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U-006-505 .3

**PROPOSED DRAFT RECORD OF DECISION FOR REMEDIAL ACTIONS  
AT OPERABLE UNIT 4 RESPONSE TO COMMENTS - OCTOBER 1994**

10/11/94

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17  
RESPONSES

**PROPOSED DRAFT  
RECORD OF DECISION  
FOR REMEDIAL ACTIONS AT  
OPERABLE UNIT 4**

**RESPONSE TO COMMENTS**

**FERNALD ENVIRONMENTAL MANAGEMENT PROJECT  
FERNALD, OHIO**



**OCTOBER 1994**

**U.S. Department of Energy  
Fernald Field Office**

**PROPOSED DRAFT  
RECORD OF DECISION  
FOR REMEDIAL ACTIONS AT  
OPERABLE UNIT 4  
RESPONSE TO COMMENTS**

Fernald Environmental Management Project  
Fernald, Ohio

October 1994

U.S. Department of Energy  
Fernald Field Office

Section

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**SECTION 1.0**

**RESPONSE TO**

**U.S. EPA, REGION V COMMENTS**

**BY**

**JIM SARIC**

**RESPONSE TO U.S. EPA REGION V COMMENTS  
ON THE PROPOSED DRAFT RECORD OF DECISION  
FOR REMEDIAL ACTIONS AT OPERABLE UNIT 4**

1. Commenting Organization: U.S. EPA Commentor: Gene Jablonowski  
 Section #: Declaration Statement Page #: D-ii Line #: 2 & 3 Code: E  
 Original Comment #:  
 Comment: The description of the Operable Unit 4 subunits appears to be incomplete, please review and revise.

Response: The physical descriptions of the Operable Unit 4 subunits presented in the Record of Decision have been reviewed and compared to the descriptions presented in the Operable Unit 4 FS/PP-DEIS. The descriptions were found to be consistent with no omissions.

Action: No action.

2. Commenting Organization: U.S. EPA Commentor: Gene Jablonowski  
 Section #: Declaration Statement Page #: D-iii Line #: 8 Code: C  
 Original Comment #:

Comment: It is stated that shipments of Operable Unit 4 vitrified waste are not proposed to begin until after the expected completion of the EIS for the NTS. The following elements should therefore be included in this Record of Decision: 1) the expected date of completion of the EIS for the NTS; 2) statements that on-site temporary storage of vitrified waste will be protective of the human health and the environment, that exposure from the vitrified waste will be minimized through the appropriate implementation of ALARA practices, and that temporary storage of vitrified waste will comply with the ARARs; and 3) a deadline for the transportation and off-site disposal and/or storage of the vitrified waste after its treatment or the completion of material processing.

Response: See Action Statement.

Action: The following paragraphs have been added after Line 9 on Page D-iii as follows:

The planned date of completion of the EIS for the NTS is December 1995, at which time a Record of Decision is expected to be issued. Shipments of low-level waste generated from the remediation of Operable Unit 4 are not proposed to begin until mid-1997, which should be after the planned completion of the NTS site-wide EIS. Given these timeframes, DOE does not anticipate the NTS EIS schedule will negatively impact the Operable Unit 4 remediation schedule discussed in the ROD.

The containerized vitrified product will require interim storage at the FEMP prior to its transportation to the NTS for disposal. The purpose of this interim storage is two-fold; first, the vitrified product will require verification sampling in order to certify that each production lot has met specific performance and waste disposal criteria; and second, to provide the Fernald waste shipping program a buffer staging area where the material can be safely managed prior to its shipment to NTS in accordance with DOE ALARA principles, ARARs identified and included in the Operable Unit 4 ROD, as well as in a

manner protective of human health and the environment. It has been anticipated that the interim storage area will be needed to accommodate the interim handling of approximately 90 days of vitrification production.

