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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

NOV 26 2003

Mr. Robert Warther  
United States Department of Energy  
Ohio Field Office-Springdale  
175 Tri-County Parkway  
Cincinnati, Ohio 45246

LIBRARY: \_\_\_\_\_  
REPLY TO THE ATTENTION OF  
2003 DEC 11 P 1:44  
FILE: 205124  
OG ~~SRF-6J~~  
FERNALD

RE: RBES Fernald, OH Site

Dear Mr. Warther:

The United States Environmental Protection Agency has reviewed the United States Department of Energy (U.S. DOE) draft Risk-Based End State vision (RBES) document for the Fernald, OH site dated December 1, 2003. This document presents a master list of potential changes to the site cleanup. U.S. EPA is not supportive of any of the proposed items on the master list.

On November 21, 2003, a public meeting was held on this topic. However, the public participation process with the RBES has been minimal and there has been little coordination with the regulators on this issue. The RBES document and the list of recommendations were developed and presented in a matter inconsistent with how such issues were handled over the last ten years. This document was not developed with any regulatory input or public participation, but rather was developed internally by U.S. DOE and its contractor Fluor Fernald. The regulators and some members of the public were only given a few days to review the document before the public meeting.

It is U.S. EPA's position that in the mid-1990s the Fernald, OH site has used the RBES approach and vision to develop an end state using a balanced approach. As opposed to shipping all contaminated materials off-site and cleaning up to background levels, the stakeholders agreed to the construction of an On-Site Disposal Cell over a sole source aquifer, and limiting the land use to an undeveloped park. U.S. DOE agreed to ship the lower volume, yet highest contaminated materials off-site. This early vision developed by all of the involved stakeholders allowed the cleanup to progress quickly and saved U.S. DOE billions in cleanup costs.

U.S. EPA does not support any of the activities provided in the "master list" for the site and would not support a reduced list including any of the alternatives. All of the alternatives presented in the RBES are inconsistent with earlier Records of Decision for the site and agreements made with the stakeholders.

The RBES policy allows for some sites to require no further action or changes from their existing

path forward. The U.S. DOE Fernald, OH site cleanup is approximately 70% complete, and there are defined cleanup goals and milestones established to achieve site closure in 2006. U.S. EPA recommends no further pursuit of the actions proposed in the RBES document. If U.S. DOE proposes future changes that may benefit the cleanup process, U.S. EPA recommends following the established process which includes full stakeholder and regulatory involvement.

If you have any questions regarding this matter, please contact James Saric of my staff at (312) 886-0992.

Sincerely,



Gary Schafer  
Chief  
Federal Facilities Section  
SFD Remedial Response Branch #2

cc: Jim Woolford, U.S. EPA-FFRRO  
Jessie Roberson, U.S. DOE  
Johnny Reising, U.S. DOE-Fernald  
Tom Schneider, OEPA-SWDO  
Graham Mitchell, OEPA-SWDO