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U-004-504 .2

OU2 DRAFT RECORD OF DECISION - COMMENTS

03/27/95

OEPA DOE-FN
9
COMMENTS



State of Ohio Environmental Protection Agency

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George V. Voinovich
Governor

March 27, 1995

RE: DOE FEMP
MSL #531-0297
OU2 DRAFT RECORD OF
DECISION - COMMENTS

Mr. Jack Craig
Acting Director
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 2 Draft Record of Decision submitted to Ohio EPA on February 6, 1995. DOE must address the following comments prior to finalizing the OU2 ROD.

If you should have any questions, please contact me.

Sincerely,

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

cc: Jim Saric U.S. EPA
Terry Hagen, FERMCO
Ruth Vandegrift, ODH
Jean Michaels, PRC
Manager TPSS, DERR/CO
Lisa August, GeoTrans
Jeff Hurdley, Legal/CO

OHIO EPA COMMENTS ON THE DRAFT OU2 ROD

General Comments

- 1) Commenting Organization: Ohio EPA Commentor: OFFO /FR
 Section #: Pg #: Line #: Code: M
 Original Comment #:
 Comment: Ohio EPA is not satisfied with the language of the ROD and specifically the Declaration section concerning receipt of off-site waste. Ohio EPA believes DOE must clearly commit within the ROD to not accepting and not attempting to ship any off-site waste for disposal at the Fernald site. Clearly, Ohio EPA will exercise its legal authority to prevent receipt of off-site waste for storage or disposal as is suggested in the ROD. Yet, we believe it is necessary for DOE to commit to not attempting to ship waste to Fernald for storage or disposal. It is unacceptable to just suggest the EPA's will prevent off-site waste being disposed at Fernald, there must be a commitment by DOE to not attempt off-site waste disposal at Fernald. Ohio EPA does not believe a waiver is justified unless such a commitment can be made by DOE.
 Response:
 Action:
- 2) Commenting Organization: Ohio EPA Commentor: OFFO
 Section #: Pg #: Line #: Code: M
 Original Comment #:
 Comment: It should be noted by DOE that Ohio EPA's support for the OU2 wastes CERCLA waiver is not just based upon a protective cell design but upon a site-wide remediation plan that is protective of human health and the environment across the site. Specifically, Ohio EPA will only support the waiver in that the site-wide remediation is protective of the Great Miami Aquifer to the proposed MCL for total uranium of 20 ug/l. Ohio EPA's position regarding the CERCLA waiver is based upon remediation of the site under the "balanced approach." We support the waiver based upon a holistic approach to site remediation and believe that all aspects of the site cleanup are intrinsically tied to our acceptance of the waiver.
 Response:
 Action:
- 3) Commenting Organization: Ohio EPA Commentor: OFFO
 Section #: Pg #: Line #: Code: M
 Original Comment #:
 Comment: In order for Ohio EPA to support the CERCLA waiver for Operable Unit 2 wastes, DOE must commit within the OU2 ROD to continue to evaluate additional technologies which may provide additional protectiveness to the cell design and waste form. Specifically, Ohio EPA requests that DOE commit to performing two additional treatability studies during RD/RA. The two technologies (Brickmaker and Geochemical Barriers) are recent developments which may provide additional protectiveness and/or cost savings to the disposal facility construction. For example, the Brickmaker technology has the potential to reduce the overall size of the disposal facility as well as fugitive emissions - a goal of local residents, stakeholders and task force members. Ohio EPA believes these studies should be conducted at the earliest possible time in order to efficiently integrate the results into the facility design. Ohio EPA requests that DOE commit to providing a schedule for such treatability

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study work within the RD Workplan.

