

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

October 30, 1998

**MEMORANDUM**

TO: FUSRAP Oversight Committee Members  
Other Interested Parties

FROM: Richard Cavanagh, CHE  
Chairperson

RE: Next meeting

***The next meeting of the FUSRAP Oversight Committee will be on Friday, November 13, 11:30 am, at the trailers on Latty Ave.***

Committee members who are unable to attend should contact the chairperson to be excused.

Also attached to this memo is a four page summary of "Recent Developments Involving Envirocare of Utah, Inc." supplied by David Waggoner of Envirocare. Dave has asked that it be distributed to the Committee and other interested parties. The summary does not necessarily reflect the opinions of the chairperson or of the St. Louis FUSRAP Oversight Committee. It is provided as information only.

Thank you.

:RRC

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

Highlights of October 9, 1998 Meeting

Committee Members Present: Sally Price, Thomas Manning, Jan Titus, Anna Ginsburg, Donovan Larson, Richard Cavanagh

Other Interested Parties: Thomas Lachajczyk, Paul Ott, John Heath, Tom Horgan, Mark Schrader, Chris Coulter, Bob Boland, Bob Marchant, Bob Geller, David Wagoner, Michael Zlatic, Darrell Woolery, Laurie Peterfreund

**Please see the attached copies of handouts provided by USACE for the meeting.** The following are additional comments from the meeting. Page numbers reference the page of the handout.

Page 4 - Shipping is ongoing with 91 gondola cars shipped as of 10/9.

Page 5 - Note that future documents will be color coded. Red Covers mean a final document. GIFREHC rail spur agreement is currently being reviewed. JARBOE Realty actually owns the land at HISS.

Page 6 - BNI is hauling the Pershall Rd. VP dirt away by truck. Negotiations are ongoing for right of entry to VP 57 and 58 in preparation for next year if additional funding is available. In answer to questions, no citizens or real estate firms have requested that their property be done first (with the exception of Futura Coatings which wants to expand its business). The criteria for action is moving from high ground to low ground so that locations don't have to be worked on twice.

Page 7 - SLDS' ROD to be in hand COB 10/9, to be distributed next week. City properties have been started but now delayed by rising river levels.

Page 8 - North County Feasibility is defined as the VP's without Coldwater Creek, the subsurface under HISS, SLAPS (reminder: current work is only covered by an EE/CA). Sally price questioned why the creek is being treated separately. Sharon Cotner responded this is because of the different ecological issues (different ARAR's, different owners). Ultimately the entire creek must be done because of ecological issues related to water flow. Sharon also pointed out that the risk assessment could drive a change in clean up values.

page 9 - Shaded blocks mean money requested, non-shaded blocks mean how much money was originally requested. This projection took 15% from SLAPS and SLDS to do the VP's but the money can be moved back if needed. Capability refers to how much more we could use if it were available.

Page 10 (Final FY 98 Closeout) - refers to actual expenditures.

Page 11 - Lou and Sharon will be conducting the community interviews. Chris Haskell is no longer with USACE (Lou is the PIC for the time being).

*Questions for next meeting*

- 1) What is the cost of the Risk Assessment and ROD?
- 2) How do we compare to other districts?

Next Meeting

**Friday, November 13, 1998**

**11:30 am - 1:00 pm**

**Latty Avenue Trailers**



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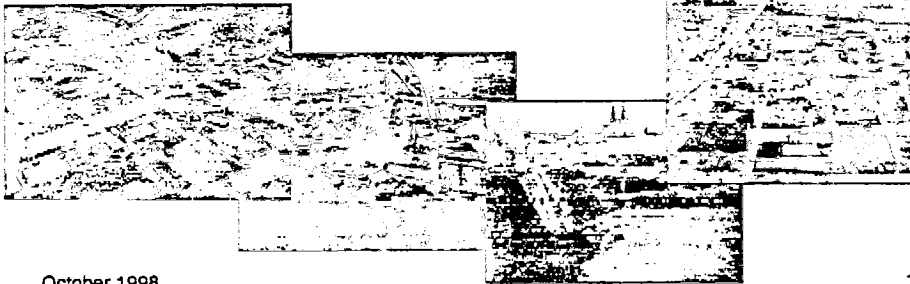
**FUSRAP**



