



Department of Energy
Office of Legacy Management

February 28, 2008

Mr. Timothy Fischer, Remedial Project Manager
United States Environmental Protection Agency
Region V-SR-6J
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

Mr. Thomas A. Schneider
Ohio Environmental Protection Agency
401 East 5th Street
Dayton, Ohio 45402

Dear Mr. Schneider:

SUBJECT: Transmittal of Responses to Ohio Environmental Protection Agency and United States Environmental Protection Agency Comments on the Draft 2008 Legacy Management and Institutional Controls Plan

- Reference: 1) Letter, T. Fischer to J. Powell, "Re: Legacy Management and Institutional Controls Plan," dated February 14, 2008
- 2) Letter, T. Schneider to J. Powell, "Re: Comments-Comprehensive Legacy Management and Institutional Controls Plan, Volumes I and II, 2008," dated February 6, 2008

Enclosed for your review and approval are responses to EPA comments (Reference 1) and OEPA comments (Reference 2) on the draft 2008 Comprehensive Legacy Management and Institutional Controls Plan.

If you have any questions or require any additional information, please call me at (513) 648-3148.

Sincerely,

Jane Powell
Fernald Site Manager
DOE-LM-20.1

Enclosures

Mr. Timothy Fischer
Mr. Thomas A. Schneider
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cc w/enclosures:

Michelle Cullerton, Tetra Tech
Darlene DePinho, Stoller
Stephen Helmer, ODH
Carl Jacobson, Stoller
Joe Legare, Stoller
Melissa Lutz, Stoller
Tom Pauling, DOE-LM-20.1
Johnny Reising, DOE-EM
Thomas Schneider, OEPA (3 copies of enclosure)
Mark Shupe, HSI GeoTrans
Project File FER 700.05(A) (Thru W. Sumner)
AR Coordinator (Thru W. Sumner)

cc w/o enclosures: (electronic)

Ken Broberg, Stoller
Bill Hertel, Stoller
John Homer, Stoller
Frank Johnston, Stoller
Greg Lupton, Stoller
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Mary Sizemore, Stoller
Karen Voisard, Stoller
Sue Walpole, Stoller
Chuck White, Stoller

**RESPONSES TO
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
COMMENTS ON THE DRAFT COMPREHENSIVE LEGACY
MANAGEMENT AND INSTITUTIONAL CONTROLS PLAN
VOLUMES I AND II, REVISION 2
JANUARY 2008**

**FERNALD PRESERVE
FERNALD, OHIO**

FEBRUARY 2008

U.S. DEPARTMENT OF ENERGY

**RESPONSES TO UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
COMMENTS ON THE DRAFT COMPREHENSIVE LEGACY MANAGEMENT AND
INSTITUTIONAL CONTROLS PLAN, VOLUMES I AND II, REVISION 2
JANUARY 2008**

1. Comment: US EPA concurs with the changes/comments submitted by Ohio EPA regarding inspections, monitoring and interviews.

Response: Comment Acknowledged. DOE has been working with Ohio EPA to resolve and incorporate their comments into the 2008 LMICP.

Action: As indicated in response.

2. Comment: Because the LMIC plan is to be updated each year, specific findings of annual monitoring and inspection events should be included as a stand alone attachment for ease of review.

Response: The inclusion of restored area monitoring information is a new approach that will be used for the first time in the 2007 ASER, to be submitted June 2008. Previously, monitoring data was submitted annually as a stand-alone document entitled the Consolidated Monitoring Report for Restored Areas at the Fernald Preserve. The 2006 report was submitted to USEPA and OEPA on July 10, 2007. By including restored area monitoring in the ASER appendix, the agencies and members of the community are afforded a consistent and familiar approach to submittals.

Action: None.

3. Comment: In addition, any changes to Volume I (Legacy Management Plan) and Volume II (Institutional Control Plan) should either be identified in a summary section in each volume or should be included as addenda to the LMIC plan.

Response: DOE will submit draft revisions of LMICP with the changes highlighted in the text (i.e. track changes) in addition to a summary of significant changes to aid in review.

Action: As indicated in the response.

**RESPONSES TO
OHIO ENVIRONMENTAL PROTECTION AGENCY
COMMENTS ON THE
DRAFT COMPREHENSIVE LEGACY MANAGEMENT AND
INSTITUTIONAL CONTROLS PLAN, VOLUMES I AND II
REVISION 2, JANUARY 2008**

**FERNALD PRESERVE
FERNALD, OHIO**

FEBRUARY 2008

U.S. DEPARTMENT OF ENERGY

Comment: Ohio EPA has approved the "Certification Report for Area 6 Waste Pits 1, 2, & 3, the Burn Pit, the Clearwell, and the Areas West and North of the Waste Pits;" approximately the same day the CLMIC Plan was submitted to the Agencies. Please include the approval date in the text of this section in the next revision.

Response: Agree.

Action: Text will be added to this section identifying the November 7, 2007 as the date that Certification Report for Area 6 Waste Pits 1, 2, & 3, the Burn Pit, the Clearwell, and the Areas West and North of the Waste Pits was approved.

5. Commenting Organization: Ohio EPA

Commentor: OFFO

Section: 2.4.2

Pg#:

Line#:

Code: C

Comment: Although the 2002 NRRP is referenced here as guidance used by the Fernald site for restoration, Ohio EPA maintains that a final version of the NRRP has not yet been approved and may yet influence final restoration activities.

Response: Comment acknowledged. The reference for the NRRP describes the document as "Final Draft."

Action: None.

VOLUME II

Section 3.1.1 – Site and OSDF Inspections at the Fernald Preserve

6. Commenting Organization: Ohio EPA

Commentor: OFFO

Section: General

Pg#:

Line#:

Code: C

Comment: Ohio EPA expects the inspection process at Fernald to evolve over time to appropriately address those areas of greatest risk and to vary by needs. We are open to modifications as necessary and appropriate. We are interested in testing the currently proposed quarterly inspection of set segments to see if it can effectively address the monitoring needs. Should this system not work, it may be necessary to go back to quarterly site wide monitoring. Below, we recommend the use of infrared spectroscopy to enhance the OSDF monitoring, this may be a way technology can improve and allow modification of the site-wide inspections as well.

Response: Agree in part. See response to comment 24 for a discussion on infrared spectroscopy.

Action: The revised site and OSDF inspection approach will be incorporated into the LMICP text.

The following are OEPA's comments (6-15) on the "revised section" of the Site and OSDF Inspections for the 2008 LMIC and not on the existing text. The revised portion was sent to Ohio EPA from John Homer on December 19, 2007. This is documentation of Ohio EPA comments that were submitted by email on January 9, 2008:

7. Commenting Organization: Ohio EPA

Commentor: OFFO

Section: Proposed Path Forward

Pg#: 1

Line#: 4th paragraph

Code: C

Comment: It is important to note in this section that this is not a static process. It is dynamic in nature and will continue to evolve and be refined as site conditions change. When the site opens to the public this summer, inspection processes and forms may have to be adapted to accommodate those changes.

Response: Agree.

Action: Add text to Section 2.1.3.3 of Volume II explaining the dynamic nature of the inspection process.

8. Commenting Organization: Ohio EPA

Commentor: OFFO

Section: Site Inspection/*Field Walkdown* Pg#: 2 Line#: 1st paragraph Code: C
Comment: Include an "Equipment Checklist" on the backs of each of the inspection forms. Items would include inspection forms and maintenance logs, maps, GPS, sharpie, flags (yellow + others), cell phone, list of participant's cell #s, trash bags.

Response: Agree in part. Space for recording participant names and phone numbers would be useful on field walkdown forms. The use of an equipment checklist should be limited to the inspection coordinator. The coordinator will use the checklist to ensure that all materials are available for inspection participants at the pre-job briefing.

Action: The back side of the inspection forms will be revised to include participant contact information.

9. Commenting Organization: Ohio EPA Commentor: OFFO
Section: Site Inspection/*Field Walkdown* Pg#: 2 Line#: 2nd paragraph Code: C
Comment: The suggested distance of 100 feet between transects is unacceptable to Ohio EPA. The absolute maximum distance between parallel transects should be 100 feet. Revise sentences to read, "The distance between transects will be no more than 100 feet, and may be less depending on the number of participants..."

Response: Agree.

Action: Revise text in section 2.1.3.3 to state that the distance between transects will be no more than 100 feet.

10. Commenting Organization: Ohio EPA Commentor: OFFO
Section: Site Inspection/*Field Walkdown* Pg#: 2 Line#: 3rd paragraph Code: C
Comment: Ohio EPA has several recommendations to improve map usability.

- a) Divide the map into quadrants for better accuracy (something smaller that is easier to handle) as was once done at a previous inspection.
- b) Include a scale and additional landmarks that are easily identifiable such as monitoring wells, fencing, smaller streams and ravines, etc. This would ensure and improve accuracy for the user and the interpreter of findings marked.
- c) A topographic layer could also be helpful. This was originally used on the first inspection and the end decision was to use the aerial, however integrating the two might be helpful.

Response: Agree in part. Field maps will consist of a scaled aerial photo with site features (elevation contours, buildings, roads, water bodies, etc.) included. Since field walkdowns will take place for only a portion of the site each quarter, an area-specific map will be plotted. Based on the size of the areas to be walked down, only one or two maps will be necessary. This will still allow for better accuracy (i.e. larger scale).

Action: Provide updated field walkdown maps for future site and OSDF inspections.

11. Commenting Organization: Ohio EPA Commentor: OFFO
Section: Site Inspection/*Field Walkdown* Pg#: 2 Line#: 3rd paragraph Code: C
Comment: Suggest using yellow flags, plus other colors to mark various findings. For instance, green for invasives, blue for construction debris, etc. Add to the text that each flag will be dated with a Sharpie. It is Ohio EPA understands that the GPS will be used to the extent possible.

Response: Pin flags may be used to identify findings in the field. However, color-coding flags (other than debris) is not necessary. Findings shall be documented on the Field Walkdown Inspection Form. If a pin flag is used to identify the finding in the field, then the flag should be labeled so that it can be cross-referenced with the documentation on the Field Walkdown Inspection Form. As stated in the proposed path forward, GPS will be used to the extent possible to locate findings. Yellow pin flags will continue to be used for identifying debris.

Action: Revise text in Sections 2.1.3.3 and 4.2 to clarify the use of pin flags.

12. Commenting Organization: Ohio EPA Commentor: OFFO
Section: Debrief & Documentation of Findings Pg#: 3 Line#: 1st paragraph Code: C
Comment: The status of action items should also be included in the inspection reports.

Response: The action item list will be provided with the Site Inspection Reports.

Action: Attach updated Maintenance and Repair Action Items lists to quarterly site and OSDF inspection reports.

13. Commenting Organization: Ohio EPA Commentor: OFFO
Section: FP IC Insp. Form Pg#: Attachment 2 Line#: Code: C
Comment: Add a column for "GPS" coordinates if available.

Response: The institutional controls that are inspected are points identified on a map and are very specific in their location. Because of this, GPS coordinates will generally not be necessary. If GPS is needed to locate a finding, it can be noted on the form in the Description column.

Action: None.

14. Commenting Organization: Ohio EPA Commentor: OFFO
Section: FP IC Insp. Form Pg#: Attachment 2 Line#: Code: C
Comment: Add under "Access Points" to be inspected:
a) Old North Access Road
b) Roadway access to the north fenceline air monitor

Response: The two areas mentioned are not considered Access Points. The old north access road will be inspected as part of the "perimeter sign" inspection and the gravel road to the north fence line air monitor will be inspected as part of the "roads and parking areas".

Action: None.

15. Commenting Organization: Ohio EPA Commentor: OFFO
Section: FP IC Insp. Form Pg#: Attachment 2 Line#: Code: C
Comment: Add A8PII to "Other IC" to be inspected.

Response: The parking area of A8PII is included in the "roads and parking area" to be inspected.

Action: None.

16. Commenting Organization: Ohio EPA Commentor: OFFO
Section: FP Maintenance and Repair Form Pg#: Attachment 4 Line#: Code: C
Comment: After the "Location" column, add "GPS?" column.

Response: Agree.

Action: Add a "GPS" column to the Maintenance and Repair Action Items form.

17. Commenting Organization: Ohio EPA Commentor: OFFO
Section: 3.2.1 Pg#: 3-8 Line#: third paragraph Code: C
Comment: From this section, it appears that procedures were not followed on Cell 2 for 2007. Ohio EPA has not seen the vegetation data for 2007.

Response: The Cell 2 herbaceous cover data was included in the September 2007 OSDF Inspection Report, which was submitted on October 2, 2007.

Action: None.

18. Commenting Organization: Ohio EPA Commentor: DSW
Section: 3.2.2 Pg#: 3-9 – 3-10 Line#: Code: C
Comment: This section states: “Section 6.0 provides the reporting requirements, and notification and response actions for when flow in the leak detection system exceeds action levels, which could be an indication of a failure in the cap or liner and could pose a threat to human health or the environment. Table 6-1 of the GWLMP outlines these actions in detail.”
Section 6.0 never uses the term “action level.” Please be consistent in the terminology. Ohio EPA recommends a table in Section 6.2 of the GWLMP which shows the action level and the response action. We further recommend that the table use an absolute flow rate rather than a relative flow rate, now that the Cells are closed and the acreage should be known (e.g., 240 gpd rather than 20 gpad).

Response: Agree that Section 6 of the GWLMP does not use the term action level. However, Section 6.0 clearly defines what the action levels are and also clearly defines what response actions will be taken should an action level be exceeded. Section 6 of the GWLMP was extensively revised in 2006 to provide specific response actions based on OEPA comments at that time. (Reference response/action for Comment 99 [Original Comment 72] on the Final Comprehensive Legacy Management and Institutional Controls Plan, Revision 0, January 2006). Table 6-1 provides notification and response actions when the action leakage rate (200 gpad) is exceeded. The text identifies what actions will be taken if more than 20 gpad of flow (10 percent of the action leakage rate) is seen from an LDS. DOE prefers to continue tracking OSDF LCS and LDS flows in gallons per acre per day to remain consistent with industry standard practice and to remain consistent with the terminology established in the OSDF design.

Action: None.

Section 5.0 – Information Management and Public Involvement

19. Commenting Organization: Ohio EPA Commentor: OFFO
Section #: 5.0 Pg #: 5-1, 5-5 Line #: Code: C
Comment: The third paragraph on page 5-1 and the first paragraph on page 5-5 about the Administrative Record online are no longer relevant. Unfortunately, the AR was taken offline in 2007 by DOE. Please revise text in this and all other references to viewing the AR using the Internet.

Response: The CERCLA AR is currently designed (for reasons of security) to prevent members of the public from directly printing documents from the website. However, members of the public can still search the CERCLA AR site indexes and request via email (cercla_ar@lm.doe.gov) copies of AR documents.

Action: The text will be revised to describe how members of the public can obtain copies of documents from the CERCLA AR.

20. Commenting Organization: Ohio EPA Commentor: OFFO
Section #: 5.2.2 Pg #: 5-4 Line #: Code: C
Comment: In the 2nd paragraph of this section, add that information on the development and progress of the Visitors Center was provided through quarterly LM briefings and at monthly FCA public meetings.

Response: Agree

Action: The following sentence will be added to this section. “Information on the development and progress of the VC was provided through quarterly LM community meetings, monthly Fernald Community Alliance meetings, regular email updates and at the Public Environmental Information Center.”

APPENDIX C – Fernald Preserve Contact Information

To determine whether liquid...”

36. Commenting Organization: OEPA Commenter: GeoTrans, Inc.
Section #: 4 Pg #: 4-17 Line #: 3 Code: C
Comment: The text needs to elaborate on just what correlation between the two systems are expected, with respect to both flows and analyte concentrations.

Response: The expected correlation would be an increase in both flow and analyte concentration for the LCS and LDS.

Action: The following sentence will be added to the discussion; “The expected correlation would be an increase in both flow and analyte concentration for the LCS and LDS.”

37. Commenting Organization: OEPA Commenter: GeoTrans, Inc.
Section #: 5 Pg #: 5-2 Line #: 4 Code: C
Comment: The text should provide a brief summary of the results of the passive treatment system evaluation. Was it successful? If not, what future evaluations will be conducted?

Response: The results of the passive treatment evaluation was provided to OEPA via the referenced document (DOE 2004b – Field Scale Demonstration of Passive Adsorption for Long-Term Removal of Uranium in Leachate from the On Site Disposal Facility, Technical Assistance Project #13, Final Report, Fernald Closure Project, Cincinnati, Ohio, November). Agree to provide a brief summary in the GWLMP. The evaluation was successful in that it showed several media were capable of removing uranium from the leachate. DOE intends to review the evaluation in 2009 then provide EPA and OEPA a proposed alternative (for review/comment) leachate treatment system to be used once CAWWT is no longer available.

