

Local Stakeholder Organization Meeting

U.S. Department of Energy Legacy Management

Morgan Township Administration Building

Wednesday, November 16, 2005

7 p.m. – 9 p.m.

Objectives:

- To understand post-closure Legacy Management program at Fernald
- To develop a timeline for the LSO organization
- To name a local point of contact working with DOE-LM to establish the LSO mission, charter, scope and rules of conduct

7:00 p.m. Welcome, introductions and review of purpose and agenda

7:15 p.m. Legacy Management Program

7:25 p.m. LSO Enabling Legislation

7:35 p.m. Fernald LSO
Scope
Charter
Membership
Meeting Frequency
Funding and Support
Timeline

8:45 p.m. Review action items and establish next meeting date

9:00 p.m. Adjourn

Handouts

Legacy Management Presentation
Enabling Legislation
FACA status sheet
LSO Frequently Asked Questions
Draft Charter Outline
Rocky Flats draft LSO plan
Township and County Resolutions
FCAB LSO Recommendation
FRESH LSO Recommendation
Ohio Sunshine Laws
List Points of Contact



Local Stakeholder Organization

Public Meeting

November 16, 2005

7 p.m. Morgan Township Administration Building

6067

PLEASE SIGN IN

Name: Dave Geiser

Affiliation: LM-2

Address: _____

Phone #: _____

E-mail address: _____

Name: DENISE MERCER

Affiliation: STOLLER

Address: _____

Phone #: _____

E-mail address: _____

Name: Steve Wentzel

Affiliation: Morgan Township Trustee

Address: _____

Phone #: _____

E-mail address: Steve.Wentzel@forward.gov

Name: _____

Affiliation: _____

Address: _____

Phone #: _____

E-mail address: _____

Name: _____

Affiliation: _____

Address: _____

Phone #: _____

E-mail address: _____

Name: _____

Affiliation: _____

Address: _____

Phone #: _____

E-mail address: _____

**Local Stakeholder Organization Meeting
November 16, 2005**



6067

PLEASE SIGN IN

Name: CHRIS DOLE

Affiliation: CROSBY TWP. TRUSTEE

Address: [REDACTED]

Phone #: [REDACTED]

E-mail address: [REDACTED]

Name: _____

Affiliation: _____

Address: _____

Phone #: _____

E-mail address: _____

Name: _____

Affiliation: _____

Address: _____

Phone #: _____

E-mail address: _____

Name: Andre Harper

Affiliation: Sen Voinovich

Address: 36 E 7th St. Rm 2615

Phone #: 513-684-3265

E-mail address: andre-harper@voinovich.senate.gov

Name: _____

Affiliation: _____

Address: _____

Phone #: _____

E-mail address: _____

Name: _____

Affiliation: _____

Address: _____

Phone #: _____

E-mail address: _____

Local Stakeholder Organization Meeting
November 16, 2005



PLEASE SIGN IN

Name: J. NEFF

Affiliation: STOLLER EM

Address: 202 HIGHLAND ST

Phone #: 937.620.6761

E-mail address: Jeff.Neff@
gio.doe.gov

Name: Ellen Jordan

Affiliation: Loss Trustee

Address: [REDACTED]

Phone #: [REDACTED]

E-mail address: [REDACTED]

Name: Nancy J. Poe

Affiliation: Morgan Trustee

Address: [REDACTED]

Phone #: [REDACTED]

E-mail address: [REDACTED]

Name: Edwa Yocum

Affiliation: FRESH

Address: _____

Phone #: _____

E-mail address: [REDACTED]

Name: CAROL SCHROER

Affiliation: FRESH

Address: _____

Phone #: [REDACTED]

E-mail address: _____

Name: Ric Strobl

Affiliation: Fernald Living History Proj.

Address: [REDACTED]

Phone #: [REDACTED]

E-mail address: [REDACTED]

Local Stakeholder Organization Meeting
November 16, 2005



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PLEASE SIGN IN

Name: Millie Wasinger

Affiliation: Crosby / Morgan

Address: [REDACTED]

Phone #: [REDACTED]

E-mail address: [REDACTED]

Name: WARREN STRUNK

Affiliation: CROSBY TWP

Address: [REDACTED]

Phone #: [REDACTED]

E-mail address: [REDACTED]

Name: Maia Crawford

Affiliation: FRESH Inc.

Address: [REDACTED]

Phone #: [REDACTED]

E-mail address: [REDACTED]

Name: Vicky Dastillung

Affiliation: FRESH

Address: [REDACTED]

Phone #: [REDACTED]

E-mail address: _____

Name: Jim Innis

Affiliation: Crosby Twp. Historical Society

Address: [REDACTED]

Phone #: [REDACTED]

E-mail address: [REDACTED]

Name: _____

Affiliation: _____

Address: _____

Phone #: _____

E-mail address: _____

**Local Stakeholder Organization Meeting
November 16, 2005**



6067

PLEASE SIGN IN

Name: Bob Tabor

Affiliation: F-CAB

Address: _____

Phone #: _____

E-mail address: _____

Name: _____

Affiliation: _____

Address: _____

Phone #: _____

E-mail address: _____

Name: _____

Affiliation: _____

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Affiliation: _____

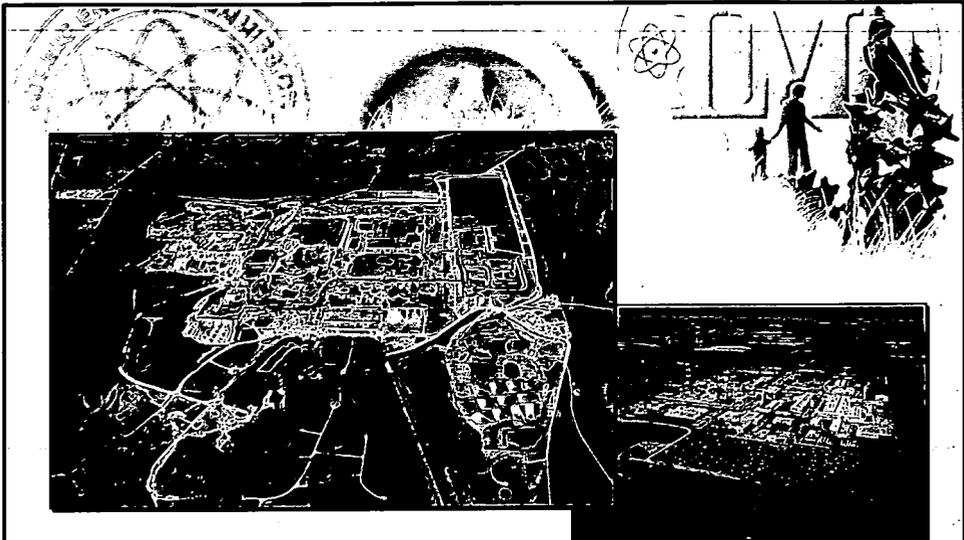
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Phone #: _____

E-mail address: _____

SUPPORTING INFORMATION

- Township and County Resolutions
- FRESH LSO Recommendation
- Fernald Citizens Advisory Board LSO Recommendation
- Ohio Sunshine Laws Summary

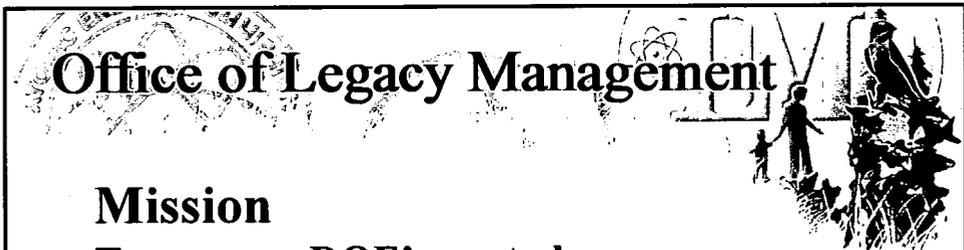


EM to LM Transition

Jane Powell,
DOE-LM Fernald Site Manager



04722-1105



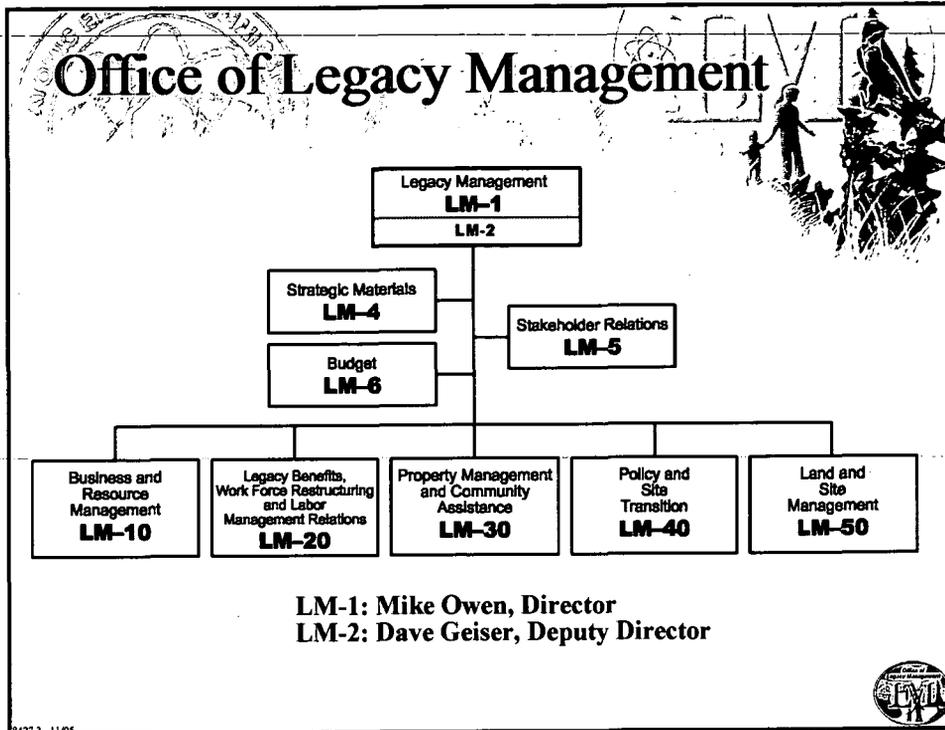
Office of Legacy Management

Mission

To manage DOE's post-closure responsibilities and ensure the protection of human health and the environment.



