



June 25, 2015

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## Agenda for the June Board Meeting

### 6:00

Call to order, introductions  
Review of agenda

**DDFO Comments** -- 15 minutes

**Federal Coordinator Comments** -- 5 minutes

**Liaison Comments** -- 5 minutes

**Presentations** -- 10 minutes

- Paducah Gaseous Diffusion Plant Environmental Assessment for Potential Land and Facility Transfers

**Administrative Issues** -- 10 minutes

- Election of Chair
- Election of Vice-Chair

**Subcommittee Comments** -- 10 minutes

**Public Comments** -- 15 minutes

**Final Comments** -- 10 minutes

- Recognition of outgoing members

**Adjourn**

# Overview of NEPA

- National Environmental Policy Act (NEPA) requires Federal agencies to undertake an assessment of the environmental effects of their proposed actions prior to making decisions.
- NEPA provides for better informed decisions and citizen involvement.



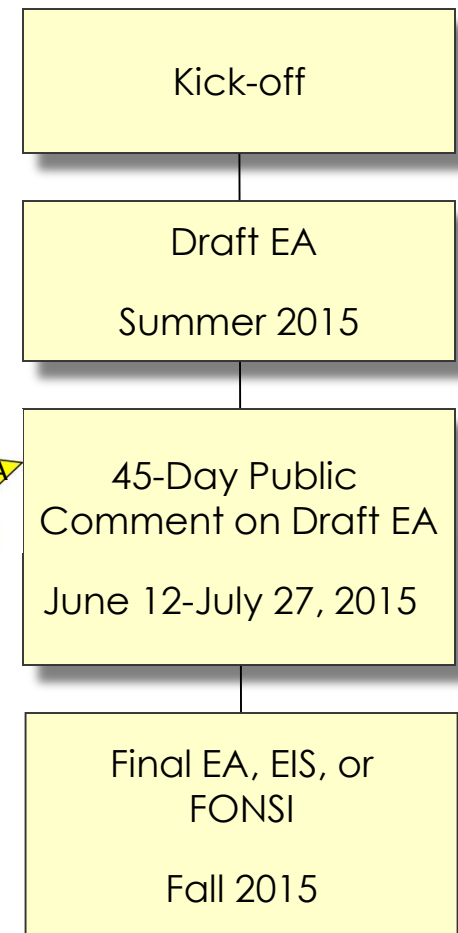
# Overview and focus

- Environmental Assessments (EA) are a type of decision tool. The EA provides the public with the opportunity to learn about DOE's proposed actions, and to provide timely information and comments to DOE.
- The proposed action in this EA is the transfer of property from DOE ownership to others for a range of potential industrial and/or recreational uses



# EA process overview

- A Federal agency prepares an EA and provides sufficient analysis that is used by the agency to determine whether a proposed action would:
  - (1) require preparation of an Environmental Impact Statement (EIS) or,
  - (2) a Finding of No Significant Impact (FONSI).



# Why has DOE prepared this EA?

- ...to evaluate the potential human/environmental impacts of possible future real property transfer decisions.
- ...to describe for the public - to facilitate their understanding - what real property transfer decisions could do and would “look like” at PAD.



# What the EA Does

- Identifies environmental impacts associated with potential land transfer
- Provides public and agency opportunities to provide comment/input on how the potential action may affect them
- Results in a Finding of No Significant Impact (FONSI) or identifies the need to do an Environmental Impact Statement (EIS)



# What the EA does not do

- The EA doesn't make a recommendation on land use.
  - The EA doesn't consider residential land use scenarios
- The EA doesn't specify which property will be transferred.
  - It does exclude certain areas at this time
- The EA doesn't make a recommendation to whom land should/might be transferred.
- The EA doesn't say when property will be transferred.



# What is the proposed action?

- The potential transfer of DOE PGDP real property to one or more entities for uses that could differ from the existing use.\*
- This action would reduce the site footprint and save federal dollars

\*There would be no change to the ongoing clean-up mission. And, the uses considered include industrial and recreational.



# The “conceptual project”

- A “conceptual project” was selected to be representative because actual future uses are not known
- The “conceptual project” allows DOE to evaluate resource impacts and potential consequences of a potential industrial reuse.
- The conceptual project is a facility of 500,000 ft<sup>2</sup> on 25 acres.
- DOE uses the analysis in the EA as a basis for estimating the potential environmental impacts of reasonably foreseeable actions that could occur after real property transfer.
- The document looks at the potential environmental impacts for the range of environmental resource areas are focused on size, land disturbance, and generic industrial operations to characterize potential impacts.



# What can implementation of the proposed action do?

- PGDP and its land, facilities, and infrastructure are assets
- PGDP is engaged in clean-up, but reuse of the site can occur in parallel with clean-up, creating options and opportunities for the assets
- A major benefit of reuse is the provision of options, opportunities and flexibility for the community



# What might change with implementing the proposed action?

- In many ways, things may not look very different...
  - PGDP is a developed/disturbed site and has been for many years
  - PGDP is a heavy industrial site
  - PGDP is undergoing clean-up which will continue
- Transfer to others for industrial and/or recreational uses would be compatible and impacts would be minor and manageable
  - Remember that reuse occurs *over time*



# NEPA is a programmatic decision

- ...and NEPA is not the only decision to be made when transferring property
- Other regulatory requirements need to be met before land could be transferred, including requirements under CERCLA section 120(h)



# CERCLA 120(h) Process

- CERCLA 120(h) imposes several requirements on all transfers of Federal real property "owned by the United States" to non-Federal entities:
  - Give notice of hazardous substance activity to the grantee;
  - Include a deed covenant that the United States will return and perform any additional response action, resulting from PGDP activities, that may be identified or required in the future; and
  - Retain a perpetual right of access necessary to do such additional response or corrective actions.



# Benefits of the EA

- Will shorten the NEPA review process for future transfers of land and facilities
  - by taking an early look on a range of uses in a range of locations, the future NEPA screening review of a transfer proposal will proceed more rapidly, and if additional reviews are needed, they can be initiated sooner
- It raises the awareness of the interrelationship and shared goals of clean-up and reuse



# Benefits of the EA

- The EA was written to afford flexibility
- It provides the opportunity to understand what a reused PGDP site could look like from an environmental perspective
- It reflects the input of the community

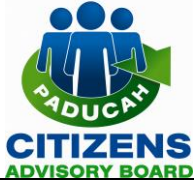


# Upcoming public input opportunities

- Draft EA for public review: June 12-July 27  
45-day comment period (15-day minimum required)
- Public Meeting on Draft EA: Thursday, July 9  
West Kentucky Community and Technical College  
Emerging Technology Building  
6:00 -7:00 Open House  
7:00 - Presentation, followed by public comment







# PADUCAH GASEOUS DIFFUSION PLANT CITIZENS ADVISORY BOARD

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## Paducah Gaseous Diffusion Plant Citizens Advisory Board Meeting Minutes June 25, 2015

*The Citizens Advisory Board (CAB) met at the Environmental Information Center (EIC) in Paducah, Kentucky on Thursday, June 25th at 6:00 p.m.*

**Board members present:** Judy Clayton, Ben Peterson, ; , Ralph Young, Robert Coleman, Ken Wheeler, Jim Tidwell, David Franklin, Mike Kemp, Jonathan Hines, Victoria Caldwell, Renie Barger, Bill Murphy and Kevin Murphy.

**Board Members absent:** Richard Rushing, Tom Grassham, Cindy Butterbaugh, Cindy Ragland, Colby Davis, Basil Drossos, Eddie Edmonds and Carol Young.

**Board Liaisons and related regulatory agency employees:** April Webb (KDWM) (on phone), Gaye Brewer (KDWM), Tim Kreher, Kentucky Division of Fish and Wildlife.

**DOE Deputy Designated Federal Official:** Jennifer Woodard, DOE

**U.S. Department of Energy (DOE) related employees:** Buz Smith, DOE; Steve Christmas, Con Murphy, Alexis Wiseman, Ashley Keen, Zoe Jones, Fluor Paducah; Eric Roberts, EHI Consultants (EHI); Yvette Cantrell, Ginny Manning, Leslie Kusick, Restoration Services Inc. (RSI) .

**Public:** Tony Graham

### **Introductions:**

**Peterson** opened the meeting at 6:00 pm, and asked for introductions and then reviewed the Agenda. Review of a proposed recommendation was added to the Agenda and then was approved by the Board.

**DDFO Comments: Woodard** indicated that the C-410 Feed Plant at the site was completely down and removed.

**Federal Coordinator Comments: Smith** reminded the members about the C-400 Historical Preservation subcommittee tour the following day, and that the temperature was going to be very warm. He also reminded everyone about the upcoming public tour dry run involving the members on July 11.

**Liaison Comments: Kreher** said that the KY Division of Fish and Wildlife was interested in the upcoming Environmental Assessment (EA). He indicated that some of the information included in the EA may not be up to date. He also said that his department was participating in the groundwater investigation of the area residents. **Woodard** added that **Kreher** was referring to the fact that DOE was conducting a vapor study for Trichlorethylene (TCE) as part of the Five Year Review.

**Peterson** said that the CAB had indicated that the opinion of the CAB was for all liaisons to attend Board meetings to get their input as well as that of the community as DOE moves forward with re-baselining the work at the Paducah site.

