



Department of Energy

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JUL 23 2001

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

DOE-0737-01

Mr. Tom Schneider, Project Manager
Ohio Environmental Protection Agency
401 East 5th Street
Dayton, Ohio 45402-2911

Dear Mr. Saric and Mr. Schneider:

**SUBSTANTIVE WETLAND PERMITTING CROSS-WALK FOR THE WASTE STORAGE AREA
EXTRACTION SYSTEM, PHASE 1, AND SOUTH FIELD EXTRACTION SYSTEM
SUPPLEMENTAL WELLS PROJECT**

The enclosed substantive permitting cross-walk delineating the impacts to the wetlands and waters of the state resulting from the Waste Storage Area Extraction System and South Field Extraction System Supplemental Wells project is being provided for your review and approval. The enclosed table documents the manner in which the project will comply with the substantive permitting requirements under the United States Army Corps of Engineers Nationwide Permit Program, Ohio Environmental Protection Agency's (OEPA) Section 401 State Water Quality Program, and the internal Department of Energy (DOE) wetland avoidance regulations promulgated in 10 CFR 1022. This project is being conducted in support of the Fernald Environmental Management Project's (FEMP) overall Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) remedial action and is therefore, exempt from the requirement to obtain formal permit approval pursuant to Section 121(e) of CERCLA and 40 CFR Part 300.400(e).

This project involves a crossing of the Storm Sewer Outfall Ditch (SSOD) that is delineated as a water of the state and incidental impacts on the Pilot Plant Drainage Ditch (PPDD), which is delineated as a wetland. Plans and specifications for this project have already been submitted to United States Environmental Protection Agency (USEPA) and OEPA for their review.

3792

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Mr. James A. Saric
Mr. Tom Schneider

-2-

DOE-0737-01

If you should have any questions or comments, please contact Robert Janke at (513) 648-3124.

Sincerely,



Johnny W. Reising
Fernald Remedial Action
Project Manager

FEMP:R.J. Janke

Enclosure: As Stated

cc w/enclosure:

R. J. Janke, OH/FEMP
J. Kappa, OH/FEMP
K. Nickel, OH/FEMP
T. Schneider, OEPA-Dayton (three copies of enclosure)
G. Jablonowski, USEPA-V, SRF-5J
F. Bell, ATSDR
M. Schupe, HSI GeoTrans
R. Vandegrift, ODH
F. Hodge, Tetra Tech
AR Coordinator, Fluor Fernald Inc./MS78

cc w/o enclosure

K. Chaney, EM-31/CLOV
N. Hallein, EM-31/CLOV
A. Tanner, OH/FEMP
D. Brettschneider, Fluor Fernald, Inc./MS52-5
D. Carr, Fluor Fernald, Inc./MS2
M. Frank, Fluor Fernald, Inc./MS90
T. Hagen, Fluor Fernald, Inc./MS65-2
W. Hertel, Fluor Fernald, Inc./MS52-5
S. Hinnefeld, Fluor Fernald, Inc./MS52-2
M. Jewett, Fluor Fernald, Inc./MS52-2
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ECDC, Fluor Fernald, Inc./MS52-7

**Waste Storage Area Extraction System (Phase 1) and SFES Supplemental Wells
Substantive Permitting Cross-Walk**

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Condition	Substantive Requirement	Compliance Plan
	<p>Nationwide Permit 12 – Utility Line Discharges¹ - General Conditions</p>	
Navigation	No activity may cause more than a minimal effect on navigation.	The project involves a crossing of the Storm Sewer Outfall Ditch (SSOD) delineated as a Water of the State and incidental impacts on the Pilot Plant Drainage Ditch (PPDD) delineated as a wetland. The SSOD and PPDD are not navigable waters and as such no work will occur within any water body used for navigation, either in commerce or recreation. Therefore, the proposed activity will not have an adverse impact on navigation.
Proper Maintenance	Any structure or fill authorized shall be maintained to ensure public safety.	Personnel access restrictions will be imposed during construction in the form of construction fencing and/or barrier ropes.
Erosion and Siltation Controls	Appropriate erosion and siltation controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date.	Heavy equipment will be limited to the immediate project vicinity. Silt fence and/or other appropriate methods of sedimentation and erosion control will be used as necessary to minimize potential erosion and sediment transport during construction. The project area will be inspected during construction under the site SWPPP construction inspection program to ensure erosion and sedimentation controls are properly maintained.
Aquatic Life Movement	No activity may substantially disrupt the movement of those species of aquatic life indigenous to the water body, including those species which normally migrate through the area, unless the activity's primary purpose is to impound water.	Portions of the proposed project will be conducted within the Storm Sewer Outfall Ditch which is considered a Water of the State. However, no disruption in the movement of aquatic species is anticipated as a result of the project.
Equipment	Heavy equipment working within wetlands must be placed on mats, or other measures must be taken to minimize soil disturbance.	Heavy equipment will be limited to the immediate vicinity of the proposed project boundary. Heavy equipment will not be placed within the Pilot Plant Drainage Ditch; a delineated wetland.