04722-1105



Office of Legacy Management

Strategic Goals

- **Protect human health and the environment through effective and efficient long-term surveillance and maintenance.**
 - Implement Legacy Management and Institutional Controls Plan
 - Involve the public in planning and decisions
 - Ensure regulatory requirements are met
- **Preserve, protect, and make legacy records and information accessible.**
 - Maintain records required for legacy management mission
 - Provide public access and retrieval of requested materials

Office of Legacy Management

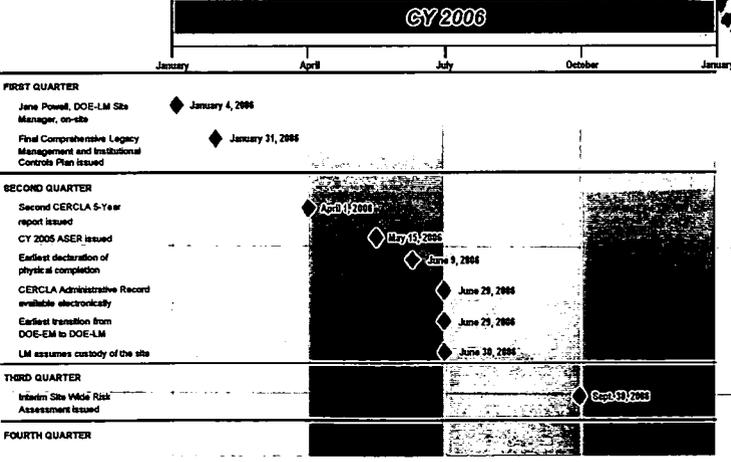
Strategic Goals

- **Support an effective and efficient work force structure to accomplish department missions and ensure contractor worker pension and medical benefits.**
 - Provide impacted workers with access to information
 - Retain pertinent technical and management expertise
- **Manage legacy land and assets, emphasizing protective real and personal property reuse and disposition.**
 - Promote beneficial reuse of the Fernald site
 - Establish legacy management contractors for ongoing site responsibilities



Office of Legacy Management

Fernald CY 2006 Timeline



Quarter	Event	Date
FIRST QUARTER	Jane Powell, DOE-LM Site Manager, on-site	January 4, 2006
	Final Comprehensive Legacy Management and Institutional Controls Plan Issued	January 31, 2006
SECOND QUARTER	Second CERCLA 5-Year report issued	April 4, 2006
	CY 2005 ASER issued	May 13, 2006
	Earliest declaration of physical completion	June 9, 2006
	CERCLA Administrative Record available electronically	June 23, 2006
	Earliest transition from DOE-EM to DOE-LM	June 29, 2006
	LM assumes custody of the site	June 30, 2006
THIRD QUARTER	Interim Site Wide Risk Assessment issued	Sept 13, 2006
FOURTH QUARTER		



Office of Legacy Management

Restoration/Post-Closure Comparisons

DOE – Environmental Management Restoration Mission - 2005		DOE – Legacy Management Post-Closure Mission - 2007	
DOE Oversight	Office of Environmental Management Johnny Reising, Site Manager	Office of Legacy Management Jane Powell, Site Manager	
Annual Budget	\$324 Million	\$7-12 Million	
Staffing	1,100 employees	20-30 employees	
Contractor	Fluor Fernald, Inc.	S. M. Stoller Corp.	
Public Access	1,050 acres restricted	150 acres restricted	
Public Use	8 acres - Eco Park	900 acres undeveloped park	
Cleanup Documents	Five Records of Decision – Four complete	Finish remaining Record of Decision – (Aquifer restoration)	
Public Involvement	FCAB – FRESH – FLH – Outreach	LSO – FRESH – FLH – Outreach	
Information Access	Off-site PEIC - Website	On-site Multi-Use Education Facility- Website	
Public Meetings	FCAB meetings – Quarterly Countdown to Closure meetings	LSO Quarterly meetings and as needed	
Regulators	Oversight/Compliance	Same Oversight – reduced meetings	



Fernald Local Stakeholder Organization

Frequently Asked Questions

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What is a Local Stakeholder Organization (LSO)?

The LSO is a group of local stakeholders supported by the Department of Energy Office of Legacy Management (LM), to ensure continued and active involvement of the public at the Department of Energy (DOE) Fernald Closure Project.

What are the Primary Goals?

The Fernald LSO, in accordance with the Ronald W. Reagan National Defense Authorization Act FY 2005, will provide, through its membership, an avenue to the public for involvement in the future of the site, will resolve issues and concerns with LM, will assist DOE with approaches outlined in the LM Community Involvement Plan, and will develop active public outreach for the community in the vicinity of the Fernald site. Other scope can be decided and agreed upon by the LSO and the U.S. Department of Energy.

Who is included in the LSO Membership?

Membership will be composed of local elected officials from the Counties of Butler and Hamilton, and the Townships in the proximity of the Fernald Closure Project or their designees. Any of the entities may decline participation. In addition, individuals who bring knowledge, views, technical expertise and other skills may also participate as members. The LSO may have ex-officio members (non-voting); these members may be interested governmental agencies, federal or state, or other members that the LSO may determine to be advantageous to the conduct of the LSO. Two non-voting alternate members may be appointed and participate in discussions.

How many meetings per year?

Consistent with the Ohio Sunshine laws, meetings will be open to the public. Local elected officials and the Fernald LSO will ensure that meetings will be inclusive and will provide time at each meeting for public comment. The Department of Energy will comply with spirit and intent of the Federal Advisory Committee Act. The number of meetings per year will be decided by the LSO, but quarterly meetings are suggested.

Is there a budget?

The U.S. Department of Energy will provide funding for the Fernald LSO and other community outreach. The establishment and operation of a Fernald LSO will not require any financial resources of the local governments. If an LSO is established an initial \$25,000 will be available for startup funds and annual funding commensurate with scope in the range of \$40,000 - \$50,000.

What support can we expect?

DOE-LM will give assistance in setting up meetings, supplying initial facilitation, distributing information and other needs as required to conducting meetings. By using the funding available through the Department of Energy, the LSO could choose to hire an administrator for meeting preparation, facilitation and follow-up or other administrative activities.

Proposed

How soon should the LSO be established?

The Fernald LSO plan will be submitted to DOE-LM no later than June 30, 2006. LM suggests that the LSO be established and operate concurrently with the Fernald Citizens Advisory Board in order to have a smooth transition and most importantly to understand the clean up of Fernald, remaining post-closure concerns, and lessons learned. Upon LM approval of the plan and membership, the Fernald LSO will adopt a final charter with a majority vote within two months after the initial official meeting.

What are the next steps?

Assuming the local elected officials agree to proceed in forming an LSO, LM requests that the group develop a plan that addresses scope, membership, timeline and other pertinent issues. A next meeting date should also be determined.

Fernald Local Stakeholder Organization

Charter Elements for Consideration

The Official Name

Fernald Local Stakeholder Organization

General Statement

The LSO will serve the public interest, provide useful information and ...

Scope/Mission Statement

The mission of the LSO is to promote community involvement at the Fernald Closure Project... (include enabling legislation language)

Membership

The LSO is to be composed of no more than xx Ohio residents

The members are chosen by...

Terms of 3 years...

A quorum...

Ex-officio members...

Responsibilities of the Chair

Responsibilities of the Members

Success Criteria/ Milestones

The main criterion of success...

Meetings

After the proposed three meetings to establish the Fernald LSO, the organization will meet at least four times a year or more frequently as may be determined.

Organization

The Fernald LSO may create additional subcommittees (or ad hoc committees) as it deems necessary after establishment of the Fernald LSO, for example a Multi-Use Education Facility committee, a technical review committee, a history committee, etc.

Termination of LSO

Evaluate its work at 3-year intervals...

Other Topics may include:

Funding and Support

Work Product

Decision Making

Agency Collaborations

Communication, Meetings and Logistics

Adopted xxx, 2006

MORGAN TOWNSHIP
Board of Trustees

P.O. Box 189
Okeana, OH 45053

Clerk 513.738.3600
Fax 513.738.1217

Trustees

Robert Copeland, President
Nancy Poe
Steve Wentzel

Clerk - Charlotte Lahmann
Fire Chief - Randy Mills
Zoning Administrator - Ed Teets

MEMORANDUM

Mr. Michael Owen
DOE Office of Legacy Management
1000 Independence Ave. SW
Room 6G030
Washing D.C. 20585

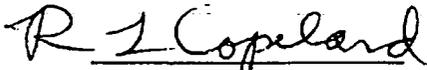
Mr. Owen,

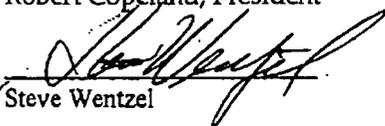
The Morgan Township Trustees passed a resolution in August, 2005. It indicates our interest in being involved with an LSO established for the future planning and use of the Department of Energy's Fernald property. The resolution is included with this memo.

