

42-8948

## Save Wills Creek

Sherwood (forest) Bauman  
Chairperson  
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Telephone 1 (614) 638-2529

Dear Mr. Berz:

I am in receipt of your letter dated September 24, 1996. First, I know what I heard in our last conversation. Your back tracking does not surprise me, but does not change the facts of our conversation. You can create any kind of notes that you wish, and it does not change the facts of the matter. I do though wish to address some inaccuracies in your letter of September 24, 1996 so that the truth is recorded in some fashion.

1. Your admittance of the fact that the four points in regards to Envirocare are false have answered the questions as presented, which leaves me believing that you did in fact misrepresent the situation as you did (to the best of my recollections) make those very claims against said company.
2. As to your contention that I have made scurrilous remarks concerning government and private parties, I take exception. You may disagree with my opinions about other people or various government agencies, but they are my beliefs. Sure, I think that the NRC has a huge conflict of interest in deciding which remediation should be chosen for your clients Cambridge facility. After all, they did forget to police the facility for a period of some twelve years. They in their haste to meet your clients bankruptcy deadlines did in my view put out a flawed EIS and could be guilty of dereliction of duty. After all, it is a little hard to explain away the fact that they and your client failed to address and up and running railroad in their plan to insitu disposal the East Slag Pile. I also do find it rather odd that your client can pay out some 17 million dollars in fees to financial advisers, accounting firms and legal firms over the past three years (as derived from a review of the pending Bankruptcy docket entries), yet claim that they can only afford insitu disposal of the waste's at our site.
3. Additionally, let's qualify my views on the West Slag Pile. I endorse insitu disposal of the West Slag Pile with certain additions in the way of protections, and object to certain things as well.
  - A) Feel that insitu disposal of the waste's in said West Slag Pile should be carried out as per 10 CFR regulations on siting disposal facilities found in part 61 of the code. It is imperative from our perspective that the materials be placed in a liner or on a pad which is different than what is currently proposed.
  - B) We currently would oppose return to the facility slag from off-site locations, as we feel that those waste's should be disposed of at a licensed facility such as Envirocare in Utah. Said Waste's belong to Cypress Foote, and were not a part of the sale's contract between them and your client. It is our belief that return of the slag to the site is a way for the NRC to avoid opening up a can of worms. For instance the retiring of Foote's license under what we believe to be false pretense. (Foote claimed that there were no materials of licensable concern remaining at the facility which we now know to be untrue.)
  - C) We currently oppose the plan to return chemical hazardous materials to the site for

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disposal, and additionally feel that the Chromium laced cap currently on the pile presents some risks that have not been properly dealt with as of yet in the DEIS.

As for disagreeing with my views on disposal of the East Slag Pile, in view of your misrepresentations (by your own admittance in this letter) against Envirocare, and the fact that you paid to protect Shieldalloy and their bottom line profits, this comes as no surprise. However, looking at the fact that your client misrepresented that disposal of both piles at Envirocare would cost over 400 million (when your client had not even bothered getting and estimate), coupled with the fact that our organization estimates that your clients current estimate for disposal of the East slag pile is over priced by some 5 million, there is no doubt in my mind that your client is far more concerned about protecting itself than properly disposing of the waste's. In fact, insitu disposal would see your client excused from all of the NRC's rules and regulations that would REQUIRE that the site be remedied to ALARA standards which would allow the site to be released for unrestricted use. Also, try placing the farm families well on the East Slag Pile, so that (as required) the DEIS presents the true worst case exposure scenario's.

I take further exception to your misrepresentations in regards to the sentence about monies I have expended and will continue to expend in seeing justice done.

A) Though I have mentioned the amounts of money to you that have been spent, I pointed out that unlike the NRC or the Ohio EPA that there was no mechanism in place to fund us or to reimburse us our costs. I stated that it would be nice to have all that I have spent back, but I did not make a request to you for reimbursement of said funds. To quote you, we must have been involved in different conversations. I did though point out that Super Funding of the site would allow us to apply for a TAG grant, and that having such finances available would allow us to equal the playing field a bit. Especially since I have not had the help that you have in this case. Lets see, at last count I do believe that your firm has received some \$306,537.39 in expense monies plus some \$3,761,745.80 in fees since this thing started. In fact, if I am correct you have or will soon put in a request for another big chunk of change in the case at hand. I assure you, that given that FOUR MILLION BUCKS that I could have done a lot more for the communities good than you have helped the company towards supposedly helping us.

B) If however, you would like to help our cause, your donation would be cheerfully accepted. We also would be glad to sell you a corporate subscription to our Newsletter as well. Cost is \$250 dollars if your interested. Unlike you, we do not have a cash cow that we can milk on a regular basis.

As for your comment about my opportunity to comment on the RI/FS, the entire public participation process is from my perspective a bit of a dog and pony show. The real deals are made outside of public perview with the agencies and the company dictating to us the affected citizens what will be done. None the less, I will avail myself to the opportunity, and will also use any and all administrative appeals or legal options that may be available to avoid seeing our community saddled with what I see as a cover up instead of a clean up.

In closing, I resent your closing line. If the truth and being called on your (at best) poor judgment offends you, then I am sorry. However I stand by my interpretation of our phone discussion. To the best of my knowledge, my letter is a true and accurate reflection of what you said. Therefore, I respectfully disagree with your assertion that the letter was outrageous and inaccurate. In fact, if anything though maybe outrageous, it was totally accurate.

Best Regards

Sherwood (forest) Bauman  
Sept. 27th, 1996

CC: NRC  
Federal Bankruptcy Judge  
Envirocare