

4179

MASTER PLAN FOR PUBLIC USE

PUBLIC HEARING

- - -

FLUOR FERNALD

- - -

Thursday, February 28, 2002

ALACRITY

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Introduction

Gary Stegner,  
DOE Public Affairs 3

Question/Answer Session Panel Members:

Bill Kurey, Natural Resource Trustee

Tom Schneider, Natural Resource Trustee

Ed Skintik, DOE-FEMP

Eric Woods, Fluor Fernald

Pete Yerace, Natural Resource Trustee

Comments in Formal Comment Period:

Ms. Jean McCoard 44

Ms. Crawford 51

Closing Comments:

Mr. Stegner 52

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1 (The Public Hearing on the  
2 Master Plan for Public Use  
3 was called to order at 6:36 p.m.,  
4 at the Alpha Building, Classroom D,  
5 10967 Hamilton-Cleves Highway,  
6 Harrison, Ohio 45030.)

7 \* \* \*

8 \* \*

9 \*

10 (At the end of the Summary of the  
11 Master Plan at 6:55 p.m.)

12 MR. WOODS: -- and with that, I'll  
13 turn it back over to Gary.

14 MR. STEGNER: If we can get our  
15 panel up here now. We will entertain  
16 your questions.

17 Mr. Tabor?

18 MR. TABOR: I'm Bob Tabor, for the  
19 record, Fernald Trade and Labor Council,  
20 site employee and a member of all the  
21 organizations that are here, probably.

22 In looking over the plan, I guess I  
23 should already know this question, but I  
24 need to be, I need to have my mind  
25 refreshed here.

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On the, I think it's page 11, the  
alternative considered, how do those  
factor in to the basic plan here? Just  
kind of explain to me, alternatives to  
consider.

Is this something in addition to or  
in place of? What are we saying here,  
Eric? And I probably should know that,  
but --

MR. WOODS: I'm sorry?

MR. TABOR: Page 11, alternatives to  
consider.

MR. WOODS: Yes.

MR. TABOR: Are these things in  
addition to or are these things in place  
of? I mean, what are we talking about?  
Do you know?

MR. WOODS: These were alternatives  
that were considered -- to the  
considered, the proposed action that we,  
when we laid out a presentation,  
essentially the proposed actions in this  
document.

There were alternatives considered,  
and I think the reason that we need to

1 include those is simply to identify that,<sup>5</sup>  
2 you know, we had looked at the idea of  
3 there not being any use of the site, and  
4 we also looked at the idea of a  
5 recreational use of the site.

6 Both of those issues were ones that  
7 we received some comment on in the  
8 previous DA process. So we need to  
9 address those.

10 MR. TABOR: Okay. But they are not  
11 part of the primary proposed plan?

12 MR. WOODS: They were alternatives  
13 that were considered to what we are  
14 proposing.

15 MR. STEGNER: Other questions?

16 MS. YOCUM: I have comments on the  
17 solution.

18 MR. STEGNER: Edwa?

19 MS. YOCUM: On the outside disposal  
20 facility, you talk about a fence around  
21 the parameter. Would that include the  
22 buffer area or is that -- okay. I'll  
23 tell you what page it's on -- but what  
24 I'm asking is, does the fence include the  
25 buffer area?

1 MR. STEGNER: Pete?

2 MR. YERACE: I believe it does. It  
3 extends beyond the outside of the buffer  
4 area. The buffer area would be included  
5 within that fenced area.

6 MS. YOCUM: That fence? Okay. It's  
7 within that fence. Okay. I mean, if  
8 this is a decision of whether maybe some  
9 people might be wanting the trails  
10 surrounded and of how close the fence is  
11 going to be --

12 MR. YERACE: Based on the comments  
13 we received in the past -- that's why it  
14 wasn't anywhere near -- we went over that  
15 issue a couple of months, putting that  
16 near the buffer.

17 Because you have to remember that a  
18 bunch of things have happened. Anytime  
19 you have a place where there are trails,  
20 people tend to wander off the trails.

21 Based on the comments that we  
22 received in the past, we wanted to make  
23 sure that we considered that and that  
24 they stayed far away from that area.

25 MS. YOCUM: Well, my personal

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7  
1 opinion is to stay away from the site.

2 MR. SCHNEIDER: The buffer areas and  
3 the fence are both required. The fence  
4 is required. The buffer area starts at  
5 the edge of waste -- and the disposal  
6 cell, which is the very last point of  
7 placement, our disposal cell can't,  
8 happens to extend way past that first  
9 edge of waste.

10 If you remember the cell --

11 MS. YOCUM: Yes.

12 MR. SCHNEIDER: -- you have waste  
13 that stops here and the cap comes up  
14 right here.

15 MS. YOCUM: Right.

16 MR. SCHNEIDER: Well, that buffer,  
17 that State-mandated buffer is at the edge  
18 of the waste cells. There isn't much  
19 buffer that is outside of that cap.

20 But currently, the fence is then  
21 outside of the buffer area, plus the 200,  
22 2,000-year storm ditch.

23 If you come on the north access  
24 road, you know that great big rock-lined  
25 ditch?

1 MS. YOCUM: Yeah.

2 MR. SCHNEIDER: That is a 2,000-year  
3 storm runoff protection.

4 So the fence is on the outside of  
5 that on the east side and the north side.  
6 And then, you know, on the west side,  
7 there isn't a fence currently because  
8 it's inside the correction area.

9 But I assume that fence in would be  
10 on the other side of the manhole for the  
11 leaching line, just to keep those all  
12 excluded as well.

13 Yeah. It will be outside the buffer  
14 area and significantly behind that  
15 required buffer area as well.

16 MS. CRAWFORD: This doesn't show the  
17 cap --

18 MR. SCHNEIDER: I think that that --  
19 I believe that includes, when that was  
20 put together -- that includes the buffer  
21 area, but I can't be sure. That area,  
22 that footprint that you see on that  
23 picture is the quote-unquote buffer area.