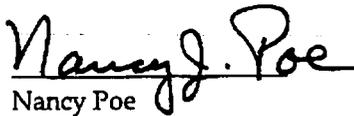
We collectively have no experience in the management and on going functions of an LSO, however we are interested in pursuing this project. Therefore, we are asking for assistance from DOE to guide and educate us in the many phases that an LSO can and will most likely take. Your assistance is also required to support the administrative costs associated with the LSO throughout its life.

If we are to promote good community involvement involving the Fernald property, then there will be an on going need to inform the public in ongoing changes, potential use of the land, and the ample opportunity for public input in this process. Money for a variety of community based projects and first hand knowledge from DOE in the necessary steps to meet suggested guide lines in the "Fernald Site Community Involvement Plan" would be of monumental help for this interesting endeavor.

The success of such an LSO is entirely dependent on your assistance and support. Please help us be successful in helping you with this project.


Robert Copeland, President


Steve Wentzel


Nancy Poe

MORGAN TOWNSHIP
Board of Trustees

P. O. Box 189
OKEANA, OHIO 45053

The Morgan Township Board of Trustees approved the following resolution at the regular meeting of July 26, 2005

MORGAN TOWNSHIP

RESOLUTION #60-05 Join LSO/FERNALD

BE IT RESOLVED BY THE BOARD OF TRUSTEES OF MORGAN TOWNSHIP,
BUTLER COUNTY, OHIO,

Mrs. Poe moved to join the Fernald Local Stakeholder Organization with the understanding the township can always withdraw and there will be no cost to the township.

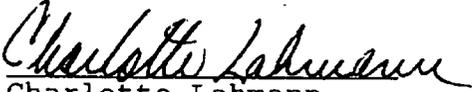
The above resolution seconded by Mr. Wentzel.

Roll call vote:	Mr. Copeland	yes,
	Mr. Wentzel	yes,
	Mrs. Poe	yes.

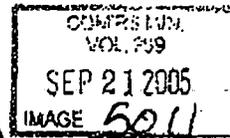
Motion carried.

Adopted: July 26, 2005

Attest:


Charlotte Lahmann
Morgan Township Clerk

On motion of Mr. Heimlich, seconded by Mr. DeWine the following resolution was adopted.



15

RESOLUTION SUPPORTING THE FORMATION OF A FERNALD LOCAL STAKEHOLDER ORGANIZATION

WHEREAS, the Board of County Commissioners, Hamilton, Ohio has been asked by the Department of Energy to provide comment on the formulation of a Local Stakeholder Organization to oversee and guide the Post-Closure process of the Fernald Uranium Facility; and

WHEREAS, Hamilton County Commissioners strongly support the establishment of a Local Stakeholder Organization with a clear, meaningful purpose to guide Legacy Management consistent with what has been identified by the community as important elements of community-based stewardship; and

WHEREAS, the Board understands the cost of facilitating the Local Stakeholder Organization shall be born by the Department of Energy/Legacy Management and be convened under the Federal Advisory Committee Act; and

WHEREAS, the Local Stakeholder Organization should be constituted with representatives of, but not limited to the following, a Trustee from each Ross, Crosby, Morgan Township, FRESH, Inc, Fernald Living History, Fernald Citizen Health Effects Committee, Historical Society from Ross, Crosby and Morgan Townships, Butler and Hamilton County Commission representative, Hamilton County Park District (ex-officio if steward) and Cincinnati Water Works (ex-officio if steward).

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners, Hamilton County, Ohio shall appoint a member representative to the organization upon its formation.

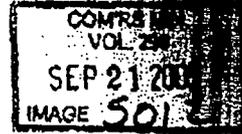
BE IT FURTHER RESOLVED that the Clerk of the Board of County Commissioners be hereby authorized to certify copies of this resolution to The Department of Energy; USEPA; U.S. Senator Mike Dewine; U.S. Senator George Voinovich; Congressman Steve Chabot; Ohio EPA; Crosby Township; Morgan Township; Ross Township; and FRESH Inc.

ADOPTED at a regularly adjourned meeting of the Board of County Commissioners this 21st day of September, 2005.

Mr. DeWine AYE

Mr. Heimlich AYE

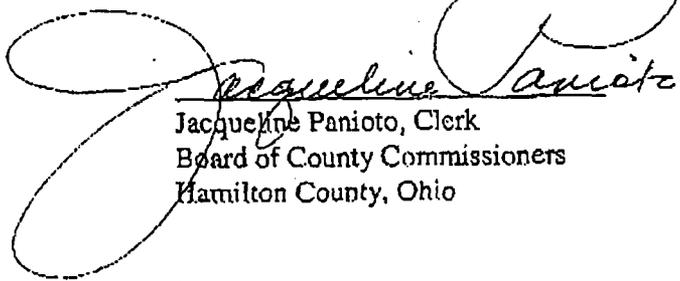
Mr. Portune AYE



CERTIFICATE OF CLERK

IT IS HEREBY CERTIFIED that the foregoing is a true and correct transcript of a resolution adopted by this Board of County Commissioners in session the 21st day of September, 2005.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Office of the County Commissioners, Hamilton County, Ohio, this 21st day of September, 2005.


Jacqueline Panioto, Clerk
Board of County Commissioners
Hamilton County, Ohio

6067

10/20/2005 10:40 FAX 5138636374

5138636374
ROSS TWP CLERK

002



ROSS TOWNSHIP

TRUSTEES: Thomas E. Willsey • Raymond J. Wurzelbacher • Ellen Yordy

CLERK: Judy A. Huffman

October 21, 2005

Michael Owen
DOE, Office of Legacy Management
1000 Independence Ave. SW
Room 6G030
Washington, D. C. 20585

Dear Mr. Owen,

At a recent meeting the Ross Township Board of Trustees passed a Resolution to take part in the Local Stakeholder Organization (LSO) group being formed through the Department of Energy to guide Legacy Management on continued community involvement.

At this time Ross Township is asking the Department of Energy for assistance with this undertaking.

~~Thank you for your attention to this matter.~~

Sincerely,

Judy Huffman
Ross Township Clerk

cc: Jane Powell
Gary Stegner

20 September 2005

Mike Owen, Director
Office of Legacy Management
Department of Energy
Washington DC 20585

Dear Director Owen:

As Trustees of Crosby Township, we would like to affirm our desire to participate in a Local Stakeholder Organization following the close of the Fernald plant in our area.

We understand that by participating in a LSO, we are not incurring any expense to the Township or its residents. We have further been advised that the Township may withdraw from the LSO at any time in the future with due notice to the organization.

We have established quite a record of community involvement in the operations and closure of Fernald and have every desire to continue our oversight through the LSO.

Please accept this letter of interest as our official request to participate in the LSO for Fernald. If you are in need of further information or documentation from Crosby Township, please do not hesitate to contact us.

Thank you for your time and consideration in this matter.

Sincerely,

Warren E. Strunk

Jane Harper

Gary Storer

CC: Gary Stegner, Jane Powell, Jack Craig, Sue Walpole, Tony Carter
(Via E-mail)

“LOCAL STAKEHOLDER ORGANIZATION”**F.R.E.S.H., INC. PROPOSAL****Start Up:**

1. The LSO should be set up and run like the Fernald Citizen’s Advisory Board.
2. Legacy Management should run and operate the LSO.
3. Legacy Management should contract a facilitator for the LSO.
4. The LSO should meet 4 – 6 times per year to start off.
5. An Ohio EPA person should be an ex-officio (possible a USEPA person also).
6. One Stoller person should be an ex-officio person also. (Sue Walpole)

Membership:

(Number of people on committee in parentheses)

One Trustee (senior) from each Township – Ross, Crosby & Morgan	(3)
FRESH, Inc. Members (Dave Geiser has promised Pam Dunn & Lisa Crawford)	(2)
Fernald Living History, Inc. member	(1)
Fernald Citizens Health Effects Committee member	(1)
Morgan, Ross & Crosby Historical Society members	(2)
Hamilton County Commissioner	(1)
Butler County Commissioner	(1)
Hamilton County Park District (member or ex-officio – depends on stewardship issue)	(1)
Cincinnati Water Works (member or ex-officio – depends on steward issue)	(1)

Rules:

Must be consensus based.

The LSO should hold a “retreat” to get up and running.

Meeting must be facilitated and have an agenda with input from all members.

Community & public at large must be notified of all meetings.

All money is handled through Legacy Management or their contractor.

One phone number with one contact person for the LSO.

Must follow rules of order and Ohio sunshine laws.

Must follow FACA!!!!

LSO Recommendation

[FCAB Letterhead]

Mr. Michael Owens:

Recommendation ###: Recommendations for Convening and Managing a Fernald Local Stakeholder Organization (LSO)

On February 10, 2005, Audrey Berry from the DOE Office of Legacy Management spoke to the Fernald Citizens Advisory Board (FCAB) regarding DOE plans to form a Local Stakeholder Organization (LSO) for the Fernald site. Ms. Berry asked the FCAB to provide DOE with input on how to structure the LSO and what its role should be in post-closure management of the Fernald site.