Response:

Action:

Specific Comments

- 4) Commenting Organization: Ohio EPA Commentor: OFFO
 Section #: Declaration Pg #: D-1 Line #: 44 Code: c
 Original Comment #:
 Comment: During discussions regarding the OU5 FS the fact that the 1,080 ppm WAC would be decreased to 1030 ppm arose. DOE should add language to address the possibility for lowering the WAC based upon any new calculations presented under OUs 3 or 5.
 Response:
 Action:
- 5) Commenting Organization: Ohio EPA Commentor: OFFO
 Section #: 2.2 Pg #: 2-6 Line #: 22 Code: c
 Original Comment #:
 Comment: There has been some discussion regarding the appropriate number for the Seepage Control RA. Please review RA numbering sequence to ensure proper number is being used.
 Response:
 Action:
- 6) Commenting Organization: Ohio EPA Commentor: OFFO
 Section #: 3.0 Pg #: 3-2 Line #: 10-12 Code: c
 Original Comment #:
 Comment: Ohio EPA held an availability session for members of the public to discuss the Operable Unit 2 Proposed Plan on November 3, 1994. This session should be added to the text. It is unclear in the text who held the October 25, 1994 workshop.
 Response:
 Action:
- 7) Commenting Organization: Ohio EPA Commentor: OFFO
 Section #: 3.0 Pg #: 3-2 Line #: 26-33 Code: c
 Original Comment #:
 Comment: Additional text should be added to discuss the meetings held with locally elected officials during the course of the public comment period. Ohio EPA sponsored one such meeting of local township trustees on November 30, 1994 to discussed the OU2 Proposed Plan and waiver.
 Response:
 Action:
- 8) Commenting Organization: Ohio EPA Commentor: OFFO/FR

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Section #: 3.0 Pg #: 3-3 Line #: 7-21 Code: c

Original Comment #:

Comment: Please add text to this section stating that DOE will use all current employed methods for notifying stakeholders of ESDs or ROD amendments. Specifically, DOE should commit to at least holding a roundtable/workshop on any ESD and that local residents will be notified in writing concerning amendments or ESDs.

Response:

Action:

9) Commenting Organization: Ohio EPA Commentor: OFFO

Section #: 4.0 Pg #: 4-1 Line #: 11 Code: c

Original Comment #:

Comment: Update the OU1 info to reflect EPA signature.

Response:

Action:

10) Commenting Organization: Ohio EPA Commentor: OFFO

Section #: 5.0 Pg #: 5-5 Line #: 31-32 Code: c

Original Comment #:

Comment: Ohio EPA believes the last sentence of this paragraph should be deleted. Organic constituents were detected within the active flyash pile. Additionally, the amount of rejected data resulting from matrix interferences significantly limits DOE's ability to draw such a conclusion.

Response:

Action:

11) Commenting Organization: Ohio EPA Commentor: OFFO

Section #: 7.4 Pg #: 7-6 Line #: 7 Code: c

Original Comment #:

Comment: Delete the word "clean" from this sentence. The remaining soils will be below the action level but will still be contaminated.

Response:

Action:

12) Commenting Organization: Ohio EPA Commentor: OFFO

Section #: 7.4 Pg #: 7-6 Line #: 29-31 Code: c

Original Comment #:

Comment: Land use restrictions should be placed upon the property deed to allow anyone reviewing the deed to be aware of such restrictions. All reference to selling or transferring to another party should be deleted as DOE has committed to continued federal ownership.

Response:

Action:

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- 13) Commenting Organization: Ohio EPA Commentor: OFFO
Section #: 8.14 Pg #: 8-7 Line #: 19-22 Code: c
Original Comment #:
Comment: Add a discussion of the commitment to two additional treatability studies to this section.
Response:
Action:
- 14) Commenting Organization: Ohio EPA Commentor: OFFO/FR
Section #: 8.1.9 Pg #: 8-11 Line #: 1-7 Code: c
Original Comment #:
Comment: Discussions with local stakeholders suggest this paragraph does not appropriately summarize the trepidation with which they have agreed to the on-site disposal alternative. None of the stakeholders prefer on-site disposal but have accepted the necessity of the alternative. These same stakeholders suggested the Fernald Citizens Task Force resolution regarding on-site disposal accurately reflect their position. Ohio EPA believes it would be appropriate to incorporate the resolution within this section.
Response:
Action:
- 15) Commenting Organization: Ohio EPA Commentor: OFFO
Section #: 9.1 Pg #: 9-1 Line #: 17-26 Code: c
Original Comment #:
Comment: Add an additional discussion of the fact that disposal cell design and location are subject to change based upon additional investigations and EPA approval.
Response:
Action:
- 16) Commenting Organization: Ohio EPA Commentor: OFFO/FR
Section #: 9.1 Pg #: 9-1 Line #: 27-31 Code: c
Original Comment #:
Comment: Add that all excavation activities will be conduct while incorporating the concept of ALARA with regard to worker and community protection.
Response:
Action:
- 17) Commenting Organization: Ohio EPA Commentor: OFFO
Section #: 9.1 Pg #: 9-2 Line #: 4-7 Code: c
Original Comment #:
Comment: Add sentence suggesting WAC may go down based upon additional data from other operable units.
Response:
Action:

