



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
 REGION 5  
 77 WEST JACKSON BOULEVARD  
 CHICAGO, IL 60604-3590

PUBLIC MEETING

Fernald Environmental Management Project (FEMP) Site  
 Dispute Resolution Settlement Agreement

Alpha Building (Classroom D)  
 10967 Hamilton-Cleves Rd.  
 Harrison, OH

Tuesday, August 26, 1997  
 6 p.m.

AGENDA

|                |   |                           |
|----------------|---|---------------------------|
| 6-6:10 p.m.    | Introduction and Explanation<br>of the Purpose of the Meeting | Susan Pastor<br>U.S. EPA  |
| 6:10-6:30 p.m. | Explanation of Operable<br>Unit 4, Dispute, and Settlement    | Jim Saric<br>U.S. EPA     |
| 6:30-7 p.m.    | Questions and Answers   | Susan Pastor<br>Moderator |
| 7-7:30 p.m.    | Public Comments   | Susan Pastor<br>Moderator |
| 7:30 p.m.      | Wrap Up   | Susan Pastor<br>Moderator |

For More Information:

Susan Pastor, P-19J  
 Community Involvement Coordinator  
 U.S. EPA - Region 5  
 77 W. Jackson Blvd.  
 Chicago, IL 60604  
 (312) 353-1325

Jim Saric, SRF-5J  
 Remedial Project Manager  
 U.S. EPA - Region 5  
 77 W. Jackson Blvd.  
 Chicago, IL 60604  
 (312) 886-0992

Toll Free: 1-800-621-8431 (10 a.m. - 5:30 p.m., weekdays)

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### This Fact Sheet Explains:

- The dispute resolution settlement agreement for OU 4
- The components of the agreement
- The next step in the process
- How to obtain additional information

### Public Comment Period

U.S. EPA will accept written comments on the dispute resolution settlement agreement during a 30-day public comment period to be held from **August 4 through September 3, 1997**.

### Public Meeting

U.S. EPA will hold a public meeting to explain and answer questions about the agreement. Oral and written comments will be accepted at the meeting to be held:

**Date:** Tuesday  
August 26, 1997  
**Time:** 6 p.m.  
**Place:** Alpha Building  
(Classroom D)  
10967 Hamilton-Cleves  
Road  
Harrison, OH