24 MS. CRAWFORD: Okay.

25 MR. SCHNEIDER: Like I said, the

1                   buffer area and the edge of cap aren't<sup>9</sup>  
2                   much different.

3                   MR. STEGNER: Marvin?

4                   MR. CLAWSON: What kind of fence do  
5                   you propose to enclose this? Is it just  
6                   a standard field fence or a farm fence or  
7                   is it a chain link fence?

8                   MR. SCHNEIDER: I think the fence --  
9                   the State, I believe, requires what they  
10                  have out there now, but I don't know.

11                  I think it's standard, what, six- or  
12                  eight-foot chain link with three strands  
13                  of barbed wire, but I'm not sure. I  
14                  think it's the required fence, but I'm  
15                  not positive at all.

16                  MR. STEGNER: Carol?

17                  MS. SCHORER: I can't believe what  
18                  I'm reading here, so maybe things need to  
19                  be written just a little bit differently  
20                  (reading):

21                  "No off-road vehicles will be  
22                  permitted except on designated  
23                  roads."

24                  You're going to have off-road  
25                  vehicle roads? I mean, that's what it

1 sounds like to me. I realize what you<sup>10</sup>  
2 mean by the regular roads.

3 To me, just looking at that, it does  
4 sound like you are going to have off-road  
5 vehicle roads, does it not? Am I --

6 MR. WOODS: We don't plan any  
7 monster truck roads. No. We did intend  
8 that to imply the access roads.

9 You know, you can't prevent, you  
10 know, people driving any kind of vehicle  
11 in there, but we would --

12 MS. SCHORER: I understand. I  
13 wanted it to say no off-road vehicles,  
14 period.

15 MR. WOODS: It won't --

16 MS. YOCUM: Well, the whole thing,  
17 reading through that -- the Master Plan,  
18 I kept bringing up the Stewardship, it  
19 kept coming to my mind as what, you know,  
20 I really had questions on.

21 The, the proposed, the proposed  
22 action, I prefer that alternative because  
23 there was a lot of questions that were  
24 unanswered that related to the  
25 Stewardship.

1                   And so I really felt like, that I  
2                   couldn't make a comment other than where  
3                   we want the trails located.

4                   That's all I could see them  
5                   stopping, really.

6                   MR. STEGNER: You'll get your chance  
7                   to comment on the Stewardship Plan,  
8                   probably no later than this time next  
9                   year, probably sometime in late --

10                  MS. CRAWFORD: May I have this one?

11                  MR. SCHNEIDER: I think, you know,  
12                  those are probably valid comments. It's  
13                  not my plan, and I didn't write it or do  
14                  it. But my comments will go in on it,  
15                  the same time yours are.

16                  But those are all valid issues that  
17                  you have brought, and whether they go in  
18                  this document or it saves Gary getting  
19                  those same comments a year from now, you  
20                  know, Eric can start working on those in  
21                  the Stewardship Plan now.

22                  So I don't see what stops --

23                  MS. YOCUM: Well, if I had known  
24                  that, I would have documented them on  
25                  paper.

1 MR. STEGNER: You don't have any --<sup>12</sup>

2 MR. SCHNEIDER: You can mail those  
3 comments in to Gary very easily. They  
4 will get there the same way as tonight.

5 MS. CRAWFORD: But do you see the  
6 Master Plan and the Comprehensive  
7 Stewardship Plan are going to merge and  
8 mirror one another at some point,  
9 correct?

10 MR. STEGNER: That's yours.

11 MR. WOODS: Yeah, thank you. Any  
12 decisions that come out of the Master  
13 Plan, we would have to address in the  
14 Stewardship Plan.

15 So in other words, if we propose  
16 trails on site and that is a decision  
17 made out when we do the Stewardship Plan,  
18 we are going to talk about that and how  
19 to take care of that.

20 MS. CRAWFORD: But I don't see these  
21 two documents coming to almost mirror or  
22 merge at some point.

23 MR. WOODS: Yes. I think they're  
24 all very closely related. I mean, this  
25 Master Plan, you know, it talks about

1 public use of the site, and has  
2 information on the overlay of the  
3 restoration process.

4 I mean, obviously, they're very  
5 close to the Stewardship Plan. Yes. I  
6 think they are very closely related.

7 MS. CRAWFORD: I think you need to  
8 add to the discussion a prohibited  
9 actions list, and I know I've heard this  
10 several times, even though it's a  
11 park/green space thing. It needs to have  
12 a no before it like, no athletics or  
13 whatever you want to, you know, baseball  
14 or whatever.

15 I think you should maybe spell that  
16 one out a little clearer. Of course, I  
17 was reading the Stewardship Plan, not the  
18 Master Plan, so --

19 MR. YERACE: Well, the list is a  
20 living list, and we can put in what we  
21 received in the past and add and delete.

22 MS. CRAWFORD: I know we've heard  
23 that. I remember hearing that.

24 And then, my next comment is on the  
25 23 acres. I would really like you to

1 take your maps and take "Economics" off<sup>14</sup>  
2 of there.

3 This is a development area. It is  
4 not an economic development area anymore.  
5 I think you all heard that loud and clear  
6 at the last --

7 MR. STEGNER: That's been our  
8 problem here. Not -- for some reason, we  
9 can't get this word out of there. But it  
10 never was economic development.

11 MS. CRAWFORD: My problem is that  
12 you just don't call it an economic  
13 development area.

14 MR. STEGNER: Yes.

15 MR. YERACE: One thing that we  
16 debated in the Master Plan, it seems like  
17 right now we're down to two real issues  
18 here: will it be a multi-use educational  
19 facility here or will it be a restored  
20 area?

