

# FERNALD NATURAL RESOURCE DAMAGES SETTLEMENT



Public Meeting  
Crosby Senior Center  
July 31, 2008

7/51

# History of Litigation

- March 1986 – Ohio filed Complaint
- December 1988 - Consent Decree
- 1994 –1996 - Records of Decisions



*Plant 6 Operator bands low enriched, machined uranium ingots to pallets 12/31/88*

# History of Litigation

- 1993 Trustees discuss integrating settlement with cleanup
- 1993 – 2005 settlement negotiations
- 2005 – 2008 active litigation



*AWWT construction 10/4/93*

# History of Fernald

- 1951 – 1989 uranium foundry
  - Feed Material Production Center (FMPC)
  - 500 million pounds high grade, low enriched uranium
- 1989 placed on National Priority List of Comprehensive Environmental Response, Compensation, and Liability Act
- 1989 – 2006 developed and implemented 5 RODs
- October 29, 2006 closure contract completed/DOE accepted January 19, 2007

# History of Fernald

- 225 acres of Great Miami Aquifer contaminated
  - pump and treat system installed to treat ground water
- 400 acres of soil excavated
  - disposed on site and at regulated off-site facilities
  - 2.5 million cubic yards

# History of Fernald

- 224 buildings/structures decommissioned and demolished
- 975,000 cubic yards of waste pit material removed

# History of Fernald

- Material in silos was the single largest concentrated source of radon in the world
  - silos 1 and 2 together contained 8,900 cubic yards of material
  - silo 3 contained 5,100 cubic yards of material
- 3 million cubic yard on-site disposal facility
- Site transitioned to US DOE Office of Legacy Management in 2006



