



**SUMMARY AND RESPONSE TO COMMENTS
PROPOSED FINDING OF SUITABILITY FOR EARLY TRANSFER
BANNISTER FEDERAL COMPLEX
KANSAS CITY, MISSOURI**

The U. S. Department of Energy (DOE) issued a Finding of Suitability for Early Transfer (FOSET) for public comment from May 5 to June 19, 2017. The DOE prepared the FOSET to support the transfer of about 225 acres of excess federal property located west of the railroad tracks at the Bannister Federal Complex (BFC), and a 2-acre antenna tower site located to the north of Bannister Road along Troost Ave in the city limits of Kansas City, MO. This document refers to the federal property, located at 1500-2000 Bannister Road, as the BFC. DOE proposes to transfer to a new owner the BFC excess property to Bannister Transformation & Development LLC (BT&D) for future industrial redevelopment. This will result in transfer of the property prior to completion of all required response actions to address environmental contamination. DOE proposes that BT&D will perform the required response actions, with DOE funding, as part of their redevelopment of the BFC property for industrial use.

The proposed property transfer will be conducted according to Section 120 (h)(3) of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), deferring the CERCLA covenant warranting that all remedial action necessary to protect human health and the environment has been taken. In the case of the BFC, a property that is not on the National Priorities List, the Governor has the authority to defer the covenant. This law allows DOE to transfer this property upon a finding that:

- The property is suitable for transfer for the use intended by the transferee, and the intended use is consistent with protection of human health and the environment;
- The deed or other agreements proposed to govern the transfer between the United States and the recipient of the property contains the assurances set forth in CERCLA Sec. 120(h)(3)(c)(ii);
- The Federal agency that requests the deferral has provided notice of the proposed transfer and of the opportunity for the public to submit written comments on the suitability of the property for transfer; and
- The deferral and transfer of the property will not substantially delay any necessary response actions at the property.

DOE's public comment period ran at the same time as the public comment period conducted by the Missouri Department of Natural Resources (the Department) in support of a final contingent Missouri Hazardous Waste Management Facility (MHWMF) Part 1 Permit Modification for the BFC. The FOSET is based upon BT&D's fulfillment of that Permit's and AOC requirements. Because these two documents are closely related, DOE and the Department agreed to conduct the public comment periods simultaneously. DOE was also present during the public meeting and public hearing held by the Department on May 17, 2017 to provide information and receive questions regarding the FOSET and its relationship with the permit modification.

DOE received several comments during the comment period regarding the FOSET. In preparing the FOSET response document, DOE printed the comments word-for-word as they were recorded by a court reporter at a public hearing May 17 to ensure we did not accidentally leave out a portion of the comment. DOE also received some comments through the mail or email. If a comment resulted in a change to the final FOSET, the DOE's response included an explanation of that change. Otherwise, the comment did not result in any change to the FOSET.

DOE received multiple comments relating to common issues and grouped them by related categories.

FORMER WORKER SAFETY AND HEALTH ISSUES:

MR. WALTER SMITH:

I represent all construction workers that worked at the building site known as DOE, Honeywell, Allied, Allied Synergy, or any of those names, including GE, but most of them are dead. Bottom line is these people have not gotten all of their claims resolved to the point where that if we tear down the DOE site, which is evidence -- I do have the list of the toxics that was there -- are they going to still be covered? Are they going to still be able to have their physicals taken? We know that inadvertently everything that they promised, they got. An individual could go into the DOE site at age 20, because of the latency period which could be up to 40 years, that's how long it takes for, sometimes, for the chemical imbalance to show up. Are these people going to be covered?

DOE RESPONSE:

DOE is strongly committed to the fair and responsible treatment of current and former workers and employees, whether they are or have been employed by the DOE or DOE's contractors or subcontractors. The Former Worker Medical Screening Program, or Former Worker Program (FWP), provides medical screening examinations, at no cost, to all DOE federal employees, contractors, and subcontractors who may be at risk for occupational diseases. This program will continue to be available to DOE workers even if the ownership of the Bannister Federal Complex (BFC) is transferred to Bannister Transformation & Development (BT&D), the selected property recipient. Additional information regarding this program can be found on the FWP Web site at <http://energy.gov/ehss/services/worker-health-and-safety/former-worker-medical-screening-program>

This comment addresses issues in both the Finding of Suitability for Early Transfer (FOSET) and the modified Missouri Hazardous Waste Management Facility (MHWMF) Part 1 Permit. The Department has developed a separate response to this comment as part of the Department's comment response document for the permit.

MR. BILL McKAY:

The question I have is that every time somebody has filed a claim, they analyze that against disease clusters. My understanding is those clusters have been formulated from all of the claims that have been filed. It seems to me if we're to do due diligence for everybody that worked there, Honeywell would send out a health questionnaire to everybody that worked there and find out what illnesses they have or what they died from. To me that is paramount before you tear the building down.

DOE RESPONSE:

DOE is strongly committed to the fair and responsible treatment of current and former workers and the public. There are two avenues available for former workers who have or want to submit claims. The Former Worker Medical Screening Program, or Former Worker Program (FWP), provides medical screening examinations, at no cost, to all DOE federal employees, contractors, and subcontractors who may be at risk for occupational diseases. The Energy Employees Occupational Illness Compensation Program Act (EEOICPA) authorizes benefits under a special program managed by the Department of Labor. These programs will continue to be available to DOE workers even if the ownership of the Bannister Federal Complex (BFC) is transferred to Bannister Transformation & Development (BT&D), the selected property recipient. These compensation programs will remain available for eligible former workers after any demolition, remediation and redevelopment of the BFC. Additional information regarding these programs can be found on the FWP Web site at <http://energy.gov/ehss/services/worker-health-and-safety/former-worker-medical-screening-program> and at <https://www.dol.gov/owcp/energy/>.