## EPA, DOE Settle Dispute for Fernald Environmental Management Project

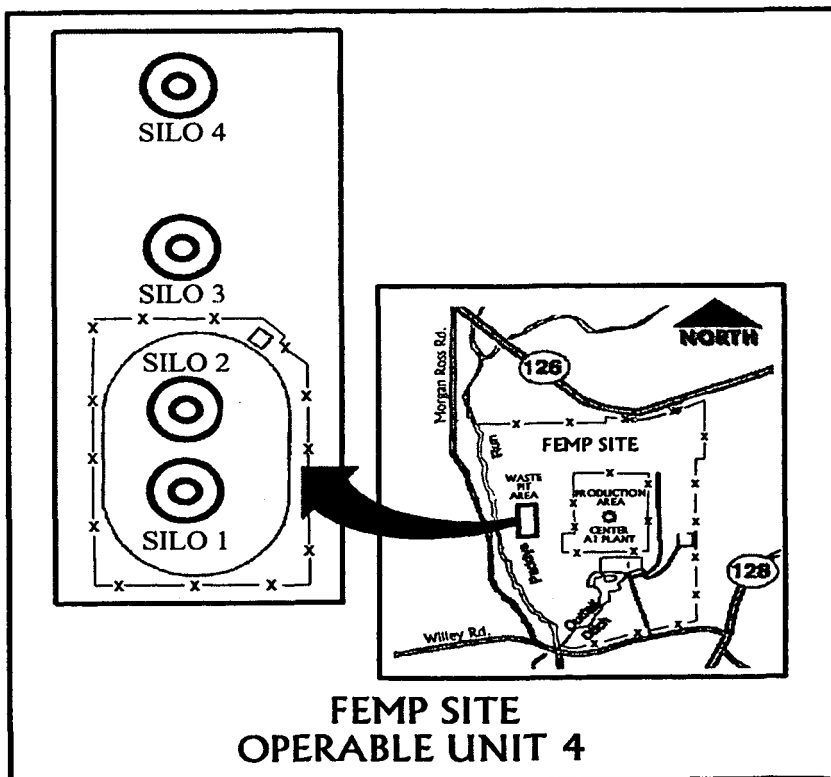
Fernald, Ohio

August 1997

### INTRODUCTION

The U.S. Environmental Protection Agency (U.S. EPA) and the U.S. Department of Energy (U.S. DOE) signed a dispute resolution settlement agreement on July 22, 1997, for the Fernald Environmental Management Project (FEMP) site in Fernald, Ohio. The agreement resolves disputed matters relating to a time extension requested by U.S. DOE to submit Operable Unit (OU) 4 environmental remediation documents to U.S. EPA. U.S. DOE is expected to spend about \$1.1 million to meet the requirements of the agreement.

Under a September 1991 amended consent agreement, U.S. EPA is overseeing U.S. DOE's environmental study and cleanup at the FEMP site. Because of its complexity, the FEMP site has been divided into five sections known as OUs. OU 4 is made up of four silos, Silos 1 through 4, and the structures and soils surrounding them. Silos 1 and 2 contain sludgelike radium waste, Silo 3 contains powdery cold metal oxides, and Silo 4 is empty.



On September 26, 1996, U.S. DOE requested a time extension to submit design documents to U.S. EPA for a full-scale vitrification (waste treatment) facility to be built at OU 4. U.S. EPA denied the request on October 2, 1996, and informed U.S. DOE that it would assess penalties for not meeting the original document submittal dates required by the amended consent agreement. Upon receiving U.S. EPA's denial of the request, U.S. DOE invoked the informal dispute resolution process outlined in the amended consent agreement to resolve the issue. U.S. EPA and U.S. DOE engaged in dispute resolution between October 1996 and July 1997.

## AGREEMENT COMPONENTS

The dispute resolution settlement agreement consists of four components: (1) changes in the schedule for OU 4; (2) preparation of a document describing "lessons learned" by U.S. DOE regarding implementation of large-scale cleanups; (3) implementation of five environmental projects designed to directly benefit the FEMP site; and (4) a monetary penalty of \$100,000. A discussion of the agreement components follows.

### SCHEDULE CHANGES

U.S. EPA and U.S. DOE have agreed to a revised schedule and path forward for OU 4 document submittals and remediation milestones. Along with the revised schedule, U.S. DOE has made a commitment to reassess and maintain the structural integrity of the OU 4 silos and continue to monitor and treat radon gas emissions at OU 4. As part of the dispute settlement, based on U.S. EPA guidance, U.S. DOE has agreed to proceed with an explanation of significant differences

for Silo 3, and amend the record of decision for Silos 1 and 2.

The revised document and milestone due dates are listed below.

### "LESSONS LEARNED" DOCUMENT

U.S. DOE prepared a document outlining the "lessons learned" during design, construction, and operation of a vitrification pilot plant at OU 4. The lessons will serve as a guide for design and operation of other pilot-scale and full-scale remedies for OU 4. In addition, the document will highlight many of the lessons learned during the pilot plant design, construction, and operation phases for application during planning and implementation of other waste treatment and remediation projects at the FEMP site.

| Document or Milestone   | Revised Due Date   |
|---|--------------------|
| Silo 3 explanation of significant differences                                   | September 15, 1997 |
| Award of multitechnical contract for proof of principle<br>Silo 1 and 2 testing | August 10, 1998    |
| Draft supplemental Silo 1 and 2 feasibility study and proposed plan             | February 1, 2000   |
| Draft Silo 1 and 2 record of decision amendment                                 | December 29, 2000  |