August  
1992



April  
2005



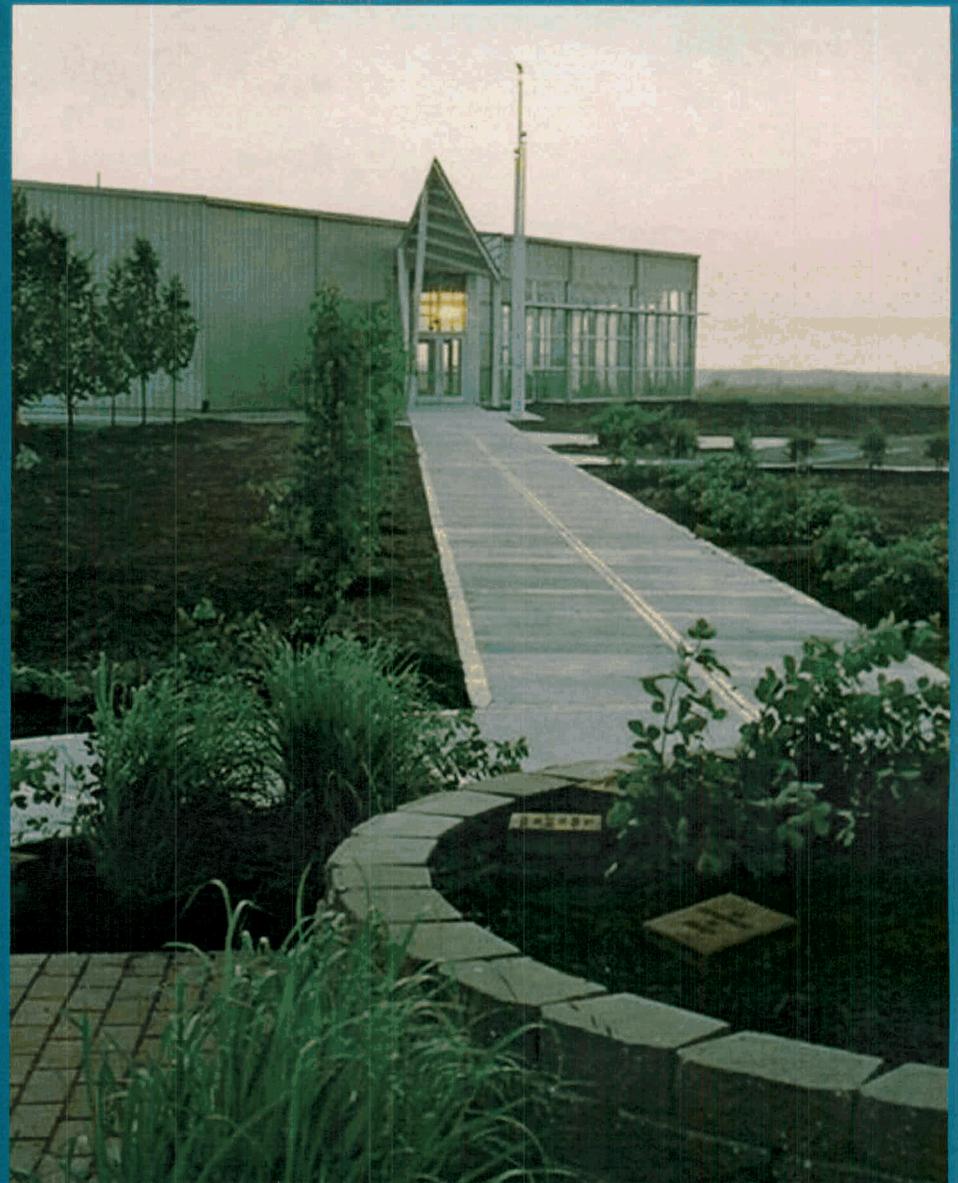
June  
2008

# Current Status of Fernald Preserve

- Office of Legacy Management transition October 30, 2006
- LM implementing Legacy Management and Institutional Control Plan (LMICP)

# Current Status of Fernald Preserve

- Aquifer remedy infrastructure in place working well consolidated advanced waste water treatment facility – extraction/monitoring wells
- On-site disposal facility – monitored and maintained
- 900 plus acres devoted to natural resources
- Development of visitors center (former silos warehouse)





# Settlement Process

- 1993 – 1998 Natural Resources Trustees (Ohio EPA; USDOJ; USDOE) developed strategy to mitigate natural resource impacts and settle claim
- Establish a Natural Resources Restoration Plan (NRRP); transition site to final land use agreed upon that is consistent with established risk levels and that integrates and is concurrent with remedial design and remedial actions required by RODs

# Settlement Process

- Trustees developed Natural Resources Impact Assessment to identify impact to natural resources
- Trustees developed habitat equivalency analysis to determine appropriate level of restoration
- NRRP established process and projects to compensate for natural resource impacts (draft July 1998; draft January 2002; final July 2008)

# Settlement Process

- 1996 – 2005 Trustee interactions and negotiation of projects
- 2005 – 2008 General agreement on terrestrial impacts/disagreement on ground water impacts
- Court supervised settlement

# Partial Consent Decree

- Payment by United States to Ohio \$13,750,000
- Natural Resources Restoration Plan (NRRP)
- Environmental Covenant
- Future Ohio NRRP oversight costs



# Natural Resource Restoration Plan

- Ecological restoration
- Integrated with remediation
- Trustees implement NRRP
- Monitoring and maintenance



