



Department of Energy

Washington, DC 20585

September 30, 2025

Via email: Goers.Nicole@epa.gov

Ms. Nicole Goers, PE
Remedial Project Manager, Remedial Response Section 5
Superfund & Emergency Management Division
U.S. Environmental Protection Agency, Region 5
77 West Jackson Blvd, Mail Code SR-6J
Chicago, IL 60604-3507

Via email: Leslie.Williams@epa.ohio.gov

Ms. Leslie Williams
Ohio Environmental Protection Agency
401 East 5th Street
Dayton, OH 45402

Subject: Transmittal of Draft Variances for the Calendar Year 2026 Comprehensive Legacy Management and Institutional Controls Plan

Dear Ms. Goers and Ms. Williams:

This letter transmits the enclosed four draft variances to the LMICP, Revision 14 to communicate the changes required for calendar year 2026. The draft variances to the LMICP, Revision 14, will be available to all stakeholders for their review at the Fernald Preserve Visitors Center and on the Fernald Preserve page of the U. S. Department of Energy Office of Legacy Management's public website ([Fernald Preserve, Ohio, Site | Department of Energy](#)). The variances will also be summarized at the Annual Community Meeting and distributed to the stakeholder mailing list as well as adjacent property owners. Stakeholder comments will be accepted through October 2025. A fifth variance may be drafted to the Community Involvement Plan if there is a change in elected officials later this fall.

Upon agency approval, the variances will be final by January 2026 to correspond to the calendar year monitoring and reporting period (any regulator and stakeholder comments will be addressed between October 2025 and January 2026). The final regulator-approved variances will be posted at the website above along with the LMICP, Revision 14.

Please contact me at (513) 648-3333 or Brian.Zimmerman@lm.doe.gov, if you have any questions.

Sincerely,

BRIAN
ZIMMERMAN

Digitally signed by
BRIAN ZIMMERMAN
Date: 2025.09.30
09:42:31 -04'00'

Brian Zimmerman
Fernald Preserve Site Manager

Enclosure

cc w/enclosure via email:

Laura Hafer, Ohio EPA

Tom Schneider, Ohio EPA

Stephen Helmer, ODH

Sean Kubera, ODH

Mike Powers, Tech Law, Inc.

Jennifer Finfera, USFWS

Cliff Carpenter, DOE-LM

Kate Whysner, DOE-LM

Frances Boyens, RSI

Ken Broberg, RSI

Dan Foster, RSI

Miquette Gerber, RSI

Cathy Glassmeyer, RSI

Greg Lupton, RSI

Lisa McHenry, RSI

Karen Voisard, RSI (Post-ROD Index)

ELEM/19/104

**Variances for Calendar Year 2026 to the
Comprehensive Legacy Management and Institutional Control Plan (S03496)
Revision 14, January 2025**

Variance Number	Variance Title	Significant? ^a (Y/N)	Affected Volume, Attachment and Section	Variance Date	Regulatory Approval Date	
					EPA	Ohio EPA
Calendar Year 2026						
2026-01	Authorized Visitor Definition	Y	Volume II, Section 2.1.1, <i>Proprietary Controls and Points of Contact</i>	8/18/2025	TBD	TBD
2026-02	Elimination of Paddys Run Road Site Constituents	Y	Volume II, Attachment D, Integrated Environmental Monitoring Plan, Section 3, <i>Groundwater Monitoring Program</i>	8/18/2025		
2026-03	Annual Wellfield Shutdown	Y	Volume II, Attachment D, Integrated Environmental Monitoring Plan, Section 3, <i>Groundwater Monitoring Program</i>	8/18/2025		
2026-04	Visitors Center Hours	N	Volume II, Attachment E, Community Involvement Plan, Section 5.5, <i>Public Access to Information</i>	9/2/2025		
2026-05	Contact List	N	Volume II, Attachment E, Community Involvement Plan, Appendix A, <i>Contact List</i>	TBD		

^a Per the *Fernald Preserve Quality Assurance Project Plan* (DOE 2014): A **significant variance** is required when activities change the scope of the project and that change must be reviewed by the regulatory agencies. An **informational variance** is used for changes such as providing clarification, incorporating additional information, correcting errors or documenting resampling efforts.

