Department of Energy

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MAR 10 1998

DOE-0535-98

Mr. James A. Saric, Remedial Project Manager
U.S. Environmental Protection Agency
Region V-SRF-5J
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

Mr. Tom Schneider, Project Manager
Ohio Environmental Protection Agency
401 East 5th Street
Dayton, Ohio 45402-2911

Dear Mr. Saric and Mr. Schneider:

RESPONSE TO THE U.S. ENVIRONMENTAL PROTECTION AGENCY COMMENTS AND REVISED PROPOSAL FOR CONSERVATION AREA ENVIRONMENTAL PROJECT

Reference: Letter, from Reising to Saric and Schneider, "Responses to Ohio Environmental Protection Agency Comments on the Proposal Establishing a Conservation Area Near the Fernald Environmental Project," dated January 28, 1998.

Enclosed please find responses to the U.S. Environmental Protection Agency (U.S. EPA) comments on the subject proposal. In addition, the revised proposal is also enclosed for your review and approval. The revised proposal includes revisions based on both the U.S. EPA and Ohio Environmental Protection Agency (OEPA) comments, although OEPA comments were transmitted under separate cover (reference). Please note that additional revisions have been made to Section 4.0 to provide more information on the specific tract of land under consideration as committed to in the previous version of the proposal.

Recycled and Recyclable

If you have any questions regarding this matter, please contact Kathleen Nickel at (513) 648-3166.

Sincerely,

Johnny Reising

FEMP:Nickel

Johnny W. Reising
Fernald Remedial Action
Project Manager

Enclosure: As Stated

cc w/enc:

G. Jablonowski, USEPA-V, SRF-5J
R. Beaumier, TPSS/DERR, OEPA-Columbus
T. Schneider, OEPA-Dayton (total of 3 copies of enc.)
F. Bell, ATSDR
M. Schupe, HSI GeoTrans
R. Vandegrift, ODH
F. Barker, Tetra Tech
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J. Chiou, FDF/52-5
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TECHNICAL REVIEW COMMENTS ON DRAFT "PROPOSAL ESTABLISHING CONSERVATION AREA NEAR THE FERNALD ENVIRONMENTAL MANAGEMENT PROJECT OPERABLE UNIT 4 SUPPLEMENTAL PROJECT"

Commenting Organization: U.S. EPA | Commentor: Saric
Section #: 2.0 | Page #: 1 | Line #: 27 and 28
Original Specific Comment #: 1

Comment: The text states that criteria for selection of the property for the conservation area have been established and are provided in Appendix A. It is unclear whether the criteria in Appendix A are drawn from the dispute resolution agreement or elsewhere. The text should present and identify any size or selection criteria specified in the dispute resolution agreement and clarify the origin of the conservation area selection criteria in Appendix A.

Response: The criteria for selection of the property was developed considering the priorities established in the Dispute Resolution Agreement for the conservation area. No other sources were utilized for criteria development other than professional judgement. DOE is proposing these criteria for EPA approval in establishing the conservation area. DOE agrees that reference should be made to the Dispute Resolution Agreement as appropriate.

Action: The text in Section 2.0 referencing the selection criteria will be revised to clarify that key components of the selection criteria were obtained from the Dispute Resolution Agreement. In addition, the selection criteria (Appendix A) will be revised to identify those criteria obtained from the Dispute Resolution Agreement.

Commenting Organization: U.S. EPA | Commentor: Saric
Section #: 3.0 | Page #: 3 | Line #: 26 and 28
Original Specific Comment #: 2

Comment: The text states that the U.S. Department of Energy Fernald Environmental Management Project will monitor the property for the conservation area on a regular basis. The text should provide additional details regarding the potential monitoring activities, including information on the schedule and the type of monitoring that will be conducted.

Response: Agreed.

Action: The text in Section 5.0 will be revised to include additional detail on monitoring. Monitoring will involve a visual assessment of the property to ensure that all restrictions are being observed with regard to the property. One "baseline" monitoring event is anticipated to occur before finalizing the conservation easement, assuming landowner approval is received. The baseline monitoring event will provide a clear understanding of the current condition of the property. Subsequent monitoring events will occur at least annually, again depending on negotiations with the landowner.

Commenting Organization: U.S. EPA Commentor: Saric
Section #: 4.0 Page #: 4 Line #: 25 and 26
Original Specific Comment #: 3

Comment: The text states that the goal of the conservation easement is to protect the property's ecological characteristics. For this reason, the text should explain that once the conservation area property is identified, the property's baseline ecological characteristics will be assessed. These characteristics will need to be clearly identified in order to protect them.

Response: Agreed. As stated in the response to Comment No. 2, a baseline monitoring event will be conducted, assuming landowner approval is granted. The restrictions and use of the property will be negotiated with the landowner and will be clearly defined in the conservation easement. The specific restrictions outlined in the conservation easement will become the basis for further monitoring of the property.

Action: None required.

Commenting Organization: U.S. EPA Commentor: Saric
Section #: 4.0 Page #: 4 Line #: 27 and 28
Original Specific Comment #: 4

Comment: The text discusses restrictions on the landowner of the property that is subject to the conservation easement. Clearing and mowing restrictions should be added to the restrictions listed. In addition, the text should discuss hunting, trapping, harvesting, and public access, as these factors may impact the property's ecological characteristics and how they are protected.

Response: DOE agrees that these restrictions should be added to the proposal for inclusion in the conservation easement. Final restrictions will have to be negotiated with the landowner.

Action: Text will be added to Section 4.0 of the proposal to reflect restrictions on public access, clearing, mowing, hunting, trapping, and harvesting.

Commenting Organization: U.S. EPA Commentor: Saric
Section #: 5.0 Page #: 5 Line #: Not Applicable
Original Specific Comment #: 5

Comment: This section discusses monitoring of the property to be established as the conservation area. The text should provide additional details on the monitoring activities that are likely to be performed. In addition, the text should discuss how the results of the effort to protect the property's ecological characteristics will be evaluated.

Response: See response to Comment Nos. 2 and 3. The fundamental goal of the conservation easement is to preserve the existing ecological characteristics of the property. Therefore, as long as restrictions specified in the conservation easement are not violated, DOE would view the effort to protect the ecological characteristics of the property a success. The goal of the easement will not be to actively enhance the ecological characteristics of the property in any way, only to preserve them.

Action: Additional details on monitoring will be added to the proposal as specified in the responses and actions to Comment Nos. 2 and 3.