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**USE THIS SPACE TO WRITE YOUR COMMENTS**

Your input on the dispute resolution agreement between U.S. EPA and U.S DOE is important. You may use the space below to record your comments. All comments must be postmarked by September 3, 1997. If you have questions about the comment period, please contact Susan Pastor, U.S. EPA Community Involvement Coordinator, at (312) 353-1325 or toll free at (800) 621-8431. Comments may also be sent electronically to [pastor.susan@epamail.epa.gov](mailto:pastor.susan@epamail.epa.gov).

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Name \_\_\_\_\_  
Affiliation \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_  
State \_\_\_\_\_ Zip \_\_\_\_\_

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FEMP SITE  
PUBLIC COMMENT SHEET

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Fold on dashed lines, staple, stamp, and mail.

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Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_  
Zip \_\_\_\_\_

Place  
stamp  
here  
FIRST CLASS

Susan Pastor  
Community Involvement Coordinator (P-19J)  
Office of Public Affairs  
U.S. Environmental Protection Agency  
Region 5  
77 West Jackson Boulevard  
Chicago, IL 60604

## ENVIRONMENTAL PROJECTS

U.S. DOE has agreed to conduct five environmental projects that will improve conditions at the FEMP site. The total cost of these projects is estimated at \$1 million.

**1. Conservation area near the FEMP site --** A conservation area will be established on a piece of property near the site. The conservation area will preserve wildlife habitats near the site and therefore enhance the proposed natural resource restoration plan for the FEMP site.

**2. Research grants for ecological restoration --** U.S. DOE will establish grants for research projects that will support restoration efforts at the FEMP site. U.S. DOE, in conjunction with U.S. EPA and the Ohio Environmental Protection Agency (Ohio EPA), will review grant proposals and select the proposed projects that are most beneficial to FEMP restoration efforts.

**3. Wild bird and flower habitat area --** A protected habitat will be created in an area of the FEMP site for regional wild birds and flowers. The project, which will be implemented to benefit FEMP site employees, visitors, and neighbors, will include planting wild flowers, installing bird feeders and a bird blind, and creating pathways.

**4. Railroad track recycling --** Steel railroad tracks from the site's former process area will be decontaminated and transported off site for recycling. An estimated 300 to 500 tons of tracks will be recycled under this project, which otherwise may have been disposed of in the on-site disposal facility.

**5. Structural steel debris recycling --** Structural steel debris and oversized items such as steel barriers, steel mill rollers, and large steel tanks will be tested for radiological contamination, decontaminated, and transported off site for recycling. An estimated 300 to 500 tons of steel debris will be recycled under this project, which otherwise may have been disposed of in the on-site disposal facility.

## MONETARY PENALTY

Under the agreement, U.S. DOE will pay a penalty of \$100,000. As a result of this penalty and the environmental projects that U.S. DOE will conduct at the FEMP site, the agreement will cost U.S. DOE an estimated \$1.1 million. After considering several factors, including U.S. DOE's willingness to implement the environmental projects and take other measures to put the remediation of OU 4 back on course, U.S. EPA determined that a \$100,000 penalty is appropriate.

## THE NEXT STEP

U.S. EPA will accept public comments on the dispute resolution settlement agreement during a 30-day public comment period from August 4 through September 3, 1997. Comments may be recorded on the comment form provided in this fact sheet and mailed to U.S. EPA at the address provided on the form. Comments must be postmarked by September 3, 1997. Comments on the agreement will also be accepted at U.S. EPA's public meeting on August 26, 1997. All public comments will be considered by U.S. EPA and U.S. DOE, and the agreement may be revised based on the comments. Public comments will be responded to in writing.

