ST. LOUIS FUSRAP OVERSIGHT COMMITTEE c/o 111 So. Meramec Clayton, MO 63105 314.854-6635

June 29, 1999

MEMORANDUM

TO: FUSRAP Oversight Committee Members Other Interested Parties

FROM: Richard R. Cavanagh, CHE Chairperson

RE: July Meeting

The next meeting of the St. Louis FUSRAP Oversight Committee will be on Friday, July 9, 1999, 11:30 am, at the Latty Avenue Trailers.

Committee members who are unable to attend should call me to be excused.

Please also note that I have included in your mailing three articles regarding controversy over the disposal of New York radioactive waste in California. Sally Price sent the articles to me.

Thank you.

:RRC

ST. LOUIS FUSRAP OVERSIGHT COMMITTEE c/o 111 So. Meramec Clayton, MO 63105 314.854.6635

Summary of Meeting June 11, 1999

<u>Committee Members Present</u>: Tom Binz, Bill Brandes, Sally Price, Jan Titus, Anna Ginsberg, Ric Cavanagh.

Committee Members Excused: Jack Frauenhoffer, Tom Manning

Other Interested Parties: Doris Mann, Eric Gilstrap, Janet Williams, Mike Zlatic, David Wagoner, Robert Geller, Tom Horgan

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

Doris Mann was introduced to the Committee as an additional staff person assigned by MDNR to the project (working with Eric Gilstrap).

Page 2 - Correction to handout: 1500 cyd (not 800 cyd) of asbestos shipped to Envirocare

- Page 3 (5) \$1.5 million available, could spend \$3 million
 (6) 53 of 78 Vicinity Properties still to be done. Ballfields are part of SLAPS EE/CA.
- Page 4 (7) Scoping meeting: to try to not have as many unforseen problems as in Plant 2 TERC : Total Environmental Restoration Contract (on contractor for entire project)
 - (8) Eco Risk Sampling = Coldwater Creek. Note: St. Louis is first in line for extra funds (\$2 million) <u>but</u> funds may now not be available (PRP settlement has occurred but funds have not been freed up).

A/E Contract is up for bid at end of September. SAIC may be replaced unless they win the bid. (This is more than a FUSRAP contract. It is a five year, potentially
\$50 million contract. This includes the laboratory operation. Committee expressed concern about the costs of such a contract. Sharon responded that the contract only guarantees the successful bidder \$200,000 per year. The rest is as needed).

DOE has appointed a transition officer for our site (David Adler of Oak Ridge) whose role is to discuss institutional control and long term management.

Page 5 - (9) All St. Louis material continues to go to Envirocare. (Technically it is the contracting decision officer in KC who decides where it goes - but we have control

since St. Louis has to give her the money.

Page 5 - (10) Radian had one high hit in the quarter (but is was under the annual limit)

Taskers:

- 1) Provide a timeframe and schedule for the ballfields
- 2) A/E specs
- 3) Give Sally a copy of the DOE MOU
- 4) Further discussion of Dave Adler's role
- 5) Provide a copy of the emergency call list

Next Meeting

Friday, July 9, 1999 11:30 am Latty Avenue Trailers



N.Y. radioactive waste generating stir in state

By Dana Wilkie COPLEY NEWS SERVICE

May 18, 1999

WASHINGTON -- The federal government, which for years has prevented California from building a low-level radioactive waste dump for fear it was not safe, has put 83 rail cars worth of radioactive waste in a California dump that the state says is not licensed to accept such debris.

From October until last February, the U.S. Army Corps of Engineers shipped the material from a New York plant that refined uranium during World War II. The corps put the debris in a hazardous-waste dump in Buttonwillow, just west of Bakersfield. The debris includes forms of uranium, thorium and radium that can take millions of years to decay.

"They're extremely long-lived radioactive isotopes," said Paul Merges, who helped oversee the transfer of the waste for the state of New York's Department of Environmental Conservation.

A spokeswoman for the Corps of Engineers, which demolished the plant in western New York, said the corps acted responsibly when dealing with the Buttonwillow dump operated by Safety-Kleen Services Inc.

"Our contractor was assured by Safety-Kleen that they could accept our material, and that the California state regulatory agencies had agreed with them," said Arleen Kreusch, the spokeswoman for the corps' Buffalo division.