3. Commenting Organization: U.S. EPA Commentor: Gene Jablonowski  
 Section #: 2.2 Page #: 2-2 Line #: 16 Code: E  
 Original Comment #:  
 Comment: Please include information on the past and present storage of K-65 materials at the Lake Ontario Ordinance Works and the Niagara Falls Storage Site, and whether K-65 materials are presently stored elsewhere.
- Response: The full history of the K-65 materials is presented in Sections 1.2.2.1 and 1.2.2.2 of the Remedial Investigation Report for Operable Unit 4, November 1993. DOE believes that sufficient information of the K-65 materials history has already been presented in the Record of Decision to provide the reader with a basic understanding of the materials' nature and background. The scope of the Operable Unit 4 ROD is for K-65 materials and other material within the Operable Unit 4 area, as defined.
- Action: No action.
4. Commenting Organization: U.S. EPA Commentor: Gene Jablonowski  
 Section #: 4.0 Page #: 4-1 Line #: 24 Code: E  
 Original Comment #:  
 Comment: It is stated that the nature of the residues "represent a potential *treat* to human health and the environment," please review and revise as appropriate.
- Response: Agreed.
- Action: The text has been properly revised to read ... "represent a potential *threat* to human health and the environment."
5. Commenting Organization: U.S. EPA Commentor: Gene Jablonowski  
 Section #: 5.2.2 Page #: 5-2 Line #: 20 Code: E  
 Original Comment #:  
 Comment: Please include the average concentrations of Ra-226, Th-230, Pb-210, and Po-210 in Silos 1 and 2; reference information is available in Table 4-2, *Summary of Radionuclide Analyses for Silo 1 and 2 Residues*, of the OU4 Remedial Investigation Report.
- Response: Agreed.
- Action: The average concentration of Ra-226, Th-230, Pb-210 and Po-210 in Silos 1 and 2 have been included in the text as follows:

The average Silo 1 concentration of radium (Ra)-226 is 391,000 pCi/g, thorium (Th)-230 is 60,000 pCi/g, lead (Pb)-210 is 165,000 pCi/g and polonium (Po)-210 is 242,000 pCi/g. The average Silo 2 concentration of Ra-226 is 195,000 pCi/g, Th-230 is 48,300 pCi/g, Pb-210 is 145,000 pCi/g and Po-210 is 139,000 pCi/g.

6. Commenting Organization: U.S. EPA Commentor: Gene Jablonowski  
 Section #: 7.2.1 Page #: 7-5 Line #: 22 Code: C  
 Original Comment #:

Comment: Provide information on the storage of the vitrified waste prior to shipment, the expected interim storage or holding time vitrified waste prior to shipment, and assurances that human exposure to direct radiation (gamma and beta) from the vitrified waste would be minimized in keeping with ALARA practices, as well as complying with health and safety requirements and ARARs.

Response: Agreed.

Action: The following paragraph has been added after the "Material Stabilization" section on Page 7-5:

Interim Storage

The containerized vitrified product will require interim storage at the FEMP prior to its transportation to the NTS for disposal. The purpose of this interim storage is two-fold; first, the vitrified product will require verification sampling in order to certify that each production lot has met specific performance and waste disposal criteria; and second, to provide the Fernald waste shipping program a buffer staging area where the material can be safely managed prior to its shipment to NTS in accordance with DOE ALARA principles, ARARs identified and included in the Operable Unit 4 ROD, as well as in a manner protective of human health and the environment. It has been anticipated that the interim storage area will be needed to accommodate the interim handling of approximately 90 days of vitrification production.

7. Commenting Organization: U.S. EPA Commentor: Gene Jablonowski  
 Section #: 7.2.2 Page #: 7-7 Line #: 23 Code: E  
 Original Comment #:

Comment: It is stated here that "cement stabilization of the wastes effectively reduces the radon emission rate from the waste," in contrast to page 8-7 (line 23) where it is stated that tests using cement stabilization demonstrated that "there was little or no reduction in radon emanation rates." The point that cement stabilization reduces radon emission should not be made: please review and revise as appropriate.

Response: The statement in Section 7.2.2, Page 7-7, Line 23 is in error; however, the statement in Section 8.2.12, Page 8-7, is correct.

Action: The statement in Section 7.2.2, Page 7-7, Line 23 has been modified to read "cement stabilization of the wastes does not effectively reduce the radon emission rate from the waste."