21 For the most part, that's really  
22 where we're at now. We were almost going  
23 to include that language in there. Those  
24 were the two issues.

25 But since we made that commitment in

1 the land and to leave that out until  
2 2004, yeah, 2004.

3 MS. CRAWFORD: Even with that, just  
4 get rid of the word "Economics", and that  
5 will make me happy.

6 MR. STEGNER: Other questions before  
7 we go into the Formal Comments? Yes,  
8 Graham?

9 MR. MITCHELL: Graham Mitchell with  
10 the Ohio EPA. This is just a -- and Tom  
11 and I have not talked about this -- so I  
12 would like Lisa and everybody to think  
13 about it. You've got no trails going to  
14 these lakes here in the middle of the  
15 site and I just think that -- it seems to  
16 me that when you have lakes, people are  
17 going to want to get to them.

18 I think it would be a good idea if  
19 you have, from some of these other areas,  
20 having the trails come off and go to  
21 those lakes so that you can develop a  
22 lookout area and control access, rather  
23 than have people just going there on  
24 their own.

25 MS. CRAWFORD: Well, they can walk

1 around this one lake.

2 MR. MITCHELL: Well, and this is a  
3 small one, but you've got four other  
4 lakes in the middle of the property  
5 that --

6 MS. CRAWFORD: And I understand  
7 where you're coming from, Graham, and  
8 it's a good point. But I think at the  
9 last three -- has it been three meetings?  
10 I can't even remember anymore.

11 I think the last clear thing that I  
12 heard was that that was a major  
13 production area. People just -- they  
14 don't want anybody in there.

15 MR. TABOR: Yeah. They don't need  
16 to be.

17 MR. MITCHELL: They are cleaning  
18 them up as a site, even after it's done.

19 MS. CRAWFORD: See, I was going to  
20 say that I thought there were too many  
21 trails. You'll find an awful lot of  
22 green slime in there.

23 MR. YERACE: Lisa, that's the last  
24 thing that I thought you were going to --

25 MR. TABOR: I think we ought to

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17  
1 stick signs right up in the middle of the  
2 lake where Plant 6 was or where Plant 5  
3 was and everything else like that, so  
4 that when we go to these lakes, we can  
5 really reminisce about the good old  
6 times.

7 MS. CRAWFORD: Come on, Edwa. Let's  
8 go on out there.

9 MR. KUREY: I think that the Fish  
10 and Wildlife Services is going to come  
11 down on the side of some fishermen there,  
12 too, if that's at all possible in there.  
13 I know I'd like to see -- we'd like to  
14 see some, maybe some kind of trails  
15 in that area as well.

16 MS. CRAWFORD: What now? Go back  
17 and say what you said at first.

18 MR. KUREY: I said I think that the  
19 Service is going to come down on the side  
20 of some fishermen, I think, possibly.  
21 Have some catch and release. And we'd  
22 like to see --

23 MS. CRAWFORD: At public meetings,  
24 people were like no fishing, no hunting,  
25 and --

1 MR. KUREY: Well, I'd like to hear  
2 some reasons perhaps why there shouldn't  
3 be fishing out there. Because I know  
4 that there's a lot of fishermen around.

5 MS. CRAWFORD: Yeah. My father's  
6 probably the biggest one in the county,  
7 if I had my guess about it.

8 But, you know, I mean, my  
9 understanding is that this is going to be  
10 remediated, but not to background, not to  
11 -- it's only going to, what, how many  
12 parts in this soil?

13 MR. SCHNEIDER: Depends on where you  
14 are at.

15 MS. CRAWFORD: Yeah, okay. You're  
16 cleaning it up, but you're not cleaning  
17 it up.

18 MR. YERACE: The problem is, here's  
19 the dilemma that we've faced in the past,  
20 Lisa: if you restore the area and are  
21 proposing restoration, you are allowing,  
22 saying you want the wildlife to come in.  
23 And that doesn't stop the fish from  
24 getting in that lake anyway. The fish  
25 are going to be there regardless of

1           whether we stock it or whatever.

2           MS. CRAWFORD: And if you don't  
3           stock it, there aren't going to be no  
4           fish in there.

5           MR. YERACE: Yes, there would be.

6           MS. CRAWFORD: Where are they going  
7           to come from?

8           MR. SCHNEIDER: There is a guy that  
9           goes to a different pond where everybody  
10          fishes, and, I mean, if you have an open  
11          body of water in this State and it not be  
12          populated by fish --

13          MR. YERACE: But the reality to it  
14          is that, the concern that we had as  
15          Trustees throughout this process was, we  
16          did not want to do ecological restoration  
17          and put deer in somewhere -- well, the  
18          question from the other side, why would  
19          you clean it up if you were concerned  
20          about a fish inside there would have some  
21          other contamination?

22          I mean, the reality of it was, you  
23          should never do restoration in an area if  
24          you think there's going to be a problem.

25          Just because we don't eat the fish,

1 that is part of the food cycle. Other  
2 animals will do it. And then with the  
3 Fish and Wildlife being one of the  
4 Trustees, you know, they've made it very  
5 clear to us from the Trustee standpoint  
6 that nothing less than catch and release  
7 would --

8 MS. CRAWFORD: You can catch them,  
9 but you have to throw them back?

10 MR. YERACE: Yes.

11 MR. SCHNEIDER: People will tend to  
12 find their ways to an open body of water  
13 to fish.

14 MS. CRAWFORD: I know. They run  
15 people off their pond all the time.

16 MR. SCHNEIDER: Right, and --

17 MS. CRAWFORD: Adults and children.

18 MR. SCHNEIDER: -- there is some  
19 benefit of setting that up so you can  
20 manage it. If you know it's going to  
21 happen one way or the other, there are  
22 some things it's better to --

23 MS. CRAWFORD: Don't you think that  
24 there would be somebody sitting out there  
25 and saying, "Oh, yeah. I caught ten and

1 now I have to throw ten back in."

