



State of Ohio Environmental Protection Agency

Southwest District Office

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March 9, 2001

Mr. Steve McCracken
USDOE FEMP
P.O. Box 538705
Cincinnati, OH 45253-8705

Dear Mr. McCracken,

I am writing you to express Ohio EPA's concerns regarding the on-going rebaselining efforts by DOE and Fluor Fernald. The rebaselining is the result of DOE's award of the closure contract to Fluor Fernald and DOE's proposed funding request of only \$290 million flat line for the duration of the project. Based upon our discussions over the past two months, it appears the proposed funding profile and contract mechanisms will result in numerous missed regulatory milestones in the coming years and jeopardizes the environmental progress achieved at the site to date. It is important to note that all Fernald compliance milestones are directly related to site remediation and should not be viewed as different from site cleanup progress.

Ohio EPA has several concerns with the proposed scenarios being developed under the rebaselining and in particular with Fluor Fernald's preferred scenario which proposes the shutdown of several major projects on-site. Fluor's preferred scenario as we understand it would shutdown soil excavation, disposal cell operation and possibly decontamination and demolition activities to fully fund Waste Pit and Silos projects. Ohio EPA is concerned that under this scenario projects which have been highly successful at actual remediation work are being abandoned to focus on a project (silos) which has endured numerous problems and no actual remediation. We understand the priority of addressing the silo materials in a timely manner, however we are concerned with any scenario that advocates focusing on that project to the exclusion of others. The Silos project is extremely complicated and requires detailed attention. Therefore we believe a sequential approach to design and operation is needed. The project should focus on one aspect at a time. Obviously difficulties have been encountered when trying to focus on all aspects of design and treatment for the three silos simultaneously.

The Fernald remediation is based upon a very detailed and rigorous approach to soil excavation and placement of material into the On-Site Disposal Facility (OSDF). Any scenario which proposes to shutdown the soil excavation and disposal cell operation, jeopardizes the entire project. The knowledge base and skill level of those involved with these projects will not be easily regained once lost. The loss of those individuals with experience in following the protocols and procedures of excavation, construction, and placement doom the project to committing the mistakes of the past. Additionally, we do

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not believe that an acceptable interim closure of the OSDF is possible. Ohio EPA, USEPA, DOE and Fluor Fernald all agreed during the original development of the OSDF concept that interim closure was unacceptable. The proposal for interim closure shows a lack of good faith on the part of DOE and Fluor Fernald. Ohio EPA believes any acceptable rebaselining effort must include a continuation of soil excavation and OSDF operation; continuation of natural resource restoration, a refocusing of Silos efforts, and continuation of Waste Pit operations.

Ohio EPA has been a willing partner in the development of better ways to get the job done at Fernald. The actions of the DOE have now put DOE's commitment to completing the work at hand in a judicious fashion in doubt. Since the first Fernald Ten Year Plan, Ohio EPA has worked diligently to accommodate the routine funding shortfalls at Fernald and shuffle work to keep the remediation and restoration as efficient and close to schedule as possible. The seemingly constant slippage in schedules can however not continue indefinitely and unfortunately the new contract and funding profile, when coupled, seem destined to institutionalize just such slippage. DOE must recognize the deleterious impacts of recent decisions and restore efforts to supply the resources necessary to support successful completion of milestones at Fernald.

If you have any questions concerning this letter, please contact me at (937) 285-6466.

Sincerely



Thomas A. Schneider
Fernald Project Manager
Office of Federal Facilities Oversight
Ohio EPA

cc: Jim Saric, U.S. EPA
Terry Hagen, Fluor Fernald
John Bradburne, Fluor Fernald
Jack Craig, U.S. DOE-OFO
Susan Brechbill, U.S. DOE-OFO
Ruth Vandergriff, ODH
Doug Sarno, FCAB
Jim Fiore, U.S. DOE-HDQ