

To: West Valley Citizen Task Force
From: Melinda Holland, CTF Facilitator
Subject: Summary of November 8, 2001, Future Site Use Work Group Meeting
Date: November 19, 2001

Next Meeting

The next Future Site Use Work Group meeting is scheduled as follows:

Date: Monday, December 10, 2001
Time: 7:00 p.m. - 9:30 p.m.
Location: Ashford Office Complex
9030 Route 219, West Valley, NY

If you have questions or comments regarding the upcoming meeting or about this summary, please contact Melinda Holland at (864) 457-4202 or Tom Attridge at (716) 942-2453.

CTF Attendees

Attending were: Bill King, Mark Mitskovski, Paul Piciulo, Pete Scherer, Warren Schmidt, John Pfeffer, Joe Patti, Elizabeth Lowes, and Eric Wohlers.

Other Agency Attendees

Jack Krajewski, NYSDEC, Tom Livak and Deborah Maroney, Cattaraugus County Economic Development, Planning & Tourism; Norm Leyh, Cattaraugus County Industrial Development Agency; Don Rychnowski and Tom Barnes, Southern Tier West; Ken Swanekmp, Erie County Economic Development.

Meeting Summary

Advance Notice of Intent

DOE published an "Advance Notice of Intent to Prepare an Environmental Impact Statement to Evaluate Decommissioning and/or Long-Term Stewardship at the West Valley Demonstration Project." A copy was distributed at the meeting. It may also be found on the web¹.

In this notice, "DOE invites the public to provide early assistance in identifying significant environmental issues and alternatives to be analyzed in the forthcoming Decommissioning and/or Long-Term Stewardship Environmental Impact Statement." Comments or questions should be addressed to: Dan Sullivan, WVDP, US DOE, 10282 Rock Springs Road, West Valley, New York, 14171; (716) 942-4703.²

DOE Budget Update

Elizabeth Lowes next summarized the status of the DOE West Valley budget for FY 2002. The House of Representatives had proposed setting the WVDP budget at \$70 million with a \$25 million hold back contingent on the resolution of negotiations between DOE and NYSERDA by the end of December 2001.

¹ http://www.access.gpo.gov/su_docs/fedreg/a011106c.html

² daniel.w.sullivan@wv.doe.gov

The local Congressional delegation interceded on behalf of the site and the Conference Committee agreed on a \$90 million budget, but if the differences between the agencies are not satisfactorily resolved by the end of September 2002, then the amount will be reduced to \$43 million for the FY 2003 budget. DOE and NYSERDA stated that they are very serious about resolving their issues within the time limit. The negotiating team met on October 25th and November 5th and plans to meet again on November 19th. In response to a Task Force member's question, site officials stated that they know what operations are necessary to maintain the site safely at the \$43 million level. Another member stated that the Future Site Use Work Group may need to find a new use for the site within one year.

NYSDEC Assistance

Next, Jack Krajewski, NYSDEC, told the CTF that NYSDEC would be pleased to assist the Future Site Use Work Group in whatever way it can, and that the group only needs to ask. In response to a question, Mr. Krajewski offered to assist the Work Group obtain information about brownfields redevelopment assistance.

Site Reuse Presentation by Mayor Dick Church

The remainder of the meeting was spent in discussion with Dick Church, the Mayor of Miamisburg Ohio. Mr. Church gave a presentation on his city's efforts to secure redevelopment of the Mound DOE facility which is located within the City of Miamisburg. The Mayor explained the activities they undertook for the last ten years have led to significant redevelopment of the Mound site. He stressed that one of the keys to success is for the community to speak with one voice regarding future use of the site. The Mayor organized a citizen advisory committee which represented all key community and local government interests. This Reuse Committee reached consensus that the ultimate cleanup would only be to industrial standards, and on plans for reuse of the Mound site. The 30 local government jurisdictions which are impacted by the site met and agreed that Miamisburg should take the lead on the project. Miamisburg also created a non-profit corporation known as the Mound - Miamisburg Community Improvement Corporation [MMCIC] which has taken title to three Mound properties to date. DOE is responsible for all cleanup activities at this time. The Mayor also mentioned that the Hall Amendment, a federal statute which allows DOE to lease or sell excess equipment to the local community, helped their reuse project move ahead. The city used its 1.75% income tax paid by site employees to finance early stages of the project.