8. Commenting Organization: U.S. EPA Commentor: Gene Jablonowski  
 Section #: 8.2.1.2 Page #: 8-8 Line #: 14 Code: E  
 Original Comment #:  
 Comment: The primary balancing criteria for further comparative analyses should also include this statement that Alternative 3A.1/Vit is favored over Alternative 3A.1/Cem because vitrification would be effective in reducing radon emanation and cement stabilization is not. This point is not made in favoring Alternative 3A.1/Vit over 3A.1/Cem.
- Response: Agreed.
- Action: The following text has been modified at Section 8.2.12, Page 8-8, Line 15 as follows:
- ..."of organic contaminants; more effectively reduce the radon emanation from the treated material; generate a ..."
9. Commenting Organization: U.S. EPA Commentor: J. Saric  
 Section #: General Page #: Line #: Code: C  
 Original Comment #:  
 Comment: U.S. DOE discusses protection of human health and the environment in terms of degrees of protectiveness (pages 7-4, 7-8, 8-6, 8-12, and 8-17). Remedial alternatives either meet the threshold criteria or should be eliminated from further analysis. Degrees of protectiveness should be discussed under the balancing criteria.
- Response: The DOE agrees that the two criteria "overall protection of human health" and "compliance with ARARs" serve as the basis for threshold determination, in that both the criteria must be met by any alternative in order for it to be eligible for selection.
- Action: The referenced text on Pages 7-4, 7-8, 8-6, 8-12 and 8-17 will be modified to eliminate the "degrees of protectiveness" discussion.
10. Commenting Organization: U.S. EPA Commentor: J. Saric  
 Section #: General Page #: Line #: Code: C  
 Original Comment #:  
 Comment: U.S. DOE's discussion of proposed remediation goals (PRG) and proposed remediation levels (PRL) on pages 7-17 and 9-9 is misleading. The text states that PRGs are allowable incremental concentrations above background and that the PRGs were added to background concentrations to derive the PRLs. Because the contaminants of concern for OU4 are radionuclides, this explanation is adequate. However, the text should be revised to correctly discuss PRGs and PRLs, noting that only in the case of radionuclides is the PRG added to background concentrations to derive the PRL.
- Response: Consistent with guidance provided to the site by the USEPA, preliminary remediation goals (PRGs) are added to background concentrations for radionuclides in soil to derive preliminary remediation levels (PRLs). Based on contaminant concentrations found in Operable Unit 4 soils, PRLs are not required for non-radionuclide contaminants. The clean-up levels presented in the Operable Unit 4 Record of Decision are preliminary. The development of final soil clean-up levels for Operable Unit 4 will be addressed in the Operable Unit 5 Record of Decision. These final clean-up levels will be consistent

with the overall site approach for the development of these levels as approved by the USEPA.

Action: Lines 17 through 19 on Page 7-17 were deleted and the Lines 15-16 were revised to read:

"After the silos are demolished, the contaminated surface soils within the boundary of Operable Unit 4 would be excavated to attain proposed remediation levels, as described in Section 9.2.2 of this ROD, for each of the contaminants of concern.

Text in Section 9.2.2, Page 9-9 was modified as follows:

Line 26 revised to read:

"For radionuclide constituents of concern, the PRG was added to background the concentration to derive the preliminary remediation level. Based on the contaminant concentrations found in Operable Unit 4 soils, PRLs were not required for non-radionuclide contaminants as indicated in Table 9-3. The clean-up levels presented in Tables 9-2 and 9-3 are preliminary. The development of final soil clean-up levels for Operable Unit 4 will be addressed in the Operable Unit 5 Record of Decision. These final clean-up levels will be consistent with the overall site approach for the development of soil clean-up levels as approved by the USEPA.

11. Commenting Organization: U.S. EPA Commentor: Brian Barwick  
 Section #: General Page #: Line #: Code: M  
 Original Comment #: 1  
 Comment: The selected remedy involves shipping vitrified Silo contents to the Nevada Test Site (NTS). However, the Department of Energy (DOE) acknowledges in the ROD and the Responsiveness Summary that a site-wide environmental impact statement (EIS) must be performed for the NTS. I have a couple of concerns:

- a. Is acceptance of the silo waste at NTS contingent upon the outcome of the EIS?
- b. Will the EIS be completed by a time consistent with the OU4 clean up schedule?