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Condition	Substantive Requirement	Compliance Plan
Regional and Case-by-Case	Activities must comply with any regional or case-by case conditions added by the Division Engineer.	Not applicable. The U.S. Army Corp of Engineers has added no regional or case-specific conditions.
Wild and Scenic Rivers	No activity may occur in a component of the National Wild and Scenic River System.	Not applicable. The project areas are not part of the National Wild Scenic River System.
Tribal Rights	No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.	Not applicable. No tribal water, fishing, or hunting treaty rights has been granted for the areas in which the project will be conducted.
Water Quality Certification	Section 401 State Water Certification must be obtained or waived.	Ohio EPA issued its corresponding Section 401 State Water Quality Certification for NWP 12 in February 1997. Compliance with general conditions and special conditions associated with Ohio's 401 certification are discussed below.
Coastal Zone Management	State coastal zone management consistency concurrence must be obtained or waived.	Not applicable. The project area is not regulated under state coastal management regulations or statutes.
Endangered Species	No activity is authorized under any NWP, which is likely to jeopardize the continued existence or modify the critical habitat of a threatened or endangered species or species proposed for such designation.	No known federally listed threatened or endangered species or critical habitat will be impacted by the project. No known individuals were encountered in the immediate project area during on-site threatened and endangered species surveys.
Historic Properties	No activity which may affect historic properties listed, eligible of listing, in the National Register of Historic Places in authorized.	No impacts to historic properties are anticipated. The project area has been surveyed prior to disturbance in accordance with the Programmatic Agreement Regarding Archaeological Investigations at the Fernald Environmental Management Project (March 6, 1997). Any unanticipated discoveries encountered during actual field work will be addressed in accordance with that programmatic agreement between DOE, the Ohio Historic Preservation Office, and the Advisory Council on Historic Preservation.
Notification	When required by the terms of a NWP, the permittee must notify the ACOE in accordance these provisions.	Not applicable. ACOE notification is not required for CERCLA remedial actions regulated by USEPA.

Condition	Substantive Requirement	Compliance Plan
Nationwide Permit 12 - Utility Line Discharges¹ - Section 404 Conditions		
Water Supply Intakes	No discharges of dredged or fill material may occur in the proximity of a public water supply intake except where the discharge is for repair of the public water supply intake structure or adjacent bank stabilization.	Not applicable. No public water supply intakes are located in the vicinity of the proposed project.
Shellfish Production	No discharge of dredged or fill material may occur in areas of concentrated shellfish production, unless the discharge is directly related to shellfish harvesting authorized by NWP 4.	Not applicable. The project area is not used for shellfish production.
Suitable Material	No discharge of dredged or fill material may consist of unsuitable material (e.g. trash, debris, car bodies, asphalt, etc.) and material discharged must be free from toxic pollutants in toxic amounts.	Fill material for the Storm Sewer Outfall Ditch crossing will consist of concrete encasement of the pipe; buried under suitable soil and stone as specified in contract documents and consistent with pre-construction conditions. Discharges at the Pilot Plant Drainage Ditch (PPDD) location would be considered incidental related to possible soil sedimentation. Erosion and sediment controls will be implemented to mitigate soil loss to the PPDD. Trash, debris and other material will not be placed in the SSOD and PPDD.
Mitigation	Discharges of dredged or fill material into waters of the United States must be minimized and avoided to the maximum extent practicable at the project site.	Erosion and sediment controls will be implemented to mitigate soil loss to the Pilot Plant Drainage Ditch. The disturbed area related to the Storm Sewer Outfall Ditch (SSOD) crossing will be minimized thereby minimizing the amount of stone used for bank stabilization. Backfill materials (soils and stone) will be used only to restore the SSOD to the original pre-construction grades.
Spawning Areas	Discharges in spawning areas during spawning seasons must be avoided to the maximum extent practicable.	No adverse impacts to spawning areas are anticipated. Appropriate erosion and sedimentation controls will also be used as necessary to minimize sediment transport in downstream portions of the watershed.

