

## **LEGAL NOTICE for Mound Site 2011 CERCLA Five-Year Review**

The U.S. Department of Energy (DOE) Office of Legacy Management (LM) is conducting the third Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Five-Year Review of the Mound Site in Miamisburg, Ohio. The Five-Year Review process ensures that the selected CERCLA remedies remain protective of human health and the environment.

After the Mound Plant Site was placed on the CERCLA National Priority List in 1989, DOE signed a CERCLA Section 120 Federal Facility Agreement with the U.S. Environmental Protection Agency (EPA) in October 1990 and a tripartite agreement among the DOE, EPA, and Ohio EPA (OEPA) in 1993. The site was divided into sections and remediated to EPA's risk-based standards for industrial use only. The entire site is being transferred to the Mound Development Corporation (MDC) for reuse as a scientific technology and business park.

The selected CERCLA remedies for the Mound Site are:

- Collection and treatment of volatile organic compound (VOC)-contaminated groundwater and disposal of treated water with the pump and treat system, which controls the migration of contaminated groundwater in the Operable Unit 1 (OU-1) area.
- Control of surface water in OU-1 area and long-term groundwater monitoring are part of the OU-1 remedy.
- Monitored natural attenuation (MNA) for trichloroethylene (TCE) in Phase 1 parcel and for TCE and tritium in the main hill bedrock groundwater system commonly known as the Main Hill Seeps.
- Institutional controls (ICs).

DOE monitors the groundwater to verify that contamination is not impacting the Buried Valley Aquifer and that contaminant concentrations are decreasing to levels below the Maximum Contaminant Level due to natural mechanisms. Groundwater monitoring plans for each remedy are approved by the regulators.

ICs are legal and administrative tools incorporated into deed restrictions on future land and groundwater use for protecting human health and the environment. The Mound Site ICs are designed to:

1. Prohibit the removal of soil from the original DOE Mound Plant Property boundaries, unless prior written approval from OEPA and Ohio Department of Health (ODH) has been obtained.
2. Prohibit the extraction or consumption of, exposure to, or the use in any way of the groundwater underlying the premises, unless prior written approval from EPA and OEPA has been obtained.
3. Limit land use to industrial/commercial use only. Each parcel Record of Decision identifies land uses that will not be permitted, but the list is not all-inclusive. Parcels may not be used for any residential or farming activities, or any activities that could result in the chronic exposure of children less than 18 years of age to soil or groundwater from the premises. Restricted uses include, but are not limited to:
  - Single or multi-family dwellings or rental units.
  - Daycare facilities.
  - Schools or other educational facilities for children less than 18 years of age.
  - Community centers, playgrounds, or other recreational or religious facilities for children less than 18 years of age.
4. Prohibit the removal of concrete floor material in specified rooms of T Building to off-site locations without prior approval from EPA, OEPA, and ODH.
5. Prohibit the penetration of concrete floors in specified rooms of T Building without prior approval from EPA, OEPA, and ODH.
6. Allow site access to federal and state agencies for sampling and monitoring.

Between March and August 2011, DOE will review relevant documents and data; conduct site inspections with regulators, MDC, and the City of Miamisburg; interview local stakeholders; and develop a report detailing the results. DOE will post a public notice when the report is available in the CERCLA Public Reading Room, 955 Mound Road, Miamisburg, Ohio 45342, and on the LM website (<http://www.lm.doe.gov/CERCLA/SiteSelector.aspx>). Previous five-year reports can be viewed and downloaded at <http://www.lm.doe.gov/Mound/Sites.aspx>.

DOE invites the public to learn more about the review process and contribute information by completing the survey on the website at (<http://www.lm.doe.gov/Mound/Sites.aspx>). Information on the CERCLA Five-Year Review process is also available at the U.S. Environmental Protection Agency website (<http://www.epa.gov/superfund/cleanup/postconstruction/5yr.htm>) or by contacting

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