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## ADDITIONAL INFORMATION

The dispute resolution settlement agreement is available for public review along with other site-related documents in the information repository at:

Public Environmental Information Center  
108 Hamilton-Cleves Road  
Harrison, Ohio

If you have questions about the agreement or other matters related to the FEMP site, please contact one of the following individuals:

Jim Saric  
Remedial Project Manager (SRF-5J)  
U.S. Environmental Protection Agency Region 5  
Superfund Division  
Federal Facilities Section

Susan Pastor  
Community Involvement Coordinator (P-19J)  
U.S. Environmental Protection Agency Region 5  
Office of Public Affairs

77 West Jackson Boulevard  
Chicago, IL 60604

E-mail: [saric.james@epamail.epa.gov](mailto:saric.james@epamail.epa.gov)  
Telephone: (312) 886-0992

E-mail: [pastor.susan@epamail.epa.gov](mailto:pastor.susan@epamail.epa.gov)  
Telephone: (312) 353-1325

or toll free at: (800) 621-8431



United States  
Environmental Protection Agency  
Region 5 (P-19J)  
77 West Jackson Boulevard  
Chicago, IL 60604-3590

**FIRST CLASS**

ADDRESS CORRECTION REQUESTED

**INSIDE:**

**Information on a Dispute Settlement for the Fernald  
Environmental Management Project Site**





# Background

- **EPA signs OU 4 Record of Decision -- 12/7/94**
- **DOE informs EPA of schedule slippages for vitrification pilot plant -- 11/3/95**
- **DOE requests time extension for submittal of full-scale vitrification facility design documents -- 9/26/96**

**FEMP Site  
Fernald, Ohio**



# Background (continued)

☐ EPA denies extension -- 10/2/96

☐ EPA and DOE extend

informal dispute resolution  
process -- 10/9/96

☐ Pilot plant melter leaks and is  
shutdown -- 12/26/96

☐ Independent review teams form  
to review silo progress -- 1/97

FEMP Site  
Fernald, Ohio



# Background (continued)

- **EPA and DOE reach agreement -- 5/15/97**
- **EPA and DOE sign dispute resolution settlement agreement -- 7/22/97**

**FEMP Site  
Fernald, Ohio**



# Agreement Components

- ☐ Changes in OU 4 schedule
- ☐ "Lessons learned" document
- ☐ Five environmental projects
- ☐ Monetary penalty

*FEMP Site  
Fernald, Ohio*



# OU 4 Schedule Changes (continued)

***Document/  
Milestone***

***Revised  
Due Date***

**Draft supplemental Silo 1  
and 2 Feasibility Study  
and Proposed Plan**

**2/1/00**

**Draft Silo 1 and 2 Record  
of Decision amendment**

**12/29/00**

**FEMP Site  
Fernald, Ohio**



## OU 4 Schedule Changes

***Document/  
Milestone***

***Revised  
Due Date***

**Silo 3 Explanation of  
Significant Differences**

**9/15/97**

**Award of multi-technical  
contract for proof of  
principle Silo 1 and 2 testing**

**8/10/98**

**FEMP Site  
Fernald, Ohio**



# **“Lessons Learned” Document**

- ☐ **Guides design/operation of other pilot-scale and full-scale facilities**
- ☐ **Provides better interaction between design and construction phases of remediation**
- ☐ **Encourages more integrated project management**

**FEMP Site  
Fernald, Ohio**



# Environmental Projects

- ☐ **Conservation area near FEMP site**
- ☐ **Research grants for ecological restoration**
- ☐ **Wild bird and flower habitat area**
- ☐ **Railroad track recycling**
- ☐ **Structural steel debris recycling**