# Natural Resource Restoration Plan

- 14 Restoration Projects
- 900+ acres

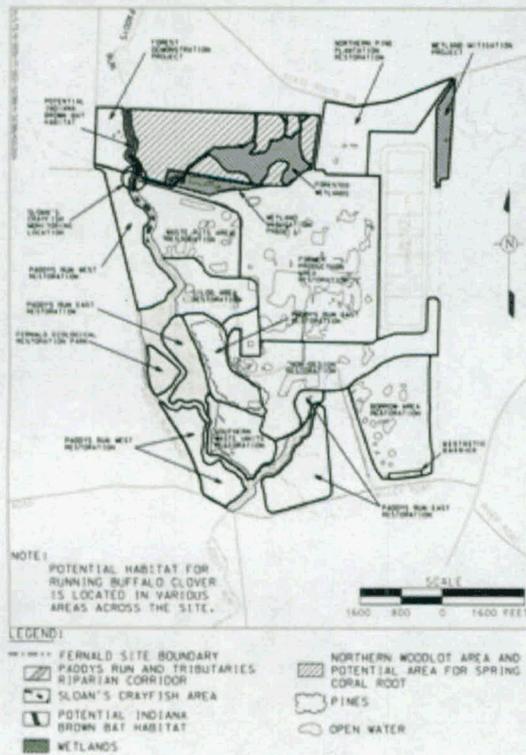


FIGURE 4-1 RESTORATION PROJECT AREAS

NRRP Figure 4-1  
Restoration Project Areas

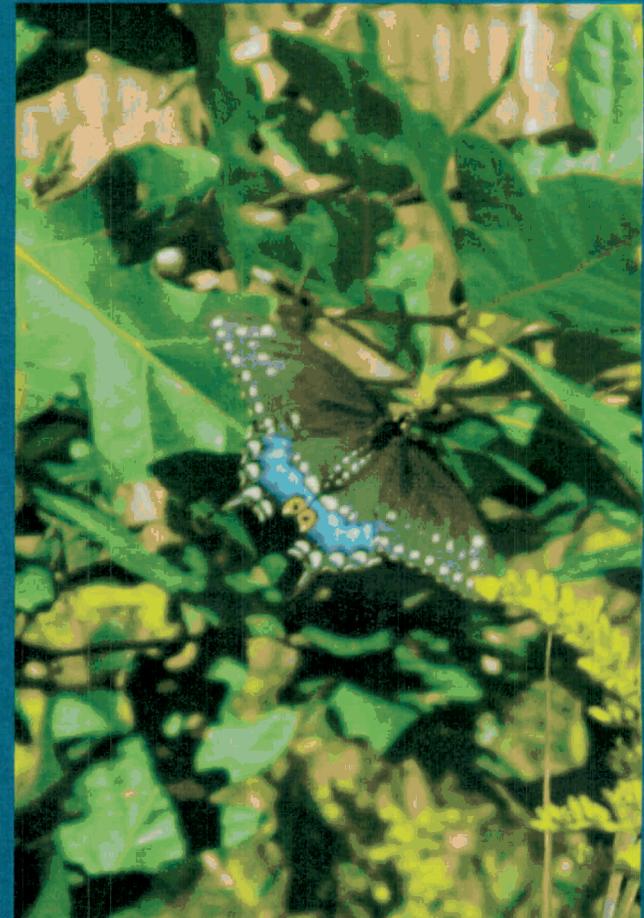


FIGURE 1-1 FERNALD CONCEPTUAL FINAL LAND USE

NRRP Figure 1-1  
Fernald Conceptual Final Land Use

# Natural Resource Restoration Plan

- \$13,750,000 in Restoration Escrow Account
  - Reimburse Ohio assessment costs
  - Trustees develop plan to use funds



# Natural Resource Restoration Plan

*“The NRTs agree that funds from this restoration account may be used for habitat enhancements on site at the Preserve. The NRTs agree that funds from this restoration account may be used to acquire additional land or interests in land, to make ecological improvements to that land to enhance habitats and protect water quality in Paddys Run and the Great Miami Aquifer in the vicinity of the Preserve”*

# Environmental Covenant

- No residential or agricultural use
- Consistent with NRRP and Comprehensive Legacy Management and Institutional Controls Plan (LMICP)
- Limits use of ground water under Fernald Preserve



# Public Comment

- Comments accepted verbally tonight, by email or in writing until the end of the comment period
- Public Comment period ends close of business on **August 22, 2008**



## **Send Comments To:**

**Fernald Comments  
Ohio EPA Southwest District Office  
attn: Tom Schneider  
401 East Fifth Street  
Dayton, Ohio 45402-2911**

To comment electronically and to learn more:  
<http://offo2.epa.state.oh.us/FernaldSettlement.htm>