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States Government

Department of Energy

Rocky Flats Office

7-13-91

Memorandum

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EG&G
ROCKY FLATS PLANT
CORRESPONDENCE CONTROL

ERD:SG:4396

Wetlands/Floodplain Notifications for Operable Unit 2

J.M. Kersh, Associate General Manager
Environmental Restoration and Waste Management
EG&G Rocky Flats, Inc.



The two documents, both dated May 3, 1991: (1) Notice of Floodplain and Wetland Involvement for Surface Water Interim Measures in the South Walnut Creek Basin, Operable Unit No. 2 - JMK-0032-91 (91-RF-2232); and (2) U.S. Army Corps of Engineers Section 404 Determination for South Walnut Creek Basin (Operable Unit No. 2) - JMK-0031-91 (91-RF-2231); have been reviewed by Scott Grace and Bruce Thatcher of my staff. Several actions have been identified as a result of these two documents. We have determined that: (1) although the action is not a "Wetlands Action" (10 CFR 1022.4(U)), it is a "Floodplain Action" (10 CFR 1022.4(J)); and (2) the notification of the Corp of Engineers is not necessary because the action is covered under the Nationwide Permit (33 CFR 330.5(A)(20)).

Wetland/Floodplain Involvement

Since the Interim Measure/Interim Remedial Action (IM/IRA) in the Floodplain of South Walnut Creek has already occurred, the notice for the Federal Register and public comment is to be rewritten to reflect that the action has already occurred. The decision was made to implement the action in order to avoid missing the IM/IRA May 13, 1991 milestone specified in the InterAgency Agreement (IAG) and, thus, avoid the possibility of stipulated penalties. However, if more than just a couple of weeks notice had been given from your staff, we might not have had to make this choice. The Federal Register notice for Floodplain involvement should have been prepared prior to the beginning of the September start of public comment for the IM/IRAP. Although the public notice applies only to the Floodplain involvement, the potential impacts to the wetlands discussed in paragraph four should be retained. In order to support the Floodplain public notice, a floodplain assessment needs to be prepared in accordance with 10 CFR 1022.12.

The Operable Unit 2 Woman Creek Basin IM/IRAP will require a Wetland (and possibly a Floodplain) assessment and announcement in the Federal Register for public comment. This assessment should be included in the Draft IM/IRAP and the announcement should be prepared and carried out during the public comment period required under the IAG. Note that this will comply with 10CFR1022.12(b).

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ADMIN RECORD

Corps of Engineers Notice

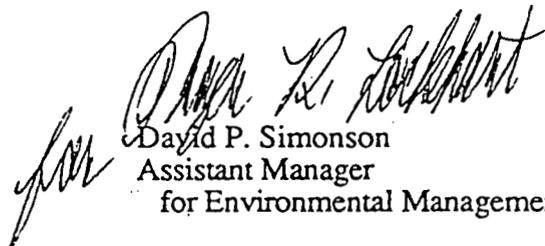
We have determined that a notification of the Corp of Engineers (COE) for the South Walnut IM/TRAP is unnecessary because the IM/TRAP is covered under the Nationwide Permit (10 CFR 330; 51 FR 41254) which authorizes "...structures, work, discharges for the containment and cleanup...[for activities]...subject to the National...Contingency Plan..." For potentially impacted wetlands less than one acre, there is no notification requirement. The South Walnut Creek IM/TRAP has been estimated to potentially impact a wetland of approximately 0.06 acres.

Furthermore, if the proposed Woman Creek Basin IM/TRAP will potentially impact wetlands of less than one acre, then notification of the COE is also unnecessary.

Summary

You are directed to conduct a Floodplain assessment for the South Walnut Creek IM/TRAP and arrange for Federal Register notification of an after-the-fact public comment period.

You are also directed to conduct a Floodplain/Wetland assessment for the proposed Woman Creek IM/TRAP and arrange for Federal Register notification for public comment during the regular public comment period.


David P. Simonson
Assistant Manager
for Environmental Management

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