

FERNALD NRD CASE STUDY



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**Environmental
Protection Agency**



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Environmental
Protection Agency

Great Miami Aquifer

- Uranium ground water plume
- Extended up to a mile off-site
- Extraction/Injection/Infiltration Remediation



History of Litigation/Negotiation

- 1986 – Ohio filed Complaint
- 1988 - Consent Decree
- 1993-98 Trustees developed strategy
 - Impact Assessment/ HEA
 - NRRP - process and projects to compensate for impacts
- 1998-2004 remedy/restore



Controlled burn Irwin Prairie



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History of Litigation/Negotiation

- 2005 – 2008 litigation
 - Agreement on terrestrial impacts
 - Disagreement on ground water impacts
- Expert selection
- Discovery
- Interrogatories/Depositions



Controlled burn Irwin Prairie

History of Litigation/Negotiation

- Court supervised settlement (arm twisting)
- Draft Consent Decree
July 2008
- Final November '08



Controlled burn Irwin Prairie

Consent Decree

- Payment by United States to Ohio \$13,750,000
- Natural Resources Restoration Plan (NRRP)
- Environmental Covenant
- Future Ohio NRRP oversight costs



Natural Resource Restoration Plan

“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”

Fernald Preserve 2010

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