Considering the requirements for meaningful public participation in the EIS process, it is hard to see how the decision to dispose of silo waste at NTS can be anything but contingent at this time. DOE plans in the event NTS does take the silo waste should be discussed in the ROD in the same manner as is the possibility that contaminated OU4 soils and debris will not be integrated into OUs 3 and 5.

Response: The disposal of silo waste at the NTS will be evaluated as part of the NTS EIS. The vitrified waste will meet the requirements of the NTS waste acceptance criteria NVO-325, or any revisions to those criteria which may be part of the outcome of the NTS EIS.

The EIS for the NTS is planned to be completed by the end of December 1995, at which time a Record of Decision is expected to be issued. Shipments of low-level waste

generated from the remediation of Operable Unit 4 are not proposed to begin until mid-1997, which should be after the expected completion of the NTS site-wide EIS. Given these current time frames, DOE does not believe the NTS EIS schedule will negatively impact the Operable Unit 4 remediation schedule discussed in the ROD.

Action: See response to USEPA Comment No. 2.

12. Commenting Organization: U.S. EPA Commentor: Brian Barwick  
 Section #: Declaration Statement Page #: D-i Line #: 9 Code: C  
 Original Comment #: 2

Comment: On page D-i, line 9, why does DOE state that the remedial action was selected in accordance with CERCLA but only "to the extent practicable" with the National Contingency Plan?

Response: The use of the text "to the extent practicable" basically acknowledges that not all sections of the NCP is appropriate for this selected remedy. This "boiler plate" language was adopted by DOE from two sample declaration statements (Exhibits 6-2 and 6-3) taken from EPA Guidance, OSWER Directive 9355.3-02, "Guidance on Preparing Superfund Decision Documents: The Proposed Plan, The Record of Decision, Explanation of Significant Differences, The Record of Decision Amendment," July 1989.

Action: No action.

13. Commenting Organization: U.S. EPA Commentor: Brian Barwick  
 Section #: Page #: Line #: Code: C  
 Original Comment #: 3

Comment: DOE states that some wetlands will be disturbed and a small area (approximately 2 acres) may be permanently destroyed. Dredge-and-fill activities include capping of a site containing wetlands and are, in this case, potentially subject to the requirements of Section 10 of the Rivers and Harbors Act, Section 404 of the Clean Water Act, and 40 CFR Part 6, Appendix A. DOE needs to consider these statutory and regulatory provisions, identify any that are applicable or relevant and appropriate requirements (ARARs)<sup>1</sup>, and fully explain how the selected remedy complies with all ARARs. The DOE explanation should include:

- The reasons why the proposed action is located in or affects wetlands;
- A list of significant facts considered in making the decision to locate in or affect wetlands including alternative sites and actions;
- A statement whether the proposed action conforms to applicable State or local wetlands protection standards;

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<sup>1</sup>As a Federal agency, DOE is exempt from the permitting requirements of Section 404 of the Clean Water Act but must still meet the substantive requirements of 40 CFR § 230.10.

- A description of the steps taken to design or modify the proposed action to minimize potential harm to wetlands; and
- A statement indicating how the proposed action affects the natural or beneficial values of the wetlands.

Response: Agreed. DOE is required to consider state and federal ARARs related to dredge and fill activities conducted as part of the OU4 remedial action, including the implementing regulations of Section 404 and 401 of the Clean Water Act. Currently, there are no local wetland regulations relating to the protection of wetlands, with which the FEMP must comply. In addition, DOE is required to avoid and minimize wetland impacts to the maximum extent practicable in accordance with the requirements of 10 CFR Part 1022. DOE has included the established requirements for OU4 dredge and fill activities under the Nationwide Permit Program, 33 CFR Part 330, as identified in the OU4 ARAR table.

The OU4 Remedial Action has been planned so that wetland habitat loss would be minimal. The 0.2 ha (0.52 acre) impact to the wetland area identified in the FS/PP-FEIS and in the current version of the Operable Unit 4 ROD was the result of the siting and construction of the proposed OU5 on-property disposal facility. The text in the ROD will be clarified to show that the final decision to dispose of OU4 material on-property has been deferred to the RODs for OUs 2, 3 and 5 and environmental impacts as a result of the disposal facility will not be discussed in the OU4 documents. Wetlands ARARs related to the siting and construction of the on-property disposal facility will be addressed in the OU2, OU3 and OU5 FS documents as appropriate. Therefore, DOE believes that additional requirements for wetland protection and mitigation should not be identified as ARARs in the OU4 ROD for the proposed on-site disposal facility. Clarifying language will be added to the OU4 ROD ARAR table to address this.

Action: DOE believes that no additional ARARs related to wetland protection and mitigation will be included in the OU4 ROD. Additional text will be added to the body of the ROD to clarify the commitments associated with wetland protection and mitigation between OU2, OU3, OU4 and OU5. In addition, text describing the environmental impacts for OU4 as a result of construction of disposal facility will be deleted. Regarding ARARs for on-site disposal, clarifying language will be added to the introduction to Appendix B, Summary of ARARs for the Operable Unit 4 Remedial Action.

**SECTION 2.0**

**RESPONSE TO**

**OEPA COMMENTS**

**BY**

**TOM SCHNEIDER**

**RESPONSE TO OHIO EPA COMMENTS ON THE PROPOSED  
DRAFT RECORD OF DECISION FOR REMEDIAL ACTIONS AT OPERABLE UNIT 4**

1. Commenting Organization: Ohio EPA Commentor: OFFO  
 Section #: General Comment Page #: 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: Agreed.
- Action: The Ohio EPA comments (April 19, 1994) have been addressed in the Operable Unit 4 Record of Decision and Responsiveness Summary. The Ohio EPA has been designated as "Commentor R" in accordance with the Responsiveness Summary format (see Table C-I.1-1) and the actual comments can be found beginning on Page C-I-145. The five Ohio EPA comments have been addressed as follows:

<u>Comment Number</u>	<u>Disposition</u>
1.	Addressed as a separate comment, with response not resulting in an issue (see Page C-5-13).
2.	Addressed under "Issue 6 - Monitoring of Remedial Actions" (see Page C-4-22).
3.	Addressed as a separate comment, with response not resulting in an issue (see Page C-5-13).
4.	Addressed under "Issue 3 - Public Participation During Post-RI/FS Activities" (see Page C-4-16).
5.	Addressed under "Issue 3 - Public Participation During Post-RI/FS Activities" (see Page C-4-16).

2. Commenting Organization: Ohio EPA Commentor: OFFO  
 Section #: General Comment Page #: 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 response to their comments. If DOE has not met this commitment, action should be taken immediately to do so.
- Response: DOE is in the process of completing this commitment as it relates to the Operable Unit 4 Record of Decision and Responsiveness Summary. Fernald's Public Involvement Program establishes a process for introducing dialogue between Fernald decision makers and the public early in the decision-making process. The dialogue allows public values and concerns to be heard throughout the development of alternatives and promotes

consideration of a range of social, cultural, economic and technical factors affecting decisions.

Person-to-person communication involves establishing and maintaining relationships between Fernald facility employees and members of the community. Through person-to-person contacts, information about Fernald is transmitted to the community, and preferences and concerns about Fernald activities are relayed to decision makers.

In February 1994, the Fernald Envoy Program was developed to strengthen personal, two-way communication with community leaders. Through the Fernald Envoy Program, DOE and FERMCO personnel regularly meet with community leaders, one-on-one, to ensure their interests, concerns and feedback is relayed to Fernald decision makers. Many of the community leaders and interested parties with whom Fernald envoys have regular contact, submitted formal comments on the Operable Unit 4 Record of Decision.

The Fernald Envoy Program was an important vehicle for facilitating the development of responses to formal comments submitted by the public on the Operable Unit 4 FS/PP-DEIS.

Action: The Operable Unit 4 Record of Decision and Responsiveness Summary was made available to the public at the Public Environmental Information Center (PEIC) on August 8, 1994. In addition, a Notice of Availability was published in the local papers the week of August 8, 1994 announcing that the public could inspect the documents. Efforts continue on an on-going basis, through the Fernald Envoy Program, to solicit concerns and forward feedback from the community to the Fernald decision makers in order to insure their interests and concerns have been adequately considered by this document.

3. Commenting Organization: Ohio EPA Commentor: OFFO  
 Section #: General Comment Page #: Line #: Code: M  
 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 facility 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: The Operable Unit 5 RI/FS will evaluate and determine the required soil remediation levels necessary to support the future land-use scenario selected for the entire FEMP site, including a reevaluation of the remediation levels presented in the Operable Unit 4 Record of Decision.

The Operable Unit 5 Record of Decision will specify if the Operable Unit 4 soil remediation levels will require modification in order to support the FEMP's future land-use strategy. The Operable Unit 5 Record of Decision will consider in the selection of its preferred alternative, all appropriate institutional and administrative controls as well as long-term monitoring requirements for residual contamination in the soils and materials

disposed in an on-property disposal facility, if it is a component of the preferred alternative. DOE will implement whatever additional measures are deemed necessary to insure that the remediation of the Operable Unit 4 area soils supports the future land-use scenario selected by the approved Operable Unit 5 Record of Decision.

Action: None required.

4. Commenting Organization: Ohio EPA Commentor: OFFO  
 Section #: General Comment Page #: 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: Agreed.

Action: The text on Page D-iii, Line 8 will be revised as follows:

"The EIS for the NTS is planned to be completed by the end of December 1995, at which time a Record of Decision is expected to be issued. Shipments of low-level waste generated from the remediation of Operable Unit 4 are not proposed to begin until mid-1997, which should be after the planned completion of the NTS site-wide EIS. Given these current time frames, DOE does not anticipate the NTS EIS schedule will negatively impact the Operable Unit 4 remediation schedule discussed in the ROD."

5. Commenting Organization: Ohio EPA Commentor: OFFO  
 Section #: 3.0 Page #: 3-1 Line #: 8 Code: C  
 Original Comment #:

Comment: Delete "offices of" from the sentence.

Response: Agreed.

Action: The text "offices of" has been deleted from the sentence.

6. Commenting Organization: Ohio EPA Commentor: OFFO  
 Section #: 3.1 Page #: 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: Agreed.

Action: The text of the fourth paragraph on Page 3-4, Lines 19-24 will be revised and expanded as follows:

"On May 11, 1994, the DOE-NV conducted a public meeting in Las Vegas, Nevada. In attendance were members from the DOE, EPA (Region V), Ohio EPA, CAB and the public. This meeting was the first meeting of the newly-organized CAB. As part of the meeting's agenda, the DOE conducted two presentations. One of the presentations, furnished by the DOE-FN, discussed the Operable Unit 4 FS/PP-DEIS and summarized the proposal to transport and dispose of low-level radioactive waste, which would be generated by the cleanup and environmental restoration of the FEMP site as a whole (including Operable Unit 4), at the NTS. The other presentation was furnished by the DOE-NV which summarized the current low-level radioactive waste management program at the NTS. During the discussions following the presentation of the Operable Unit 4 FS/PP-DEIS, the..."

7. Commenting Organization: Ohio EPA Commentor: OFFO  
 Section #: C.4.0 Page #: C-4-22 Line #: 4 Code: E  
 Original Comment #:  
 Comment: Replace "Energy" with "Transportation."

Response: Agreed.

Action: The text "Energy" has been replaced with the text "Transportation."

8. Commenting Organization: Ohio EPA Commentor: OFFO  
 Section #: C.4.0 Page #: 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 [sic] 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: The referenced text has been modified to recognize that the Operable Unit 4 selected remedy has adopted preliminary soil cleanup levels with exhumed soils being placed into on-property storage, pending the establishment of final remediation levels and a disposition strategy through the Operable Unit 5 Record of Decision (ROD). The Draft Operable Unit 5 ROD is scheduled for submittal to the USEPA and OEPA on July 2, 1995. Since this soil disposition strategy has been adopted, it is not considered appropriate to specify in the Operable Unit 4 ROD the long-term operation, maintenance and monitoring requirements for any residual concentrations of hazardous substances in soils in the Operable Unit 4 footprint.

