



Portsmouth EM Site Specific  
Advisory Board

## RECYCLING AND WASTE DISPOSITION SUBCOMMITTEE

TUESDAY, JULY 8, 2014 @ 4:00 P.M.

THE PURPOSE OF THIS MEETING IS TO UPDATE THE SSAB SUBCOMMITTEE ON THE  
PROPOSED PLANS

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**FEDERAL OFFICIAL**

JOEL BRADBURNE

**DOE FEDERAL COORDINATOR**

GREG SIMONTON

## AGENDA

- PROPOSED PLANS UPDATE-VINCE ADAMS, DOE; AND DENNIS CARR, FBP
- DISCUSSION

ADJOURN

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## **RECYCLING & WASTE DISPOSITION SUBCOMMITTEE**

MEETING SUMMARY

JULY 8, 2014 • 4:00 P.M.

THE OHIO STATE UNIVERSITY ENDEAVOR CENTER  
1862 SHYVILLE ROAD, PIKETON, OH 45661

**SSAB Subcommittee Members Present:** Adrian Harrison, Dan Minter

**SSAB Subcommittee Members Absent:** Al Don Cisco, Martha Cosby, subcommittee vice chair; Brian Huber

**Other SSAB Members Present:** Val Francis, board vice chair; Stan Craft, Sharon Manson

**U.S. Department of Energy (DOE) and contractors:** Vince Adams, Joel Bradburne, Johnny Reising, DOE; Rick Greene, Joe Moore, Restoration Services, Inc. (RSI); Jeff Wagner, Karen Price, Dennis Carr, Marc Jewett, Fluor-B&W Portsmouth (FBP)

**Liaisons:** Maria Galanti, Melody Stewart, Ohio Environmental Protection Agency (EPA)

**Support Staff:** Eric Roberts, Julie Galloway, Cindy Lewis, EHI Consultants (EHI)

**Public:** None

**Francis** opened the meeting

**Roberts:** First things first. You may have noticed that we are blessed with two new members of our six tonight Charlene Payne, and Bob Berry. Let us go around the room and introduce everyone.

### **1. Proposed Plans Update-Vince Adams, DOE; and Dennis Carr, FBP**

**Carr:** The topic of discussion really is to update you on where we are on the regulatory decisions process. This is what I want to walk through; we have Melody, Maria and Marc who can all jump in here. I put together a few slides to characterize the current situation. Hopefully not to many acronyms in here, but I cannot guarantee that there is not some. So just to frame it, I am going to step back here. I do not know if you people have had a chance to get a tour of the site yet. We are a 3700 acre of Department of Energy facility. Inside that, there is about 1000 acres of industrial footprint. The site operated for about 60 years, it is now shut down. There are two facilities on the site that have a continuing mission. One is the American Centrifuge, which we are not discussing here tonight, which is operated by the United States Enrichment Corporation (USEC). The second facility is called the Depleted

Uranium Hexafluoride (DUF6) conversion facility. They take gas and turn it into oxide. They took the byproduct of the enrichment operations 23 thousand cylinders on site and for the next 20 years, they will be converting them into oxide. That facility has a long-term mission. Our job is to take on the long-term legacy of environmental contamination of the 60 years of operations in the gaseous diffusion facility. Gaseous diffusion facility is some 400 hundred different facilities again of the 60 years on-site. The vast majority of them are behind radiology lines which means there is a potential for hazard for radiology materials to be present. The single job of enriching uranium to take uranium as a gaseous version to a gas and enrich to a very high conservation. That was their mission so as a result of that, there is radiology contamination inside almost all of the facilities after 60 years of operation. Our job is to clean it up. In order to do that the Ohio EPA and DOE put together a regulatory framework in order to do that, it is pretty completed and brings out a lot of acronyms that is going to hurt everybody's head. You are looking at two main driving agreements that are being entered into by the DOE and Ohio EPA. The first is a consent decree that has been the issue under the state of Ohio hazards waste regulations, and its primary focused on the environmental media at the site. Ground water, soil, segments, anything that was been a receiver of contamination from the ongoing processes. There are also landfills at the site that have been underneath the framework of the consent decree. Then we also have the Director's Final Finding and Orders (DFFO). It is the regulatory agreement outlining the demolition of the facilities. So anything, that looks manmade on the site falls under the guides for that document for the decontamination and demolition of those facilities, so we call it the Decontamination and Decommissioning (D&D) work. Now the site has been doing environmental studies for years and is integrated in many different cleanups. It has been mainly focused on environmental media. The reason for that is because the gaseous diffusion facility either operating or on some kind of a standby configuration that preclude their entering the environmental cleanup. So, for many years now there are old landfills on site that has been capped and also groundwater cleanup efforts, groundwater plumes that is all underway, so now we are trying to lay out the map to get us to the end of this project. This project is some 12 million dollar project for the demolition and cleanup of this facility. The project will take many years. What we are trying to do then is use this regulatory agreement is get to the decision of actually what we are going to do. We have broken those decisions into several regulatory documents to do under these documents so that everyone has input and buy in to what is going to happen at this site. It is going to lay out the map of where we are going with this project. To do that then is summarize the regulatory decisions that are out there or upcoming, they are the key to getting us to the end of the project. It is going to have many focal places, so we know how this place is going to get cleanup. So, what this document does is backups where we are going with each document. Let us start with this first page completed regulatory decisions, we have already completed the balance of plant engineering evaluation/cost analysis (BOP EE/CA) action memorandum. A decision has been issued and that decision broke out a number of buildings that we wanted to get moving on early. We could not wait around for a longer-term study so we choose a quicker framework that would allow work to be progressing while we were doing detailed studies of the site. Therefore, an action memorandum was issued that allowed us to remove 46 buildings as you can see at the site. There is 416 buildings at the site, 46 of those were chosen to say these are viable near term you might want to tear them down. The result is, we have torn some of these facilities and

others are planned. So the bottom line is, I tried to put three bullets on here that I thought were key to some of the recommendations and consideration of the SSAB and this is important because I am going to translate this as we move through some of the other decision documents. First, one is since we didn't have an on-site disposal facility, the decision was for the engineering of these 46 buildings this decision basically supports that the waste would go off-site. That would not change until there is a viable onsite disposal available to us. So, this allows us to rip the buildings down and dispose of the material at commercial or DOE owned disposal facilities. Some of these facilities are clean buildings, for example after we ripped down the old administration building the majority of that waste went to the Pike sanitation. Anything behind a radiologic line has to go to a radiologic facility like the Nevada test site disposal facility. Until we got a disposal facility, everything that is torn down has to go off-site. The recycling waste that this decision also provides for the recycling material to the extent that it is practical and the way that works is the DOE and all of us are aggressively trying to recycle. I know this is a key consideration here. A lot of these buildings are in the clean area's and as a result we have been able to have recycle out of them. So this decision allows us to do that we try to carve out things that are cost affective to recycle. The way that works is a cost analyzes is done and examined and if there is a net benefit to the government this and other considerations then that individual waste stream basics. When steel of a building comes down, we look at the viability of recycling it. Like, I said if it is in a radiologic clean area, many times it is cost affective to recycle that material. Therefore, it is typically transferred to Southern Ohio Diversification Initiative(SODI) our community reuse organization. There is a shared curve that has been created between SODI and DOE to share the proceeds of recycling. The money comes back into the project, back into the cleanup. SODI is taxed to try to create the economic development in the area. That is the EECA. That is where it stands.

So now, moving forward the next one is the process building RI/FS. Under that, regulatory agreement I talked about the Directors Final Finding and Orders it adopts a regulatory framework which uses remedial investigation/feasibility study (RI/FS) which remedial investigation means study the current conditions and feasibility study analyzes the appropriate options to deal with the problems that are find with that investigation. We have two feasibility studies underway. The first one is for what we call process building. Process building as I just said precise 46 buildings were covered by that EECA. Everything else man made is covered by this decision guide. Let us take a look at all the other buildings on this site and evaluate whether there is any future use for them. If not then let us evaluate the options for demolition. There are basically two options: no action means let them fall down the other one is remove the structure. Pretty simple decision, you have a 60 year old facility that has 145 acres under roof and is beyond its useful life, but you have to go through that formal evaluation and decision with input from the community and have to consider National Environmental policy act consider EECA policy. Bottom line is here this document where it stands right presently with the Ohio EPA we are all getting very close I think to the approval of this document. So when both sides get this done, it will be approved. Then from there where it goes to is a preferred alternative. The process building RI/FS where it stands, two options being concerned under that like, I said the proposed plan will be in the very near future I suspect within the next 30 days properly get delivered to Ohio EPA for their review once they read through and approve between Ohio EPA and DOE then they get issued to the public for comment. Public comment period will be

formally announced. That public comment period will also have a public meeting or hearing. Comments are taken, comments individual or collectively sometimes they are pulled together the same comment each one has to be responded to, in what they call responsive summary. Then on the basis of that information and the RI/FS the two agencies both the DOE and EPA put together a decision document signed called record of decision and that ultimately becomes the Record of Decision (ROD) which becomes public piece and put into the puzzle. So with that I want to bring up for the alternative for some of the structures some of the key points that are in there. First off no future use determination that there is no future use of the facility as some of you recall in this room, there is also a provision, if someone comes along at some later point for a use for the facility, there can be consideration between the DOE and Ohio EPA to save that structure. So, it is not an absolute dome and glum for everything. But it is basically saying we have taken multiple survey's and tried to find a user for the facility and no one is stepping forward. So right now as a global decision we are tearing them all down, if somebody comes along in the future good enough we will consider it.

