



MISSOURI
DEPARTMENT OF
NATURAL RESOURCES



NNSA
National Nuclear Security Administration

BANNISTER FEDERAL COMPLEX

**FINDING OF SUITABILITY
FOR EARLY TRANSFER (FOSET)**

**PROPOSED REMEDY AND
PERMIT MODIFICATIONS**

**Public Meeting and Public Hearing
May 17, 2017**



Finding Of Suitability for Early Transfer (FOSET)



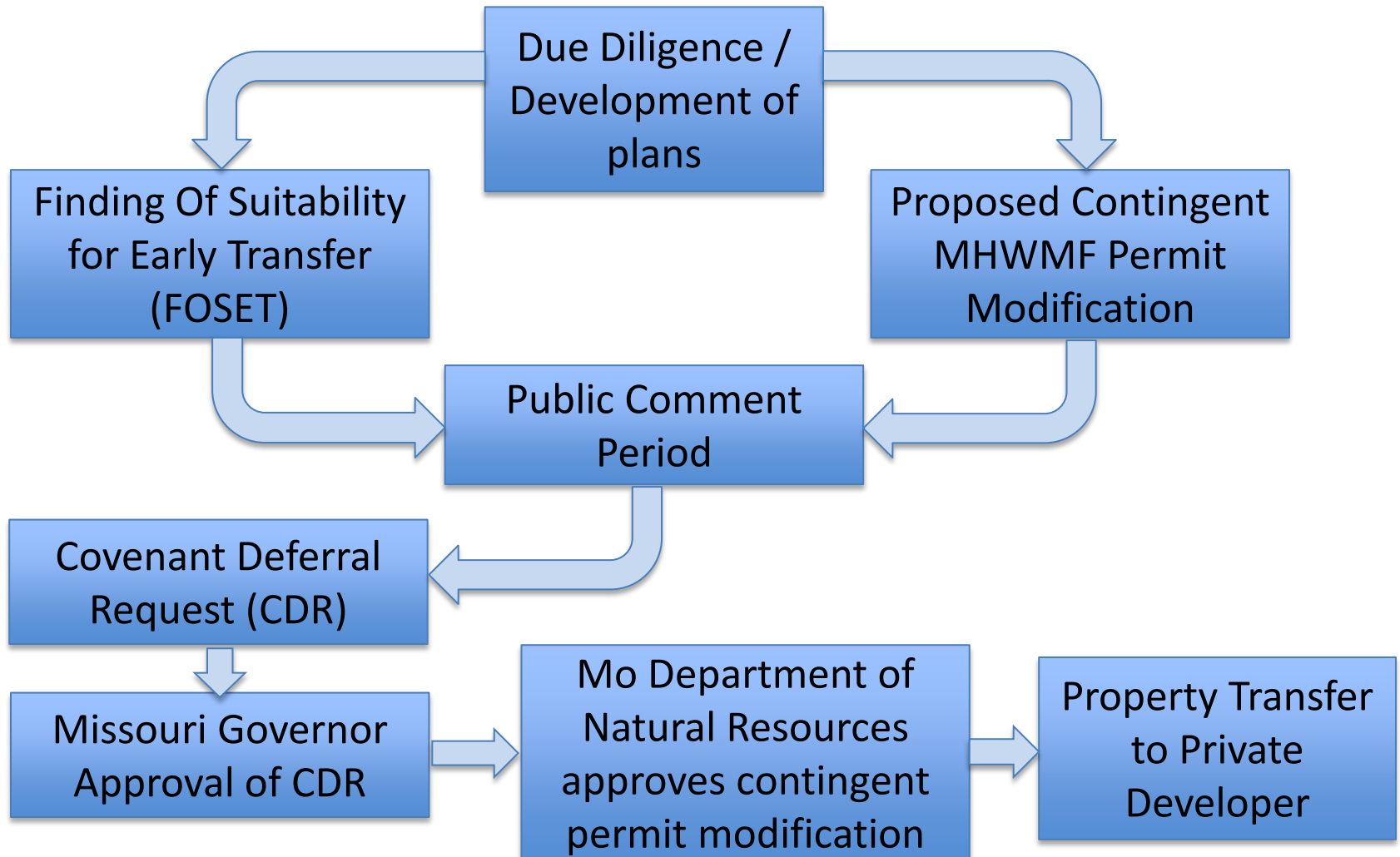
**Kingsley Edwards, PE, PMP
Department of Energy / National
Nuclear Security Administration**



