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1 ENVIRONMENTAL PROTECTION AGENCY
KANSAS CITY, MISSOURI
2 REGION 7
3 PUBLIC MEETING REGARDING
WASHINGTON COUNTY SITE REMEDIATION
4

5 February 28, 2008
6 1:00 p.m.
7 Potosi Public Library
8 235 E. High Street
Potosi, Missouri 63664
9 Holly A. Siron, Certified Court Reporter,
10 Notary Public within and for the State of Missouri
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APPEARANCES

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3 FOR THE EPA:
4 ENVIRONMENTAL PROTECTION AGENCY
5 MS. MARIE D. NOEL
6 MR. BRUCE MORRISON
7 901 5th Street
8 Kansas City, Missouri 66101
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1 Public Meeting Regarding
2 Washi ngton County Si te Remedi ati on
3 February 28, 2008
4 (Proceedi ngs commenced at 1:00
5 p. m.)

6 MS. NOEL: Good afternoon everyone.
7 I think most of you know me, but if you
8 don't, my name is Marie Noel. And I'm a
9 contracting officer for the EPA, Region 7,
10 Kansas City. I have a sign-in sheet. I
11 would like each of you to write down your
12 pertinent information legibly. This will be
13 posted as part of the amendment on the
14 internet so that people know who you are and
15 how to get in touch with you. It is a good
16 thing, actually, in this regard. So I'll
17 start here. Please make sure you do sign
18 that.

19 We're here, obviously, for the
20 Washington County site remediation, and we
21 have a bit of a slide show for you. We did
22 get some questions in that we were able to
23 get answers for. And, of course, you're also
24 going to have a chance to ask questions
25 today. Normally I do not take any questions

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1 after the close of this meeting. But because
2 we didn't get questions up front and seems
3 like questions bubble out of people after
4 they see us for some reason, I'm going to
5 say that you can do questions through Monday.
6 So Tuesday morning when I get in the office,
7 anything that has come, we're going to
8 answer. But that will be it so we don't have
9 to move the bid opening because we really
10 want to be able to get started on the site,
11 so that's the reason for that. So if
12 there's anything that you want to ask.
13 Nothing is a stupid question. So ask the
14 question, and we will do our best to answer
15 it. If we cannot answer it today, we will
16 get the answer and make sure it is in the
17 amendment that will be posted, as well as the
18 entire minutes of today's proceedings will be
19 posted as part of that amendment. That's why
20 we have this lovely lady over here.

21 With that, I will introduce Bruce
22 Morrison, our project manager.

23 MR. MORRISON: Hi. Thanks for
24 coming. I hope you all got to go on the
25 tour earlier today. Sorry we couldn't stop

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1 and point out houses and stuff on the trip
2 going through town, but it's kind of
3 congested. We have some cd's up here of
4 this slide presentation, and they have some
5 other information on them, too. And you're
6 all welcome to come up and take a set if you
7 haven't received one already. I will just go
8 through these slides real quick.

9 (Pause in proceedings.)

10 MR. MORRISON: Okay. Again, this
11 is the Washington County lead district sites.
12 And it's actually three different Superfund
13 sites. One's referred to as the Potosi site,
14 the other the Old Mines site and the third
15 is called the Richwood site. This is a firm
16 fixed price contract. There's a minimum of

17 -- that should be 60 slides -- I mean 60
18 properties per year to undergo soil
19 replacement, contaminated soil disposal area.
20 We call it the repository. It is located 8
21 miles northwest of Potosi near State Highway
22 185. If you went on the site tour today,
23 you drove that route and saw it. Replacement
24 soil backfill criteria and these are in more
25 detail in the statements of work. And it's

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1 240 parts per million lead or less, 22 parts
2 per million arsenic or less and 25 parts per
3 million cadmium or less. Again, it's a firm
4 fixed price contract.

5 And the purpose of this is to
6 excavate lead contaminated yard soils at
7 residential properties and dispose of the
8 contaminated soil at a designated disposal
9 area, place clean backfill in excavated areas
10 in the yards and then restore the lawns and
11 the grass in the yards after the backfill has
12 been placed and repair any property damage
13 that was caused by the process of removing
14 the contaminated soil.

15 And also, in this contract, there
16 is two different incentives that we're going
17 to be putting in there. The soil excavation
18 common excavators of varying size are
19 typically used and some hand shoveling and
20 digging is performed around foundations, trees,
21 propane tanks and sometimes fences and other
22 objects in the yard. We -- in the process
23 of doing this, we want to avoid
24 cross-contamination and spillage of
25 contaminated soil, so care needs to be taken

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1 not to drive equipment from hot areas into
2 clean areas without cleaning it first. The
3 site shuts down during rain events, the site
4 work. The soil repository, it's located at
5 the Indian Creek tailings site. That's where
6 we were earlier today.

7 The designated area is not to
8 expand laterally. So where the stockpiled
9 soil has already been placed there, the
10 future stockpiled soil needs to be piled up
11 in that same area, not spread out further at
12 that property. Temporary stockpiles are set
13 up out there on the large stockpiles so that
14 analysis can be performed for TCLP. The TCLP
15 analysis -- and typically about 2500 cubic
16 yards has been used in the past here at the
17 site as the smaller sub stockpiles and
18 treated when necessary.

19 The contract incentives for this
20 contract is the private property owner
21 satisfaction and local buy and use of
22 vendors. And the rest of these slides,
23 except for, I believe, a couple, or one at
24 the end, is just photographs of the site that
25 I'm going to talk about, or of the sites.

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1 This is typical yard excavation

2 ongoing here. Excavator going into a dump
3 truck. What I was trying to take a picture
4 of here is some of the coloration of the
5 soil. There's a reddish area here that's
6 more reddish brown than the light brown soil
7 surrounding it. And this is typical of the
8 contaminated yards that we dig here. A lot
9 of times we see the higher concentrations of
10 lead in this darker red. And some this
11 white material here is probably barite, which
12 was a mineral that was mined for most of the
13 19th century. Here again, this is another
14 slide showing some pockets of the darker red
15 clay.

16 This is a yard that's been
17 backfilled and graded. It was excavated --
18 actually, I think it's two yards that were
19 done together. And this just gives you an
20 idea what it looks like after they smooth out
21 and grade the yards after they bring the
22 clean material back in. This is another shot
23 of one of those yards. This is a shot of a
24 yard that was recently excavated, and it
25 shows a gravel parking area and what those

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1 typically look like after they've been
2 replaced. Another shot of the gravel. And
3 it has a walkway going up to the front
4 entryway of a trailer.

5 This is just showing some of the
6 equipment being used previously. Another shot
7 of excavation in the yard. You can kind of
8 get an idea of the depth that's being
9 excavated right there. They're pulling away
10 from a trailer. This is what happens
11 sometimes. They'll hit bedrock. And we
12 typically don't need to dig out the bedrock
13 in these yards. So when you hit the
14 bedrock, you just scrape the soil with your
15 excavation equipment off of the bedrock. I
16 wanted to show that these are common here,
17 especially in the rural areas outside of
18 town, the propane tanks, and care needs to be
19 taken in digging around those. Can you hear
20 me all right in back?

21 MR. BARGER: Perfect.

22 MR. MORRISON: Another shot of
23 excavation and the trucks being used
24 typically. This is hydroseeding occurring at
25 a property where the backfill's been put in.

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1 This is a yard that was done sometime
2 earlier, and the grass has come in pretty
3 good. I believe this was done this past
4 year, and this shot was taken this fall. So
5 the grass came in real good when the people
6 water their yards. This is another shot of
7 a yard the homeowner is very happy with and
8 did a good job of watering. Another shot.
9 New grass.

10 This is -- these are some shots of
11 some of the homes that are on the list of
12 homes and drawings that we're going to go

13 over a little bit later for this contract.
14 And this house here we drove past today on
15 the route. It was going down that hill
16 before we got back to High Street. And
17 there's actually a house next to it. I
18 believe it's this one. I'm not sure about
19 that, whether that's next to it, but that's
20 another house that is on the route we took
21 today that needs to be excavated.

22 And just giving you an idea of
23 some of the things you encounter, there's a
24 trailer in back and the fencing and some of
25 the trees. Again, another house we drove

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1 past just before we swung around the corner
2 to Jefferson Street, again, taking note of
3 the shrubbery and some of the big trees in
4 the yard. I believe this house is on
5 Jefferson Street. We drove past it today,
6 again, just to give you some perspective.
7 And, also, on the cd's that I'm giving you,
8 there will be a map on there that has red
9 dots depicting the locations, generally, of
10 where the houses are. And there's also on
11 all of the drawings as well there's the
12 addresses so you can, you know -- you can
13 track down, if you want, and drive by a
14 house and see that particular house. Again,
15 the fencing, something to take note of, and
16 the trees. Another house on Jefferson
17 Street, I believe. Still on Jefferson
18 Street. There was -- when we drove down
19 that stretch of Jefferson Street, there was
20 18 or 19 houses on that street that need to
21 be excavated. That was -- that's a
22 challenging one right there with all the
23 fencing and the small area in which to dig.
24 That's pretty much across the street from
25 that house, just noting the trees and the

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1 houses.
2 Again, the soil repository, we want
3 the soil treatment for TCLP to be performed
4 at the repository and not at the yards or
5 the properties. Once treated, the soil
6 stockpiles are graded to promote drainage onto
7 the tailings and blended into the overall
8 stockpile. Truck tires need to be washed
9 during wet conditions prior to leaving the
10 repository. And it's also a significant
11 concern when work's being done in these yards
12 as well, the community does not like to see
13 mud tracked down the roads whether it's got
14 lead in it or not. They want it to be a
15 clean operation, which is why I mentioned
16 earlier that most of the time when there's
17 any significant rain at all and muddy,
18 excavation shuts down at the sites.

19 This is at the repository for
20 anyone that didn't make it out there today.
21 These are shots of some of the smaller
22 stockpiles that are probably awaiting sampling
23 results or waiting to be sampled for TCLP,

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then another one being built up here. And typically out here at these sites, you need

to start being concerned about segregating soil that may or may not pass TCLP. It's around 1500 or 1600 parts per million. Is that right, gentlemen?

MR. SILVER: Ballpark.

MR. MORRISON: But it's not always consistent. You may have a yard with 8 million parts and it may fail TCLP, and we don't understand why.

MR. WEATHERFORD: It's been my experience there's no consistency in it at all. It's variable. But for the higher amounts like in the thousands of parts per million, that almost always fails. But we sample all of it. I want to make that clear. We sample all of it, even the lower amounts.

MR. MORRISON: So all of these individual stockpiles will need to be sampled for TCLP.

This is Jeff Weatherford and Heath Smith and Jim Silver, and they're on-scene coordinators with EPA that have done the oversight and managed the cleanup at these three sites thus far of these yards. And

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they spend a lot of time here at the site.

Just another shot of a smaller stockpile there again. This is all yard soil that's stockpiled at the soil repository. This is a shot of the agent that's used, the amendment that's used to bind up with the lead so that the smaller stockpiles can pass the TCLP. And for some reason, I just can't ever remember the name of that material.

MR. WEATHERFORD: It's called Sulphatech.

MR. MORRISON: It's the material that's currently being used. It's my understanding that there's a number of different proprietary materials out there that can accomplish this. We're not requiring that you use Sulphatech. We're just indicating that's what we've used so far. What we don't want to see is a situation where the amendment agent becomes more of a dilution agent than an amendment agent. We don't want to see a situation where a whole bunch of material would come out here and expand the size of a small stockpile to the point where dilution was occurring more than actually

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binding up the lead.

I think that's it. And we have a set of questions that we received over the last day and a half or two days. And we've gone through and answered those questions. And then we'll open it up for other questions. And I have loaded on here the drawings of all of the properties that you've

9 either received already or you can receive on
10 the cd's here. So if we have questions
11 about individual drawings, I should be able
12 to get them up here on the screen and we can
13 try to get your questions answered.

14 MS. NOEL: The first question we
15 had was in regards to the bid opening. It
16 was listed as 1/28/08. Wanted to know the
17 accurate date and time. Clause L-11 is the
18 one that cited this incorrect date. The
19 cover page of the solicitation reflects March
20 12th, '08, same time, 12:00 p.m, for receipt
21 of bids. And as of this time, that is still
22 the correct date.

23 The second question. The PWS
24 states in 2.4.4 that EPA is responsible to
25 provide a stockpile of soils, not to cover

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1 the tailings with soil. Does this mean that
2 soils after clearing TCLP testing are to be
3 transported from temporary cells to tailing
4 piles and dumped in a designated area and the
5 Doe Run Corporation is then responsible for
6 the spreading/slash grading of soils, or is
7 the EPA contractor required to perform
8 grading/slash spreading as well?

9 MR. MORRISON: The contractor
10 that's awarded this contract forms temporary
11 stockpiles of approximately 2500 cubic yards.
12 And they are located on the top of the
13 larger stockpile area at the soil repository.
14 The stockpiles that have been graded --
15 excuse me. The temporary stockpiles are
16 located on top of the previously graded
17 stockpiles that have been graded into one
18 large stockpile. The contractor will be
19 responsible for grading 2500 cubic yard
20 stockpiles into the larger stockpile area
21 after it has passed the TCLP analysis.

22 MS. NOEL: The PWS in Section
23 4.2.1 and 4.2.2 construction quality assurance,
24 a COAM will be required in addition to a RM
25 and foreman. Please clarify if this position

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1 needs to be added to key personnel.

2 MR. MORRISON: No, that's not the
3 case. The only position subject to the key
4 personnel clause in Section H of the
5 solicitation are the response manager and the
6 foreman positions. The first sentence of PWS
7 Section 4.2.1 is corrected to read
8 construction quality assurance. The word
9 manager is hereby deleted. EPA is not
10 requiring a construction quality manager
11 position.

12 MS. NOEL: Enclosure A, A-1 states
13 that as of end of August '07, 222 properties
14 had been identified for remediation, and of
15 those, 123 have been remediated. As of this
16 date, have any of the remaining 99 properties
17 been remediated? If so, how many?

18 MR. WEATHERFORD: First, I need to
19 introduce Dave Gray. He's with Tetra Tech

20 EMI. Dave is going to be assisting EPA with
21 the oversight. Dave has those numbers.
22 These change. We're still sampling out
23 there, so these numbers change from time to
24 time. But Dave has the latest numbers on
25 how many that are above 1200 and how many

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1 we've excavated.

2 MR. GRAY: For the Potosi site, we
3 have identified 165 time-critical properties.
4 To date, 91 have been excavated. For Old
5 Mines, there were 60 time-critical properties
6 identified, and 54 have been dug. The
7 Richwood site there were 16 time-critical
8 properties and 15 have been excavated to
9 date.

10 MS. NOEL: Next question. The PWS
11 states in Section 2.5.2 that seeding may only
12 be done between March 15 and May 30th and
13 then from August 25th to October 15th. Given
14 the negative incentive for properties being
15 open longer than three weeks inclusive of
16 seeding, does the EPA intend to issue a
17 variance for properties being worked from June
18 1st to August 25th?

19 MR. MORRISON: No. There is no
20 variance on this clause. The EPA considers
21 an open property to be one that has not been
22 backfilled with soil. A yard that has been
23 fully backfilled and not seeded is not
24 considered to be an open property.

25 MS. NOEL: Will EPA be providing

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1 the list of preexisting property conditions?
2 This question we weren't quite sure what all
3 you meant. So if this is your question,
4 when we're done, please clarify and ask it in
5 a different way so maybe we'll be able to
6 answer because we just didn't know where to
7 go with it.

8 Who will be doing the TCLP
9 testing?

10 MR. MORRISON: The EPA Superfund
11 technical assistance and response team
12 personnel will be doing that sampling.

13 MS. NOEL: Does the contractor
14 need to provide a field sampling plan as a
15 separate document? The PWS does not ask for
16 it but it is noted as a deliverable item in
17 Attachment 2.

18 MR. MORRISON: No field sampling
19 plan is required.

20 MS. NOEL: Does the response
21 manager have to be on site?

22 MR. MORRISON: A response manager
23 does not have to be present at properties
24 being remediated.

25 MS. NOEL: Is there a list of

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1 acceptable amendments that can be used to
2 treat the highly contaminated soils?

3 MR. MORRISON: No. EPA does not
4 have a list currently.

5 MR. SILVER: Sulphatech is being
6 used as the amendment.

7 MS. NOEL: In Section 2.3.2 of the
8 PWS, the EPA will have signed access
9 agreements for excavation activities. But in
10 Section 3.1 of the PWS, the contractor shall
11 document refusals of access to properties.
12 Please clarify.

13 MR. MORRISON: Occasionally
14 property owners will reconsider access after
15 EPA has obtained it. In these cases, the
16 contractor shall document the refusal.

17 MS. NOEL: In Section 2.4 of the
18 PWS, the contractor will excavate and remove
19 all soils where a composite sample exceeds
20 site action levels or lead and is within 100
21 feet of the center of home structure. Does
22 this mean the excavation has limitations?

23 MR. MORRISON: Yes. The extent of
24 the property excavation boundaries can be
25 determined by the aforementioned maximum

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1 distance or by streets, wooded areas or large
2 yard debris that won't be moved.

3 MS. NOEL: In Section 2.4 of the
4 PWS, gravel rock driveways or other gravel
5 areas contaminated with lead above site action
6 levels will be removed and restored. Is this
7 regardless of the depth of existing gravel or
8 condition of driveway or gravel area?

9 MR. MORRISON: It is regardless of
10 the condition of the gravel driveway. And
11 the requirement for the excavation of gravel
12 areas is the same as that for soil
13 excavation.

14 MS. NOEL: In Section 2.4.3 of the
15 PWS, there is no mention of who will perform
16 confirmation sampling. Is the contractor
17 responsible for confirmation sampling before
18 backfill or a third party?

19 MR. MORRISON: The EPA start
20 contractor is responsible for the confirmation
21 sampling.

22 MS. NOEL: In Section 2.4.3 of the
23 PWS, the contractor shall place a marker
24 barrier in the base of the garden excavation
25 prior to backfilling with clean soil when at

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1 2 feet the lead concentration is at 1200
2 parts per million or greater. Please
3 clarify.

4 MR. MORRISON: If lead
5 concentration -- if the lead concentration
6 exceeds 1200 parts per million at the base of
7 a 2-foot excavation in a garden, a marker
8 barrier must be placed in the garden prior to
9 backfilling with clean soil. This is what's
10 currently being used now. You're welcome to
11 come up and look at it. It's a plastic
12 orange netting.

13 MS. NOEL: In Section 2.4.3, the
14 contractor will arrange for the stabilization
15 of exterior structure surfaces containing

16 lead-based paint at defective properties where
17 the exterior lead-based paint threatens the
18 continued soil remediation. Please clarify
19 LBP stabilization responsibilities of the
20 contractor.

21 MR. MORRISON: This element of the
22 statement of work will be deleted, so it
23 won't be required.

24 MS. NOEL: In Section 2.4.4 of the
25 PWS, soil that exceeds the TCLP limits for

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1 lead must be properly treated with a
2 stabilization chemical and resampled to levels
3 or below the TCLP limits for lead. Who will
4 treat TCLP failed soil?

5 MR. MORRISON: The contractor will
6 be responsible for treating TCLP soils.

7 MS. NOEL: In Section 2.4.4 of the
8 PWS, soils tested below TCLP limits for lead
9 could be graded into the overall stockpile at
10 the repository. Who will grade TCLP passed
11 soil?

12 MR. MORRISON: The contractor is
13 responsible for grading TCLP passed soils.

14 MS. NOEL: In Section 2.5.2 of the
15 PWS, restoration of vegetable gardens shall be
16 performed by placing topsoil and amendments as
17 necessary for gardens to approximate
18 pre-excavation quality. Please define
19 amendments.

20 MR. MORRISON: Soil amendments
21 include fertilizer consisting of nitrogen,
22 phosphorus and potassium.

23 MS. NOEL: In Section 2.5.4 of the
24 PWS, after completing restoration efforts, the
25 contractor shall notify the corp so that

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1 video and photographic recording can be
2 performed by EPA representatives of the same
3 areas that have been previously recorded by
4 EPA representatives. Does this mean the
5 contractor is not responsible for pre and
6 post-excavation video?

7 MR. MORRISON: Correct. The EPA
8 start contractor will be responsible for
9 videotaping.

10 MS. NOEL: In Section 4.1 of the
11 PWS, the EPA strongly encourages the
12 contractor to use local subcontractors,
13 services and laborers. Please define local.

14 MR. MORRISON: For this contract,
15 local community is defined as being located
16 in Washington and Jefferson Counties.

17 MS. NOEL: In Section 2.5.2 of the
18 PWS, seeding will only be performed from
19 August 25th to October 15th and March 15th to
20 May 30th. An attachment to Line 9 of the
21 QASP of the PWS, no property is left open
22 without backfill or hydroseeding for greater
23 than three weeks. Please clarify this
24 discrepancy.

25 MR. MORRISON: Line 9 will be

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1 amended to delete the phrase "hydroseeding".

2 MS. NOEL: We had one, more of a
3 notice than a question, really, that evidently
4 in Clause L-3 of the solicitation, which was
5 proposal instructions or bid instructions, it
6 asked you to submit several different items.
7 With these items, it also referred to a bid
8 sheet. This was my error. In a
9 cut-and-paste exercise, I failed to eliminate
10 the bid sheet. The only bid sheet, so to
11 speak, that you will need to be providing is
12 Section B, the price list there. So that's
13 where your pricing will be. There is no
14 separate bid sheet.

15 Those are all the questions that
16 we got up front. So do you have any
17 questions now? This is your chance. Yes,
18 sir. Please identify yourself and your
19 company before you ask your question.

20 MR. RAJA: I'm Prakash Raja,
21 Prudent Technologies. Can you please clarify
22 when you say the homeowner is responsible to
23 water the yard, what is the contractor's
24 responsibility? We just notify them and our
25 responsibility ends?

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1 MR. MORRISON: Correct. There
2 will be a notice given to them about watering
3 their yards by either EPA or the start
4 contractor, and the start contractor typically
5 goes by and monitors to see if folks are
6 watering their yards. So there is no
7 responsibility for the contractor to water
8 yards.

9 MS. NOEL: Other questions?

10 MR. MUDUMALA: Samuel Mudumala,
11 Prudent Technologies. Is there a local pool
12 available here? Does EPA maintain information
13 like that for contractors to get in on this
14 project?

15 MR. MORRISON: No, I'm not aware
16 of it.

17 MR. HUEBNER: Todd Huebner, ASW
18 Associates. Will a contractor be able to
19 view the pre-site videos to become aware of
20 any of the property conditions that were
21 preexisting?

22 MS. NOEL: Prior to bidding?

23 MR. HUEBNER: Prior to actually
24 working on the job so they're aware that
25 these sidewalks were cracked or this driveway

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1 was in disrepair.

2 MR. MORRISON: Good question. I
3 hadn't thought about that.

4 MR. WEATHERFORD: Well, we do a
5 site walk. We will do a site walk with all
6 three of us. Start contractor, EPA and the
7 contractor will do a site walk, and we'll
8 discuss all those issues. If it's okay, I
9 have no problem with them viewing the video,
10 but there may be a time lag there. So we
11 could make those available.

12 MR. MORRISON: Typically, the site
13 walk is more informative than a video anyway.
14 MR. WEATHERFORD: The video just
15 documents what we're seeing at the site walk.
16 MR. MUDUMALA: Samuel Mudumala,
17 Prudent Technologies. How deep are the soil
18 lines here? Are there any other obstructions
19 that interfere with the normal performance of
20 this project in the past?

21 MR. WEATHERFORD: Yes. It depends
22 on where you're at. If you're in town, we
23 haven't done many in town, so I'm not aware
24 how deep they are. Most of the sites have
25 been in the rural areas, and it's septic

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1 tanks, and they're just a few inches below
2 the ground surface.

3 MR. MUDUMALA: Samuel Mudumala.
4 Any other utility issues that you have dealt
5 with, like sprinkler systems?

6 MR. WEATHERFORD: Phone lines,
7 water lines. You'll have wells out in the
8 rural community, and they'll have water lines
9 associated with them. Sometimes they run to
10 multiple facilities on the property. There
11 will be multiple homes on a property. You'll
12 have one well that serves several homes, so
13 you'll have to be aware of that. There's a
14 lot of bedrock, and there's a lot of
15 undulation of utility lines.

16 MR. MUDUMALA: Well, I have some
17 more but I let other people.

18 MS. NOEL: Anybody else going to
19 take the opportunity? He's giving you an
20 opportunity here to jump in now.

21 MR. MORRISON: I think it's back
22 to you, Sam.

23 MR. MUDUMALA: Seems like 170
24 properties so far. What is the cost per
25 property the EPA has seen so far? Is it in

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1 the target you're trying to get?

2 MR. WEATHERFORD: I don't have the
3 latest numbers, but that's something we can
4 get and share with them later. Would that
5 be okay?

6 MS. NOEL: Yeah. We could get
7 that information and publish it as an
8 approximate average as part of the amendment
9 when we post the minutes of this meeting.

10 MR. MUDUMALA: Anybody else? Go
11 ahead.

12 MR. SNOW: Danny Snow, ASW. Could
13 the EPA provide the Sulphatech distributor
14 information? I haven't been able to find much
15 on the net for that.

16 MR. SMITH: I have an MSDS. I
17 can provide that for them.

18 MR. MORRISON: We'll get you an
19 MSDS sheet. We'll post it so everyone has
20 it.

21 MR. MUDUMALA: Samuel Mudumala,
22 Prudent Technologies. The local utilization

23 incentives in my read of this whole thing is
24 virtually impossible for any contractor that
25 does not reside in Potosi. Has EPA tried to

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1 see if it is practical and plausible?

2 Part 2, in view of this
3 impossibility, is it possible to be opening a
4 branch office in this community to get in on
5 this project? Is that something that would
6 be acceptable as a local incentive?

7 MS. NOEL: I think we'll have to
8 take that under consideration and discuss that
9 away from here, but we'll put the answer in
10 the amendment.

11 MR. SILVA: Richard Silva, Coastal
12 Environmental. If EPA is performing the
13 confirmation sampling, will there be a
14 technician available while field crews are
15 working on site to clear areas as we
16 excavate?

17 MR. MORRISON: Typically there's --
18 I don't know this. Is it one or two start
19 people that when they're called they can run
20 out to wherever the location is and take into
21 account XRF screening sample relatively
22 quickly?

23 MR. SILVA: As we do now,
24 basically our XRF stuff is done on site. As
25 you realize, some areas on the property you

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1 might dig 1 foot in one area and 2 foot in
2 other, and you're basically backing out of a
3 property. So we need to know if we
4 definitely had availability to a technician.
5 Because if we had to wait every quadrant a
6 half hour, time is money.

7 MR. MORRISON: Jeff, I'm going to
8 let you answer this one.

9 MR. WEATHERFORD: The answer's yes.
10 It's going to be dependent on how many crews
11 you've got to have and things like that.
12 But I believe our management would staff that
13 appropriately so that we're not slowing you
14 down. That's one thing we do not want to
15 do.

16 MS. NOEL: This might be a good
17 place to mention, also, that our start
18 contractor does have an office here in town,
19 so they have a presence here all the time.

20 Well, while you think about that,
21 because you probably have another question
22 that just hasn't come to the front yet -- I
23 can't seem to find the question, but for some
24 reason, we looked it up last night. In the
25 PWS in Section 2.4.3, it talked about paint

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1 stabilization. Remember?

2 MR. MORRISON: Yes.

3 MS. NOEL: And we found when we
4 looked into it that basically in that
5 section, the whole paragraph, after the
6 paragraph that says "NOTE" in capital letters,
7 we are going to be deleting because you will

8 not have any responsibility whatsoever for
9 paint stabilization.

10 MR. MUDUMALA: Are we able to set
11 up our own schedule or does the EPA give us
12 some guidelines when they want us to be out
13 here? What's your estimated start date?

14 MS. NOEL: Unless you have
15 something in particular, it's up to them. We
16 haven't stated anything so far.

17 MR. WEATHERFORD: I have nothing.

18 MR. MUDUMALA: Do you have a
19 proposed issue of notice to proceed date when
20 you will do that?

21 MR. WEATHERFORD: Is that in
22 there?

23 MR. MORRISON: I don't think it
24 is.

25 MS. NOEL: No, we don't.

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1 MR. MORRISON: We don't have a
2 required start date. We're kind of behind
3 the eight ball now for this contract for
4 typical yard and for the climate in this part
5 of the country. We typically mobilize in
6 March and get digging in March, weather
7 permitting, and go through the construction
8 season, a lot of times end of November. But
9 there's no hard and fast start date.

10 MR. MUDUMALA: Since you're
11 requesting all the submittals up front with
12 the proposal, is it safe to assume first
13 April we'll get to proceed?

14 MR. MORRISON: I didn't understand
15 your question.

16 MR. MUDUMALA: Is it safe to
17 presume that a start date of first April for
18 the field work, for the excavation work?

19 MR. MORRISON: It's not required.
20 I mean, there's nothing required. That's a
21 good assumption, but it's not required.

22 MS. NOEL: The whole reason that
23 we are requiring draft plans with the bid is
24 to shorten that time frame between contract
25 award and when you can get in the field. So

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1 dependent on the quality of the plans you
2 submit, the time will be quick for getting
3 you out the field. So you give us a good
4 product, we just very well could be out there
5 in the beginning of April. We'll just have
6 to see.

7 But, also, things change. And for
8 some reason that we can't have our bid
9 opening when we plan, since currently it's
10 planned for the 12th of March, you know,
11 we'll be making award very soon after that
12 date. And then, you know, we'll look at the
13 plans, get them finalized. Once they're
14 approved, that's all that we need to do
15 before we can give you a notice to proceed.

16 MR. MUDUMALA: Thank you. That's
17 all I have.

18 MR. HUEBNER: Todd Huebner, ASW

19 Associates. Is there any criteria for the
20 exercise of the 30 option properties?

21 MS. NOEL: Well, the criteria is
22 that we have to come up with them, basically.
23 And this is probably a good place for you to
24 talk about the option years and all and how
25 we have properties right now identified for

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1 our base quantity. Give them a heads-up on
2 that.

3 MR. MORRISON: We're still -- we
4 still have our start contractor out there
5 sampling, looking for more yards, but we
6 don't know how many we're going to find at
7 the site still and how many we're going to
8 get access to and all that. Right now what
9 we know is, we've got 62 yards ready to go
10 for this upcoming season. So we'll have to
11 see how our investigatory and access work
12 goes at these sites before we can exercise
13 next year's option or whether we can exercise
14 an option this year for an additional 30.

15 MS. NOEL: Up to 30. Could be
16 less. That's why we're asking for the unit
17 price. I don't want to dwell on this, but
18 one of the things, I think most of the
19 properties we have now, if not all of them
20 that are identified for the initial base
21 quantity, are city properties, however you
22 want to call them, like we drove past.

23 MR. MORRISON: Most of them.

24 MS. NOEL: Most of them. For
25 option quantities, option years, that may not

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1 always be the case. Some of these rural
2 properties that we're talking about we had
3 pictures of with trailers on them and that
4 sort of thing, they'll be becoming part of
5 the contract as well. So there is not a
6 cookie cutter size. It's very different from
7 what many of you are familiar with, what
8 we're doing up in Omaha where there is a lot
9 more uniformity. This will not be uniform.

10 MR. RAJA: But there is a maximum
11 per property of about an acre, one acre.
12 Looking for clarification, you said maximum of
13 one acre. That goes back to one of the
14 questions where you limit the extent 100 feet
15 from the center of the house or the building.
16 Is that correct?

17 MR. MORRISON: Yes.

18 MR. RAJA: So we are not at that
19 time looking at one acre?

20 MR. MORRISON: If you go out 100
21 feet in every direction from the center of
22 the house, then that property -- 200 feet by
23 200 feet is close to an acre.

24 MR. WEATHERFORD: It will be an
25 acre minus the house and the driveway.

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1 MR. MORRISON: Big house, less
2 grass. Small house --

3 MR. RAJA: If the property is

4 greater than one acre, we are still limited
5 to that 40,000 square feet?

6 MR. MORRISON: 40,000, yeah.

7 MR. SNOW: Danny Snow, ASW, again.
8 Concerning the repository out there, are there
9 going to be any sedimentation or erosion
10 control measures required?

11 MR. MORRISON: I don't believe so.
12 Whatever is required is probably in place
13 now.

14 MR. WEATHERFORD: What was the
15 question again?

16 MR. MORRISON: He was wondering if
17 there was any erosion control or sedimentation
18 features that are required under the
19 contractor required out at the repository.

20 MR. WEATHERFORD: No. Everything
21 runs off onto the tailings. And it's -- if
22 you've been out there, it's a 240-acre
23 tailings, and we're using maybe 10 acres or
24 less. So whatever runs off is going to run
25 off to the tailings. We've already been in

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1 contact with the State, and the Storm Water
2 Prevention Plan is not required for our area.
3 There is one for the tailings that Doe Run
4 manages but not for our area.

5 MS. NOEL: Well, while you think
6 of more questions, I have a clarification I'd
7 like to provide and that is in regards to,
8 when you provide your bids, you have to give
9 us some past performance, some client
10 references. And I would like to let you
11 know that what we're expecting to find, don't
12 give us projects that you did that are not
13 lead related and not that cost \$1,000.
14 Large, lead removal projects are what we're
15 wanting to see because it's not the same as
16 just digging anything else. And we want to
17 make sure that you do have experience in that
18 kind of an area. Okay?

19 Questions? You think if we took a
20 five-minute break you'd come up with more
21 questions? Time to think, something like
22 that?

23 MR. WITTE: Joe Witte for Corvera
24 Abatement. It states that the funds are
25 coming out of the Superfund program. Is this

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1 project currently funded?

2 MR. MORRISON: Yes.

3 MR. SNOW: Danny Snow, again. Is
4 there a maximum number of properties? I know
5 that they're stated for a minimum. Is there
6 a maximum per year? Say, if you accomplish
7 your 64 and you do your 30 option, assuming
8 the start team gathers those up and has them
9 ready, is there any reason that the company
10 would have to demobe out if you still had
11 properties available in the first base year?

12 MS. NOEL: I believe we had
13 changed that to 60 properties, did we not, as
14 our base quantity? So there's 60, plus a

15 possible 30 additional properties in one year.
16 So the maximum number of properties in one
17 year is 90 properties.

18 MR. SNOW: Yeah. But is that a
19 real year?

20 MS. NOEL: Contract year.

21 Think hard now. Anything else?

22 This is your chance to ask. Does anybody
23 want more time to take a short break and
24 come back? You think you're going to come
25 up with something?

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1 We do have a little handout for
2 you. So we'd like you to take a look at
3 that. Also, remember, anyone who wants a cd,
4 we have cd's with lots of good information.

5 MR. WEATHERFORD: Bruce, one of
6 your answers I'd like to clarify, if I could.
7 One of the questions were define the
8 amendments that you would use in the soil on
9 the properties. And Bruce mentioned
10 fertilizer. Lime would also be included in
11 that. If the ph was a little low, you might
12 have to add some lime.

13 MR. MORRISON: Thank you.

14 MS. NOEL: Other than that, our
15 small business specialist, Chester Stovall,
16 usually likes to come to all these because he
17 always wants to encourage all the small
18 businesses to bid and partner up with people
19 and give his rah-rah small business speech.
20 But he's unable to attend. But if any of
21 you don't have his contact information, we do
22 have his cards with us, so please stop by
23 and get one of them. If you would like one
24 of my cards, I have cards, too. And other
25 than that, we don't really have anything

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1 else. So I will ask one more time. Does
2 anyone have anymore questions? Because we
3 would really like to have them all today.

4 MR. BARGER: Jim Barger, Lees
5 Ryan. Back to the above the 1200 limit.
6 You stated how many homes you had left. Are
7 all those homes that you said you had left
8 above the 1200 or what's your average or did
9 I miss that? If we've got 64 homes out
10 there, what's going to be our average above
11 1200? What's your going average right now?

12 MR. GRAY: Of the 64 homes that
13 are identified on the paperwork or the cd,
14 there is at least one cell, one portion, of
15 the yard that is above 1200 parts per million
16 lead. And so while you were there, you will
17 be digging that portion along with all the
18 others except the drip zone that is above
19 400.

20 MR. BARGER: So in every yard
21 you've got a section that is above 1200; you
22 just don't know how big an area. Some may
23 be bigger than others.

24 MR. GRAY: That's correct. The
25 field sheets all have areas that need to be

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1 excavated so you can come up with approximate
2 square footage.

3 MR. RAJA: Based on this handout,
4 you say historically 15 percent contaminated
5 soil has required treatment to pass TCLP.
6 Can you give us an average cost of how much
7 it's costing?

8 MS. WHEELER: Emily Wheeler of
9 EPA. I called Sulphatech yesterday for a
10 different project. I just know how many that
11 is per ton. It's \$225 a ton if you buy it,
12 I think, after March 1st.

13 MR. SNOW: Delivered to your site.

14 MS. WHEELER: Yes. That includes
15 transportation this gentleman told me.

16 MR. WEATHERFORD: Do you want site
17 specific information for that question and
18 what we're doing?

19 MS. NOEL: If we have it.

20 MR. WEATHERFORD: We can look it
21 up and calculate it. We keep track of all
22 of that.

23 MR. BARGER: Jim Barger with Lees
24 Ryan, again. How many tons of the material
25 per yard does it take to bring that level

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1 down where we can shove it off?

2 MR. WEATHERFORD: It's variable.
3 If I had to pick an average, I'd say around
4 3 percent.

5 MR. MORRISON: I'm going to ask
6 for clarification on your question. Is it
7 how many tons of material per residential
8 property or per cubic yard?

9 MR. BARGER: If we bring in 10
10 cubic yards of contaminated material that is
11 hot, how many tons of material is it going
12 to take to mix with that to settle that down
13 to where it's below the max level when we
14 spread it out?

15 MR. WEATHERFORD: It's variable
16 because it's dependent on the concentration.

17 MR. BARGER: That's why I asked
18 for a ballpark. And he said figure 3
19 percent.

20 MR. WEATHERFORD: Yeah, 3 is a
21 good average.

22 MR. SNOW: Danny Snow. So could
23 you say that per treatment and it may require
24 three treatments?

25 MR. WEATHERFORD: Sometimes we

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1 treat over 3 percent to get it down, if it's
2 highly contaminated. Sometimes it would be
3 less than 3 percent.

4 MR. BARGER: That's what I was
5 looking for was a ballpark number.

6 MR. SILVA: Richard Silva, Coastal
7 Environmental. Are we only concerned about
8 treating lead? These other chemicals of
9 concern over TCLP, are we responsible for
10 treating those?

11 MR. WEATHERFORD: Yes. The other
12 one is barium. We've never had barium fail
13 but because we are in a barite mining area,
14 we are concerned that it may leach, so we do
15 sample for it. And it will treat the same
16 as the lead. You use the same material for
17 treating barium.

18 MR. SILVA: And how do you know
19 that? Was there a pilot test done or is it
20 from manufacture's knowledge?

21 MR. WEATHERFORD: We've never had
22 one fail, so I don't think it's an issue.

23 MR. SILVA: I'm just concerned if
24 one does fail, then the material that you
25 speck and we're using doesn't work.

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1 MR. WEATHERFORD: That's a good
2 question.

3 MS. NOEL: If that would happen
4 and that material did not work, we would
5 probably have to look at a change order. I
6 don't like to say that. Sometimes I have to
7 say that. But we will address the situation
8 should it occur.

9 MR. SILVA: Thank you.

10 MR. WITTE: Joe Witte representing
11 Corvera. On previous projects where there
12 has been stockpiles 2500 cubic yards and the
13 stockpiles come up hot, has there been -- or
14 who's responsible for the treatment study to
15 figure out if it's 2 percent, 5 percent,
16 whatever, or is there a treatment study done
17 prior to adding any reagent?

18 MR. WEATHERFORD: I'd say it would
19 be your responsibility. The contractor's
20 responsible to do any studies. EPA is not
21 proposing to do any treatment studies.

22 MR. SILVA: Richard Silva, again.
23 If that's the case and EPA is doing the
24 testing for TCLP, I'm confused. Currently do
25 you mix in the estimated amount and resample?

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1 How do you know if you didn't do a treatment
2 study on a stockpile how much you need to
3 utilize to bring it down?

4 MR. WEATHERFORD: We did a bench
5 scale study early on. It wasn't anything
6 official, and I don't think it was documented
7 real well. It was just to get an idea of how
8 much we're going to use. Then we started
9 experimenting out at the site. So we've done
10 those things out at the site to see what's
11 going to work. And, yeah, by experience you
12 start to get the hang of how much that's
13 going to be, and that's where we come up
14 with that 3 percent.

15 MR. MORRISON: There have been
16 stockpiles out there that have been treated
17 multiple times. I believe the most is three
18 when I looked at the data. So they tried a
19 low percent, mixed it up. It still failed
20 TCLP so they added some more, mixed it up.
21 So it's had to have been -- it's had the

22 Sulphatech added to it three times before it
23 finally passed the TCLP.

24 MR. SILVA: If the contractor
25 decided to do pilot studies on each pile

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1 because it would basically solve or mitigate
2 just a random additive and you pretty much
3 bring it down to more of a science, would
4 the EPA provide the sampling for our pilot
5 test? If we provide the samples, would they
6 do the laboratory analysis?

7 MS. NOEL: I would say the program
8 is not in favor of that.

9 MR. MORRISON: Are you proposing
10 to do pilot studies on every stockpile?

11 MR. SILVA: It seems like instead
12 of guessing, it would take the guesswork out
13 and you wouldn't have to treat things three
14 times.

15 MR. MORRISON: We'll have to get
16 back to you on that.

17 MR. SILVA: I mean, it could be a
18 cost savings to EPA if you take one or two
19 samples versus three samples every stockpile.

20 MR. MORRISON: I understand. But
21 it's been -- it's my understanding that there
22 were, I believe, 81 stockpiles out there, the
23 smaller 2500 cubic yard stockpiles, and 15 of
24 them failed. And I want to guess three or
25 four of them had to be treated multiple

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1 times.

2 MR. WEATHERFORD: Could we share
3 that data with everybody? Would that help,
4 all the data that we've gathered?

5 MS. NOEL: If you can publish that
6 data, that's fine. That's not a problem.

7 MR. WEATHERFORD: That may help,
8 giving you the data and how much we used on
9 which stockpiles. We'll have the
10 concentration before treatment, TCLP value, how
11 much Sulphatech we used, then what the value
12 was after that.

13 MR. DAVIS: Jim Davis with
14 Environmental Restoration. In the past
15 there's been some restrictions on some of the
16 roadways used here in the counties, and these
17 roadways allow shorter distance to the
18 repository from some of the sites. Are these
19 restrictions going to continue under this bid?

20 MR. MORRISON: I haven't thought
21 about that. Were those restrictions from the
22 county? Yes? Then they would continue. If
23 they were county restrictions for road use,
24 they would continue.

25 MR. WEATHERFORD: Basically what
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1 those restrictions are, so everybody knows, is
2 the shortest distance to a state road from
3 the site where you're digging, the shortest
4 to a state road even if that means going
5 around.

6 MR. MUDUMALA: What is the

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estimated value of this project?
MS. NOEL: We don't give out the government estimate. We give out an approximate value, you know, just kind of ball parking it in our resolicitation notice that was published last November, I think. That's as close as we get to giving out our estimate.
Anything else? Are you all sure?
Well, then that's all we really have for you today. So, again, I will allow you to think of questions through Monday. When I get in the office on Tuesday morning, anything that's dated with Monday's date we will answer and will all be in the amendment that will be issued. We are to be getting the minutes of this conference by Monday, so we should hopefully, barring anything I don't know of yet, be able to get it posted sometime next

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week, the amendment. So, I'm hoping certainly to have it up by Friday. I will certainly want to get it to headquarters to be posted Tuesday or Wednesday, but then it gets out of my control. So that will be our goal, to have it up for you all to be able to look at it by the end of next week. I want to thank you all for coming. We really appreciate it, and we want to work with all of you. Unfortunately, we can only work with the most responsive responsible lowest bidder. So sharpen the pencils and give us some good pricing, and can't wait to work with you. Thanks for coming.

(Proceedings concluded at 2:20

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CERTIFICATE OF REPORTER
I, Holly A. Siron, Certified Court Reporter, Notary Public within and for the State of Missouri, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; the testimony of said witness was taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken, and further that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

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Notary Public within and for
the State of Missouri
My commission expires May 9, 2009.