

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

IC MEETING

In the Matter of:  
U.S. ARMY CORPS OF ENGINEERS  
PROPOSED PLAN FOR THE PAINESVILLE  
FUSRAP SITE

- - - - -

Meeting held by [REDACTED]

[REDACTED] and [REDACTED], at VFW Post 7754,  
540 New Street, Fairport Harbor, Ohio, on  
Tuesday, July 26, 2005, at 7:00 p.m.

- - - - -

1                   LIEUTENANT COLONEL [REDACTED]  
2    Good evening and welcome to the public  
3    comment meeting on the Proposed Plan for  
4    the remediation Painesville FUSRAP site.

5                   I'm [REDACTED]  
6    [REDACTED] commander of the Buffalo  
7    District, United States Army Corps of  
8    Engineers. Before I get into this  
9    briefing, before we get into this  
10   briefing I would like to introduce you  
11   to the members of the team that are  
12   here from the Corps of Engineers.

13                  First, [REDACTED], he's the  
14   program manager for FUSRAP sites in the  
15   Buffalo district area. [REDACTED]  
16   [REDACTED] is our project manager for this  
17   site, the Painesville site. [REDACTED]  
18   -- [REDACTED] -- sorry -- [REDACTED]. There  
19   I got it right on the third try. I  
20   apologize. He's our project engineer for  
21   this site. [REDACTED], he's our health  
22   physicist. [REDACTED] is our risk  
23   assessor for this site. And [REDACTED]  
24   [REDACTED] is our chief counsel. She's also  
25   the acting deputy district engineer for

1 Buffalo district right now. And miss  
2 [REDACTED], she's assisting with  
3 our outreach activities for Painesville.

4 First -- well, back up a second.  
5 Let me just give you a little  
6 explanation of what we can keep using --  
7 the Army using acronyms, so I'm going to  
8 use a couple acronyms, but I'm going to  
9 explain what they are. For some of you,  
10 you know what they are. Others, this  
11 will be the first time.

12 FUSRAP stands for the Formerly  
13 Utilized Site Remedial Action Program.  
14 It was initiated in 1974 to investigate  
15 cleanup sites contaminated by the  
16 Nations Early Atomic Energy and Weapons  
17 programs. The Corps of Engineers has  
18 been managing the program since October  
19 1997. And the Buffalo direct, the  
20 district I command, has numerous sites  
21 in Ohio and New York and Pennsylvania  
22 that we're actively investigating and  
23 cleaning up.

24 Before I go to the next slide,  
25 two other folks I want to introduce to

1 you. [REDACTED]. He's from our  
2 headquarters in Cincinnati in the Lakes  
3 and Rivers Division. He handles the  
4 FUSRAP program up there. And [REDACTED]  
5 [REDACTED] I'm sorry. Say again. Got  
6 it. He is our acting chief of military  
7 programs at the division level. So we  
8 thank them for being here.

9 Now, please. Two fold purpose for  
10 the meeting today. First, we wanted to  
11 present the Proposed Plan for  
12 remediation at the Painesville site. The  
13 Proposed Plan describes the preferred  
14 alternative for cleaning up the FUSRAP  
15 contamination on the Painesville site.  
16 Second, and probably more important, is  
17 we want to obtain public input into the  
18 decision-making process. Your comments  
19 will be recorded and we will respond to  
20 each of them.

21 Next slide, please.

22 Here is the agenda. Obviously  
23 I've got the welcome and introduction  
24 and I'll turn over to [REDACTED] right  
25 back here. He'll handle the bulk of the

1 briefing. And, of course, the comments.  
2 I just mentioned they will come from you  
3 and they will be recorded and we will  
4 answer each of them formally.

5           Now, after that's done, after  
6 there's no more formal comments, we can  
7 close the meeting and our folks, our  
8 staff, my staff will stay here to talk  
9 informally with any one of you about  
10 anything you want to talk about.

11           Next slide, please.

12           Again, I explained what FUSRAP  
13 was. I'm going to tell you our three  
14 main commissions obviously is to protect  
15 -- the first one, protect human health  
16 and the environment by investigating and  
17 cleaning up radioactive contamination on  
18 the FUSRAP sites. The second is we'll  
19 execute the Painesville project in the  
20 most safe, efficient and effective  
21 manner.

22           This is a point I'll talk about  
23 a little bit later, but it's important  
24 to us. We run numerous sites and we  
25 have a very impressive safety record

1 both on-site with our workers and off  
2 site in the community. So we're very  
3 proud of that, and we're going to bring  
4 that to this project here.

5           And the third part of our mission  
6 is we must comply with the Comprehensive  
7 Environmental Response Compensation and  
8 Liability Act, CERCLA. I'll explain  
9 CERCLA in a little while, but that is  
10 our umbrella that we work under and  
11 that's what tells us how to do things.

12           Next slide, please.

13           I told you we're pretty proud of  
14 our experience. We do a pretty good job.  
15 We're managing apparently 14 sites in  
16 New York, Pennsylvania and Ohio. Proven  
17 record, we have been doing this since  
18 1997. We've had a lot of success. The  
19 safety record, the record I mentioned,  
20 both on the job site, our contractors do  
21 a good job, our folks do a good job,  
22 and we protect those folks as well as  
23 the people in the surrounding  
24 communities.

25           We bring an experienced

1 multi-disciplinary team. What I mean be  
2 that is we've got a little bit of  
3 expertise in everything and what we  
4 don't, we can reach back to the Corps  
5 of Engineers and other places and get  
6 it. So we've got folks like  
7 environmental engineers, health  
8 physicists, risk assessors, chemists,  
9 and construction managers. We basically  
10 can reach back if we don't have that  
11 skill and get any skill we need for any  
12 particular site.

13           Our contractors are chosen for  
14 their expertise in dealing with  
15 radiological cleanup. So we've got guys  
16 that are specialized and not just your  
17 average contractor off the street. And  
18 the last one, very important, past and  
19 ongoing clean-ups that we've performed,  
20 the Buffalo district have managed at  
21 other sites in New York have achieved  
22 cleanup levels that are well below the  
23 goals. So we actually cleanup better  
24 than we had planned to. So that's a  
25 good thing to know about the way we do

1 business.

2           Next slide, please.

3           I told you I would talk about  
4 CERCLA in just a little bit. For some  
5 of you -- this slide always hurts me  
6 because there is too much on it, but  
7 it's the process, the law that we follow  
8 when we clean up these sites. When we  
9 got handed -- what's important, when we  
10 got handed this site in I guess it  
11 would have been about 97, the Department  
12 of Energy was at this phase, remedial  
13 investigation. We did some work in 98,  
14 removed some 1,300 cubic yards of soil  
15 from the site and then we came back and  
16 we've completed -- since 2003 we've  
17 completed the remedial investigation. So  
18 we've completed this and we've completed  
19 this.

20           The remedial investigation  
21 basically looks at the site, figures out  
22 what the problems are specifically to  
23 that site, what kind of contamination it  
24 is and where it is, et cetera.  
25 Feasibility study gives courses of



1 action for cleaning it up, different  
2 methods or methodologies for cleaning it  
3 up.

4           And the Proposed Plan, that's  
5 where we are today, is what the  
6 preferred plan for cleaning it up is.  
7 It's those courses of action that are  
8 found feasibility study that we're going  
9 to propose a plan today that we would  
10 like to pursue. But obviously we're here  
11 for public comment, so the Proposed Plan  
12 doesn't turn into anything until all of  
13 those comments are considered.

14           When all those comments are  
15 addressed or considered, the next thing  
16 is we'll prepare -- we'll begin to  
17 prepare a record of decision which is a  
18 record of decision. It says this is how  
19 we're going to clean the site up or  
20 what's going to happen to clean the  
21 site.

22           And the next is the remedial  
23 design which is the specifics of how  
24 it's done. And then remedial action,  
25 which is the actual turning dirt, taking

1 away dirty dirt, cleaning up dirty dirt,  
2 that type of work. So the actual works  
3 of remediation and action, that's  
4 anticipated next year, so 06. And then  
5 project completion should be shortly  
6 thereafter.

