



**Department of Energy**  
Washington, DC 20585

PROD 7540

December 20, 2016

Mr. David Seely  
U.S. Environmental Protection Agency  
Region 5 (SRF-6J)  
77 W. Jackson Blvd.  
Chicago, IL 60604-3590

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

Jennifer Finfera  
U.S. Fish and Wildlife Service  
4625 Morse Road, Suite 104  
Columbus, OH 43230

Dear Mr. Seely, Mr. Schneider, and Ms. Finfera:

**Subject:** Transmittal of Responses to Ohio Environmental Protection Agency  
Comments on Fernald Preserve Comprehensive Legacy Management and  
Institutional Controls Plan, Revision 10, Draft

**Reference:** Letter, T. Schneider to S. Smiley, "Comments - Comprehensive  
Legacy Management and Institutional Controls Plan, Volumes I and II, Rev.  
10, Dated September 2015," dated December 8, 2016

This letter transmits the U.S. Department of Energy Office of Legacy Management (DOE-LM) Responses to Ohio Environmental Protection Agency (Ohio EPA) Comments on the Fernald Preserve Comprehensive Legacy Management and Institutional Controls Plan (LMICP), Revision 10, Draft (Reference) to the U.S. Environmental Protection Agency (EPA), Ohio EPA, and the U.S. Fish and Wildlife Service.

The enclosed responses are consistent with discussions between DOE-LM, EPA, and Ohio EPA at the Fernald Regulatory Meeting on November 17, 2016, on informal comments submitted by Ohio EPA. At that meeting, EPA indicated that it would concur on the subsequent formal Ohio EPA comments or provide separate formal EPA comments to DOE-LM.



Mr. David Seely  
Mr. Thomas Schneider  
Ms. Jennifer Finfera  
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On December 15, 2016, while at the Ohio EPA Southwest District Office, I discussed the enclosed DOE-LM response to comments with Mr. Thomas Schneider and held a separate teleconference with Mr. David Seely of EPA, to confirm that the above referenced Ohio EPA comments sufficiently addressed any EPA questions on the draft LMICP.

In order to finalize the LMICP to correspond with calendar year 2017 monitoring and reporting, the final version of the LMICP, Revision 10, will be issued upon Ohio EPA and EPA approval of the DOE-LM responses to Ohio EPA comments, dated December 8, 2016. DOE-LM plans to issue the final LMICP by January 31, 2017.

If you have any questions, please call me at (513) 648-3333. Please send any correspondence to:

U.S. Department of Energy  
Office of Legacy Management  
10995 Hamilton-Cleves Hwy.  
Harrison, OH 45030

Sincerely,

SUSAN  
SMILEY

Digitally signed by SUSAN SMILEY  
DN: c=US, o=U.S. Government,  
ou=Department of Energy, cn=SUSAN SMILEY,  
09.2342.19200300.100.1.1=8900100023787  
Date: 2016.12.20 13:43:26 -0500

Susan Smiley  
Fernald Preserve Manager  
DOE-LM-20.2

Enclosure

cc w/enclosure:  
S. Helmer, ODH  
T. Schneider, Ohio EPA (3 copies)  
Project Record File FER030.1(A) (through M. Korte)

cc w/o enclosure:  
(electronic)  
B. Hertel, Navarro  
G. Hooten, DOE  
K. Voisard, Navarro  
C. White, Navarro

**From:** [Smiley, Sue](#)  
**To:** [seely.david@epa.gov](mailto:seely.david@epa.gov); [thomas.schneider@epa.ohio.gov](mailto:thomas.schneider@epa.ohio.gov)  
**Cc:** [Jennifer Finfera \(Jennifer.Finfera@fws.gov\)](mailto:Jennifer.Finfera@fws.gov); [Hertel, Bill \(CONTR\)](#); [Voisard, Karen \(CONTR\)](#); [Smiley, Sue; rc-ohio](#)  
**Subject:** Fernald LMICP -- DOE Response to OEPA Comments dated 12/8/16  
**Date:** Tuesday, December 20, 2016 2:18:39 PM  
**Attachments:** [DOE Letter to Agencies - Fernald LMICP Response to Ohio EPA Comments.pdf](#)

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David/Tom:

Attached is formal DOE letter to regulators, providing Response to Comments submitted by Ohio EPA on December 8, 2016.

Thank you,

*Sue Smiley*

Site Manager, Fernald Preserve

U.S. DOE, Office of Legacy Management

10995 Hamilton-Cleves Highway

Harrison, OH 45030

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**Mobile: 513-310-1279**

[sue.smiley@lm.doe.gov](mailto:sue.smiley@lm.doe.gov)

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**From:** Metzler, Donna (CONTR)  
**Sent:** Tuesday, December 20, 2016 2:15 PM  
**To:** Hertel, Bill (CONTR); Hooten, Gwen; Voisard, Karen (CONTR); White, Chuck (CONTR)  
**Cc:** Smiley, Sue; Metzler, Donna (CONTR)  
**Subject:** DOE Letter to Agencies - Fernald LMICP Response to Ohio EPA Comments - with enclosure

The attached was signed by Sue Smiley and sent to the agencies.

Sent on behalf of Sue Smiley

Donna Metzler  
Navarro Research and Engineering, Inc.  
Contractor to the U.S. Department of Energy  
Office of Legacy Management  
Fernald Preserve  
10995 Hamilton-Cleves Hwy.  
Harrison, OH 45030  
PHONE: (513) 648-5815

**Comprehensive Legacy Management and Institutional Control Plan  
Volumes I and II  
Revision 10, September 2016**

**Volume I**

1. **Commenting Organization:** Ohio EPA  
**Section #:** 2.4.5      **Pg #:** 16  
**Comment:** Retain the last sentence of the second paragraph, "The information made available at the center also serves as an institutional control." Institutional controls is an important aspect of the Visitors Center.  
  
**Response:** DOE agrees that information presented at the Visitors Center is important. Throughout this revision of the Legacy Management and Institutional Control Plan (LMICP), DOE was deliberate in identifying only the four institutional controls stated in the fourth CERCLA Five Year Review. During the regulator meeting held on November 17, 2016, it was agreed that the revisions made throughout the LMICP concerning institutional controls would not be made and the text would revert to the original text.  
  
**Action:** Retain the subject sentence and any changes made with respect to institutional controls will be removed from the remainder of the document.

2. **Commenting Organization:** Ohio EPA  
**Section #:** 4.4      **Pg #:** 26  
**Comment:** Add to the end of this paragraph that the next Five-Year Review will be completed in 2021.  
  
**Response:** DOE agrees with the comment.  
  
**Action:** The following sentence will be added to the end of the subject paragraph: "Therefore, the next review will be completed in September 2021."

**Volume II**

1. **Commenting Organization:** Ohio EPA  
**Section #:** ICP 3.0      **Pg #:** 23  
**Comment:** The third paragraph should be explained. In the sentence "the new values slightly increased the risk" the values should be further defined so as not to confuse the reader.  
  
**Response:** DOE agrees with the comment.  
  
**Action:** The paragraph will be revised as follows:  
  
The *Fourth Five-Year Review for the Fernald Preserve* (DOE 2016) was completed in a similar manner to the third Five-Year Review. Updated toxicity values published in 2015 were used to calculate human health risk using IRRA concentrations. Additionally, EPA exposure factors were reviewed and updated values were utilized in the calculations. The overall result of this effort demonstrated a slightly lower risk than those reported in the third Five-Year Review report. Again, the risk assumptions remain valid for the OU5 post-remedial conditions.

2. **Commenting Organization: Ohio EPA**  
**Section #: ICP 5.1 Pg #: 41**  
**Comment:** Retain the phrase "For institutional control purposes," in the first sentence of the second paragraph.

**Response:** See response to Comment 1.

**Action:** DOE will retain the subject phrase.

**Attachment A**

3. **Commenting Organization: Ohio EPA**  
**Section #: 1.2 Pg #: 4**  
In the second sentence of this paragraph, change "are scheduled to begin in the fall 2016" to "began in the fall 2016."

**Response:** DOE agrees with the comment.

**Action:** The sentence will be changed to: "Decontamination and demolition (D&D) activities began in the fall of 2016."

4. **Commenting Organization: Ohio EPA**  
**Section #: 1.2 Pg #: 3**  
**Comment:** Ohio EPA does have requirements under OAC 3745-42 for a Permit-to-Install (PTI) for any wastewater treatment system. The changes underway at the CAWWT may trigger a PTI if the new system is substantially different through sizing, treatment, etc. Depending upon that assessment for PTI, it may or may not trigger the need for a National Pollutant Discharge Elimination System (NPDES) permit modification.

**Response:** DOE agrees with the comment.

**Action:** DOE will work with Ohio EPA to determine if a PTI and revisions to the NPDES permit will be required.

**Attachment B**

5. **Commenting Organization: Ohio EPA**  
**Section #: 6.2.1.2 Pg #: 32**  
**Comment:** The second sentence of the second paragraph is worded funny. Replace the words "will have" with the word "with" in order for the sentence to flow.

**Response:** DOE agrees with the comment.

**Action:** The sentence will be changed to: "For annual cap walkovers, the team includes an inspector with a degree in civil engineering or soil mechanics..."

**Attachment D**

6. **Commenting Organization:** Ohio EPA  
**Section #:** 2.0 **Pg #:** 7  
**Comment:** Retain the sentence "Adequate staff will remain at the site to continue to meet regulatory and OU5 commitments."

**Response:** DOE agrees with the comment.

**Action:** Retain the subject sentence, but the sentence will be moved to become the last sentence in the first paragraph of Section 2.0.