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SCOPING SESSION OF THE
PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT
FOR THE URANIUM MILL TAILINGS REMEDIAL ACTION PROJECT

DECEMBER 8, 1992
7:00 SESSION

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BE IT REMEMBERED THAT on the 8th day of December, 1992, the above-titled meeting took place at the Community Center in Falls City, Texas, for the purpose of obtaining public comment on the Programmatic Environmental Impact Statement for the Uranium Mill Tailings Remedial Action Project, UMTRA, and the following proceedings were held:

RIVER CITY REPORTING & RECORDS
6800 PARK TEN BLVD., SUITE 242-E
SAN ANTONIO, TEXAS 78213 738-9000

DISCLAIMER

MR. CHERNOFF: Good evening. My name is Al Chernoff. I'm the project manager for the entire UMTRA program, and we're here today in a scoping meeting to talk about the Programmatic Environmental Impact Statement on the groundwater. The purpose of having these kinds of meetings is to maintain an openness with the public, and we're committed, as you probably have heard before, to cleaning up the environment. We have a very strong commitment to keep the public informed, and we're also very strongly committed to listen to the concerns. We have begun the cleanup of the Surface Program, and this is the part of the process that begins the discussion and dialogue on cleaning up the groundwater.

You really could help us in two ways. We really want to consider your concerns, and I understand some of you want to speak tonight. And when you have concerns, we also want to take the opportunity to keep you informed of what we find as we look at those concerns that you raise. The NEPA process has two bases in terms of how we respond. We have conducted an -- we conducted on November the 19th an orientation meeting which allows us to dialogue with each and every one of you and to have discussion in a two-way dialogue.

When you move to the scoping meetings, and that will take place -- at the conclusion of my talk, we'll move into the scoping meeting. That scoping meeting allows any of you who wish to have an opportunity to comment, whether you want to do it here with the microphone or whether you want to provide written comments afterwards. That's an opportunity for you to be able to address your concerns. We, as the DOE, will not be allowed to comment on those. It is not the purpose of this to enter into dialogue at this time. At -- And, obviously, we will take your comments and we will try to address them as we go through the process.

I'm going to back up a little and tell you a little bit about what UMTRA's about to give some of you an understanding of some of the history of this program. Public law, as we know it, that was signed in 1978, allowed for the cleanup of this material under a 90 percent/10 percent cost sharing so that the State is a very active participant in all of our efforts as is the NRC, who is a regulator, as the agreement and the way the act was written is that the EPA must establish the standards, and the NRC must execute them.

We're to clean up 24 designated sites in, actually, 11 states if you count one of them that has what we call vicinity property. We've cleaned up a

number of other properties. To give you some idea of the breadth of our program, these are the UMTRA sites that we currently have, and if you counted the states, and if you look at the map that we have on the table, you will see a number of sites. This happens to be the only site in Texas that we have that we're cleaning up under the UMTRA program. You can see how the sites are done. We have completed ten of those, and that part of the Surface Program was to address itself to these kinds of concerns.

Where we had a mill that was operating in the tailings were as a result of the milling operations, we were worried about the stability and the erosion and the emanations of radon and gamma plus the groundwater contamination. We were authorized to go and clean these up. We do that in a process with the NRC and with the local -- with the states. We not only will encapsulate the material, we will build an intrusion barrier to maintain the radon so that it does not get into the atmosphere. We put a rock layer or some other material on top to protect that to keep it from degrading.

Now, what I'd like to do is just take a couple of moments to show you some of the sites that we've already done to give you a little bit of the

information. This is a site in Pennsylvania called Canonsburg, and the facility is located here in the center, and it was located in a populated area. At the completion of the remediation of the Surface Program, the site looks like this. It is the only full vegetative cover we have, and you can see that the population still lives very close to this in a very secure environment and with very little concern for the Surface Program that we did.

Another site is Lowman. It's in Idaho. It's in a very mountainous area. You can see where the material was located and where the mill was located. At the conclusion of our cleanup, which was just last year, the site has been completed. We are now revegetating this area, and in the next year or so you won't be able to see this, and this is where the site will remain plain. And I'm sure that a lot of you have thought about it in the past, but we designed these with a life expectancy of a thousand years, and we have a long-term commitment to maintain control over those sites.

A site in Colorado that we completed, and it's probably a little harder to see, right by the river, is the site in Durango, Colorado, and that site was moved and the material moved. What the site looks like at the conclusion of the cleanup is a nice clean area with

all of the contamination removed, and this is what the cell looks like that we designed. The cell here in Falls City will have a rock-sided configuration when we complete that.

