



Site Transition Process Upon Cleanup Completion

FACT SHEET

This fact sheet explains the process for transferring a site to the U.S. Department of Energy Office of Legacy Management.

Introduction

After environmental remediation is completed at a site and there is no continuing mission, responsibility for the site and the associated records are transferred to the U.S. Department of Energy (DOE) Office of Legacy Management for post-closure management. Where residual hazards (e.g., disposal cells, ground water contamination) remain, active long-term surveillance and maintenance will be required to ensure protection of human health and the environment.

Transition Process

The DOE Office of Legacy Management (LM) established transition guidance for remediated sites that will transfer to LM for long-term surveillance and maintenance.

The primary DOE Orders related to the transition process are:

- DOE Order 430.1B *Real Property Asset Management*. This order specifies the requirements of real property and asset management including the disposition and transition of the real property and assets.
- DOE Order 413.3A *Program and Project Management for Acquisition of Capital Assets*. This order specifies a disciplined process for project management using the Critical Decision process.

The transition process is the passage from the phase during which engineered, near-term actions are taken to mitigate environmental and human health risks to the next phase where residual risks are maintained in a sustainable safe condition to allow beneficial use.

Seven fundamental steps are implemented during the transition process to ensure a successful transfer to LM. These steps are identified as (1) notification, (2) site transition plan, (3) determination of long-term surveillance and maintenance requirements, (4) communication and outreach, (5) budget and authority documentation, (6) verification of readiness, and (7) transfer.

Notification

Notification is an ongoing dialogue between the responsible agency, usually the DOE Office of Environmental Management (EM), and LM. EM and LM communicate quarterly about projected dates that environmental remediation is estimated to be complete at a site. The notification allows enough time for both

organizations to work jointly on the transition and for LM to engage in remediation considerations that may impact long-term surveillance and maintenance costs and effectiveness. For a small site, notification of 4 to 6 months prior to completion may be adequate. For a larger site (e.g., Fernald, Mound, Rocky Flats), notification of 2 years or longer is necessary to ensure a smooth transition.

Site Transition Plan

The transition plan identifies and guides the execution of the actions needed to move the site to a point where responsibility can be transitioned from EM to LM. The transition plan is jointly developed, approved by EM-1 and LM-1, and jointly executed by EM and LM staff. The transition plan should meet the requirements of DOE Order 430.1B *Real Property Asset Management* and include the disposition of federal work force responsibilities. The transition plan structure is based on transition guidance established by DOE-LM. The Site Transition Framework (STF) defines site conditions, documentation, and the long-term surveillance and maintenance aspects that must be addressed. However, it does not prescribe a transition process.

Long-Term Surveillance and Maintenance (LTS&M) Requirements

Post-closure activities should be identified and clearly documented in a LTS&M Plan. The LTS&M Plan should include those actions that are required to maintain the protection of the remedy (e.g., remedy performance monitoring, ground water pump and treat); manage the natural, cultural, and historical resources; and involve and inform the public. For Comprehensive Environmental Response, Compensation, and Liability Act sites, the LTS&M Plan will meet the requirements of the Operations and Maintenance Plan and include the enforceable activities to be administered under a post-closure agreement. LM will require support from EM but will lead the development of the LTS&M Plan.

Communication and Outreach

Communication with the site's stakeholders and regulatory agencies builds on existing communication and outreach efforts. One goal of the transition process is to ensure stakeholders and regulators are aware of the plan to transition, and participate in the development of the LTS&M Plan.

Budget and Authority Documentation

EM and LM will work together to ensure appropriate cost estimates are developed for the post-closure management of the site. This will require cost estimates for LTS&M, contractor pensions and benefits, and other costs that are needed for post-closure management. It is important that both organizations understand the post-closure cost estimates as those estimates define the planned target transfer from EM to LM.

Prior to the expected transfer of the site, DOE will prepare a Program Budget Decision (PBD) document. The PBD is signed coincident with the preparation of the President's Request for the fiscal year LM is expected to receive the site. The document is the official notification that the Department intends to transfer budget and scope from EM to LM.

Verification of Readiness

The Critical Decision 4 (CD-4) package is a formal determination that addresses commitments to be met before a project is allowed to be designated as completed in accordance with DOE O. 413.1A. The CD-4 package documents the completion of the EM mission at the site and validates the successful execution of the transition plan. Thus, the CD-4 package includes a final assessment of the site readiness to transfer. The CD-4 package represents agreement between EM and LM on the conditions of the site and associated activities at the time of transfer. The CD-4 package is signed by the Under Secretary for Energy, Science and Environment.

Transfer

Once the budget request has been approved by Congress and the CD-4 package is signed, the site is officially transferred from EM to LM. It should be noted that even though the site has been transferred, there may be some remaining activities that remain for EM to complete. These activities will be documented in the approved CD-4 package.

Site Transition Framework Establishes Conditions for 10 Areas

1. Authorities and accountabilities are assigned and documented.
2. Site conditions are accurately and comprehensively documented.
3. Engineered controls, operation and maintenance requirements, and emergency/contingency planning are documented.
4. Institutional controls and enforcement authorities are identified.
5. Regulatory requirements and authorities are identified.
6. Long-term surveillance and maintenance budget, funding, and personnel requirements are identified.
7. Information and records management requirements are satisfied.
8. Public education, outreach, information and notice requirements are documented.
9. Natural, cultural, and historical resource management requirements are satisfied.
10. Business functions including contractor benefits are addressed.