



State of Ohio Environmental Protection Agency

Southwest District

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Bob Taft, Governor
Bruce Johnson, Lt. Governor
Joseph P. Koncelik, Director

FILE: 04.46.3

REPLY: _____

May 24, 2005

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

Re: COMMENTS - OU2 REMEDIAL ACTION REPORT

Dear Mr. Taylor:

Ohio EPA has reviewed the document "Revised Draft Final Remedial Action Report for Operable Unit 2 - Other Waste Units" received on March 3, 2005. Based upon our review of that submittal, Ohio EPA comments are attached.

Should you have any questions, please contact me at 937-285-6466.

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.
Ken Alkema, Fluor

**Ohio EPA Comments on
Remedial Action Report for Operable Unit 2**

1. Commenting Organization: Ohio EPA Commentor: OFFO
Section #: General Pg. #: Line #: Code: C
Comment: This draft report references two fact sheets that DOE put out for public comment however it does not discuss public comments on those fact sheets or any modifications to the approach that are being made based upon those comments. When does DOE intend to respond to comments on the fact sheets? How will those responses be incorporated into this report?
2. Commenting Organization: Ohio EPA Commentor: OFFO
Section #: General Pg. #: Line #: Code: C
Comment: US EPA's guidance on Exhibit 4-2 "Final Close Out Report Summary" second section, content's list includes "Community Involvement Activities Performed" which should be included in a final close out report. However, DOE has briefly mentioned the FCAB in the document. There should be a section that discusses all community involvement activities, the different groups that were formed over the cleanup years and a brief explanation of accomplishments. This information could also be shown in a chart such as a summary of community activities.
3. Commenting Organization: Ohio EPA Commentor: OFFO
Section #: Pg. #: Line #: Code: C
Comment: Since this is to be used by the public, who possibly know nothing about the site, keep the language and vocabulary as simple and direct as possible. Avoid using unnecessary terms (foundational documents, pg 10) and acronyms.
4. Commenting Organization: Ohio EPA Commentor: OFFO
Section #: Pg. #: Line #: Code: C
Comment: Provide a list of acronyms as a reference in an easily accessible format.
5. Commenting Organization: Ohio EPA Commentor: OFFO
Section #: 1.0 Pg. #: 1 Line #: ToC Code: C
Comment: The OU2 Close Out Report appears to be missing a section in the Table of Contents and the document. According to US EPA's "Closeout Procedures for National Priorities List Sites," the section that needs to be included is titled "Protectiveness." It discusses remedy implementation and whether it's been accomplished as it is specified in the ROD (refer to guidance).
6. Commenting Organization: Ohio EPA Commentor: OFFO
Section #: 1.0 Pg. #: 1 Line #: Code: C
Comment: The last paragraph references a closeout report submitted under Operable Unit 5 but fails to specify what report and when it will be submitted. The paragraph should be revised to provide specific details.

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7. Commenting Organization: Ohio EPA Commentor: OFFO
Section #: 1.2 Pg. #: 2 Line #: Code: C
Comment: The section should be revised to include reference to other missions which directly effected site contamination. Missions such as receiving recycled uranium from spent fuel and thorium repository help explain the presences of contaminants like Tc-99.
8. Commenting Organization: Ohio EPA Commentor: OFFO
Section #: 1.4 Pg. #: 3 Line #: Code: C
Comment: This section introduces the concept of "source" operable units but does not describe where that determination comes from or even what it means. Is the definition of these units as "source" laid out in any of the regulatory documents referenced in this document? Were they identified as such in the FFA where OUs were defined or is this using the CERCLA definition of "source." Significant volumes of waste that contributed to contamination were removed under Operable Unit 5 including product from the production area. Should this be considered a "source" operable unit? Additionally, considering the radionuclide aspect of this site the term "source" has differing meanings necessitating a clearer discussion of "source".
9. Commenting Organization: Ohio EPA Commentor: OFFO
Section #: 1.4 Pg. #: 3 Line #: bullets Code: C
Comment: In the first paragraph of this section it describes or somewhat defines operable units, which are areas that represent the contamination at the site. However, the section does not point out what type of contamination existed in the units. For clarification and understanding, it would benefit the reader to include some brief examples of the type of contamination that was present in the different operable units.
10. Commenting Organization: Ohio EPA Commentor: OFFO
Section #: 1.4 Pg. #: 3 Line #: Code: C
Comment: The on-site disposal facility should be included in the Operable Units list.
11. Commenting Organization: Ohio EPA Commentor: OFFO
Section #: 1.4 Pg. #: 4 Line #: Code: C
Comment: Add "Texas" after Utah and Nevada as a permitted off site disposal location for Fernald's higher concentration waste.
12. Commenting Organization: Ohio EPA Commentor: OFFO
Section #: 1.4 Pg. #: 5 Line #: Code: C
Comment: Include specific reference to the ROD amendments, ESDs and fact sheets that were generated for each operable unit, since these have substantially affected the remedies at the site. Simply reviewing the original RODs would give an inappropriate

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view of the site remediation.

