



State of Ohio Environmental Protection Agency

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March 8, 2005

William J. Taylor
U.S. Department of Energy
Ohio Field Office
Fernald Closure Project
175 Tri-County Parkway
Springdale, OH 45246

Re: Factsheet - CERCLA Remedial Action Closeout Reports

Dear Mr. Taylor:

Ohio EPA has reviewed the document "Development of CERCLA Remedial Action Closeout Reports for the Fernald Closure Project," received via email on March 2, 2005. Based upon our review of that submittal, Ohio EPA has a number of comments regarding the factsheet and proposed process. Ohio EPA's comments are attached.

Should you have any questions, please contact me at 937-285-66466.

Sincerely,

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

cc: Jim Saric, U.S. EPA
Mark Schupe, GeoTrans, Inc.
Michelle Cullerton, Tetra Tech EM Inc.

**Ohio EPA Comments on
Factsheet - Remedial Action Closeout Reports**

1. Commenting Organization: Ohio EPA Commentor: OFFO
Section #: General Pg. #: Line #: Code: C
Comment: The document doesn't clarify where issues of land use would be addressed in the closeout reports. Though the OU5 ROD precludes agricultural or residential usage of the site, it doesn't appear to clearly define the specific land use requirements for the facility. Land use requirements were addressed in the *Environmental Assessment for Final Land Use at the Fernald Environmental Monitoring Project 1999* and subsequent FONSI signed April 20, 1999. That document commits the 884 acres of the site to "natural resource restoration" and defers judgment on 23 acres to a decision that was supposed to have been made in 2004. The factsheet should be revised to address land use issues and specify where those requirements will be addressed.
2. Commenting Organization: Ohio EPA Commentor: OFFO
Section #: General Pg. #: Line #: Code: C
Comment: No mention is made of Operable Unit 6. This operable unit was developed as part of negotiations with USEPA in revision of the FFA. Some discussions between USEPA and DOE regarding the subject have occurred. A number of members of the public continue to ask about that OU6 and it would seem that should be addressed within this factsheet or prior to completion of the factsheet.
3. Commenting Organization: Ohio EPA Commentor: OFFO
Section #: Background Pg. #: 1 Line #: last paragraph Code: C
Comment: This paragraph suggests it is "advantageous to DOE, regulators and stakeholders" to implement the proposed process of transferring portions of other operable units into OU5's report. Please describe some of the advantages, other than the obvious getting to declare an operable unit complete early and prior to all associated contamination being remediated, especially in light of the likely delay that silos project will have on the completion of the OU1 and OU2 components under the proposed process.
4. Commenting Organization: Ohio EPA Commentor: OFFO
Section #: Alignment Modifications Pg. #: 2 Line #: 2nd para Code: C
Comment: Additional clarification is required as to how soil is differentiated from the other operable unit wastes in each of the specific areas. For example if any lime is visible within the Lime Sludge ponds that obviously couldn't be considered soil and thus not complete?
5. Commenting Organization: Ohio EPA Commentor: OFFO
Section #: Alignment Modifications Pg. #: Line #: Code: C
Comment: Considering the potential delays to project completion presented by the silos

Mr. Bill Taylor
 March 8, 2005
 Page 3

project and the confusing nature of the soils shuffle proposed in this process, Ohio EPA believes it may be appropriate to reconsider this process, specifically with regard to OU1 and OU2. Both operable units had specific final remediation levels for associated areas that require discussion. Additionally, they are likely to be completed waste and soil within the next year and could be fully closed out. Delays in Operable Unit 4 could cause substantial delays in closing out these two operable units beyond the date at which remediation has been completed for both. This would provide a much cleaner and understandable process for both current stakeholders and future reviewers for at least these two operable units.

6. Commenting Organization: Ohio EPA Commentor: OFFO
 Section #: Justification Pg. #: 3 Line #: center column Code: C
 Comment: Throughout the factsheet, it refers to projects being on time but then claims that silos project delays could substantially delay submittal of the OU4, OU5 and OU3 reports. Provide a date by which initiation of off-site disposal for silos 1 & 2 material must be initiated for the scheduled proposed herein to not be delayed.

7. Commenting Organization: Ohio EPA Commentor: OFFO
 Section #: Justification/OU5 Pg. #: Line #: Code: C
 Comment: The paragraph suggests that surface water and sediment FRLs can't be certified until such time as the ground water has been certified. No justification is provided for this position and it does not appear logical. The suggestion from this is that the site obviously can't be made available for public use since neither the surface water nor sediment will be certified for some extended period beyond closure. It would seem certification of these media would be essential to supporting public use or even convincing a steward to manage the property considering the sizable portion of the site that will be covered with surface water.

8. Commenting Organization: Ohio EPA Commentor: OFFO
 Section #: Justification/PCOR Pg. #: Line #: Code: C
 Comment: The discussion here in is insufficient to understand the intent of this document relative to the other 3 submittals (OU3, 4, & 5) which are expected at the same time. It sounds like the previously mentioned OU6 but the time frame for submittal doesn't suggest much difference between the documents. Additional detail is needed.