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Fernald, Ohio*



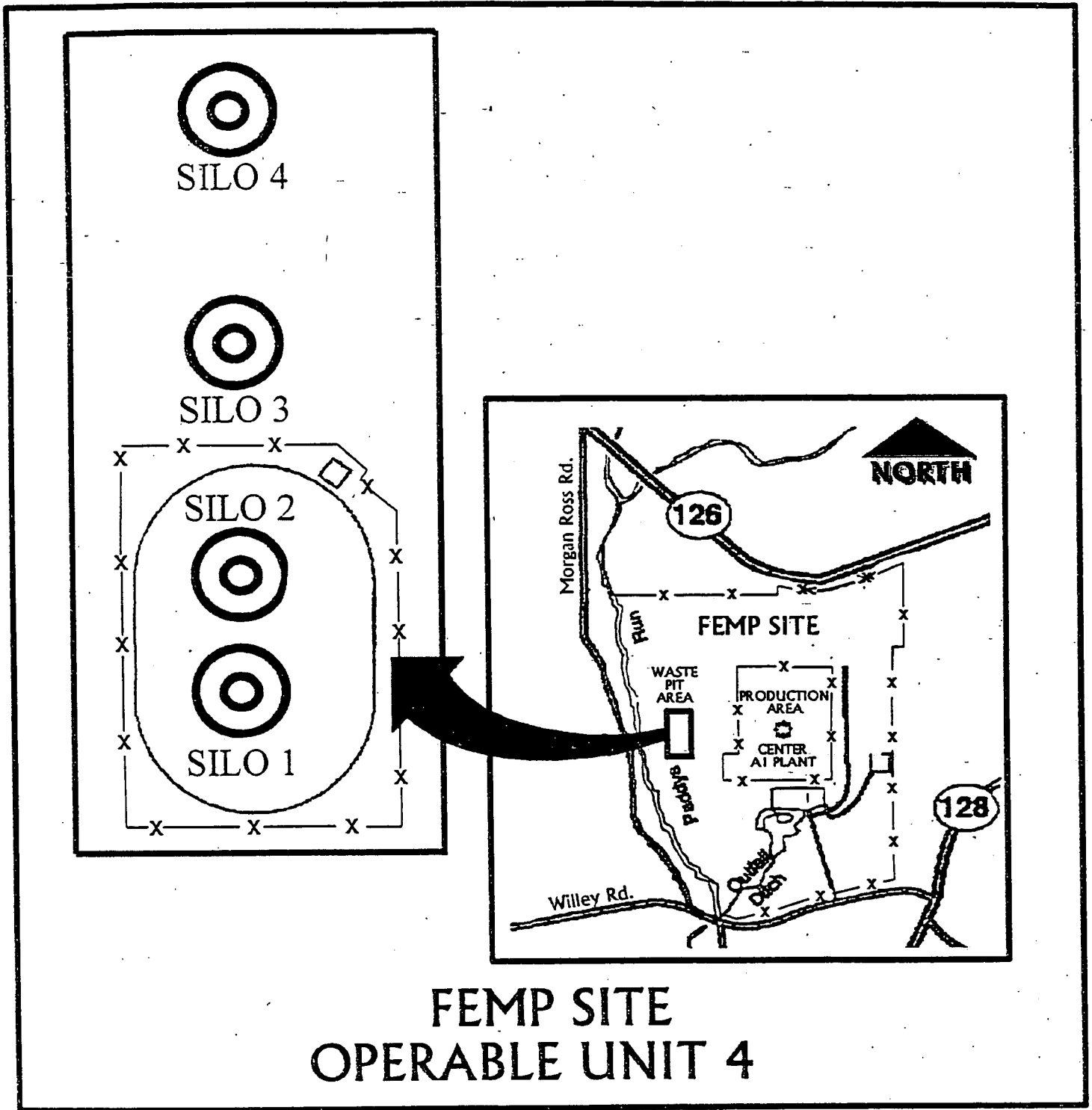


# Monetary Penalty

- ☐ **\$100,000 cash  
(to be included in DOE  
FY' 99 budget request)**
  
