



Department of Energy

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MAR 30 2001

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Mr. Tom Schneider, Project Manager
Ohio Environmental Protection Agency
401 East 5th Street
Dayton, Ohio 45402-2911

DOE-0453-01

Mr. Bill Kurey
U.S. Fish and Wildlife Services, Suite H
6950 Parkway
Reynoldsburg, Ohio 43068

Dear Mr. Schneider and Mr. Kurey:

**TRANSMITTAL OF RESPONSE TO OHIO ENVIRONMENTAL PROTECTION AGENCY AND
U.S. FISH AND WILDLIFE SERVICES CONCERNS REGARDING ONGOING NATURAL
RESOURCE RESTORATION PROGRAM AT THE FERNALD ENVIRONMENTAL
MANAGEMENT PROJECT**

Reference: Letter, T. Schneider, OEPA, and W. Kurey, USF&WS, to S. McCracken,
DOE-FEMP, "NRT Concerns on Re-sequencing Remediation and
Restoration Efforts," dated February 28, 2001

The purpose of this correspondence is to address concerns raised by Natural Resource Trustee (NRT) representatives for the Ohio Environmental Protection Agency (OEPA) and the United States Fish and Wildlife Service in the above referenced letter regarding the Department of Energy's (DOE) commitment to the Natural Resource Restoration Program at the Fernald Environmental Management Project (FEMP). To address the primary concern raised in the referenced letter, it should be clearly understood that DOE remains committed to the implementation of the restoration work at the FEMP consistent with the Refined Scope Document developed by the NRTs. Further, DOE remains committed to the completion of the refined scope consistent with the endpoint negotiated by the NRTs and contained in the 1998 Natural Resource Restoration Plan (NRRP) schedule and the Refined Scope Document.

As outlined in numerous recent conversations, the Closure contract between Fluor Fernald, Inc., and DOE will require that the approach to integration of restoration activities with remediation of the FEMP be re-examined to determine the most efficient and cost-effective

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approach to completing closure (i.e., restoration). As conveyed in a number of recent discussions, this may involve the delay of some key projects ongoing at the FEMP, such as Soil and Disposal Facility Project (SDFP), and the implementation of large-scale restoration projects. It is important to point out that no final decisions have been made at this time regarding the sequence of projects under the new contract, or the magnitude of any delays that may occur. DOE recognizes that the re-sequencing and delay of key projects may require that a new approach to implementing restoration work at the FEMP be developed and agreed upon by the NRTs. DOE wants to emphasize there is no desire to substantively change the scope of planned restoration work or change the desired endpoint for completion of restoration work at the FEMP. In light of recent discussions by the NRTs, it is anticipated that some modification to planting locations would occur from what was presented in the refined scope, but the size and density of plant material to be installed would not change.

It is important to point out that while efficiency and cost considerations may result in full-scale restoration projects being delayed for several years, DOE does plan to continue interim actions to properly prepare the FEMP site for restoration. DOE believes there are many actions which can be implemented as maintenance/management activities that are not cost prohibitive, and will have significant benefit to the overall restoration of the FEMP. Under the current restoration approach, activities such as invasive/aggressive species control, seedbed preparation, seeding of native grasses and select hydrologic investigations would be implemented immediately prior to, or in parallel with, installation of native plants. The re-sequencing approach being considered would provide the opportunity for maintenance/management activities to be completed in a systematic manner over the next three years to prepare non-remediated areas for future restoration work. It is also important to point out that this work would be planned and implemented by existing restoration personnel within Fluor Fernald. The completion of the listed interim actions would allow restoration work (once initiated) to focus primarily on installation of native trees and shrubs into areas already prepared for planting.

The general approach being considered by DOE for restoration of the FEMP can be summarized in the following general schedule:

2001 – 2003

- Secure contracts for plant material needed for future restoration work,
- Collect Baseline and Reference Site ecological data,
- Systematic removal of invasive/aggressive species,
- Management of the deer herd on the FEMP,
- Seeding to convert old field and pasture areas to prairies (following control of existing grasses),
- Investigation of hydrology in select areas of the FEMP.

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Phased implementation of the following Restoration Projects that would encompass all restoration projects currently included in the NRRP and Refined Scope:

- Southern Waste Unit Restoration (Area 2 Phase I)
- North Woodlot Restoration (Area 1 Phase III, Area 1 Phase I, Area 6 North)
- Paddys Run Corridor Restoration (Area 8 Phase III, Area 2 Phase III, Area 2 Phase II)
- Production/Waste Pit Area Restoration (Areas 3 through 6)
- Silos Area Restoration (Area 7)
- On-Site Disposal Facility Perimeter/Borrow Area Restoration (Area 1 Phase I, Area 1 Phase II)

Another key advantage of the approach outlined above is that it would allow lead time to secure plant material for future restoration work, thereby providing DOE with guaranteed plant stock at the best prices available. As noted above, securing plant material through some type of plant contract approach would begin immediately. Securing plant contracts up front not only provides assurance that desired plants will be available when needed, but also further demonstrates DOE's commitment to the restoration program.

With regard to establishing separate funding for restoration work at the FEMP, DOE and Fluor Fernald currently manage funding for restoration work within accounts dedicated to Soil Remediation (i.e., SDFP). This has been an appropriate location for restoration funding due to the close relationship between Restoration and SDFP and the involvement of SDFP personnel (e.g., surveying, characterization, and construction) in supporting restoration work. Consistent with past understandings with the NRTs, remediation will take a higher priority than restoration if competition for funding occurs. To date, there have been several large restoration projects completed. Some have been at higher costs than originally planned in the baseline, with no impact to restoration work. DOE will maintain the current structure with regard to restoration funding and reemphasize our commitment to work closely with the NRTs should any issue regarding restoration funding occur in the future.

As reflected in the above proposal, DOE remains committed to the restoration program at the FEMP, and believes that the approach outlined above will allow for final restoration to be completed in an acceptable time frame, consistent with the expectations of the NRTs. DOE is extremely interested in pursuing the current Memorandum of Understanding quickly, finalizing the NRRP consistent with the schedule outlined above and the refined scope, and reaching final settlement of natural resource issues at the FEMP this calendar year. DOE requests the support of the NRTs in providing flexibility in the approach to restoration which will allow for development of the most efficient and cost-effective closure of the FEMP.

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Any questions regarding this matter should be directed to Johnny Reising of my staff at (513) 648-3161.

Sincerely,

for 
Stephen H. McCracken
Director

FEMP:Reising

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bcc:

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