2 MR. SCHNEIDER: Right. It's pretty  
3 easily controlled. There are lots of  
4 those kind of fisheries around. If  
5 you're walking in, it isn't as easy as it  
6 is if you're pulling out of the lake with  
7 your boat and they're still inside  
8 your --

9 But the fish will be there, and from  
10 an ecosystem standpoint to properly  
11 restore the area, there should be a  
12 community of fish in the lake. And then  
13 if you work on that function, that a  
14 healthy ecosystem will include a basic  
15 population of fish for sport, you know,  
16 birds that eat fish, and other aquatic  
17 mammals that eat fish.

18 Then you have lakes with fish in  
19 them, and then you're going to have  
20 people try to get to them.

21 But that's something that can be  
22 looked at. I don't think we have to come  
23 to a conclusion about yes or no on  
24 fishing until we see how the rest of the  
25 remediation goes.

1                   The way that it's going right now,  
2                   there's time for that issue. We can look  
3                   at both options and see what we want.

4                   MS. CRAWFORD: So you can assure  
5                   people, then, however many years down the  
6                   road from now, the water would have to be  
7                   tested and --

8                   MR. SCHNEIDER: I think we're going  
9                   to have to do that anyway. Just to make  
10                  assure, making sure our remediation  
11                  works.

12                  You know, we found basically through  
13                  our surface water sampling on the site  
14                  that the surface water is one of the  
15                  quickest ways to find out if you missed  
16                  something or that if there is something  
17                  that you need to look for.

18                  We've seen that in a number of ways.  
19                  So conducting surface water sampling  
20                  post-remediation is not only smart on all  
21                  our parts anyway. So I don't see how  
22                  this is different.

23                  MS. CRAWFORD: You don't think there  
24                  are too many trails on this map?

25                  MR. SCHNEIDER: Do I think there are

1 too many trails on this map? I agree --  
2 well, I saw this map for the first time  
3 today, too.

4 And believe it or not, I had the  
5 same conclusion that Graham did. I think  
6 that to get to the bottom of it, it's a  
7 good area for -- but, if you take that  
8 series of trails and you expand them into  
9 some different areas, then you probably  
10 have a reasonable amount of trails.

11 The other side of that is that I  
12 don't think this is intended to be a  
13 final answer on every trail. I think  
14 that what we need to do in the next step,  
15 once we reach a conclusion of the trails  
16 that are okay and talk to folks who know  
17 trails and they say, you know, you've  
18 built too many trails.

19 And we say, you know, what's the  
20 reasonable distance of trails you would  
21 have, and so --

22 MS. CRAWFORD: And the little blue  
23 lines for water. Is that like little  
24 creeks and --

25 MR. SCHNEIDER: That is Paddy's Run,

1 majority of it, running north and south,  
2 is Paddy's Run. In most cases, that's  
3 all dry.

4 MR. YERACE: The far area on the  
5 southeast corner, we will have little  
6 channels of water going through the far  
7 area. And then that northeast corner,  
8 that's the existing, that is already  
9 created. Now, the big blue area is the  
10 open water body area.

11 MR. SCHNEIDER: Yeah. In general, I  
12 would say that the dark blue lines show  
13 mainly streams that are probably 90  
14 percent of the time, I guess, dry with  
15 the exception of Paddy's Run. There are  
16 some ponds that are dry, wet, you know,  
17 not deep.

18 MS. CRAWFORD: How deep? How deep  
19 are these waters?

20 MR. YERACE: It will be varied based  
21 on effects of the remediation. The other  
22 issue on the trails --

23 MR. SCHNEIDER: Thirty, 40 feet.

24 MR. YERACE: -- Lisa, is where, when  
25 you see this rendition of where we think

1 the trails might be, these are just  
2 mulched trails. You know, it's just a  
3 mulched area. It's open for comment on  
4 what they would be. But when I think of  
5 trails, I think of what we have at  
6 Whitewater around here. We think of  
7 paved trails.

8 MS. CRAWFORD: The only paved ones  
9 are the access roads.

10 MR. YERACE: Right. The other ones  
11 are really going to be -- when we do our  
12 restoration work, we're going to have  
13 areas that are back in there to do our  
14 work. And we are going to leave those  
15 areas in there, and you can choose to  
16 mulch them if you want. Of if you don't  
17 want trails, you don't have to do that.

18 The extent of the trails in a lot of  
19 the cases, is really just putting the  
20 mulch down. The long-term Stewardship  
21 issue we talked about, you know, whether  
22 you would want to maintain them or not.

23 MR. SCHNEIDER: He had a question in  
24 the back.

25 MR. STEGNER: Steve?

1 MR. McCracken: Yeah. I'd like to  
2 make one comment. I think that an  
3 important thing to do is to look at the  
4 Master Plan as a reflection of what we  
5 think we want to do right now, but  
6 recognize that we are more than willing  
7 to modify that plan as we go along and as  
8 we prepare other required documents like  
9 the Stewardship Plan and other plans or  
10 any other thing, keep this thing updated  
11 as to what we think at that time is what  
12 we want to do.

13 And Tom's point is a really good  
14 one, and that is that even though we have  
15 a cleanup objective, we may do better.

16 And so at the end of this project,  
17 we should look at what we accomplished  
18 and ask ourselves if there are other  
19 things we want to do, can we do those  
20 things based on the cleanup that we have  
21 accomplished, which could be better than  
22 the objectives we started out to do.

23 So I think it's very appropriate to  
24 keep in the back of our minds that this  
25 Master Plan is our way of showing what we

1 want to do over time with the objectives.