Mayor Church said that he visited Washington, DC on a quarterly basis to lobby Congress and DOE officials. He stated that he also met frequently with the Governor's staff and the Ohio legislative delegation. The city hired a national planning research firm to research and develop a comprehensive reuse plan which recommended future land uses and a redevelopment approach for the Mound site (which cost around \$500,000). This firm interviewed community members, studied the resources available in the area, and reviewed future use recommendations. The MMCIC has followed the plan closely. Mayor Church agreed to share a copy of this plan and related documents with the CTF. He also stated that the improvements made to allow the redevelopment were made with a mix of federal, state, county and city funds and that maintenance is done as part of the city's regular maintenance activities.

The redevelopment efforts at the Mound site have created 350 jobs at about 30 companies. Mr. Church indicated that they project a total of 2,500 new jobs once the entire site has been redeveloped. In response to a question, the Mayor explained that the lessees include production and manufacturing, medical, engineering, and professional consulting, and research and development, including the space battery program. He said that former site employees have started several of the businesses now located in the redevelopment areas. The MMCIC itself has grown to eight employees and manages all of the redevelopment and leasing activities. Space is leased at significantly lower prices than available in the nearby Dayton area. In response to a question, Mayor Church said that Miamisburg uses tax abatement as an incentive but must have the approval of the school district to do so. They have also created a Post

Closure Stewardship Committee comprised of the MMCIC, the Reuse Committee, DOE, the site contractor and Ohio EPA with the goal of creating a long-term stewardship plan at this point in time instead of after cleanup is done.

Due to the high demand for industrial office space to lease, Mayor Church explained that they have launched a new initiative by asking DOE to turn over all of the Mound properties immediately, allowing the MMCIC to manage the cleanup of the contaminated site as a commercial operation. They believe that they can clean up the site much faster and cheaper using private sector commercial cleanup approaches. Under this proposal DOE would continue to pay the costs of cleanup and would bear the continuing liability. Ohio EPA and DOE would also have oversight of the City's cleanup. As the Mound site is a Superfund site, Mayor Church said this is allowed under the covenant deferral request provisions of CERCLA and that NRC and OSHA become the regulatory agencies instead of DOE. He said the commercial cleanup contractor would build incentives into the new cleanup contract and also build in incentives for each employee to get the job done faster/better/cheaper. He recently met with Jessie Roberson [DOE EM-1] to discuss this proposal. He said that Ms. Roberson is seriously considering this proposal and has given it to DOE consultants to analyze. In response to a CTF member's question, Mayor Church responded that a commercial cleanup at the Mound site will mean cleanup to industrial use standards with institutional controls which prohibit disturbance of soil or other activities which could result in increased exposure to contaminants. The Mayor responded to another question by saying that Ohio EPA supports the selection of industrial cleanup levels and the Ohio EPA is a member of the Reuse Committee which developed that recommendation.

Mayor Church also mentioned that the Energy Communities Alliance (ECA) organization had been a tremendous help throughout the years it took to have the reuse proposals become a reality. He encouraged the local governments around the West Valley site to join ECA and suggested that they ask WVNS to help pay for the membership. He also mentioned that the site contractor at the Mound site negotiated a provision in their contract that says they will pay 5% of their performance fee (\$256,000 last year) to the MMCIC to fund community service organization efforts in the city. The Mayor stressed that you never know what you can get until you ask.

Mayor Church mentioned that under Ohio law, DOE must give 120 day notice to local communities in Ohio which will be impacted by substantial loss of jobs.

A Cattaraugus County representative mentioned that they have done some economic studies for the Route 219 corridor which could be expanded upon, but to do an effective future land use study all of the key players need to be at the table, including Erie County. An Erie County official stated that he would help the group develop a way to fund and conduct such a study. Mayor Church suggested that it is important to have one or more elected officials as part of the group and to have them lead the lobbying efforts as they get the most attention from legislative and appointed officials. Task Force members noted that one CTF member, John Pfeffer, was recently elected as a West Valley Town Board Member, and that the Town of Concord had just elected a new Supervisor, Mark Stephens.