13. Commenting Organization: Ohio EPA Commentor: OFFO
Section #: 1.5 Pg. #: 5 Line #: Code: C
Comment: Ohio EPA maintains that the presented approach is not sufficiently transparent nor clear in defining what contamination is being addressed where and when. In general it leads to confusion over whether the ROD has actually been implemented and completed or not.

14. Commenting Organization: Ohio EPA Commentor: OFFO
Section #: 1.5 Pg. #: Line #: Code: C
Comment: Aspects of the ROD such as institutional controls, monitoring and land-use are not addressed in the proposed strategy sufficiently. Additional clarification is needed.

15. Commenting Organization: Ohio EPA Commentor: OFFO
Section #: 1.5 Pg. #: 5 Line #: 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? Is debris considered part of the "source" operable unit and would require removal prior to being able to develop this report?

16. Commenting Organization: Ohio EPA Commentor: OFFO
Section #: 1.5 Pg. #: 5 Line #: Code: C
Comment: Consider the inclusion of a flow chart or similar graphic to describe the process. Also include a table of all documents that will be submitted and when they will be submitted to address all the aspects of the OU2 ROD.

17. Commenting Organization: Ohio EPA Commentor: OFFO
Section #: 1.5 Pg. #: 6 Line #: Code: C
Comment: The creation of three separate interim remediation reports for OU5 compounds the problems associated with tracking the various aspects of each ROD to completion. Again the approach leads to confusion and a failure to have a simple cohesive document defining attainment of the ROD requirements.

18. Commenting Organization: Ohio EPA Commentor: OFFO
Section #: 2.0 Pg. #: 6 Line #: fourth bullet Code: C
Comment: The South Field area was also used as a burial site for lab waste. Please include this information.

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19. Commenting Organization: Ohio EPA Commentor: OFFO
Section #: 2.0 Pg. #: 6 Line #: Code: C
Comment: Include in the discussion of the SWU that product, drums and transite were all found during the excavation process. This lead to necessary modifications to PPE, waste handling and estimates of disposal and excavation scope.

20. Commenting Organization: Ohio EPA Commentor: OFFO
Section #: 2.0 Pg. #: 6 Line #: Code: C
Comment: Include within the report a figure that clearly defines the boundaries of the operable unit at each waste unit so that it is clear what was and was not addressed in the ROD versus what is and is not addressed within this report.

21. Commenting Organization: Ohio EPA Commentor: OFFO
Section #: 2.0 Pg. #: 7 Line #: Code: C
Comment: Add the aerial graphic of a restored Fernald to this document. A transparent overlay of the future map to Figure 2-1 be a good place to help readers to envision what was there and what is there now.

22. Commenting Organization: Ohio EPA Commentor: OFFO
Section #: 2.2 Pg. #: 8 Line #: Code: C
Comment: Define Removal Action. Include a reader-friendly explanation, such as the following as derived from the 2001 SER: "A removal action is a short-term cleanup often completed prior to a more formal ROD process."

23. Commenting Organization: Ohio EPA Commentor: OFFO
Section #: 2.2 Pg. #: 8 Line #: Code: C
Comment: Include citations for the various Removal Action reports within the References section. It is important to include citation of all the relevant operable unit documents within the reference section for future reviewers.

24. Commenting Organization: Ohio EPA Commentor: OFFO
Section #: 2.4 Pg. #: 9 Line #: Code: C
Comment: In the second bullet item, include a reference for this fact sheet and include in Appendix F.

25. Commenting Organization: Ohio EPA Commentor: OFFO
Section #: 3.2 Pg. #: 13 Line #: Code: C
Comment: Remediation support facilities such as the wheel wash and haul road have not been certified nor has excavation completed. The document should be revised to state the specific document which will be addressing these components of the OU2 remedy.

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26. Commenting Organization: Ohio EPA Commentor: OFFO
Section #: 3.3 Pg. #: 14 Line #: Code: C
Comment: The fact that soil certification and potentially even excavation is not complete for this portion of the operable unit demonstrate that the requirements of the OU2 ROD have not been met and this report can not be approved.

