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**NATURAL RESOURCE TRUSTEE TELECONFERENCE MINUTES - MAY  
11, 1995**

05/11/95

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**6**  
**MINUTES**

U. S. DEPARTMENT OF ENERGY  
 FERNALD ENVIRONMENTAL MANAGEMENT PROJECT  
 FERNALD, OHIO

FERMCO CONTRACT  
 DE-AC05-92OR21972  
 PAGE 1 OF 6

MEETING SUMMARY

SUBJECT: NATURAL RESOURCE TRUSTEE TELECONFERENCE  
 MEETING DATE: May 11, 1995  
 LOCATION: FERMCO Fernald Office  
 ISSUE DATE: June 6, 1995 File Record Storage Copy 104.5  
 DISTRIBUTION: + Attendees \* Author of Notes

DOE

+Stephanie Bogart, OH  
 +John Sattler, FN  
 Pete Yerace, FN

OEPA

+Jeff Hurdley  
 +Tim Hull  
 +Tom Schneider  
 +Larry Sirnek

OAG

+Terry Finn

FERMCO

+Doug Abbott  
 +Becky Bixby  
 Eva Dupuis-Nouille  
 +Christine Esselman  
 Terry Hagen  
 Renee Holmes  
 +John Homer  
 \*Jennifer Mailander  
 +Steve Oberjohn  
 Sarah Snyder  
 +Craig Straub  
 +Mike Strimbu  
 +Alicia Taylor  
 +Keith Wilkerson  
 +Eric Woods

USF&WS

+Bill Kurey

DOI

+Don Henne

USEPA

+Barbara Mazur

BROWN & ROOT

+Kathy Trapp

MTC

+Steve Gibson

PEIC (final-not draft)

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1.0 Old business

1.1 March 9, 1995 Meeting Summary was approved.

Action: FERMCO to deliver Summary to Public Environmental Information Center (PEIC).

1.2 Reviewed action items from March 9, 1995 Teleconference.

1.2.1 December 8, 1994 Meeting Summary was delivered to the PEIC.

1.2.2 OEPA confirmed that the Governor of Ohio is the appointed Trustee for the State. The Governor has delegated that power to the Director of OEPA. This delegation allows OEPA to draw upon the State's resources for assistance. OEPA will be asking Ohio Department of Natural Resources (ODNR) to participate in the Trustee teleconferences/meetings and will keep the participants updated. Mr. Schneider commented that OEPA would most likely consult with ODNR personnel who have been working with FERMCO on threatened and endangered species and wetland issues. Ms. Mailander stressed the

MEETING SUMMARY - Continued

importance of involving ODNR (if they are interested in participating) as soon as possible, so that they could be brought up to speed on the Trustee Representative activities.

Action: OEPA to request ODNR's participation in further Trustee Representative teleconferences. OEPA will keep the teleconference participants updated as to ODNR participation.

- 1.2.3 Ms. Bixby discussed the concurrence received from ODNR, USF&WS, USEPA, and OEPA for the seven threatened and endangered species survey reports submitted for their review.

Comments from OEPA were resolved during a site visit on April 25, 1995. Resolution of issues include the issuance of errata sheets for the mountain bindweed and slender fingergrass survey reports discussing the lack of herbarium specimens from the 1986-87 Miami University survey to use for species verification during the 1994 surveys. FERMCO has also agreed to conduct additional surveys during April and May 1995 for the spring coral root because the 1994 survey was performed late in the blooming season for this species which also does not necessarily bloom annually.

Finally, questions were raised about the habitat for the cave salamander in Well No. 1124 on property. After the site visit, OEPA agreed that sufficient field work had been completed on this artificial habitat. If this well is abandoned in the future, it was agreed that Natural Resource Management staff would be present for a final visual inspection of the well during the abandonment. Ms. Bixby will forward copies of the remaining resolution and concurrence letters to the trustees. Mr. Schneider confirmed that OEPA's concurrence with the surveys was made as both a regulator and a trustee.

Mr. Henne requested further clarification regarding the running buffalo clover survey report and its reference to a disturbance. *Ms. Bixby has clarified that the surveyors initially surveyed and flagged a population that was potentially running buffalo clover. When the consultants resurveyed during the blooming period, the flagging had been removed during electric fence repair (termed as a disturbance in the report) and thus, the consultants were unable to find the marked population. The area was thoroughly resurveyed and no populations of running buffalo clover were found.*

MEETING SUMMARY - Continued

Action: Ms. Bixby to review running buffalo survey report and address Mr. Henne's comment. The other teleconference participants will be updated via the teleconference meeting summary. See *italics in paragraph above*.

- 1.2.4 The issue of funding was raised at the last teleconference and Ms. Mailander was tasked with finding out how the rest of the DOE complex was dealing with issues of funding the trustee activities. Mr. Schneider had stated in a previous teleconference that OEPA trustee activities were funded under existing grants from DOE, so funding was not an issue for the State. Mr. Finn questioned whether and how this would cover participation under the OAG's office. Messrs. Schneider and Finn agreed to discuss this issue internally and report back to the teleconference participants.

Ms. Mailander reported that the two DOE sites that have dealt with this issue include Rocky Flats and Oak Ridge. Ms. Mailander explained that generally speaking, DOE-Oak Ridge was permitted to fund the DOI activities to the extent that DOI/F&WS provided a skill/service that was not already possessed by the other trustees or their contractors. Ms. Mailander believes that a previously existing funding mechanism existed at Oak Ridge.