Condition	Substantive Requirement	Compliance Plan
Adverse Effects from Impoundments	If the discharge creates an impoundment of water, adverse effects on the aquatic system caused by the accelerated passage of water and/or the restriction of its flow shall be minimized to the maximum extent practicable.	No temporary or permanent impoundments or structures are planned as part of this project
Waterfowl Breeding Areas	Discharges into breeding areas for migratory waterfowl must be avoided to the maximum extent practicable.	Not applicable. The project area is not used extensively by waterfowl during the breeding season.
Removal of Temporary Fills	Any temporary fills must be removed in their entirety and the affected areas returned to their preexisting elevation.	Not applicable. No temporary fills are anticipated as part of the proposed project.
Clean Water Act Section 401 State Water Quality Certification² - General Conditions		
Bank Stabilization	Steps shall be taken, upon completion of the project, to ensure bank stability. This may include, but is not limited to, the placement of riprap or bank seeding.	Disturbed soils associated with construction will be re-stabilized upon completion of the project. Stone will be used as necessary to stabilize the Storm sewer Outfall Ditch consistent with pre-construction conditions.
Mitigation	Any damages to the immediate environment of the project by equipment for construction or hauling will be repaired immediately.	The movement of heavy equipment will be limited to the immediate project area. Disturbed soils associated with construction will be re-stabilized upon completion of the project.
Adverse Impacts to Water Quality and Aquatic Life	Care must be employed throughout the course of the project to avoid the creation of unnecessary turbidity which may degrade water quality or adversely affect aquatic life outside of the project area.	The movement of heavy equipment will be limited to the immediate project vicinity during construction of the roadway. Appropriate erosion and sedimentation controls will also be used to minimize sediment transport from the project area.
Clean Water Act Section 401 State Water Quality Certification² - Special Conditions and Limitations		
Length of Utility Line Crossing	The length of utility line crossings in streams and/or rivers shall not exceed twice the width of the waterbody at that location	The width of the Storm Sewer Outfall Ditch at the crossing location is approximately 38 feet (top of bank to top of bank). The length of main to be placed under the SSOD is approximately 65 feet.

Condition	Substantive Requirement	Compliance Plan
Sidcasting and Stockpiling of Dredged Material	This Nationwide Permit shall authorize sidcasting or stockpiling of dredged material for a maximum of 3 months	Stockpiled material will be reused or dispositioned within three months. Management of any necessary stockpiled material will be in accordance with existing site procedures and contract document requirements.
Utility Line Backfill	In wetlands, at least the top six inches of backfill over a utility line shall consist of the topsoil material removed from the trench.	Not applicable. The Storm Sewer Outfall Ditch is not a delineated wetland. The excavation proximate to the Pilot Plant Drainage Ditch will not enter the wetland.
Application of Chemicals for Control of Aquatic Plants or Animals	The Ohio Administrative Code Rule 3745-1-01 requires that notice must be given to the Director of Ohio EPA before chemicals are applied for control of aquatic plants or animals in waters of the State (including wetlands). Applicants who intend to use chemicals in waters of the State shall contact Ohio EPA, Division of Surface Water prior to applications of any chemicals.	There are no plans for using chemicals for the controls of aquatic plants or animals. Ohio EPA Division of Surface Water Personnel will be contacted prior to any chemical application should it become necessary during the course of the project.
Utility Line Installations in Forested Wetlands	This Nationwide Permit shall not authorize utility line installations greater than 1000 feet in length in forested wetlands which are defined by the U.S. Department of the Interior and are characterized by woody vegetation that is six meters tall or taller.	Not applicable. The installation in question is not located in a forested wetland.
10 CFR 1022 - Compliance with Floodplain/Wetlands Environmental Review Requirements		
Avoidance and Minimization of Wetland Impacts and Incorporation of Flood Plain Management	Federal agencies undertaking actions within wetlands must take appropriate steps to avoid and minimize potential wetland impacts and incorporate flood plain management into planning decisions. Federal agencies are to provide the opportunity for public involvement.	The proposed project is not located within the 100-yr or 500-yr flood plain of Paddys Run. A Notification of Wetland Involvement is contained in the OUS Feasibility Study.

¹ See 61 FR 65874 and Appendix B of the OUS ROD for additional detail.

² Ohio EPA granted Section 401 State Water Quality Certification for NWP - 12 on February 11, 1997.