MR. MARLON SMITH:

I am a roofer for Local 20, outside contractor. My number for the government is 80571 now, all right. I am terminally ill, what they exposed me, but they need to step up before they start taking care of this Plant and they need to take care of the people that's sick here before they even start spending money that they've been spending on this Plant to take care of the people and the process. And that ain't right about these claims examiners. Why don't they put out a report on what they're qualified to do? I think everybody needs to put a report out on what they're qualified to do. You know, I was abatement. All they gave me was a plastic mask just to put on. Not even 30 yards from me they had a tent set up, these guys were fully suited out, but I'm okay, you know. I accept that I'm terminally ill because of that. But this company needs to stand up and take responsibility. Instead of spending all this money on this Plant, take care of the people that's sick. I worked at the Plant two different times, 2005 -- 2000, 2004. Okay. I've worked a total of ten months, and here's my prognosis. You know, I was on the roof. I wasn't working inside the place. It says, Terminally ill. See this? I was there just a short period of time and this is what I got, okay. I was a roofer for 17 years. I wanted to fulfill my 30 years and retire. No. I just got disability. Okay. That's what I got from this, you know. I don't think it's fair to any of these people, being exposed to this, not being taking care of before this dang process gets through and before this place gets tore down. Simple.

DOE RESPONSE:

DOE is strongly committed to the fair and responsible treatment of current and former workers and employees, whether they have been employed by DOE, our Maintenance and Operating contractor, Honeywell Federal Management & Technology (FM&T), or one of FM&T's subcontractors. Among other programs established for the benefit of these employees, the Former Worker Medical Screening Program, or Former Worker Program (FWP), provides medical screening examinations, at no cost, to all DOE federal employees, contractors, and subcontractors who may be at risk for occupational diseases. This program will continue to be available to DOE workers even if the ownership of the Bannister Federal Complex (BFC) is transferred to Bannister Transformation & Development (BT&D), the selected property recipient. These compensation programs will be available for eligible former workers after any

demolition, remediation and redevelopment of the BFC. Additional information regarding this program can be found on the FWP Web site at <http://energy.gov/ehss/services/worker-health-and-safety/former-worker-medical-screening-program>.

MR. MAURICE COPELAND:

That place is evidence for people's claims. There's no doubt. It's evidence. People are dying, and I want you all to know, all these people that are concerned, that are NNSA and everyone else, if you put out a list in the SIMS of 900 chemicals that lasted -- I heard somebody say something about a thousand; I'm glad to hear that, because that first estimate that was done was done on more than what they had originally said the chemicals that we had. Nine hundred chemicals lasted all the way up until 2015, people, that they reported. And this is what they judge these claims by, the -- what's in the SIMS, these chemicals and these toxic substances. 2016 they notified us that they had made a mistake. How many mistakes can you make? The GSA says that we lied to federal investigators when they came in to assess the plant. We lied to the IG -- or the CDC -- You get the gist of it. Let's get this thing done right and think about the people. Flesh and blood issues here.

So that everyone will know, it's already been announced and it was announced by the man himself to show people that you're going to be affected by whatever they do out here on this -- at this plant. The people that worked at that plant took their self home to their families. They took their family -- illness home. I hold the place responsible for killing my wife. You all don't know that. You all don't know that. But I'm telling you now. You do not have to go in that plant to get sick from the -- from the elements in that plant. Russ Ptacek, everybody knows Russ Ptacek announced to these people that he has been diagnosed beryllium sensitive. Russ Ptacek did not work at that plant. Russ Ptacek did news broadcasts from that plant. There has been people that have sued Honey-- that have attempted to sue Honeywell because they -- their husbands brought this stuff home, and they have settled. This place has years of dealing with sick workers, but they did not know to tell the people, because they went with the settlement, okay. This is true. I told these people years ago, All you have to do to shut me up -- it's easy; wouldn't you want to shut me up -- all you have to do is release the retire-- the disability retirement records at that plant and you will see disease clusters. And as far as on that property, there's three ladies that had to leave that property that were blind. They went blind in one of the buildings that some of you -- your people going to go in. They went blind and they were under the age of 30. Okay.

DOE RESPONSE:

DOE is strongly committed to the fair and responsible treatment of current and former workers and employees, whether DOE, our Maintenance and Operating contractor, Honeywell Federal Management & Technology (FM&T), or one of FM&T's subcontractors has employed them. Among other programs established for the benefit of these employees, the Former Worker Medical Screening Program, or Former Worker Program (FWP), provides medical screening examinations, at no cost, to all DOE federal employees, contractors, and subcontractors who may be at risk for occupational diseases. This program will continue to be available to DOE workers even if the ownership of the Bannister Federal Complex (BFC) is transferred to Bannister Transformation & Development (BT&D), the selected property recipient. These compensation

programs will be available for eligible former workers after any demolition, remediation and redevelopment of BFC property. Additional information regarding this program can be found on the FWP Web site at <http://energy.gov/ehss/services/worker-health-and-safety/former-worker-medical-screening-program>

MS. JAN MARTINETTE:

The government is spending all this money to do this, but they're not giving out the claims to the families. I have not gotten one penny in 10 years and 5,300 pages of claim forms. It's been ten years of torture. I think I'm going to write a book, and that's going to be the title. The caseworkers that have to look over my submissions were never cleared for the kind of things my husband did. He had the highest clearance. They don't know anything about what he did because they've never been cleared for it. One of my -- the gal that was supposed to run the -- excuse me -- the -- a federal official hearing for his case thought that he -- what his group did was molded plastic foam to keep the parts from rattling when they shipped them and rattling in the bomb. She came in and thought we were talking about bread molds. And she was the one -- I asked her, I said, Who is making the decision on my case here. Oh, well, I am. Well, of course I got a denial. She -- they -- none of them understood it. They were never cleared to understand it, but they're making the decisions, and they still are.

DOE RESPONSE:

We are sorry for your loss and understand your frustration with the claims process regarding your husband's claim. We assume you have filed this claim under the Energy Employees Occupational Illness Compensation Program, which provides benefits authorized by the Energy Employees Occupational Illness Compensation Program Act (EEOICPA). The Department of Labor manages this program. It is designed to compensate current or former employees (or their survivors) of the DOE, its predecessor agencies, and some of its vendors, contractors and subcontractors who were diagnosed with a radiogenic cancer, chronic beryllium disease, beryllium sensitivity, or chronic silicosis, as a result of exposure to radiation, beryllium, or silica while employed at covered facilities. The EEOICPA also provides compensation to individuals (or their eligible survivors) awarded benefits by the Department of Justice under Section 5 of the Radiation Exposure Compensation Act (RECA). Part E of the EEOICPA (enacted October 28, 2004) compensates DOE contractor and subcontractor employees, eligible survivors of such employees, and uranium miners, millers, and ore transporters as defined by RECA Section 5, for any occupational illnesses that are causally linked to toxic exposures in the DOE or mining work environment. Information on this program is available at <https://www.dol.gov/owcp/energy/>. We regret that you are not satisfied with the results of this process regarding your claim, but we are unable to respond to that matter.