At DOE-Rocky Flats, no such funding mechanism existed and thus, Rocky Flats could not fund another Federal department or agency. Generally, this has to do with an issue related to the Atomic Energy Act and the fact that one federal department or agency cannot fund the activities of another. Ms. Bogart and Ms. Mailander will request further clarification on this issue from DOE-Headquarters.

Action: OEPA to discuss internally funding of OAG trustee representative activities.

Ms. Bogart and Ms. Mailander to request further clarification on funding of DOI/F&WS trustee activities.

- 1.2.5 The Draft Memorandum of Understanding (MOU) and Statement of Work (SOW) were distributed to participants on April 21, 1995. A revised MOU was distributed on May 10, 1995, with comments from DOE and FERMCO identified in redline/capitalization and strike out/brackets.

MEETING SUMMARY - Continued

Action: No Action.

2.0 MOU

At this point, the teleconference participants reviewed the Draft MOU, page by page/section by section. Teleconference participants shared their comments. Additionally, a proposed path forward was discussed as identified in the action below.

Action: FERMCO to revise the MOU based upon general teleconference comments.

FERMCO to distribute the revised Draft MOU to participants. A disk of the revised document will be forwarded to Mr. Finn for incorporation of State comments.

State to distribute the revised draft MOU to participants.

3.0 Administrivia/Updates

3.1 DOE EH-231 NRDA Steering Committee and Other Updates

3.1.1 Ms. Mailander discussed the DOE EH-231 NRDA Steering Committee. The Steering Committee has not lost its funding as was originally thought. The Steering Committee is planning a meeting for some time in September/October 1995, possibly at the Fernald site. In such an event, the Fernald site Trustee Representatives would be invited to participate. More detailed information to follow as it develops.

3.1.2 FERMCO discussed a recent article on NRDA that appeared in the May 3, 1995 edition of *Inside EPA's Superfund Report*.

3.1.3 FERMCO mentioned that the proposal for accelerated completion of remedial efforts at the Fernald Environmental Management Project (the "Fernald Environmental Remediation Progress Status Report") was available. Mr. Strimbu explained that the purpose of the report was to look at remediation activities under increased funding scenarios for seven and 10 years. Mr. Schneider explained that there was not much detail in the plan.

3.1.4 Ms. Mailander asked if DOI, USF&WS, or any of the other participants had any experience with the Habitat Equivalency Analysis Model (HEA). Mr. Kurey identified

MEETING SUMMARY - Continued

Ms. Molly Sperduto of the USF&WS Northeast Field Office as a contact for FERMCO to collect additional HEA information.

Action: FERMCO to continue to keep the participants informed of the Steering Committee activities.

FERMCO to forward the following to teleconference participants:

- article from *Inside EPA's Superfund Report*
- "Fernald Environmental Remediation Progress Status Report," May 10, 1995
- FERMCO to contact Ms. Sperduto for additional HEA information.

3.2 Mr. Homer updated the teleconference participants on the Fernald Citizens Task Force's (FCTF) recommendation for future use of the FEMP property. The FCTF recommends establishing three zones at the FEMP:

- Zone 1 This zone would contain the on-property disposal facility and surrounding support facilities;
- Zone 2 This zone would be a transition zone which provides a 300-foot buffer area around the disposal facility;
- Zone 3 This zone would encompass the remaining FEMP property, which would then be available for the most beneficial use to the surrounding communities.

The FCTF pointed out that there could be several uses of Zone 3 and that the local communities should decide what those specific uses should be. Whatever the specific future use of the FEMP will be, however, it must meet the following criteria:

- It must be consistent with the previous cleanup decision that no new agricultural or residential use take place.
- It must provide space for reburial of Native American remains encountered during remediation.
- It must protect and enhance existing natural resources, with emphasis on the Great Miami Aquifer, Paddys Run, and the northern forested wetlands.

MEETING SUMMARY - Continued

The FCTF also recommended that the disposal facility and its associated buffer area (Zones 1 and 2) must remain under DOE ownership and control in perpetuity. Zone 3 may change ownership once remediation is complete, as long as monitoring and restrictions are in place.

FERMCO committed to sending the FCTF future use recommendation to the teleconference participants once it is finalized, along with the FCTF Toolbox, recent FCTF meeting minutes, and the FERMCO Community Relations Plan.

Action: FERMCO to forward the following documents to teleconference participants:

- FCTF final future use recommendation
- FCTF Toolbox
- recent FCTF meeting minutes
- "Fernald Environmental management Project Community Relations Plan", January 1995

- 3.3 Threatened and Endangered Species Survey Update  
See 1.2.3 of this meeting summary.

Action: See 1.2.3 of this meeting summary.

- 3.4 E. Woods discussed the "Wetland Mitigation Approach". The approach has been distributed to the teleconference participants. FERMCO is currently in the process of setting up a meeting between the regulators to discuss the mitigation approach.

Action: FERMCO will keep the teleconference participants informed of activities related to the "Wetland Mitigation Approach".

- 3.5 Action Items  
Due to time constraints, FERMCO agreed to generate a draft list of action items to be distributed to the participants after the call.

Action: *The draft list of action items was forwarded to the teleconference participants on May 12, 1995.*

- 3.6 Next Trustee Teleconference  
Thursday, June 22, 1995  
9:00 - 11:00