

GWOU ADMINISTRATIVE RECORD

SECTION TITLE:

GW-400-402-1.01

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OPTIONAL FORM NO. 10-89

FAX TRANSMITTAL

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Re: Weldon Spring Chemical Plant, Groundwater Operable Unit Interim ROD

Dan-

I had a number of bas ily word smithing-type comments, which I tabbed on the draft ROD. I also have some more stantive comments, which I'll try to spell out here.

- One very basic concern I have is that I don't think DOE hasn't as cleanly cleaved the TCE cleanup from other cleanup issues as they should, leaving the IROD open to potentially unnecessary criticism that certain conclusions are being reached that wouldn't have to be reached in a TCE-only ROD. Perhaps this concern is best stated as giving someone a basis from which to argue that there is an implied waiver of ARARs for contaminants other than TCE based upon this remedial action's being only part of a total remedial action that will attain such level or standard of control when completed (See CERCLA § 121(d)(4)(A)). I think by clearly limiting the scope of this action to TCE, we minimize the likelihood that such an argument might be successful. Thus, I think DOE should say clearly and concisely in the beginning of the document what the IROD does and doesn't address, i.e., that this IROD only addresses cleanup of TCE contamination in specific areas the site (those areas where TCE is a problem) and why DOE is taking this approach. The remainder of the document should then focus on why TCE is a problem, what risks TCE presents, development of cleanup standards for TCE, including ARARs for the TCE, and alternatives relevant to cleaning up TCE.
- I would only discuss other contaminants present and possible effects of those contaminant levels in the context of how their presence might affect the effectiveness of particular TCE cleanup alternatives, any potential that the risks posed by the presence of these contaminants might be aggravated by implementing this focused remedial action, and any ancillary beneficial effects the TCE cleanup might have in terms of cleaning up these other contaminants. If any of the 7 alternatives discussed in the current draft don't pertain to TCE cleanup, I would either omit any discussion of that alternative or mention that it was an alternative that was considered in the FS but isn't relevant to a TCE cleanup. Perhaps there aren't any alternatives that fall into this category.
- Cover page and elsewhere- I'm not sure we should be calling this an Interim ROD, as opposed to a "focused" ROD or some other designator that more clearly indicates that as far as it goes, the cleanup decisions in the ROD are final, but that not all cleanup decisions for the GWOU are being made in this ROD. Calling it "interim" implies to me that we're going to rethink the decisions made in this ROD at a later time, which is not my understanding of our intentions (although if cleaning up TCE to MCL levels proves impracticable, we might rethink this decision).

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4. Pg. iii, Statement of Basis and Purpose, 1st sentence- This sentence should say more precisely what the scope of this ROD is. I suggest wording closer to "This Interim (Focused) Record of Decision (I/FROD) presents the selected remedial action for TCE contamination in groundwater in Zones 1 and 2 of the Chemical Plant Area. This I/FROD is not the final ROD for the Groundwater Operable Unit in that cleanup decision. Contaminants other than TCE, besides TCE, are being deferred until such time as additional investigations and studies have been conducted to determine whether it is technically practicable from an engineering standpoint to meet applicable or relevant and appropriate requirements for other contaminants of concern besides TCE.
5. Pg. iii, Description of Selected Interim Remedy, 2nd sentence- Since the point being made in this sentence is that source areas in the Chemical Plant Area have already been cleaned up, I suggest restructuring this sentence to say first that the Chemical Plant OU addressed cleanup/removal/treatment/whatever of all source materials in the Chemical Plant area, and then give examples of specific areas cleanup. Doing this should make it as clear as possible that all source areas have indeed been dealt with, without the reader having to double check the listing of specific cleanup activities to make sure they're all listed.
6. Pg. iii, Description of Selected Interim Remedy, 3rd sentence and following- The manner in which long-term monitoring is described makes it sound like monitored natural attenuation is a component of the focused cleanup action, which I didn't understand to be the case. Unless monitored natural attenuation is intended to be a component of the focused cleanup action, I suggest discussing long-term monitoring more in the context of verifying performance standards for TCE cleanup than seeing if contaminants are decreasing in areas away from the area where TCE-contaminated groundwater is being treated. To the extent long-term monitoring is being discussed to provide comfort to the public that DOE will be checking to make sure the problem isn't getting worse, I suggest discussing it in just that context, rather calling it a component of the focused remedial action. I note on page 46, ¶ 2, that DOE is saying monitored natural attenuation is a component of the remedy- Is that your understanding of what's intended?
7. Pg. 5, 1st full ¶, 2nd sentence- I'm not sure how many other documents this reference to the original FFA is found in, but my recollection is that the original FFA was really a pre-SARA agreement, that didn't meet the requirements of Section 120, when they were added to CERCLA in 1986. Because the original FFA didn't meet the Section 120 requirements, we had to negotiate substantial amendments, which became the First Amended FFA we're currently working under. Thus, I don't think this sentence is accurate and I do think it needs to be revised.

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8. Pg. 7, 1st sentence- This first sentence is much too broadly worded and should be revised to more clearly define the scope of this decision to include only TCE and probably only TCE in certain designated portions of the site.
9. Pg. 9, 1st sentence- I think it would be more accurate to say something along the lines of "DOE conducted a remedial investigation/feasibility study (RI/FS) for the GWOU in accordance with the requirements of CERCLA to determine the nature and extent of groundwater contamination in the Chemical Plant Area, to assess the risks and potential risks posed by those contaminants, and to evaluate potential remedial action alternatives." I'm not sure what is meant by "document the proposed management of the groundwater and springs ..."
10. Pg. 9, bottom ¶- I haven't reviewed last Fall's sequence of events sufficiently to provide precise dates, but it's my recollection that MDNR provided comments on the proposed remedy during the public comment period (which were amplified during the dispute process). I think it would be more accurate to say something along the lines that MDNR submitted comments during the initial comment period (if that's true, which I think it is). DOE, EPA and MDNR attempted to reach a mutually agreeable resolution of the state's comments informally. When those informal discussions were not successful, the parties agreed to engage in a more formal dispute resolution process. This dispute resolution process began in October 1999 and ended with a decision letter from EPA dated May 12, 2000. All the documents submitted by the parties during the dispute were included in the Administrative Record and made available to the public for review. DOE extended the public comment period until August 15, 2000, to give the public ample opportunity to review the additional information resulting from the dispute process. I'm not sure I would take an entire page (pg. 10) to describe the issues involved in great detail. I would be more inclined to discuss this process chronologically, rather than separating the procedural history from the substance of the dispute. For example, I would list the issues in connection with saying that the state commented during the initial public comment period and describe the decision coming out of the dispute in connection with discussing the May 12 letter.
11. Pg. 19 and following- Since this ROD addresses only TCE contamination, I suggest focusing the discussion on TCE data, which currently shares equal billing with the other contaminants of concern. Perhaps a more abbreviated discussion of the other COCs, more along the lines of where these contaminants were found in relation to TCE to set the stage for discussing issues such as how the presence of the other COCs might affect the effectiveness of particular TCE cleanup alternatives, any potential that the risks posed by the presence of these contaminants might be aggravated by implementing this focused remedial action, and any ancillary beneficial effects the TCE cleanup might have in terms of cleaning up these other contaminants. Again, the intention is to make it clear that this

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ROD only addresses TCE cleanup decisions. Somewhere in all of this we need to make it clear that we think we can cleanup the TCE more or less independently of the other COCs, either because of relative locations or types of treatment to be employed.

12. Pg. 31 The remedial action objectives need to be revised to make them specific to cleaning up TCE contamination.
13. Pg. 33- The descriptions of the various cleanup alternatives need to be revised to focus on the more limited cleanup objective of removing TCE from the groundwater. As mentioned above, any discussion of the other contaminants should be more along the lines of how the presence of the other COCs might affect the effectiveness of particular TCE cleanup alternatives, any potential that the risks posed by the presence of these contaminants might be aggravated by implementing this focused remedial action, and any ancillary beneficial effects the TCE cleanup might have in terms of cleaning up these other contaminants.
14. Pg. 43- Since we're not saying it is technically impracticable to treat TCE (at this point in time, anyway), I don't see a reason to include this section.
15. Pg. 47. ARARs and pg 50, § 11.2.1- Since we're limiting the scope of the remedial action to cleaning up TCE in Zones 1 and 2, I don't think there's any reason to discuss requirements that might pertain to any other COCs. Doing so would just increase the likelihood that someone could argue there is an implied waiver of these ARARs.

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