MR. MAURICE COPELAND:

You all don't know what you think you know. Just like they -- you were misled. A lot of times it's not what you say, it's what you don't say. And we have not heard anything. We have not heard anything from NNSA. We haven't heard about the MOCA explosion from Missouri

Division of Natural Resources. Ask them about the MOCA explosion and the cleanup of the MOCA explosion. I would like to see the documents on that, and they should have a list of who did it. Look them up and see where they are.

DOE RESPONSE:

Thank you for your comment. Like you, NNSA's main concern in these instances is the safety of our employees. In response to your comment, NNSA conducted a thorough record to identify health safety and environmental concerns related to the use of 4,4'-methylene (bis)-2-chloroaniline (CAS# 101-14-4) (commonly referred to as MOCA) at the facility. Although the commenter referred to an explosion, our records review concluded that an explosion involving MOCA did not occur at the facility. We confirmed that MOCA was used at the facility for many years, however the use of MOCA at the BFC was discontinued during the 1980's due to the increased awareness of the potential adverse health effects. Plant health and safety personnel took proactive steps to control worker exposures to MOCA during the period of its use.

MOCA was used in a solid form as a curing agent in polyurethane foam. As such, remnant amounts of the material were present in areas of the facility where used as a part of normal operations. Areas of the facility that were historically used to process MOCA were decontaminated to remove any remnant material, which may be the effort you refer to as an "explosion." Procedures were developed and implemented to ensure worker protection during these decontamination activities. Since this material was not released to the environment MoDNR did not take control of or have input to this decontamination process.

MR. K.B. WINTEROND:

Fortunately, most winds prevail easterly out of my house. I'm glad that I'm -- that I don't think that much has drifted into my property. My mother and father both worked in these plants at different -- different points and times in their young lives, but at age 81 I'm here to say I'm really sorry that I have been to about 20-some-odd different meetings like here and we're not getting to the bottom of the real problem. Number one, for some reason or other we just keep putting the people, who we'll call the legacy group, we keep putting them off. I'm not happy about that as a neighbor, as an American citizen, as someone who knows we have issues here.

DOE RESPONSE:

We appreciate your concerns and reiterate that DOE is strongly committed to the fair and responsible treatment of current and former workers and employees, and encourage all potentially impacted individuals to take advantage of the programs listed in previous responses if they have these concerns. These concerns extend to our neighboring community. DOE has partnered with Bannister Transformation & Development (BT&D), the proposed future owner of the property, and worked closely with the Department and the U.S. Environmental Protection Agency to ensure that the future demolition, remediation and redevelopment of the BFC will be done with a focus on safety and protection of human health and the environment. The details of this plan are described in the Demolition Plan with accompanying work plans and the Corrective Measures Report as referenced by the Finding of Suitability for Early Transfer. Those

documents are found at the DOE website at www.kcp.com under the Health, Safety and Environment section. DOE encourages concerned community members to contact BT&D or the Department with any demolition or remediation-related concerns.

DEMOLITION AND REMEDIATION SAFETY:

MR. GUY BEEBE:

I represent my own website, Answersbannistercomplex.com, and I would just like to make a few statements. In 1987, the original EPA survey of the Bannister Federal Complex site found 1,173 known toxic contaminants. They were everything from volatile organic compounds like acetone, hydrochloric acetylene, benzene, toluene to heavy metals like cadmium, lead, arsenic, and nickel. There have been persistent and continued rumors of polonium, plutonium, and uranium as well. The only single time that the National Nuclear Emergency Response team was ever called to a site was to the Bannister Federal Complex in 1987. And I looked at the report and called it a comedy of errors. That would have been true as long as it remained in the -- in the realm of corruption and ineptitude, but since we've got 30-plus years now of cover ups, it's gone into criminal conspiracy time. Mary Ruwwe was the sole point of control of all information going to the Missouri Department of Natural Resources. They only reviewed her work plans, not what actually happened. They only reviewed her data, not the actual -- were never allowed to actually go on site and collect samples. Her action plan consisted of pumping untreated contaminated wastewater into Indian Creek and Blue River Valley system for decades. Mandatory congressional oversight required annual reports of EPA for the Superfund site designation. Fifteen years of that data disappeared. She claims the Library of Congress lost it. She -- she was found in contempt of Congress during testimony to both the Senate and the House. Okay. Until you get that woman indicted, you will not get to the bottom of this.

DOE RESPONSE:

We appreciate the level of interest you and other members of the community have shown on the history of assessment and environmental remediation of the Bannister Federal Complex (BFC). Under the Department's direction, DOE prepared a comprehensive Description of Current Conditions Report (DCCR), which details that history. The DCCR is available online on the website hosted at "www.KCP.com" created to support the Finding of Suitability for Early Transfer at <http://honeywell.com/sites/aero-kcp/News-Events/Pages/DCCR.aspx> and is available in hard copy at the Mid-Continent Public Library's Blue Ridge Branch, 9253 Blue Ridge Blvd., Kansas City, Missouri.

The DCCR summarizes environmental conditions at the BFC and comprehensively describes the environmental investigation and remediation work performed to characterize and address known or suspected contaminant releases at the site that began in the 1980s. The four-volume DCCR provides a historical review of the BFC concentrating on activities (past and present) that had or have the potential to affect the environment through releases of hazardous waste or hazardous waste constituents. The DCCR describes the history of efforts performed to research, identify, investigate and, in some cases, remediate releases of hazardous waste and/or hazardous waste

constituents to the environment from the site. Contrary to the allegations made in this comment, the DCCR provides in a comprehensive fashion a review of historical environmental documents from the early to mid-1970's that accurately describe the types of activities performed, waste generated and environmental issues that were present at this time and, that in some cases, still exist today.