But, in fact, the California agency that regulates radioactive-waste dumping does not agree. In a March letter, the chief of the state's radiologic health branch warned Safety-Kleen that it was not licensed "to dispose of any radioactive waste" and that it could face financial penalties and misdemeanor charges if it did.

> St. Louis County Department of Health

> > JUN 28 1999

ADMINISTRATION

"This facility is not even licensed to receive or store radioactive material of any sort," wrote the radiologic chief, Ed Bailey.

"At the present time, there is only one site in California licensed to dispose of radioactive wastes from other persons, and that site is not currently built or operating."

Bailey was referring to a low-level radioactive dump that the state has licensed, but not yet built, in a Mojave Desert area called Ward Valley near Needles. The Clinton administration has refused to give California federal land for the depository because it feared that radioactive materials might leak from the dump and travel to the Colorado River 20 miles away. The river is a major source of California's drinking water.

Recently, a federal judge ruled that the U.S. Interior Department is not obligated to give California the land. The dump's builder, U.S. Ecology, may appeal the decision by the end of this month.

Safety-Kleen's director of regulatory affairs did not return mussages.

California is investigating the material buried at Buttonwillow. Bailey will decide what other parties besides Safety-Kleen, if any, are responsible should he conclude that the material was discarded illegally.

At least one supporter of the Ward Valley dump finds the Buttonwillow situation perplexing.

Nicki Hobson is director of the National Association of Cancer Patients, which wants California to build a dump for the radioactive debris generated by cancer research. To her, it is ironic that the federal government would for years protest the safety of the Ward Valley dump, then disregard California's worries about the proper disposal of nuclear waste from New York.

"I just don't understand how they can get away with doing that," Hobson said.

Dumps such as the one in Buttonwillow and the one planned for Ward Valley are designed to accept different types of waste. Each must get different licenses from California. Each may require different linings, different waste containers and different types of inspections to ensure that their debris does not contaminate the air or nearby water.

The New York waste came from a plant in the town of Tonawanda, not far from the Niagara River. There, radioactive isotopes were used in creating the atomic bomb during the famed Manhattan Project of World War Π .

After the war, the plant sat idle until the corps began dismantling it last September. On rail cars bound for California, the corps loaded 6.400 cubic vards of contaminated soils, insulation and other debris from the

http://www.uniontrib.com/news/uniontrib/tue/news/news_Bn18nukc.html

demolition.

The Corps of Engineers and the state of California disagree about where the waste should go because each classifies the debris differently.

Because the waste from the plant is not overseen by the Nuclear Regulatory Commission, the corps believes the debris is not technically radioactive, and therefore can be handled by a hazardous-waste dump like the one in Buttonwillow. The Tonawanda plant operated in the 1940s, but the Nuclear Regulatory Commission does not have jurisdiction over wastes produced before 1978.

However, the corps' Internet site repeatedly refers to the Tonawanda waste as "radioactive." The Department of Energy, which did the demolition work until the corps took over in 1997, sent the Tonawanda debris only to low-level nuclear waste dumps. And even New York, which has a hazardous-waste dump much like Buttonwillow's, won't accept the Tonawanda debris.

New York's Merges acknowledges that whether the commission regulates the waste or not, the Tonawanda debris is "identical" to radioactive waste that the commission does regulate and that now goes to only two dumps in the nation specifically designed for it.

Moreover, Bailey points out in his letter that "the status accorded to ... waste by another legal jurisdiction has no bearing on this California determination."

"We don't think that the corps can go dispose of something that they just decide isn't radioactive on anybody's land that they want to." Bailey said yesterday.

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Dumping Of Waste Is Questioned

By Marc Lifsher

The Wall Street Journal

SACRAMENTO -- Trainloads of radioactive debris produced during World War II's Manhattan Project have been shipped from New York to a dump in Kern County, raising the concerns of California officials who say the disposal may violate state laws and endanger public health.

Filling 83 railroad cars, the waste, described as "low-level radioactive building debris" by a U.S. Army Corps of Engineers news release, was shipped last fall from a World War II-era industrial facility in upstate New York that processed uranium for the nation's first atomic bombs. The 6,400 cubic yards of broken concrete and wood were moved by rail from Tonawanda, N.Y., to Los Angeles and then transferred to trucks for transport to a hazardous-waste-disposal site at Buttonwillow, 40 miles west of Bakersfield. The dump is operated by Safety-Kleen Corp. of Columbia, S.C., which confirms the final shipment was buried on March 19.