The FCAB places high value the role of public participation in the past and future management of Fernald. For 12 years the FCAB has provided input to DOE on the cleanup and future use of the Fernald site. The FCAB has contributed significantly to the quality of decision making and built trust among the public, DOE, its contractors, and the site's regulators. As the site transitions from active cleanup to long-term surveillance and maintenance (LTSM), the FCAB hopes to help DOE to retain the community knowledge and working relationships built through participation.

Moreover, our suggestions regarding a Fernald LSO are grounded in the community vision for the future of the site and our research into long-term stewardship practices. In 1999, a full range of stakeholders solidified a vision for the future of Fernald as undeveloped parkland that would serve as a regional destination for education. The community, which has born significant stigma and upheaval during the operation and cleanup of this uranium processing facility, has great expectations that the site will become a major local asset. In order for that to occur, the site must be maintained in a safe manner. In our 2002 report, *Telling the Story of Fernald*, the FCAB explained that the community would play a critical role in ensuring the continued protection of human health and safety at Fernald. The public is the only entity guaranteed to maintain a long-term presence near the site. Only a well-informed public can be realistically expected to preserve the integrity of institutional controls and maintain confidence in the remedy that was implemented at Fernald. The role of the public will become increasingly important as the local population increases and federal presence at the site diminishes.

Our recommendations focus on the mission of the LSO, the convening process, the ongoing management of the group, and the application of the Federal Advisory Committee Act (FACA) to the LSO.

Purpose and Mission

Establishing a clear purpose and mission for the LSO will provide crucial guidance in developing and managing the group, and it will help the members to better understand and manage expectations regarding their role. A two-pronged approach may be required for the Fernald LSO: short- and long-term. Over the first few years of LTSM, Legacy Management will iron out its management practices and tweak institutional controls. The aquifer restoration project will also continue to operate, and ecological restoration projects will require active management. During this time, the LSO would take an active role in advising the decisions of Legacy Management and its contractors. In the long-term, once management practices have become routine, the aquifer project is completed, and the ecological restoration has proven self-sustaining, the frequency of LSO meetings and the profile of the group may diminish. The

FCAB offers these specific recommendations regarding the mission and purpose of the Fernald LSO:

- Prior to convening the group, establish a clear purpose for the LSO and how DOE envisions using the input of the LSO in its decision making. This will diminish confusion and false expectations regarding the role of the group.
- Empower the LSO by requiring DOE to respond to its recommendations within a reasonable timeframe. For the LSO members to believe their input is meaningful, DOE must be accountable for providing feedback on their recommendations.
- Consult the LSO early in decision-making processes, before documents have been drafted or preferred alternatives are selected. By consulting the group early, community values can be integrated into preliminary drafts and proposals and trust between DOE and the community will be maintained.
- Involve the LSO in resolving difficulties that arise during LTSM. Engaging the community in problem solving builds trust. Plus, the FCAB has demonstrated that community input can contribute to achieving reasonable, effective solutions to technical problems.
- Consult the LSO on issues related to community involvement and communications, natural resource management, records management, and historic preservation, in addition to LTSM issues. The community has shown a long-term commitment to all of these issues.

Convening Process

It is critical that the LSO represent the full range of interests in the Fernald community. The FCAB is familiar with the language in the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005, which specifies that LSOs be composed of local elected officials or their designees. The FCAB agrees that elected officials are an important voice in post-closure management of the Fernald site; however, the FCAB's success is credited, in part, to its inclusion of a broad range of community interests. As such, the FCAB offers the following recommendations for the LSO convening process:

- Define "local elected official." The FCAB recommends that local elected officials be limited to trustees of Crosby, Morgan, and Ross Townships. These are the communities immediately surrounding the Fernald site.
- Seek agreement from local elected officials that an independent convener determine the critical voices to be represented on the LSO and recommend specific stakeholders for appointment to the group.
- Include representatives of groups with a longstanding commitment to the Fernald site and extensive knowledge of the site's history. These groups include the FCAB; Fernald Residents for Environment, Safety and Health (FRESH); Fernald Living History, Incorporated; historical societies in the local townships; Fernald Atomic Trades and Labor Council; and Fernald Community Health Effects Committee.

- Determine a target distribution of representatives from the three local townships and areas beyond those townships. Note that nearly 90 percent of the Fernald site sits in Crosby Township.
- Determine potential *ex-officio* members. The FCAB recommends, at minimum, providing a seat to the Ohio Environmental Protection Agency, the U.S. Environmental Protection Agency, and the primary DOE contractors for LTSM, natural resource management, and records management.

Ongoing Management

The FCAB has operated as a successful advisory group for more than a decade. The following recommendations reflect operational factors that contributed to that success:

- Be very clear about who within the Office of Legacy Management has responsibility for the administration of LSOs.
- Encourage continuity within the membership of the LSO as a way to maintain institutional knowledge and a high level of commitment. If members serve a finite term, stagger the terms so there is a mix of experienced and new members.
- Develop a clear charter with which all LSO members agree. Charters for the Office of Environmental Management's Site-Specific Advisory Boards (SSABs) the FCAB would serve as good starting points for developing a charter for the Fernald LSO. The charter ensures that all stakeholders understand the role of the advisory group and the responsibilities of all parties.
- Focus on consensus-based decision making within the LSO. Building consensus requires that stakeholders share and listen to each other's interests and seek creative solutions that meet the needs of all parties.
- Provide opportunities for members of LSOs to interact with stakeholders at other sites around the complex. The FCAB has found great value in sharing information and learning from the experiences of stakeholders facing similar challenges around the country. Early on, it may make sense for LSOs to collaborate on national events sponsored by the SSABs.
- Contract with an independent facilitator to manage LSO meetings and provide technical support to the group. These kinds of support have been critical to the efficiency of FCAB meetings, helping the members understand technical issues, and producing high-quality products.
- Collaborate with the LSO membership to develop an annual report and work plan that summarizes accomplishments and sets goals for the coming year.
- Work with the LSO to set annual budget priorities for the site. This process creates a shared responsibility for the site and a greater understanding of interests among all stakeholders.

Application of FACA

The FCAB understands and respects the intent of the Federal Advisory Communications Act (FACA). However, the FCAB also believes that the benefits of FACA can be achieved without adhering fully to the often cumbersome and time-consuming administrative requirements of the Act. In order to meet the Congressional mandate that LSOs be in place six months prior to site closure, the FCAB recommends that the Fernald LSO follow the spirit of the Act but not be officially chartered under FACA. Key features of a FACA board that the FCAB recommends that DOE apply to the Fernald LSO are:

- Seek a balanced membership that represents the full range of voices in the Fernald community.
- Notify the public of LSO meetings and open the meetings to the public.
- Develop an LSO charter, which provides a clear mission and intent for the group.
- Provide adequate funds and staff resources for the successful administration of the LSO.
- Develop an annual report, which documents the accomplishments of the past fiscal year and outlines a plan for the coming year.

Thank you for the opportunity to provide input on the structure and operation of an LSO for the Fernald community. The FCAB looks forward to a continuing dialogue regarding post-closure public involvement at the Fernald site and working with DOE to ensure a smooth transition between the FCAB and the LSO.

Please contact us if you have any questions or would like additional clarification on any of the recommendations provided by the FCAB.

Sincerely:

Jim Bierer
Chair

Lisa Crawford
Vice-Chair

Cc:

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Please Note:

The Office of Legacy Management has not approved this plan. This draft is not intended to be a specific guide for the Fernald LSO formation and is an informational tool only.

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Rocky Flats Coalition of Local Governments

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City of Arvada City of Boulder City of Westminster Town of Superior

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Local Stakeholder Organization Plan

*Submitted to Mike Owen
Director, DOE Office of Legacy Management
November 7, 2005*

Background

In a June 27, 2005 letter to the Board of Directors of the Rocky Flats Coalition of Local Governments, the Department of Energy's Office of Legacy Management (LM) requested the Coalition spearhead the development of a Local Stakeholder Organization (LSO) Plan. Per LM's request, the LSO Plan should "address how the three main activities required by Section 3118 of the Fiscal Year 2005 National Defense Authorization bill will be conducted." The letter further requests the LSO plan identify how the LSO anticipates working within the context of the Rocky Flats Post-Closure Public Involvement Plan (PCPIP) and include "the approach for determining how the non-elected officials will be nominated to serve on the LSO." This Plan addresses these issues.

Local governments represent constituencies closest to the Site, and through their exercise of representative government, they are able to pull groups together to address issues. The partnership that has developed between DOE and local governments needs to be maintained, and thus governments are charged with spearheading the development of this plan.

In October 2005, LM approved the PCPIP, which includes the following relevant information (quoting from the PCPIP):

Public Meetings

- **Site Transition:** Public meetings will be held as needed to address significant transition issues. EM [Environmental Management] and LM will present information about ongoing transition activities from EM to LM. LM will also host a public meeting during the comment period for the draft Interim Surveillance and Maintenance (IS&M) Plan and will provide notice of the date, time, and location of the meeting.
- **Post-Closure:** The establishment of a Rocky Flats LSO will provide the post-closure forum for stakeholders to continue a dialogue with DOE. LM plans to coordinate with the LSO to hold three quarterly and one annual general public meetings during the first two years post-closure to discuss post-closure issues of importance to stakeholders. These meetings will provide information about LTS&M activities being conducted at the

site and will present the results of annual site inspections. A portion of each meeting will be dedicated to the quarterly data exchange.