The site here, this is Falls City. You can see all of the ponds and the number of sites that we have, and we have some additional maps that we have. As of August we have moved some material, and this is a -- kind of a pictorial of what we've done. We've consolidated some of the material and have moved it. The opportunity exists for any of you to comment on the groundwater portion. We're not really here to discuss the Surface Program because that's already been approved and ongoing. We're here to dialogue with you on Programmatic Environmental Impact Statement on groundwater.

There are a lot of sites, as you can see, and so we're looking for comments that would be applicable to our sites. We're looking for dialogue and we're looking for your input and your help to make the program succeed. And with that I'd like to turn it over to Don Metzler, who's the site and groundwater program manager, and he'll give you some other insights as to what we're trying to do.

MR. METZLER: Okay. Thank you, Al. I

other alternatives to what we have listed tonight, then those are the type of comments that -- that would be definitely appropriate for tonight's scoping.

But here's another alternative, is to select a no action. A no action is required in the NEPA process. A no action would be that we wouldn't do anything. We would just complete the Surface Program and all the commitments we have there, and then once that's done and completed, then as far as the groundwater phase, we would just do nothing.

Now, this is -- Actually, it's a good measuring tool to compare other alternatives to see what type of benefits or what type of impacts other alternatives would have to the -- to the no action alternative. Another one is the use strategy based on current knowledge. Again, UMTRACA was enacted in 1978. It's a fairly mature program, and at all of our sites we've done quite a bit of characterization.

Here at Falls City we've put in a lot of monitor wells. We've done a lot of sampling over the years, and so we have a good idea of what's going on. However, we don't have all the answers. There's still uncertainties associated with some of the characteristics at all of our UMTRA sites. So to use the strategy based on current knowledge, well, it has a

pro because we could get out there sooner and come up with site-specific decisions at our 24 sites, but then there's a negative, too, because do we absolutely have all the uncertainties that we can reasonably answer and -- due to the characterization at this time, so a little negative there. We feel that we need to go out and study the situation more, but it's still a viable alternative.

Another alternative might be to disregard the groundwater standard and just to clean to background -- to pre-milling conditions at our 24 UMTRA sites, just go in and no matter what the natural conditions were and no matter what type of existing or future potential use of the aquifers are to go in and apply some type of technology to clean that aquifer or clean the contaminated groundwater to background conditions.

There's another alternative. It's to provide clean water, and that is, again, to disregard the EPA groundwater standard and disregard the need of going in there -- if the need was determined of cleaning up an aquifer, but to go in and supply clean water at the point of use. Let's say no one's using an aquifer now and reasonably not expected to, but at some point in time, 10 years, 10 years, 50 years from now, if someone would go in and use an aquifer and actually then draw

the contaminated groundwater, then there would be some system that DOE would provide to clean that groundwater to drinking water conditions. And, again, this would not meet the -- our groundwater standard.

So with knowing those are just a full alternatives and maybe that would stimulate your thinking on other alternatives that are available to -- that could be possibly critiqued, then we'll go a little farther in our scoping process this evening and talk about what is the scoping really -- really necessary for? What does it do? Well, it facilitates the public involvement, and I think November 19th that we showed that when we had interactive discussions going on in our break-out sessions, and we were able to hear some of your initial concerns and some of your initial questions and able to start thinking about some of those. And, actually, we were able to respond to some of the questions that came up on November 19th.

Another one is insure that we identify all of the issues early on, and this is very important. This is one of the big reasons why we want to have the public starting at ground zero with us. We haven't made any decisions at any of the site -- site-specific decisions. In fact, we haven't made even the programmatic decisions on how this framework is going

to develop, but what we want to do is, we want to make sure that as we start making decisions, that we don't forget any of the big issues, and so the public can help us in that regard, help us identify the significant issues early on.

Also, the scoping process gives you the opportunity and really gives us the opportunity to focus on all the comments on the alternatives. Maybe the clean to background is -- if that's something that the public really gives us a feel for as far as, "No. This is really wasting too many Federal dollars for a low benefit," or, "Yes. That really makes sense," you know, we start to get a feel for some of the alternatives that we've considered and, also, a lot of alternatives, hopefully, that we'll hear tonight or at other scopings that maybe we haven't considered.

With the November 19th orientation meeting that we had here, we identified in our break-out sessions a lot of different questions and concerns that you had, and we did that at each one of our tables. We had a Geology and Groundwater table, and we had a NEPA table, a P. E. I. S. table. We had a Surface table. We also had a Human Health table. And so each one of all those questions that we recorded or wrote down in an informal matter we have up on our poster boards over across the

room, and a lot of these issues we were able to start working immediately when we got back to the office, and I think some of you received a few things in the mail, the Groundwater standard or the NLY or maybe a geologic write-up on the Carrizo Aquifer, et cetera.