**Francis:** It would really have to be something special for you to consider it.

**Carr:** That is right, it depends on the facility. There are some newer buildings out there, that are a little bit newer than the 60 year old, like the admin building someone mentioned someone was kind of looking at the administration building. Also with that determination, also foundations need to go and then it is like I said before this is where it gets a little nuance here. Right you need to be practical about these things, the concept was let us be practical so when you go to tear out foundations some dirt is going to come. All right, so we wanted to be practical so this thing included some soil in order to facilitate the demolition of this foundation. So that is part of it. This basically takes the buildings down to a decision that is to where do we put it. The next document is going to talk about where we put it. Then the last bullet down there is something that has been discussed in this room many times is on nickel. The current RI/FS the way they stand right now, I have made several presentations and discussions on nickel here. The DOE has invested quite a bit on evaluating the viability of recovering some high purity nickel that is contaminated with some radioactive materials inside of the converters in the X-330 and X-333. It is about 65 hundred metric tons of high purity nickel that is contaminated. The DOE has looked into the viability of recovering that material and currently their position is that it is viable and it is built into essentially both regulatory documents a process that would allow them to do that. Meaning that it is not a done deal yet, but by any means. But at the same time they wanted a structure to be able to do it. So, it has been built into both documents. They tasked us with doing initially cost estimates. We came back with hey it looks that is makes sense. So, as a result of that they turned us down to the next step which is going down the engineering steps which is going through the conceptual design process and some treatability analyzes to determine the viability of doing this. The treatability we will call fence scale right now it is pretty much at the test tube level. So as a result of it that is in there so we will talk about what is next. The more focus is I am trying to get to the next document is waste disposition RI/FS draft proposed plan. Meaning Ohio EPA and DOE really have come to an agreement now on the RI/FS it is extensionally proving conditionally prove as a result of the that the department has delivered a draft proposed plan to Ohio EPA for their consideration. It is by no means approved. They are meeting tomorrow to start walking through the wording of it. As you recall a proposed plan is supposed to be written as a fifth

grade evaluation in that level of an analyzes of that is in the RI/FS. That is the goal, we never make that, it is always a high school level by the time they get done with all the acronyms. The bottom line is it is supposed to be a simplified summary of what is in the RI/FS. But, what it also does is pick the preferred alternative. The Department of Energy has summited a draft proposed plan and it is out there. It is in reading room and that is why we wanted to bring this up. Since it is already out in public space we wanted everyone to be aware of what is in the draft proposed plan. So, again it has not been approved it is simply at this time the first volume in raw form. Tomorrow they start going through the words of it, and start moving it out for public inspection. So with that I want to talk to you about the summary of the preferred. As you all recall there was three alternatives in the RI/FS but no action which is a requirement of law, second one is everything goes off-site. So any waste from the clean-up of this facility moves off-site, the third one is an alternative which is basically a balance between on and off-site disposal. Meaning it was involved in the construction of an on-site disposal facility and placement into a permanent entombment of waste material in there that meets the waste accepts criteria of that facility and the off-site shipment of anything that does not. So that alternative identify as the preferred alternative in the draft proposed plan delivered to Ohio EPA. That alternative as you can see here going through the bullets # 1 provides on-site disposal of waste generated by D&D that meet the Waste Acceptance Criteria (WAC). #2 provides off-site disposal of any waste that does not meet the WAC as generated by this project. It provides an Ohio EPA approved WAC we spent a lot of time on establishing the WAC for the disposal facility. So it resents the WAC in the RI/FS provides a summary of that in the proposed plan. Next one is from a recommendation from the SSAB prohibits any waste that is not generated from the PORTS clean-up project excluding things like lab returns or things like that, samples that are sent off-site it excludes them from on-site disposal. Next one talks about simple non-commercial centralized treatment or decontamination in support of disposal or recycling initiatives. That is a mouth full, you have to recognize that there has to be a balance between the two organizations, Melody and Maria you can jump in here to help me. We all recognize that we are going to generate 1.7 million yards of material that is going to have to be handled here. If you go through the next 20 years of demolishing this facility, we know that there is going to be an opportunity for recycle we also know that the most effective way of recycling may be a centralized treatment facility. One of the things we are looking at right now is some of the large motors, we have 1000 horse powered motors with 600 of those in one building, so it might make sense to establish a centralized treatment facility, where we just bring them through and break those things open and get the copper and recovered metals out of these things and decontaminate if the standards will allow us to do it. Bottom line is recognizing that we want the flexible to be able to do that. We cannot necessity predict every opportunity today. We want to create the framework in this regulatory document to allow us to do that, and that has to be built in. But what that does not allow is if somebody asked out there in the world wants to come in and built a commercial recycle facility, it cannot be done necessity under the terms of the current regulatory decision, it would be considered under a rod of amendment if it is a large scale facility rod of amendment or they may have to go through the permanent process meaning that the regulatory structure here generally precludes the need for permits so that tends to accelerate the ability to use it. You cannot be using that inappropriately the benefit of commercial facility. So the bottom line is complex operations that goes beyond some of these things that are more

traditionally they require a broad modification later and those facilities that go beyond that where do they go in the commercial process that would really not be allowed under the terms of the decision document. I think that is a fair and reasonable agreement between the organizations.

Next one DUF6 waste is not part of the regulatory structure of the D&D project. That is not within the bounds of the DDFO. So it is not a permitted waste stream, it is not a waste that is managed or regulated under terms of the DDFO. If that waste were to be disposed of on-site it would require additional regulatory approval. It would have to be a new structure created, right now it is not, I cannot tell you never, but since it is not in this regulatory decision there would have to be a modification of something put in. Right now it is not designed into this cell, the space is not accommodating or the materials are not being built into the design of this facility.

**Francis:** So in 20 years there is no intent right now for the DUF6 to become anything to do with an on-site cell.

**Carr:** Correct, again I can never say never. But I can say that right now that is not a design consideration for the cell. They have their own project at the site. It has not been in any regulatory agreement or decision.