7 I don't see anybody asleep yet.  
8 That's good.

9 Next slide, please.

10 Now I'm going to turn this over  
11 here to Steve. This slide is up here  
12 for a reason. This is important for me  
13 to emphasize that your public comment is  
14 important. This is, you know, the one  
15 official time you get -- anyone who is  
16 here, anyone who wanted to be here could  
17 give us comments that go on the record  
18 officially and then, again, we have to  
19 formally respond to those.

20 So you have the opportunity  
21 tonight after Steve gives you a little  
22 overview to talk about your concerns or  
23 your issues and then if somebody missed  
24 the boat or they weren't here, they can  
25 send us their written comments. And

1 Steve will talk about that I believe  
2 also.

3 Those comments are important.  
4 Why? Because the second bullet; the  
5 final decision has not been made until  
6 all of those things have been addressed.  
7 So I thank you for coming and I'm going  
8 to turn it over to Stephen so he can  
9 get into a little bit more specifics.

10 [REDACTED] Thank you, sir.

11 Good evening. As the Colonel  
12 mentioned, we are here to present the  
13 proposed cleanup for the Painesville  
14 site.

15 Next slide.

16 We're going to start off with a  
17 little bit of site history, background.  
18 This is an aerial photo of the  
19 Painesville site taken in the 1950s. At  
20 this time period the site was a  
21 magnesium production facility operated  
22 by a company called Diamond Magnesium  
23 Company and they operated, they produced  
24 magnesium under contract with the  
25 Federal Government in support of the

1 World War II and Korean War efforts.  
2           Just as a point of reference,  
3 I'll explain a little bit more about  
4 this in the history, the arrows here on  
5 the aerial photo are pointing to a large  
6 pile of scrap steel on the site, a  
7 storage pile of scrap steel which  
8 Diamond Magnesium used in the magnesium  
9 production process. And I'll explain why  
10 that is important when I get a couple  
11 slides down when I talk about the site  
12 history.

13           Next slide.

14           This is a current picture of the  
15 Painesville site. The current site  
16 conditions, all the buildings that you  
17 saw in the previous picture, except for  
18 one is still remaining, an office  
19 building, have been since removed. All  
20 the railroad squares on-site have been  
21 removed as well. And current site  
22 conditions, there's still roads in  
23 existence, slab, building slabs from the  
24 former buildings and some building  
25 debris which I mentioned.

1                   Next slide.

2                   I'll talk a little bit about the  
3 history of the site. In the early 1940s  
4 magnesium production began at the site.  
5 Diamond Magnesium Company operated a  
6 facility under contract of the Federal  
7 Government. They started the facility in  
8 production in the 1940s in support of  
9 World War II effort and continued  
10 through 1945. They had a shutdown at the  
11 site until the early 1950s when they  
12 restarted magnesium production.

13                   They produced magnesium from 1951  
14 to about 1953 when they again closed the  
15 site. The site was declared surplus in  
16 1963 and sold by the General Services  
17 Administration.

18                   The scrap metal that I mentioned  
19 on the first aerial photo, as part of  
20 the magnesium production process Diamond  
21 Magnesium needed a large source of scrap  
22 metal. They needed a large source of  
23 scrap steel. At that time in the early  
24 1950s the Federal Government as part of  
25 the work being done by Atomic Energy

1 Commission had a storage area up in New  
2 York State called the Lake Ontario  
3 Ordinance Works. At that storage area  
4 they had stored a large quantity of  
5 scrap steel that had been used to hold  
6 residues from processing of radioactive  
7 materials.

8           The government sent the scrap  
9 steel from Lake Ontario Ordinance Works  
10 down to Diamond Magnesium because the  
11 Diamond Magnesium was operating under  
12 contract of the government and the  
13 government knew that Diamond Magnesium  
14 needed scrap steel. The scrap steel, it  
15 turns out, had slight radioactive  
16 contamination on it because it had been  
17 used -- primarily it was barrels that  
18 had been used to store residues from  
19 production in processing of radioactive  
20 materials.

21           Scrap steel was stored on the  
22 site as you saw in the picture in open  
23 storage piles, and it appears that while  
24 it was stored on the site some of the  
25 residues washed off from the scrap steel

1 and into the soils at the site. And  
2 that is why we have radioactive  
3 contamination that is covered under the  
4 FUSRAP program at the site.

5           As I mentioned, 1963 the site was  
6 sold by the General Services  
7 Administration to a company called U.S.  
8 Rubber. U.S. Rubber subsequently became  
9 Uniroyal Chemical Company and operated a  
10 chemical facility at the site for a  
11 number of years.

12           In 1974 the Formally Utilized  
13 Sites Remedial Action Program was  
14 created to address sites contaminated  
15 with radioactivity as part of the  
16 Nations Atomic Energy and Weapons  
17 program. At that time it was under  
18 administration of the Department of  
19 Energy.

20           In 1980 the law that the Colonel  
21 mention, the CERCLA, the Comprehensive  
22 Environmental Response Compensation and  
23 Liability Act was passed, and that is  
24 the law we are required to follow when  
25 we investigate and clean up all FUSRAP

1 sites we're involved in.

2           1992 was when the Painesville  
3 site, formally the Diamond Magnesium  
4 Company site, was designated into our  
5 program by the Department of Energy.  
6 This followed a couple of investigations  
7 that the Department of Energy had done  
8 where they found elevated radioactivity  
9 at the site and deemed it appropriate to  
10 include in the FUSRAP program because of  
11 the history and how the radioactive  
12 material came to the site from the Lake  
13 Ontario Ordinance Works.

14           In 1997 the Army Corps of  
15 Engineers was designated the remediation  
16 agents to get involved in the clean-ups.  
17 That's how we got involved in the  
18 Painesville site.

19           As the Colonel mentioned, we took  
20 over during the investigation phase,  
21 however, we did conduct a removal action  
22 at the site in 1998 to remove  
23 approximately 1,500 cubic yards of  
24 contaminated material. However, that was  
25 not all of the contamination at the



1 site, so we continued with our remedial  
2 investigation to determine the remaining  
3 material at the site and also completed  
4 our feasibility study which looked at  
5 alternatives to address the  
6 contamination at the site, and that was  
7 completed in 2003.

8           Next, please.

9           I'll talk a little bit about the  
10 contamination at the site, the extent of  
11 it and the cleanup that we're proposing.

12           The site itself is inactive. As  
13 we mentioned, all of the buildings have  
14 been demolished. The property owner is  
15 in the process of doing work at the  
16 site preparing it for a future sale.  
17 However, since it's not currently in use  
18 and the site -- and because there's no  
19 one on the site, there's no current  
20 immediate threat to human health. It  
21 also does not pose a threat to anyone  
22 off site because there are no releases  
23 of material from the site itself.

24           Our remedial investigation did  
25 find elevated levels of radionuclides,

1 primarily radium, uranium and thorium.  
2 As part of the remedial investigation we  
3 always conduct what is known as a  
4 baseline risk analysis. And what that  
5 does is it evaluates the level of  
6 contamination at the site and it  
7 computes the -- evaluates the risk from  
8 that contamination to someone on the  
9 site for a variety of uses.

10           And one use we evaluated because  
11 the site had been an industrial site and  
12 was an industrial area was a risk to  
13 what is known as an industrial worker,  
14 and we define that as someone who works  
15 on the site 8 hours a day for  
16 approximately 250 days a year, primarily  
17 indoors. And our risk analysis found  
18 that for an industrial worker on the  
19 site there were risks that were above  
20 the acceptable United States  
21 Environmental Protection Agency  
22 guidelines. And what that basically told  
23 us is that if the site is going to be  
24 used for industrial use, some action  
25 needs to be taken to reduce the risk

1 and clean up the site.

2 Next slide.

3 I just want to show a figure of  
4 the site and I'll explain it a little  
5 bit here. North is towards the top of  
6 the slide. Fairport Nursery Road where  
7 the site is located is down here. The  
8 boundaries of the site based on the  
9 boundaries of the old Diamond Magnesium  
10 Company is the orange line there. The  
11 gray areas are where the former  
12 buildings were that have since been  
13 demolished. The black down here is the  
14 current building that's left on the  
15 site, the office building. These blue  
16 buildings over here are adjacent  
17 property. Twin Rivers Technologies has a  
18 facility there. It's a little hard to  
19 see, but there is a green outline here.  
20 That is the area where we removed the  
21 contaminated material earlier in 1998 as  
22 part of our removal action. The other  
23 areas outlined in purple are the areas  
24 we found material that is above the  
25 cleanup goals, which I will be talking

1 about later.