So as we were able to address some of those issues, we did that, and some of those issues are ongoing, like rattlesnake habitat or mesquite growing on piles. And so those issues would continue to work and come up with solutions we'll keep you informed on.

So with a little recap about the purpose of tonight's meeting, we will now go into the formal part, and that is where you'll have five minutes allocated to stand up and be able to view your concerns, make your comment, and we will transcribe that comment with a meeting recorder. And to do -- And to start this part of the formal session off, Arlene Jurgajtis is going to stand up, and she is the moderator, and she is going to help run this part of the meeting. Welcome her.

MS. JURGAJTIS: I'd like to welcome y'all to the meeting and to thank you for coming tonight. My name is Arlene Jurgajtis, and I'm President of the Falls City Chamber of Commerce. And as a member of this community, I was asked to be the moderator for the discussion.

I'd like to begin today by outlining the ground rules of today's session. As Mr. Metzler has stated, we are here today to record your comments regarding the Programmatic Environmental Impact Statement, especially the proposed action and the alternatives. Those who wish to comment today may do so in two different ways. You may step to the front of the room and address the group or you may drop off written comments in the tray at the back of the room. Oral comments made today will be recorded by a meeting recorder. After today, written comments may be sent to UMTRA Groundwater Project Office, U.S. Department of Energy, 5301 Central Avenue Northeast, Suite 1720, Albuquerque, New Mexico, 87108. The address is on the back of the facts sheet, and if you don't already have one, you can get one at the front of the room there.

Those who wish to address the group should sign up on a list at the table at the back of the room. When I call your name, please come up here to the front. Before you present your comments, please state your name and address. You'll be given five minutes to address the group, and I will time you. Please keep your comments to the specified time. Individuals who may be representing a group or organization will be allowed ten minutes to speak. Again, please state your

name and address for the record. Please keep your comments to the specified time. Everyone who requests an opportunity to speak will be permitted to do so, and those comments will become part of the records of this session. Are there any questions about the process I have just outlined?

(No response)

MS. JURGAJTIS: If not, then I'll call the first name on our list. Mr. Jeff Sibley.

MR. SIBLEY: My name is Jeff Sibley, Texas Energy Alliance. It's a little hard to talk on the aquifer since we haven't received the data yet, which y'all said that you have at your desk and you'll send us. It is a very complicated strata. We don't believe that you have homogeneous sheets under there. You're going to have -- aquifer flows in all different directions because you have very diverse underground strata. What concerns us, though, the long-term impacts of what you're doing here is setting a precedent for the State of Texas. That's why it's so important that this precedent be set correctly.

Susquehanna is the indicator. Whatever you do here every other uranium mine is going to have to do. We've got 20 counties where they've got uranium mines. We have 31,000 acres of permitted uranium strip mining

sites. We have over 20,000 individual in situ wells over 20 counties. We have five surface irrigation sites. We have, I believe, five -- four or five uranium mill spillings ponds, which are severely lacking, all of them are, including the Susquehanna.

This site is setting the precedent. Whatever you do on the surface or on the aquifer is going to set the precedent that all these other industries are going to have to deal with. If we do not clean the aquifer up, if we go with natural restoration, we are giving an excuse to all the other industries that they don't have to clean up their aquifer as well. There's 20 counties. Dilution is a solution, which is what natural restoration is. It is a technology that was developed under the Atomic Energy Commission. It has been around for the last 50 years. You don't hear anyone at Radiation Control at the Texas Department of Health talk that way because that technology is no longer suitable.

I don't think we want to accept -- We will not accept natural restoration. We're going to have to do an effort at Susquehanna to restore that aquifer to the background level, whatever that average might be. Now, we are in full favor of an in situ project using ions filters, evaporation towers, whatever's required, but

the effort has to be made. Now, true it's not a drinking water aquifer, but in South Texas, around Hebbronville, around ranching communities, where the only way they can ranch is because they have aquifers which they can use to feed their cattle. There would be no industry if we allowed this to happen here because every aquifer's precious whether it's drinkable or not.

Now, by setting the precedent of doing an effort here, Exxon, Texaco, Mobile, Chevron, they're all going to have to do the same amount of effort, so it's crucial to do it here, to set the precedent, and we will not accept natural restoration. That's just -- We're going to fight you on that all the way. You're going to have to do something here.

The surface, we believe that this is a suitable technology for isolating the waste, but we don't believe that -- and we agree with what you're doing. We think this is a proper technology, the only technology favorable to do for this type of situation. We believe it's crucial to eliminate all terminology that uses walk-away disposal technique from all the literature.