Both Safety-Kleen and the Corps, which contracted to have the building demolished and the debris hauled away. claim they had proper clearance from the state of California to bury the materials at Buttonwillow. "As far as the Corps is concerned, we've done everything appropriate," says Michelle Barczak, an attorney at district headquarters in Buffalo, N.Y.

Adds Tom Mullikin, Safety-Kleen's vice president for government and community relations: The level of radioactivity falls well below limits spelled out in an operating permit from the state Department of Toxic Substances Control.

Not so, say regulators at both the state Department of Health Services, which oversees the shipment, storage and disposal of radioactive materials, and the Department of Toxic Substances Control, which enforces state and federal laws governing the handling of other hazardous wastes. They say the Buttonwillow permit allows only disposal of materials with low levels of naturally occurring radioactivity -- not the contaminated residue of the nation's nuclear-weapons program.

"Where did all these people get the idea

that California said it's OK to bring waste here?" asks Edgar D. Bailey, chief of the Radiologic Health Branch at Health Services. "These are all entities that do business in California, and they should be familiar with our environmental laws." Safety-Kleen, he says, could face substantial fines and misdemeanor criminal charges if the current investigation concludes that the company violated California laws. Safety-Kleen's Mr. Mullikin says the company was operating legally under its permit for Buttonwillow, but adds that it's continuing to meet with the state in the hopes of coming to an understanding.

Safety-Kleen's permit to run a hazardous-waste facility doesn't prevent the Health Services Department from having the final word on cases involving low-level radioactive material, says Winston Gin, an acting deputy director of the Toxic Substances Control Department. "The facility cannot use our permit as a shield from another environmental regulatory agency."

Using Loopholes

The confusion over the Buttonwillow shipment's exact level of radioactivity, its legal classification and the authority under which it was shipped results, at least in part, from a dispute between several states and U.S. government agencies that have dealt with nuclear materials over the past 60 years. The disagreement centers on federal efforts to decontaminate sites that housed portions of the Manhattan Project. That top-secret research program, directed by University of California physicist J. Robert Oppenheimer, developed the world's first A-bombs, which were dropped on Japan in August 1945, ending World War II and launching the nuclear age.

Critics of the disposal effort -- mainly state government radiological regulators -- contend the Army Corps of Engineers has taken to interpreting the law in ways that allow it to send waste to sites that aren't necessarily

licensed to take it. In 1997, under an act of Congress, cleanup authority was transferred from the U.S. Department of Energy to the Corps.

That act, says Paul J. Merges of the New York State Department of Environmental Conservation, created loopholes in federal law that allow some relatively low-level waste to be sent to "any facility willing to accept it" -- rather than to a small number of specially licensed radioactive-disposal sites. Dr. Merges, in a speech presented last week to the Conference of Radiological Control Program Directors in Louisville, Ky., accused the Corps of Engineers of "seeking to minimize disposal costs, taking advantages of any gaps {real or imagined} in radiation jurisdiction."

Ms. Barczak, the Corps attorney, says "it's not a deregulation." It's a matter of whether the waste meets the new definition of what kind of matter can be sent to sites like Buttonwillow.

Lawmakers appear to be confused about the waste-disposal process as well. House Commerce Committee Chairman Tom Bliley (R., Va.) and ranking Democrat John Dingell of Michigan, sent a letter dated April 21 to the Corps chief, Lt. Gen. Joseph N. Ballard, asking for a detailed explanation of recent changes in the handling of radioactive wastes. Among other things, the letter asked for a list of all federally regulated hazardous-waste sites now being used by the Corps for radioactive-waste disposal.

Committee staffers, who have set a deadline of Friday for a reply, say they didn't know a major shipment of radioactive material had been sent to California.

Crossed Correspondence

Neither did California officials, at least not until recently, says Mr. Bailey of the Health Services Department. Mr. Bailey says he only learned of the shipment through a telephone call in late February or early March from Dr. Merges, expressing surprise that California had approved disposal of debris at the Buttonwillow site.

But that's disputed by Bill R. Ross. Safety-Kleen's western division director of regulatory affairs. Mr. Ross says he spoke to top officials at both the departments of Health Services and Toxic Substances Control last Oct. 21, telling them that Buttonwillow would be taking the shipment of "NORM." or Naturally Occurring Radioactive Materials, from New York. And he told them the levels were well below the 2,000-picrocuries-per-gram limit spelled out in the company's permit from Toxic Substances Control.

That conversation was followed by a fax and letter with the same information. The fax noted that "a copy of the letter" would serve as confirmation to the Corps and its demolition contractor that the waste shipment meets "federal and state waste-classification standards." Mr. Bailey says he didn't see Mr. Ross's letter until he obtained a copy from Dr. Merges.

Meantime, Mr. Ross says that since he received no reply from either state agency for months after sending the letter, he assumed Safety-Kleen had approval to send the waste to Buttonwillow.

Gerard Wong, the Health Services official who took Mr. Ross's call in October, remembers the conversation as follows. He says he provided Mr. Ross with "general information" and had no authority to grant any approval over the phone. Mr. Wong's supervisor, Mr. Bailey, insists Safety-Kleen erred in going ahead with the shipment without first receiving written authorization from the state. "He acted without getting any response by letter. That's not the normal way one acts in getting a permit," Mr. Bailey says.

As confusion reigned, the rail cars of radioactive waste rolled across the country. The last one, says Mr. Ross, entered the Buttonwillow dump the day he received a letter from Mr. Bailey warning that the Buttonwillow site "is not licensed [by the state] to dispose of any radioactive waste."

* IHURSDAY, MAY 20, 1999 / PAGE A11

The Washington Times

California objects to dumping of nuke waste from N.Y.

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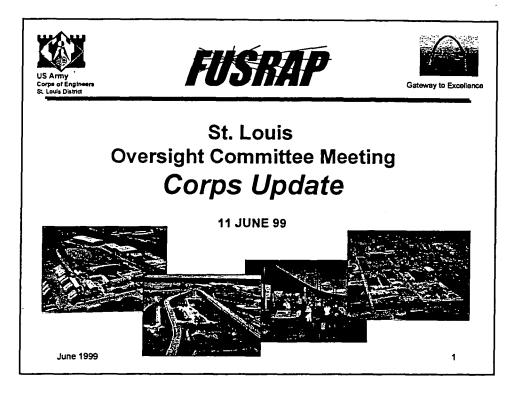
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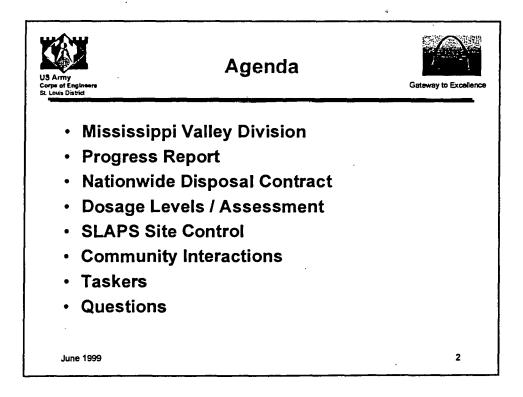
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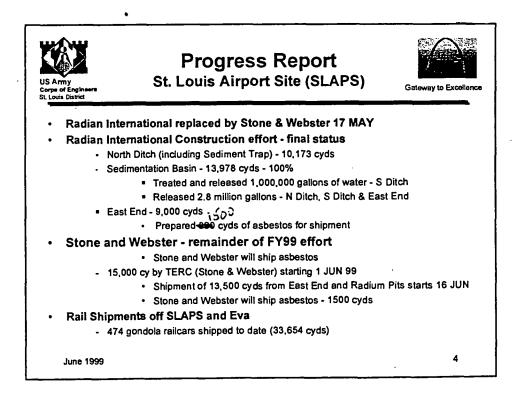
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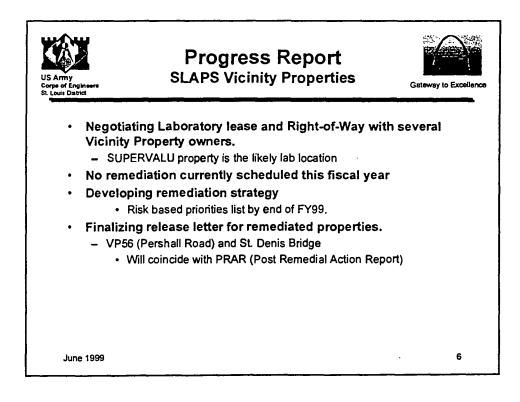


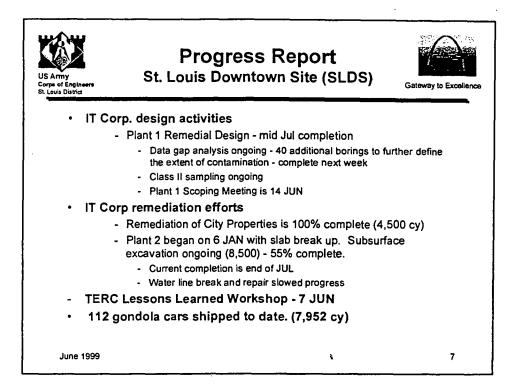


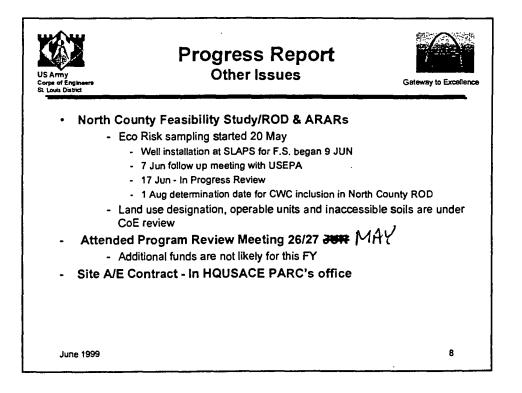


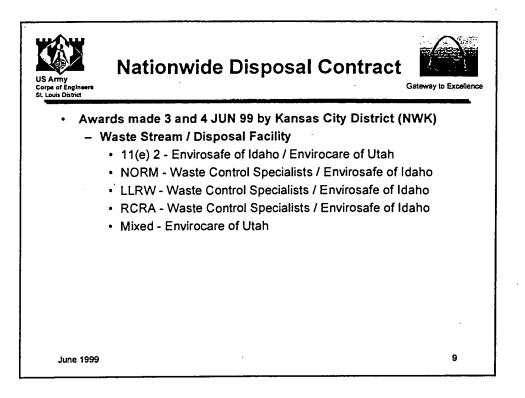


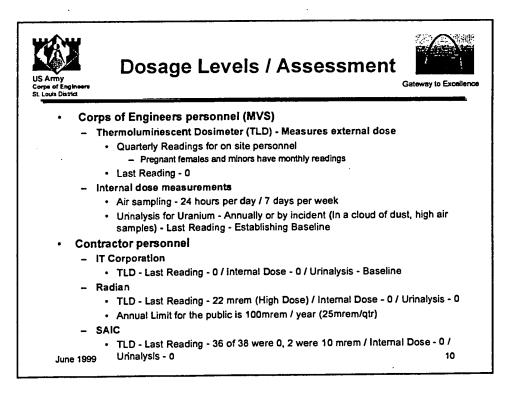
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- -	and Eastern Pile Removal (40,000 cy total). Finalized Plans and Specifications for HISS piles RFP to contractor JUN 14th for Eastern Piles (7,500 cubic yards) - Continue coordination with Property Owner Estimated FY99 removal is 4,000 cy (constrained by funds Initial start date is July 99	
June 1999		5