MR. WALTER SMITH:

And I'd also like to know for the contractors that's going to be basically deleting this building, how many other DOE sites, which there's 26, have they worked at and done this type of work before? In addition, are they the only contractors that is bidding on this particular development or has there been other people?

DOE RESPONSE:

We appreciate these concerns and reiterate that DOE is strongly committed to working with Bannister Transformation & Development LLC. (BT&D), the proposed purchaser of the property, and local, state and federal regulators to ensure that the demolition of existing buildings, environmental remediation of the property, and its redevelopment are done with appropriate consideration and attention to workforce and public safety and health. BT&D, working with CenterPoint Properties Trust, has prepared a thorough Demolition Plan with work plans (Demo Plan) and Corrective Measures Report (Remediation Plan). CenterPoint Properties Trust has successfully executed redevelopment projects on contaminated sites throughout the Midwest. Both the Demo Plan and Remediation Plan are available as part of the Finding of Suitability for Early Transfer documents and can be accessed at <http://honeywell.com/sites/aero-kcp/News-Events/Pages/PERMIT.aspx>. CenterPoint Properties Trust also performed a two year due diligence effort, where they obtained over 2,000 samples both inside and outside of the buildings to determine the extent of the contamination on the BFC. These plans address, among many things, the safety and health considerations that will be required regarding the removal of hazardous and environmentally impacted material with a strong emphasis on preserving current and future worker safety and health and the public.

MR. MARLON SMITH:

And there's over 3,000 chemicals there. They need to put out an MSD sheet on who is qualified to cover that demolition and tear it off. I don't think anybody's qualified that could even pass that database of 3,000-some toxins unless they studied about six months.

DOE RESPONSE:

We appreciate these concerns and reiterate that DOE is strongly committed to working with Bannister Transformation & Development LLC. (BT&D), the proposed purchaser of the property and local, state and federal regulators to ensure the demolition of existing buildings, environmental remediation of the property, and redevelopment are done with appropriate consideration and attention to workforce and public safety and health. BT&D, working with

CenterPoint Properties Trust, has prepared a thorough Demolition Plan with work plans (Demo Plan) and Corrective Measures Report (Remediation Plan). CenterPoint Properties Trust has successfully executed redevelopment projects on contaminated sites throughout the Midwest. Both the Demo Plan and Remediation Plan are available as part of the Finding of Suitability for Early Transfer documents and can be accessed at <http://honeywell.com/sites/aero-kcp/News-Events/Pages/PERMIT.aspx>. CenterPoint Properties Trust also performed a two year due diligence effort, where they obtained over 2,000 samples both inside and outside of the buildings to determine the extent of the contamination on the BFC. These plans address, among many things, the safety and health considerations with regard to removal of hazardous and environmentally impacted material with a strong emphasis on preserving current and future worker safety and health and the public.

MS. JAN MARTINETTE:

My husband worked in that plant for 40 years and in all those 40 years there was never any solution to the exposure that all of these employees, sometimes as many as 7,000 people in that building, never a solution as to how you keep them safe. And how many -- wish I had a number; we probably couldn't figure out what it says -- have been exposed, died, vegetables, the whole thing because they were doing their duty to their country, okay. How now do you think you're going to do anything in that territory that's not going to expose some human being to something that has been there for over 40 years and has never been solved? I don't want one more person -- one more person be exposed and go through what my husband had. He had four cancers, four different cancers, and the Department of Labor, the caseworkers will not accept any one of those as being caused by the chemicals or causing his death. Now, how are you going to keep that from happening to even one more person? That's too many. I just -- I cannot imagine why any of us would want one more person exposed.

DOE RESPONSE:

We appreciate these concerns and reiterate that DOE is strongly committed to working with Bannister Transformation & Development LLC. (BT&D), the proposed purchaser of the property and local, state and federal regulators to ensure the demolition of existing buildings, environmental remediation of the property, and redevelopment are completed with appropriate consideration and attention to workforce and public safety and health. BT&D, working with CenterPoint Properties Trust, has prepared a thorough Demolition Plan with work plans (Demo Plan) and Corrective Measures Report (Remediation Plan). CenterPoint Properties Trust has successfully executed redevelopment projects on contaminated sites throughout the Midwest. Both the Demo Plan and Remediation Plan are available as part of the Finding of Suitability for Early Transfer material and can be accessed at <http://honeywell.com/sites/aero-kcp/News-Events/Pages/PERMIT.aspx>. CenterPoint Properties Trust also performed a two year due diligence effort, where they obtained over 2,000 samples both inside and outside of the buildings to determine the extent of the contamination on the BFC. These plans address, among many things, the safety and health considerations with regard to removal of hazardous and

environmentally impacted material with a strong emphasis on preserving current and future worker safety and health and the public.

This comment addresses issues in both the Finding of Suitability for Early Transfer (FOSET) and the modified Missouri Hazardous Waste Management Facility (MHWMF) Part 1 Permit. The Department has developed a separate response to this comment as part of the Department's comment response document for the permit.

MR. WAYNE KNOX:

I'm from the sovereign state of Georgia in Atlanta. Just fundamentally I believe the site should be torn down and a health and safety facility should be erected on top of the ashes of that facility. I'm not a speaker. I'm a dirty hands guy. I'm a nuclear engineer, an operational health physicist. I've worked in these facilities. I've served on the DOE Tiger Team evaluating facilities. I have participated in writing, as a project manager, all of the procedures necessary in order to quote, quote, safely decon and decommission facilities. I've worked at several DOE facilities, again in health and safety. There are a lot of things that we need to consider and I could spend an hour up here talking to you about it, but my most pressing concern is the workers and the people that work and live around the site and what's going to happen to them when we start tearing into this facility. I am not convinced -- of course I have not gone through all of your data, but I'm not convinced that you have truly characterized the source term. I hear you talking about what you've done around the outside of the facility, but when you start tearing into a facility like this, you have to start with the source term. What's your worst case scenario? Your worst case scenario is contaminants inside of that facility. Have you torn into all of the ductwork? Have you taken good samples from inside of the facility? The bottom line is we need to have a comprehensive plan for tearing into this facility. We need to have a long-term surveillance plan. Keep in mind, you had beryllium in that facility. It has gotten out. And the latency period for beryllium can be up to 40 years. How do we know, what assurances do we have that you are analyzing beryllium and other contaminants that will be released from the facility? There's a lot of work that has to be done in order to do it the right way. And every -- every job that I have done in my whole career, there have always been things that went bump in the night and we had to make corrections to it in order to protect the workers and the public.

DOE RESPONSE:

We appreciate these concerns and reiterate that DOE is strongly committed to working with Bannister Transformation & Development LLC. (BT&D), the proposed purchaser of the property, and local, state and federal regulators to ensure the demolition of existing buildings, environmental remediation of the property, and its redevelopment are done with appropriate consideration and attention to workforce and public safety and health. BT&D, working with CenterPoint Properties Trust, has prepared a thorough Demolition Plan with work plans (Demo Plan) and Corrective Measures Report (Remediation Plan). CenterPoint Properties Trust has successfully executed redevelopment projects on contaminated sites throughout the Midwest. CenterPoint Properties Trust also performed a two year due diligence effort, where they obtained over 2,000 samples both inside and outside of the buildings to determine the extent of the contamination on the BFC. In addition, DOE and Honeywell thoroughly characterized and

cleaned up the Kansas City Plant during operations as described in the Description of Current Conditions Report (DCCR). The CenterPoint Property Trust due diligence effort and report confirmed the results in the DCCR. The Demo Plan and Remediation Plan address, among many things, the steps that will be required regarding safety and health considerations during removal of hazardous and environmentally impacted material with a strong emphasis on preserving current and future worker safety and health and the public.

This comment addresses issues in both the Finding of Suitability for Early Transfer (FOSET) and the modified Missouri Hazardous Waste Management Facility (MHWMF) Part 1 Permit. The Department has developed a separate response to this comment as part of the Department's comment response document for the permit.

MR. WAYNE KNOX:

I wish you well, but I want you to remember that what you're doing in principle is destroying a crime scene, and that facility was the source of a lot of exposure to people that was performed without their knowledge or consent. And the U.S. Congress actually said that in its findings. We workers, me too, were exposed without our knowledge or consent. I would like to know what really went on in the facility. I would like to be able to go in the facility myself as someone that's qualified and take samples and be able to characterize the workers' exposure that went on inside of the facility and use that source term as a way of projecting what's going to happen outside.

DOE RESPONSE:

The Bannister Federal Complex (BFC) has been proposed for transfer from DOE ownership to the Bannister Transformation & Development LLC. (BT&D), a private redevelopment company. In preparation for this upcoming transfer, the BT&D has independently evaluated and characterized the property as part of its inspection process. BT&D took independent samples from both inside and outside of the BFC buildings to determine the complete extent of site contamination. In addition, the BFC was thoroughly assessed in the Description of Current Conditions Report (DCCR). All of these reports are available online at <http://honeywell.com/sites/aero-kcp/News-Events/Pages/PERMIT.aspx> or in hard copy at the Mid-Continent Public Library's Blue Ridge Branch, 9253 Blue Ridge Blvd., Kansas City, Missouri.

MS. ANN SUELLENTROP:

When the buildings are being demolished plans are to spray the area with water. I understand the perimeter will be monitored for toxins in the air. What kind of toxins will be monitored and how frequently will samples be taken? If toxins are detected, what will happen? Why not cover the area with a tent to prevent toxins from becoming airborne?

DOE RESPONSE:

The FOSET, Sec 4.3.1, clarifies that all local and state regulations governing potential air emissions during demolition will be complied with as set forth in the Bannister Federal Complex

(BFC) Demolition Plan with work plans (Demo Plan) prepared by Bannister Transformation & Development LLC. (BT&D), the proposed recipient of the property. The Demo Plan describes the air-monitoring program in the Brandenburg Safety Policy and Standard Operating Procedure Manual, Attachment 2 to the Demo plan, Sec. 1.04 and the Abatement and Demolition Plan Supplement, a supplement to the Demo Plan found at the end of the document, Sec. 16. These sections detail how air monitoring will be conducted during days when demolition is ongoing to identify and quantify airborne levels of various hazards, to include metals, asbestos, silica, polychlorinated Biphenyls (PCBs), Trichloroethylene (TCE), Volatile Organic Compounds (VOCs), and dust. The sections outline how BT&D's subcontractors will examine, reduce and prevent the migration of contaminants into the environment and surrounding community with stop work orders. In addition, they will determine the appropriate level of employee protection needed on-site during demolition activities. These procedures are described in detail in the Demo Plan and will be modified and adapted to the conditions encountered at various phases during the demolition process.

MS. ANN SUELLENTROP:

How much beryllium was shipped into the Plant and how much was shipped out? And so how much remains inside?

DOE RESPONSE:

Extensive site evaluation described in the Demolition Plan with work plans (Demo Plan) confirms no residual beryllium remains on the site other than dust residue, which may be the subject of focused clean up as described in the Demo Plan.

Beryllium use at the Bannister Federal Complex is also described in the Description of Current Conditions Report (DCCR), Chapter 7, and in the Brandenburg Safety Policy and Standard Operating Procedure Manual, Attachment 2 to the Demolition Plan with work plans, Sec. 1.04. It is also described in the Abatement and Demolition Plan Supplement, a supplement to the Demo Plan found at the end of the document, Sec. 13. The Kansas City Plant, a section of the Bannister Federal Complex (BFC), has never been a significant user of pure beryllium but it has been a continuous user of beryllium in the form of metallic alloys and ceramic compounds since the early 1960s. Typically, the beryllium-copper alloys used at the Kansas City Plant contain 1.8% to 2% beryllium to add strength to the alloy. This alloy was machined into different products under wet (flood coolant) conditions to capture related dust and particles. However, after machining, the products often required manually performed dry abrasion operations, such as deburring, lapping, resurfacing and polishing, to remove blemishes on the machined surface. Although two different pure beryllium metal components were used at the Kansas City Plant, both products were government-furnished components that were placed in assemblies without machining, cutting, or grinding operations, therefore creating no airborne hazard. Accordingly, all beryllium containing material shipped into the plant was also shipped out, with the exception of dust and particles, which were the subject of extensive and comprehensive clean-up efforts as described in the DCCR.

