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6-105.5

COMMENTS - NR RESTORATION PLAN

03/26/97

OEPA DOE-FEMP
8
COMMENTS



State of Ohio Environmental Protection Agency

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K-1229
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George V. Voinovich
Governor

March 26, 1997

RE: DOE FEMP
MSL 531-0297
HAMILTON COUNTY
COMMENTS - NR RESTORATION PLAN

Mr. Johnny Reising
USDOE FEMP
P.O. Box 538705
Cincinnati, Ohio 45253-8705

Dear Mr. Reising:

As part of the on-going Natural Resource Trustee negotiations for the Fernald site, Ohio EPA has reviewed the draft Natural Resource Restoration Plan submitted to this office by FDF on January 17, 1997. Ohio EPA's comments on the draft document are attached. We look forward to a timely resolution of these comments.

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

Sincerely,

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

- cc: Pete Yerace, DOE
- Don Henne, U.S. DOI
- Terry Hagen, FERMC
- Jim Chapman, U.S. EPA
- Jim Saric, U.S. EPA
- Bill Kurey, U.S. F&WS
- Vanessa Steigerwald, DERR/CO

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OHIO EPA COMMENTS ON THE
1/17/97 DRAFT NATURAL RESOURCE RESTORATION PLAN

General Comments

Commenting Organization: Ohio EPA Commentor: OFFO

Section #: Pg #: Line #: Code: C

Original Comment #:

Comment: As suggested in previous meetings, Ohio EPA is not sure that submittal of the Natural Resource Restoration Plan as a part of the SEP is the most appropriate or effective method for developing the plan. Although from an engineering perspective, incorporating the principle projects and ideas of the NRRP into the SEP is essential for success. By incorporating the NRRP into the SEP, the SEP is subject to review by legal staff from the various trustees as well as being part of settlement, etc., etc.. Ohio EPA believes it is appropriate to have a discussion concerning the best way to achieve integration of NRRP projects into the SEP while keeping the NRDA process from potentially impacting completion of the SEP.

Response:

Action:

Specific Comments

Commenting Organization: Ohio EPA Commentor: OFFO

Section #: 1.0 Pg #: 1 Line #: 13-17 Code: C

Original Comment #:

Comment: The plan should be revised to discuss how changes to the "living document" will be reviewed and approved by the trustees. In addition, the document should clarify how differences in projected future damages and actual damages will be accounted. Ohio EPA believes it is important for this document to present the process for further adjustments to the impact assessment and associated restoration needs.

Response:

Action:

Commenting Organization: Ohio EPA Commentor: OFFO

Section #: 1.2 Pg #: 2 Line #: Code: C

Original Comment #:

Comment: This section should obviously be revised to reflect any revisions to the Impact Assessment (eg., BTVs, groundwater plume size, etc.).

Response:

Action:

Commenting Organization: Ohio EPA Commentor: DERR

Section #: 1.3 Pg #: 2 Line #: Code: C

Original Comment #:

Comment: This section should refer to Addendum B. It is understood that Addendum B will not

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be completed for awhile. The NRTs will provide comments on this Addendum in the future. A number of HEA inputs still need to be worked out and agreed upon by the NRTs.

Response:

Action:

Commenting Organization: Ohio EPA Commentor: OFFO

Section #: 1.3 Pg #: 2 Line #: 28-29 Code: C

Original Comment #:

Comment: Ohio EPA recommends deletion of the sentence starting, "By linking..." in an attempt to reduce legal concerns.

Response:

Action:

Commenting Organization: Ohio EPA Commentor: DERR

Section #: 2.1.2 Pg #: 7 Line #: 1-2 Code: C

Original Comment #:

Comment: This sentence needs to be reworded. The following language is recommended: "A review of ecological COCs and their corresponding BTVs is being conducted. Based on the results of this analysis, ecological COCs may drive excavation in certain areas."

Response:

Action:

Commenting Organization: Ohio EPA Commentor: OFFO

Section #: 2.2 Pg #: 7 Line #: Code: C

Original Comment #:

Comment: This section should be expanded to discuss other uncertainties associated with estimating damages and restoration planning. Included in the discussion should be a discussion of the uncertainties of schedule delays, impacted area estimates, etc.