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- 18) Commenting Organization: Ohio EPA Commentor: OFFO
Section #: 9.1 Pg #: 9-2 Line #: 24-27 Code: c
Original Comment #:
Comment: As stated in a previous comment, all reference to transfer or selling of the property should be deleted. Addition of restrictions to the deed are still appropriate and should be added immediately.
Response:
Action:
- 19) Commenting Organization: Ohio EPA Commentor: OFFO/FR
Section #: 9.1 Pg #: 9-2 Line #: 30 Code: c
Original Comment #:
Comment: Add a bullet discussing monitoring activities to occur following closure/restoration. This bullet should include information on the 30-year post-closure monitoring and five-year reviews.
Response:
Action:
- 20) Commenting Organization: Ohio EPA Commentor: OFFO
Section #: Table 9-1 Pg #: 9-4&5 Line #: Code: c
Original Comment #:
Comment: a) The table should be revised to include cleanup levels for all OU2 COCs including radionuclides, inorganics and organics.
b) South Field Th-230 revise footnote "j" to be "i."
Response:
Action:
- 21) Commenting Organization: Ohio EPA Commentor: OFFO
Section #: 10.2.2 Pg #: 10-4 Line #: 3-4 Code: c
Original Comment #:
Comment: Recommend deletion of the following "would not be considered waste and". Ohio EPA would prefer the text remain silent on the issue of whether the residual contamination in the soil is waste.
Response:
Action:
- 22) Commenting Organization: Ohio EPA Commentor: OFFO
Section #: 10.2.3 Pg #: 10-6 Line #: 9-20 Code: c
Original Comment #:
Comment: DOE should add language that discusses the fact that post-closure monitoring will extend beyond the 30 years required, specifically through the CERCLA five year review process.
Response:
Action:

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- 23) Commenting Organization: Ohio EPA Commentor: OFFO
 Section #: 10.4 Pg #: 10-9 Line #: Code: c
 Original Comment #:
 Comment: This section should include a discussion of the commitment to continue to evaluate new technologies during implementation. Specifically the section should address the two treatability studies previously requested.
 Response:
 Action:
- 24) Commenting Organization: Ohio EPA Commentor: OFFO
 Section #: Appendix A Pg #: Line #: Code:
 Original Comment #:
 Comment: Based upon a brief review, Ohio EPA noted ARARs which have been defined in previous documents have been left out of the OU2 draft ROD. DOE should review the final OU1 ROD as well as the draft OU5 FS and related Ohio EPA comments to ensure that all previously defined ARARs are incorporated into this document.
 Response:
 Action:
- 25) Commenting Organization: Ohio EPA Commentor: OFFO
 Section #: Table A-4 Pg #: A-53 Line #: Code: c
 Original Comment #:
 Comment: As stated in Ohio EPA comments on the draft Proposed Plan, an additional action specific ARAR should be 40 CFR 60.670 Subpart OOO. This ARAR addresses standards for the use of a crusher.
 Response:
 Action:
- 26) Commenting Organization: Ohio EPA Commentor: OFFO
 Section #: Table A-4 Pg #: A-53 Line #: c Code: c
 Original Comment #:
 Comment: An additional action specific ARAR should be OAC 3745.31-05(A)(3) which requires all new source employ Best Available Technology (BAT) for minimizing air emissions.
 Response:
 Action:

Responsiveness Summary

- 27) Commenting Organization: Ohio EPA Commentor: OFFO
 Section #: 2.0 Pg #: RS-2-2 Line #: 10-12 Code: c
 Original Comment #:

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Comment: Ohio EPA held an availability session for members of the public to discuss the Operable Unit 2 Proposed Plan on November 3, 1994. This session should be added to the text. It is unclear in the text who held the October 25, 1994 workshop.