Gateway to Excellence

# St. Louis Oversight Committee Meeting *Corps Update*

9 OCT 98



October 1998

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## Notes

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## Agenda



Gateway to Excellence

- Mississippi Valley Division
- Progress Report
- Issues
- FY 99 Budget
- FY 98 Closeout
- Community Interactions
- Taskers
- Questions

October 1998

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## Notes

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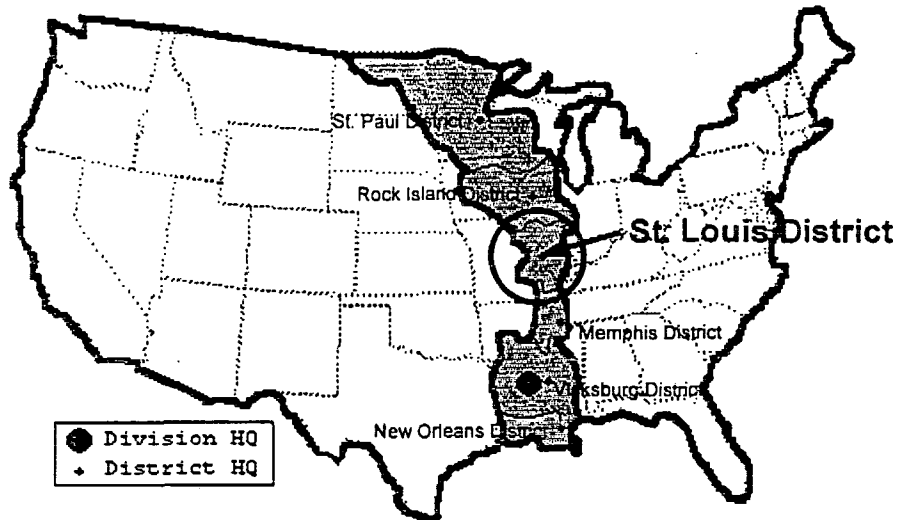


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## Mississippi Valley Division



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## Progress Report St. Louis Airport Site (SLAPS)



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- **EE/CA Action Memo/Responsiveness Summary signed by ASA(CW) 25 Jun 98**
- **Railspur Construction completed 27 Aug 98**
- **North Ditch / Sedimentation Basin Construction ongoing**
  - North Ditch - 12,500 cyds (FY98/FY99) - 25%
  - Sedimentation Basin - 6,600 cyds (FY98) - 50%
- **SLAPS East End**
  - Design 100%- 40,000 cyds (FY98/FY99)
  - Construction starts mid October
- **Characterization sampling ongoing**
- **First rail shipment completed 9 September from SLAPS**
  - <sup>21</sup> ~~25~~ gondola railcars shipped to date / 5 trucks (6,095 cyds)
  - Shipping from Eva and SLAPS concurrently

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## Progress Report

### Hazelwood Interim Storage Site (HISS)/Latty Avenue



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- **EE/CA Action Memo/Responsiveness Summary signed by ASA(CW) 25 Jun 98**
- **Railspur construction delayed from 16 Sep**
  - Right of Way from GIFREHC acquired 5 Oct 98
  - Current completion date is mid December
- **Plans & Specifications for HISS and Eastern Pile Removal (40,000 cy) completed.**
  - SBA procurement to commence upon railspur groundbreaking
- **Met with FUTURA and Jarboe Realty**
  - Explained what Corps can do and ROD schedule

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## Progress Report SLAPS Vicinity Properties



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- **Received \$1 million in capability funding from HQUSACE on 11 Aug 98**
  - BNI remediated VP 56, along Pershall road, Sep 98 (850 cyds)
  - Design excavation is complete, awaiting verification sampling
- **BNI will support City of Florissant work at St. Denis Bridge in Nov 98 (250 cyds)**
  - Delayed from Oct 98 by City of Florissant

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## Progress Report St. Louis Downtown Site (SLDS)



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- **EPA signed ROD 27 Aug 98**
  - Awaiting HQUSACE concurrence
- **Held Strategic Planning Meeting with Mallinckrodt**
  - Developed Order of remediation
- **IT Corp. continued Planning & Design activities**
  - Held review of Work Plans
- **IT Corp begins remediation**
  - City Properties started 29 September. Currently awaiting lower river stage to proceed.
  - Plant 2 scheduled to begin @ 1 December.

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## Progress Report Other Issues



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- **North County Feasibility Study/ROD**
  - Obtaining background chemical data
  - Additional Groundwater monitoring
  - Beginning development of risk assessment strategy
- **4th Quarter construction execution**
- **Located "free backfill" stockpile, looking for more**
  - 30,000 cyds, first come, first serve
- **Cooperative Agreement signed 28 Aug 98**
  - Met with MDNR 7 Oct to discuss terms and agreements
- **Attended USACE Program Review Meeting**
  - MOA with DoE at HQUSACE level - no new status

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## FY 99 Budget and Capability



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Site	FY99 Budget	FY99 Capability	Scheduled Work
SLAPS	21.2 million 19.7 million	20.0 million	<ul style="list-style-type: none"><li>• Continue East End</li><li>• Transition from PRAC to TERC</li><li>• Radium Pits</li><li>• Complete N. Ditch North County ROD</li></ul> <i>CONTINUE</i>
SLDS	16.0 million 14.0 million	N/A	<ul style="list-style-type: none"><li>• Remediate City Properties</li><li>• Begin remediation of Plant 2</li></ul>
Latty / HISS	5.6 million	16.4 million	<ul style="list-style-type: none"><li>• Complete RR Spur</li><li>• Begin Pile Removal (Eastern Pile First)</li><li>• North County ROD</li></ul>
SLAPS VP's	.5 million 3.0 million	3.25 million	<ul style="list-style-type: none"><li>• Boundary delineation</li><li>• North County ROD</li></ul>
Totals	42.3 million	39.65 million	

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## FY98 Closeout



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Site	FY98 Actual	Work Accomplished
SLAPS	\$15.4 million \$ 5.2 million (DoE)	<ul style="list-style-type: none"><li>• Completed East End</li><li>• Completed EE/CA</li><li>• Constructed Rallsapur</li><li>• Started Remediation</li><li>• Developed N.C. ROD plan</li></ul>
SLDS	\$4.0 million \$2.8 million (DoE)	<ul style="list-style-type: none"><li>• Completed Bldg crushate</li><li>• Support For Building K</li><li>• Completed ROD</li><li>• Started Remediation</li></ul>
Latty / HISS	\$3.7 million \$1.6 million (DoE)	<ul style="list-style-type: none"><li>• Completed EE/CA</li><li>• Pending start of construction of Rallsapur</li><li>• Developed N.C. ROD plan</li></ul>
SLAPS VPs	\$2.0 million \$1.0 million (DoE)	<ul style="list-style-type: none"><li>• Remediated \$1 million in capability funding</li><li>• Developed N.C. ROD plan</li></ul>
Totals	\$25.1million \$10.5 million (DoE)	

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## Community Interactions



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- **Working Draft Community Relations Plan distributed for CoE comment.**
  - Currently under CoE internal review, then to MDNR & USEPA for review and comment.
  - Community Interviews to be conducted this month
- **Attended release of NIOSH report to Mallinckrodt workers**
  - Document remains under peer review.
- **Announce the closure of the SLDS Administrative Record**
  - Upon receipt of final signed ROD
- **Other Events**
  - Fall Newsletter to be published within the next 45 days
  - Washington University Lunch and Learn - January

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## Taskers



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- **Old Taskers**

- Provide levels of contamination at St. Denis Bridge to Ms. Price and Mr. Larson (**Complete**)
- Provide estimated cost of remediation on SLDS Vicinity Properties to Ms. Price (**Complete**)
- Provide copy of NIOSH information to Mr. Larson (**Complete**)
- Provide status of Boeing Right of Entry and duration of sampling activities on the ballfields to Ms. Titus (**Complete**)
- Look at the feasibility of construction of a temporary facility for conditioning on SLAPS (**Value Engineering Study conducted**)
- Keep MDNR apprised of well status (**Ongoing**)
- Public Affairs to meet with Ms. Ginsburg's staff on Relations Plan (**Pending release of Community Relations Plan from USACE**)

- **New Taskers**

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## Questions



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9-Oct-98 October 1998

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# *Recent Developments Involving Envirocare of Utah, Inc.*

October 2, 1998

This memorandum summarizes a number of developments that have occurred over the past few months that confirm Envirocare of Utah's ability to safely and cost-effectively treat and dispose of low-level and mixed radioactive wastes.

## **I. Legal Developments**

**WCS Suit Against DOE Dismissed.** On May 14, the Fifth Circuit Court of Appeals reversed a preliminary injunction issued by the Federal District Court for the Northern District of Texas that essentially stopped DOE's procurement of commercial disposal services for the cleanup of low-level radioactive wastes. The Appeals Court agreed with DOE that it can require commercial disposal facilities to have NRC and state licenses in order to accept DOE's low-level waste. The Fifth Circuit concluded that Waste Control Specialists (WCS), a competitor to Envirocare which has been struggling to get its disposal site licensed in Texas, was improperly asking the courts to "intrude into [DOE's] policy making process without a statutory basis" by asserting that such licenses were not necessary.

**WCS Suit Against Envirocare Dismissed.** A \$1.1 billion lawsuit brought by WCS against Envirocare alleging monopolization, tortious interference, and business defamation was dismissed in its entirety on August 31 by the U.S. District Court for the Western District of Texas. The court concluded that even if WCS' allegations of Envirocare's actions were completely true, they were "protected petitioning activities" under the Constitution. The court further rejected WCS' claims as being completely unfounded and awarded Envirocare its litigation costs against WCS.

**UMETCO Dismisses Case Against Envirocare.** On September 30, UMETCO and Envirocare jointly announced that UMETCO is dismissing its lawsuit filed in Colorado against Envirocare. The lawsuit by another of Envirocare's competitors was amicably resolved so that the parties can better focus their energies and the time and efforts of their employees on their respective businesses.

**Envirocare Cleared in Allegations of Bribery.** The former President and owner of Envirocare, Khosrow Semnani, entered into a cooperation agreement filed on July 22 with the U.S. Attorney's Office for Utah resolving a long-standing investigation of payments made by him that were demanded by Larry Anderson, a former Utah regulatory official. Semnani filed a plea to a misdemeanor charge of facilitating the filing of a false tax return by Mr. Anderson, and he agreed to cooperate fully in the U.S. Attorney's on-going investigation into criminal wrongdoing by Mr. Anderson. An indictment for extortion could soon be brought against Anderson. Envirocare does not believe there is any evidence of involvement by Envirocare or its employees in the allegations arising out of the Anderson affair.

## II. Regulatory Developments

**License Renewal on Track.** On April 13, the Utah Department of Environmental Quality recommended a renewal of Envirocare's radioactive materials license for its Tooele County disposal facility. DEQ concluded that its two-year "exhaustive review" of the license renewal application "reconfirmed[ed] that Envirocare continues to operate safely." The license renewal recommendation has been subjected to a public comment/hearing process which has included a thorough review of Envirocare's facility. A final license should be issued in October.

**NRDC Petition Dismissed.** The NRC denied on September 14 a petition filed by the Natural Resources Defense Council (NRDC) alleging wrongdoing by Envirocare. Based on investigations conducted by the NRC and FBI, no evidence was found that current or former Envirocare employees had received threats. The NRC concluded that there were no health and safety concerns that warrant the suspension of Envirocare's license. In a sworn deposition, the NRDC official who filed the petition with the NRC acknowledged that WCS lawyers had drafted the petition.

### III. Policy Developments

**DOE Policy Analysis.** DOE plans to issue in October a decision on its "policy analysis" concerning its use of facilities for the disposal of radioactive waste. Comments received by DOE on the policy analysis overwhelmingly support the Department's existing policy that any commercial disposal site receiving DOE's low-level and mixed radioactive wastes must have a license issued by NRC or by the affected state (like Envirocare does). The vast majority of comments, including that submitted by the EPA and several states, opposed efforts by WCS and other competitors of Envirocare that would allow DOE to develop sites without the approval of affected states.

**Senate Hearing.** At a September 3 hearing, a Subcommittee of the Senate Armed Services Committee heard testimony from the DOE, NRC and industry representatives on issues related to the disposal of DOE's low-level and mixed low-level radioactive wastes. An industry panel, that included Envirocare's President, Charles Judd, advocated changing DOE's current preference of using DOE disposal sites so the private sector can compete. Mr. Judd joined others in supporting efforts to promote more competition for commercial disposal of low-level waste. Mr. Judd also strongly defended DOE's current policy of using only commercial facilities that are externally regulated and fully licensed.

### IV. Business Developments

**Award of Ohio Field Office Contract.** On June 30, DOE's Ohio Field Office awarded Envirocare the Department's largest competitively bid commercial contract for the disposal of low-level waste. The \$66 million three-year contract with options covers the disposal of cleanup waste from DOE sites. Under this new contract, Envirocare began receiving shipments in September and will start receiving substantial amounts of Fernald's low-level waste next February.



**Mixed Waste Treatment and Disposal.** Envirocare continues to assist DOE in meeting its cleanup milestones at contaminated sites so DOE can achieve the goals established by the Department's "Accelerating Cleanup" plan. At the Rocky Flats site, for instance, Envirocare has teamed with Kaiser-Hill to transport and dispose of 236 truckloads of "saltcrete" low-level mixed waste. Envirocare is now starting to treat and dispose of the Rocky Flats "pondcrete" wastes. The Oak Ridge site is also continuing to ship mixed waste to Envirocare for treatment and disposal.

**FUSRAP Sites Cleanups.** Envirocare continues to be the principal off-site disposal contractor for the government's Formerly Utilized Sites Remediation Action Program (FUSRAP). Through innovative contracting means, Envirocare completed ahead of schedule the cleanup last year of the above ground waste at the Wayne, New Jersey FUSRAP site. Envirocare began excavating and remediating the sub-surface contaminated materials at Wayne this past spring. Envirocare will also soon start accepting waste from the St. Louis Airport FUSRAP site and is looking for additional business at other FUSRAP sites.

**Defense Department Business.** Finally, Envirocare is expanding its business with the Department of Defense. For example, this summer the Naval Surface Warfare Center (VA) and Eglin Air Force Base (FL) sent low-level waste to Envirocare for disposal. Envirocare also just signed a task order to dispose of waste from the BOMARC Missile site at McGuire Air Force Base (NJ).

# Cataloging Form

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

A. Document ID Number: Assigned by database 866

B. Further Information Required?: ☐

C. Operable Unit (Choose One):

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

D. Site (Optional):

SLDS VPs ☐  
Mallinckrodt ☐  
SLAPS ☐  
SLAPS VPs ☐  
CWC ☐  
HISS ☐  
Madison ☐

E. Area (Optional): \_\_\_\_\_

F. Primary Document Type (Choose One):

Site Management Records ☐  
Removal Response ☐  
Remedial Investigation ☐  
Feasibility Study ☐  
Record of Decision ☐  
Remedial Design ☐

Remedial Action ☐  
Public Affairs/Community Relations ☒  
Congressional Relations ☐  
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Real Estate ☐  
Project Management ☐

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/Title:

St. Louis Oversight Committee Meeting Minutes from September 1998 (10/9/98)

L. Author:

Richard Caranagh

M. Author's Company:

Oversight Committee

N. Recipient(s): \_\_\_\_\_

O. Recipient(s) Company:

Distribution

P. Version (Choose One): Draft ☐

Final ☒

Q. Date:

10/30/98

R. Include in the ARF? ☒

S. Include in the AR? ☐

T. Filed as Confidential/Privileged? ☐

U. Document Format (Choose one):

Paper ☒  
Electronic ☐

Photographic ☐  
Audio-visual ☐

Cartographic/Oversize ☐  
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X. Associated with Document(s): \_\_\_\_\_

## *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