Mayor Church also suggested reaching out to the public, conducting public education to get their support, and using the news media to promote the CTF's ideas. In response to a CTF member request, Mayor Church agreed to share with the CTF a copy of the Request for Proposal (RFP) and scope of the future land use study developed by Miamisburg. He stated that the Reuse Committee developed the basis for the scope of work and the RFP.

In response to CTF questions about what processes and future uses Mayor Church might recommend for the West Valley site, the Mayor responded that based on the tour of the site and the surrounding communities, that he felt a recreational-focused reuse would be an excellent start. He mentioned capitalizing on the natural resources and beauty of the area, nearby skiing and other existing recreational uses. In response to a question, he said that Miamisburg had tried unsuccessfully for years to attract a

university to the Mound site but found higher education organizations usually want you to fund the endeavor.

A Task Force member asked NYSERDA what reuse the state would like to see for its land. A NYSERDA official responded that as discussed at the last Future Use Workgroup meeting, NYSERDA will need new legislation to embrace any new use for the land. Thus the Task Force would need to work with the state legislative delegation on this issue. A CTF member asked how much of the more than 3000 acres might be available for reuse. NYSERDA responded that it depends on the amount of buffer required by the cleanup and closure option selected for the site. As the preferred alternative has not yet been selected, they do not know how much land could potentially be available for reuse or which types of reuse might be acceptable. He suggested that the CTF will need to work with the state legislature to change to a new site mission approved via legislation. Another CTF member suggested that a new mission should be focused on closure of existing facilities and maximum redevelopment of the site.

Mayor Church responded that if he lived here, he would organize all of the local elected officials and visit the state legislative delegation, the Governor, and the federal legislative delegation and ask them to help develop the plan and vision for reuse of the site. He would also use those meetings to push for resolution of the negotiations between DOE and NYSERDA as failure on that front will result in the loss of a lot of jobs for the region. He also suggested using the press as he has noticed that agencies like DOE and NYSERDA dislike bad publicity.

Next Steps

The Work Group next spent some time discussing what their next activities should be. Priorities discussed included:

- ▶ Continue to push for resolution of the negotiations and maintenance of level funding for the WVDP;
- ▶ Work with the state to develop future use options that would be acceptable to NYSERDA;
- ▶ Discuss with the full CTF on December 4th the membership of the Future Site Use Work Group and the possibility of broadening the membership. Also discuss the possibility of forming a local Development Corporation (which may be done in NY by a municipality or/and Industrial Development Authority);
- ▶ Determine whether the “Hall Amendment” applies to the West Valley site, and if it does, determine how it might help a voluntary program become a reality;
- ▶ At the Future Site Use Work Group meeting on December 10th, discuss with Erie and Cattaraugus County development agencies how they can become involved in, and assist with, development of a reuse plan;
- ▶ Obtain a copy of the Mound/Miamisburg Reuse Plan and the associated Request for Proposal.
- ▶ Contact the Energy Communities Alliance for copies of plans, RFPs, etc. from other municipalities which have undergone successful reuse projects;
- ▶ Draft a letter to the County/Regional development agencies asking them to participate in the December 10th meeting, join the Workgroup, and help develop a scope of work and request for proposal for a reuse study and plan;
- ▶ Solicit more involvement from local elected officials; and
- ▶ Draft a letter to the University of Buffalo expressing the Task Force’s interest and support of a joint venture with the University and the West Valley site.

Observer Comments

None.

Action Items:

- ▶ Research applicability of the “Hall Amendment” to West Valley site (Elizabeth Lowes)
- ▶ Draft a letter to the County/Regional development agencies asking them to participate in the December 10th meeting, join the Workgroup, help develop a scope of work and request for proposal for a reuse study and plan. (Melinda Holland)
- ▶ Obtain a copy of the Mound/Miamisburg plan Request for Proposals, scope and final Reuse Plan (Melinda Holland)
- ▶ Ask Energy Communities Alliance for copies of plans, RFPs, etc. from other municipalities which have successful reuse projects (Melinda Holland)
- ▶ Contact the Town of Concord’s new Supervisor, Mark Stephens, about participating on the Task Force (Tom Attridge and Melinda Holland)
- ▶ Draft a letter to the University of Buffalo expressing the Task Force’s interest and support of a joint venture with the University at the West Valley site (Melinda Holland to draft and circulate to the CTF)