TRANSFER OF OWNERSHIP OF THE BANNISTER FEDERAL COMPLEX (BFC):

MR. MAURICE COPELAND:

Another thing that I want to know, the modification process. I've been a part of a lot of this that's going on; it's been going on for a long time. But I think it's a -- I would like to know in plain English, modification process, was it done so that we could handle the whole thing in one package and give it to someone? Someone's already asked about who all bid for the thing and where were they. I was on the CAP panel. The only -- the only concern that I've seen is CenterPoint. This is a made deal. That's -- that's what the people think. Convince me that it's not.

DOE RESPONSE:

DOE selected CenterPoint Properties Trust as the preferred partner for redevelopment of the DOE portion of the Bannister Federal Complex (BFC). DOE made the selection following a thorough public solicitation process that began well before DOE moved its operations to the Kansas City National Security Campus. To assess market interest in the property, DOE screened the property for reuse within DOE and issued a Request for Information, November 2, 2010, which met with no significant interest from federal, state, municipal or private entities. GSA has also indicated there is no other federal agency interested in use of the BFC property.

On October 11, 2011, DOE published a Notice of Availability (NOA) through the Federal Business Opportunities web site (FedBizOps) and national news media to solicit proposals for transfer or lease of excess property at the BFC. The NOA requested interested parties to include in their proposals, among other things, any conditions placed on the Government, financial or otherwise. DOE received multiple offers, but none included a firm offer for the property in its current condition. Each offer that DOE received contained assumptions that the Federal Government would continue funding extensive alterations and modifications to the property for an indefinite period to support proposed redevelopment, or that the Federal government would execute the demolition and remediation and then transfer the property. The NOA results confirmed that the excess BFC real property has a negative equity value in its current condition.

DOE ultimately determined that the letter of intent from CenterPoint Properties Trust presented the best potential to meet Government objectives for transfer and selected it as the preferred planning partner for disposition of the BFC. Its proposal presented the: 1) best value to the Government; 2) highest level of support from the community; and 3) best potential to have the property contribute to the economic health of Kansas City.

If a property transfer is approved, Bannister Transformation & Development LLC. (BT&D), through CenterPoint Properties Trust, will lead the effort to redevelop the BFC. The redevelopment is not a part of this Demolition and Remediation effort for the site, and will be fully planned, funded, and executed by BT&D. BT&D has been making, and will continue to make, all related decisions on the redevelopment.

This comment addresses issues in both the Finding of Suitability for Early Transfer (FOSET) and

the modified Missouri Hazardous Waste Management Facility (MHWMF) Part 1 Permit. The Department has developed a separate response to this comment as part of the Department's comment response document for the permit.

MR. WALTER SMITH:

And I'd like to know, do they already own the building?

DOE RESPONSE:

As of July 2017, DOE has not transferred the BFC to the BT&D. Transfer will not occur until the Missouri Hazardous Waste Management Facility (MHWMF) Part 1 Permit modification has been finalized, the Missouri Governor has approved the Covenant Deferral Request (CDR) package, and a Deed of transfer has been executed. The FOSET will be submitted to the Governor to support the CDR package.

This comment addresses issues in both the Finding of Suitability for Early Transfer (FOSET) and the modified Missouri Hazardous Waste Management Facility (MHWMF) Part 1 Permit. The Department has developed a separate response to this comment as part of the Department's comment response document for the permit.

FEDERAL FUNDING OF THE DEMOLITION AND REMEDIATION OF THE BANNISTER FEDERAL COMPLEX (BFC):

MR. MIKE MURPHY:

I'm with 90.1 FM, KKFI, Kansas City Community Radio. We were at a press conference the other day in the downtown by various sectors in the city with someone from the NAACP, there was a pediatrician, there was an attorney, and mayor pro tem Scott Wagner also was one of the speakers. And his talk was this -- the purpose of this press conference was concern for cuts to the EPA and how it would affect Kansas City. And his -- his talk was framed around Brownfields, how the EPA has been vital in helping return Brownfields. And he mentioned another federal complex over at Hardesty and Independence. And he mentioned, you know, a couple places here and there, like on Prospect and Troost, old dry cleaners and stuff. And then he mentioned the Bannister Federal Complex. And he said, We're trying to turn Bannister Federal Complex into a vibrant community, and we cannot do that without EPA funding. So I'm wondering is all this moot, is all this contingent upon how deep the cuts are going with the EPA.

DOE RESPONSE:

In the recent current year federal budget passed by Congress, \$200,000,000 was allocated to DOE for the Bannister Federal Complex disposition and remediation effort. This funding will be obligated and available to pay for future monitoring and cleanup that is the responsibility of the DOE and has been referred to as the "BFC Remedial Fund." DOE will obligate this funding at the time of transfer of the property, and any EPA or DOE budget cuts would not affect its

availability for Bannister remediation.

MS. ANN SUELLENTROP:

A few years ago, the federal government estimated cleanup would cost \$800 million. Why is it now estimated to only cost \$200 million?

DOE RESPONSE:

In 2006, upon the DOE decision to move plant operations from the BFC, DOE prepared a rough cost estimate for demolition of obsolete improvements on the property and remediation of subgrade environmental contamination (“Demolition and Remediation,” or “D&R”). The total estimated cost of bringing all excess DOE property to “brownfield” condition under standard DOE estimating protocol and sequenced execution was approximately \$800 million. This estimate was an internal, rough order of magnitude budgetary estimate and included a fee tied to contract work as well as a significant amount for contingency. The fee and contingency alone combined added over \$300 million to a base clean up estimate of approximately \$500 million.

The 2006 estimate also included assumptions that no longer apply to the current planned D&R effort. One assumption made in the 2006 estimate was that DOE would dispose of the property using standard government procedures through GSA under the Property Act (40 U.S.C. §471). The current D&R plan is using special legislative authority granted through the 2014 National Defense Authorization Act and authority granted under the Atomic Energy Act, Sec. 161(g), which enables direct negotiation with Bannister Transformation & Development LLC. (BT&D) the proposed private party property recipient and the development of remediation plans fully protective of the environment based on future use. This is another basis for the estimated savings between the current estimate and the 2006 estimate.

This comment addresses issues in both the Finding of Suitability for Early Transfer (FOSET) and the modified Missouri Hazardous Waste Management Facility (MHWMF) Part 1 Permit. The Department has developed a separate response to this comment as part of the Department’s comment response document for the permit.

MR. MAURICE COPELAND:

There was an estimate, and I think it’s been mentioned before. MMDR, EPA were all involved. Eight hundred million dollars back in the ‘80s to clean up this place. And now you’ve got a real estate developer that’s going to come and do it for 275 million. That does not -- that is not American math and time. That has to be explained to the people a little bit better.

DOE RESPONSE:

In 2006, upon the DOE decision to move plant operations from the BFC to a new site, DOE prepared a rough cost estimate for demolition of obsolete improvements on the property and remediation of subgrade environmental contamination (“Demolition and Remediation,” or “D&R”). The total estimated cost of bringing all excess DOE property to “brownfield”

condition under standard DOE estimating protocol and sequenced execution was approximately \$800 million. This estimate was an internal, rough order of magnitude budgetary estimate and included a fee tied to contract work as well as a significant amount for contingency. The fee and contingency alone combined added over \$300 million to a base clean up estimate of approximately \$500 million.

The 2006 estimate also included assumptions that no longer apply to the current planned D&R effort. An assumption made in the 2006 estimate was that DOE would dispose of the property using standard government procedures through GSA under the Property Act (40 U.S.C. §471). The current D&R plan is using special legislative authority granted through the 2014 National Defense Authorization Act and authority granted under the Atomic Energy Act, Sec. 161(g), which enables direct negotiation with Bannister Transformation & Development LLC. (BT&D), our proposed private party property recipient, and the development of remediation plans fully protective of the environment based on future use. This is another basis for the estimated savings between the current estimate and the 2006 estimate.

This comment addresses issues in both the Finding of Suitability for Early Transfer (FOSET) and the modified Missouri Hazardous Waste Management Facility (MHWMF) Part 1 Permit. The Department has developed a separate response to this comment as part of the Department's comment response document for the permit.

MR. DANIEL KARAM:

I'm about a mile away from the new plant out there on Botts Road. Well, first, I haven't really done my homework, but my hat's off to the people who have done their homework. And what I want to say -- and I give thanks for an opportunity to make the comment -- and if we're going to have a remedy to the cleaning up past military efforts, we're going to have to do something with that money that's going into future military efforts. I mean, we have a trillion dollars that's scheduled for the next 30 years to revamp all these nuclear weapons. And it just seems like, wow, maybe we could use that money for something better. Don't we have other problems? I mean, they're taking money out of helping people and they're putting money into military things that are going to be destructive to people someplace on this planet. And I'm just saying, Can't we do better? You know, we get these attitudes and the attitudes interfere with knowledge. We have to sometimes change our attitudes.

DOE RESPONSE:

We appreciate your comments and recognize there are many competing perspectives in managing Federal Government operations. The U.S. Constitution designates the "power of the purse" as a function of Congress. This includes the ability to raise taxes and fund the government. The President, as the leader of the Executive Branch of Government, makes recommendations each year to Congress regarding the allocation of funding. We appreciate our Congressional and Executive governmental leaders who have provided the funding for further cleanup and redevelopment of the Bannister Federal Complex and for support of its transfer for redevelopment.

This comment addresses issues in both the Finding of Suitability for Early Transfer (FOSET) and

the modified Missouri Hazardous Waste Management Facility (MHWMF) Part 1 Permit. The Department has developed a separate response to this comment as part of the Department's comment response document for the permit.

MS. ANN SUELLENTROP:

How many years will the Federal Government be responsible for contamination at the KC Plant/BFC site? Somewhere I seems to remember "30 years?" This is important as some parts of the site will not be cleaned up or removed but will remain on-site. What assurance do we have that the Feds will safeguard the environment and our health? What assurance do we have that there will be adequate funding for full cleanup? I have heard that the Missouri Governor will need to assure that the Feds will provide adequate funding for full cleanup. How will this be accomplished and will the public have access to this info. before he approves the title transfer to Centerpoint?

DOE RESPONSE:

The MHWMF Part I Permit constitutes an enforceable regulatory instrument that requires the Permittees to provide revised cost-estimates and financial assurance on an ongoing basis for their respective long-term permit obligations. These obligations are based on demolition and remediation efforts that are protective of human health and the environment and will continue as long as required under the permit. Under the requirements of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), Sec 120(h), and the terms of the Administrative Order on Consent DOE will be responsible for continuing response actions for so long as they are required. There is no expiration of time for this responsibility.

As of July 2017, the DOE has not transferred the BFC to the Bannister Transformation & Development LLC. (BT&D), and will not do so until the Missouri Governor has approved the Covenant Deferral Request (CDR) package that will be submitted in the near future. The CDR will include:

- a legal description of the property;
- the nature/extent of contamination on the BFC;
- an analysis of whether the intended land use might result in exposure to CERCLA hazardous substances and a description of response actions that should be taken to prevent exposure;
- an analysis of risks to human health and the environment before and after the proposed cleanup is completed;
- a projected date by which the proposed cleanup will be completed;
- a written warranty that the federal government will conduct any cleanup found to be necessary after the transfer;
- written provisions that cover land use restrictions, cleanup schedules, funding requirements, and Transferee Response Action Assurances.

This comment addresses issues in both the Finding of Suitability for Early Transfer (FOSET) and the modified Missouri Hazardous Waste Management Facility (MHWMF) Part 1 Permit. The Department has developed a separate response to this comment as part of the Department's

comment response document for the permit.

REDEVELOPMENT OPTIONS FOR THE BANNISTER FEDERAL COMPLEX (BFC):

MS. JAN MARTINETTE:

I am -- my solution is seal up that building, make it a memorial to those thousands and thousands and thousands of people who have been hurt and lived in that building. Seal it up. Make it a memorial like Washington has. Put the names on the walls and let's -- let's remember these people for the warriors they really were.

