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Ohio to Receive Largest Natural Resource Damages Settlement Against Federal Government

U.S. Department of Energy to Pay More Than $13 Million for Contaminating Ground Water at Fernald

Ohio Environmental Protection Agency Director Chris Korleski and Ohio Attorney General Nancy H. Rogers today announced a proposed settlement with the federal government, sanctioned by United States District Court, that guarantees more than $27 million in natural resources restoration work at and near the former uranium processing plant at Fernald, Ohio.

After more than 22 years of litigation, the State of Ohio and the U.S. Department of Energy (DOE) have agreed on a Consent Decree in which Ohio and DOE have agreed to a $13.75 million settlement for damages to the ground water below the Fernald site. In addition to this settlement, DOE spent $14 million on previous work to restore the damage to the soil and surface waters. This settlement follows the $4.4 billion site cleanup conducted by DOE.

Natural resource damages can be claimed by a state or tribe when natural resources such as ground water or surface water are harmed. Natural resource damages can also be claimed when oil spills or hazardous substances are released into the environment, but they are not fully restored by the cleanup efforts undertaken. In the case of Fernald, uranium and the other contaminants were released to the surface water, air and ground water, or leached from contaminated soil, over a period of years.

The parties will accept public comment about this settlement in writing and through testimony at a public meeting July 31, 2008. The 6:30 meeting will be held at the Crosby Township Senior Center, 8910 Willey Road, Harrison, Ohio. Written comments should be addressed to: Fernald Comments, c/o Tom Schneider, Ohio EPA, 401 E. Fifth St., Dayton, 45402, and submitted by August 22, 2008.

In addition to the $13.75 million settlement payment, DOE has spent approximately $14 million restoring most of the 1,050-acre site to wetlands, prairies and forests. The goal of the surface restoration is to help return the property to scientific estimates of the pre-settlement habitats.

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Using historic botanical guides and journals written in the area, researchers have determined the types of plants that would have been found throughout the wetland-dotted property. DOE will continue to conduct monitoring and maintenance on the various habitats into the future to ensure their success. Ohio EPA has been and will continue to oversee the work of DOE at the Fernald site. Early signs of success are already seen in the unique wildlife making use of the site.

The $13.75 million settlement payment will be used for various projects at or near the site to protect and improve surface water, ground water and ecological resources as well as to reimburse some of Ohio’s costs in assessing the damages to the natural resources.

Once complete, the Fernald site, which is now called the Fernald Preserve, will be a testament to the area’s natural history. It will also feature an interpretive Visitor’s Center that explains how the site was used and ultimately cleaned up and restored. In addition to the site restoration, DOE will add nature trails and overlooks to enhance future site use.

“I’m delighted this case has finally been brought to a conclusion. I’m thankful we have reached a settlement which I believe will be very beneficial to the aquifer and the Fernald site,” Korleski said. “I’m encouraged by the improvements already seen on the surface and hope that future generations see the site as a legacy that they can learn from, use and enjoy.”

Attorney General Nancy H. Rogers shared Director Korleski’s satisfaction in the completion of this lawsuit.

“While this case has certainly been long and hard-fought, the end result was achieved by cooperation and creative negotiations with our federal partners that resulted in a very positive result for the citizens of Ohio,” said Attorney General Rogers. “The representatives of the Ohio EPA, my office and DOE should be commended for their diligence on behalf of Ohio’s environment.”

Ohio EPA Director Chris Korleski further explained that the money received through this settlement will be used for land conservation, land protection and various habitat enhancements on or near the Fernald Preserve in order to protect and improve water quality in Paddys Run and the Great Miami Aquifer. Three natural resource Trustees, representing Ohio EPA, DOE and the Department of the Interior, will approve expenditures of the money to implement an agreed Natural Resource Restoration Plan.

Additional information about Fernald and its history and a copy of the proposed Consent Decree can be found on the Web at: http://offo2.epa.state.oh.us/FernaldSettlement.htm