2           The extent of sampling at the  
3 site, soil sampling, ground water  
4 sampling and sampling with  
5 instrumentation that measured  
6 radioactivity coming from the soils at  
7 the site. And these are the areas we  
8 found that are above the cleanup goals  
9 we are proposing.

10           Next slide, please.

11           In developing cleanup  
12 alternatives for a site you have to look  
13 at what laws and regulations are out  
14 there that would address the type of  
15 contamination you're dealing with or the  
16 type of site you're dealing with. These  
17 are known as applicable or relevant  
18 appropriate requirements and we  
19 identified two for the Painesville  
20 FUSRAP site. One is a Federal regulation  
21 titled Code of -- Code of Federal  
22 Regulations, Part 20, which covers  
23 decommissioning and cleanup of  
24 radioactively contaminated sites. And we  
25 also found a state regulation, a state

1 requirement as part of the Ohio  
2 Administrative Code which is Ohio's  
3 version of the Federal regulation, and  
4 those are the two regulations we are  
5 following in developing cleanup goals  
6 for the site.

7           Next slide, please.

8           Presented here are the cleanup  
9 goals we are proposing for our cleanup  
10 at the site. As I mentioned earlier,  
11 you'll see a new term here called a  
12 construction worker. As I mentioned  
13 earlier, when we did our baseline risk  
14 assessment we evaluated what is known as  
15 an industrial worker to determine what  
16 the risk is to an industrial worker. As  
17 I mentioned, an industrial worker is  
18 someone who is considered to be on-site  
19 8 hours a day for a whole work year and  
20 most of that time, most of that 8 hours  
21 being spent inside. So they do not have  
22 as great a chance of contact with  
23 radioactive material on the site because  
24 radioactive material is in soils and  
25 they're spending most of their time

1 inside. They're not coming in contact  
2 with the soils.

3           Because the buildings on-site  
4 have been removed and any future  
5 development of the site is going to  
6 require construction of some sort and  
7 based on that and input from Ohio EPA  
8 and the Ohio Department of Health, we  
9 developed our cleanup goals to be a  
10 little more stringent than those that  
11 would be protective of the industrial  
12 worker, and we developed them to be  
13 protective of a construction worker  
14 on-site. And this is someone who, again,  
15 works on-site 8 hours a day for a full  
16 work year, however, their work is  
17 entirely outdoors during that time  
18 frame. So they have a much higher chance  
19 of contacting the radioactive material  
20 on the site, and this leads to having  
21 lower cleanup, more stringent cleanup  
22 goals to be protective because of their  
23 greater chance of contacting the  
24 material.

25           Just some of the things on the

1 slide here. As I mentioned, we have four  
2 contaminants of concern at the site,  
3 plus their natural decay products. We  
4 have radium, two isotopes of thorium,  
5 and we have uranium.

6           And just showing the maximum  
7 amount we detected at the site. The  
8 notation there, pCi/g, that's actually  
9 picocurie per gram. That is a measure  
10 of the concentration of radioactivity in  
11 the soil and that's how -- that is when  
12 we do sampling for radioactivity, those  
13 are the units we measure when we  
14 determine how much is in site soils.

15           As you can see there the  
16 industrial worker goals are here. You  
17 can see the more stringent goals that we  
18 are proposing on the construction worker  
19 cleanup scenario.

20           And because we have a mix of  
21 radionuclides, radioactive materials at  
22 the site, we have to account for that  
23 when we are doing our cleanup.

24           These numbers here are actually  
25 the numbers you would cleanup to if you

1 only had each of these individually, but  
2 because we have a mix, that lowers the  
3 cleanup levels that you are allowed to  
4 have the site. So the actual results  
5 after we're done cleaning up for each of  
6 those will be lower than what's stated  
7 there.

8                   Next slide, please.

9                   As the Colonel mentioned earlier,  
10 I just wanted to present a comparison  
11 here to another site where we've done  
12 work. This is the Linde FUSRAP site in  
13 the town of Tonawanda, New York. It's a  
14 similar site to Painesville. It's an  
15 industrial facility. It's currently an  
16 inactive industrial facility, but it  
17 does have a residential area surrounding  
18 it and it had a greater level of  
19 contamination than Painesville, because  
20 at the Linde site it did the actual  
21 processing of radioactive materials,  
22 whereas at Painesville the material that  
23 came to the site was the leftover  
24 residues that were on the scrap steel.

25                   You can see the cleanup goals for



1 Linde are actually a little higher than  
2 what we're doing at Painesville;  
3 however, based on the way we conduct the  
4 work and, as I mentioned, because we are  
5 working with a mixture of radionuclides  
6 we anticipated that we would be able to  
7 get to a lower level when we were done.  
8 And when we were completing the areas of  
9 cleanup at Linde we've actually gotten  
10 to an actual level that is much lower  
11 than the stated cleanup goals.

12           Again, these are all  
13 concentrations of soil, material in  
14 soil, picocuries per gram. And this is  
15 something not just seen at Linde, but  
16 all of the other sites we've cleaned up  
17 at in New York, and we expect the same  
18 type of trend for the Painesville site  
19 as well where we'll end up with actual  
20 residuals left that are lower than our  
21 stated cleanup goals.

22           Next slide, please.

23           Now I want to talk about the  
24 alternatives that we developed for  
25 cleanup of the site before I get into

1 our preferred alternative that we are  
2 proposing. The first alternative is one  
3 that is always evaluated whenever you  
4 are conducting a cleanup under CERCLA  
5 and that is the no action alternative.  
6 It's intended as a baseline for  
7 comparison of the other alternatives.  
8 Under no action no action is taken at  
9 the site. The site is left as-is. As I  
10 mentioned, it's a baseline, and the cost  
11 for the no action alternative is, not  
12 surprisingly, zero.

13           Next slide, please.

14           The second alternative we  
15 evaluated was capping of soils. Under  
16 this alternative all soils at the  
17 cleanup levels would be capped or  
18 covered in place with a protective layer  
19 of material. This could be a soil or  
20 asphalt or concrete, but it's basically  
21 a material that is placed over the areas  
22 of contamination so you're creating a  
23 barrier between the material and the  
24 soil and anyone using the site so they  
25 do not come in contact with the

1 contaminated material.

2           There are some issues for this  
3 type of alternative in that it requires  
4 long-term, maintenance for the cap, to  
5 make sure the cap isn't breached. That  
6 is the only way you can ensure  
7 protection of anyone on the site is that  
8 you keep the cap intact. So there are  
9 long-term maintenance and other controls  
10 needed. In our evaluation we evaluated a  
11 long-term maintenance to 1,000 years  
12 even and we came up with a cost of just  
13 over \$2.6 million for this alternative.

14           Next slide.

15           The third alternative we  
16 evaluated was excavation and disposal of  
17 the soil. All the soil above our  
18 construction worker cleanup goals would  
19 be excavated, removed from the site and  
20 disposed of at a licensed permitted  
21 facility outside the State of Ohio.  
22 We've currently estimated that's going  
23 to be a little over 4,000 cubic yards  
24 of material we would remove from the  
25 site, at a cost of a little over 5.3

1 million.

2                   Next slide, please.

3                   Now, once we develop alternatives  
4 in the feasibility study, under CERCLA  
5 we're required to evaluate them against  
6 each other to find the preferred  
7 alternative for cleanup at the site.  
8 These are the nine criteria that are  
9 required under CERCLA to evaluate each  
10 of the alternatives. They're divided in  
11 three areas; threshold, balancing and  
12 modifying criteria.

13                   The threshold criteria are the  
14 basic yes, no, go, no-go criteria that  
15 must be met in order for an alternative  
16 to be carried forward, to be considered  
17 a viable alternative for the site. If a  
18 particular alternative doesn't meet  
19 either of these criteria, it cannot be a  
20 viable alternative. And these are  
21 protection of human health and the  
22 environment in compliance with all laws  
23 and regulations or the applicable or  
24 relevant appropriate requirements, which  
25 I mentioned on the earlier slide.

