



March 8, 2004

Mr. Gary Stegner
U.S. Department of Energy
Fernald Closure Project
175 Tri-County Parkway
Springdale, OH 45246

Mr. Gary Stegner:

Recommendation 2005-02: Comments on the January 2005 Draft Community Involvement Plan

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The Fernald Citizens Advisory Board (FCAB) has reviewed the January 2005 Draft Community Involvement Plan for the Fernald site and offers DOE the following comments. Although the document provides an overview of community involvement activities during Environmental Management cleanup of the site, as well as those anticipated for site transition to Legacy Management, we have focused our comments on post-closure community involvement.

The FCAB has devoted significant attention to the involvement of the Fernald community in the post-closure management of the site. Our comments on the draft Community Involvement Plan echo the recommendations and comments contained in our 2002 report, Telling the Story of the Fernald, Recommendation #2004-12, and other FCAB recommendations from the past three years. The FCAB coined the phrase Community-Based Stewardship to describe its vision for post-closure community involvement. Community-Based Stewardship is based on the premise that the community will be the only continuous presence at the Fernald site, and thus, members of the public will play a critical role in protecting the integrity of institutional controls and maintaining community acceptance of the remedy.

The FCAB continues to believe that in order for the community to successfully fulfill this role, there must be a high level of community awareness regarding the full history of the Fernald site, its current conditions, and the controls required to protect human health and the environment. This requires an active outreach and education program, which would be facilitated through the creation of an on-site education facility. The FCAB continues to work closely with other community organizations and current site personnel to bring an education facility and post-closure outreach programs to fruition.

As such, we recommend that DOE include a specific commitment to post-closure community education and outreach in the Community Involvement Plan for Fernald. This commitment would provide a strong foundation for all community involvement activities. Furthermore, the FCAB asks that DOE assert its commitment to cooperate to the fullest extent possible to help the community achieve its goals for the future of Fernald. Examples of this level of cooperation include:

- Providing ongoing public access to the site
- Ensuring public use of artifacts and excess photographic resources
- Providing on-site structures, modified to facilitate post-closure public education and access to a full range of site information
- Structuring LTSM contracts to accommodate plans for education and outreach and providing support to on-site education facilities.

The FCAB appreciates the efforts of DOE to draft this plan for community involvement. It is a useful framework for considering the various aspects of how DOE has interacted with the public in the past and will continue to do so in the future. However, because the public has stressed the importance of post-closure education and outreach, the FCAB suggests that a separate section for these activities be added to the body of the plan and its associated matrix. The site has a long tradition of providing a variety of information and educational materials to local community members, teachers, and students. The Community Involvement Plan would benefit by specifying which of those activities will continue during site transition and following closure.

The following comments apply to specific sections of the draft plan designated by bold headings.

Introduction

1. To what end will DOE engage in community involvement after site closure? We recommend that DOE outline its vision, goals, and promise to the public for post-closure community involvement. These may be guided by further documenting how DOE has benefited from its public participation activities during site cleanup. For example, public participation at Fernald led to a “balanced approach” to cleanup and an accelerated schedule, which resulted in significant cost-savings and risk-reduction. Rigorous public participation created an environment of trust and knowledge among diverse stakeholders and wide acceptance of the remedies selected for the site. Furthermore, DOE frequently involved the FCAB and other community members directly in solving technical and management challenges, making use of local knowledge and stakeholders’ diverse areas of expertise. The Community Involvement Plan is an ideal document in which to discuss the kind of relationship DOE desires with the community and the role that community input will play in the decisions to be made during long-term surveillance and monitoring (LTSM). Important goals include informing future generations and new residents about the site, ensuring the effectiveness of institutional controls, and maintaining long-term support for the site remedy.
2. Likewise, we ask that DOE provide a list of the types of issues on which they will seek community input. We suggest, at a minimum, that DOE consult community voices on the following issues:
 - a. Changes to decision documents and management plans (e.g., Records of Decisions for the aquifer project, the Comprehensive Legacy Management and Institutional Controls Plan, and the Community Involvement Plan)
 - b. Scopes of work for site contractors
 - c. Plans for outreach to the community and other stakeholders
 - d. Changes in land management practices and policies
 - e. Removal or reconfiguration of any on-site facilities (e.g., trails, parking areas, offices, and education facilities)
 - f. Changes in the level of access to the site or specific areas of the site
 - g. Repair or significant alteration of engineered controls
 - h. Changes in the scope of responsibilities for the Local Stakeholder Organization (LSO)
 - i. Setting or amending schedules for monitoring and regular maintenance
 - j. Results of monitoring, in particular groundwater monitoring, as well as any results that fall outside expected values and what actions are to be taken as a result.
3. The final paragraph of this section states that the Plan will be “updated as appropriate” (p.2). What are the likely scenarios under which updates would be considered appropriate? The FCAB anticipates the frequency of community involvement might decrease when management of the site becomes routine. However, we do not anticipate that management of the site will normalize for several years following closure. Also, we recommend that DOE collaborate with the LSO and other community members in updating the Plan.

Community Profile

4. The draft plan states that a Cold War Memorial will be created on the Fernald property (p.4). Please note that a Cold War Memorial was created at the site prior to closure. This memorial consists of inscribed bricks purchased by members of local communities and site workers. To facilitate cleanup activities, this memorial was dismantled and placed in storage. The FCAB expects that the bricks from this memorial would be the focal point of any future memorial. We also expect that the memorial will be placed in a high profile area, with easy access to the public.

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

5. DOE should define the term “local” as it applies to future management of the Fernald property. The FCAB believes that Crosby, Ross, and Morgan Townships comprise the local area surrounding the Fernald site.

6. The draft plan lists anticipated responsibilities of the Fernald LSO (p.5). The FCAB is not certain these are appropriate roles for the LSO. For example, does DOE plan that the Fernald LSO “will disseminate information on the closure and post-closure operations of the site”? It may be more appropriate for DOE to use LSO meetings and other functions to disseminate this information. The FCAB believes the LSO has a responsibility to provide input to DOE, but DOE has the ongoing responsibility to manage and conduct community involvement activities.

Public Participation Activities

7. Please revise the second sentence of the first paragraph in this section of the draft Plan (p.6, “Public participation activities... communication between DOE and the public”) to make its meaning more clear.
8. The second paragraph of this section correctly states that DOE has conducted community involvement activities at Fernald “not specified by statutes and regulations.” This section provides an excellent opportunity for DOE to explain the benefits of going beyond statutory and regulatory requirements for community involvement. These requirements often entail little more than an opportunity for the public to review and comment on draft decision documents. By engaging the community early in problem-solving and decision-making processes at Fernald, DOE was better able to integrate community values into its decisions and build trust among stakeholders.

Public Meetings

9. Please provide examples of the kinds of issues that might arise during site transition and post-closure that would warrant public meetings.

Meetings With Citizens Groups

10. Please provide a separate subsection on FCAB meetings. The FCAB is an official Site-Specific Advisory Board chartered to DOE, and as such, DOE has a more formal relationship with it than with other citizens groups. DOE provides funding and other support for the group, and a Designated Federal Official must attend each meeting. We expect that DOE will assume the same level of commitment and involvement with the Fernald LSO.
11. DOE should orchestrate a methodical transition from the FCAB to the LSO. The effectiveness of the LSO will be greatly facilitated by managing a transfer of institutional knowledge and experience from the FCAB to this new organization.

Administrative Record and Public Reading Room

12. Please specify that the post-closure Public Reading Room will be located at the Fernald site.
13. In the past, DOE has indicated that the Administrative Record for the site would be available in an electronic format that could be accessed via the Internet. Include that specific commitment in this section of the Plan.

Internet Website

14. Again, please indicate in this section that the Administrative Record for the site will be available on a DOE Website.
15. DOE’s web page for Fernald will serve as a primary and stable post-closure resource for information about the site. It would help the community if this site included links to other site-related government and community organization web pages. Also, the site could provide a portal for an assortment of information resources related to Fernald, including information on the site’s history and educational programs available at the site.
16. Until an overwhelming majority of local residents (more than 90 percent) look to the Internet as a primary source of information, DOE should ensure community access to the Internet at the site’s Public Reading Room and provide guidance on how to find Fernald-specific information.

Site Tours

17. This is an ideal section to discuss the importance of bringing local residents to the site., Site tours will enable the community to fully understand site conditions and the controls in place to protect human health and the environment. If community connection to the Fernald property and its history is allowed to fade, controls may fail and future residents may demand additional study and/or remediation of the site.

Decision Documents

18. This section states "DOE anticipates the number of documents developed post-closure to be minimal" (p.10). The FCAB agrees that there may be few, if any, new decision documents created after site closure. However, the community has been quite involved when revisions and amendments have been made to existing decision documents (e.g., ROD amendments and Explanations of Significant Differences). Despite the best efforts of DOE to plan for a smooth transition from cleanup to LTSM, we anticipate that many decision documents and the Legacy Management and Institutional Controls plan will require changes during the first several years of post-closure management. Also, it is unclear what will be required to complete the aquifer restoration project, which will continue to operate following site closure. Several future decisions are expected to be associated with the groundwater project, including the determination of completion and a final monitoring strategies.

Public Outreach Presentations

19. Due to the importance of public education and outreach, the FCAB strongly encourages DOE to maintain a local staff presence at Fernald through the first 2-3 years of LTSM. A local DOE representative will be particularly important during this period when post-closure management strategies are being normalized, restoration projects require intensive stewardship, and unanticipated difficulties with engineered and institutional controls are ironed out. At the end of that period, DOE should collaborate with the LSO and other stakeholders to evaluate the pros and cons of maintaining that presence.

Emergency Contacts

20. This section does not adequately address how DOE will learn of emergencies and problems that occur at the site, particularly if there is little on-site presence by the agency. It is highly likely that local residents or casual visitors to the site will first discover problems at the site. Contact information must be posted clearly at several points on the site and regularly publicized in the community, so that members of the public will know how to report problems or get clarification about site conditions and permissible activities.

Mailing Lists

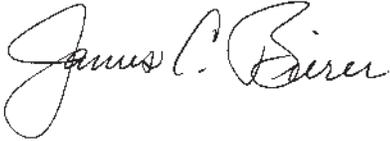
21. DOE should explore innovative ways to use technology to reach Fernald stakeholders in the future. With current technology, for example, DOE could create an email list-serve to which stakeholders could voluntarily subscribe by visiting the Fernald web site. That list-serve could be used to get a variety of information and notifications directly to interested stakeholders.

Information Contacts (Appendix A)

22. The list of contacts should also include county health departments. When future questions arise regarding the site, they are likely to pertain to human health risks.

The FCAB looks forward to continuing to work with DOE as it plans for the transition from cleanup to LTSM at Fernald. Please contact us if you have questions regarding these comments or would like additional input on the draft Community Involvement Plan.

Sincerely:



Jim Bierer
Chair



Lisa Crawford
Co-Chair

cc:
Paul Golan, DOE-EM
Mike Owen, DOE-LM
Bill Taylor, EM
Jack Craig, LM
Jane Powell, LM