Briefings for Local, State, and Federal Elected Officials

- **Site Transition:** Rocky Flats will continue to hold briefings throughout site transition. LM will participate in or hold its own meetings with elected officials as needed to discuss specific topics related to site transition.
- **Post-Closure:** LM plans to continue briefing elected officials through the LSO to discuss new data trends or the evaluation of post-CAD/ROD [Corrective Action Decision/Record of Decision] changes.

Meetings With Stakeholder Groups

- **Site Transition:** Rocky Flats will continue to support and participate in RFCAB [Rocky Flats Citizens Advisory Board] and RFCLOG meetings. LM will frequently attend, especially when issues related to post-closure activities are on the agenda. EM and LM will continue to meet with stakeholder groups as requested through site transition.
- **Post-Closure:** Stakeholder groups will be included in the LSO public meetings held post-closure.

The following LSO responsibilities, which draw on these sections of the PCPIP, track the responsibilities set forth in Section 3118 of the Fiscal Year 2005 National Defense Authorization Act.

NDA Section 3118 -- LSO Responsibilities

To ensure maximum buy-in by the LSO Board of Directors, the LSO Plan that LM will approve must be a high-level document with final decisions about the work plan being reserved for the yet-unnamed LSO Board, in consultation with LM.

Section 3118 of the Fiscal Year 2005 Defense Authorization Act includes the following provisions. The legislative language is in **bold**; actions that the LSO will likely take to meet each responsibility are in *italics*. Note, because of the interrelated nature of the responsibilities Congress established in Section 3118, the specific actions that have been identified can fall under more than one subsection below.

(c) RESPONSIBILITIES.--A local stakeholder organization for a Department of Energy Environmental Management 2006 closure site under subsection (a) shall—

1. **Solicit and encourage public participation in appropriate activities relating to the closure and post-closure operations of the site.** These actions include:
 - a. *Host regular, public meetings for LSO members and the general public, including Board meetings, the frequency to be determined by the LSO Board. Meetings will provide an opportunity:*
 - i. *To discuss with federal, state, and local elected officials and agencies issues related to the long-term stewardship and management of the Rocky Flats site;*

- ii. *To be briefed on the results of the operational and performance monitoring data of site operations.*
 - iii. *Other items as necessary.*
 - b. *Work with DOE on implementation of Post-Closure Public Involvement Plan, including meetings identified in the PCPIP.*
 - c. *Work with DOE to identify the role of the LSO in the four public meetings LM identified in the PCPIP.*
 - d. *Provide opportunities at meetings and between meetings for education and feedback.*
 - e. *Provide interface and communicate with federal, state, and local elected officials and agencies.*
 - f. *Provide a mechanism for LSO members and the general public to review annual DOE budgets for implementation of DOE responsibilities.*
 - g. *Participate in Comprehensive Environmental Response Compensation Liability Act (CERCLA) Five-Year Reviews and other reviews that DOE, the State, or EPA undertake.*
2. **Disseminate information on the closure and post-closure operations of the site to the State government of the State in which the site is located, local and Tribal governments in the vicinity of the site, and persons and entities having a stake in the closure or post-closure operations of the site. These actions include:**
- a. *Develop and implement mechanisms for LSO members and the general public to be informed of the results of the monitoring data and other relevant information, recognizing that not all communication between LM and Rocky Flats constituencies will flow through the LSO. Potential options include:*
 - i. *Periodic newsletters and/or annual reports*
 - ii. *Email updates*
 - iii. *Other mechanisms as necessary*
 - b. *Provide a mechanism for educating succeeding generations about the residual hazards at Rocky Flats and the continued need for a comprehensive site-wide stewardship program.*
 - c. *Evaluate legal and regulatory issues regarding implementation of site-wide long-term stewardship plan and provide information to the LSO Board and to the community.*
 - d. *Work with DOE and the regulators to understand technical data regarding implementation and effectiveness of cleanup remedies and long-term controls and provide information to the LSO Board and to the community.*
3. **Transmit to appropriate officers and employees of the Department of Energy questions and concerns of governments, persons, and entities referred to paragraph (2) on the closure and post-closure operations of the site. These actions include:**

- a. *Solicit and transmit to the appropriate DOE organization community comments on regulatory closure and post-closure documents, including*
 - i. *CAD/ROD*
 - ii. *Delisting/EPA certification*
 - iii. *Post-closure RFCA*
 - iv. *CERCLA Five-Year Reviews*
 - v. *Other items as necessary*
 - b. *Solicit and transmit to DOE comments on long-term surveillance and maintenance issues as other issue as necessary.*
4. **Perform such other duties as the Secretary and the local stakeholder organization jointly determine appropriate to assist the Secretary in meeting post-closure obligations of the Department at the site. These actions include:**
 - a. *Track, and communicate as necessary, issues related to former site workers.*
 - b. *Educate LSO members and the general public about the integration of contaminant management and refuge management.*
 - c. *Work with DOE, United States Fish and Wildlife Service, and Congress on funding for LSO operations and other related legislative and regulatory issues that affect the management of Rocky Flats and the LSO.*

The challenge in developing the LSO Plan comes is detailing the specific actions the LSO will take to meet the work scope identified in the PCPIP. LM notes that as activities at Rocky Flats decrease, LM anticipates a corresponding reduction in topics that warrant communication with stakeholders. The LSO Plan and corresponding LSO work plan will need to evolve to address the changing needs at the site. For that reason, the specifics of how the LSO will work with LM to implement the PCPIP must, for the purposes of the LSO Plan, remain at a high level.

While a goal for the LSO is to provide a centralized forum to address issues related to the long-term management of Rocky Flats, there will be instances where direct communication between LM and interested constituencies will be the most efficient and effective way to address issues. In these cases, LM must communicate directly with those constituencies, whether or not they are members of the LSO, and not rely on or be bound by the structure of the LSO. It remains imperative that the LSO not impede existing lines of communication that are necessary in managing Rocky Flats post-closure. As a case in point and despite what the PCPIP provides, due to the technical nature of the current Quarterly Data Exchange meetings and based on prior commitments by LM, these meetings should continue to be hosted by the cities of Broomfield and Westminster, and the data provided at these meetings should be forwarded to the cities and the LSO simultaneously. In addition, as LM prepares to release water from the terminal ponds, LM and the downstream communities must interact directly as they have done during cleanup activities. Likewise, should there be any water quality violations for water leaving the Site, LM must notify the impacted downstream communities and the LSO simultaneously and not rely on the LSO to provide timely notification to these communities.

Timeline For Establishing The LSO

The LSO must be established no later than six months prior to regulatory closure of Rocky Flats. Given that regulatory closure is, based on best estimates, scheduled for fall 2006, the LSO should be established on or around February 1, 2006. The following timeline is based on this date.

July – October:

- Prepare LSO Plan for submittal to DOE

November – January:

- Work with DOE to identify non-elected members for the LSO
- Draft LSO Intergovernmental Agreement and present it to member governments for their approval
- Draft LSO bylaws for modification and approval by LSO, including the organizational structure of the LSO
- Draft policies and procedures, including procurement policy, for modification and approval by LSO
- Analyze LSO staffing needs
- Draft LSO work plan for modification and approval by LSO, including specific tasks of the LSO
- Draft LSO budget for modification and approval by LSO
- Determine as early as possible member governments' annual financial contributions to the LSO to allow for budget planning by member governments

February:

- Hold initial LSO meetings – modify and approve work plan and budget
- Hire staff and/or consultants as determined by LSO Board of Directors
- Finalize bylaws and policies and procedures

Process for identifying non-elected officials to serve on the LSO

There is no single formula for determining which non-elected officials should serve on the LSO. In determining membership, LM should look to balance people with knowledge of Rocky Flats with adding new perspectives and engaging constituencies not traditionally engaged on Rocky Flats issues, including non-elected officials who represent organizations or individuals who have experience or skills that would benefit the LSO.

Membership should be tied to the LSO work plan. Characteristics that could serve to guide membership include:

1. Impacted by and interested in a majority of the scope topic areas of the LSO
2. Willingness to invest time and energy on all of the topic areas
3. Some familiarity with Rocky Flats history, the cleanup process, etc.
4. Represent a broad constituency with a wide diversity of viewpoints
5. Bring new ideas to the table

LM has indicated that membership should include Rocky Flats retirees/former workers. LM has further indicated that entities such as environmental groups, recreational groups, and educational institutions should also be considered.

As for government representatives, following the Coalition's June 6, 2005, recommendation, LM tentatively set government membership of the LSO as the seven Coalition governments and the City of Golden. Subsequently the City of Northglenn formally expressed interest in serving on the LSO. In light of this request, the Coalition now recommends that the seven Coalition governments get permanent seats of the LSO and that the cities of Golden and Northglenn serve annually on a rotating basis.

Colorado Sunshine Act

The LSO will likely be organized as a unit of local government under the Colorado Constitution. As such the LSO shall comply with the Colorado Sunshine Law (§ 24-6-402). Compliance with this law will, in part, ensure that meetings are open to the public, that notice is provided, that actions are not taken without a quorum of the Board, that minutes of the meetings are recorded, and that meetings cannot be held in closed session unless they qualify under a limited number of circumstances as provided in law. Further, as a unit of local government, the LSO would be subject to the Colorado Open Records Act (§ 24-72-201). By following both laws, the LSO would ensure greater openness than is specified under the Federal Advisory Committee Act (FACA), a federal law that governs the creation and operation of federal advisory committees. Legacy Management determined earlier this year that FACA does not apply but that the Rocky Flats LSO should instead follow Colorado Sunshine Act and implementing regulations.

SUMMARY OF THE OHIO "SUNSHINE LAWS"

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The term "sunshine laws" is an inclusive way of speaking about the statutory laws of Ohio's Public Records Act and Ohio's Open Meetings Act. These two laws ensure that there is openness in government. They ensure public access to records and meetings and the conduct and activities of government.

The **Public Records Act** defines "public offices" to include state agencies, public institutions, political subdivisions, or any other organized body, office, agency, institution or entity established to conduct any function of government. Broadly defined, it includes **any entity that performs a public service and is supported by public funds.**

The Public Records Act also ensures the public's right to obtain public records within a reasonable amount of time.

The **Open Meetings Act** requires that all public bodies take official actions and hold deliberations on official business in meetings that are open to the public. It also requires that minutes are kept, fully and accurately, which will describe decisions made at meetings and will be accessible to the public.

There may be exceptions to the openness of both of these laws. The Public Records Act may exempt some records from public view/access, such as, medical records, trial records, confidential investigatory records, adoption files, etc. The Open Meetings Act allows executive sessions (closed door/secret), which are not open to the public. Examples of discussions in executive sessions are about personnel matters, purchase of property, pending or imminent court actions and collective bargaining. However, all meetings must begin as open meetings and end as open meetings with a call for an executive session during the meeting. The minutes will reflect that the members held an executive session.

Fernald Points of Contact

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**Fernald Site
Community Involvement Plan**

Draft Final

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**Prepared for
U.S. Department of Energy**

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LIST OF ACRONYMS

CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
DOE	U.S. Department of Energy
EM	Office of Environmental Management
EPA	U.S. Environmental Protection Agency
FCAB	Fernald Citizens Advisory Board
FCHEC	Fernald Community Health Effects Committee
FCP	Fernald Closure Project
FFCA	Federal Facilities Compliance Agreement
FLH	Fernald Living History, Inc.
FRESH	Fernald Residents for Environmental Safety and Health
LMICP	Legacy Management and Institutional Controls Plan
LSO	Local Stakeholder Organization
LTS&M	long-term surveillance and maintenance
MUEF	Multi-Use Educational Facility
NPL	National Priorities List
OLM	Office of Legacy Management
OSDF	On-Site Disposal Facility
PEIC	Public Environmental Information Center
RI/FS	Remedial Investigation/Feasibility Study
ROD	Record of Decision
SARA	Superfund Amendments and Reauthorization Act of 1986

INTRODUCTION

The Fernald Site (Fernald) is currently managed under the U.S. Department of Energy (DOE) Office of Environmental Management (EM). DOE established the Office of Legacy Management (OLM) effective December 2003 to allow for optimum management of DOE's legacy responsibilities. The mission of OLM is to effectively and efficiently manage the environmental and human legacy issues related to the U.S. Government's Cold War nuclear weapons program for current and future generations.

EM and OLM have initiated the transition of the Fernald Closure Project (FCP) into OLM for legacy management and for certain legacy worker and contract liabilities. The site is on an accelerated cleanup schedule with an anticipated completion in fiscal year 2006. The transition will occur through two specific periods: physical completion and regulatory completion. Physical completion will occur first with the completion of remedial action activities under EM. OLM will take over responsibility for long-term surveillance and maintenance activities to maintain the site following the physical completion date. Regulatory completion will occur at a later date following physical completion and approval of regulatory documentation. Transition of the site will be final after all physical completion activities are completed and regulatory completion is achieved. For planning purposes, OLM will take over responsibility for legacy management activities to maintain the site after completion of remedial action (at physical completion), but EM will remain financially responsible for the site from physical completion until the end of fiscal year 2007. A team of DOE and contractor employees from each office is working together on activities necessary to transfer responsibilities for long-term care of the site from EM to OLM.

Throughout the course of cleanup of Fernald, DOE has made it a priority to gather community opinion as part of its decision-making process. Involvement by stakeholders who possess local knowledge and diverse areas of expertise has been instrumental to the success of the cleanup project. Stakeholders have been involved in site cleanup activities, assisted in addressing technical and management challenges, and guided the decision-making process. As the focus of the Fernald mission now turns to closure of the site and transfer of stewardship responsibilities, DOE continues its public involvement efforts. The cleanup at Fernald, including the emerging plans for long-term management of the site following closure, has benefited and expects to continue to benefit from early public involvement dialogue among state and federal regulators, stakeholder organizations, elected officials, and members of the general public. Goals of the long-term site management include informing future generations and new residents to the area about the site, ensuring the effectiveness of institutional controls, and maintaining community support for the site remedy. DOE will have an on-site education facility after site closure and will cooperate to the extent possible in helping the community make this a viable entity.

This Community Involvement Plan is a follow-on document to existing public affairs plans for the site and public involvement efforts described in the Federal Facilities Compliance Agreement (FFCA). All community relations activities, including this Community Involvement Plan, continue to follow U.S. Environmental Protection Agency (EPA) and DOE guidance on public participation and comply with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) public participation requirements, as amended by the Superfund Amendments and Reauthorization Act (SARA)

of 1986. This Community Involvement Plan documents how DOE will ensure the public appropriate opportunities for involvement in post-closure site monitoring and maintenance.

This Community Involvement Plan outlines the methods of communication and addresses plans for public involvement after site closure. As site closure approaches, this plan will be updated as appropriate to address post-closure public involvement activities. Future updates will be made as needed, but no more frequent than annual. Significant changes in public participation activities, changes in land reuse plans, and remedy failures are examples of scenarios under which updates would be considered. DOE will collaborate with stakeholder organizations in effect at that time to update the plan.

SITE DESCRIPTION AND BACKGROUND

In 1951, construction of the uranium processing plant began on a 1,050-acre parcel of land near Cincinnati, Ohio. During the Cold War, the Fernald plant, originally named the Feed Materials Production Center, produced 500 million pounds of high-purity uranium metal products for the nation's weapons production program. The products were shipped to other sites within the nuclear weapons complex. Some sites used the products as fuel for nuclear reactors to produce plutonium.

In the late 1980s, when Fernald shut down because of declines in demand for Fernald's product and increasing environmental concerns, 31 million net pounds of nuclear product, 2.5 billion pounds of waste and 2.5 million cubic yards of contaminated soil and debris remained on site. The uranium metal production mission shifted to focus on environmental restoration and waste management issues.

To manage the cleanup more effectively, the entire site was organized into five distinct study areas called operable units. Each operable unit had similar physical characteristics, waste inventories, regulatory requirements, and/or anticipated remedial action technologies. The operable units were as follows:

- Operable Unit 1 (OU1) included six waste pits, a Burn Pit and Clearwell.
- Operable Unit 2 (OU2) included a solid waste landfill, lime sludge ponds, inactive flyash pile, active flyash pile and the South field area.
- Operable Unit 3 (OU3) included all processing facilities located in 136-acre area.
- Operable Unit 4 (OU4) included K-65 Silos 1 and 2, which contained radium-bearing radioactive wastes dating back to the 1940s; Silo 3 which contained dried uranium-bearing wastes; and Silo 4 which was always empty.
- Operable Unit 5 (OU5) encompassed the environmental media on the Fernald property and surrounding areas, which was impacted by the facility. Environmental media included the groundwater, surface water, soils, sediments, vegetation and wildlife through the Fernald facility and surrounding areas. OU5 also included the South Plume, an area of off-property groundwater contamination.

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In 1996, Fernald completed a 10-year environmental investigation to determine contamination levels and develop cleanup plans. The significant investigation resulted in Records of Decision (RODs), or final cleanup plans, for the five operable units. After completing the engineering designs, the site's cleanup program was organized into seven major projects to integrate fieldwork and improve safety and efficiency. Those project areas include:

- Aquifer Restoration
- Building Demolition
- Soil and Disposal Facility
- Silos 1 and 2
- Silo 3
- Waste Pits
- Waste Management/Nuclear Material Disposition

The final mission of the FCP is to clean up the site in compliance with Fernald's approved Records of Decision. DOE developed the *Fernald Natural Resource Restoration Plan*, which outlines DOE's final land use strategy for the 1,050-acre Fernald site after cleanup and site closure actions are complete. The plan also identifies institutional controls needed to restore and commit portions of the site to an undeveloped park, with an emphasis on wildlife habitat. In 1999, DOE issued the Final Land Use Environmental Assessment that addressed recommendations and feedback received from the public. To ensure appropriate future use, the site will remain under federal ownership in perpetuity. In support of public use of the site, DOE plans to restore natural resources on 904 acres to compensate for natural resources that were destroyed or damaged by site operations and cleanup.

Regulatory Framework

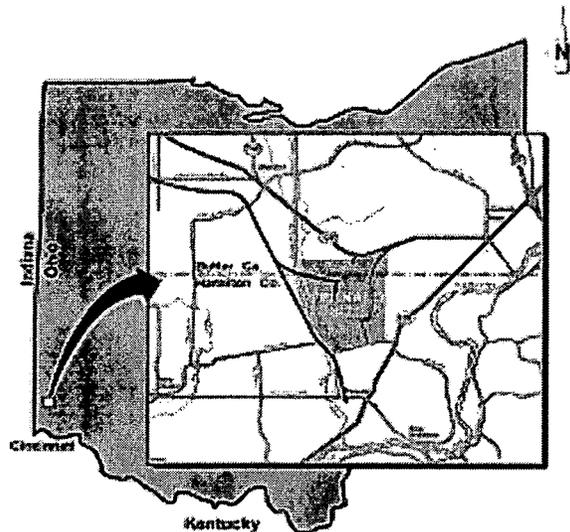
In response to growing concern about health and environmental risks posed by hazardous waste sites, Congress established the Superfund Program in 1980 and SARA in 1986. EPA administers the Superfund Program in cooperation with individual states and tribal governments. The National Priorities List (NPL) is a list of top-priority hazardous waste sites that are eligible for extensive, long-term cleanup under the Federal Superfund Program. EPA placed Fernald on the NPL in November 1989 as the Feed Materials Production Center. All sites under the Superfund Program are regulated by CERCLA, as amended by SARA, and Subpart E of the National Oil and Hazardous Substances Pollution Contingency Plan, found in 40 *U.S. Code of Federal Regulations* Part 300.400. All cleanup activities must satisfy the requirements of CERCLA.

In July 1986, DOE and EPA signed an FFCA that established a procedural framework and schedule for developing appropriate response actions and facilitates cooperation and exchange of information. The FFCA initiated the Remedial Investigation/Feasibility Study (RI/FS), a comprehensive environmental investigation conducted in and around Fernald to identify the nature and extent of contamination and to determine the best cleanup solutions. The FFCA is currently being evaluated to determine if a modification is required to support legacy management activities after site closure.

Community Profile

Fernald is located in southwest Ohio, approximately 18 miles northwest of Cincinnati and straddles the boundary between Butler and Hamilton Counties (Figure 1). The site is located near the unincorporated communities of Ross (northeast), Shandon (northwest), Fernald (south), New Baltimore (southeast), and New Haven (southwest). The site encompasses portions of Crosby, Ross, and Morgan Townships.

Figure 1. Fernald Location Map



Hamilton County is situated in the extreme southwestern corner of Ohio and covers an area of 414 square miles. The county is the economic nucleus of the 13-county Cincinnati metropolitan area. As of 2003, Hamilton County supported a population of 823,472, which is a decrease of 2.6 percent since 2000. Within the county are 37 municipalities, including 21 cities, 16 villages and 12 townships.

Butler County is directly north of Hamilton County and covers an area of 467 square miles. This county contains more wide-open spaces and therefore is less densely populated. However, Butler County is showing a growth trend. In 2003 the population estimate was 343,207, which is up 3.2 percent since 2000.

Most of the Fernald facility lies within Crosby Township, which has a population of 2,748. Ross Township supports a population of 6,900 and Morgan Township has a population of 6,215. All three townships are expecting dramatic population growth in the near term.

The Great Miami River is located to the east. Land use in the area consists primarily of residential, agricultural, and gravel excavation operations. Some land in the vicinity of Fernald is dedicated to housing developments, light industry, and parks. Local history also includes settlement of the area by Native Americans. DOE has agreed to provide a site for the reinterment of Native American remains on the Fernald property. Representatives from Fernald are currently working with federally recognized tribes to assess the tribes' interest in using a portion of the Fernald site for reinterments.

DOE consulted with appropriate stakeholders including site labor unions, retirees, and other former employees to create a Cold War Garden located on the Fernald property. To facilitate cleanup activities, this memorial was dismantled and placed in storage. The final design and location for the memorial will be determined prior to site closure.

Highlights of Community Involvement

During most of the production era, no one gave much thought to public participation or community involvement. When public concerns about contamination problems peaked in the 1980s, site management was unprepared to handle these concerns. There were no public forums to discuss concerns and issues and there were no site contacts for people to call if they had questions. In 1985, the first public relations professional was hired at Fernald. During the first few years, the new Public Affairs department focused primarily on creating public information channels so people could learn about the site operations and establish contacts with the community. DOE opened several reading rooms to make site documents available to the public and management started holding community meetings to begin a dialogue with the public.

Within a few years, a new strategy for public participation was developed, exceeding the textbook style found in the regulations. In November 1993, Fernald adopted its public involvement program. The basic precepts of this program were:

- People have a fundamental desire to participate in decisions that affect their lives.
- Many people working together can often find better solutions to difficult problems.
- Fernald management is responsible for including public involvement in decision-making.

The public became more aware of the scope of the site's contamination and demanded a voice in cleanup decisions. Many changes then occurred. Project managers were quick to realize that the public could actually help them find answers to difficult and often controversial questions such as, "How clean is clean?" Citizen groups such as the Fernald Citizens Advisory Board, the Fernald Community Reuse Organization, the Fernald Health Effects Subcommittee, and Fernald Residents for Environmental Safety and Health were formed to provide avenues for citizen participation in the two-way communication path that was established. Stakeholders have been instrumental to the cleanup progress at Fernald.

The Public Environmental Information Center provides easy public access to documents about the cleanup and is a resource center for anyone who wants to research Fernald.

Fernald also established support programs for both charitable causes and for education. Created in 1996, the Fernald Community Involvement Team was a volunteer task force made up of employees, as well as their family members and friends, who are active in social service projects within the local community. In addition, Fernald sponsored educational programs for local students and teachers by establishing strong partnerships with area schools.

As the site now moves toward closure and site activities shift to the long-term surveillance and maintenance phase, so too does the community involvement focus shift. Community awareness of the

remaining contamination is vital to the continued protection of human health and the environment at Fernald. Ensuring community awareness of the site's history and maintaining environmental controls will require outreach to new residents and future generations. DOE remains committed to its public involvement program.

Interested Community Members, Local, City, and State Elected Officials

DOE recognizes that stakeholders may be any affected or interested party, including, but not limited to:

- Local elected officials.
- Fernald Citizens Advisory Board (FCAB).
- Fernald Residents for Environmental Safety and Health (FRESH).
- Fernald Living History, Inc. (FLH).
- Fernald Community Health Effects Committee (FCHEC).
- Current and retired Fernald contractor employees.
- Citizens of Hamilton and Butler Counties.
- State and local government agencies, including Ohio EPA.
- Elected State of Ohio officials.
- Federal agencies, including EPA.
- Congressional delegations for Ohio and part of Indiana.
- Local media.
- Local elementary and secondary schools.
- Environmental organizations.
- Business owners.
- Service organizations.
- Other interested individuals.

The **FCAB** was originally established in August 1993 as the Fernald Citizens Task Force. In 1997, the task force changed its name to the Fernald Citizens Advisory Board to coincide with citizens advisory boards at other DOE sites. The FCAB is a DOE Site Specific Advisory Board chartered by the Federal Advisory Committee Act to advise DOE on activities pertaining to the remediation and future use of the Fernald site. The board consists of 13 members of the public, including local residents, labor representatives, local government officials, academia, and business representatives, along with ex-officio members from DOE, EPA, Ohio EPA, and the Agency for Toxic Substances and Disease Registry. The FCAB continues to be actively involved in the remediation and restoration activities for FCP. The FCAB currently has funding through fiscal year 2005.

FRESH is an environmental activist group that was formed in 1984 to monitor Fernald activities. The stated purposes of the organization are to ensure the Fernald site is cleaned up, to communicate and educate the surrounding communities about the site, and to advocate for responsible environmental restoration and public health and safety. FRESH is a member of the Alliance for Nuclear Accountability (formerly known as the Military Production Network) and the Ohio Environmental Council and Environmental Community Organization. The group's motto is "Making a Difference Since 1984". The group holds regularly scheduled meetings and invites speakers to present on various aspects of the Fernald cleanup.

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FLH is dedicated to ensuring that the history of Fernald, including its importance to the Cold War effort, what existed at the site, and its cultural significance, is available for future generations. This organization will play an important role in establishing institutional controls as a means of protecting the cleanup remedy at Fernald.

The organizations described above have played an integral role in the cleanup of Fernald. The Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 includes language that specifies the development of **Local Stakeholder Organizations (LSOs)** at three closure sites, including Fernald. The purpose of the LSOs is to provide a formal mechanism for local communities to continue to be involved in DOE's decision-making process as it relates to the sites post-closure. OLM has met with stakeholder groups representing each of these three closure sites to gather input on the potential LSO membership and transition to LSOs. OLM has developed policies and processes for establishing and managing these organizations and has secured funding for the creation and maintenance of a Fernald LSO. A schedule for development and implementation of these LSOs is also being proposed.

The Fernald LSO responsibilities will be to:

- 1) Solicit and encourage public participation in appropriate activities relating to the closure and post-closure operations of Fernald;
- 2) Use LSO meetings or other forums to disseminate DOE information on the closure and post-closure operations of the site to the States of Ohio and Indiana, Butler and Hamilton Counties, neighboring townships, and to persons and entities having a stake in the closure or post-closure operations of the site;
- 3) Transmit to appropriate managers or employees of DOE any questions or concerns on the closure and post-closure operations of the site from other government entities, or persons and entities referred to above; and
- 4) Perform such other duties as the Secretary of Energy and the LSO jointly determine appropriate to assist the Secretary in meeting post-closure obligations of the Department at the site. OLM will provide additional information and consult with interested parties concerning the development of the Fernald LSO.

Roles and Responsibilities

EM is responsible for completing cleanup and closure of Fernald. This includes the decontamination and decommissioning of 255 former production plants, support structures and associated components; the shipment of all nuclear waste offsite; the remediation of five operable units; the removal of waste from three silos; extraction and treatment of contaminated ground water; the transfer of excess government property to state and local agencies; and the preparation of the property for long-term management by OLM.

OLM is responsible for the long-term care of legacy liabilities at former nuclear weapons production sites following completion of the EM cleanup effort. The primary goals of the office are to:

- Protect human health and the environment through effective and efficient long-term surveillance and maintenance
- Manage legacy land assets, emphasizing safety, reuse, and disposition.
- Maintain the remedy.
- Mitigate community impacts resulting from the cleanup of legacy waste and changing departmental missions.
- Administer post-closure benefits for former contractor employees.
- Manage site records.

Following the cleanup and closure of Fernald, as an EM site, responsibility for maintaining the CERCLA remedies will transfer to OLM. OLM will be responsible for compliance with the legacy management requirements and protocols that will be documented in a site-specific Legacy Management and Institutional Controls Plan (LMICP). At other DOE sites, the LMICP is known as the Long-Term Surveillance and Maintenance (LTS&M) Plan. The LMICP serves as the Fernald LTS&M Plan. Fernald's post-closure LTS&M requirements fall into two categories: operation and maintenance of the remedy and legacy management in restored areas. Legacy management activities related to the maintenance of the remedy will include monitoring maintaining the on-site disposal facility, ensuring that site access and use restrictions are enforced, monitoring ground water, and managing records. Maintaining institutional controls, safeguards that effectively protect human health and the environment, will be a fundamental component of LTS&M at Fernald, and will include ensuring no residential, agricultural, hunting, swimming, camping or fishing uses occur on the property. In addition, appropriate wildlife management techniques and processes may also be necessary. Legacy management in restored areas will include ensuring that natural and cultural resources will be protected in accordance with applicable laws and regulations. Wetlands and threatened and endangered species are examples of natural resources that will be monitored.

Public Participation Activities

Public participation is an important part of the CERCLA process, and DOE intends to offer opportunities for public involvement beyond those required by regulations. Public participation activities are conducted in support of the DOE goal of actively informing the public about the FCP and site transition and to provide opportunities for open, ongoing, two-way communication between DOE and the public.

DOE has been conducting public participation activities to meet citizen expectations for involvement in the decision-making process for areas not specified by statutes and regulations. In such cases, DOE has successfully used the consultative process by inviting the general public, special interest groups, and the local government to participate early in the decision-making process and the prioritization of Fernald

activities. The consultative process supplements the public involvement activities required by law. By engaging the community early in decision-making processes, DOE is better able to integrate community values into its decisions and build trust among stakeholders.

The following are general descriptions of public participation activities OLM plans post-closure. Site Transition activities have also begun to prepare the site for closure and transfer of responsibility from EM to OLM. Site Transition will continue until OLM assumes full LTS&M responsibility for the site. Post-Closure are those activities to be conducted after the site has been cleaned up and transferred to OLM for long-term custody. As activities at the site decrease, DOE anticipates a corresponding reduction in topics that warrant communication to stakeholders. Table 1 shows the public participation activities anticipated.

Meetings

DOE provides briefings, workshops, and presentations on site activities in a variety of public forums.

Public Meetings

OLM will hold public meetings quarterly the first year post-closure and at least annually thereafter to address post-closure issues of importance to stakeholders. These meetings will provide information about long-term surveillance and maintenance activities being conducted at the site and will present the results of annual site inspections.

Briefings for Local, State, and Federal Elected Officials

OLM plans to continue holding briefings with elected officials as needed to discuss new data trends or the evaluation of post-ROD changes.

Meetings With Citizens Groups

OLM will work with whatever stakeholder groups exist post-closure to discuss topics of stakeholder interest and concern. The establishment of a Fernald LSO will provide a post-closure forum for stakeholders to continue a dialogue with DOE.

Administrative Record and Public Reading Room

DOE will establish a Multi-Use Educational Facility (MUEF) on site. The MUEF will contain information and context on the remediation of the Fernald site, including information on site restrictions, ongoing maintenance, and monitoring and residual risk information. The MUEF will also provide storage for historical information and photographs, a reading room, a meeting place and other education information as appropriate.

On-Site Education Facility

OLM will continue to work with interested stakeholders who desire to preserve and tell the story of Fernald. The established MUEF will serve as an on-site education facility for school and community groups. DOE will support community efforts to develop and provide historical preservation programs and complete installation of the Cold War Garden.

Internet Website

OLM will maintain a web page for Fernald post-closure and will post site documents created after closure and make available online key documents associated with the cleanup and remedy. When the Administrative Record is available electronically, these documents will be accessible through the Internet. CERCLA documents prepared post-closure will be posted on OLM website soon after they are released.

Site Tours

Tours provide an important forum to help the community understand post-closure site conditions and the controls in place to protect human health and the environment. Official visits or tours are scheduled based on specific requests and can include environmental restoration and ongoing operations with the accessibility restrictions at the On-Site Disposal Facility (OSDF). Because of their value, OLM, in coordination with the post-closure site manager, will conduct stakeholder and media tours as requested.

Documents for Public Review and Comment

OLM will provide opportunities for stakeholders to review and comment on post-closure documents as required by CERCLA regulations, including 5-year reviews. For documents not specified by statutes and regulations, OLM will consult with stakeholders to address citizen expectations for involvement in public review and comment. DOE anticipates the number of documents developed post-closure to be minimal. EM and OLM are currently preparing a LMICP for Fernald. This plan explains how DOE will fulfill its surveillance and maintenance obligation at the site. The public will be provided an opportunity to comment on the draft LMICP for Fernald before it is finalized and on future revisions to this document. This plan is currently scheduled to be released for public comment in winter 2005. Changes required post-closure to significant cleanup documents will be discussed with stakeholders.

News Releases and Editorials

OLM will continue to issue news releases and/or community advisories to announce public meetings regarding OLM documents or significant post-closure activities.

Publications

OLM will prepare fact sheets and newsletters as needed to describe OLM post-closure activities. These fact sheets will be provided to stakeholders on the mailing list and on the OLM website.

Public Outreach Presentations

OLM will have a full-time staff member on site beginning in January 2006. This on-site staff person, an off-site OLM representative, or contractor personnel would give presentations on Fernald as requested.

Emergency Contacts

On July 30, 2004, Crosby Township assumed responsibility as the primary emergency responder at Fernald. OLM will make notifications to established points of contact; regulators, local elected officials, community officials, and congressional offices would be also informed promptly if such a situation arises. When reporting an emergency on or near the site, dial 911. Signs with a toll-free number for citizens to register concerns will be posted at visible locations around the site. The public may use the 24-hour security telephone numbers monitored at the DOE Office at Grand Junction to notify the Office of Legacy Management of site concerns. The 24-hour security telephone numbers will be posted at site access points and other key locations on the site. The 24-hour emergency number is 970-248-6070 OR 877-695-5322.

Mailing Lists

OLM maintains a contact database of all stakeholders associated with any OLM site. OLM will assume responsibility for maintaining the list of Fernald stakeholders post-closure.

Table 1. Matrix of Public Participation Activities

Activity	Post-Closure
Meetings	
<i>Public Meetings</i>	<ul style="list-style-type: none"> • Quarterly first year post-closure and as needed thereafter • Address post-closure issues, including LTS&M activities and annual inspection results
<i>Briefings for Elected Officials</i>	<ul style="list-style-type: none"> • OLM plans to continue post-closure • Discuss new data trends or evaluation of post-ROD changes
<i>Meetings With Citizens Groups</i>	<ul style="list-style-type: none"> • OLM will work with whatever stakeholders exist post-closure • Establishment of a Fernald LSO will provide post-closure forum for stakeholders to continue dialogue with DOE
Administrative Record and Public Reading Room	<ul style="list-style-type: none"> • Maintain Public Reading Room at least 2 years post-closure • Future location will be in the Multi-Use Education Facility on the Fernald site
On-Site Education Facility	<ul style="list-style-type: none"> • A Multi-Use Education Facility will be located on site • Continue donating photographs, artifacts, and excess equipment to community groups • Complete installation of Cold War Memorial
Internet Website	<ul style="list-style-type: none"> • OLM will maintain web page for Fernald • Will include CERCLA documents prepared post-closure • Administrative Record will be available electronically through the Internet
Site Tours	<ul style="list-style-type: none"> • Site tours are important to inform community of efforts to protect human health and the environment. • OLM, in coordination with post-closure site manager, will conduct tours as requested
Documents for Public Review and Comment	<ul style="list-style-type: none"> • Will follow CERCLA requirements for public comment • Will consult with stakeholders on review of non-regulatory documents • Anticipate minimal number of documents created • Changes required post-closure to significant cleanup documents will be discussed with stakeholders
News Releases and Editorials	<ul style="list-style-type: none"> • OLM will continue to issue news releases post-closure
Publications	<ul style="list-style-type: none"> • OLM will prepare fact sheets as needed • Distributed through mailings and posted on website
Public Outreach Presentations	<ul style="list-style-type: none"> • OLM will place a full-time staff member on site January 2006 • Presentations will be given by this staff person or other qualified individual
Emergency Contacts	<ul style="list-style-type: none"> • In case of an emergency dial 911 – Crosby Township is the primary emergency responder • Established contacts will be notified in emergency situations • Signs with toll-free number will be posted around site • 24-hour Emergency Number is 970-248-6070 or 877-695-5322
Mailing Lists	<ul style="list-style-type: none"> • OLM will assume responsibility for maintaining Fernald contacts