We want this to be a management situation, which I am assured of today that you have long-term perpetual

plans to continue to monitor this site for maybe the next thousand years. We want this in writing. We want to make sure this is going to happen because this is a management situation for at least a hundred thousand years, but we're glad that we're getting at least a thousand years out of this. And so it's crucial to get the management situation on the stand and drop the disposal technique, and we think with the new head of the DOE this is going to be very easy for y'all to do, so we think we can get a good working relationship going.

We're glad that Watkins is stepping down, the ex-nuclear military engineer. We think that the new research budget will go into alternative energies. 60 percent is now going into the unitizer reactor for nuclear power, which is asinine. Sorry. We think that we can look forward to good working relationships with you. We want to be part of the groundwater plans. We think the technology that needs to be developed will be based on in situ operations that they're already doing on a grand scale in South Texas.

We don't think we can clean it up to fresh water levels because that's going to cause great problems in the aquifer. We're going to have to determine what is a suitable aquifer to clean it up to. We think that we

can work together on this. I think it'll be something that'll benefit us. There is land damage on sites around this mine which farmers are having to pay for personally. We think that's something that has to be dealt with because we have a lot of damaged land. There's a lot of health damage out there, too, and we had a health study that'll be due out in about two months to give us a better indicator of what we have in these areas around the uranium mining districts.

What we need is a food chain study. This is something BEG is suggesting. This is something that Ann Richards is suggesting. There are very few long-term studies as to what this radiation does to our food chain. There is almost nil studies doing -- having to do with health. We have a health study. We want more, but, particularly, we would like to request a food chain study, something the BEG is requesting. They are also requesting that we not -- that we have to have diligence on the aquifer. They have great reservations about the natural restoration proposal. They think that it needs to be something more than natural restoration. They're kind of backing us up on that.

The food chain study I'm not an expert on, but we need to go out and study more than just two cattle. We

need to study -- we need to study the algae, we need to study the grasses, we need to study the fish, we need to study chickens, which is on the very beginning of the bioaccumulator chain, instead of cattle, which is the very end of the bioaccumulator chain. We need adequate studies properly done that encompass everything that the environmental assessments for all the uranium mines originally did, which they studied everything when they first started -- before they started mining. Except for Susquehanna, every other site basically had an environmental assessment done.

They studied all the environment, everything in it, and now that they're trying to clean it up, nobody's forced them to go back and study all the original stuff they say, so we don't know what the levels are because they've stopped studying grass, fish, and water. I'm sorry. They study water. They don't study the food chain at all, though. This is a major agricultural district. It is the number one source of income for people in this county, so we have to be assured that the quality of the product is high, and if it's not, someone has got to compensate these people. If there's -- land has been damaged and there is irreparable damage where loss of income, loss of way of life is taking place, that will have to be

compensated. Not just by the DOE, but this is going to have to happen at Panna Maria and Anaconda and all in situ sites around Hebbronville, every place this has happened.

If these industries are going to continue to come in and mine, which they will as soon as soon as the price of uranium goes up again, we're going to have to be concerned -- they're going to have to be concerned at the price of the true cost of producing nuclear power because there's no national security risk anymore. It's strictly get fuel for nuclear power plants. If we don't some way of insuring that they're going to look at the true cost of producing this nuclear fuel at the front end, which is the uranium mines, and that's -- it's got to include the cost in the price of fuel so that, eventually, it'll be reflected back to the rate payers. Instead of us having to pay for this in taxes, we should be paying for it through our utility rates. This is a hidden cost of nuclear power, and people are not being told what the true cost of nuclear power is. We're paying for this through our taxes. It should be going out of our utility rates. We're going to suggest this on a a Federal level. We would like the DOE to join us with us on this to get utilities to pay for the cost of

Susquehanna.

MS. JURGAJTIS: Thank you, Mr. Sibley.

MR. SIBLEY: Thank you. I appreciate the time.

MS. JURGAJTIS: Mr. Tom Pawel.

MR. PAWEL: Excuse me. Jeff, you're a hard act to follow. I'm Tom Pawel. It's P-a-w-e-l. I'm with Concord Oil Company. We own a ranch just adjacent and west of the project of a thousand and eighty acres, and so we have a particular concern as well as our general concerns. I probably have more questions that have not been answered in my mind yet and that, hopefully, you can ultimately send us some information on. One of the questions would be on the other 23 sites on their containment cells --

MS. JURGAJTIS: Excuse me, Mr. Pawel. They're really not here this evening to answer questions.