1                   Once an alternative makes it past  
2 the threshold of criteria, they're  
3 evaluated with balancing criteria. These  
4 are the main criteria used in the  
5 selection of the preferred alternative.  
6 And I'll just run through them quickly.

7                   Long-term effectiveness and  
8 permanence. That evaluates whether an  
9 alternative is permanent and long-term  
10 or whether it needs long-term  
11 maintenance or any controls in order to  
12 ensure it's protective. And it takes  
13 into account any potential risk  
14 remaining after the site is cleaned up.

15                   Short-term effectiveness and  
16 environmental impacts. That evaluates  
17 what are the actual risks from  
18 implementing the cleanup. Any cleanup  
19 you attempt will have some inherent risk  
20 in itself and this evaluates potential  
21 risks from implementing the cleanup to  
22 the local community, to the workers  
23 carrying out the cleanup, looks at any  
24 impacts on the environment from the  
25 cleanup and the total duration of the

1 cleanup.

2           The next is reduction in  
3 toxicity, mobility or volume through  
4 treatment. This is basically looking at  
5 are you treating the contamination in  
6 any way, will you be reducing that  
7 toxicity, will you be reducing its  
8 harmfulness or destroying the  
9 contamination or are you just containing  
10 the contamination, for example. Are you  
11 reducing its mobility or are you  
12 reducing its volume so there is not as  
13 much material that requires cleanup.

14           Next is implementability. This  
15 looks at the any issues in construction  
16 or reliability of the alternative and  
17 whether there are any administrative  
18 issues in implementing an alternative.

19           Cost is the final balancing  
20 criteria, and that's looking at total  
21 cost of the project for construction and  
22 maintenance and comparing those between  
23 the alternatives.

24           The last area of criteria are  
25 modifying criteria, and these are state

1 and community acceptance. This is  
2 basically what we're evaluating as part  
3 of the public comment period here. This  
4 is where we take comments from the  
5 state, from the community, respond to  
6 those comments and see if there's  
7 anything in those comments that could  
8 impact the preferred alternative  
9 selected.

10               Next slide.

11               This is just a summary table of  
12 the comparison we did between the  
13 alternatives. I'll just point out some  
14 of the highlight on here.

15               We have the alternatives listed  
16 up here; the criteria here. The first  
17 two are our official criteria, as I  
18 mentioned. You can see the no action  
19 alternative does not meet either of the  
20 threshold criteria, so for the site this  
21 is really not a viable alternative;  
22 however, we do still include it as our  
23 baseline for comparison and that's why  
24 you can see it carried forward in the  
25 modifying criteria or in the balancing

1 criteria.

2           Some of the other highlights  
3 you'll notice that the one area, the  
4 treatment to reduce toxicity, mobility  
5 and volume, none of the alternatives  
6 incorporate actual treatment of the  
7 material. They're either containing it  
8 by capping it in place or removing it  
9 and sending it to a appropriate disposal  
10 landfill, but they do not actually treat  
11 the material itself. They just reduce  
12 the contact to it.

13           Long-term effectiveness.  
14 Excavation at the highest rating in  
15 long-term effectiveness. That's because  
16 with excavation it's more of a permanent  
17 solution because we're removing the soil  
18 over the cleanup goals from the site and  
19 it does not require maintenance of a cap  
20 or maintaining controls to ensure a cap  
21 is not breached to ensure protection of  
22 health and the environment. So that's  
23 why it's rated higher than capping.

24           Excavation, however, does have a  
25 lower short-term effectiveness than



1 capping, you can see here. That's  
2 because with the excavation alternative  
3 there is a slightly more risk in  
4 implementing that. Capping you're merely  
5 covering over the material and leaving  
6 it in place. In excavation you're  
7 disturbing the soil as you excavate it  
8 and it does lead to potentials for  
9 releasing of dust or as you transport  
10 the site there is some potential for  
11 release of material as you transport it,  
12 and that's why it has a slightly lower  
13 short-term effectiveness. However,  
14 based on the work we've done to date we  
15 implement several controls to combat  
16 those risks in transport and excavation.

17           And just one more thing. Cost is  
18 fairly obvious in comparison.

19           Implementability, excavation is  
20 slightly higher in implementability.

21 Both capping and excavation, those are  
22 pretty much tried and true alternatives.  
23 We have a lot of experience in both  
24 areas, both types of cleanup  
25 alternatives, capping of material and

1 excavating and disposing of it. However,  
2 there are some more issues with  
3 implementing capping as far as setting  
4 up the long-term maintenance, setting up  
5 the long-term controls for ensuring the  
6 cap is protected, and that's why it is  
7 slightly lower in implementability than  
8 the excavation.

9           We evaluated those balancing  
10 criteria and the threshold criteria. The  
11 modified criteria are evaluated after  
12 the public comment period of the  
13 Proposed Plan is closed and we've  
14 received and responded to all of the  
15 comments.

16           But based upon these criteria --  
17 next slide -- our preferred alternative  
18 for cleaning up the site is alternative  
19 3, excavation and offsite disposal. We  
20 feel it's most effective of human health  
21 and the environment, most effective in  
22 the long-term. We don't have the issue  
23 with any exposure or potential contact  
24 to the material from the cap being  
25 breached. We don't have long-term

1 maintenance issues for the capping  
2 alternative. It is more permanent  
3 because the soil is actually removed  
4 from the site and disposed of in an  
5 appropriate facility.

6 Next slide.

7 I just wanted to cover the  
8 schedule briefly. Right now we've  
9 released Proposed Plan, we've initiated  
10 the public comment period which runs  
11 through August 22. I'll talk a little  
12 bit more about comments in a couple of  
13 slides. Once we close the comment period  
14 and evaluate the comments and respond to  
15 them, we'll prepare the record of  
16 decision which documents the final  
17 cleanup selected for the site. Right now  
18 we're looking at releasing that in  
19 February of 06. We're scheduled to  
20 begin remediation next summer and  
21 complete it next fall, 2006.

22 Next slide, please.

23 As I mentioned, there will be  
24 brief information on the cleanup and how  
25 it's conducted. We're scheduled to begin

1 it in 2006. We'll be excavating  
2 material and shipping it out of state to  
3 an appropriate disposal facility. We  
4 collect data, samples during and after  
5 excavation to ensure that cleanup is  
6 complete and coordinate that sampling  
7 activity with the State of Ohio to  
8 ensure that we've met our cleanup goals.

9           And we will hold an informational  
10 meeting before the cleanup work begins,  
11 likely in the spring of 2006, providing  
12 more detail on the actual cleanup  
13 process.

14           We'll be entering the remedial  
15 design phase where we will develop the  
16 details of how we're going to cleanup  
17 the site and we'll share those with you  
18 when they're completed before we begin  
19 the actual field work.

20           Next slide.

21           As I mentioned, safety is a very  
22 important priority for us. It's our  
23 number one priority in conducting these  
24 types of cleanups. We strictly adhere  
25 to all the OSHA regulations and we have

1 our own Corps of Engineers safety  
2 manual. We also implement an  
3 environmental monitoring program during  
4 the cleanup to ensure that there are no  
5 releases from the site as we're  
6 conducting the cleanup. We have controls  
7 to control any dust from the  
8 excavations. We put air monitoring  
9 around the perimeter of the site to make  
10 sure nothing is leaving the site. We  
11 collect water runoff of any rain water  
12 or water we use in the compression in  
13 our excavations, treat it as needed  
14 before we dispose of it.

15           Next slide, please.

16           I want to wrap up the technical  
17 portion of the presentation here and  
18 we'll open it up to comments in just a  
19 minute. I just want to leave you with a  
20 couple of things.

21           As I mentioned, our preferred  
22 alternative for the site is excavation  
23 and offsite disposal. It is explained a  
24 little more in detail in our Proposed  
25 Plan which is available for public

1 review. Also, there are guidelines for  
2 the removal from the site, those are the  
3 appropriate facilities outside the State  
4 of Ohio.