**Presentations:** **Smith** then made a presentation about the EA.

<p><b>Roberts:</b> Since there are different cleanup levels for industrial and recreational, will the EA give different recommendations for the two?</p>	<p><b>Smith:</b> No. It will be just a blanket statement. It ; ; ; ; ; ; I</p>
<p><b>Murphy:</b> What part of the plant does this cover?</p>	<p><b>Smith:</b> This is site wide.</p>
<p><b>Murphy:</b> That is going to be thirty years from now right?</p>	<p><b>Smith:</b> ; ; I; ; ; I; ; ; ; proper request from someone that wants property, it could be sooner.  <b>Woodard:</b> This is more than what is inside the industrial fence. DOE has 3,500 acres out there. The EA addresses any land that might be transferred in our entire buffer zone, inside or outside the fence. It is looking at the possibility of transferring any of our land out there. And they are all on different timelines and schedules if someone were to request some of the property.  <b>Smith:</b> Actually none of the property has been declared excess at this point.</p>
<p><b>Peterson:</b> While this is a site wide EA, this is the first step in identifying any smaller portion whether inside the fence or outside that could be ; ; ; I; ; ; ; ; a big long two year property transfer process.  <b>Young:</b> To their credit, DOE initiated this action before we had a clue of how this process works. They said we need to start on this now so that we are a step ahead of this process.</p>	<p><b>Smith:</b> The hope is that this would save six or eight months in the transfer process.</p>
<p><b>Caldwell:</b> Would it say that these areas are OK, but these not yet?</p>	<p><b>Smith:</b> The EA is for the site as a whole. It get down to that level.</p>
<p><b>O'Brien:</b> Are you going to entertain suggestions as to what to do with a certain area?</p>	<p><b>Woodard:</b> That is not part of the EA but it would come out of it when they come and ask for a certain parcel of land.</p>
<p><b>Kreher:</b> Our concern is that the way this is being worded, from a certain perspective there will be ; ; ; ; ; ; ; ; ; significant impact, because using the industrial use G ; ; ; ; ; ; ; ; ; property where you could put a 500,000 square foot facility without affecting cultural, environmental, residential resources.</p>	<p><b>Kusick:</b> DOE is looking at the big picture of transfers. Every request is evaluated on an individual basis.</p>
<p><b>Kerher:</b> There is some existing data out there that is not included in this draft. Based on this document, it will not be able to answer every question.</p>	<p><b>Smith:</b> That is what the public comment is for, to provide us with that information, making it a better document.</p>
<p><b>Kreher:</b> The document I know is looking at the</p>	<p><b>Smith:</b> But when property requests come in, that</p>

<p>say that there might be an area contained in the</p>	<p>is when you dive deeper for information, and that is when that information would come out.</p>
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**Wheeler** asked what methods are being use to get the word out about the public meeting on the EA. **Smith** indicated that besides the announcements already issued in the newspaper, post cards had been sent and there would be more advertising in the media. **Peterson** asked what the logical next step was. **Smith** said that it was a tool for property requests. **Kusick** indicated that this was a tool for someone to request a certain parcel of property so that further evaluation could be done. **Kreher** indicated that NEPA was a law and not a planning tool.

<p><b>Kreher:</b> There is a statement made in Chapter 1.5 under Scope, if DOE determines the impacts that this EA describes are not significant, the Department will issue a finding of no significant impact. If a finding of no significant impact is issued on this EA, and a property transfer is requested, beyond that point is the Department of Energy required to do any additional environmental analysis to transfer the property or if this document issues that?</p>	<p><b>Woodard:</b> No. There is more that has to be done. You have to look at the specific property being requested as the next step. The second phase is looking at a specific piece of property in more depth.</p>
<p><b>Kreher:</b> ge, if this EA says finding of no significant impact, and there is a request for property transfer, there still has to be an environmental impact statement on that piece of property?</p>	<p><b>Kemp:</b> What they are saying is there has to be additional analysis. An environmental impact statement has also a very specific definition, and I statement would necessarily be required.</p> <p><b>Roberts:</b> Part of it would depend on what the request was and what it was for.</p> <p><b>Smith:</b> For instance, if it was a nuclear power plant coming on, it would have to be done.</p>
<p><b>Kreher:</b> Part of the reason I am asking that specific question, in a letter from the Fish and Wildlife Service, it expresses concerns that this property transfer could be done to a private entity that is not legally required to do environmental litigation. So my concern is that after this document that we are looking at right now, depending on the fallout of this document, a property transfer could be allowed that could have sensitive threatened endangered species issues that the Department of Energy in effect is not responsible for answering the rest of the questions on it.</p>	<p><b>Smith:</b> I</p> <p><b>Woodard:</b> ion.</p>
<p><b>Kreher:</b> of the person that would be building the factory. And I really have concerns on that because the government handing a piece of property off</p>	<p><b>Smith:</b> I</p> <p><b>Woodard:</b> We need to get the right answer.</p>



**Woodard** indicated that due to the fact that DOE needed to acquire a contractor quickly because of the transition of the plant back to DOE, the type of contracting method used only allowed a three year contract.

**Barger** suggested tabling the recommendation until everyone had reviewed the information that the recommendation was referencing and had time to study that information.


**Subcommittee Comments:** **Roberts** said that there would be a baseline discussion following the Board meeting. **Woodard** reported that progress was being made on the waste cell Proposed Plan. **Webb** also indicated that progress had been made.

**Public Comments:** none

**Final Comments:** **Roberts** presented **Coleman, Hines, O'Brien, Young, and Franklin** with certificates and thanked them for their time and service to the CAB. They all had served the allowed six years as members of the CAB.

The meeting adjourned at 7:39pm.

Approved by **Ben Peterson, Chairman**



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**Ben Peterson**