2 MS. CRAWFORD: So it would be a  
3 living document?

4 MR. McCRACKEN: Correct.

5 MS. CRAWFORD: Okay. So that's a  
6 formal comment to us that these documents  
7 be a living document that can be added to  
8 or --

9 MR. McCRACKEN: And I strongly agree  
10 with Tom. We'll probably do it anyway,  
11 even if people don't want fish in those  
12 lakes, we will probably do it anyway.  
13 And that is a list assessment, kind of a  
14 post-close or risk assessment looking at  
15 what we've accomplished, what is the risk  
16 of using this now. You know, how, you  
17 may have, the risk may be -- well, we may  
18 have done better than we had thought we  
19 could.

20 MR. YERACE: If you go out there and  
21 see the wetland area that we have already  
22 restored, we have certification and then  
23 when you get that certification and you  
24 find out in a lot of cases that you have  
25 cleaned up above that. And that is even

1 more reassuring that you put that record  
2 in there that it is a safe environment  
3 for the wetlands.

4 MS. CRAWFORD: I'll take ten steps  
5 backwards and just say I have a real  
6 problem with the bike trails. That was a  
7 major issue for me.

8 But I'll take ten steps backwards  
9 and say what I said then.

10 You know, I'm willing to step back  
11 and say, you know, it's a personal  
12 choice. If you want to fish -- my father  
13 would probably be the first -- oh, God --  
14 one over there. Why, but I have a  
15 feeling.

16 MR. McCracken: Let me say one final  
17 thing. I'm thinking as we go here, we  
18 will probably do a risk assessment in  
19 that lake anyway.

20 MS. CRAWFORD: Okay.

21 MR. McCracken: Because if you build  
22 a lake, you better -- if you think you're  
23 going to keep people away from that  
24 without building real high fences --

25 MS. CRAWFORD: Well --

1 MR. McCRACKEN: So we would want to  
2 know if we have created something that  
3 might be a risk. So I'm assuming we  
4 would do that anyway.

5 MS. CRAWFORD: I just want to know,  
6 you know, because if you want to fish,  
7 it's a personal choice, but the other  
8 thing would be swimming out there.

9 But it says no swimming, but, you  
10 know --

11 MS. SCHORER: And wading.

12 MS. CRAWFORD: You know how  
13 teenagers or even 20 year olds are. I  
14 know how they are.

15 MR. YERACE: Okay. Okay. In the  
16 past, Lisa, we've gone to workshops, and  
17 they support real heavily, also, and  
18 through comments received, they would  
19 like to see it, with the stipulation that  
20 the catch and release might be the best  
21 way to go.

22 MR. STEGNER: John, do you have a  
23 question?

24 MR. REISING: I don't see any  
25 provisions on this map to take care of

1 the leach beds.

2 MS. CRAWFORD: Would that be inside  
3 the --

4 MR. SCHNEIDER: Well, I think that  
5 goes back to the issue on where does all  
6 this overlap with the Stewardship stuff.

7 And if you look on this map, and  
8 it's somewhere in the future, but whether  
9 it's ten years in the future or 20 years  
10 in the future, but I don't have that  
11 answer, and I'm not sure anybody has that  
12 answer for you.

13 For a significant amount of time,  
14 there will be a little one over here that  
15 is for the leaching, and another time,  
16 there is going to be, probably, a little  
17 building closer to the disposal site  
18 taking care of the minor level of  
19 leaching that will come out of it.

20 Right now, Cell 1, the leaching  
21 coming out of Cell 1 is very, very low,  
22 and can be managed at a pretty small  
23 system.

24 But that's going to be in the  
25 future. If we see that change, I don't

1 think -- no, that's not seen in this  
2 picture, but there's probably a little  
3 building into that circle, the lollipop  
4 road there, you know, that has the  
5 turnaround, the cul-de-sac around it.

6 You stick a building there with a  
7 low-flow treatment system.

8 So we'll need the groundwater  
9 treatment systems for quite a while, too.  
10 I mean, it's going to be there for a  
11 while after the fact.

12 MR. YERACE: But I think that with  
13 the maps that are being created now that  
14 you see, with the Stewardship, all that's  
15 finished would a record for decision for  
16 what you need to have and relate it for  
17 the OSCF.

18 I know that I've seen and what the  
19 site would look like at the end, for what  
20 it's worth, what the site will look like  
21 at the end. I think that's going to tie  
22 into a lot of Stewardship.

23 But, again, to get back to what  
24 Steve was saying: All that information  
25 somehow has to get back and we'll keep

1 that living Master Plan and keep  
2 getting it updated to reflect  
3 Stewardship, and we have to make sure we  
4 look at the Master Plan so it ties back  
5 to the restoration plan.

6 MS. CRAWFORD: So will it tie in  
7 with the Stewardship Plan?

8 MS. McALLISTER: I have three  
9 questions. The first one is that I  
10 understand no biking on or off trails.  
11 Does that mean no biking at all, and  
12 what's the reason for that? Is that  
13 because of dirt being --

14 MR. SCHNEIDER: I think there are a  
15 couple of reasons for that. If you read  
16 this plan, the Trustees fully support  
17 this as that this site will have an  
18 education focus, not a recreation focus.

19 And in reality, when we did the  
20 original risk assessment, it was an  
21 undeveloped, not a recreational park.

22 So we didn't do huge updates of  
23 soils or for kids or adults.

24 And so, that aspect of it is that,  
25 this Master Plan is consistent with that

1 original one, and it's an educational  
2 focus, not a recreational focus.

3 MS. CRAWFORD: But that is along  
4 with the -- even with paddle boats, it's  
5 along the same lines.

6 MR. SCHNEIDER: Yes.

7 MS. McALLISTER: And the other  
8 question is, do you know the recent  
9 chain of events with the secretary and  
10 the new budgets run by Congress and  
11 everything, being this is a living  
12 document, will this, is this something  
13 that is working so that no matter how  
14 that ends up, we know that in 2006, the  
15 cleanup end date, is this something that  
16 workable with those plans as well?

