



STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

Matt Blunt, Governor • Doyle Childers, Director

www.dnr.mo.gov

February 17, 2005

Mr. David Geiser
Director - Office of Policy & Site Transition
Office of Legacy Management
U. S. Department of Energy
LM 40 - Forrestal Building
1000 Independence Ave., SW
Washington, D.C. 20585

RE: Weldon Spring Site - Explanation of Significant Difference (ESD)

Dear Mr. Geiser:

In response to your January 28, 2005, letter, which transmitted the above referenced document, the department is supportive of the rationale and clarification of the objectives of the Institutional Controls (IC). We appreciate the Department of Energy (DOE) addressing the issues and concerns raised by both the Missouri Department of Natural Resources (MoDNR) and the U. S. Environmental Protection Agency (EPA). While the current version of the ESD does successfully establish the needed performance goals for the IC's, those goals are only one of the major components necessary to ensure protectiveness of all portions of the site for the long term.

A remaining area of concern is the discussion regarding unlimited use and therefore, unrestricted exposure for the Chemical Plant Operable Unit. The department as well as the general public, have repeatedly requested a map depicting the location of all residual contamination to better understand how to manage the site conditions now and in the future. A map identifying levels of residual soil and groundwater contamination still needs to be provided to both MoDNR and the owners of the adjacent property that have been impacted; along with the appropriate IC's for areas outside the disposal cell foot-print and buffer zone. The department regrets that we have not been able to verify DOE's post remedial risk assessments because we have not been provided the location of all residual contamination.

The following paragraph is the department's position on the ESD:

“The Missouri Department of Natural Resources (MoDNR) supports the U. S. Environmental Protection Agency's (EPA) requirement for this Explanation of Significant Difference (ESD) document. MoDNR agrees it is necessary in order to clarify and define the objective and performance goals of the Institutional Controls (IC) for the previous Records of Decision (ROD)

Mr. David Geiser
Page Two

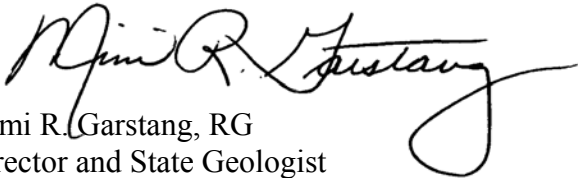
at the Weldon Spring Site (Chemical Plant Operable Unit, Quarry Residuals Operable Unit, and Groundwater Operable Unit) and the decision document for the Southeast Drainage. While the department is comfortable that the ROD's are protective under current use conditions, we can not accept the rationale that comparative risk of the residual material will always be equivalent to background levels. Portions of the Chemical Plant site have the potential to be used for a variety of purposes in the future. Therefore, we are concerned that all residual contamination is tracked and managed properly so exposure will not exceed acceptable levels at any given location. The department cannot accept the proposed unlimited use or unrestricted exposure for all areas. Institutional Controls, including restrictive covenants to limit land use to non-residential purposes, are appropriate where residual contamination remains. The department is comfortable with defining the details of these IC's in the Long-Term Surveillance and Maintenance Plan (LTS&M)."

We are pleased to see that the public will have an opportunity to comment on this document, in addition to the annual inspection report, at the public meeting scheduled in late March. We look forward to seeing more details for the IC's in the Long-Term Surveillance and Maintenance Plan (LTS&M) plan. As we have discussed previously, MoDNR strongly encourages the concurrent approval of the LTS&M plan with the new Federal Facility Agreement (FFA) for this site. The DOE, the EPA, & MoDNR have worked hard to capture the conditions of a new FFA that all agencies can support. We expect the FFA can be finalized with minimal additional effort.

If you have any questions or need clarification on the state's position on the ESD, please contact Robert Geller at (573) 751-2747 or me at (573) 368-2101. Written correspondence may be directed to my attention at: Geological Survey and Resource Assessment Division, Missouri Department of Natural Resources, P.O. Box 250, Rolla, MO 65402.

Sincerely,

GEOLOGICAL SURVEY & RESOURCE ASSESSMENT DIVISION



Mimi R. Garstang, RG
Director and State Geologist
Director's Office - Administration Program
573/368-2101
573/368-2111 (Fax)
mimi.garstang@dnr.mo.gov

MG:led

c: Ms. Cecelia Tapia, U.S. EPA, Region VII
Weldon Spring Citizens Commission
Mr. James Woolford, U.S. EPA, Federal Facilities Restoration and Reuse Office