



5685

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

SEP 28 2004

Mr. Johnny W. Reising
United States Department of Energy
Fernald Closure Project
175 Tri-County Parkway
Springdale, Ohio 45246

SR-6J

RE: Legacy Management and
Institutional Control Plan

Dear Mr. Reising:

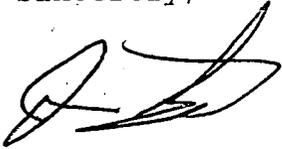
The United States Environmental Protection Agency (U.S. EPA) has completed its review of the United States Department of Energy's (U.S. DOE) draft comprehensive legacy management and institutional control plan. This document provides information on legacy management, institutional controls and post-closure monitoring and reporting at the Fernald, Ohio site.

The document is significantly improved from the first version. However, the document requires significant revision and clarification, and U.S. EPA has enclosed its comments on the document. As was also recommended by the Ohio Environmental Protection Agency (OhioEPA) this document should be viewed as a one-stop document for legacy management, institutional controls and post-closure monitoring and reporting. Taking this approach with this document, although difficult, will ensure the best long-term environmental protection at the Fernald Site. Further, given the need to house large volumes of data and records, and support a contractor staff to maintain the institutional controls and conduct post-closure monitoring activities, U.S. EPA supports OhioEPA's recommendation for a multi-use facility to exist on-site during the post-closure period.

Therefore, U.S. EPA disapproves the comprehensive legacy management and institutional control plan pending receipt of adequate responses to U.S. EPA's enclosed comments and a revised document incorporating those responses. U.S. DOE must submit a revised document within thirty (30) days receipt of this letter.

Please contact me at (312) 886-0992 if you have any questions regarding this matter.

Sincerely,



James A. Saric
Remedial Project Manager
Federal Facilities Section
SFD Remedial Response Branch #2

Enclosure

cc: Tom Schneider, OEPA-SWDO
Jamie Jameson, Fluor Fernald
Tim Poff, Fluor Fernald

5685

TECHNICAL REVIEW COMMENTS ON
"COMPREHENSIVE LEGACY MANAGEMENT AND INSTITUTIONAL CONTROL PLAN"
FERNALD CLOSURE PROJECT

SPECIFIC COMMENTS ON VOLUME I

Commenting Organization: U.S. EPA Commentor: Saric
Section #: 1.1 Page #: 2 Line #: Not Applicable (NA)
Original Specific Comment #: 1

Comment: The text states that legacy management activities related to maintenance of the remedies will include monitoring and maintenance of the On-Site Disposal Facility (OSDF). The text should be revised to state that monitoring and maintenance will also be performed for (1) the Converted Advanced Waste Water Treatment (CAWWT) Facility and supporting infrastructure, (2) the extraction wells and associated piping and utilities of the groundwater restoration system, and (3) the active outfall line to the Great Miami River.

Commenting Organization: U.S. EPA Commentor: Saric
Section #: 1.3.5 Page #: 8 Line #: NA
Original Specific Comment #: 2

Comment: The text states that site inspections will include inspections of the OSDF cap, leachate and leak detection system, and perimeter areas of the site. The text should be revised to include inspections of (1) the CAWWT Facility and supporting infrastructure, (2) the groundwater restoration system, and (3) the active outfall line to the Great Miami River.

Commenting Organization: U.S. EPA Commentor: Saric
Section #: 2.3.1 Page #: 13 Line #: NA
Original Specific Comment #: 3

Comment: The text states that Operable Unit 5 (OU5) consists of all environmental media, including soil, surface water, groundwater, and vegetation. The text should be revised to include sediment as an OU5 environmental medium.

Commenting Organization: U.S. EPA Commentor: Saric
Section #: 3.0 Page #: 20 Line #: NA
Original Specific Comment #: 4

Comment: Section 3.0 states that maintaining institutional controls at the Fernald Closure Project (FCP) site will be a fundamental component of legacy management and will include ensuring that no residential or agricultural uses are made of the site. However, the text does not address recreational uses such as hunting, fishing, camping, and swimming that may or may not be allowed at the site after its closure. The text should be revised to address recreational uses that may or may not occur at the FCP site

after its closure and how they will be controlled, restricted, or prohibited.

Commenting Organization: U.S. EPA Commentor: Saric
Section #: 3.0 Page #: 21 Line #: NA
Original Specific Comment #: 5

Comment: Section 3.0 states that legacy management activities related to maintenance of the remedies will include monitoring and maintenance of the OSDF. The text should be revised to state that monitoring and maintenance will also be performed for (1) the CAWWT Facility and supporting infrastructure, (2) the extraction wells and associated piping and utilities of the groundwater restoration system, and (3) the active outfall line to the Great Miami River. Also, new subsections should be added to Section 3.0 that discuss the specific legacy management activities that will be performed for the CAWWT Facility and supporting infrastructure, the groundwater restoration system, and the active outfall line to the Great Miami River.

Commenting Organization: U.S. EPA Commentor: Saric
Section #: 3.2 Page #: 22 Line #: NA
Original Specific Comment #: 6

Comment: Section 3.2 discusses surveillance and maintenance of restored areas. Section 3.2 should be revised to state that restored areas will be inspected to ensure that recreational uses of the FCP site such as hunting, fishing, camping, and swimming are being controlled, restricted, or prohibited.

Commenting Organization: U.S. EPA Commentor: Saric
Section #: 4.4 Page #: 24 Line #: NA
Original Specific Comment #: 7

Comment: Section 4.4 discusses reports that will be generated on an annual basis. Section 4.4 should be revised to include reports on the monitoring and maintenance activities that will be conducted for the OSDF, the CAWWT Facility, the groundwater restoration system, and the active outfall line to the Great Miami River.

Commenting Organization: U.S. EPA Commentor: Saric
Section #: 4.5 Page #: 25 Line #: NA
Original Specific Comment #: 8

Comment: Section 4.5 discusses Comprehensive Environmental Response, Compensation, and Liability Act 5-year reviews and states that the 5-year review report will include summaries of inspections conducted at the FCP site, including inspections of the OSDF. Section 4.5 should be revised to state that the 5-year review report will include summaries of the inspections conducted for the OSDF, the CAWWT Facility, the groundwater restoration system, and the active outfall line to the Great Miami River.