Response:

Action:

Commenting Organization: Ohio EPA Commentor: OFFO

Section #: 2.2.2 Pg #: 8 Line #: 8-20 Code: C

Original Comment #:

Comment: It is Ohio EPA's belief that the issue of whether an area will achieve BTVs following excavation must be established before we will accept the proposed restoration plan. It will not be acceptable to determine this issue at the point of project implementation.

Response:

Action:

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Commenting Organization: Ohio EPA Commentor: OFFO
 Section #: 2.3.3 Pg #: 9 Line #: 7-11 Code: C
 Original Comment #:

Comment: Obviously this study is important to determining if on-site restoration is even feasible. The study will need to be completed prior to final acceptance of the restoration plan. The section should provide a date for start of the study as well as a date for submittal of the findings.

Response:

Action:

Commenting Organization: Ohio EPA Commentor: DERR
 Section #: 3.0 Pg #: Line #: Code: General Comment
 Original Comment #:

Comment: The Natural Resource Restoration Projects do not incorporate any restoration projects that serve to compensate for the injured groundwater resource in the Great Miami Aquifer. It is realized that this issue has not been worked out, however, discussion needs to be added that restoration projects will be incorporated into this NRRP in the future that will serve to compensate for the past and future injury to the GMA.

Response:

Action:

Commenting Organization: Ohio EPA Commentor: DERR
 Section #: 3.0 Pg #: Line #: Code: General Comment
 Original Comment #:

Comment: The Natural Resource Restoration Projects should also include activities that serve to compensate for the impacts that occurred in the Great Miami River. The activities should focus on riparian corridor protection. Impacts to the GMR were documented in the NRIA.

Response:

Action:

Commenting Organization: Ohio EPA Commentor: DERR
 Section #: 3.0 Pg #: Line #: Code: General Comment
 Original Comment #:

Comment: In order to better link the Impact Assessment and the HEA, the document needs to be revised to include proposed/estimated acreage for the various projects.

Response:

Action:

Commenting Organization: Ohio EPA Commentor: OFFO

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Section #: 3.0 Pg #: 10 Line #: Code: C

Original Comment #:

Comment: This section refers to a number of significant restoration activities but does not provide specific references to work plans or future submittals where detail on such projects could be found. Each project should reference the deliverable to include appropriate detail on project design and implementation.

Response:

Action:

Commenting Organization: Ohio EPA Commentor: OFFO

Section #: 3.1 Pg #: 10 Line #: 13-14 Code: C

Original Comment #:

Comment: The section does not include "Figure 3-1" referenced therein.

Response:

Action:

Commenting Organization: Ohio EPA Commentor: OFFO

Section #: 3.1.1 Pg #: 10 Line #: 17-24 Code: C

Original Comment #:

Comment: Obviously the development of aesthetic barriers is an important step in making the remediation of the site more acceptable to local resident. However, the immediate or long-term natural resource benefit of such a project is limited. Thus be "bridge" document must account for this limitation.

Response:

Action:

Commenting Organization: Ohio EPA Commentor: OFFO

Section #: 3.1.1 Pg #: 10 Line #: 23-24 Code: C

Original Comment #:

Comment: Ohio EPA believes the public and FCTF have clearly ask for installation of aesthetic barriers prior to construction of the OSDF. Ohio EPA encourages DOE to initiate activities on the aesthetic barriers at the earliest possible time. Construction of the OSDF is scheduled to start Summer 1997 and significant excavation activities have already occurred. The sooner such barriers are installed the more acceptable on-going remediation will be to local stakeholders.

Response:

Action:

Commenting Organization: Ohio EPA Commentor: OFFO

Section #: 3.1.2 Pg #: 11 Line #: 8-9 Code: C

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Original Comment #:

Comment: Certification of this area should occur by Summer 1997. Given that schedule, what work can be done this year and what documentation will be submitted to further clarify and define the activity?