**Francis:** We just want to make sure the language is strong enough.

**Carr:** The thing is to deal with the material is not regulatory of the agreement, it is outside the agreement, so I am not sure you will get much better than the fact that it is not in the scope of this whole order.

**Maria:** I will say never say never, DUF6 is regulated under it's our order anyway right now.

**Francis:** So it would have to jump through quite a few hoops to make it

**Carr:** It's not like secret government, 23 thousand cylinder market disappear in itself.

**Jewitt:** Question for Vince maybe can clarify. That's talking about the waste materials itself from DUF6, what about the structure? The building.

**Carr:** The structure itself, I believe we put it in the bounds for this agreement. So the buildings not the waste, if we tear them down could go in the on-site disposal facility, if that was the selected alternative. Again that has to be based on timing. The cell being open and available when that building comes down. It is within the

**Francis:** So it is within the waste criteria.

**Carr:** Not only in the waste criteria, but also in the scope of the agreement. There is a list that is maintained between Maria and Christie, on what is inside the agreement, and they cannot modify it, because we would all know it so bottom line is that those buildings that we decided that since they are part of the EM program we would be crazy not to include them here today.

**Adams:** I just want to be clear, it is the materials we already have on file for dispensation.

**Carr:** Ok, move on to the next page 4, next bullet provides the Waste Acceptance Criteria (WAC) first words say off-site disposition of converters, compressors and coolers from X-326. So they will be precluded from on-site disposal, we talked about that this is the converters, compressors and coolers from the 326 which is the bartering materials they are all currently being shipped off the site as we remove them, they are precluded from on-site disposal because of the on-site waste acceptance criteria. The next one is the establishment of treatment standards for hazardous waste materials planned for on-site disposal. Alright the on-site disposal facility, this is still under discussion, I think you guys are discussing it tomorrow. Is that the on-site disposal, I think everybody recognizes that where it is at that

it's waste acceptance criteria is that it can accept quite a bit of material however there is an on-going discussion between the two agencies and FBP on the appropriate contaminants and treatment levels that should be applied, meaning that you cannot just necessarily eliminate any preference for treatment. So there is going to be some materials that will be treated. What we are trying to do is establish what gets treated before it gets disposed of. And an example of this, what we are looking at, further discussion here in a minute, for example if we were to excavate the plumes the groundwater on the site that soil that is associated with it will contain concentrations of TCE organic solvent, what we are looking at is some level of that being treated down to a certain treatment level before being disposed of in the facility. That is one example of it right there. Anyway this proposed plan will define that it's just at this point in time we haven't come to an agreement so it is just basically a placeholder in there. Is that fair you guys.

**Francis:** In your proposed plan what if you began to dig up the plumes and you go oh gee there is stuff in here we didn't know anything about. It will cost a lot more money than we thought, is that where you are going to incorporate that into the fill.

**Carr:** Let me talk about that in a minute, it is in the next bullet. Let us go through this one here first. I want to make sure we see how this regulatory structure works. We have all had a lot of discussions on the landfills and plumes. We will jump into this discussion here in a minute. We have a series of formal landfills that are capped. Landfills that were used for ongoing operations for 60 years that are now have some kind of a cap. There have been capped by the terms of the Ohio EPA regulation and being monitored and maintained. Also at this site we have some five groundwater plumes. Each one with some organic solvent TCE in them. So we have had quite a few discussions between all of us on what we would like this site to look like when we are done and part of that discussion was hey if we are going to make this an attractive facility for future reindustrialize it might be a good idea to get those landfills and plumes out of the general vicinity of the area of where we would like to reindustrialize. So we went off and ask DOE and they went off and evaluated this option and we put together a pretty detailed technical analyzes and cost analyzes of this considering the excavation of Ohio EPA's required requirements of the use of this material as fill material to fill the spaces, the void spaces of the building debris. You cannot just bury building debris in on-site disposal facility and expect that being capped over the period of 1000 years gradually find a way to fill in those cracks so as a result you need to fill it in as you are building it. So what we are looking for is what is the most viable way of getting the necessary soil to fill in the space between demolition debris. So it immediately come to us that ok you have two choices: you can buy clean stuff or you can get contaminated stuff. So all of us said let's take a look at using contaminated materials from the site. So that is what was done a technical evaluation was done. We have behind the scenes gone through multiple reviews with the DOE headquarters because it is not an easy thing to think of that hey we have already went through the regulatory process and got approval from Ohio EPA and capped all these landfills. Now you guys want to go dig them up for the single purpose of consolidating them into a smaller footprint and using that as fill and dig up all these plumes which we are already in the process of cleaning up through groundwater extraction methods. So the bottom line is we went through a technical analyzes of how long and how much dollars would be invested in trying to be the care providers for the landfills and run the treatment operations on these plumes for the next hundreds of years to get to the cleanup levels versus excavating them and using them as a source of soil to fill that void

space. We have done that analyzes internal within the DOE we got concurrent that it represents the best thing to do. Cutting off those long-term costs and focusing more, so as a result of that, that formed the basics for us to say therefore that is a viable alternative, so within the current document that you have in front of you now. The RI/FS and the proposed plan we identify the use of this material what we call a representative option for our source of fill. There is a fallback option should this not work to use clean fill. But clearly the preferred path is to use contaminated soil from these two locations. The alternative that we put together in the RI/FS which represents the preferred alternative, the cost analyzes includes the cost of excavating the landfills and the plumes. It is an offsetting cost against the savings that come from on-site disposal verses off-site disposal. So as a result we cost it in the alternative however it still has to be represented as the represented option.

Next bullet on the next page, which is page five. The way to current regulatory structure is set up at this facility reminder I mentioned it earlier. We have the consent decree and the DDFO, there are very clear boundaries between those two. The DDFO deals with buildings, structures, and the consent decree deals with all the environmental media. These plumes, these landfills were previously closed under the consent decree and the plumes are being cleaned up under the consent decree under remedies. The issue became how we bridge between those two and still advance the ball here. There has properly been more discussion on trying to find the most viable cap with the regulatory perspective dealing with the landfills and plumes over the last three to six months than any other single point. The DOE obviously is interested in proceeding forward. The Ohio EPA is also interested in seeing this take place. However, we need to live within the boundaries to the agreement. Based upon where we stand this preferred alternative identifies that that is the representative option, but it also identifies that we are going to have to seek additional regulatory approvals granted from Ohio EPA in order for us to be able to excavate the landfills and the plumes outside the bounds of this current RI/FS. Meaning simply that on the basics of this we cannot just go start excavating the landfills and plumes.

**Francis:** Hasn't that discussion been going on with the attorney's? I mean we have been told that is being worked out, and if it is not then we have a lot to talk about.

**Carr:** It has, I believe anybody. I do not think there is a person in this room that does not want to do it. In fact I know the department has done the analyzes under pendants all the way up to the headquarters level. The question comes down to what is the appropriate place where we can sign-up to it. So we went as far as collectively could be done in this regulatory document between both the agencies they felt appropriately given what the scope of this document is to try to get as far down the line of commitment as they could. That is what is in that document. So they costed it in, it is spoken to in there. All the technical analyzes are attached in the appendix to this thing. However, it also says hey people the director of Ohio EPA cannot give you the authority to go dig up that landfill just because you signed this record of decision. You need something above this, a second approval process needs to be granted and you DOE need to submit us those documents and you need to seek that approval.

**Francis:** Is that going to be done before the ROD?

**Carr:** That will not be done before this ROD.

**Francis:** Then we need to look at our recommendation, because that is opposed to what we want to see happen 13-02.

**Carr:** You guys were looking for that this ROD would accomplish that requirement.

**Francis:** It is all in here. We have talked about this numberless times. So this is not going to get very far, at least as far as this guy is concerned, now maybe the rest of the people fill different. It is not going to be maybes, could be, this is what is going to happen. No disrespect to anybody in this room. None of you really live here. You will be gone Dennis, we will go back to Cincinnati. Since you are going to be gone. Other people will be gone.

**Adams:** I am not too sure about that.

**Francis:** We have seen how our veterans have been treated, especially in the last few weeks. If it is not specify language, not maybe, could, or we think it is a good idea. If it is not specify language in the ROD, it is not going to do us any good. So I am right back to where we were before, take it all off-site, if we cannot accomplish what we said in 13.02 which we have talked about for two years. So it is up to you guys. If you want to community to back it then you had better be able to perform, if you cannot then it is a whole new ballgame. That is one guy, but that is exactly what the board said.

**Carr:** Well again I do not think

**Minter:** We heard that from a number of folks.

**Manson:** Yes, that is right.

**Carr:** Again, when you people made that recommendation, we also had many discussions for months as to what is permissible under the regulatory structure. This should not come as a shock to anybody in this room. I hear what you are saying. I know what you put in the recommendation. But I also know what is in the regulatory structure of these things. You can put out that expectation, but it is also the fact that it is within the regulatory structure of that DDFO we cannot step over the line and make that decision.

**Minter:** You could put a hold on it until you get that approval.

**Francis:** We made two promises as the SSAB, we would support an on-site cell with the caveats that we talked about and if we did not have those caveats then we would not support a cell. That is where we are. That is where I am.

**Minter:** I think it is just a balance to this issue. There is no way to defend what you would put another on-site cell unless there is consolidation and assurance that it will take place. Potential viable land reduce plan without the consolidation it is impossible. So to balance all those issues without that

**Carr:** No one is saying that the consolidation is going to take place. It is just going to have to

**Minter:** But without it being in a regulatory document

**Carr:** It is not going to be in this regulatory document but it will be in a regulatory document whenever we get approval to do it.

**Francis:** When that is passed that is the go one right there. That's the design, that's build, that's everything.

**Carr:** You have to have one before the other. You have two of these things, this one is giving you approval for the concept of on-site disposal, then the fall on that is now you got on-site disposal now you can continue to consider what the source of the fill is going to be with the regulatory perspective.

**Francis:** Understand, my way of thinking is the horse is before the cart. As far as the SSAB and what we have expressed for our community. So that's where the stale mate is.

**Roberts:** Hey Val, 13-02 had six points in it. Do you feel like the other points have been met?

**Francis:** A couple of them have been met, but there is just too much wiggle room. People are gone then the attorneys get involved they look at it, well we did not really mean that, this is what was meant then, remember what was understood there. It has to be really plain, black and white or black and white for us is take it to the Nevada Test Site, take it to wherever you want it. We do not want it. We have had these discussions. You know where we are coming from. We are not backing off this stuff. So if you want the community to be totally opposed to all of it then don't do what we have asked. I am not being hateful. I am not trying to talk down anybody. I am just telling you, how it is going to be.

**Minter:** Tremendous amount of effort has been made to balance those issues all of the directives to try to come up with a solution and a balanced approach. Not having assurance undermines that considerably and makes it when public comments up if will be difficult if not impossible to fend from the standpoint, why would you support that, well here is a reason, here is our expectations and here is how we are sure it is going to take place. A lot of chance.

**Adams:** Val you are concerned the RI/FS somehow geared, even though you have the ROD you could have an on-site cell that the regulatory.

**Francis:** I understand the regulatory, look at the first part of this. Where does it make reference to that? The Portsmouth EM SSAB believes it is important for DOE to understand the basis for its support of an on-site disposal cell. Real plain on what we are doing. This is the support does not come from an overarching desire to have nuclear waste placed in our community. The word, the only justification for such a decision that it provides our community its best chance for economic stability in the near term and economic growth. And the word however, the board wants to make it clear to DOE and the Ohio EPA that it objects to an on-site disposal cell unless certain conditions can be met explicitly outlined in the upcoming proposed plan. We understand there are hurdles. We have understood that for two years. We have talked about that for two years. I have asked Maria, how are we doing on this. Are we gaining on this? Yea, I think we are gaining on this. The attorneys have it and now you are bring out a proposed plan that does not satisfy this and you want us to support it, we cannot support this so the only other option is to say hey guys take it all off-site. The community will not support an on-site cell period. That is it that is what I am saying the horse is before the cart.

**Francis:** We want it understood that Dennis talked about plumes, talked about doing all of this, they spent all kinds of money already. It is causable it is feasible, yes you can use this fill material and now we get to the point we are like yea let us clean this up, let this happen. Then the language is a little fishy. May do it, may not do it. We do not want it that way. We are going to do it, if we get in there and if whatever we find has to be treated if you do not have manifestoes from 60 years ago and has to be treated, then treat it. If you cannot do that then take it off-site, take it all off-site. That is it.

**Minter:** Is there a way to balance these so they are approved together? Again I understand it is a different regulatory process but time the process or not finalized this process until the other one is ready to proceed forward or do it (don't know if there is a term for it) separate or intervene to this process to get approve of those and it says that in the regulatory agreement. Therefore if it is continuance upon that happening, I am not a lawyer but I can tell you with something like that, language would help assure that that is the path forward that it is in the regulatory decision that is the path forward but without that, there is a lack of assurance to say well there was grass on it, so it was too hard to dig up so we

chose not to. We know that's not the answer you are going to give us but feasibly it could be the answer provided.

**Francis:** We just want to make sure that the intent that we have is crystal clear what we want to do, so there is the least amount of wiggle room in the whole thing. With me right now, I went through this whole document and there is just too much wiggle room. Way too much wiggle room, not at all, what we wanted to see in this. So, we are open for dialogue.

**Carr:** I think collectively EPA and DOE has gone as far as they could with the regulatory structure they have right now. They can go back to the table and look at it but we have spent a lot of time on this. I do not think there is anybody that is backing off on this. Like I said we have invested an incredible amount of money. You guys behind the scenes us and DOE getting everybody to buy into this, there is just a regulatory process we have to follow.

**Minter:** But couldn't the first regulatory process be continuance upon the approval of those secondary regulatory approvals?

**Carr:** I am not the guy that can answer that. You can't have a regulatory process in place that says go excavate a plume and consolidate when there is no landfill to receive it.

**Minter:** But the existing ROD decision that you are talking about in that record it says interval to this is approval of the consolidation of compact soil cells without approval the whole thing could come to a stop action. We do not move forward therefore it could be in it that we could be continuance upon the approval of those under those separate regulatory requirements. It could be interval to that ROD they would be joined at the hips so to say. They are required to occur together. Being what I think was the intent of being what was intended the use inside perimeter road for future land use. We would have a safer, get rid of the contaminated soil, all the things we have talked about for some time. The current record of decision could reference that it would be interval part there of continuance upon meaning that requirement of the record be executed. The field of dreams you build it but you build it with the soils from the preferred location. Again, we understand it was difficult, I think the letter goes on to say something to the effect that we understand this was not easy or whatever but this is not our issue to resolve. We know it is complex. That would perhaps move it forward. Because we would have a ROD stating and recognizing that the other approvals have to be taking place.

**Jewett:** Hey Val, if it helps, I have been in the middle of this all along as you can image the way I see it coming together is that the second set of approvals of the consent decree is not really aimed at whether it should be done or not but whether how it will be done. To show that the excavation could be done safely, the run on and run off controls are there, material handling. More of an approval of how it can be done as the whether it should be done.

**Minter:** I would agree with you.

**Francis:** Show me the money. I cannot in all good consciously representing my community approve something on maybes. I just cannot do it. I am afraid it will not happen. So it all good business decisions if you need to negotiate if you need to do this up front, we take care of it upfront if you want our support, because we are not going to do it. We are not going to support this if you cannot phonetically tell us what is going to be done. Because we have seen to many times things change. Out in Hanford you hear how they are not being funded, this is not happening that is not happening. So all I am saying is we are going to be in the best possible position we can possibly be in for our community if you want our support. And if this is a great idea, Dennis has told me many times he thinks it is. The money has been spent already then pony up to the table. Do what needs to be done. Let's do

it and we will support you 100%. If you do not, no support and we have made that very plain. We are not trying to intimate anybody; we are not trying to be hard to get along with. This is just so important to us. We are extremely poor in this community and anything we can do to allow us to benefit in the future we have to do it. That is where we are at. So however you want to do it. But it needs to be, Dan's suggestions or whatever needs to be done. It needs to be black and white, this is how it is.

**Carr:** Ok that is pretty much the extent that if we do open this proposed plan the public comment time should be sometime the end of summer, early fall. Last thing I have is I wanted to bring up we have a record of facility investigation corrective measures study under the consent decree where we set the final cleanup levels for the soil. We have what is called deferred units, which is the locations that are all adjacent to the building for many years under the terms of the consent decree that is where the deferred units final decision would be made. Part of the decision is on the landfill and plumes. Right now there is not a lot of discussion on how to go about documenting that as Marc just said. Right now it looks like using the natural resource damage assessment process that we are already obligated to prepare a damage assessment use that process to manifest what you were asking for. Which is to use that process as the approving authority to get the approval on landfills and plumes to fall under regulatory documents. Because that is a location where we can do it. If that didn't work there is some fallbacks but that was basically the leading candidate that we have right now. So we will go back and get that done. Anything I missed? Thank you sir.

**Roberts:** Are there questions, discussions? Not that we did not have a little bit during the presentation. So where do we as a board go from here? Any action we need to take now or wait and see when they go through.

**Minter:** With the timing, it may require us to have a special meeting. I know we are required to give notice. I know we have the annual planning session coming up.

**Roberts:** Yes, we have to give a 30 days. Any idea on a timeframe of when you are expected to be through? Our planning session is August 24 will it be before or after that?

**Jewett:** We are having a little bit before then. The meeting tomorrow will let us know where this stands. I am hoping we can sit with them this month and make all the changes and have a public comment period near the end of summer. We understand all the concerns.

**Roberts:** So we should know tomorrow or a couple of days after kind of the timeframe of where we are going. So is that good for you guys? If we need to call a special meeting we can, or if it is something you want to incorporate into the planning session we can do that.

**Francis:** The fact that ¾'s of the committee is not even here.

**Roberts:** Add that to the fact that we have six new board members that needs to have a site tour and orientation. So what do you want to do.

**Francis:** Timing is important so.

**Minter:** We could also schedule one and cancel if we need too.

**Roberts:** Do you want us to touch base with Marc and see how tomorrow goes.

**Francis:** Yes

**Roberts:** Joel are you ok with that, what do you want to do.

**Bradburne:** I will do whatever you guys want to do. The fundamental issue is how prescriptive we can be in the regulatory document. I do not think we can change any of that. I hope that tomorrow can bring something better and different.

**Minter:** Do you guys have any suggestions on how to understand both sides of this process. You should be concerned with how do we do it, with different regulatory processes. How somehow it can be timed together, connected. How do we assure that kind of outcome.

**Galanti:** You know with looking at our regulatory processes we are just now getting started with the RFI's to look at the some of the deferred units which looks at the soil contaminants that would be used as engineered fill as well as the groundwater plumes and the landfills. We talked about the process to which these regulatory approvals would be identified and the steps that DOE would have to take to get those approvals within the contacts of the proposed plan and the waste disposition. We talked about putting those in there and there is a placeholder right now in the preferred plan in the appendix. There may be some additional language that we could put in there might be in the decision document but that is coming in 2015. That talks about the remedy that DOE will dig these up. That is kind of the path we are going down right now. Trying to lay the framework and say if there is an OSDC so it makes sense. If there is not an on-site disposal cell, it will not make sense to dig them up. So it is kind of that catch 22. You need to know where you are going to do it before EPA can say ok this meets our regulatory requirements for safe disposal for all these contaminants. You showed us you have the WAC build it this way and we have approved it. So it is kind of a catch 22 for us to tell DOE in order to do this we know you have certain contaminants so you need to go forth and build and construct to meet the WAC in which they have met all the regulatory requirements. So maybe we will have to go back and look at some additional language.

**Francis:** That is something DOE needs to know too. Maybe they can use that in their plan that they are presenting.

**Galanti:** And they did, I mean when you look at how the cell is engineered it is built for long term disposal. You are talking about the health and safety of this area for over a thousand years.

**Minter:** That was part of the consideration of the consolidation. The cells that are there now certainly are not built to the same criteria.

**Galanti:** DOE has spent a lot of money investing area D. A lot of money and time went into identify the genealogy of the location. I think if we would have gone with the location C some of this would not have been feasible. So they have identified an area that I believe it is acceptable for the landfill consolidation. I understand the mays are a lot of concern, we could do this or we may do that. I understood that when I read the document that would be a concern, but they also talk about there are placeholders where that language has not been worked out. So maybe has they work through some of that language.

**Francis:** Well it just has to be done. I do not know how you are going to get there but there is a lot of smart people in the world and it has to be done, if you want our support. My support, I won't speak for the board, but for me.

