

# 24 Years & Running

## A Natural Resource Damages Story



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Fernald is located about 20 miles NW of Cincinnati, Ohio



Fernald produced uranium metal products for the nation's defense programs.



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1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
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→ 1986: Ohio Files Suit



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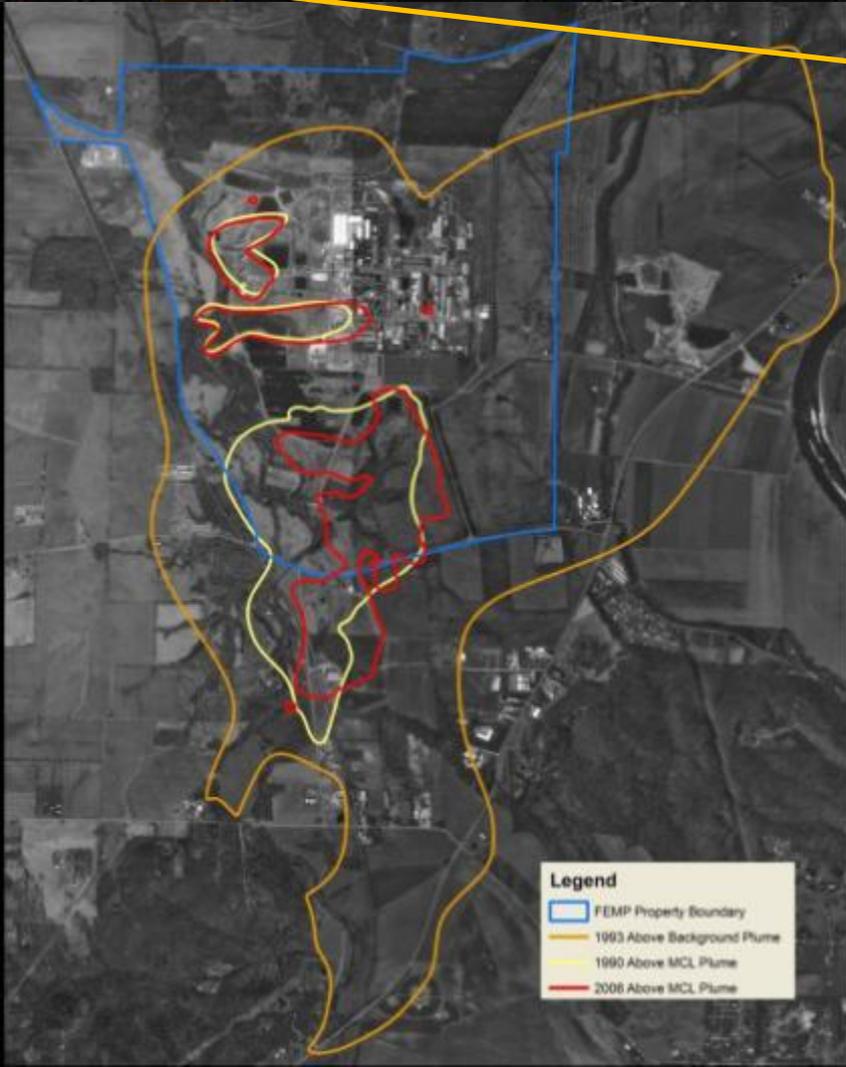
→ **1988: Ohio & DOE Settle Suit with Exception of NRD Claim**



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→ NRD Claim for Injury to Ground Water



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1989 - U.S. EPA adds Fernald to the National Priority List (NPL) in the Superfund Program

1989 – DOE/Westinghouse stop uranium metal production to work on RI/FS and CERCLA response actions.



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→ In 1993, DOE initiates discussions with the trustees.

The trustees for Fernald include:

- Department of Energy (DOE)
- Ohio (Ohio Environmental Protection Agency the authorized representative)
- Department of Interior (U.S. Fish and Wildlife Service, the authorized representative)

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**1994 – The NRTs hold their first meeting.**

**Plan to use post remediation land forms for restoration.**

**The decision for restoration on-site is made as a result of recommendations of the Fernald Citizens Task Force, future use considerations, and cost savings.**



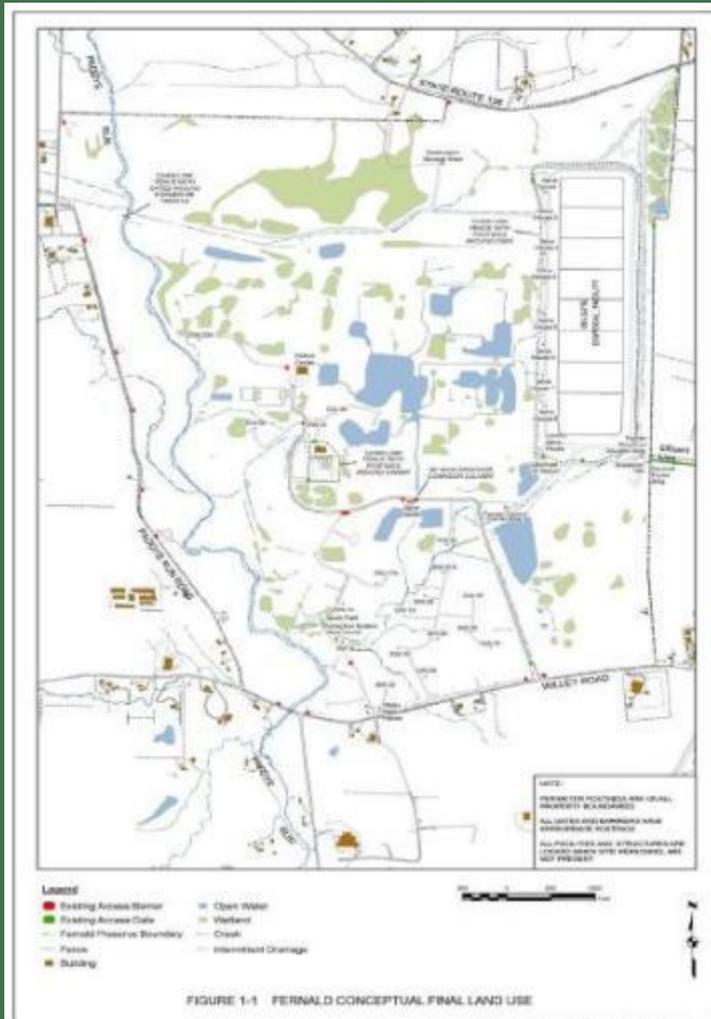
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In 1998, a draft Natural Resource Restoration Plan (NRRP) was issued for public comment

Habitats modeled on native habitats documented in the original land survey from the early 1800s.



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Relied upon habitat equivalency analysis to determine impacts and appropriate restoration acreage.

Ground water impact was still unresolved.

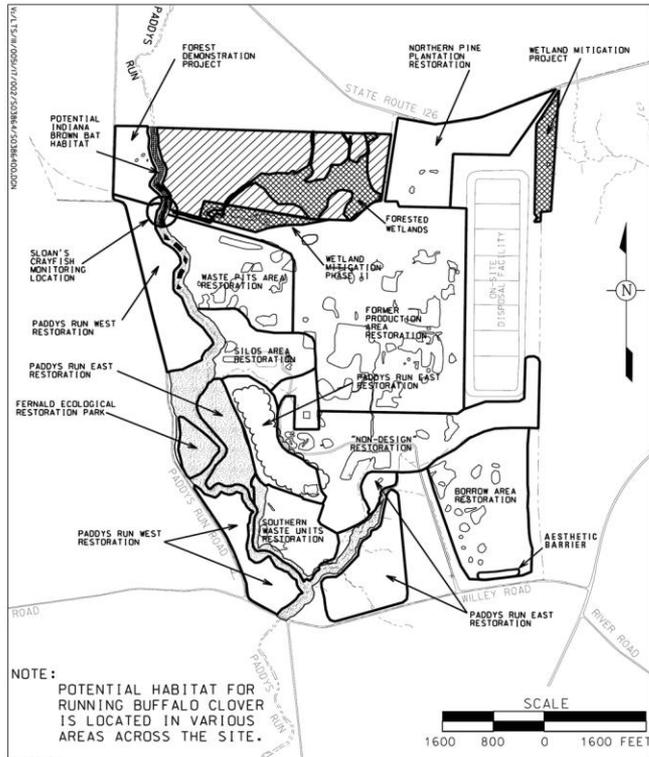


FIGURE 4-1 RESTORATION PROJECT AREAS



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→ Restoration activities begin in 1998.



- January 1998 - Paddys Run bank stabilization project is initiated and is completed in July.

- November 1998 - The A8PI habitat viewing area is completed.

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**1999 March - Construction of more than six acres of mitigation wetlands is initiated and completed in June**

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In August 2001, the NRTs signed a Memorandum of Understanding (MOU) formalizing the trustee council.

Ohio EPA and DOE cannot reach a consensus on a final NRRP; but, restoration of the site continues as remediation is completed.



