

March 10, 2004

Mr. Robert Warther
DOE Ohio Field Office
175 Tri-County Parkway
Springdale, OH 45246-3222

Dear Mr. Robert Warther,

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James C. Bierer

Vice Chair
Lisa Crawford

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The Fernald Citizens Advisory Board is writing to clarify our recommendations and concerns regarding the long-term strategy for meeting DOE's legal requirements to remediate uranium contamination in the Great Miami Aquifer. As you know, the aquifer is the most important source of drinking water in the region. As such, all plans for groundwater remediation are critically important to the FCAB and other Fernald stakeholders. Remediation and protection of the aquifer were the driving factors in all of our recommendations and subsequent decisions with regard to waste disposition, soil cleanup levels, and the waste acceptance criteria for the on-site disposal facility. The FCAB has been satisfied with the original cleanup agreements, which were reached nearly a decade ago through extensive shared learning and negotiation, and as such, looks upon proposed changes to those agreements with a very critical eye.

The FCAB was gratified that DOE dropped its proposals to increase discharge limits and eliminate the treatment of groundwater. This allowed stakeholders to concentrate on the reasonable options for amending DOE's strategy to complete groundwater remediation. The FCAB is also pleased with the tremendous effort made by Fluor Fernald to create and share information so that we could all engage in meaningful dialogue about the options. We hope that these efforts signal a desire by DOE to return to the types of participation and constructive relationships that made Fernald the success that it is today.

Based on the information provided in recent months, the FCAB believes that the proposal to replace AWWT with a smaller facility for the post-closure period at Fernald has merit. Most importantly, we believe that the safe D&D of the AWWT facility and associated soils can be most effectively conducted while on-site experience and capacity are in place rather than having to hire new contractors and remobilize needed equipment at some future date. This provides added assurance to the public that this final piece of major infrastructure will be safely and efficiently disposed of. Managing the final disposition of a much smaller and simpler unit will certainly be easier and result in fewer impacts to the surrounding community when the time comes for its ultimate disposal.

The FCAB wants to be clear that we are not giving unqualified support to replacing AWWT with a smaller plant. There are important factors that must be taken into account if this action is to be performed in a satisfactory way. We have identified these factors below.

1. Commitment and Ability of DOE to Complete Groundwater Remediation

DOE is legally obligated to achieve groundwater final remediation levels and to remove all above- and below-ground infrastructure before declaring the remediation completed. The public must receive clear assurances from DOE as to how these obligations will be fulfilled. With the closure contract directing the Fernald Closure Project towards conclusion and EM aggressively seeking the end of its involvement at Fernald, local residents are concerned about DOE's commitment to its responsibilities. Responsibility for the completion of groundwater remediation will fall to the new Office of Legacy Management. The ability, commitment, and approach for LM to fulfill DOE's obligations are still considerable unknowns that must be clarified. It is important that a clear strategy for the long-term operation of the groundwater system and its ultimate dismantlement be included in all site transition plans and in place by September 2005.

2. Reliability of Funding

Although Fernald has been a closure and acceleration site since the invention of both of those programs, it continues to fight for and has rarely received the full funding necessary to achieve these goals. Accelerating the D&D of AWWT and constructing a replacement plant were not part of the original baseline for site closure. Sufficient funding must be guaranteed to ensure that these activities can be carried out without affecting health, safety, or performance of other projects on site. In addition, the long-term funding to operate and ultimately D&D all aspects of the groundwater system must be built into LM's budgets and be clearly communicated to and requested from Congress. Specific assurances from DOE regarding these funding issues will be necessary for the public to support replacing AWWT with a smaller plant.

3. Performance-Based Criteria for Start-up of the New Facility

The smaller replacement plant must be fully capable of handling all reasonably anticipated flows for the life of groundwater remediation. This must be demonstrated as a clear performance-based standard before the plant is approved for operation. In addition, the smaller plant must be stable and operating according to accepted industry practices before AWWT can be taken off line. These criteria and standards must be acceptable to the regulators and explained clearly to the public before final approval of the plant's operation.

4. Aggressive Monitoring Against Performance Objectives

A clear and comprehensive monitoring program must be implemented to track progress of groundwater remediation and measure deviation in performance resulting from the lower pumping rates and cessation of reinjection necessitated by the move to a smaller facility. Clear and reasonable contingency plans must be developed to ensure that contaminated groundwater is being contained and treated. Changes in groundwater conditions after reinjection wells are closed, as well as clear and achievable alternatives to creating hydraulic barriers, must be evaluated and communicated to the public.

5. Continued and Expanded Public Outreach

Because groundwater treatment will outlast the presence of Environmental Management, it will also surpass the EM-chartered Site Specific Advisory Board (the FCAB). The FCAB continues to believe that it would benefit Legacy Management to charter an advisory board that includes members of the current FCAB and captures institutional knowledge of past groundwater decision making processes. The FCAB also recognizes, however, that it does not speak for all public surrounding the Fernald site. DOE must expand the opportunities for public information

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and dialogue about this important topic, especially to those residents directly affected by this proposed change. This is especially important as this proposed action would extend, by a number of years, the time until area residents can enjoy unrestricted and safe use of the aquifer. The continued and dramatic decreases in resources for communication and public participation are making it increasingly difficult to engage in the kinds of activities that are necessary to effectively handle these difficult late changes to cleanup. The public outcry that arose last fall regarding proposed changes to groundwater cleanup is one example of the need for early and complete communication with stakeholders.

6. Reinvestment of Savings

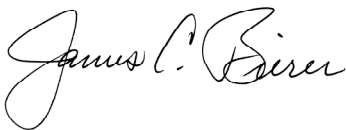
The FCAB requests that any savings realized as a result of this action be given back to Fernald in the form of increased resources for the long-term stewardship of the site, particularly for ongoing community outreach designed to maintain awareness of the site. The FCAB strongly believes that community awareness of the site, its risks, and the controls that are in place to manage those risks is critical for the continued protection of human health and the environment. Outreach programs would also help draw people to the site and transform the site into a community asset.

7. Timely Communication of Groundwater Decisions

If DOE receives approval from regulators to proceed with action to replace AWWT with a smaller facility and D&D AWWT for disposal in the OSDF, the FCAB expects to be notified immediately of this decision and provided with a full explanation of all criteria and provisions placed on this decision by the regulators. Furthermore, the FCAB wants to be kept informed of progress and data related to the implementation of these decisions.

Considering the importance and time-critical nature of this issue, the FCAB requests very detailed responses to our concerns and issues before the decision is finalized. We expect a response that reflects the same level of care and understanding that we have invested in addressing this issue so that we may understand exactly how each of the above factors will be incorporated into DOE's actions. If there is any further input or information that you require of the FCAB, please do not hesitate to contact us.

Sincerely,



James C. Bierer
FCAB Chair



Lisa Crawford
Vice-Chair

cc:

Jaime Jameson
Sandra Waisley
Mike Owen
SSAB Chairs