

5984

U-006-504 .2

**OU4 RECORD OF DECISION - COMMENTS**

09/12/94

OEPA            DOE-FN  
4  
COMMENTS



State of Ohio Environmental Protection Agency

Southwest District Office

40 South Main Street  
Dayton, Ohio 45402-2086  
(513) 285-6357  
FAX (513) 285-6404

H-5772

5984

George V. Voinovich  
Governor

September 12, 1994

RE: DOE FEMP  
MSL #531-0297  
OU4 RECORD OF DECISION -  
COMMENTS

Mr. Jack Craig  
Project Manager  
U.S. DOE FEMP  
P.O. Box 398705  
Cincinnati, OH 45329-8705

Dear Mr. Craig:

This letter provides Ohio EPA comments on the Operable Unit 4 Draft Record of Decision submitted to Ohio EPA on August 8, 1994. DOE should address the following comments prior to finalizing the OU4 ROD.

- 1) Commenting Organization: Ohio EPA                      Commentor: OFFO  
Section #: GENERAL COMMENT Pg #:    Line #:                      Code: M  
Original Comment #:  
Comment: DOE has not included or addressed the comments submitted by Ohio EPA during the public comment period. DOE must revise the ROD to incorporate and address these comments.  
Response:  
Action:
  
- 2) Commenting Organization: Ohio EPA                      Commentor: OFFO  
Section #: GENERAL COMMENT Pg #:    Line #:                      Code: M  
Original Comment #:  
Comment: It was unclear from reviewing the ROD whether DOE had followed through with the commitment made at the OU3 RD/RA roundtable. At this meeting DOE committed to responding to individual members of the local public, through the "envoy program" or some other means, with responses to their comments. If DOE has not met this commitment, action should be taken immediately to do so.  
Response:  
Action:
  
- 3) Commenting Organization: Ohio EPA                      Commentor: OFFO  
Section #: GENERAL COMMENT Pg #:    Line #:                      Code: M

*(Allen (r)  
partial  
action  
response  
to d-2185-94  
(8221)*

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Mr. Jack Craig  
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Original Comment #:

Comment: Since the remediation levels defined within the ROD are only protective of the expanded trespasser and off-property farmer, DOE must incorporate stronger language committing to perpetual ownership and maintenance of the property. DOE must include a commitment to long-term monitoring of contaminated soils left in place as well as any on-property disposal facilities which may be employed under OU3 or OU5. DOE must preclude development, which would allow exposures exceeding those defined by the expanded trespasser, from occurring within the OU4 area.

Response:

Action:

- 4) Commenting Organization: Ohio EPA Commentor: OFFO  
 Section #: GENERAL COMMENT Pg #: Line #: Code: M  
 Original Comment #:  
 Comment: Ohio EPA has concerns regarding DOE's statements that OU4 waste shipments to NTS "are not proposed to begin until after the expected completion of the EIS for the NTS." DOE should provide information regarding the "expected" schedule for completion of the EIS. Additionally, defining "completion" is essential. Ohio EPA needs to know whether DOE expects these statements regarding the NTS EIS will negatively impact the time for implementation discussed within this ROD and the FS.  
 Response:  
 Action:
- 5) Commenting Organization: Ohio EPA Commentor: OFFO  
 Section #: 3.0 Pg #: 3-1 Line #: 8 Code: e  
 Original Comment #:  
 Comment: Delete "offices of" from the sentence.  
 Response:  
 Action:
- 6) Commenting Organization: Ohio EPA Commentor: OFFO  
 Section #: 3.1 Pg #: 3-4 Line #: 19-24 Code: c  
 Original Comment #:  
 Comment: Include the fact that Ohio EPA and USEPA were in attendance at this meeting.  
 Response:  
 Action:
- 7) Commenting Organization: Ohio EPA Commentor: OFFO  
 Section #: C.4.0 Pg #: C-4-22 Line #: 4 Code: e  
 Original Comment #:  
 Comment: Replace "Energy" with "Transportation."  
 Response:

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Action:

- 8) Commenting Organization: Ohio EPA Commentor: OFFO  
Section #: C.4.0 Pg #: C-5-6 Line #: 5-7 Code: c  
Original Comment #:  
Comment: Ohio EPA disagrees with DOE's assertion that active operation, maintenance and monitoring will cease after remediation is complete. DOE will be required to continue active operation, maintenance and monitoring in perpetuum as waste is left in place. DOE will need to conduct on-going inspections of containment structures, conduct environmental monitoring to ensure wastes are not migrating and maintain all containment structures and support facilities. These activities do not just occur every five years. Ohio EPA will expect a much more active operation, maintenance and monitoring schedule.  
Response:  
Action:
- 9) Commenting Organization: Ohio EPA Commentor: OFFO  
Section #: 10.2 Pg #: 10-2 Line #: 25 Code: c  
Original Comment #:  
Comment: At the beginning of line 25, please include a sentence which reads "Other siting criteria such as the placement over a 100 gpm unconsolidated Aquifer, and 5 year Time of Travel to a Public Water Supply Well may also be impacted."  
Response:  
Action:
- 10) Commenting Organization: Ohio EPA Commentor: OFFO  
Section #: 10.7 Pg #: 10-7 to 10-8 Line #: all Code: c  
Original Comment #:  
Comment: This section is totally unacceptable. The way the text is written, by concurring with the OU4 ROD the State of Ohio would essentially be waiving any NRD claims against the DOE. Please remove this section in its entirety.  
Response:  
Action:
- 11) Commenting Organization: Ohio EPA Commentor: OFFO  
Section #: GENERAL COMMENT Pg #: Line #: Code: c  
Original Comment #:  
Comment: The Ohio EPA makes no evaluation of DOE's applicability and compliance with NEPA. The Ohio EPA does recognize DOE's goal to integrate cleanup actions with the requirements of CERCLA and NEPA, however, it is Ohio EPA's position that CERCLA requirements take precedence, and for the most part, replace NEPA.

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Response:  
Action:

If you should have any questions, please contact Tim Hull or me.

Sincerely,



Thomas A. Schneider  
Fernald Project Manager  
Office of Federal Facilities Oversight

cc: Jim Saric U.S. EPA  
Ken Alkema, FERMCO  
Robert Owen, ODH  
Jean Michaels, PRC  
Manager TPSU, DERR/CO  
Lisa August, GeoTrans  
Jeff Hurdley, Legal/CO