5           Again, we feel this alternative  
6 is the most protective of human health  
7 and environment, most effective in the  
8 long-term of the alternatives considered  
9 and we'll conduct the cleanup in a safe,  
10 methodical and controlled manner.

11           Next slide, please.

12           We are going to open up the  
13 comment period now and go to the next  
14 slide. Before we do, just a couple of  
15 ground rules. These are basically to  
16 ensure that we accurately record your  
17 comments and we accurately -- we get a  
18 chance for everyone that wants to make a  
19 comment to be heard.

20           We would like one person to speak  
21 at a time. We do have a microphone  
22 which we will bring around to you if  
23 you would like to make a comment. We  
24 would like you to state your name and  
25 your affiliation when you make your

1 comment so that we can record it and we  
2 can make sure we get responses recorded  
3 appropriately.

4           As I mentioned, we'll have a  
5 microphone which we'll be bringing  
6 around. We would like to limit everyone  
7 to 5 minutes. That's to ensure that  
8 everyone does get a chance to make a  
9 comment. If there's time after people  
10 have had made an initial comment and  
11 they would like to make another one, we  
12 can go back to you, but your initial  
13 comment we would like to limit to 5  
14 minutes so we can make it through  
15 everyone.

16           We do have, as I mentioned, a  
17 formal comment period where we want to  
18 make sure we get everyone's comments. We  
19 have someone recording these proceedings  
20 and we will prepare a response package  
21 to all of your comments following the  
22 completion of the public comment period.

23           Once all of the comments have  
24 been recorded, we'll close the official  
25 part of the meeting where we record the

1 comments, however, the Lieutenant  
2 Colonel Touchette mentioned that our  
3 team will still be here after the formal  
4 period is done. We'll probably be up  
5 here or by the information in the back  
6 and we can answer any questions you have  
7 or any discussions you want to have.

8           Next slide.

9           As I mentioned, if you don't want  
10 to make a comment here or for people  
11 that have not been able to make it to  
12 this meeting, we also accept written  
13 comments, and they can be mailed to the  
14 address shown here or E-mailed at our  
15 address shown here. We accept them up to  
16 the public comment period deadline of  
17 August 22. That's the 30 day public  
18 review period. And we will also respond  
19 to all of these comments as we will to  
20 your verbal comments after that 30 day  
21 review period is completed.

22           Next slide.

23           Just showing here basically that,  
24 again, we will have a formal response to  
25 all of the verbal and written comments



1 that we receive. We'll make that  
2 response after the public comment period  
3 is ended. We'll make it available for  
4 anyone who wants to view it. It will be  
5 part of the official record for the site  
6 and it's available at the same location  
7 as the Proposed Plan and the other  
8 documents in our administrative record,  
9 two of the local libraries, Morley  
10 Public Library in Painesville and  
11 Fairport Public Library in Fairport  
12 Harbor, as well as at our office. And  
13 we also have a website which we can  
14 make available to you as well where we  
15 will have information.

16 With that I would like to thank  
17 you for listening to our presentation  
18 and we would like to open up the  
19 comment period. [REDACTED] will be  
20 bringing around the microphone.

21 We do have some representatives  
22 here from the State that would like to  
23 make a comment and we'll start with them  
24 and then we'll open up the floor to  
25 anyone else who wants to make a comment.

1                   From the Ohio Environmental  
2 Protection Agency we have [REDACTED]  
3 and [REDACTED] who we are involved  
4 with, we coordinate with the Ohio  
5 Environmental Protection Agency in our  
6 work on the site and the documents we  
7 prepare for the site and they would like  
8 to make a comment, I believe.

9                   Kurt?

10                   [REDACTED] My name is [REDACTED]  
11 [REDACTED]. I'm with the Ohio Environmental  
12 Protection Agency. I'm responsible for  
13 project oversight, basically overseeing  
14 the work the Army Corps has done, review  
15 work plans and we'll also be responsible  
16 for overseeing the cleanup.

17                   What I want to do is on behalf  
18 of the Ohio EPA give you our prepared  
19 statement regarding this Proposed Plan.

20                   The Ohio Environmental Protection  
21 Agency has been working with the  
22 Department of Energy and the U.S. Army  
23 Corps of Engineers for more than 10  
24 years to investigate the radiological  
25 contamination left behind by the former

1 Diamond Magnesium facility here in  
2 Painesville. Through this effort, Ohio  
3 EPA believes contamination has been  
4 adequately investigated and  
5 characterized allowing cleanup to move  
6 forward. The extensive characterization  
7 of the site was found to be necessary  
8 when after a 1998 removal action of a  
9 contaminated area was halted because of  
10 an unexpected increase in the scope of  
11 work.

12 Ohio EPA is here to provide our  
13 view of the Proposed Plan for finishing  
14 the cleanup of the site and hear your  
15 input from the local stakeholders  
16 regarding the Army Corps' proposal for  
17 addressing the remaining radiological  
18 contamination at the site.

19 At this point Ohio EPA has major  
20 differences of opinion about how the  
21 Army Corps is interpreting CERCLA, which  
22 is the superfund law, to develop the  
23 cleanup levels, risk calculations and  
24 institutional controls for this site.  
25 Officially the Army Corps is saying that

1 they will cleanup the site but only to  
2 levels safe enough for future industrial  
3 use, which is restrictive release. This  
4 means that the future use of the now  
5 vacant property would be restricted to  
6 industrial use only.

7           The Army Corps based their  
8 cleanup plan on their self assessment of  
9 the foreseeable future use of the area  
10 and their determination that the  
11 reasonable expected future use of the  
12 site is industrial. By restricting the  
13 future use to an industrial use only  
14 status increases the amount of  
15 radiological contamination allowed to  
16 remain in place. Ohio EPA believes this  
17 assessment does not reflect local trends  
18 in the re-use of the former industrial  
19 land and that the future use should  
20 include a mix of residential and  
21 recreational uses.

22           All of these major issues are  
23 resolved if the Army Corps' removal of  
24 the contaminated soil achieves free  
25 release levels which are acceptable for

1 any future use for the contamination at  
2 the site when they do their cleanup.  
3 This means that based on the assessment  
4 of the residual contamination the site  
5 is clean enough for anyone to use in  
6 any foreseeable way. The Army Corps is  
7 confident that they will reach free  
8 release status even though this is not  
9 the cleanup -- the goal of the proposed  
10 cleanup plan.

11           After reviewing their results of  
12 other sites, we agree that this is  
13 possible. Therefore, the path forward  
14 that the Ohio EPA is taking is to allow  
15 the cleanup to proceed as the Army Corps  
16 has proposed and hold off our final  
17 judgement of the success of the cleanup  
18 until the post-excavation certification  
19 results are received.

20           As in the past, Ohio EPA would  
21 have significant involvement in the  
22 oversight of the actual cleanup and in  
23 the development and review of the  
24 cleanup certification plans. Ohio EPA  
25 believes that this is the best option

1 available for all parties by allowing  
2 the cleanup to start and avoid delays  
3 that could result in a loss of Federal  
4 funding.

5           There is also another issue that  
6 we are trying to resolve. Two areas  
7 within the current property boundary but  
8 outside the official FUSRAP areas have  
9 elevated radiological contamination  
10 present and will not be cleaned up under  
11 this Proposed Plan. Based on available  
12 information, the property owner  
13 unknowingly moved radiologically  
14 contaminated construction and demolition  
15 debris to other parts of their property  
16 and buried it in two landfills. The Army  
17 Corps has stated that this material  
18 legally cannot be addressed by the  
19 FUSRAP as they interpret their  
20 limitations on their program. This is a  
21 more difficult legal issue and I'm not  
22 sure that there is a quick resolution  
23 for this one. We will continue to work  
24 on this issue with appropriate parties.

25           I appreciate your time.Thank you.

1           ██████████: Thank you, ██████████  
2           We also have some representatives  
3           from the Ohio Department of Health here,  
4           which is another agency that we work  
5           with in investigating cleanups of FUSRAP  
6           in Ohio.

7           ██████████ is here as well  
8           as ██████████ from the Ohio  
9           Department of Health and ██████████ is  
10          going to make a comment as well.

