dry enough to make a dust billow when placed, despite previous nights rains and watering of the Challenger route. USACE personnel immediately demanded heavy equipment resituated and watering redirected. USACE's prompt attention eliminated any

cause for alarm. MDNR encourages visual oversight of the removal action be maintained and hopes successes won't result in complacency.



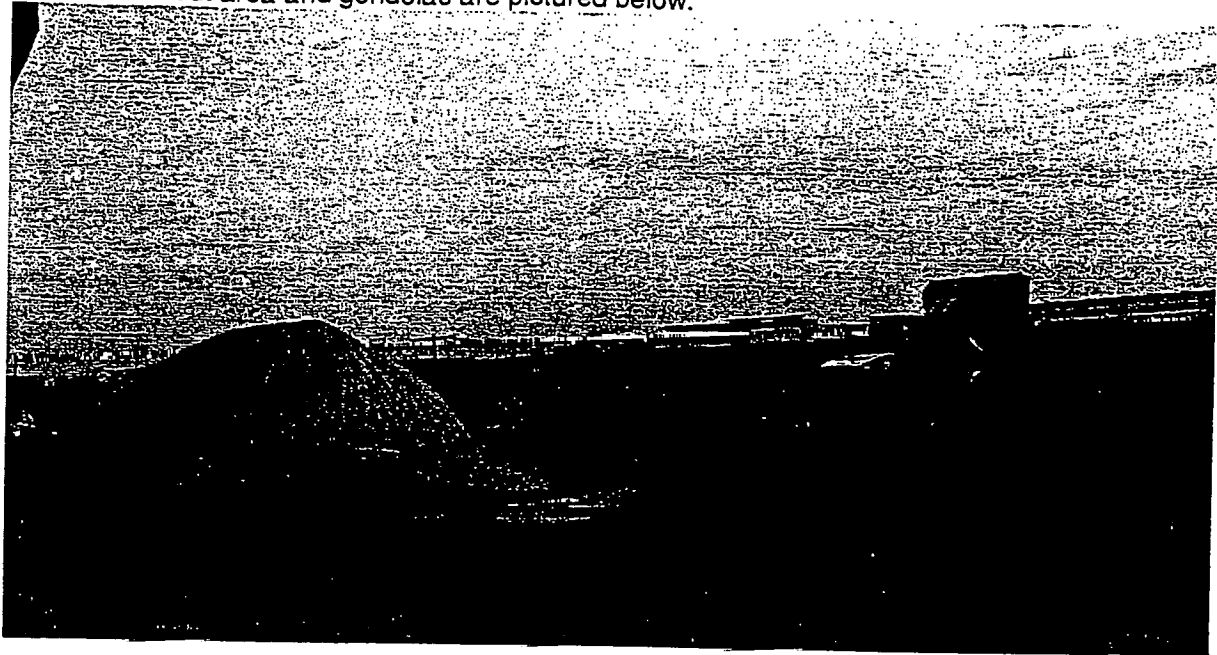
Soil Management:

- Changes to work plans included stockpiling excavated soil within the Radium Pits areas for sampling and testing to determine if average concentrations of contaminants requires additional blending to meet transportation requirements for use of the gondolas. USACE is avoiding having to upgrade to intermodal containers. (The latter are harder to load, hold less material, and cost more.)
- Soil removed by the Challenger is then deposited in three parallel strips. A composite sample is then taken of each individual pile, and then one sample combined from all three piles. Results are obtained promptly allowing the stockpiles to be relocated to the loadout the next day.
- To date, use of the Challenger to scrape the surface of the excavation thus blending soils through removal has been successful in preventing additional blending to occur within the radium pits excavation. The stockpiles have been determined to be shippable as is and have not been recombined. Hopefully, this success will continue as the radium pits work progresses and soil contamination varies.

Shipping:

- Dust suppression, air monitoring, and personal protection practices at the load out is similar to those used at the Radium Pits. Workers wear level C protection and stockpiled soil not being worked (and above USACE specified criteria for dust suppression) is kept covered.
- USACE uses lined gondola rail cars. An alternative method of shipment allowing higher average concentrations of contaminants is use of Intermodal containers. USACE prefers to avoid this because intermodals are more difficult to load, hold less material, and are more expensive.

- The loadout area and gondolas are pictured below:



Misc.:

- Removal action at the Radium Pits began on March 23, 2000. MDNR expressed concerns regarding:
 - 1.) changes to work plans without being allowed to comment.
 - 2.) locating stockpiles of soils and blending operations by McDonnell Boulevard.
 - 3.) blending seemed more imminent and different from what MDNR thought was portrayed.
 - 4.) observed storms and wind changes on March 24, 2000 indicate a need for additional cautions.
- USACE response to comments included:
 - 1.) USACE will work with regulators and Oversight Committee on notification process and will provide a briefing regarding work at the Radium Pits.
 - 2.) Locating of stockpiles and potential blending at the Radium Pits rather than the loadout was necessitated to minimize the spread of contamination and provide additional working room.
 - 3.) Additional 24hr 7 day a week air monitors will be installed for a trial period.
- Related site observations:
 - 1.) During the following weeks, watering the ground in the radium pits did occur continuously during removals actions.
 - 2.) Soil conditions (still being dry a foot below the surface despite rains and watering) demonstrates the need for maintaining visual supervision of the remedial action progress. USACE was proactive in relocating equipment and watering efforts based on visual observations.
 - 3.) USACE maintained watering practices during evening hours when high gusts of winds and rapid changes in direction were expected. (Concerns include drying of soils and increased potential for impact to passerbies.)
 - 4.) During remedial actions, USACE contractors relocated air monitors when wind conditions warranted it. They also steered on-site unprotected observers away from locations immediately downwind of work performed.
 - 5.) Stockpiles of soil at the loadout area that are NOT in the process of being shipped are kept covered.
 - 6.) To date, use of the Challenger to remove soil in shallow lifts has been effective in preventing additional blending operations from occurring within the Radium Pits.

Data Entry Form

{Technical Managers fill in C through G. Document Managers fill in the rest}

A. Document ID Number: Will be assigned by database 00-457 B. Further Information Required?: ☐

C. Primary Category: (Choose One):

USACE ☐
~~St. Louis Sites~~ ☒
 Downtown ☐
 North County ☐
 Madison Site ☐
 Inaccessible Areas ☐
 PRP ☐
 Oversight Committee ☒

D. Site (Optional):

SLDS VP ☐
 Mallinckrodt ☐
 SLAPS ☐
 SLAPS VP ☐
 CWC ☐
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E. Area (Optional): _____

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 Removal Response ☐
 Remedial Investigation ☐
 Feasibility Study ☐
 Record of Decision ☐
 Program Management ☐

Remedial Design ☐
 Remedial Action ☐
 Public Affairs/Community Relations ☒
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G. Secondary Document Type (see back of form): Correspondence

H. Bechtel Number: _____

I. SAIC Number: _____

J. MARKS Number(Choose One): FN: 1110-1-8100e ☐ FN: 1110-1-8100f ☐ FN: 1110-1-8100g ☐

K. Subject: April 2000 St. Louis Oversight Committee Mtg

L. Title: Minutes

M. Author: Richard Carmona

N. Author's Company: County Dept. of Health

O. Recipient: Distribution

P. Recipient's Company: _____

Q. Version (Choose One): Draft ☐

Final ☒

R. Date: 5/5/00

S. Include in the ARF? ☒

T. Include in the AR? ☐

U. Filed as Confidential/Privileged? ☐

V. To Be Microfilmed? ☐

W. Document Format (Choose one):

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