

**SUMMARY OF U.S. EPA PUBLIC MEETING  
FERNALD ENVIRONMENTAL MANAGEMENT PROJECT  
DISPUTE RESOLUTION SETTLEMENT AGREEMENT  
AUGUST 26, 1997**

**Background**

On Tuesday, August 26, 1997 the U.S. Environmental Protection Agency (U.S. EPA) held a public meeting from 6-8 p.m. at the Alpha Building (Classroom D). The purpose of the meeting was to discuss and obtain feedback from stakeholders about the Dispute Resolution Settlement Agreement pertaining to the Silos Project at the Fernald Environmental Management Project (FEMP). U.S. EPA officials presented the fundamental components of the agreement reached between U.S. EPA and the Department of Energy (DOE) and then provided an opportunity for stakeholders to make formal comments about the Dispute Resolution Agreement.

**Attendance at Workshop**

Approximately 30 people attended the meeting including representatives from the following affiliations:

- U.S. Environmental Protection Agency (U.S. EPA)
- Ohio Environmental Protection Agency (OEPA)
- DOE Ohio Field Office
- DOE-Fernald
- Fluor Daniel Fernald
- Fernald Citizens Advisory Board (formerly known as the Citizens Task Force)
- The Fernald Community Reuse Organization
- Fernald Residents for Environmental Safety & Health (FRESH)
- Crosby Township elected official
- Local Fernald residents
- Media representative from the Associated Press

**Presentations**

The meeting opened with brief remarks from Susan Pastor, U.S. EPA Community Involvement Coordinator. Pastor presented the meeting agenda and explained the purpose of the meeting. Pastor encouraged stakeholder feedback concerning the Dispute Resolution Settlement Agreement for the Silos Project and reminded stakeholders that the official public comment period ends on September 3, 1997..

During the next part of the meeting, Jim Saric, U.S. EPA's Remedial Project Manager, presented some background information about the Fernald Silos Project and a chronological review of events leading up to the agreement stage including:

- EPA signs Operable Unit 4 Record of Decision -- 12/7/94
- DOE informs EPA of schedule slippages for the Vitrification Pilot Plant -- 11/3/95
- DOE requests time extension for submittal of full-scale vitrification facility design documents -- 9/26/96
- EPA denies extension -- 10/2/96
- EPA and DOE extend informal dispute resolution process -- 10/9/96

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Pilot plant melter leaks and is shutdown -- 12/26/96  
 Independent Review Team formed to review silo progress -- 1/97  
 EPA and DOE reach agreement -- 5/15/97  
 EPA and DOE sign dispute resolution settlement agreement -- 7/22/97

Saric then presented the Silos Project Dispute Resolution Agreement components, which consist of the following:

Changes in the Silos Project schedule  
 Preparation of a "Lessons Learned" document  
 Five environmental projects  
 Monetary penalty

The revised schedule changes include:

<u>Document/Milestone</u>	<u>Revised Due Date</u>
Draft supplemental Silo 1 and 2 Feasibility Study and Proposed Plan	2/1/00
Draft Silo 1 and 2 Record of Decision amendment	12/29/00
Silo 3 Explanation of Significant Differences	9/15/97
Award of multi-technical contract for proof of principle Silo 1 and 2 testing	8/10/98

Next, Saric discussed the basic concepts behind the "Lessons Learned" document including the fact that it guides the design and operation of other pilot-scale and full-scale facilities; provides better interaction between the design and construction phases of remediation; and encourages more integrated project management.

The five environmental projects included in the dispute agreement include:

Conservation area near the FEMP site  
 Research grants for ecological restoration  
 Wild bird and flower habitat area  
 Railroad track recycling  
 Structural steel debris recycling

Monetary penalties associated with the agreement include a \$100,000 cash fine to be included in DOE's FY 99 budget request and a \$1.1 million total fine including cash and environmental projects.

### Stakeholder Feedback

After the presentations, a question & answer session was held followed by a formal comment period. Stakeholders asked questions, voiced concerns, and/or provided public comments for the record about the following topics/issues:

Who will provide long-term commitment to the conservation area and questions about how budget will be allocated in the out years. There were also several comments made from stakeholders regarding they would like to see the 30-100 acres be placed on-site (some did not want it in Crosby Township and others felt this decision should be left up to the Community Reuse Organization)

Questions about whether the research grants are really necessary in terms of the money that will be spent -- stakeholders requested more information about this issue

Adjustments to the baseline to address the \$1.1 million fine

Questions about when work on Silos 1 and 2 will actually begin

Stakeholders reminded EPA that they want to be informed and involved in the decision-making process -- they don't want to be told about events/issues after decisions are already made.

Stakeholders wanted EPA to make sure they review the Recycling Methodology Report that was recently completed

Stakeholders reminded EPA and DOE that they want to see all the Silos Project documents before they are final

Comments made that DOE should have to ask Congress for the \$1.1 million and that Congress needs to be aware of the situation

Also a concern about who (what agency if any) can help speed the decision-making process up for the remediation of Silo 3.

EPA needs to keep an eye on the NEPA process and how it ties into this process

There were a few comments made that stakeholders feel concerned that we are waiting to remediate Silos 1 and 2 -- suggestion made to go back and look at the structural integrity of the Silos before make decision to wait and remediate them later.

Also comment made that EPA should not push away from using vitrification for Silos 1 and 2 too quickly (this was in reference to the Proof of Principle contracts)

Stakeholders requested EPA to go back and look at the recommendations previously made concerning the Silos Project path forward (i.e. Independent Review Team reports)

Concerns expressed about How Clean is Clean?

One stakeholder suggested we find better ways to solicit more stakeholder input during these comment periods/public meetings, etc.

### Action Items:

Request for the "Lessons Learned" document to be placed on the Web Site.

Stakeholders requested a copy of the Silo 3 draft RFP the minute it is finished.

Provide Silos 1 and 2 radon monitoring data to FRESH.

**Next Step**

EPA will review and respond to all the comments made during the dispute resolution public comment period and issue responses to the comments in a responsiveness summary. A transcript, copies of the presentation, and handouts from the August 26 EPA Dispute Resolution Settlement Agreement public meeting will be available within the next two weeks at DOE's Public Environmental Information Center (PEIC) located at 10995 Hamilton Cleves Highway; (513)648-7480.