CERCLA “Early Transfer Authority” Process



Comprehensive Environmental Response, Compensation, and Liability Act CERCLA § 120 (h)





What is a FOSET?



- Provides CERCLA § 120 (h)(3)(C) required documentation of the environmental review process
- Transfer includes ***Response Action Assurances***
 - Ensures restrictions on property use are in place
 - Ensure remediation requirements will not be disrupted
 - Ensure all necessary remediation actions will be taken and identify regulator approved schedule
 - Ensure Financial Assurance to fully fund all required response actions



Additional information in the FOSET



- Department of Energy's finding of suitability of transfer prior to environmental remediation
- Property description
- Description of nature and extent of contamination
- Analysis of intended future land use
- Referenced documents can be found at www.kcp.com

BANNISTER FEDERAL COMPLEX PROPOSED REMEDY AND PERMIT MODIFICATIONS

Richard Nussbaum, P.E., R.G.
MoDNR – Hazardous Waste Program

Independent Regulatory Oversight Who's Minding the Store?

- DNR-lead with EPA and MDHSS support.
- Almost 30 years ongoing oversight.
- Experienced multi-disciplinary project team.
- Independent review and approval role.
 - NNSA/GSA permit-related work.
 - CenterPoint due diligence work.

The Previous 2012 Permit Modification

- Combined NNSA/GSA portions of BFC.
- Preempted potential BFC listing on Superfund National Priorities List.
- Created requirements for holistic re-evaluation of environmental conditions.
- Established framework and regulatory mechanism for further investigation, clean-up and potential redevelopment.

MoDNR-Initiated Permit Modification

- Process according to 10 CSR 25-7.270(1), incorporating 40 CFR 270.41
 - May 5: Public notice
 - May 5: Set-up information repository(s)
 - May 5 – June 19: Public comment period
 - May 17: Public meeting/hearing
 - June 19 – mid-July: Respond to comments
 - End of July: Final contingent permit modification decision