The Operable Unit 5 ROD will establish final remediation levels for soil and the associated long-term operation, maintenance, monitoring and institutional requirements for the site. The scope and duration of these requirements will be consistent with the contemplated future land use for the FEMP property and the final remediation levels documented in the Operable Unit 5 ROD. Active operation, maintenance and monitoring

for the soils staged in the interim storage facility are contemplated as part of the Operable Unit 4 remedy.

Action: The referenced text to the response of Commentor Q, Comments (b,d), will be revised to incorporate the aforementioned language to reflect this position.

9. Commenting Organization: Ohio EPA Commentor: OFFO  
Section #: 10.2 Page #: 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: DOE acknowledges this comment requesting clarification regarding the Ohio siting requirements. However, the decisions regarding the disposition of rubble and debris from OU4 will be made in the ROD for OU3; decisions for disposition of soils will be made in the ROD for OU5. Since any on-site disposal activities associated with OU4 wastes will be determined by the RODs for OU3 and OU5 rather than under the ROD for OU4, compliance with this specific ARAR needs to be addressed in those respective RODs; hence, a discussion of the waiver of the state siting requirements is not appropriate in this document. Therefore, the referenced paragraph will be deleted from the document, and will be replaced by clarifying language.

Action: The referenced section of the document will be revised as follows:

Delete the paragraph beginning with "No waiver..." and ending "...disposal facility."

Insert the following to replace the deleted paragraph:

"Removal, treatment by vitrification, and shipment for off-site disposal of silo material will be conducted in accordance with ARARs identified in this ROD. Disposition of rubble and debris from OU4 will be determined by the ROD for OU3, and will be conducted in accordance with the ARARs identified in that ROD; similarly, disposition of soils from OU4 will be determined by the ROD for OU5 and will be conducted in accordance with ARARs established in that ROD. Any interim storage of rubble and debris or soils, prior to final disposition under the RODs for OU3 and OU5, respectively, will be in accordance with ARARs identified in this OU4 ROD, pertinent DOE orders, and applicable site procedures."

10. Commenting Organization: Ohio EPA Commentor: OFFO  
Section #: 10.7 Page #: 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: It is DOE's position that the inclusion of this section is necessary and appropriate as it summarizes information presented in the Operable Unit 4 FS/PP-FEIS and is required to

be analyzed as a potential impact under the NEPA statute. It is DOE's understanding that Ohio EPA's concern lies in the text of the first paragraph of this section where it is stated that: "...has been included to secure the exclusion discussed in CERCLA Section 107(f)(1)."

It is DOE's position that the State of Ohio would not be waiving natural resource damage claims it may have against DOE. DOE is committed to proactively soliciting input from all appropriate stakeholders (e.g., Natural Resource Trustees) to ensure that actions at the FEMP will be conducted in a manner protective of human health and the environment; and that will avoid or mitigate natural resource impacts to the extent practicable.

Action: Section 10.7 will remain as part of the OU4 Record of Decision, although the reference the State of Ohio has objected to regarding securing the CERCLA Section 107(f)(1) exclusion has been deleted.

11. Commenting Organization: Ohio EPA Commentor: OFFO  
 Section #: General Comment Page #: 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.

Response: The DOE acknowledges Ohio EPA's position. In an effort to streamline the NEPA process, minimize the cost and time for document preparation and review, and make the process more useful to decision makers and the public, DOE issued a Secretarial Policy on NEPA in June 1994. To facilitate meeting the environmental objectives of CERCLA and respond to concerns of regulators consistent with the procedures of most other Federal agencies, the DOE will now, as a general policy, rely on the CERCLA process for review of actions to be taken under CERCLA; incorporating NEPA values into CERCLA documents to the extent practicable. DOE may choose, however, to integrate the NEPA and CERCLA processes for specific proposed actions. For Operable Unit 4 at the FEMP, DOE has chosen to complete both the CERCLA and NEPA processes and has prepared an integrated Feasibility Study/Proposed Plan - Environmental Impact Statement. This decision is based upon the long-standing interest on the part of our stakeholders to prepare an Environmental Impact Statement on the restoration activities at the Fernald site.

Action: No action necessary.