Variance

Variance number: <u>2026-01</u>	Significant: ☒ Yes ☐ No
Document number: <u>LMS/FER/S04396-14.0</u>	Page: <u>1</u> of <u>1</u>
Document title: <u>Fernald Preserve Comprehensive Legacy Management and Institutional Controls Plan, Volume II, Institutional Control Plan</u>	Date: <u>8/18/2025</u>

Variance
(Include Justification)

Requirement:

The following paragraph will be added to become the third paragraph of Section 2.1.1, Proprietary Controls and Points of Contact:

"The prohibited actions and items listed in Figure 2 (page 12) are mainly the result of future land use discussion with stakeholders (DOE 2002) and apply to the public and unauthorized visitors. These prohibited actions and items were not explicitly reuse scenarios from a CERCLA risk-based evaluation. Authorized visitors (e.g., law enforcement personnel or approved researchers) may conduct activities that deviate from these prohibitions with DOE approval.

It is expected that removing natural materials (e.g., soil, plants, animals, insects) from the site will be the prohibited activity most likely to be exempted by DOE for authorized visitors; however, alternatives to removal of items will be discussed. When it is necessary for authorized visitors to remove items from the site, disposal of the items will be coordinated prior to approval. Any exemptions granted to authorized visitors will be discussed with the EPA and Ohio EPA. In addition, authorized visitor exemption activities will be reported in the annual Site Environmental Report."

Reference to be added to Section 7.0, References:

"DOE (U.S. Department of Energy), 2002, *Master Plan for Public Use of the Fernald Environmental Management Project*, 20900-PL-0002, Revision 0, Final Fernald Area Office, Cincinnati, Ohio. June."

Justification: A process to allow authorized visitors to complete research or special cases related to law enforcement activities is necessary.

Requested By: <u>Karen Voisard</u>	Date: <u>8/18/2025</u>
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Variance Approvals				Variance Approvals			
Required				Required			
Yes	No			Yes	No		
☐	☒	<u>Quality Assurance</u>	<u>Date</u>	☐	☒	<u>Environmental Compliance</u>	<u>Date</u>
		Digitally signed by GREGORY LUPTON (Affiliate) Date: 2025.09.23 15:03:50 -04'00'					
☒	☐	<u>Project Manager</u>	<u>Date</u>	☐	☒	<u>Environmental Sampling</u>	<u>Date</u>
☐	☒	<u>Laboratory Technical Representative</u>	<u>Date</u>	☐	☒	<u>Aquifer Restoration</u>	<u>Date</u>
		Digitally signed by KAREN VOISARD (Affiliate) Date: 2025.09.23 15:12:35 -04'00'					
☒	☐	<u>Environmental Monitoring, Data Management and Reporting</u>	<u>Date</u>	☐	☒	<u>Other</u>	<u>Date</u>

Revision Required ☐ Yes ☒ No	Document No. and Title: _____
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Variance

Variance number:	2026-02	Significant:	☒ Yes ☐ No
Document number:	LMS/FER/S04396-14.0	Page:	1 of 5
Document title:	Fernald Preserve Comprehensive Legacy Management and Institutional Controls Plan, Volume II, Institutional Control Plan, Attachment D, Integrated Environmental Monitoring Plan		
		Date:	8/18/2025

Variance (Include Justification)

Requirement: The following changes will be made as a result of eliminating the Paddys Run Road Site constituents from the groundwater monitoring program. Revised tables (items 2 and 3 below) are attached.

- 1) Section 3.4.1, Program Expectations, the fifth bullet will be removed: "Provide groundwater data to assess the impact that the aquifer restoration is having on the PRRS plume."
- 2) Table 5, List of IEMP Groundwater Monitoring Wells, will be revised to remove the column "Monitor PRRS Constituents" and footnote c.
- 3) Table 6, IEMP Monitoring Requirements, will be revised by removing Item 5. "Property/Plume Boundary for PRRS" and footnote e.
- 4) Section 3.6.1.4, Property/Plume Boundary Monitoring will be removed:

Property/Plume Boundary Monitoring for Paddys Run Road Site Constituents

Groundwater is being pumped from the aquifer immediately north of the PRRS (extraction wells 3924, 3925, 3926, and 3927); it remains important to document the influence (or lack of influence) that the pumping has on the PRRS plume. Groundwater samples will be collected annually from 10 monitoring wells (refer to Figure 7). The 10 wells are:

2128	2899	3898
2636	2900	3899
2898	3128	3900
	3636	

These 10 wells will be analyzed for PRRS constituents as well as for IEMP FRL exceedance constituents. The PRRS constituents listed below are the constituents to be monitored:

Property Plume Boundary Monitoring Table for FRL Exceedances and Paddys Run Road Site Constituents Annual Sampling Frequency

General Chemistry	Inorganic	Uranium	Organic
Fluoride	Antimony	Nickel	Benzene
Phosphorous	Arsenic	Potassium	Ethylbenzene
	Lead	Sodium	Isopropylbenzene
	Manganese	Zinc	Toluene
			Total Xylenes

- 5) Section 3.7.1, Data Evaluation, will be revised by removing the bullet related to PRRS reporting (i.e., Assess the impact that the aquifer restoration has on the PRRS plume).
- 6) Section 3.7.2, Reporting, will be revised by removing the bullet related to PRRS reporting (i.e., The effect that pumping had on the PRRS plume during the year.).

Justification: DOE proposed eliminating Paddys Run Road Site constituents from the groundwater monitoring program in the 2024 Site Environmental Report. Ohio EPA and EPA approve of this change.

Requested By: Ken Broberg **Date:** 8/18/2025

Variance Approvals

Variance Approvals

Required

Yes No

☐	☒	<u>Quality Assurance</u>	<u>Date</u>
		GREGORY LUPTON (Affiliate)	Digitally signed by GREGORY LUPTON (Affiliate) Date: 2025.09.23 15:04:34 -04'00'
☒	☐	<u>Project Manager</u>	<u>Date</u>
		CHARLES WHITE (Affiliate)	Digitally signed by CHARLES WHITE (Affiliate) Date: 2025.09.24 12:11:46 -04'00'
☒	☐	<u>Laboratory Technical Representative</u>	<u>Date</u>
		KAREN VOISARD (Affiliate)	Digitally signed by KAREN VOISARD (Affiliate) Date: 2025.09.23 15:13:08 -04'00'
☒	☐	<u>Environmental Monitoring, Data Management and Reporting</u>	<u>Date</u>

Required

Yes No

☐	☒	<u>Environmental Compliance</u>	<u>Date</u>
		DANIEL FOSTER (Affiliate)	Digitally signed by DANIEL FOSTER (Affiliate) Date: 2025.09.23 15:39:35 -04'00'
☒	☐	<u>Environmental Sampling</u>	<u>Date</u>
		KENNETH BROBERG (Affiliate)	Digitally signed by KENNETH BROBERG (Affiliate) Date: 2025.09.23 15:28:02 -04'00'
☒	☐	<u>Aquifer Restoration</u>	<u>Date</u>
☐	☒	<u>Other</u>	<u>Date</u>

Revision Required ☐ Yes ☒ No **Document No. and Title:** _____

Distribution

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| ☒ Post to Web Page | ☒ Ohio EPA |

Table 1. List of IEMP Groundwater Monitoring Wells

Number ^a	Total Uranium Monitoring	Property/Plume Boundary Monitoring			Waste Storage Area Monitoring: FRL Exceedances	South Field Monitoring: FRL Exceedances
		Monitor FRL Exceedances	Monitor OSDF Constituents ^b	Monitor PRRS Constituents ^c		
1	2010				2010	
2	2045					2045
3	2046					
4	2049					2049
5	2060 (12)					
6	2093	2093				
7	2095					
8	2128	2128		2128		
9	2385					
10	2386					
11	2387					
12	2389					
13	2390					
14	2397					
15	2398	2398				
16	2431	2431				
17	2432	2432				
18	2550					
19	2552					
20	2636	2636		2636		
21	2649				2649	
22	2733	2733				
23	2821				2821	
24	2880					
25	2898	2898		2898		
26	2899	2899		2899		
27	2900	2900		2900		
28	3069					
29	3070	3070				
30	3093	3093				
31	3095					
32	3128	3128		3128		
33	3398	3398				
34	3424	3424				
35	3426	3426				
36	3429	3429				
37	3431	3431				
38	3432	3432				
39	3636	3636		3636		
40	3733	3733				
41	3898	3898		3898		
42	3899	3899		3899		
43	3900	3900		3900		
44	4398	4398				
45	6880					
46	6881					
47	21033					
48	21063	21063				

Number ^a	Total Uranium Monitoring	Property/Plume Boundary Monitoring			Waste Storage Area Monitoring: FRL Exceedances	South Field Monitoring: FRL Exceedances
		Monitor FRL Exceedances	Monitor OSDF Constituents ^b	Monitor PRRS Constituents ^c		
49	21192					
50	22198	22198	22198			
51	22199	22199	22199			
52	22204	22204	22204			
53	22205	22205	22205			
54	22208	22208	22208			
55	22210	22210	22210			
56	22211	22211	22211			
57	22214	22214	22214			
58	23271					
59	23273					
60	23274					
61	23275					
62	23276					
63	23278					
64	23280					
65	23281					
66	31217	31217				
67	32766					
68	62408					
69	62433					
70	63119					
71	63285					
72	63287					
73	63288					
74	63291					
75	82433					
76	83117					
77	83124					
78	83293					
79	83294					
80	83295					
81	83296					
82	83335					
83	83336					
84	83337				83337 ^{-dc}	
85	83338				83338 ^{-dc}	
86	83339				83339 ^{-dc}	
87	83340				83340 ^{-dc}	
88	83341				83341 ^{-dc}	
89	83346				83346 ^{-dc}	
90	82369					
91	82372					

^a The number in column 1 is used to identify the number of wells in the program. The individual monitoring well identification numbers are provided in columns 2–7 as appropriate.

^b List of total uranium monitoring wells and Property/Plume Boundary monitoring wells that overlap with OSDF monitoring wells.

^c List of total uranium monitoring wells and Property/Plume Boundary monitoring wells that overlap with

~~PPRS monitoring wells.~~

~~do~~ Volatile organic compounds are not sampled in Type 8 wells.

Table 2. IEMP Monitoring Requirements

1. Total Uranium^a			
2. Waste Storage Area^a			
General Chemistry	Inorganic	Radionuclides and Uranium	Organic
Nitrate/Nitrite	Manganese Molybdenum Nickel	Technetium-99 Total Uranium ^c	Carbon Disulfide Trichloroethene
3. South Field^a			
General Chemistry	Inorganic	Radionuclides and Uranium	Organic
NA ^d	Boron	Total Uranium ^c	NA ^d
4. Property/Plume Boundary for FRL Exceedances^b			
General Chemistry	Inorganic	Radionuclides and Uranium	Organic
Fluoride	Antimony Arsenic Lead Manganese Nickel Zinc	Total Uranium ^c	NA ^d
5. Property/Plume Boundary for PRRS^b			
(These wells are also monitored for Property/Plume Boundary for FRL exceedances constituents)			
General Chemistry	Inorganic	Radionuclides and Uranium	Organic
Phosphorous	Arsenic ^e Potassium Sodium	NA ^d	Benzene Ethylbenzene Isopropylbenzene Toluene Total Xylenes

^a Monitoring will be conducted semiannually.

^b Monitoring will be conducted annually.

^c Total uranium is monitored as part of the sitewide uranium monitoring.

^d NA = not applicable.

^e Arsenic is also monitored with respect to FRL exceedances as part of the Property/Plume Boundary.

Variance

Variance number:	2026-03	Significant:	☒ Yes ☐ No
Document number:	LMS/FER/S04396-14.0	Page:	1 of 1
Document title:	Fernald Preserve Comprehensive Legacy Management and Institutional Controls Plan, Volume II, Institutional Control Plan, Attachment D, Integrated Environmental Monitoring Plan		
	Date:	8/28/2025	

Variance (Include Justification)
Requirement: The following changes (indicated below with redline and strikeout) will be made to Section 3.5, Design of the IEMP Groundwater Monitoring Program: <u>Annual Well Field Shutdown</u> A 1- to 4-week shutdown of all extraction wells (with the exception of the two leading-edge South Plume recovery well(s) required for CAWWT operations) will be conducted each year in late spring/early summer when water levels in the aquifer are seasonally high. Shutting down the extraction wells during this time period will allow water levels in the aquifer to rise as high as possible, resulting in the saturation of as much of the aquifer sediments as possible. The well field shutdown period will also be utilized to conduct well field and water treatment system maintenance.
Justification: The South Plume is located north of the South Plume recovery wells and these wells have been permanently shut down. Groundwater pumping in at least one well may be necessary to facilitate treatment of well rehabilitation water during the shutdown and, therefore, may remain operating.

