



State of Ohio Environmental Protection Agency

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www.epa.state.oh.usTed Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

May 2, 2007

Ms. Jane Powell
Fernald Site Manager
DOE-LM-20.1
10995 Hamilton-Cleves Hwy.
Harrison, OH 45030**RE: ADDITIONAL OEPA COMMENTS - DOE'S RESPONSES TO OEPA'S
COMMENTS ON THE LMICP CHANGE PAGES**

Ms. Powell:

Ohio EPA has received DOE's "Transmittal Of Responses To Comments on the Comprehensive Legacy Management and Institutional Controls Plan (LMICP), Rev 1 Change Pages and Additional Change Pages," dated March 29, 2007. Ohio EPA has reviewed DOE's comments and the Change Pages to the CLMIC Plan. Our additional comments are enclosed. We look forward to receipt of the revised document as part of the next formal submittal of the Comprehensive Legacy Management and Institutional Controls Plan.

If there are any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas A. Schneider". The signature is written in a cursive style.

Thomas A. Schneider
Fernald Project Manager
Office of Federal Facilities OversightCc: Jim Saric, US EPA
Michelle Cullerton, Tetra Tech Inc.
Mark Shupe, Geo Trans Inc

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**OEPA's Comments to DOE's Responses To Comments
On the CLMICP, Rev 1 Change Pages & Additional
Change Pages**

Comments:

Volume I

1. Commenting Organization: Ohio EPA Commentor: OFFO
Section #: 2.2.2 Pg #: 11 Line #: Code: C
Original Comment#: 2

Comment: Our comment stands as it is from February 21, 2006. Not "all" accessible areas of the site are certified to meet FRLs. The proposed verbage change does not include one outstanding certification document (Draft Certification Report For Area 6 Waste Pits 1, 2, And 3, The Burn Pit, The Clearwell, And The Areas West And North Of The Waste Pits (20600-RP-0008), Rev A). Proposed language should be revised. These areas were certified to meet the FRLs at the time the samples were collected. During the entire certification process, Ohio EPA reserves the right to re-examine the certification status of the relevant property areas, if in the opinion of Ohio EPA, the areas have been subjected to re-contamination by airborne releases, contaminated storm water run-on or any similar mechanism.

2. Commenting Organization: Ohio EPA Commentor: OFFO
Section #: Figure 3 Pg #: 19 Line #: Code: C
Original Comment#: 6

Comment: A) Explain why DOE does not want to include Figure 3 from the June 30th, 2006 CLMIC. OEPA feels that it is not only important but appropriate for DOE to show the public where the certified and non-certified areas are located at the Fernald site. If it's a matter of recreating the map prepared by Fluor Fernald showing the uncertified areas, then Stoller should create their own map. B) The 60" and 18" pipes contain sections that are not buried and are easily accessible to site visitors. It needs to be clear on Figure 3 that these were not certified and accessible. Part A and B of OEPAs comment stands as it is from February 21, 2006.

- A) In the CLMIC document (June 30, 2006) there is an existing map showing the "uncertified" areas, which is much more comprehensive and preferable than the "standard" certification map used in the certification reports. However, keeping both maps in the document would supplement and help illustrate the areas at the site that are certified and non-certified. In addition, in keeping the standard "certification" map showing the areas that are certified and high light the areas that are not certified would be consistent with other past documents.
- B) The "60" inch pipe and the "18" inch pipe are not shown on Figure 3 (the "standard" cert map). The locations of the buried pipes should be indicated on a figure in this document. These must be included, since these areas are "not" certified.

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Volume II/IEMP/Attachment D

3. Commenting Organization: Ohio EPA Commentor: OFFO
 Section #: Figure 2-2 Pg #: Line #: Code: C
 Original Comment#: 28

Comment: Explain why DOE does not want to include Figure 2-2 from the June 30th, 2006 CLMIC Volume II. OEPA feels that it is not only important, but also appropriate for DOE to show the public where the certified and non-certified areas are located at the Fernald site. If it's a matter of recreating the map prepared by Fluor Fernald showing the uncertified areas, then Stoller should create their own map. The 60" and 18" pipes contain sections that are not buried and are easily accessible to site visitors. It needs to be clear on Figure 2-2 that these were not certified and are accessible. Part A and B of OEPA's comment stands as it is from February 21, 2006.

- A) In the CLMIC document (June 30, 2006) there is an existing map showing the "uncertified" areas, which is much more comprehensive and preferable than the "standard" certification map used in the certification reports. However, keeping both maps in the document would supplement and help illustrate the areas at the site that are certified and non-certified. In addition, in keeping the standard "certification" map showing the areas that are certified and high light the areas that are not certified would be consistent with other past documents.
- B) The "60" inch pipe and the "18" inch pipe are not shown on Figure 2-2 (the "standard" cert map). The locations of the buried pipes should be indicated on a figure in this document. These must be included, since these areas are "not" certified.

4. Commenting Organization: OEPA Commentor: DSW
 Section #: 4 Pg #: General Line #: Code: C
 Original Comment #: 32

Comment: Although data evaluation for surface water is addressed in section 4.5.1, the issue still remains as to how surface water on site will be monitored on site post-closure. Section 4.5.1 refers to data collection as identified in Section 4.3.1. The last bullet under program expectations in Section 4.3.1 states that the monitoring program is being designed to collect sufficient data to address the concerns of the community regarding the magnitude of the Fernald site's discharges to surface water (i.e., to Paddys Run and the Great Miami River). This concept continues the perception that the public is concerned about what is leaving the site. However now that the site will be opened to the public, the concern is what will the public be exposed to on site. There is no comprehensive program to periodically sample surface water on site for constituents of concern, in areas which members of the community are concerned. This may include, but goes beyond, potential cross media impacts and/or uncontrolled runoff. Standing as well as running water on site should be sampled, not just water leaving the site. A program, with reduced sampling frequency, should have been developed in the IEMP for on-site sampling of surface water. Analysis of the data as described in section 4.5.1 would still apply to data collected, but the current sampling program is insufficient to address the concerns of the community regarding onsite surface water.