17 MR. SCHNEIDER: I'll turn that one  
18 over to the DOE guy.

19 Well, I don't think that is part of  
20 that concept, yeah, to sacrifice that  
21 concept. No. It's really the opposite  
22 of that.

23 It was all intended to be a, you  
24 know, a contribution to the community in  
25 the end.

1                   That's why we have a Master Use plan  
2                   for the site, so we would not be in that  
3                   situation.

4                   After saying I was going to turn it  
5                   over to you, I ended up --

6                   MR. YERACE: That's fine.

7                   MR. STEGNER: Bob?

8                   MR. TABOR: Well, you probably  
9                   already know about the potential that it  
10                  could possibly bleed some contamination  
11                  in your lake area. Well, how would you  
12                  remediate that if there was?

13                  MR. SCHNEIDER: There will be  
14                  Uranium in the lake. That's a given.  
15                  It's in all the lakes already, but there  
16                  will probably be above background  
17                  concentrations of Uranium in the lake.

18                  And, in general, it's not in your  
19                  best interests to chase the surface  
20                  water.

21                  If we see we have problems with the  
22                  surface water that are above what we  
23                  expected, or you know, you wouldn't  
24                  expect based on the soil concentrivity,  
25                  it comes up the right number, we clean up

1 what we can and get to it.

2 Then, you know, we should meet all  
3 our expectations of the surface water  
4 without any problem.

5 If we start seeing high  
6 concentrations in surface water, it  
7 generally reflects back on some soil  
8 issue. There's a source that you missed  
9 or that you need to go investigate.

10 So, yeah, we have examples where we  
11 have found an increase of Uranium, which  
12 led quickly back to the solid waste  
13 landfill and the source that we needed to  
14 do more looking at.

15 And so those things -- generally,  
16 surface water doesn't get contaminated on  
17 its own. There is a source that leads to  
18 it.

19 So it's pretty reflective of the  
20 soil that surrounds it. So if we start  
21 seeing it coming up in the surface water,  
22 the issue will be finding that soil  
23 that's causing that issue.

24 MR. MITCHELL: So one of the keys is  
25 to make sure that we do a good

1 certification job in the first place and  
2 we don't end up with a problem in  
3 Marvin's yard.

4 MR. SCHNEIDER: That's right. And  
5 the best I can give you of that is what  
6 we're doing right now. We're yanking out  
7 a tube. We did that after a number we,  
8 the Ohio EPA, collected a number of  
9 surface water samples of runoff ended up  
10 in an area that had been remediated.

11 We went in, surface water  
12 concentration going into that pond is  
13 100, 160, you know, well over what we  
14 want going into the aquifer.

15 That's why we put the pond there in  
16 the first place. We wanted to catch the  
17 storm water and keep it from infiltrating  
18 into the aquifer.

19 Well, after the remediation is all  
20 done, we are getting samples that are  
21 down below 25, which is below the  
22 concentration we're worried about getting  
23 into the aquifer.

24 So that's an example of when you do  
25 the cleanup, you get everything that you

1 expected to get at, then the surface  
2 water reflects that you did the job you  
3 were supposed to do.

4 MR. YERACE: Bottom line, that's the  
5 whole purpose of our certification. We  
6 will go to several areas on site that we  
7 have, you know, already remediated and  
8 gone through a certification process and  
9 spent a lot of time to make sure that the  
10 certification levels are below, and  
11 that's the ultimate goal.

12 MR. SCHNEIDER: And the surface  
13 level gives you a real good example of  
14 how when we do certification, we go out  
15 and take 16 samples over a given area.

16 But in general, surface water will  
17 cover runoff in that entire area. When  
18 you capture that sample, you get a pretty  
19 good representation of everything that  
20 you've cleaned up.

21 Does that cover your -- you have  
22 another --

23 MR. CLAWSON: Well, like you have  
24 lakes -- I mean, actually, if you didn't  
25 have fish or something in those lakes

1 that take care of the mosquito  
2 population, or whatever, you would have a  
3 -- area instead of a live area.

4 MR. SCHNEIDER: That's right. The  
5 whole part of that system is to have that  
6 system of plants, animals, and bugs  
7 together keeping things in balance.  
8 Otherwise, you do have the potential to  
9 end up with a whole mosquito problem or  
10 another problem that, you know, you get a  
11 system that is out of balance.

12 MR. YERACE: Marvin, in a typical  
13 lake, probably that lake will turn over,  
14 as most people see it, once or twice a  
15 year you'll get the turnover.

16 That doesn't hurt that balance in  
17 that lake. And all of that that is right  
18 in the bottom of the lake ends up coming,  
19 and you start seeing that stuff coming to  
20 the surface on an annual basis. If you  
21 have a stagnant lake, that is not going  
22 to happen.

23 So you're right. You want that  
24 system to be able to turn over on an  
25 annual basis.

1 MS. CRAWFORD: On this 4.2, since I  
2 was reading the wrong document -- now, I  
3 am trying to consider the limited public  
4 access one. Well, I'd like to say that  
5 there's no biking. I mean, that needs to  
6 go.

7 MR. SCHNEIDER: Part of the problem  
8 here is that the documents are written by  
9 the DA, subsequently not by -- and they  
10 includes a list of what they consider.

11 MS. CRAWFORD: So what --

12 MR. SCHNEIDER: Does that answer  
13 your question? Go ahead, Eric.

14 MR. WOODS: Yeah. I think you're  
15 talking about the top of page --

16 MS. CRAWFORD: No. It says that  
17 right here on 4.2. And then in a couple  
18 of areas it says, no public hiking,  
19 biking, off the trail can be permitted.

20 MR. WOODS: Yeah, we got that, and  
21 that's the alternative that you see.

22 MS. CRAWFORD: There is no biking  
23 nowhere, correct?

24 MS. WALPOLE: Let me help you, Lisa.  
25 Okay. What we are saying is they are

1 listing what they thought they might do.  
2 But that doesn't mean it's what they will  
3 do. Those are alternatives.