DOE RESPONSE:

Options for future use of the property were considered in preparation of the Environmental Assessment prepared for this action under the National Environmental Policy Act (Referenced in Sec. 7 of the FOSET), and options for potential future use of the property were assessed under the Notice of Intent for disposition of the property referenced above. There was no response from government or public entities regarding preservation of the facility in its current state, and the review confirmed that sealing up of the property would further blight the community and likely lead to additional crime, property devaluation and vermin reproduction. Rather than walking away from a contaminated site, DOE plans to transfer the site to Bannister Transformation & Development LLC to perform demolition, remediation, and ultimately redevelopment of the site. This redevelopment effort will add an estimated 1,300 new jobs to the area, as well as \$85 million in new area property taxes over the next 40 years.

This comment addresses issues in both the Finding of Suitability for Early Transfer (FOSET) and the modified Missouri Hazardous Waste Management Facility (MHWMF) Part 1 Permit. The Department has developed a separate response to this comment as part of the Department's comment response document for the permit.

Bob Kessler, Lea Manor Homes Assn., Knowledge Communications Technologies:

I served on the Community Advisory Panel (CAP) for the Bannister Federal Complex from its inception September 29, 2010 until the January 9, 2014. At the January 9, meeting the CAP discussed transition to the establishment of an organization for a continued public review and participation associated with redevelopment and reuse of the site.

The CAP was charged to provide input on the Bannister Federal Complex to the Interagency Environmental Leadership Council, IELC, composed of Jason Klumb, Regional Administrator, General Services Administration (GSA) Heartland Office, Karl Brooks, EPA Director, Region 7 Environmental Protection Agency (EPA), Mark Holecek, Site Manager, Department of Energy, National Nuclear Security Administration (DOE/NNSA) and Aaron Schmidt, Deputy Director, Missouri Department of Natural Resources (MDNR) regarding environmental issues with reuse of the Bannister Federal Complex.

Early in the CAP organizational development process members requested greater clarification from the IELC in terms of responsibilities and direction. Much of the question was whether the major focus would be on environmental or reuse issues. Due to political, media and CAP member emphasis the majority of the effort ended up relating to environmental issues. A significant issue was the past environmental supervision and monitoring of the GSA owned portion of the Bannister Federal Complex.

Several members of the CAP discontinued involvement because their interests were much greater in the subject of reuse. Center School District and The Blue River Watershed Association members discontinued coming to the meetings. Several years, prior to the IELC CAP initiation, The Kauffman Foundation, UMKC Computer Science & Engineering, UMKC Geosciences and Kansas City Parks and Recreation organizations indicated an interest in potential reuse.

Proceeding with the environmental contamination issue emphasis a series of constructive actions were taken by the Federal and State agencies involved in the project. Environmental cleanup and management of the site has been consolidated under a single Resource Conservation and Recovery Act (RCRA), Class 3 permit.

CenterPoint was identified as the DOE/NNSA planning partner and the organization most likely to acquire and redevelop the majority of the site. Personnel at the MDNR, EPA and CenterPoint have extensive data and detailed information about site conditions and environmental management requirements. DOE/NNSA has a clear understanding of their legacy responsibilities at the site. At this moment, the people who will be modifying and using the site and those who will be regulating their activities understand conditions at the site and how certain areas with contamination are managed.

Mark Drury, DOE/NNSA Kansas City Plant Disposition Manager, in his January 9, 2014 presentation identified the potential for DOE/NNSA establishing a Community Reuse Organization, CRO, for community stakeholder organization participation in reuse consideration. (This process apparently has been very successful in Pinellas County, Florida, where DOE has closed a facility.)

Significant changes are occurring in the South Kansas City area that may affect Bannister Federal Complex property reuse considerations. The Cerner Corporation acquired the old Bannister Mall property and has plans for creating office facilities for 15,000 employees in the next 10 years, the Oxford on the Blue project is proceeding, Kansas City is expanding trail capabilities in the area, and Burns & McDonnell has just announced an office project adjacent to their world headquarters to accommodate 2100 additional employees.

Educational stakeholders Center School District and Hickman Mills School District will be affected as well as business stakeholders in the area, not to mention the City of Kansas City and Jackson County.

Clearly, Burns & McDonnell, Cerner Corporation, Kansas City, Jackson County, The Kauffman Foundation, and the South Kansas City Alliance as well as other stakeholders in the area could serve as important members of a CRO.

In addition to those views I would also like to see cooperation of a new property owner with the state of Missouri, Kansas City and Johnson County to work on maximization of community value and positive influence. This would mean high priority for reopening Blue River Road, reopening the Trolley Track Trail and connecting the Trolley Track Trail and the Indian Creek Trail. These changes would be valuable to those in the adjacent area as well as new employees working at any new development. In addition, thoughts could be given to reuse of the ball field, contribution of the playground, and return of the farmers market.

I would appreciate your review and consideration of these thoughts/suggestions.

Sincerely,
Bob

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DOE RESPONSE:

We thank you for your participation as a CAP member and your continuing interest regarding redevelopment of the Bannister Federal Complex (BFC). As you correctly identified, DOE selected CenterPoint Properties Trust as the preferred planning partner for BFC disposition in fall 2014. DOE selected CenterPoint Properties Trust following a thorough public solicitation process that began well before DOE moved its operations from the BFC to the Kansas City National Security Campus (KCNSC).

DOE selected CenterPoint Properties Trust based on its proposal which represented the: 1) best value to the Government; 2) highest level of support from the community; and 3) best potential to have the property contribute to the economic health of Kansas City.

If the transfer is approved, Bannister Transformation & Development LLC. (BT&D), through CenterPoint Properties Trust, will lead the effort to redevelop the BFC. The redevelopment of the BFC is not a part of this Demolition and Remediation effort for the site, and will be fully planned, funded, and executed by BT&D. BT&D has been making, and will continue to make all related decisions on the redevelopment, including consideration of forming a CRO to assist in redevelopment of the property.