

WEST CHICAGO INTERGOVERNMENTAL FORUM
September 9, 2011
Meeting Minutes

ATTENDEES

Barbara Magel, Counsel for Local Communities
Jamie Geils, WBK Associates, Local Communities
Don Feld, Thorium Action Group
Mark Krippel, Weston (WCERT)
Mike Savage, Arcadis
Jesse DeMartini, DuPage County Forest Preserve District
Chuck Grigalauski, Illinois EPA
Kelly Grahn, IEMA
Gerald Karr, Illinois Attorney General's Office
Tim Fischer, U.S. EPA, Superfund
David Seely, U.S. EPA, Superfund
Mary Fulghum, U.S. EPA Regional Counsel

GENERAL TOPICS

Mary Fulghum began the meeting with an update on the Anadarko litigation. Mary said that the trial date was still scheduled for April 2, 2012. Mary said that expert reports are due from each side on September 26, 2011. Mary said that if anyone would like to read the reports, they should be available on the kclc website or on the Tronox website under "reorganizational" and follow that to the adversary proceedings. Mary said that she anticipates that several motions will be filed in the coming months to try to narrow the issues for trial.

Mark Krippel asked for clarification on whether the West Chicago Environmental Response Trust (WCERT) would be affected either way from the litigation. Mark said it was his understanding that the Trust would not receive any funding from litigation proceeds. Mary Fulghum and Barb Magel said that was true.

Tim Fischer asked if the group felt that the Anadarko litigation update should be removed from the agenda in the future. Barb said that it should keep on the agenda as it is an item of interest and we never know what could change in terms of funding in the future.

KRESS CREEK/WEST BRANCH DUPAGE RIVER SITE

Tim said that significant progress had been achieved on the cleanup of Reach 8A in the West Branch DuPage River. Tim said that all of the contamination in pods between Warrenville Road and Interstate 88 had been cleaned up (Pods 8-5 through 8-24), with the exception of the pods immediately surrounding Bower Elementary School. These pods will be addressed in a future construction season, most likely next year.

Tim said that excavation will now proceed south of I-88 in the DuPage County Forest Preserve area near McDowell Grove. There are seven pods in that area that are scheduled to be addressed in the next month and a half. Tim said that after these pods are cleaned up, the project would move back up north to the section of Reach 8A located north of Warrenville Road. There are three pods to be addressed in that area in this construction season. Tim said that excavation would start north of Warrenville Road in late September or early October at the earliest.

Tim said that the overall message was that the project was proceeding ahead of schedule and under budget. The original schedule called for project completion just before Thanksgiving. The latest estimate is that railcar loading and shipment will be completed by November 4 and demobilization will take place by November 11.

Tim said that Rick Karl, Superfund Division Director, had conducted a site tour on August 11. Tim said that Rick was very impressed with the progress and quality of the work conducted on the Kress Creek/West Branch project. Tim thanked Arcadis, Severson, IEMA and the WCERT for their assistance in conducting the tour.

Tim said that Pre-Certification inspections for Reaches 3B, 4, 5A and 5B were also conducted on August 11. Tim reminded everyone that Reaches 5A and 5B are actually associated with the Sewage Treatment Plant site. Tim said that all four of these Reaches had reached the end of the three-year monitoring period and that they had all met the performance metrics requirements. Tim said that a set of "punchlist" items had been identified for the Reaches. These items, which are primarily associated with invasive species, are to be completed in the fall of 2011 and spring of 2012. After these punchlist items are completed, the Reaches will be eligible for Certification of Completion under the Consent Decree. In addition, the Sewage Treatment Plant site will be eligible for delisting from the NPL.

Finally Tim said that a discussion was held regarding the "big picture" plan to complete the Kress Creek/West Branch cleanup at the Kress Creek construction meeting on September 8. Tim said that after the 2011 construction season, the WCERT projects there will be \$26 million worth of work required to complete Reach 8B, the Bower Elementary School and the Route 59 project. Tim said that Reach 8B (Pods 8-38 and 8-39) make up about \$20 million of that estimate. Tim said that the WCERT is anticipating getting \$3.1 million from DOE for Title X reimbursement in January 2012, which may only allow for conducting work at Bower Elementary and Route 59 in 2012. Tim said that a discussion will have to be held regarding the most cost-effective manner to complete the remaining cleanup work in the West Branch DuPage River.

Barb Magel asked for clarification that the scope planned for 2012 includes only Bower Elementary and Route 59. Tim said that is one option. He said that the WCERT could also hold on to the money in 2012 and wait for the 2013 reimbursement to insure that enough money is available to cleanup Pods 38 and 39 in Reach 8B all at once. Tim said

EPA and the WCERT are waiting to hear exactly how much money will be coming in from DOE before they decide the most effective way to tackle the remaining work.

Barb asked how much money the WCERT was expecting from DOE in 2013. Tim said that the Trust is owed \$14 million for work conducted in Reach 7 in 2010. If DOE reimburses \$3.1 million in January 2012, EPA expects that the remaining \$11 million will come in 2013. In addition, there is a chance that a large chunk or all of the reimbursement owed for 2011 work will come in 2013. Therefore, a relatively large pot of money could be available for conducting work in Pods 38 and 39 (Reach 8B) in 2013. Tim said the drawback of spending available funds to complete Bower Elementary and Route 59 in 2012 is that we could have a shortfall of available funds in 2013 to complete Pods 38 and 39 together, and the WCERT could be faced with skipping a year and completing the West Branch in 2014 or later depending on Title X reimbursement amounts.

Barb asked when the WCERT would know whether sufficient money was available to conduct work in 2012. Tim said that the Trust will have enough funding to complete Bower Elementary and Route 59 after the \$3.1 million reimbursement comes in January 2012. Barb asked when the Trust would need to know about the possibility of additional funding to complete the project next year if DOE were able to come up with the funding. Mark Krippel said that the WCERT would need to know by late January or early February to plan for the additional mobilization. Mark added that the entire cleanup could be completed in 2012 with an additional \$18-20 million if the funding were obtained from DOE, a loan, or some other source. However, Mark said that construction would have to begin in late March or early April to complete the entire project over the summer of 2012.

Tim added that one final issue for consideration in favor of completing Bower Elementary and Route 59 in 2012 is that the project would then be finished with property owners other than the DuPage County Forest Preserve District, and access issues would no longer be a problem going forward.

Barb Magel asked how Superfund funding would play into these scenarios. Tim said the project is still before the Risk-Based Prioritization Panel for funding. Tim said that he thought the site was more likely to get the funding to complete the project if the amount needed was smaller rather than larger.

Mark Krippel added that one other idea being considered was a private or commercial loan to complete the project. He said that the Trust could afford the interest and that the interest cost could be offset by the savings in construction costs. Mark asked that everyone think about ways that a private loan could be accomplished under the Trust Agreement.

Finally, Barb asked about the total volume of contaminated material removed from Reach 8A in 2011. Tim said that the total was about 90 railcars, or about 8,100 cubic yards of material. All of this material will be shipped out for disposal this year.

RESIDENTIAL AREAS SITE

David Seely said that his focus has been on preparing for sampling efforts this fall. David said that there are seven properties that he has identified that definitely require additional sampling. Sampling plans have been drafted with the EPA FIELDS group and it appears that EPA should be in the field in a couple of weeks for sampling. David said that EPA would start with the formerly Tronox-owned properties and follow up with private properties. He added that mobilization is beginning already with instrument calibration and setup of equipment in West Chicago.

David said that he is running into a situation where private properties may run up against City-owned alleyways where sampling needs to take place. David said he was unsure whether he needed to obtain permission to access those alleys or who he should speak to at the City. Barb said that David should just let her know when he needs to conduct sampling in the alleyway and that she would make sure that he had the access he needed. Barb said that the City of West Chicago was not going to hold up any sampling. David said he was not sure which alleys may be affected until the sampling team is in the field laying out the sampling locations. Barb said that if David was not sure, he could just request access for all alleys that may be affected and then EPA would not have to worry about access at a later time.

David said that he is still working on obtaining access to some of the private properties that require sampling, and he hoped to obtain access from the property owners by the end of next week.

David said that he is working through some funding issues to get Weston in the field for sampling, but that the funding issues should be worked out in the next 7-10 days. Therefore, sampling efforts should not be delayed.

David said that he met with Mark Krippel to go over some of the 1980s cleanup records to answer some questions about specific properties. He said that he had not made a determination about whether these properties require sampling or not yet, but he expected to make that decision shortly after the sampling began on the seven known properties. These properties would then be added to the back end of the list of properties to be sampled this fall. David said that the list of properties requiring a determination had been dwindled down to about 10-15 properties.

David said that he would be going into the field this afternoon with the sampling contractor to visit the seven properties requiring sampling. The purpose would be to note any potential physical obstacles to sampling efforts in the next couple of weeks.

Finally, David said that the Trust is looking into selling personal property and some real estate that it inherited from the Tronox bankruptcy settlement. David said that EPA has recommended that the Trust hold on to any real estate property where access to the site for sampling or cleanup may be encountered in the future. He added that if the Trust finds that it really needs to sell the property to obtain funding for other matters, EPA

would support that idea if appropriate provisions allowing EPA access in the future were built into the real estate transfer documentation. David added that EPA was also reviewing the list of potential personal property items the Trust is proposing to sell to make sure that none of these items are useful to the EPA sampling effort or potential cleanup efforts in the future.

Barb Magel asked if the seven properties slated for sampling include potentially large areas of contamination or whether they were all like previous properties with small isolated spots for sampling. David said that the biggest potential issue relates to the right-of-way located adjacent to the Rare Earths Facility (REF). He said that the original 1980 boundary of excavation was unclear, but that it appeared to go from Roosevelt Road to at least George Street. David said that there would have to be some determination of what part of that right-of-way is associated with the Residential Areas site versus the REF cleanup. David said that if the entire right-of-way is determined to be part of the Residential Areas site it could result in a lot of work to determine whether the area needs additional cleanup. David said that there are also a couple of industrial properties where the area to be evaluated could be significant, but definitely less than the REF right-of-way.

OTHER ISSUES

Update on NOAA Grant Projects

Jamie Geils said that a pre-construction meeting was held on September 8 with Earthworks Inc. regarding the Warrenville Dam removal . She said that Earthworks was already beginning to stage some equipment at the dam site. Jessi DeMartini participated in another project meeting this morning and said that Earthworks wants to complete the project by mid-October. Jamie said that it was unclear whether the contractor had been given a “Notice to Proceed” from the County.

Tim added that he was informed that the Environmental Assessment had been approved and that the Corps of Engineers had issued the permit to conduct the work.

Jamie said that there may be some temporary sharing of space when cleanup is being conducted in Pod 8-3, but no delays or construction issues are anticipated.

NEXT FORUM MEETING

The next meeting of the West Chicago Intergovernmental Forum is scheduled for **Friday, December 2, 2011, at 10 a.m.** in West Chicago City Council Chambers, West Chicago.

ATTENDANCE LIST
WEST CHICAGO INTERGOVERNMENTAL FORUM
September 9 2011

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