Response:

Action:

Commenting Organization: Ohio EPA Commentor: OFFO
 Section #: 3.1.3 Pg #: 11 Line #: 20-27 Code: C

Original Comment #:

Comment: Ohio EPA would encourage submittal of the watershed study prior to the SEP considering the current schedule for submittal of that document. Ohio EPA believes the Natural Resource planning process should not be held up by a delay in submittal of the SEP. Any progress made on restoration planning will only make the SEP a better document upon submittal.

Response:

Action:

Commenting Organization: Ohio EPA Commentor: OFFO
 Section #: 3.1.4 Pg #: 12 Line #: Code: C

Original Comment #:

Comment: This is the most significant short-term project in regards to natural resource benefit. Ohio EPA encourages DOE to look to aggressively pursue implementation of this project. In addition, Ohio EPA believes an effort to certify areas west of Paddys Run and declare a short term victory would be of significant benefit to the site. Ohio EPA is especially interested in measures to increase the width of the Paddys Run riparian corridor in the short term. Ohio EPA requests that the revised NRRP focus on this as the primary short-term project with emphasis on providing planning and scheduling detail.

Response:

Action:

Commenting Organization: Ohio EPA Commentor: OFFO
 Section #: 3.2.4 Pg #: 13 Line #: Code: C

Original Comment #:

Comment: As stated in the previous comment, Ohio EPA believes this can be incorporated into the short-term projects. Increasing the riparian corridor on the western side of Paddys Run may help reduce the negative effects of excavation activities to the east of the stream. As an additional, note Ohio EPA suggests the tree species to be planted should focus more on those of riparian benefit and that might support future colonization by Indiana bats (e.g., shagbark hickory, sycamore, willow, cotton wood)

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Response:
 Action:

Commenting Organization: Ohio EPA Commentor: DERR
 Section #: 3.2.5 Pg #: 14 Line #: 2-3 Code: C
 Original Comment #:

Comment: Silver maple is not recommended because it is not very sturdy and its branches can easily break off during storms. Sugar maple is much hardier tree.

Response:
 Action:

Commenting Organization: Ohio EPA Commentor: OFFO
 Section #: 3.2.5 Pg #: 14 Line #: 2-3 Code: C
 Original Comment #:

Comment: Bank stabilization using dormant willow cutting has been successfully used in a number of locations and should be considered for use at Fernald during post excavation restoration.

Response:
 Action:

Commenting Organization: Ohio EPA Commentor: OFFO
 Section #: 4.1 Pg #:15 Line #: 4-13 Code: C
 Original Comment #:

Comment: Monitoring of on-going remediation projects is essential to ensure the impact assessment is appropriately revised to reflect all impacts/damages. Additional detail on the program for "ground truthing" remedial activities needs to be included in this document. Another option would be to prepare a PSP defining who, how and when monitoring of on-going projects will be executed.

Response:
 Action:

Commenting Organization: Ohio EPA Commentor: OFFO
 Section #: 4.2 Pg #:15 Line #: Code: C
 Original Comment #:

Comment: The text should reference the specific submittal and schedule for that submittal which will include details on success monitoring.

Response:
 Action:

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Commenting Organization: Ohio EPA Commentor: DERR
Section #: 6.0 Pg #: 17 Line #: 12-13 Code: C

Original Comment #:

Comment: The following language should be added to the fourth bullet after agricultural uses
"and ensure recreational uses only of the remaining areas of the FEMP property."

Recreational/green space areas need to be memorialized in the deed restriction to ensure that they
are not developed in the future. This is important with respect to the natural resources restoration
activities.

Response:

Action:

Commenting Organization: Ohio EPA Commentor: OFFO
Section #: 6.0 Pg #: Line #: 20-22 Code: C

Original Comment #:

Comment: The suggestions of property transfer are in conflict with the OU2 ROD. The text
should be revised to appropriately address the requirements of the OU2 ROD concerning
continued federal ownership.

Response:

Action:

Commenting Organization: Ohio EPA Commentor: OFFO
Section #: 6.0 Pg #:17 Line #: 35-38 Code: C

Original Comment #:

Comment: The document should be revised to define a deliverable and date for submittal of the
institutional control plan.

Response:

Action: