

## GENERAL COMMENTS REGARDING NEPA/CERCLA INTEGRATION

Prior to presenting recommendations for NEPA/CERCLA integration, it is useful to review several excerpts from 40CFR Parts 1500 - 1508 (CEQ Regulations)

- 40CFR1500 2 "Integrate the requirements of NEPA with other planning and environmental review procedures required by law or by agency practice so that all such procedures run concurrently rather than consecutively" (emphasis added)
- 40CFR1500 4(k) "Agencies shall reduce excessive paperwork by integrating NEPA requirements with other environmental review requirements"
- 40CFR1500 5(g) "Agencies shall reduce delay by integrating NEPA requirements with other environmental review requirements"
- 40CFR1501 2(a) "The purposes of this part include integrating the NEPA process into early planning to assure appropriate consideration of NEPA's policies" (emphasis added)
- 40CFR1501 2(a) "Agencies shall integrate the NEPA process with other planning at the earliest possible time to insure that planning and decisions reflect environmental values, to avoid delays later in the process, and to head off potential conflicts Each agency shall comply with the mandate of section 102(2)(A) to "utilize a systematic, interdisciplinary approach which will insure the integrated use of natural and social sciences and the environmental design art in planning and in decision making which may have an impact on man's environment", as specified by 40CFR1507 2" (emphasis added)
- 40CFR1502 14(b) " agencies shall devote substantial treatment to each alternative considered in detail including the proposed action so that reviewers may evaluate their comparative merits" (Note Although this applies specifically to an EIS, it is appropriate for an EA as well )

Please note that these references to the NEPA regulations are not meant to imply any lack of awareness on the part of EG&G Rather, they have been included to set the stage for the comments that follow

### Comment No. 1

The IM/IRA/EA for OU2 was essentially a CERCLA document followed by a NEPA document with both incorporated into the same binder Sections 1 through 6 were, with the possible exception of Section 2 2, entirely devoted to CERCLA, while Sections 7 and 8 were entirely devoted to NEPA This is not consistent with 40CFR1500.2 since the CERCLA and NEPA procedures were conducted consecutively rather than concurrently It is also inconsistent with 40CFR1501 1(a) since the NEPA process was not integrated early enough to assure appropriate consideration of NEPA's policies Finally, it is not consistent with 40CFR1501 2(a) since the NEPA process was not integrated at the earliest possible time

It is DOE/RFO's position that the evaluation of alternatives per CERCLA (and RCRA) criteria run concurrently with the evaluation of alternatives per NEPA criteria. This will assure consistency with 40CFR1502 2, 1501 1(a), and 1501.2(a).

A-OU02-000172

Comment No. 2

The IM/IRA/EA for OU2 did not present a substantial treatment to each alternative considered in detail as required by 40CFR1502.14(b). This is evidenced by 21 pages devoted to the environmental effects of the proposal versus five pages devoted to the environmental effects of the alternatives. In the future, the environmental effects discussion for the proposal and alternatives needs to be balanced (Note: Do not interpret this to mean the same exact number of pages, words, etc.)

Comment No. 3

Tables 8-1-A and 8-1-B in the IM/IRA/EA for OU2 properly evaluate the potential impacts to endangered species. However, the potential impact(s) on non-endangered species is (are) not addressed. I know of no statements in the CEQ regulations that de-emphasize non-endangered species. In the future, potential impacts on non-endangered species should be addressed.

Comment No. 4

On page 2-24 of the IM/IRA/EA document in Section 2.2.6 (Wetlands), it is stated that "initial consultation with the U.S. Fish & Wildlife Service and the U.S. Army Corps of Engineers was conducted in the Spring of 1988". However, there is no listing of agencies and persons consulted as required by 40CFR1508.9(b) (see paragraph one of General Review of the OU2 IM/IRA/EA document attached).

Comment No. 5

With regard to the baseline risk assessment (BRA) required under CERCLA, the IAG specifies that each operable unit will have a separate BRA. However, the CEQ regulations require that cumulative impacts be addressed. The IM/IRA/EA report for OU2 includes human health risk assessment, but does not include the results of the human health risk assessment from the IM/IRA planned for OU1. How do you plan to incorporate cumulative impacts from the various operable units? It seems like the latest risk assessment at a given operable unit should incorporate previous risk assessment results from other operable units. Also, I see no reason to differentiate between an IM/IRA and a final remedial action. The IM/IRAs are planned to continue for at least two years and may ultimately become part of the final remedial action. Thus, risk assessments for IM/IRAs need to be considered when determining cumulative impacts.

Comment No. 6

For additional DOE comments on NEPA/CERCLA integration, refer to my memorandum to Laura Frick dated April 4, 1991, regarding the EG&G document entitled, "A NEPA Compliance Strategy for the Rocky Flats Environmental Restoration Program Consistent with DOE NEPA/CERCLA Integration Policy"

## SPECIFIC COMMENTS ON THE OU2 IM/IRA/EA DOCUMENT

- p 2-10, par 2 I assume that this second paragraph is for climatological/meteorological information. Inclusion of data on temperature, evaporation, and wind (speed and direction) in addition to precipitation should be provided in the future.
- Discussion of run off control structures would be more appropriate for surface water hydrology on page 2-11
- p 6-4, last par  
last sentence Accumulation of surface water in the equalization tank during low influent flow periods, will result in decreased water flow downstream of the diversion structures. Although as described on page 7-7 (2nd paragraph, last page), water diverted from the creek will be removed for no more than 3 to 4 hours at 60GPM and for no more 48 hours at very low flows, there is a potential adverse impact to aquatic biota. This impact is not addressed in this document. (See also last paragraph on page 7-6 )
- In addition, I am unclear whether the proposed water treatment process will increase the temperature of the influent. If so, it is appropriate to state the approximate temperature of the effluent and discuss the potential impact to aquatic biota. (See also, last paragraph on page 7-6 )
- If potential impacts to aquatic biota are not a concern, why are we conducting environmental evaluations under CERCLA and ecology studies for the SWEIS?
- p 7-4, Sec  
7 2, 2nd par It is stated that erosion control measures will be applied to all soils excavated during the IM/IRA and post-excavation period. Potential erosion control mitigation measures should be discussed.
- p 7-7, first  
sentence More detail should be provided regarding the replacement of destroyed wetland plants as this is a mitigation of adverse environmental effects
- p 7-21, Sec  
7 11  
(Cumulative  
Impacts) The cumulative impacts on aquatic biota are not adequately discussed (e.g., increased sedimentation potential, higher temperatures, intermittent flows)
- Did the risk assessment consider cumulative impacts to on-site personnel who live near the RFP?
- Does not consider the impacts from construction and operation of the IM/IRA at OU1 to on-site personnel and the general public
- A cumulative impact is defined in 40CFR1508.7 as that "which results from the incremental impact of the action when added to past, present, and reasonably foreseeable future actions." Individually minor but collectively significant actions taking place over a period of time can result in cumulative impacts

Specific Comments  
Page 2

p 8-4, Tables 8-1-A & 8-1-B These tables are not a substitute for the brief discussion of the environmental impacts of the proposed action and alternatives required by 40CFR 1508 9(b) (emphasis added) (Also, note that the text in Section 8 is also inadequate relative to Section 7 )

Regarding environmental impacts, although endangered species are a critical component of any NEPA evaluation, it is not NEPA's intent to de-emphasize non-endangered species. Thus, a comparison of impacts between a proposed action and alternatives should consider all biota

## GENERAL REVIEW OF THE OU2 IM/IRA/EA DOCUMENT

An environmental assessment (EA), as described in 40CFR1508 9(b), is a brief discussion of the need for the proposal, alternatives required by NEPA Section 102(2)(E), environmental impacts of the proposed action and alternatives, and a listing of agencies and persons consulted

The need for the proposed action is discussed towards the end of the first paragraph on page 1-1. However, it is not stated as such.

NEPA Section 102(2)(E) requires the Federal government to "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources"

In Section 4, alternatives were identified and analyzed by CERCLA criteria consisting of effectiveness, implementability and cost. Alternatives for collecting contaminated surface waters included 1) diversion at the source, 2) upgradient well array or French drain, 3) collection at Pond B-5. For treatment technologies for radionuclides and metals removal, alternatives included chemical precipitation, cross-flow membrane filtration and ion exchange. Alternatives considered for VOC treatment technologies included GAC absorption, air stripping, and UV/peroxide oxidation. For influent pre-treatment for suspended solids removal, alternatives included cross-flow membrane filtration, and polymer addition with granular media filtration.

In Section 5, a comparative analysis of the alternatives was performed based on the three CERCLA criteria. The result of this analysis was the proposed interim measure/interim remedial action (IM/IRA) described in Section 6. Thus, the CERCLA process was used to identify the proposed action (or proposal).

The proposed (and preferred) IM/IRA included surface water collection by diversion at the source and treatment by chemical treatment/cross-flow membrane filtration followed by liquid-phase GAC treatment. It is important to note that the word "preferred" was used on page 6-1 for the proposed IM/IRA. This reflects a bias prior to initiating the NEPA process in Sections 7 and 8.

Environmental effects of the proposed IM/IRAP are discussed in the 21 pages which comprise Section 7. Environmental effects were considered on air quality, water quality, biological resources, wetlands, archaeology, historic sites and short-and-long-term land productivity. Human health risks were discussed for construction workers, RFP personnel, and the general public. In addition, commitment of resources, transportation impacts, and cumulative impacts were discussed.

The environmental effects of the alternatives were discussed in the five pages which comprise Section 8.

One alternative considered included the no action alternative. The other alternative included the following treatment technologies: 1) polymer addition and with granular media filtration for suspended solids removal, 2) UV/peroxide oxidation and air stripping for VOC removal and, 3) ion exchange for radionuclide and metals removal.

General Review  
Page 2

It is noteworthy that environmental effects of the two alternatives for collecting contaminated surface waters (upgradient well array/French drain and collection at Pond B-5) were not subjected to any NEPA analysis. Although the collection method was previously agreed upon by DOE/EPA/CDH prior to the preparation of this document, this is not a justification for ignoring the NEPA process. In addition, a 21-page discussion of the environmental effects of the proposed alternative versus the four-page discussion of the alternatives gives the very real appearance of a token NEPA evaluation. At best, it gives the impression of an unbalanced NEPA analysis.

On page 2-24 in Section 2.2.6 (Wetlands), it is stated that "initial consultation with the U S Fish & Wildlife Service and the U S Army Corps of Engineers was conducted in the Spring of 1988". However, there is no listing of agencies and persons consulted as required by 40CFR1508.9(b).