Requested By: Ken Broberg	Date: 8/18/2025
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Variance Approvals	Variance Approvals																																								
Required <table style="width: 100%;"> <tr> <td style="width: 10%;">Yes</td> <td style="width: 10%;">No</td> <td style="width: 60%;"></td> <td style="width: 20%;">Date</td> </tr> <tr> <td>☐</td> <td>☒</td> <td>Quality Assurance GREGORY LUPTON (Affiliate) Digitally signed by GREGORY LUPTON (Affiliate) Date: 2025.09.23 15:05:34 -04'00'</td> <td></td> </tr> <tr> <td>☒</td> <td>☐</td> <td>Project Manager</td> <td></td> </tr> <tr> <td>☐</td> <td>☒</td> <td>Laboratory Technical Representative KAREN VOISARD (Affiliate) Digitally signed by KAREN VOISARD (Affiliate) Date: 2025.09.23 15:13:42 -04'00'</td> <td></td> </tr> <tr> <td>☒</td> <td>☐</td> <td>Environmental Monitoring, Data Management and Reporting</td> <td></td> </tr> </table>	Yes	No		Date	☐	☒	Quality Assurance GREGORY LUPTON (Affiliate) Digitally signed by GREGORY LUPTON (Affiliate) Date: 2025.09.23 15:05:34 -04'00'		☒	☐	Project Manager		☐	☒	Laboratory Technical Representative KAREN VOISARD (Affiliate) Digitally signed by KAREN VOISARD (Affiliate) Date: 2025.09.23 15:13:42 -04'00'		☒	☐	Environmental Monitoring, Data Management and Reporting		Required <table style="width: 100%;"> <tr> <td style="width: 10%;">Yes</td> <td style="width: 10%;">No</td> <td style="width: 60%;"></td> <td style="width: 20%;">Date</td> </tr> <tr> <td>☐</td> <td>☒</td> <td>Environmental Compliance</td> <td></td> </tr> <tr> <td>☐</td> <td>☒</td> <td>Environmental Sampling KENNETH BROBERG (Affiliate) Digitally signed by KENNETH BROBERG (Affiliate) Date: 2025.09.23 15:29:32 -04'00'</td> <td></td> </tr> <tr> <td>☒</td> <td>☐</td> <td>Aquifer Restoration CATHERINE GLASSMEYER (Affiliate) Digitally signed by CATHERINE GLASSMEYER (Affiliate) Date: 2025.09.24 08:16:07 -04'00'</td> <td></td> </tr> <tr> <td>☒</td> <td>☐</td> <td>Other (Treatment Operations)</td> <td></td> </tr> </table>	Yes	No		Date	☐	☒	Environmental Compliance		☐	☒	Environmental Sampling KENNETH BROBERG (Affiliate) Digitally signed by KENNETH BROBERG (Affiliate) Date: 2025.09.23 15:29:32 -04'00'		☒	☐	Aquifer Restoration CATHERINE GLASSMEYER (Affiliate) Digitally signed by CATHERINE GLASSMEYER (Affiliate) Date: 2025.09.24 08:16:07 -04'00'		☒	☐	Other (Treatment Operations)	
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☒	☐	Other (Treatment Operations)																																							

Revision Required ☐ Yes ☒ No	Document No. and Title:
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Distribution	☒ Records Management ☒ Post to Web Page	☒ EPA ☒ Ohio EPA
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Variance

Variance number: 2026-04		Significant: ☐ Yes ☒ No	
Document number: LMS/FER/S04396-14.0		Page: 1 of 1	
Document title: Fernald Preserve Comprehensive Legacy Management and Institutional Controls Plan, Volume II, Institutional Control Plan, Attachment E, Community Involvement Plan		Date: 9/2/2025	
Variance (Include Justification)			
Requirement: The following paragraph will be added as the first paragraph in Section 5.5, Public Access to Information: "The Fernald Preserve is open every day from 7:00 a.m. Eastern Time (ET) to dusk. The Visitors Center is open Wednesday through Saturday, 9:00 a.m. to 5:00 p.m. ET and Sunday 12:00 pm to 5:00 p.m. ET, and closed federal holidays. The Fernald Preserve and Visitors Center may adjust hours to accommodate weather closures, maintenance activities, and other site activities. DOE will communicate open hour adjustments to the public through approved communication channels such as the website, gov delivery, and/or site signage. Hours may also be extended to support various programs and tours."			
Justification: Providing the hours the site and Visitors Center are open is necessary to communicate when the public has access to information.			
Requested By: Frances Boynes		Date: 9/2/2025	
Variance Approvals		Variance Approvals	
Required		Required	
Yes	No	Yes	No
☐	☒	☐	☒
Quality Assurance GREGORY LUPTON (Affiliate) Digitally signed by GREGORY LUPTON (Affiliate) Date: 2025.09.23 15:06:12 -04'00'		Environmental Compliance Date	
☒	☐	☐	☒
Project Manager Date		Environmental Sampling Date	
☐	☒	☐	☒
Laboratory Technical Representative KAREN VOISARD (Affiliate) Digitally signed by KAREN VOISARD (Affiliate) Date: 2025.09.23 15:14:10 -04'00'		Aquifer Restoration Date	
☒	☐	☐	☒
Environmental Monitoring, Data Management and Reporting Date		Other Date	
Revision Required ☐ Yes ☒ No		Document No. and Title:	
Distribution	☒ Records Management ☒ EPA ☒ Post to Web Page ☒ Ohio EPA		