4 One alternative would be to do  
5 nothing. Another alternative was to do a  
6 lot more. Okay?

7 But they ended up in between those  
8 things. Right.

9 MR. TABOR: That was the question I  
10 asked in the beginning, Lisa. What do  
11 those things mean?

12 MS. CRAWFORD: Well, 5.1, which is  
13 the proposed action --

14 MR. WOODS: Correct.

15 MS. CRAWFORD: Okay.

16 MR. WOODS: I think the bullet at  
17 the top of page 13 has that no public  
18 hiking, biking. That alternative was  
19 that the trails being expanded to allow  
20 biking on the trails.

21 And if that was the case, we still  
22 wouldn't want those bikes, we wouldn't  
23 want the bikes to go off the trails.

24 The only distinction between that  
25 alternative and what we proposed was the

1 recreational use of biking versus, you  
2 know, biking for exercise versus hiking  
3 and information for education.

4 MR. YERACE: But the purpose of the  
5 Section 4 that may help you, Bob, was  
6 that bound, well, no action to what the  
7 preferred action is. And within those  
8 bounds, we had a lot of comments. I  
9 mean, we had horse trails and there were  
10 a lot of comments that came out of that.  
11 And this is the bounds between those two  
12 things.

13 And the preferred alternative,  
14 hopefully, puts us right where, exactly  
15 what the public want wanted to see.

16 But within that, lots of things that  
17 we said we're not going to do now were  
18 still recommendations that came out of  
19 the comments.

20 MR. TABOR: Well, that's good. And  
21 that's why I asked for the clarity  
22 upfront.

23 Are those things in Section 4 and  
24 beyond, were they something that were  
25 considerations that you can modify later

1 on or were they just proposed  
2 alternatives and things that had been put  
3 forth previously, and you answered the  
4 question?

5 MR. YERACE: We considered them all  
6 in the evaluation in the preferred  
7 alternatives.

8 And it's a difficult process because  
9 as you go through this, you want to make  
10 sure that you address everybody's  
11 comments.

12 But then you've got things that you  
13 want in the preferred alternative that  
14 allowed you to address any concerns that  
15 the public had.

16 That's why we decided on some  
17 prohibited actions in there.

18 MR. CLAWSON: Now we have the cap  
19 back, how long is that going to last? As  
20 long as you're in remediation?

21 You know, 2006? Is there cows going  
22 to be in there until 2006 or are they  
23 going to there from now on?

24 MR. YERACE: There is a storm there.  
25 Marv, I don't know what they have

1 scheduled, but that area will be restored<sup>43</sup>  
2 under the restoration plan, I think a  
3 2004 time frame.

4 On an annual basis now, we still  
5 renew the lease for the grazing, but to  
6 be consistent with what we need to do to  
7 prep that area for restoration, which is  
8 typically to remove the fescue and put  
9 natives in, we will book each year,  
10 schedule it. And if the schedule says  
11 2004 we need to restore that area, then  
12 we will not renew that lease so that we  
13 can then prep that area.

14 I don't have the schedule in front  
15 of me, but I know it's somewhere between  
16 2003 and 2004 that we would terminate  
17 that lease so that we can then meet our  
18 restoration goals and then come out of  
19 the restoration plan.

20 MR. REISING: In addition to that,  
21 if we need to -- the way the lease  
22 agreement is -- if we need to get in  
23 there for some reason, we have a windfall  
24 of money and we want to do the  
25 remediation and the end of the

1 restoration, we can terminate that lease  
2 within, like, 90 days.

3 So whenever we need to, we can get  
4 in there.

5 MR. TABOR: I assume that you don't  
6 have to look for cows -- so we don't have  
7 any holy cows to look for.

8 MR. YERACE: What's that, Bob?

9 MR. TABOR: I was saying that I  
10 assume that you don't lose, so we don't  
11 have any holy cows to look for. Forget  
12 it.

13 MR. STEGNER: Okay. Good questions.  
14 Let's go ahead, and we can dismiss the  
15 panel.

16 And we may as well -- since Julia, I  
17 think, is ready -- just go straight into  
18 the Public Comment Period.

19 We have two people indicating that  
20 they wanted to make comments.

21 Jean?

22 MS. McCOARD: Greetings. I'm Jean  
23 McCoard from the Native American  
24 Alliances of Ohio. It's good to see all  
25 of you again. It's been quite some time

1 since we've seen you.

2 In the -- yeah, I do bring you  
3 greetings from Barbara Crandall who was  
4 unable to be here tonight. But we are  
5 hoping to bring several of our people  
6 next month.

7 I'd like to talk to you about some  
8 things that have been going on in the  
9 country beyond Fernald that we have been  
10 involved in because it all relates to  
11 Fernald.

12 We have been to several hearings of  
13 the Native American Graves Protection  
14 Act -- I would like to be able to say  
15 that all in one sentence without having  
16 to take a breath -- otherwise known as  
17 NAGPA.

18 And at these hearings at Nashville  
19 in December of 2000, in California in  
20 June of 2001 and in Boston of November of  
21 2001, we have put forth a proposal for  
22 the Native American burial site here at  
23 Fernald.

24 It has been greeted with great  
25 enthusiasm at this point by the

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1 committee.

2 They are looking at this as a model  
3 proposal for reasons, for areas such as  
4 Ohio that have no Federally-recognized  
5 Indians, and this is a very important  
6 political issue within the Indian  
7 community, being Federally recognized or  
8 not Federally recognized.

9 And we are right in the middle of  
10 the bulk of states that have no  
11 Federally-reconized tribes: Ohio,  
12 Indiana, Illinois, Kentucky, Tennessee,  
13 West Virginia, and then numerous others  
14 that stretch across to the east coast and  
15 up into to Vermont and New Hampshire.