MR. PAWEL: No. I -- They want to ask our -- They're asking for our concerns. Our concerns are, this particular site has no liner underneath its containment cell. We would like to know how many others have no liner, how many others do have a liner. I realize you're not going to answer me now, but, you know, in the mail and so on, that is one of our

concerns. Another concern is the adequacy of the two-foot clay liner. Again, we would like to know how the other sites, many of which are already ahead of us in the time schedule -- how their liner has performed or are any of them bigger than two feet, and which ones are they?

We've determined that the waste water permit will exceed the -- and, of course, some of that, obviously, is going to percolate into the groundwater -- will exceed the standards -- safe water standards determined by the Texas Water Commission for aluminum, arsenic, manganese, selenium, PCBs, and pentachlorophenol. And there have been some studies that we have seen that show if there is more than one pollutant, there may be some synergy, if you want to call it, or some cumulative effects. We're concerned what the potential pollution of more than one pollutant will do to the surface, to wildlife, to animals, and to human beings. Those are our concerns.

MS. JURGAJTIS: Thank you, Mr. Pawel. Is there anyone else that did not get a chance to sign up on the sheet that wished to comment this evening?

(No response)

MS. JURGAJTIS: If not, thank you.

MR. METZLER: Thank you, Arlene. Well

that concludes the formal session of the comment period. What we'd like to do now is, we have the opportunity to go into a break-out -- or a discussion group again, and we have a number of poster boards over here on the tables, and we have a P. E. I. S. group. We have a number of specialists here with us tonight from the DOE and its contractor, and I think that some of you have met these specialists before. Just in case you haven't, let me quickly go over who we have here.

We have Jim Gibb. He's the Technical Assistant Contractor/Assistant Project Manager. He's a groundwater hydrologist who has 26 years of experience in that field. And we have Linda Ulland, who is our Environmental Manager for the Technical Assistant Contractor. She has over 15 years of experience writing and reviewing Environmental Impact Statements. In addition to that, we have Paul Mann, who I think most of you know as the DOE site manager here, and so any surface issues, even though this is a groundwater scoping tonight, but any ongoing issues where, you know, we would like to carry on any discussions that really -- that -- that you might have.

And so spend as much time as you want in the discussion group and, hopefully, we'll be able to answer some of the questions that you have, and if not,

maybe we can take away some -- with us some actions.

MR. SIBLEY: (Raises hand)

MR. METZLER: Just a second, Jeff. Let me conclude. Before -- And then after we break with that -- with our discussion groups, what we want to do, as you go out the door we have evaluation sheets, and we have one -- we have, actually, two forms, and one of them is for the fact sheets that we have and, hopefully, all of you will get the fact sheets if you don't already have them, and the other one is an evaluation form on the meeting -- on how the scoping meeting went this evening. Really, these are the same forms that we had November 19th, but this gives us an opportunity to be able to critique ourselves and see areas that maybe we're doing good in or areas that we need to improve. And so we -- we're really -- we'd like to see you grade us in that respect.

So with that we'll break into the discussion groups, and -- Is there a question that you want to ask in a discussion group?

MR. SIBLEY: No. I guess this is kind of the whole group. Just one short thing. On October 7th the U.S. Attorney General gave the DOE permission to spy on public citizens? Do you know of this? And if that's so, does that mean that you -- I

could possibly have my wires tapped and -- This comes out of the San Antonio Light. I just don't know why they would want to even give them permission to do that.

MR. METZLER: Now, I have no idea of any -- I know nothing about that.

MR. SIBLEY: Well, you're not saying that you're not aware of it?

MR. METZLER: But, again, just to re-emphasize as we go to the -- our discussion groups, it is -- you know, the November 19th meeting and tonight's scoping meeting, the purpose is to -- is to get comments and discussions on the Groundwater Program and on the Programmatic E. I. S. So with that in mind, if there's any site-specific decisions that we can help as this programmatic phase starts to develop, we'd be more than happy to talk those out with you. And, again, I want to thank everyone for taking the time out to be able to come this evening.

STATE OF TEXAS *
FALLS CITY *

I, SHERRI K. NURSE, Certified Shorthand Reporter and Notary Public for the State of Texas, do hereby certify that the foregoing pages constitute a full, true, and correct transcription of the proceedings held in Falls City on December 8, 1992, in the above-captioned meeting; thereafter, reduced to typewritten form by me and under my supervision.

WITNESS MY OFFICIAL SIGNATURE on this the 14th day of July, 1992.

_____

SHERRI K. NURSE
Certified Shorthand Reporter
and Notary Public for the
State of Texas
Cert. No. 5105
Expires: 12-31-94