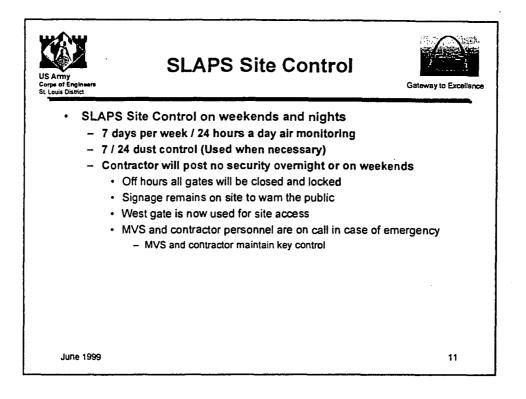


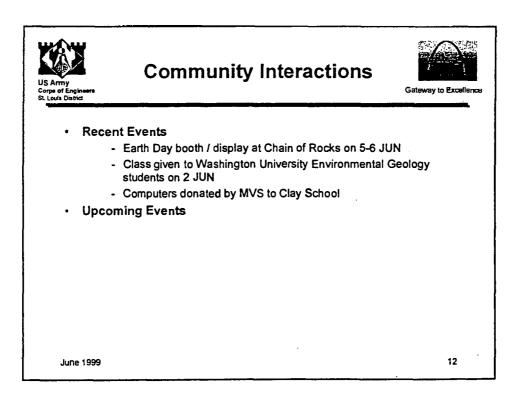


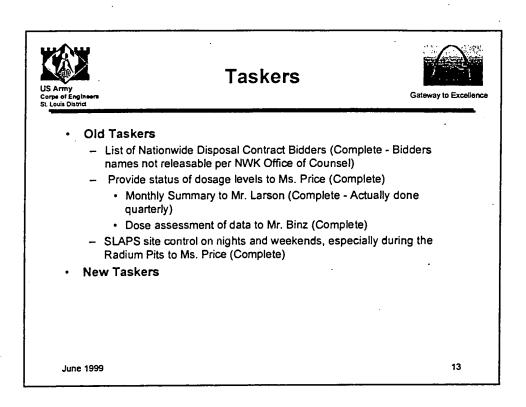


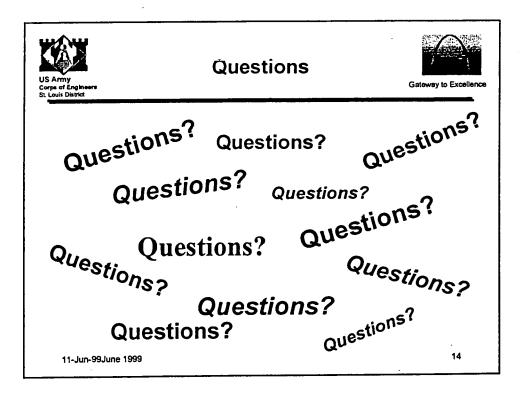












Cataloging Form {Technical/Project Managers fill in C through G, K through Q. RM completes other fields}

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Secondary Document Types

Amendments to Record of Decision (ROD) Anomaly Review Board Documents (Management Plan, Correspondence, Standard Operating Procedures, Findings) Applicable or Relevant and Appropriate Requirements (ARAR) Determinations Archives Search Reports (ASR) **Briefing Papers** Chain of Custody Forms **Community Relations Plan** Correspondence Daily Operations Summary/Situation Reports Engineering Evaluation and Cost Analysis (EE/CA) Action Memo Engineering Evaluation and Cost Analysis (EE/CA) Approval Memorandum Engineering Evaluation and Cost Analysis (EE/CA) **Explanation of Significant Differences** Fact Sheets/Newsletters Feasibility Study (FS) Reports Federal, State, Local Tech. Records Final Approved Findings and Determinations **Final Remedial Design Documents** Freedom of Information (FOIA) Requests Freedom of Information (FOIA Responses) Health and Endangerment Assessments Interagency Agreements/Memoranda Interim Deliverables Inventory Project Report (INPR) Risk Assessment Code (RAC) Invoices/Contractor Payments/Cost Reports Land Grants/Deeds Mailing Lists News Clippings and Press Releases No Further Action Docs (NOFA) **On-Scene Coordinator Reports** Proposed Plans for Remedial Action Public Meeting Minutes/Transcripts **Public Notices** Public notices, Comments Received, Responses to the Comments Published Hearings Record of Decision (ROD) **Reference Documents Remedial Action Documents** Remedial Investigation (RI) Reports Removal Response Reports (Emergency Evacuation Orders) **Rights of Entry Documents** Sampling/Analysis Data and Plans Scopes of Work/Contractual Documents Site Descriptions and Chronologies Site Inspection Documents Site Photographs and Maps Testimonies **Title Search Documents** Work Logs Work Plans and Progress Reports Work Plans/Site Safety and Health Plans and Progress Reports Work Register and Logs

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