Response:

Action:

- 28) Commenting Organization: Ohio EPA Commentor: OFFO
 Section #: 2.0 Pg #: RS-2-2 Line #: 26-33 Code: c
 Original Comment #:
 Comment: Additional text should be added to discuss the meetings held with locally elected officials during the course of the public comment period. Ohio EPA sponsored one such meeting of local township trustees on November 30, 1994 to discuss the OU2 Proposed Plan and waiver.
 Response:
 Action:
- 29) Commenting Organization: Ohio EPA Commentor: OFFO/FR
 Section #: 3.0 Pg #: Table RS-3-2 Line #: Code: c
 Original Comment #:
 Comment: Based upon discussions with local stakeholders, it is evident that the table incorrectly identifies commentor Vicky Dasitllung as a Harrison, OH resident. The correct identification would be as a Ross Township resident. This error suggests DOE should review the table for additional inaccuracies.
 Response:
 Action:
- 30) Commenting Organization: Ohio EPA Commentor: OFFO
 Section #: 3.0 Pg #: RS-3-14 Line #: 29-33 Code: c
 Original Comment #:
 Comment: DOE should add a discussion of the availability of USEPA Technical Assistance Grants (TAGs) and the public's ability to obtain such a grant for independent oversight activities.
 Response:
 Action:
- 31) Commenting Organization: Ohio EPA Commentor: OFFO
 Section #: 3.0 Pg #: RS-3-17 Line #: 10-18 Code: c
 Original Comment #:
 Comment: As stated in previous comments, Ohio EPA believes simply responding that the state will prevent off-site waste is insufficient. DOE should commit to not attempting to bring off-site waste to Fernald for disposal or storage.
 Response:
 Action:

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- 32) Commenting Organization: Ohio EPA Commentor: OFFO
Section #: 3.0 Pg #: RS-3-19 Line #: 13-16 Code: c
Original Comment #:
Comment: As stated in Ohio EPA's and numerous others' comments on the Proposed Plan, a condition of support for the CERCLA waiver is that no characteristic hazardous waste be disposed of on-site. The last three sentences of this paragraph should be deleted.
Response:
Action:
- 33) Commenting Organization: Ohio EPA Commentor: OFFO/FR
Section #: 3.0 Pg #: RS-3-29 Line #: 15-22 Code: c
Original Comment #:
Comment: Additional text should be added to this discussion to expand the concept of 5 year reviews. DOE should briefly describe the content and intent of the review.
Response:
Action:
- 34) Commenting Organization: Ohio EPA Commentor: OFFO/FR
Section #: 3.0 Pg #: RS-3-31 Line #: 27-30 Code: c
Original Comment #:
Comment: Additional justification should be provided for the \$9,000,000 cost for monitoring off-site disposal alternatives. It is unclear to the reader the basis for these costs.
Response:
Action:
- 35) Commenting Organization: Ohio EPA Commentor: OFFO
Section #: 3.0 Pg #: RS-3-33 Line #: 10-25 Code: c
Original Comment #:
Comment: The two paragraphs are contradictory one stating the ROD requires federal ownership while the second suggests sale or transfer of the property. Ohio EPA and the local stakeholders have only been willing to support on-site disposal so long as federal ownership is maintained. The ROD must be reviewed to remove all references to sale or transfer of the property from federal ownership.
Response:
Action:
- 36) Commenting Organization: Ohio EPA Commentor: OFFO
Section #: 3.0 Pg #: RS-3-43 Line #: Code: c
Original Comment #:
Comment: Add text consistent with previous comments concerning the continued evaluation of new technologies and specifically the two requested treatability studies.
Response:
Action: