Department of Energy
Office of Legacy Management

June 29, 2007

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

Mr. Thomas Schneider, Project Manager
Ohio Environmental Protection Agency
Southwest District Office
401 East Fifth Street
Dayton, Ohio 45402-2911

Mr. Dave Devault
United States Fish and Wildlife Service
Regional Office – Federal Building
Fort Snelling, Minnesota 55111

Dear Mr. Saric, Mr. Schneider, and Mr. Devault:

SUBJECT: **Transmittal of Second Round of Responses to Comments on Comprehensive Legacy Management and Institutional Controls Plan (LMICP), Revision 1**

References:

1) Letter, J. Powell to J. Saric, T. Schneider, D. Duvalt, "Transmittal of the Comprehensive Legacy Management and Institutional Controls Plan, Revision 1, Change Pages," dated November 30, 2006

2) Letter, J. Saric to J. Powell, "Legacy Management and Institutional Controls Plan, Revision 1 Change Pages," dated January 10, 2007

3) Letter, T. Schneider to J. Powell, "Comments - Transmittal of the Change Pages to the Comprehensive LMIC Plan, Rev 1," dated February 21, 2007

4) Letter, J. Powell to J. Saric, T. Schneider, D. Duvalt, "Transmittal of Responses to Comments on Comprehensive Legacy Management and Institutional Controls Plan (LMICP), Revision 1 Change Pages and Additional Change Pages," dated March 29, 2007

5) Letter, T. Schneider to J. Powell, "Additional OEPA Comments - DOE's Responses To OEPA's Comments On The LMICP Change Pages," dated May 2, 2007

Mr. James Saric
Mr. Thomas Schneider
Mr. Dave Devault

This letter transmits to the U.S. Environmental Protection Agency (EPA), Ohio Environmental Protection Agency (OEPA), and the United States Fish and Wildlife Services a second round of responses to Ohio Environmental Protection Agency (OEPA) comments to the November 30, 2006 change pages (Reference 1) to the Comprehensive Legacy Management and Institutional Controls Plan (LMICP), Revision 1. The U.S. Environmental Protection Agency approved these change pages without comment on January 10, 2007 (Reference 2). The first round of OEPA comments were transmitted to DOE on February 21, 2007 (Reference 3). These comments were responded to by DOE on March 29, 2007 (Reference 4). The second round of OEPA comments, which this letter responds to, was submitted to DOE on May 2, 2007 (Reference 5).

If you have any questions regarding this matter, please call me at 513-648-3148.

Sincerely,

Jane Powell

Jane Powell,
Fernald Site Manager
DOE-LM-20.1

Enclosures

cc: w/ enclosure:
D. Depinho, Stoller
C. Jacobson, Stoller
M. Lutz, Stoller
S. Marutzky, Stoller
M. Cullerton, Tetra Tech
M. Murphy, USEPA-V, A-18J
J. Saric, USEPA-V, SR-5J
T. Schneider, OEPA (3 copies of enclosure)
M. Shupe, HIS GeoTrans
S. Helmer, ODH
Project Record File FER030.1(A) (thru W. Sumner)

cc w/o enclosure:
K. Broberg, Stoller
B. Hertel, Stoller
J. Homer, Stoller
F. Johnston, Stoller
G. Lupton, Stoller
L. McHenry, Stoller
K. Voisard, Stoller
S. Walpole, Stoller
C. White, Stoller

RESPONSES TO ADDITIONAL OHIO ENVIRONMENTAL PROTECTION AGENCY COMMENTS ON THE LMICP CHANGE PAGES MAY 2007

FERNALD PRESERVE
FERNALD, OHIO

JULY 2007

U.S. DEPARTMENT OF ENERGY

RESPONSES TO OHIO ENVIRONMENTAL PROTECTION AGENCY REVIEW COMMENTS ON THE LMICP CHANGE PAGES MAY 2007

FERNALD PRESERVE

General Comments - Volume 1/Attachment A:

1. Commenting Organization: Ohio EPA Commenter: 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 verbiage 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.

Response: The section in question is Section 2.2.3 rather than 2.2.2. The first paragraph will be revised to indicate uncertified areas do remain and references will be added as requested.

Action: The first paragraph will be revised to read: "The Declaration of Physical Completion occurred on October 29, 2006. All contaminated soils have been excavated and certified to meet final remediation levels (with the exception of certain areas associated with utility corridors and groundwater infrastructure discussed in Section 2.4.4 and in Figure 3), the OSDF is complete, all required groundwater infrastructure is installed, operational and secured, and restoration activities have been completed within all excavated areas including achieving final grade and completing the necessary plantings. Additionally, the 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) is awaiting agency approval. The areas associated with this certification report will be considered uncertified until this report is approved."

This revised section will be submitted as a change page during the next scheduled revision of the LMICP in October 2007.

2. Commenting Organization: Ohio EPA Commenter: 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 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 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.

Response:

A) The intent of the figure is to show the public only those surface soils where certification has not yet been achieved because it is only the surface soils with which the public will come into contact. The utility corridors are not accessible to the public.

B) The 60-inch and 18-inch pipes are buried pipes. The 60-inch pipe has now been configured so that the inside of the pipe is not easily accessible by the public. The 18-inch pipe is completely buried and is not accessible. The site inspections conducted under the LMICP now include these buried pipes to ensure this configuration remains in place.

Action: None

Volume II/IEMP/Attachment D

3. Commenting Organization: Ohio EPA Commenter: 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.

Response:

A) The intent of the figure is to show the public only those surface soils where certification has not yet been achieved because it is only the surface soils with which the public will come into contact. The utility corridors are not accessible to the public.

B) The 60-inch and 18-inch pipes are buried pipes. The 60-inch pipe has now been configured to not be accessible by the public. The 18-inch pipe is completely buried and is not accessible. The site inspections conducted under the LMICP now include these buried pipes to ensure this configuration remains in place.

Action: None

4. Commenting Organization: OEPA Commenter: 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.

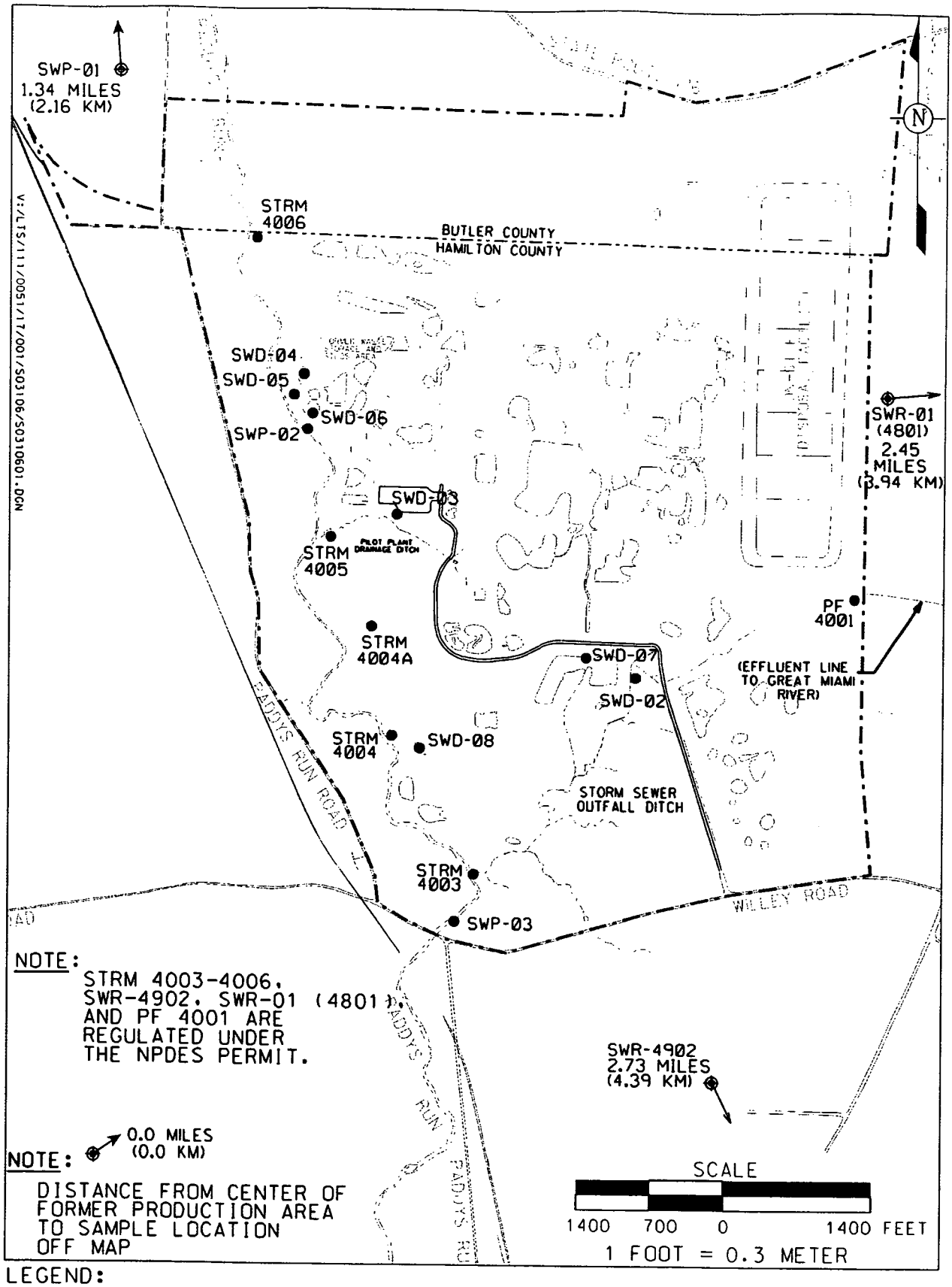
Response: As discussed in Volume II, Attachment D, Section 4.3.2.2, the pond in the former Waste Pit 3 (SWD-04) will be added to the semiannual surface water sampling program. An additional four sampling locations were selected based on a review of the surface water data collected for the Interim Residual Risk Assessment with emphasis on locations where there is a potential for surface water infiltration into the aquifer. These four additional sampling locations were placed as follows:

- Southern end of swale just west of the former Clear Well - SWD-05
- Southern end of the former Cement Pond – SWD-06
- Southern end of 60-inch line – SWD-07
- Former Southern Waste Unit Infiltration Pond – SWD-08.

All five locations are shown on the attached figure.

Action: The second bullet of Section 4.3.2.2 will be revised to state "During remediation and restoration efforts, new wetlands and ponds were created within the site perimeter. Some of these water bodies have little or no underlying glacial overburden. Therefore, five additional surface water locations were selected to assess the possible impacts of surface water infiltrating into the aquifer. Sampling at these locations will occur semiannually for uranium for two years to evaluate potential impacts. Data will be evaluated to determine the need for further sampling following the initial two year period." Additionally, the revised Figure 4-2 (attached) will be inserted into Volume II, Attachment D, Section 4.

This revised section will be submitted as a change page during the next scheduled revision of the LMICP in October 2007.



LEGEND:

—·—·— FERNALD SITE BOUNDARY

● SAMPLE LOCATION

FIGURE 4-2. IEMP/NPDES SURFACE WATER AND TREATED EFFLUENT SAMPLE LOCATIONS