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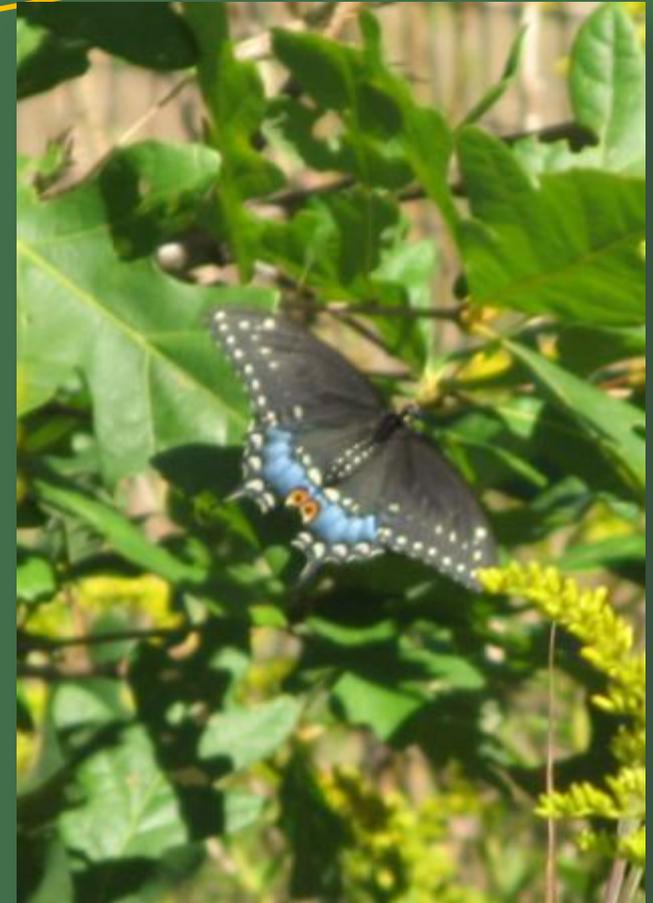
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**2004 - Settlement negotiations continue. The State's position:**

- Finalize, the July 1998 draft restoration

- Provide the necessary funding for long term maintenance
- Environmental covenant placed on site
- Provide funding for a ground water education facility



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← In 2005, the cooperative nature between Ohio and DOE deteriorates.

- Agreement on terrestrial impacts
- Disagreement on ground water impacts
- Expert selection
- Discovery
- Interrogatories/Depositions.



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2006 October 29 – Fluor Fernald announces declaration of physical closure.

2007 January 19 – DOE held its final closure ceremony in the future Visitors Center (former Silos Warehouse).

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In early 2008, the United States and the State of Ohio reach a settlement on the 1986 NRD claim.

Consent decree requires in addition to the \$14 million dollars DOE had spent on restoration:

- Finalize and implement the final NRRP
- Payment of \$13,750,000 to Ohio
- Execute environmental covenants
- Payment of past and future NRT related costs

Consent decree and associated final NRRP was finalized in November 2008.

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In February 2009, DOE deposited \$13.75 million into a court registry account.

Completion of the NRRP required a:

- Restored Area Maintenance Plan
- Wetland Mitigation Monitoring Plan
- Restoration Account Funds Use Plan



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← FUP is approved by NRT resolution on March 5, 2010

March 31, 2010 - \$13.25 million transferred to Ohio

May 18, 2010 – NRTs resolve past costs issues and transfer additional \$390,500 to Ohio hazardous waste account.

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2010

- 395 acres of forest
- 332 acres of prairie
- 33 acres of savanna
- 81 acres of wetland
- 60 acres of open water
- 7 miles of hiking trails



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2010

A LEED platinum visitor center



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2010



**Biowetland**



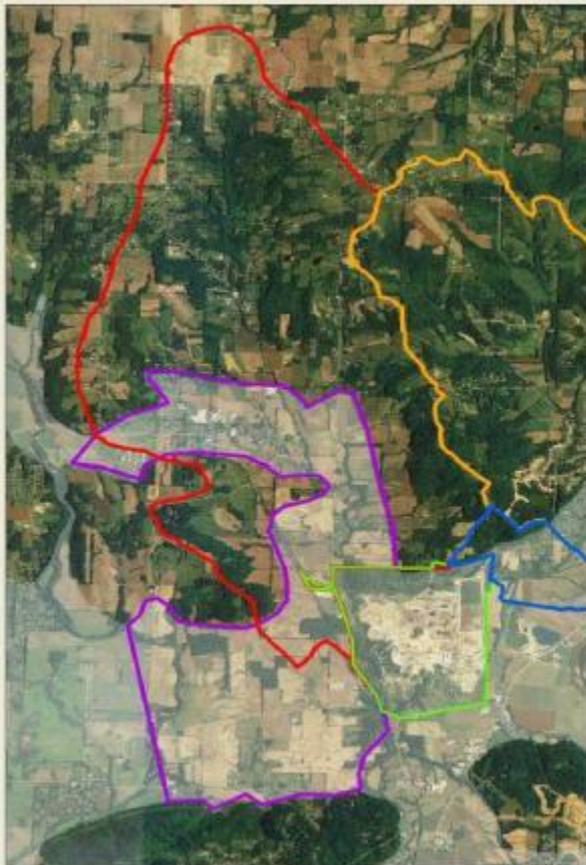
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2010



Fernald Water Resources



0 0.375 0.75 1.5 2.25 3 Miles

**Legend**  
Watershed Basin  
City Limits  
2007 Property Boundaries  
Public Land  
Private Land



- Finalizing a contract to implement the FUP
- Conservations easements
- Fee simple purchase
- Habitat enhancement



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