11          ██████████: Good evening. My  
12          name is ██████████. I work with the  
13          Ohio Department of Health Bureau of  
14          Radiation Protection.

15          We had dinner tonight at the  
16          Harbor Town Point Bar and Grill and it  
17          was pretty good. A local gentleman  
18          recommended it to us. So I just want to  
19          say thank you. I feel very comfortable  
20          here in your town.

21          We have similar concerns and  
22          issues that the Ohio EPA have, but I  
23          can honestly say that all stakeholders  
24          have been working very well with each  
25          other to try and get to a common goal

1 for the cleanup here, but really it's  
2 about four things that are at issue the  
3 Department of Health has concerns with,  
4 but there may be a path forward that  
5 can work, but we're going to have to  
6 hold back on our ultimate judgement  
7 until we see when the numbers come back.

8           But as Ohio EPA has stated, we're  
9 concerned with their Proposed Plan for  
10 finishing the cleanup because they only  
11 clean up the site for future industrial  
12 use with using restricted cleanup  
13 criteria for -- using a construction  
14 worker scenario.

15           In the State of Ohio we're only  
16 allowed to cleanup resident farms, which  
17 means if you live on the land, use the  
18 land property, you grow food, you eat on  
19 the property, you live there. It's an  
20 unrestricted release criteria. It's a  
21 very high standard. But a lot of Federal  
22 agencies across the country can use  
23 restricted release, but typically there  
24 is institutional controls that go with  
25 that. And that's another issue that



1 we're having with this site, that  
2 they're going to go with restricted  
3 release for a construction worker but  
4 they leave out institutional controls  
5 which we believe should be there. So  
6 those are two concerns that the criteria  
7 doesn't really match Ohio's, but it's  
8 close; that they don't have  
9 institutional controls and we're not  
10 sure how they would make that work in  
11 the long-term.

12           The third issue is this area  
13 outside the boundary that both Ohio EPA  
14 and ODH have concerns with that that's  
15 still there, and according to the Army  
16 Corps, it's beyond their immediate  
17 concern and that their recommendation  
18 for Crompton Corporation is go through  
19 the Department of Justice and I think  
20 we've asked that they get ahold of the  
21 DOE to see if there was a program out  
22 there for DOE to bridge the gap say  
23 from the FUSRAP initiative here and  
24 what's beyond the extension, the line  
25 that they showed there.

1           The concerns identified may be  
2 resolved if the Army Corps reaches  
3 unrestricted release criteria which is  
4 acceptable for any future use, not any  
5 restricted construction worker use, but  
6 any use, and that's what Ohio would  
7 prefer. It's on our laws in order to  
8 meet that. So in their proposal they're  
9 indicating that go they can get to those  
10 numbers because just by the mere  
11 cleaning up of soils you end up getting  
12 to those numbers, and so that remains to  
13 be seen.

14           So at this point in time both  
15 the Ohio EPA and the Department of  
16 Health are reserving our judgement on  
17 this matter. If Ohio's unrestricted  
18 release criteria is not met at the  
19 completion of the Army Corps' cleanup  
20 activities, then we may have to pursue  
21 licensing the company for long-term  
22 possession of radioactive materials  
23 until it does get cleaned up to an  
24 unrestricted release criteria.

25           The proposed path forward is to

1 allow the cleanup to proceed. The  
2 Department of Health and I believe Ohio  
3 EPA are holding off final approval until  
4 the certification results are received.

5           So I think even though we don't  
6 agree on the initiatives going into  
7 this, if they can meet the unrestricted  
8 release at the end of the day, then I  
9 think, you know, all stakeholders will  
10 be satisfied with the cleanup. But I  
11 think it's important for the local  
12 people here to know that there are some  
13 reservations that the State of Ohio has  
14 with this cleanup initiative and we'll  
15 see how it progresses from here.

16           ██████████: Thank you, ██████████  
17           We do also have a representative  
18 here from the property owner, Chemtura  
19 Corporation, ██████████ that asked  
20 to make a comment as well.

21           ██████████: Good evening. My  
22 name is ██████████ and I represent  
23 Chemtura Corporation, the former  
24 Crompton Corporation, who is the current  
25 property owner of the currently

1 designated FUSRAP site and several  
2 adjacent parcels which are not currently  
3 part of the FUSRAP site. I'm going to  
4 be reading a prepared statement, so this  
5 may be a little dry and I'm not  
6 speaking to the audience. I'll be  
7 actually reading from the form, so  
8 please don't take that as neglect.

9 Hello, my name is [REDACTED]  
10 and I represent Chemtura Corporation,  
11 formerly Crompton corporation, the  
12 parent company of the owner of the  
13 subject FUSRAP site, the former Diamond  
14 Magnesium plant in Painesville, Ohio.

15 We are currently remediating  
16 chemical contamination at the site as a  
17 result of its use as a (ck) rubber  
18 polylanylfluoride plant under the  
19 oversight of the Ohio Environmental  
20 Protection Agency. We have also been  
21 awaiting the remediation of the Federal  
22 Government's radiological contamination  
23 since it was first discovered by  
24 accident in the late 1980s.

25 We are encouraged and pleased

1 that the U.S. Army Corps of Engineers  
2 heretofore, the Corps, has committed to  
3 a time frame that will remediate a  
4 portion of U.S. Government radiological  
5 contamination in 2006, but believe that  
6 the Corps' plan and commitment stops  
7 short of the ultimate goal, which is  
8 returning the site to full productive  
9 use for the community.

10                   The Federal Government  
11 specifically brought radiologically  
12 contaminated scrap iron material to the  
13 magnesium production facility in the  
14 1950s. The material was used to scrub  
15 hydrochloric acid produced during site  
16 operations. While useful for site  
17 operations, it also was an inexpensive  
18 source of the scrap iron. It was from  
19 a known contaminated stockpile stored by  
20 the Government from the country's  
21 Manhattan engineering district during  
22 the war effort, and an inexpensive way  
23 to dispose of the scrap in post war  
24 years. The radiation came to contaminant  
25 various areas of the plant and

1 surrounding properties.

2           The property was then sold to the  
3 U.S. Rubber company, but no information  
4 was ever presented suggesting that there  
5 was still residual Government radiation  
6 left at the site. In the years since,  
7 this radiation appears to have been  
8 unknowingly spread around through the  
9 normal course of owning and operating an  
10 industrial site.

11           The Corps current remediation  
12 plan specifically avoids several of  
13 these areas because the Corps too  
14 narrowly interprets its responsibility  
15 and authority to clean up the  
16 Government's radiation legacy. We are  
17 confident that had the Government  
18 properly controlled the radiation it  
19 knew about when it brought the scrap to  
20 the site, the spread of the material  
21 would not have occurred and we would not  
22 be here today. The Government should  
23 accept clear responsibility for all  
24 radiation that is required to be cleaned  
25 up at or in the vicinity of the site.

1                   Additionally, the Ohio Department  
2 of Health which regulates radiation  
3 remediation in Ohio has strict standards  
4 governing the residual levels of  
5 radiation left at such sites undergoing  
6 cleanup, essentially requiring the  
7 radiation left to be protected for any  
8 site use long into the future.

9                   The Corps disagrees with the  
10 strict level that Ohio has established  
11 for the site and asserts that a less  
12 vigorous cleanup is satisfactory.  
13 Chemtura believes that the residual  
14 radiation that is likely to be left at  
15 site by the Corps will not pose any  
16 actual risk to human health or the  
17 environment, but also recognizes that  
18 individual jurisdictions such as Ohio  
19 may employ standards they believe will  
20 guarantee the protection of its citizens  
21 into the future. This is particularly  
22 important as the site is adjacent to the  
23 ambitious Hemisphere Development project  
24 where a mixture of property uses are  
25 expected from residential to commercial

1 and recreational.

2           The Corps should explicitly  
3 recognize the more strict Ohio standards  
4 for site remediation and should  
5 explicitly meet these local standards.  
6 This will ensure a win-win with the  
7 Government properly closing out a legacy  
8 of radiation and the return of an asset  
9 to the community.

