



STATE OF MISSOURI Bob Holden, Governor • Stephen M. Mahfood, Director
DEPARTMENT OF NATURAL RESOURCES

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September 27, 2001

The Honorable Jesse H. Roberson
Assistant Secretary for Environmental Management
EM-1
U.S. Department of Energy
Washington, DC 20585

Dear Ms. Roberson:

Congratulations on your confirmation as Assistant Secretary for Environmental Management. All Americans should be proud to have a person of your evident experience, skill and commitment serving in such a challenging government position.

As you know, the Department of Energy (DOE) has made substantial cleanup progress at the Weldon Spring site and now plans to complete cleanup in less than a year. The department, its contractors, and most especially, the site workers can be proud of this cleanup accomplishment. We are pleased to join in congratulating you for your achievement with the Association of Engineering Geologists, who will be presenting their award to the Weldon Spring Project for the "Outstanding Environmental and Engineering Project" at their annual meeting this week. However, we must now address a range of serious and urgent concerns about the adequacy of plans for post-closure care at the site, including technical, institutional, legal, and financial issues.

Unfortunately, despite DOE's expectation the cleanup will be completed in less than a year, there is no long-term stewardship plan in place. Additionally, the DOE staff at the local site office has been inadequately responsive to our comments on their planning documents. We are providing the Project Manager another set of comments on the most recent document sent by the local site, but I believe the urgency of the issues has overtaken this staff process of exchanging documents and comments.

Since the Weldon Spring site is the first large and technically complex site where DOE will complete cleanup and begin long-term stewardship, we believe you will share our interest in assuring the processes work effectively. Other states may look to Weldon Spring to gauge whether the strategy of on-site capping of waste is prudent, based on the robustness of DOE's commitment to ensure post-closure protection of human health and the environment. Unfortunately, the inadequacy of DOE's draft Weldon Spring plan sends a clear message: any state considering a DOE proposal to leave waste on-site should think long and hard about accepting DOE's assurances the site will not present any risk to human health and the environment. DOE's long-term stewardship planning promises appear to be empty, based on the draft Weldon Spring plan. Their promise to provide an effective long-term stewardship program and to also continue investing in science and technology is unreliable. I will outline two broad issues of concern here, but I want to emphasize there are important additional specific issues we

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have raised in our comments to the Weldon Spring staff. Also, these issues are not related solely to the Weldon Spring site.

First, we are particularly concerned about the urgent need to improve the lines of communication regarding long-term stewardship planning. As cleanup is completed, increasing attention needs to be paid to planning for long-term stewardship. The role of the new DOE organization responsible for stewardship (i.e., DOE's Grand Junction Office) and other entities (e.g., and state and local governments) must increase accordingly. For example, we understand a transition work group, has been formally established to help coordinate between the DOE and the Army Corps of Engineers. This will allow the receiving organization to better handle its new responsibilities, and to better understand the cleanup end state. A similar arrangement would clearly be helpful to ensure the receiving organizations, including DOE's Grand Junction Office (GJO), have a clear and formal role in planning for stewardship, based on the expected cleanup end state. Otherwise the technical feasibility, cost-effectiveness and funding requirements cannot be adequately assessed prior to the transfer of responsibility. Moreover, there does not appear to be any path forward within DOE for managing the Weldon Spring site. The Oak Ridge Operations Office has had administrative responsibility for Weldon Spring cleanup, and the Office of Site Closure (EM-40) has had responsibility at headquarters. However, DOE management assigned responsibility for GJO to the DOE Idaho Operations Office, which is the responsibility of the headquarters Office of Project Completion (EM-30). Our confidence in DOE assurance of post-closure care is weakened by DOE's management muddle.

Second, we are concerned about the lack of participation by the Weldon Spring personnel in the department's efforts to develop and use new science and technology, in contrast to the effort being made at other sites where closure is not as imminent. The Fernald site and the Weldon Spring site have significant similarities in their wastes, contamination, remedial technology and planned end state, except that Fernald cleanup will not be completed for five years. At the Fernald site, DOE has invested significant funding towards identifying useful science and technology and examining opportunities to apply them. This effort has included extensive collaboration with the subsurface focus area at the Savannah River site, integration of the remedial design with state-of-the-art sensor technologies, and extensive hydrogeological modeling. For example, DOE is sponsoring the 2nd Annual Fernald Post Closure Stewardship Technology Project Symposium featuring senior DOE staff from headquarters and multiple field offices, contractors, regulators, academic scientists, citizen stakeholders, and international officials. Also, DOE's Technology Management System fails to include any listing for the Weldon Spring site, suggesting DOE believes there is no need for further study of the groundwater situation, sensors, potential health or environmental impacts or cleanup technologies at Weldon Spring. We believe these are all ripe areas for study.

We applaud the effort to ensure the Fernald site is being managed with a high degree of attention to developing and using state-of-the-art science and technology. Unfortunately, a comparable amount of attention to science and technology has not been applied to the Weldon Spring site, despite its similarity to Fernald. This high level of attention at Fernald makes the lack of attention to science and technology issues at Weldon Spring all the more puzzling. If Fernald warrants this much consideration for ensuring advanced science and technology investments and utilization, then failure to give at least comparable attention to the Weldon Spring site is a double standard.

Pursuant to the state of Missouri's duty to protect the health and environment of all Missourians, we are concerned the DOE appears to be committing the same fundamental lapse which occurred during the Cold War: waiting until the project is done to consider the full, long-term and life-cycle environmental implications of the decisions that are made. We cannot stand idly by and allow the same mistake to be repeated. Those mistakes left us with the terrible environmental

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legacy from shortsighted decision-making that occurred during the perceived urgency of the Cold War.

Resolving these issues cannot be accomplished solely by an exchange of letters. I propose we jointly organize a meeting to address these items in a careful and systematic way. The goals for the meeting should be:

- Discuss post-closure care and long-term stewardship,
- Resolve as many issues as possible, and
- Develop a process to address those that remain.

I believe that the issue should focus on the urgent issues concerning the Weldon Spring site, but we cannot ignore the related issues related to DOE's other existing and expected Missouri sites (Formerly Utilized Sites Remedial Action Program, Hematite, Kansas City Plant, West Lake,). The meeting should include adequate participation or Environmental Protection Agency, local governments, and stakeholders.

Please do not hesitate to contact me, or have your staff call Mr. Ron Kucera, Deputy Director at (573)-751-3195 to begin making arrangements for a meeting, or if you have questions. I look forward to working with you and your staff to continue the progress we have made in cleaning up the legacy of the Manhattan Project and the Cold War.

Sincerely,

DEPARTMENT OF NATURAL RESOURCES

Original signed by Stephen A. Mahfood

Stephen A. Mahfood
Director

SM:bgp

c: Mr. Gerald Boyd, Department of Energy/EM-50
Ms. Leah Dever, Department of Energy/ORO
Mr. Rod Nelson, Department of Energy/ORO
Ms. Pam Thompson, Weldon Spring Site Remedial Action Project
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