**Roberts:** Ok if we take a second and look at the bullet point on the second page of 13.02. The first one is requesting OSDC. Clearly that is stated in the proposed plan.

**Francis:** Is there off site waste here now? That we are storing that we got from Fernald or Hanford somewhere?

**Carr:** That is being shipped off-site now. Nothing else coming in now, the only acceptance is if we send something off-site for a feasible study, now we have to take back what is not analyzed.

**Roberts:** The next bullet point is on the plumes which clearly there's some concern. There is some understanding, at least that is what I am hearing from DOE that there is an intent/desire to dig up the plumes, with some regulatory hurdles to get through getting that commitment in writing with the assurance might be a little tougher. Next is the landfill, which falls under the same category, right? You have the barrier material, outside of the 326 building, which is discussed in the proposed plan. Are you ok with how that is worded. Not just Val but the rest of the board? There seems to be an intent to move forward with the recycling plan.

**Minter:** It's not been approved by DOE.

**Adams:** Recycling is in the baseline of the contract. This project there is a major interest in doing this. It is an asset really not a waste.

**Minter:** I am talking recycling in general no just nickel.

**Adams:** The one criteria to look at Dennis and then have to look at every single base stream, and make that determination if it is recyclable or not. Meaning is it economical that it should pay for itself. So there shouldn't be any additional cost of recycling. If the cost can pay for itself then we do it, if not we cannot.

**Roberts:** okay so it sounds like that one is pretty much taken care of. We are moving forward on recycling and it sounds like that one is covered. We request all current and existing waste from DUF6 and that is clearing stated the waste, the building itself when it is torn down. May or not included

**Carr:** The building I would say will be included, but the waste is under a separate agreement, in order for that to go in DOE would have to propose, and that is not even being considered.

**Francis:** The building would or would not go in?

**Galanti/Carr:** The building would but not the waste.

**Galanti:** And just so you know some of the buildings are the same way.

**Carr:** We wanted to build in some flexibly.

**Minter:** They haven't evaluated if they have a future use yet or not.

**Roberts:** So you get to the funding implementable land use plan and honestly before you get to concerned with the funding, I think you go back to the FFE study which says consolidate the landfills so you have the large piece for future land use.

**Carr:** We are working on a call on that but it just has not kicked in yet. Keeping the people working

**Minter:** There are some opportunities coming up sooner or later with future land use.

**Roberts:** Okay best I can figure for this proposed plan there is more we can agree on than not. There are a couple of hurdles. I think we can get to the point that we are okay. I appreciate you being clear to infinity the hurdles to make it go forward. You at least know where you are going to trip. Is there anything else in the document that jumped out at you or only fair to let Dennis or Maria know.

**Minter:** I haven't read through the whole thing yet.

**Roberts:** Has everyone had a chance to see a copy if you haven't, I think Julie sent it out electronically but we can get it for you in.

**Manson:** We have them here.

**Roberts:** You have hard copies.

**Francis:** We have not been talking about potentially things that can go into the cell. We talked about the DUF6 and other buildings that could possibly if they are torn down. Did you understand that too Dan?

**Minter:** No but I understand why.

**Carr:** That is just a fall back.

**Adams:** I don't know if this will help you or not but the big picture is. You know we have come a long way in terms of conceptualizing the proposed plan. Starting at ground zero as a matter of fact, more lending toward off-site. Because of the community support we have been working on a daily bases, so the intent without question is to do exactly that, I do not think anyone in this room or beyond this room, headquarters are not fixed on getting the landfill and plumes out because of all the reasons you just mentioned. That is what we have been working on, I know you want to see the chip if you will. The intent is there, without question, we have put a lot of energy and effort of how we are going to get there. So it is not written in a way, that is not the intent.

**Francis:** Vince, I hear you and respect you, but the word intent in a binding legal document scares me to death. When you are gone and others are gone and other folks, when Maria is retired and Melody is gone and other people are coming there and they didn't have these discussions and didn't know the intent of what we were trying to do. So I guess my verbiage to you is let us move it from intent to specific performance of what we are going to do expeditiously so someone can look at it today or five years down the road to know exactly what those folks wanted done. That is all I am saying, I am not trying to be disrespectful to anyone, but it has to have more teeth in it. It really does and if we need to work through these hurdles first then let us do it. Let us get it done.

**Carr:** Just so you know no waste could not be placed without one of these decisions having being made. The first thing to go in is soil and debris.

**Minter:** It doesn't have to be the preferred.

**Carr:** I am just saying we have to have a decision made. We can't start anything without dirt.

**Minter:** But you could use regular dirt.

**Carr:** I think we all recognize that and the thing is how far we go with this decision process and we went as far as we could and the point was to expedite now this other regulatory for approval. The next place we are going is to plumes.

**Roberts:** Again, the proposed plan is still in draft form so before you start writing recommendations give them a shot.

**Francis:** We have been very plain from day one. This should not be shocking to anyone in here that has worked on this. This is exactly where we are. It is how we got the community support in the first place. I am willing to do whatever needs done.

**Roberts:** Any other questions or comments from this committee? Thank you guys, we went longer that we had planned. Take five and we will get started on the next committee.

**Francis:** Meeting adjourned

## **2. Action Items:** None