10           Thank you for your consideration  
11 in this very important matter.

12           ██████████: Thank you, ██████████

13           We also have a representative  
14 from the adjacent property owner, Twin  
15 River Technologies, ██████████ is  
16 here as well as ██████████, and ██████████  
17 ██████████ would like to make a comment.

18           ██████████: Thank you. My name  
19 is ██████████ and I'm the director of  
20 environmental safety for Twin River  
21 Technologies.

22           As Steve said, we own and operate  
23 the site adjacent to the FUSRAP site and  
24 we want to make written comments to ACOE  
25 for this project. However, while we



1 support the preferred alternative for  
2 remediation, we feel that the area along  
3 our property line has not fully been  
4 investigated and has not been properly  
5 delineated and we feel that that has to  
6 be continued before the completion of  
7 the remediation project has been  
8 accepted. Also, should there be  
9 additional contamination found along the  
10 area, we feel that that should be  
11 remediation to a level that is at least  
12 protective of construction workers, but  
13 we feel that it would be more  
14 appropriate to go to background levels  
15 in the existing soils.

16 Thank you.

17 [REDACTED]: Thank you, [REDACTED]

18 We'll now open the floor for any  
19 other comments. I'll give the mike to  
20 [REDACTED] and she will come around  
21 to anyone that would like to make a  
22 comment. I would just remind you to  
23 please state your name and speak into  
24 the mike so that we can have our  
25 recorder accurately record your comment.

1                   Would anybody like to make a  
2 comment at this time? Yes, sir.  
3                   ██████████: Thank you. My name  
4 is ██████████. I'm a former park  
5 commissioner here of Lake Metroparks.  
6 I'm a Fairport councilman at this time  
7 and a resident of Fairport, Ohio. Also I  
8 grew up within six stone throws of that  
9 property and remember that property very  
10 well before it was turned into the  
11 magnesium plant when there would be fine  
12 little black Persian colts running  
13 around every spring and the people who  
14 owned that were the people that would go  
15 around doing all the thrashing for the  
16 farmers in that neighborhood. Also I  
17 remember when it was the finest fishing  
18 hole in the area.

19                   I think our government owes Lake  
20 County and the residents around that  
21 area to clean this up to the best of  
22 their ability and get it back into shape  
23 so it's an economic value and it brings  
24 quality of life.

25                   In my vision I travel every day

1 up and down that road from my home to  
2 where I work in Perry, Ohio where we  
3 have a nursery, and I have visions all  
4 the time and dreams that you would get  
5 that back as good or better, because we  
6 had the best fishing hole on Grand River  
7 in the State of Ohio and we certainly  
8 need an economic boost here in Lake  
9 County.

10           Now, it's not very big, that  
11 little spot, but it could be a little  
12 pinch adding to the economic value. In  
13 my dream this could be a park that  
14 would fit in with Lake Metroparks like  
15 no other park. And one of my dreams is  
16 I've talked to Mark, maybe some people  
17 cannot see it, but it would have the  
18 finest collection of nut trees, various  
19 nuts from all over the world, not  
20 people, trees in there, and also it  
21 would be a park, not just for the  
22 fishermen to come there, but they could  
23 bring their families and enjoy it as a  
24 family together. Right now anybody who  
25 wants to go to this fishing hole has to

1 trespass on that property and it's about  
2 a mile long down there.

3           So I would hope that this  
4 initiative is taken and to expedite this  
5 cleanup as soon as possible because it's  
6 been many years since the war has been  
7 over and use for material for that war  
8 products.

9           Thank you very much.

10           ██████████: Thank you, sir.

11           Anyone else like to make a  
12 comment?

13           ██████████: My name is ██████████  
14 ██████████ and I sort of echo his stuff  
15 because I think all waterfront property  
16 should be public, not owned by any  
17 individual, unless it's a corporation  
18 like any -- like Diamond, but not  
19 individuals as such, only public.

20           Now the lakefront in Chicago,  
21 that's all public. You can't build  
22 houses or anything on it. And when  
23 Diamond had this property, people  
24 couldn't go there except when we were  
25 kids we swam there without clothes and

1 everything, but then the insurance  
2 companies got into everything and they  
3 shut out the waterfront from the public.  
4 And we always fished along the Grand  
5 River when the docks were there they let  
6 us fish, but I think it was the  
7 insurance company that made it kind of  
8 tough for companies so they wouldn't let  
9 people fish or swim or anything, but I  
10 think it should be public.

11 [REDACTED] My name is [REDACTED]  
12 and I'm a citizen of the area.

13 Could there be some consideration  
14 given to exchanging this property for,  
15 say, another site like the County  
16 Fairgrounds in exchange for this  
17 property where development would be more  
18 readily conducive to many types of  
19 development, or possibly the  
20 Fairgrounds, a racetrack, you know, like  
21 where they have a casino or something  
22 along with this park where usually where  
23 people aren't actually living there for  
24 any extended period of time. But seems  
25 to me the Fairgrounds would be a fair

1 exchange of value there.

2 [REDACTED]: My name is [REDACTED]  
3 [REDACTED] Painesville resident. And when  
4 they closed the chromate they said they  
5 were going to cap it with soil and in  
6 the paper it says you're going to cap  
7 this with soil, but I notice that there  
8 was a great line of trucks, like a  
9 freight train going to CEI carrying fly  
10 ash to the chromate and it has mercury  
11 and other contaminants. Is that the same  
12 soil you're talking about to cap this  
13 area?

14 [REDACTED]: Any other comments?

15 [REDACTED] My name is [REDACTED]  
16 [REDACTED] I'm a resident of Fairport  
17 and in speaking to this property I'm not  
18 sure that all the comments are really  
19 that appropriate in that I'm not sure  
20 there's any significant body of water  
21 connected with this property directly.  
22 It doesn't go to the lake. It doesn't  
23 go to the river. But, nevertheless, it's  
24 in a significant location. And I do,  
25 like the previous organizations and

1 state groups, feel that there ought to  
2 be a plan or alternative or a 3-B that  
3 talks about cleaning this up to any use  
4 levels. It seems only appropriate. And  
5 certainly seems appropriate to look into  
6 including those properties that are just  
7 off the previously designated site.

8 That's it.

9 [REDACTED] Okay. Thank you.

10 Anyone else that would like to  
11 make -- you have a follow up?

12 [REDACTED] It's me again, [REDACTED]

13 [REDACTED] I have another question about  
14 the life of this cleanup, in other  
15 words, the radioactivity. When you  
16 eliminate this thing is there any return  
17 or is it going to remain at that level  
18 that you clean it up to, you know what  
19 I'm saying. And is there any leaching of  
20 this containment that you're going to be  
21 putting over there to the soil to the  
22 adjoining areas or anything like that in  
23 that regard.

24 [REDACTED] Yes, sir.

25 [REDACTED] My name is [REDACTED]

1 [REDACTED] and I'm a resident of the area,  
2 and first of all, I'm not sure if I  
3 have a comment. I guess I have a few  
4 things I need some clarification.

5           First of all, on your map in  
6 your display up above on the slide  
7 you're showing proposed areas of  
8 excavation with the -- I guess the  
9 violet colored lines and those are shown  
10 outside the boundary. And someone, I  
11 think it was the folks from the EPA,  
12 said, well, that's not going to happen.  
13 So what is the truth? Is that going to  
14 be excavated or not? It's shown on the  
15 map as being excavated.

16           [REDACTED]: Let me just clarify  
17 that. I will just clarify that quickly.

18           The areas that are shown out  
19 behind in as you said in violet, those  
20 are the areas we intend to excavate and  
21 clean up. The one area that does extend  
22 a little bit off the boundary but it is  
23 a continuation of an area of concern  
24 that we are cleaning up, because it's a  
25 continuation, we will address that.



1                   There is another area that is not  
2 shown on the map that is off site of  
3 the map, and that is the area that has  
4 been referred to by Ohio and that would  
5 not fall under our authority to address  
6 and that is off site just to the west  
7 of what's shown on our figure. But the  
8 areas of the map, as a point of  
9 clarification, those will be the areas  
10 we excavate.

11                   ██████████: Okay. Thank you.