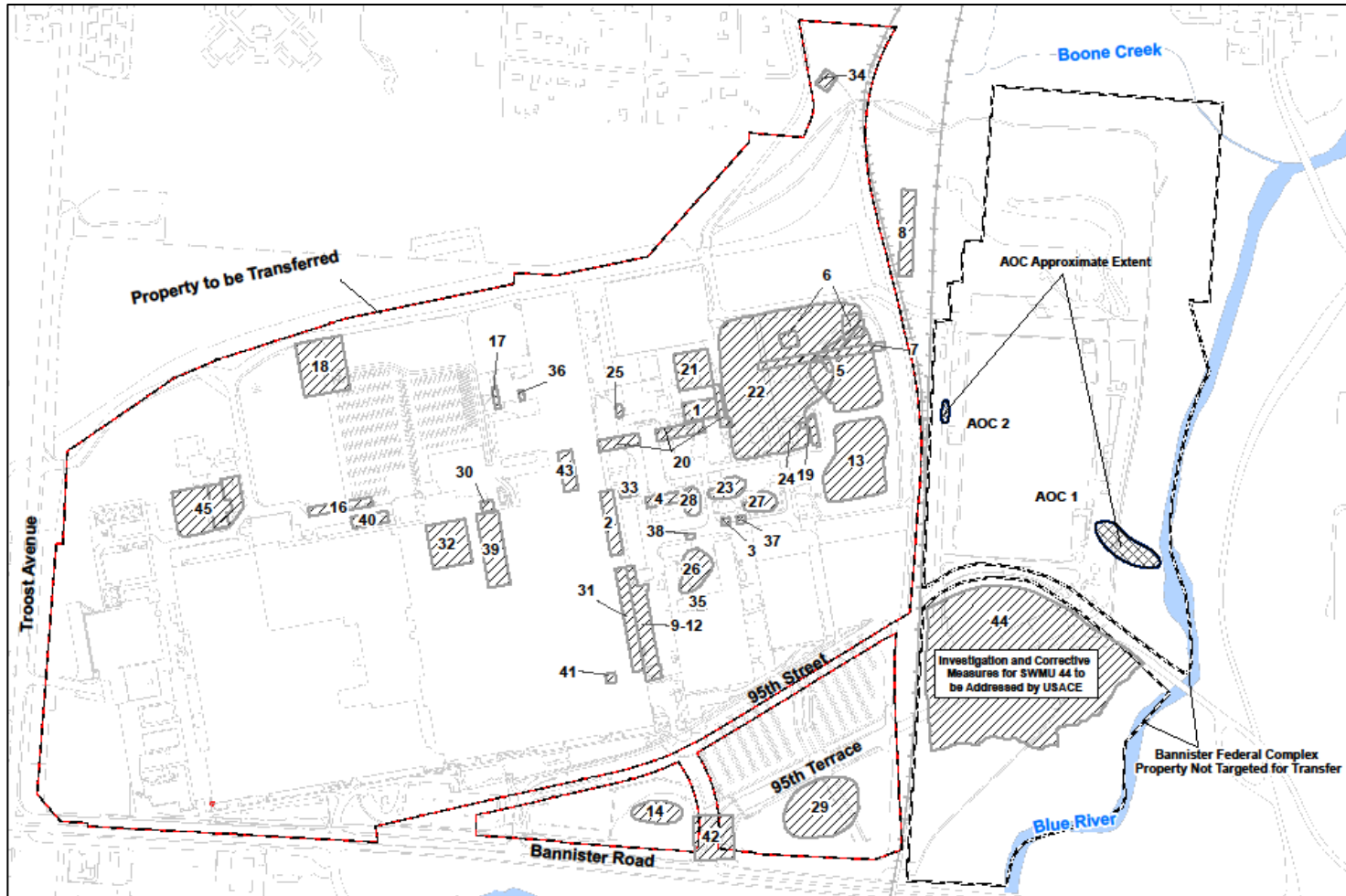
Modification Elements

- Removes completed 2012 permit modification requirements.
- Updates site history and general “administrative” changes to permit language.
- Creates requirements for submitting detailed work plans and reports to implement proposed CONTINGENT remedy on Property To Be Transferred (PTBT).

Modification Elements (continued)

- Differentiates between potential new owner responsibilities for PTBT and GSA responsibilities for property not transferred.
- **DOES NOT** transfer property and permit responsibilities.
 - Done through separate Class 1 permit modification with prior Director approval following Governor's sign-off on FOSET.

Figure 1 – Proposed Modified Permit



Modification Elements (continued)

- Updates groundwater protection standards and surface water body monitoring requirements.
- Provides for financial assurance for capital costs of remedy implementation AND long-term (30 years) operation, maintenance and monitoring costs.

Public Review of Proposed Actions

- Statement of Basis provides the best summary overview of proposed actions.
- Proposed contingent permit modifications posted in mark-up format.
 - Only the changes are open for comment.

[www.dnr.mo.gov/env/hwp/permits/
mo9890010524/information.htm](http://www.dnr.mo.gov/env/hwp/permits/mo9890010524/information.htm)

Written Comments Accepted Until June 19, 2017

Mr. Jalal El-Jayyousi

Missouri Department of Natural Resources

Hazardous Waste Program

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Hearing Procedures

- Only one person speaks at a time.
- The hearing officer will call each speaker.
- Stand at the podium and face the court reporter.
- State your full name and address.
- State the name of any business or organization you are representing.



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Written Comments

Permit Modifications:

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FOSET:

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