27. Commenting Organization: Ohio EPA Commentor: OFFO
Section #: 3.4 Pg. #: 15 Line #: Code: C
Comment: The fact that soil certification and excavation is not complete for this operable unit demonstrate that the requirements of the OU2 ROD have not been met and this report can not be approved. Known above FRL contamination from the solid waste landfill has not been excavated due to the safety concerns with the rail road. This detail should be included in the section.

28. Commenting Organization: Ohio EPA Commentor: OFFO
Section #: 5.0 Pg. #: 17 Line #: Code: C
Comment: Include a citation for the SCQ and include it within the References section of the document.

29. Commenting Organization: Ohio EPA Commentor: OFFO
Section #: 6.0 Pg. #: 18 Line #: Code: C
Comment Remediation support facilities such as the wheel wash and haul road have not been certified nor had excavation completed. The document should be revised to state address these components of the OU2 remedy.

30. Commenting Organization: Ohio EPA Commentor: OFFO
Section #: 6.0 Pg. #: 18 Line #: Code: C
Comment: It is Ohio EPA's understanding that known above FRL contamination from the solid waste landfill has not been excavated due to the safety concerns with the rail road. This contamination must be addressed in this report and this section revised appropriately.

31. Commenting Organization: Ohio EPA Commentor: OFFO
Section #: 7.0 Pg. #: 18 Line #: Code: C
Comment: The OU2 ROD specifically mentions fencing as an institutional control requirement for OSDf and operable unit subunits. Considering DOE has removed the site perimeter fence and no fence exists for these subunits, how is this component of the remedy being addressed?

32. Commenting Organization: Ohio EPA Commentor: OFFO
Section #: 7.0 Pg. #: 19 Line #: Last paragraph Code: C

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Comment: In the last paragraph of Section 7.0, DOE briefly mentions institutional controls and O&M activities. As shown in Exhibit 4-2 of US EPA's Final Close Out Report Summary Section V, information should be included in regards to specific institutional controls and O&M activities, and by the appropriate party. This information is not provided in this document. The OU2 ROD requires the establishment of institutional controls (including fencing) for the subunits though no document has been completed to address this requirement. Until such time as an institutional control plan is approved and in place it wouldn't appear the OU2 ROD requirements have been met.

33. Commenting Organization: Ohio EPA Commentor: OFFO
 Section #: 7.0 Pg. #: 19 Line #: Code: C
 Comment: This section references a 2004 LMIC. A 2005 version has been submitted for agency review, is incomplete and will be disapproved. Considering a significant ROD requirement is being addressed in that document, it is unlikely this Remedial Action Report can be approved prior to an approved LMIC.

34. Commenting Organization: Ohio EPA Commentor: OFFO
 Section #: 10.0 Pg. #: 22 Line #: Code: C
 Comment: Provide contact information that might be valid in 5-20 years. The fact that the provided address for PIO Gary Stegner is already incorrect reiterates this point. In general the section should not include names but positions or general agency contact information. Include web sites to top tier of organizations, such as www.epa.state.oh.us Ohio EPA's contact info should be revised to:

Fernald Project Coordinator
 Ohio Environmental Projection Agency
 401 East Fifth Street
 Dayton OH 45402-2911
 937-285-6357
www.epa.state.oh.us

35. Commenting Organization: Ohio EPA Commentor: OFFO
 Section #: 10.0 Pg. #: 22 Line #: Code: C
 Comment: Omit "Operable Unit" from the heading of this contact information section.

36. Commenting Organization: Ohio EPA Commentor: OFFO
 Section #: Appendix B, Figure B-2 Pg. #: 26 Line #: Code: C
 Comment: This figure can probably be removed. It doesn't seem necessary to explain the operation of the AWWT in this report.

37. Commenting Organization: Ohio EPA Commentor: OFFO

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Section #: Appendix F Pg. #: 30 Line #: Code: C

Comment: Reference to the 2002 NRRP is inappropriate. This document was never submitted to the agencies for review and certainly wasn't approved by either Ohio EPA or USEPA. That plan is considered unacceptable to Ohio EPA and does not reflect Ohio EPA or the public's expectations for restoration. Additionally, inclusion of it as a reference is misleading in that the opening sentence suggests all the references have been approved by USEPA.

38. Commenting Organization: Ohio EPA Commentor: OFFO

Section #: Appendix F Pg. #: 30 Line #: Code: C

Comment: Inclusion of the 2004 LMIC is inappropriate as it is neither approved nor the most recent version of the document.

39. Commenting Organization: Ohio EPA Commentor: OFFO

Section #: Appendix F Pg. #: 30 Line #: Code: C

Comment: Provide more instructions on how one might obtain the referenced documents such that future reviewers maybe able to review the entire operable unit history.