- ☐ **\$1.1 million total  
(cash and environmental  
projects)**

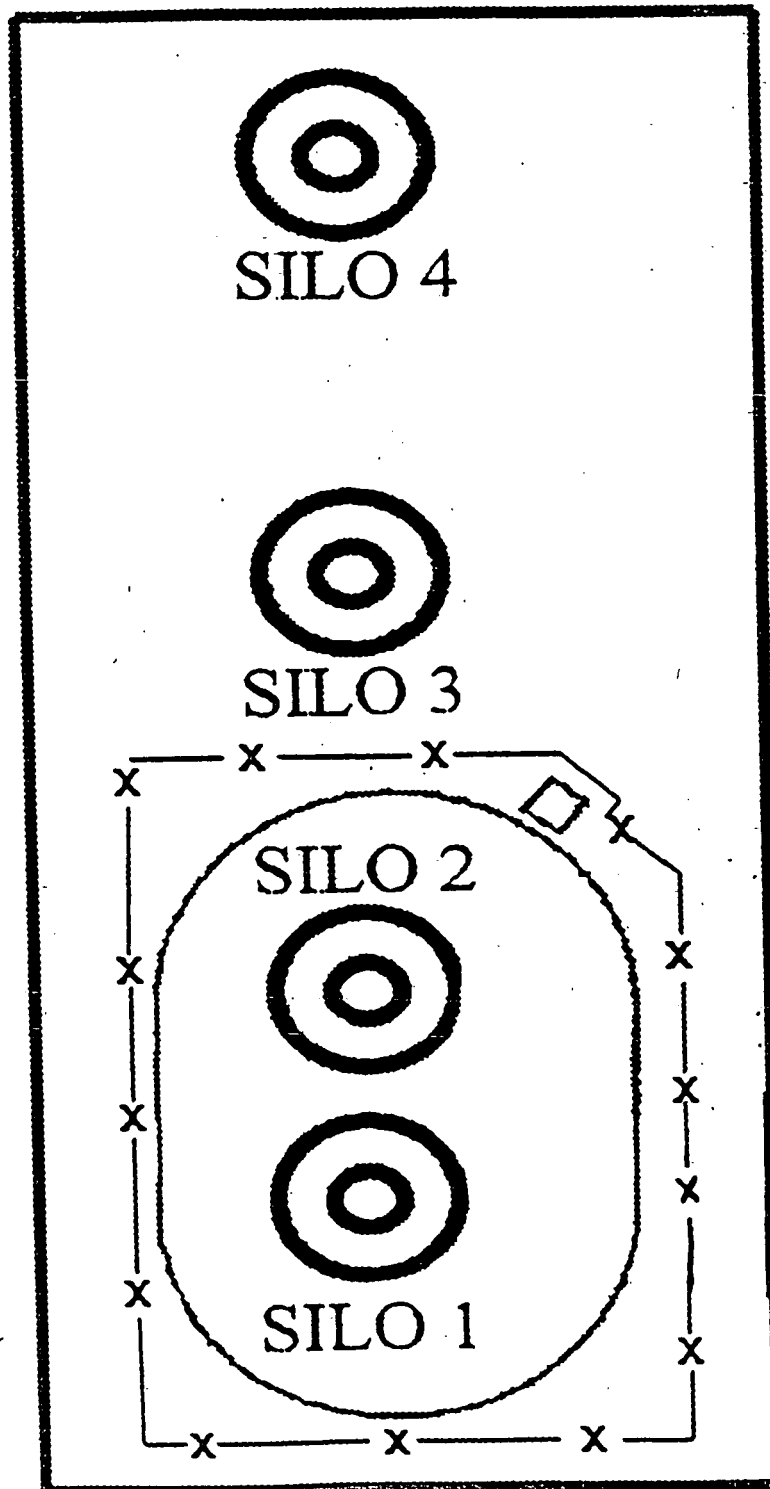
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## OPERABLE UNIT 4 SILOS

FEMP Site  
Fernald, Ohio