12                   And those designated areas seem  
13 to be scattered across the site. But  
14 earlier in your presentation you showed  
15 us it looked like an aerial photograph  
16 of a couple arrows pointing out a  
17 stockpile. Your statement was that  
18 radioactive material leached out of that  
19 pile and that was the reason why there's  
20 still radioactive material on-site, but  
21 that isn't consistent with all of the  
22 areas you have shown in violet, so how  
23 -- can you explain the inconsistency?

24                   ██████████: Again I'll address  
25 that as just a point of clarification.

1           The area of the stockpile is this  
2 area here, That is called area A. That  
3 is the main area of contamination where  
4 the stockpile was. However, we do know  
5 that the material was actually used and  
6 was stockpiled in a smaller location on  
7 the site across in area C. This area  
8 here is where the steel was used and  
9 also there was a smaller stockpile  
10 there. And then just with transporting  
11 material from one end of the site to  
12 the other, that's where we believe the  
13 other areas of contamination came as  
14 well. Also this year down here, that's  
15 some material that Uniroyal had passed  
16 and moved from here down to there.

17           ██████████: Activity after the  
18 stockpiling?

19           ██████████: Some during and some  
20 after as well.

21           ██████████ And then I'm reading  
22 from your brochure, this is the one with  
23 your Army Corps' symbol at the top. It  
24 reads, the Corps conducts its FUSRAP  
25 work in compliance with all appropriate

1 Federal laws and regulations as well as  
2 state and local requirements.

3 Now, that doesn't sound like  
4 that's what's happening either, because  
5 we're hearing from Ohio EPA that what  
6 they're looking for, their requirements  
7 would be sufficient excavation that any  
8 use could be applicable to the property  
9 rather than just industrial use. So can  
10 you explain that inconsistency?

11 [REDACTED]: And that is  
12 something I will reserve that  
13 explanation for the response comments,  
14 you know, in the formal response  
15 comments. We do have the comment from  
16 Ohio, from the other parties, and we  
17 will respond appropriately. We will  
18 respond to that comment. It is an  
19 issue we are continually working with  
20 the State of Ohio, but the full response  
21 will be at the response time which will  
22 be available for everyone.

23 [REDACTED] And I just have one  
24 last comment. Maybe it's inappropriate  
25 to bring up here, but a question I'm

1 going to have is to EPA. They feel  
2 that your plan is not sufficient and  
3 they're saying, well, we're going to  
4 hold off until after you're done and see  
5 what happens. I mean, that doesn't seem  
6 like a very good plan. I mean, if you  
7 think it should be cleaned up to the  
8 level -- to a certain level, why  
9 wouldn't you try to get the plan  
10 adjusted to achieve that? And I don't  
11 know if Ohio EPA wants to respond to  
12 that, but I hope we could get an answer  
13 to that.

14 [REDACTED] Yeah. We can allow  
15 Ohio to respond to that.

16 [REDACTED]: My name is [REDACTED]  
17 [REDACTED]. I work for Ohio EPA. [REDACTED] and  
18 I work together with a lot of other  
19 people in this room on this project.

20 I think what we talked about  
21 tonight, the path forward we talked  
22 about tonight is that -- and the Corps  
23 has shown some data from some previous  
24 clean ups that actually do get to the  
25 goals that we're proposing, and what

1 we're saying is we're going to hold off  
2 and wait until that happens. And we'll  
3 be involved in the certification process  
4 and make sure that those goals are met  
5 and then we'll say, yes, they met the  
6 goals or, no, there's still issues that  
7 need to be resolved.

8           But we think there is a good  
9 change. If we didn't think there was  
10 any chance, then we would stand up and  
11 say that tonight. Looking at the Corps'  
12 data and knowing the site pretty well,  
13 we think there's a good chance that this  
14 cleanup is going to actually get where  
15 we need to be and a lot of the issues  
16 that we talked about tonight, the  
17 concerns we have are no longer concerns  
18 at that point.

19           ██████████ Why not make that a  
20 part of the plan?

21           ██████████ Because the  
22 relationship that we have with the Corps  
23 of Engineers is not one that we can  
24 actually force them to do things. It's  
25 basically one where they have to work

1 with the State and work with the  
2 community to get results. This is one  
3 that allows -- the path forward allows  
4 the cleanup to move forward.

5           The other alternative is we could  
6 go to dispute resolution, we could go to  
7 some sort of Court issues, we could lose  
8 Federal funding for the cleanup, and  
9 there's a lot of other downsides to  
10 that. So we would like to see; process  
11 move forward and in the fall of 2006  
12 we'll know whether we were successful or  
13 not and we can fight those issues at  
14 that point as well.

15           ██████████ Thank you for  
16 responding and thank you for the  
17 opportunity to comment.

18           ██████████ I'm ██████████ and  
19 I'm a citizen. And you have Twin Rivers  
20 on one side, Chemtura on the other side.  
21 And Chemtura, we don't know exactly what  
22 their plans are. I don't know, which way  
23 are they going to go, are they going to  
24 go to the residential side or go on the  
25 industrial side. I'm not sure. And if

1 you clean it up to the best of your  
2 ability, then they can go either way and  
3 you're okay.

4 [REDACTED] Thank you.

5 [REDACTED] Just for point of  
6 clarification as well, Chemtura really  
7 is at a point where we're undecided. We  
8 really need to put both remediation  
9 plans, the chemical and the radiation,  
10 forward before we can make a clear  
11 market evaluation on what will be the  
12 best and highest use for both portions  
13 of the property, the former plant which  
14 you see on the FUSRAP diagram, as well  
15 as the significant portion which abuts  
16 the Grand River south of Fairport  
17 Nursery Road. So we really are  
18 undecided, uncommitted at the site and  
19 we will be evaluating various types of  
20 factors, areas of development and market  
21 opportunities what the highest and best  
22 use of the property is.

23 [REDACTED] Thank you, [REDACTED]

24 Would anyone else like to make a  
25 comment for the record?

1                   As I mentioned, we'll be here,  
2 we'll stick around afterwards as well to  
3 discuss anything you would like and we  
4 do have the opportunity for comments.  
5 Bob, actually if you go back one slide  
6 in case anyone didn't get the  
7 information to send the written  
8 comments, there's the mailing address  
9 and the E-mail address.

10                   But I guess would anyone else  
11 like to make a verbal comment at this  
12 time? If not, I thank you very much for  
13 coming out and attending our public  
14 meeting.

15                   Thank you for signing in as well.  
16 We do have a mailing list which you can  
17 be put on. If you would like to  
18 receive future mailings on this project  
19 or other FUSRAP projects, you can  
20 mention that to [REDACTED] on your  
21 way out, put a notation by your name on  
22 the sign-up list.

23                   With that we will conclude the  
24 meeting and I thank you again for your  
25 time coming out.



## 1 CERTIFICATE

2 .

3 State of Ohio ) SS.:

4 County of Lake )

5 I, [REDACTED], a Notary  
6 Public within and for the State of Ohio,  
7 duly commissioned and qualified, do  
8 hereby certify that the within named  
9 witness, was duly sworn to testify the  
10 truth, the whole truth and nothing but  
11 the truth in the cause aforesaid; that  
12 the testimony then given by the witness  
13 was by me reduced to stenotypy in the  
14 presence of said witness; afterwards  
15 transcribed, and that the foregoing is a  
16 true and correct transcription of the  
17 testimony so given by the witness.

18 I do further certify that this  
19 deposition was taken at the time and  
20 place in the foregoing caption  
21 specified.

22 I do further certify that I am  
23 not a relative, counsel or attorney for  
24 either party, or otherwise interested in  
25 the event of this action.

1                   I am not, nor is the court  
2 reporting firm with which I am  
3 affiliated, under a contract as defined  
4 in Civil Rule 28 (D).

5                   IN WITNESS WHEREOF, I have  
6 hereunto set my hand this           day of  
7                                   , 2005.

8 .  
9 .  
10 .

11

12                                   ████████████████████, Notary Public  
13                                   within and for the State of Ohio

14 .  
15 .  
16 .  
17 .

18 My commission expires October 31, 2006.

19 .  
20 .  
21 .  
22 .  
23 .  
24 .  
25 .