16 These states have considerably high  
17 populations of Indians, a huge Indian  
18 presence in their history, and yet no  
19 Federally-recognized tribes.

20 So they have been quite enthusiastic  
21 in their endorsement of this plan.

22 In addition to the NAGPA hearings,  
23 the Ohio House of Representatives has  
24 just concluded a series of hearings of  
25 selecting a committee to review the Ohio

1 Historic Society.

2 Their preliminary report that has  
3 been released just a week ago and will go  
4 for a final vote from the committee next  
5 week has recommended the Ohio Historical  
6 Society be mandated to work with Native  
7 Americans in Ohio.

8 This, we believe, is a huge step in  
9 the right direction.

10 They have been asked to develop  
11 mechanisms for working with Indians and  
12 to provide a report to the committee, to  
13 the Governor, and to the president of the  
14 Senate by September 30th.

15 Now, what this does is open up,  
16 begin to open up some of the concerns in  
17 Ohio about Native Americans and about  
18 Native American remains that do not fall  
19 under the NAGPA category.

20 In addition, they want to develop a  
21 plan for discoveries of bodies and for a  
22 protection of unmarked cemeteries and  
23 graves.

24 Now all of these things, for the  
25 most part, would not fall under the

1 Federal law, but would fall under State  
2 mandates or law, but could conceivably  
3 bring forward a number of Native American  
4 remains that would need reburial.

5 So, at this point, we have been  
6 quite excited about things that are  
7 happening in this country and in this  
8 state regarding Native Americans and we  
9 kind of feel like we're in a juggling act  
10 because at this point, everybody is  
11 waiting for somebody else to act.

12 We will be going to NAGPA in Tulsa,  
13 Oklahoma, in June, at which time we will  
14 be reporting on what's happening in Ohio,  
15 and we will probably take copies of this  
16 map to share with them some of the  
17 proposals that are coming from here.

18 What we really need to do to help  
19 move everything into the future is to  
20 have the reburial here at Fernald  
21 sometime soon.

22 We have a skull, and we have written  
23 a letter asking permission to have this  
24 skull reburied here in the hopes that  
25 perhaps by one reburial, we can have this

1 set up as a precedent so that we can move  
2 forward.

3 NAGPA has a number of things that  
4 they need to do in terms of redefining  
5 some of the law in learning to deal with  
6 states without Federally-recognized  
7 Indians.

8 And so, in a sense, they are waiting  
9 for us. This is an historic event that  
10 is going to happen here at Fernald.

11 In a sense, we're all waiting to  
12 commence the start on this so that  
13 further work can be done.

14 In the meantime, when it comes to  
15 actually speaking of the memorial park  
16 here, we have two requests to make:

17 The first request is that you  
18 continue to keep Ohio Indians involved in  
19 the process, in each step of the  
20 planning.

21 As you know, all the plans have  
22 arrived on behalf of the Alliance and  
23 associates working with you through this  
24 process for many years.

25 And at this point in the process,

1 it would be both unequitable and unfair  
2 to have us moved out and your  
3 Federally-recognized tribes to be moving  
4 in and continue to work here.

5 So we ask respectfully that we  
6 continue to be included in this process.

7 The second thing that we would  
8 request as we are looking at the actual  
9 outline of this is to keep the memorial  
10 park simple.

11 Native Americans are people of  
12 simplicity. And we don't need bells and  
13 whistles, and we don't need a whole lot  
14 of really glorious things.

15 If you look at ancient mounds,  
16 they're, in spite of the complexity and  
17 beauty, they are still simply made with  
18 stones and with dirt.

19 And we ask that, as further plans go  
20 on, that the Native American burial areas  
21 be very simple areas.

22 I thank you very much, and thank you  
23 again for all of the attention and  
24 respect that you have given to us over  
25 the years.

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1 MR. STEGNER: Thank you, Jean.

2 Bill Kurey, did you want to speak for a  
3 moment?

4 MR. KUREY: No. I said what I  
5 wanted to say something about that.

6 MR. STEGNER: Okay. We have a microphone  
7 here. Does anybody else have comments  
8 they want to make now?

9 MS. CRAWFORD: Can I say something  
10 or just send them in?

11 MR. STEGNER: Well, it would be nice  
12 if you did or you could send them anyway.

13 MS. CRAWFORD: Can I stand here?  
14 Can you hear me? All right. My name's  
15 Lisa Crawford. I'm the president of  
16 Fernald Residents Environmental Safety  
17 and Health.

18 Number 1, get rid of "Economic".  
19 Take it out of these documents,  
20 everywhere it's in there. I counted  
21 three places.

22 Number 2, the fish thing scares me.  
23 I consider that as a recreational thing.  
24 But I won't push it. Let's hear what  
25 other folks have to say about it.

1                   There was something else. Oh, make  
2                   sure there's no athletics or sports,  
3                   whatever you call it. That needs to be  
4                   added to the don't do list.

5                   And make sure it stays a living  
6                   document so we can add and delete as we  
7                   move through the process and make sure  
8                   that as we move into the Stewardship  
9                   planning that those two, that this  
10                  document and the Stewardship document  
11                  kind of mirror each other and become  
12                  almost, well, almost merge and become one  
13                  at some point I would say.

14                  That's it.

15                  MR. STEGNER: Thank you, Lisa. Any  
16                  other comments? I'd like to remind you  
17                  all that you have until the 15th of March  
18                  to submit comments, and you can submit  
19                  them to me by regular mail or by e-mail.  
20                  My e-mail address is on the forms that  
21                  you have here.

22                  We will do a responsive  
23                  documentation. A transcript of this will  
24                  be placed in the public environment.

25                  And so with that, thank you all for

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coming. Be careful going home.

(The Formal Public Comment Period  
concluded at 7:46 p.m.)