Action: Add the following after the text referenced by the commentator: “This evaluation used leachate from the OSDF to test the uranium removal effectiveness of several media. Iron filings appeared to perform the best. The evaluation will be revisited in 2009 to determine whether additional testing is warranted prior to selecting the alternative leachate treatment system to be used once CAWWT is no longer available.

38. Commenting Organization: OEPA Commenter: GeoTrans, Inc.
Section #: 5 Pg #: 5-2 Line #: 18 Code: C
Comment: Until steady state conditions are demonstrated and a formal statistical monitoring procedure (consistent with the regulations) is in place, Appendix I and PCBs should be analyzed in the LCS so that the full range of potential leachate contaminants is accurately established based on actual monitoring data.

Response: This comment is similar to Comment # 31.

Action: Refer to action for Comment # 31.

APPENDIX B – Project-Specific Plan for the OSDF Monitoring Program

39. Commenting Organization: OEPA Commenter: GeoTrans, Inc.
Section #: App. B Pg #: B-3 Line #: 14 Code: C
Comment: Until steady state conditions are demonstrated and a formal statistical monitoring procedure (consistent with the regulations) is in place, a quarterly monitoring frequency should be maintained. A quarterly frequency is necessary so that the demonstration of steady state conditions, which are a requirement for establishing a statistical procedure, can proceed as expeditiously as possible.

Response: DOE will be providing EPA/OEPA with the results of the Common Ion Study in the near future. The results of this study indicate there are some parameters where steady state conditions exist for each cell of the OSDF.

Action: DOE will continue quarterly monitoring until OEPA has reviewed the results of the Common Ion

make it prudent to continue monitoring for all the radionuclide's through 2008. Additionally, the OU5 Remedial Action report has only recently been submitted and not yet reviewed nor approved. This too would seem to be an important component to making a determination that the monitoring program can be reduced. Finally, some certification units were left with soil concentrations of radium that exceeded the FRL but were certified based upon risk assessment, this again suggests reduction of monitoring may be premature. Ohio EPA strongly believes that surface water will be one of the best sentinels for ensuring the integrity of the remedy at Fernald; therefore, we are hesitant to be too early in reducing the program.

We are pleased to see the additional proposed sampling locations that include areas not previously monitored. We agree that this monitoring could also be reduced over time. However, for the next calendar year we would at least like to see the following monitoring:

- Background locations SWP-01, SWR-01 total uranium semiannually (could drop all other radiological constituents)
- Paddys Run locations SWP-02, SWP-03 continue one more year without changes (except could drop Strontium-90 from SWP-03, add once for Ra-226, Ra-228, Tc-99, and Isotopic Thorium to SWP-02)
- STRM outfalls 4003-4006: continue one more year without changes
- PF 4001 continue one more year without changes (except could drop Strontium-90 this year, monitor Ra-228 and Tc-99 semiannually)
- Onsite ditches SWD-02, SWD-03 continue one more year without changes (except could drop Tc-99 from SWD-02, add once for Ra-226, Ra-228, Tc-99, and Isotopic Thorium to SWD-03)
- New onsite locations SWD-04 to SWD-08 are sampled semiannually for Total Uranium, once for Ra-226, Ra-228, Tc-99, and Isotopic Thorium.

Note that the one time additional sampling at SWP-02 and SWD-03 is to alleviate potential concern from the public about the silos area.

Ohio EPA recommends a discussion early in the fall of 2008 to evaluate the historical surface water sampling data for all on-going locations. The intent being to achieve a consensus on a monitoring program that would reduce overall monitoring needs but still provide the ability to ensure the protectiveness of the remedy.

Response: Agree.

Action: OEPA's recommendations to sampling will be incorporated into the final revision of the 2008 LMICP.

66. Commenting Organization: Ohio EPA

Commentor: OFFO

Section #: Section 4.3.2.2

Pg #: 4-8

Line #:

Code: C

Comment: Section 4.3.2.2 of the LMIC states surface water infiltration occurs where glacial overburden has been stressed by site drainage. In addition, this occurrence takes place in several areas of the site. In an effort to address these surface water impacts, DOE has added five surface water sampling locations to their monitoring plan in which Ohio EPA is in agreement. However one interesting factor remains, two of the five additional sample locations selected, between the Former Waste Pit 3 and Paddys Run (Swale area), is still under examination. These two surface water sampling locations (SWD04 & SWD05) are still showing elevated total Uranium concentrations.

Since December 2006 when the unusually high surface water concentrations were found in the Swale area, DOE has not provided any explanation to the public. In addition, the last two versions of the LMIC and the SER have not presented this information. Ohio EPA believes that it is imperative DOE provide

70. Commenting Organization: Ohio EPA Commentor: OFFO
Section #: 6.5.1 Pg #: 6-15 Line #: N/A Code: C
Comment: The statement, "The programs...are designed to provide continual assessment of air monitoring results with ALARA", is not a well-defined assessment. Is ALARA less than compliance levels or a comparison with background levels? DOE needs to specify its definition of ALARA.

Response: ALARA is a qualitative assessment whereby the emissions, installed controls (if any), and resultant environmental measurements are considered to determine if emissions can be further reduced. As a qualitative evaluation it is not appropriate to define specific limits.

Action: None.

Section 7.0 Program Reporting

71. Commenting Organization: Ohio EPA Commentor: OFFO
Section #: 7.2.2 Pg #: 7-2 Line #: last paragraph Code: C
Comment: Part of Ohio EPA's role has been to review and oversee DOE's environmental monitoring programs. From 1995 to 2003, Ohio's independent and split monitoring results were presented in Ohio EPA's Annual Monitoring Report to the Public and in Quarterly Fact Sheets. We are no longer producing these reports. Any data independently collected by Ohio EPA is provided to DOE per their request. Please revise the text accordingly.

Response: Comment acknowledged.

Action: The reference to OEPA's annual report will be removed and the following sentence will be added to the text of Section 7.2.2. "Any environmental data independently collected by Ohio EPA is provided to DOE."

72. Commenting Organization: OEPA Commentor: GeoTrans, Inc.
Section #: 7 Pg #: 7-3 Line #: 23 Code: C
Original Comment#
Comment: A check of the DOE-LM website in January 2008 revealed that, with regard to groundwater, only operational data for the Fernald Preserve have been posted. According to the text, analytical data will be posted once it has been validated. None of the 2006 SER data, however and no data that had previously been available on the IEMP website (with the exception of the operational data) is available. It does not, therefore, appear that DOE is updating this DOE-LM site in a timely manor.

Response: All of the environmental data from the 2006 SER are available on the DOE-LM website. However, not all of the data are available in static downloadable files. The text in Section 7.3.2 IEMP Reporting does not provide sufficient detail to access all of the data available on the DOE-LM website.

Action: The text in Section 7.3.2 will be updated to better describe how all of the environmental data can be accessed through the DOE-LM website.

73. Commenting Organization: Ohio EPA Commentor: OFFO
Section #: 7.3.2 Pg #: 7-3 Line #: Code: C
Comment: In the description of the DOE-LM Website, it is important to mention that Fernald data is available to **both** regulatory agencies **and the public** at the website. The website access is not exclusive to the regulators.

Response: Agree.

Action: The text will be revised in the final revision of the 2008 LMICP to "The DOE-LM website (<http://www.lm.doe.gov/land/sites/oh/ferald/ferald.htm>) allows the regulatory agencies and members of the public to access to Fernald Preserve data in a timely manner."

Action: None.

APPENDIX D – Natural Resource Monitoring Plan

78. Commenting Organization: OEPA Commentor: DSW
Section #: 1.0 Appendix D, NRM Plan Pg. #: D-1 Line #: N/A Code: C
Comment: Absent from this section and the rest of this document are detailed monitoring requirements for the mitigated wetlands under 401/404. These requirements differ from those required under the NRRDPS. Note that there is outstanding disagreement between DOE and OEPA on requirements for monitoring, consequently no completion report for an NRRDP was approved by OEPA.

Response: Comment acknowledged. Until agreement is reached on monitoring of ecologically restored areas, including mitigated wetlands, DOE will implement monitoring requirements as described in the IEMP and submitted NRRDPS.

Action: None.

79. Commenting Organization: OEPA Commentor: DSW
Section #: 2.2 Appendix D, NRM Plan Pg. #: D-3 Line #: N/A Code: C
Comment: This section states, “As stated in Section D.1, this monitoring will be summarized in the site environmental reports. Detailed results of restoration monitoring will be provided annually in the appendix to the site environmental report.” No such appendix of summary exists in the annual site environmental report (ASER). Section 7.0 of the 2006 ASER provides a background narrative on the site natural resources but neither the ASER nor its appendices provide a monitoring report. An annual monitoring report must be provided in either the ASER or the LMICP.

Response: The inclusion of restored area monitoring information is a new approach that will be used for the first time in the 2007 ASER. Previously, monitoring data was submitted annually as a stand-alone document entitled the Consolidated Monitoring Report for Restored Areas at the Fernald Preserve. The 2006 report was submitted to USEPA and OEPA on July 10, 2007. By including restored area monitoring in the ASER appendix, stakeholders are afforded a consistent and familiar approach to submittals.

Action: None.

80. Commenting Organization: OEPA Commentor: DSW
Section #: 2.2 Appendix D, NRM Plan Pg. #: D-3 Line #: N/A Code: C
Comment: This section makes several references to agreements made between the NRTs and DOE. These are inappropriate and should be deleted; due to litigation issues are currently ongoing.

Response: Section 2.4 on page D-3 describes how the Natural Resource Trusteeship process was used as a driver for ecological restoration of the site. Ongoing litigation does not change the historical developments and negotiations of the Natural Resource Trusteeses that led to the restoration-based approach for the site.

Action: None.

81. Commenting Organization: OEPA Commentor: DSW
Section #: 4.1.1 Appendix D, NRM Plan Pg. #: D-11 Line #: Code: C
Comment: DOE agreed to perform a post closure survey of Sloan’s Crayfish on site. We have yet to see this performed. OEPA agreed to assist DOE in this survey and still expects it to be performed. Please include this in your plans for the Sloan’s Crayfish.

Response: A post-closure survey of Sloan’s crayfish can be conducted in the summer of 2008.

Action: Add text to Section 4.1.1 stating that “A survey of Sloan’s crayfish is planned for the summer of

2008, in order to assess the post-closure status of the onsite population.”

82. Commenting Organization: OEPA Commentor: DSW
Section #: 4.4.2 Appendix D, NRM Plan Pg.#: D-11 Line #: NA Code: C
Comment: In this section, addressing monitoring for “mitigated wetlands” (as opposed to restoration wetlands), DOE states that “The requirement for wetland areas are typically for 3 years following completion, instead of just one as with the other restoration areas.” Monitoring for mitigated wetlands has never been 3 years (and never one year for restoration wetlands). Refer to our comment number 3 on the “Transmittal of the Change Pages to the Comprehensive LMIC Plan, Rev 1,” dated February 21, 2007. In addition, refer to comment numbers 1 and 2 on the “Transmittal of the Statement of Completion for the Borrow Area,” dated November 29, 2006. For more examples, check comment number 7 on the “Draft Wetland Mitigation Project Phase II NRRDP,” dated October 22, 2003.

Response: Comment Acknowledged. DOE will continue implementing monitoring requirements pursuant to draft final NRRDPs until an alternative approach is agreed upon.

Action: None.

ATTACHMENT E – Community Involvement Plan

83. Commenting Organization: Ohio EPA Commentor: OFFO
Section #: Acronyms and Abbreviations Pg #: v Line #: Code: C
Comment: Add FLHP (Fernald Living History Project) and FCA (Fernald Community Alliance) to your list of acronyms.

Response: Agree

Action: FLHP and FCA will be added to the list of acronyms.

84. Commenting Organization: Ohio EPA Commentor: OFFO
Section #: 4.1 Pg #: 4-3 Line #: Code: C
Comment: Add the successful Fernald Envoy program to the Highlights of Community Involvement.

Response: Agree

Action: The following paragraph will be added to this section. “The Fernald Envoy Program was initiated to promote one-on-one communication between Fernald personnel and representatives of local community groups interested in Fernald-related cleanup activities, issues and progress. Approximately 30 Fernald employees serve as messengers to local neighbors, business leaders, educators, environmental groups, regulatory agencies and elected officials. Fernald envoys built close relationships with community groups interested in Fernald-related activities and supplied them with detailed information. They also listened to ideas, suggestions, concerns and questions from people and then provided feedback to those making decisions about Fernald cleanup activities.”

85. Commenting Organization: Ohio EPA Commentor: OFFO
Section #: 5.1.1 Pg #: 5-1 Line #: Code: C
Comment: Change text to read, “LM held public meetings quarterly for the first year post-closure...”

Response: Agree

Action: Text will be updated.

