REGION 4
ATLANTA, GA 30303

ENVIRONMENTAL COMPLIANCE &
APR – 7 2026
AREA COMPLETION PROJECTS

April 7, 2026

Mr. Matthew Baker
Acting FFA Remedial Project Manager
Remediation, Deactivation, and Decommissioning Division
U.S. Department of Energy
Savannah River Operations Office
P.O. Box A
Aiken, South Carolina 29802

EPA Comments: Record of Decision Remedial Alternative Selection for the Early Construction and Operational Disposal Site L-3 (NBN), L-Area Rubble Pit (131-1L), and L-Area Rubble Pit (131-4L) Operable Unit (U) R0 Dated January 2026

Dear Mr. Baker,

The U.S. Environmental Protection Agency, Region 4 (EPA) has reviewed and provided comments on the Record of Decision Remedial Alternative Selection for the Early Construction and Operational Disposal Site L-3 (NBN), L-Area Rubble Pit (131-1L), and L-Area Rubble Pit (131-4L) Operable Unit (U) R0 Dated January 2026

If you have any questions or require additional information, please contact Brianne Martin at (404) 683-2220.

Sincerely,

BRIANNE MARTIN Digitally signed by BRIANNE MARTIN
Date: 2026.04.07 14:37:45 -04'00'

Brianne Martin, RPM
Federal Facilities Branch
Superfund and Emergency Management Division

cc: C.L. Bergren, SRNS-ACP
Susan Fulmer, SCDES

Specific Comments:

Specific Comment #1, Executive Summary, Description of the Selected Remedy, p. ii of viii: In the first paragraph, first sentence, please remove the introductory phrase, "[f]or the ICODS L-3, LRP 131-1L, and LRP 131-4L OU," and begin the sentence, instead, with "The selected remedy." The subunits the ROD covers are already established in the earlier sections and using this phrase may introduce uncertainty.

Specific Comment #2, Executive Summary, Description of the Selected Remedy, p. ii of viii: Please add to the end of the second paragraph, the following phrase, "and, therefore, no remedial action is selected for this subunit."

Specific Comment #3, Executive Summary, Description of the Selected Remedy, p. iii of viii: In the first paragraph, the first sentence states that LUCs will be in effect indefinitely, unless ACM is removed to levels that allow for UU/UE. This statement appears to be inaccurate, since the text seems to indicate that both subunits have a contaminant other than ACM (PCBs for ECODS L-3 and benzo(a)pyrene for LRP 131-4L) that merit LUCs. Please clarify whether the necessity for remedial action LUCs is triggered by PCBs and benzo(a)pyrene for these units. If so, then it appears that the first paragraph, first sentence, should be revised to include these other remedy-triggering contaminants. If not, then the text describing the unacceptable risk arising from PCBs and benzo(a)pyrene should be revised to clarify this point.

Specific Comment #4, Section III Highlights of Community Participation, at page 7: The document states, "[p]ublic participation requirements are listed in Sections 113 and 117 of CERCLA (42 USC § 9613[k] and 9617[a])." Please revise to cite "42 U.S.C. §§ 9613(k)(2)(B) and 9617(a)."

Specific Comment #5, Section IX, Description of Alternatives, p. 29 and elsewhere: The first full paragraph, under Alternative A¿8¿Land Use Controls, appears to include a LUCIP as a land use control, equivalent to warning signs and excavation permit restrictions. First, please remove the LUCIP as a LUC. It is not. It is a CERCLA design document that focuses on development and design of the LUC component of the remedy. This confusion is introduced by the third sentence in this paragraph (and other places where this approach is repeated). The following text correctly describes the instruments and their relationship, so please replace the existing third sentence here and elsewhere with:

> Specific LUCs to be used in the remedy at ECODS L-3 and LRP 131-4L include warning/no trespassing signs (related to the presence of asbestos), the SRS Site Use/Site Clearance Program, the RCRA Permit Renewal Application, Volume I, Section F.1, and deed restrictions when the property is transferred outside federal ownership.

Please repeat this pattern for Alternative A-3.

Specific Comment #6, Section X. Comparative Analysis of Alternatives, p. 32, first sentence: The document cites 40 C.F.R. § 300.430(e)(9), which describes the analysis of the nine criteria that

should take place during the feasibility study. Please either replace that citation with 40 C.F.R. § 300.430(f)(5)(i) or cite to both sections, 40 C.F.R. §§ 300.430(e)(9) and (f)(5)(i). The NCP provides in 40 C.F.R. § 300.430(f)(5)(i) that when documenting the remedial action decision in the ROD, "[d]ocumentation shall explain how the evaluation criteria in paragraph (e)(9)(iii) of this section were used to select the remedy."

Specific Comment #7, The Selected Remedy, page 36. Consistent with comment #5 above, in the fourth full paragraph, please delete the fifth sentence and replace it with:

> Specific LUCs to be used in the remedy at ECODS L-3 and LRP 131-4L include warning/no trespassing signs (related to the presence of asbestos), the SRS Site Use/Site Clearance Program, the RCRA Permit Renewal Application, Volume I, Section F.1, and deed restrictions when the property is transferred outside federal ownership.

Specific Comment #8, The Selected Remedy, page 37: The first full paragraph, last two sentences, state that the duration of the LUCs is undetermined, but likely longer than the 30 years assumed for cost. Please rephrase by deleting these last two sentences and adding to the end of the first sentence the phrase, "even though a term of 30 years is used for the limited purpose of cost-estimation." The "duration" is until the remedy is protective of UU/UE, as is stated in the first sentence. The next two sentences introduce confusion.

Specific Comment #9, The Selected Remedy, page 37: In the second full paragraph, please spell out Land Use Control Implementation Plan before LUCIP is used. Please add to the beginning of the first sentence, "As required in the installation-wide Land Use Control Assurance Plan and described in the EPA LUC Checklist available at https://www.epa.gov/sites/default/files/documents/luc_checklist_oswer_directive_9355_6_12.pdf."

Specific Comment #10, The Selected Remedy, page 37: Please delete "Implementation for" in the Subheading "Land Use Control Implementation for ECODS L-3 and LRP 131-4L," and add an "s" after "Control," so that the new subheading reads "Land Use Controls for ECODS L-3 and LRP 131-4L," because the text that follows describes the specific land use controls that are being selected as part of the remedy.

Specific Comment #11, The Selected Remedy, page 37: Please insert the following text, perhaps as a footnote to the Subheading:

> If other specific LUCs are found to be effective during preparation of the LUCIP, they can, in general, be added to the LUCIP without further revision of this ROD, unless the objective of the LUCs is found to be different than the LUC objectives stated in The Selected Remedy section.

Specific Comment #12, The Selected Remedy, page 37: In the second bullet, please delete the phrase, "Institutional controls (i.e., administrative measures) and use restrictions of on-site

workers via", since this bullet should describe the actual LUC, which is the SRS Site Use/Site Clearance Program.

Specific Comment #13, Statutory Determinations, page 41: Please remove the reference in the first and fourth lines to LRP 131-1L since no unacceptable risk for UU/UE was found at that subunit, and, thus, LRP 131-1L does not have LUCs as a selected remedy. As with specific comment #1 above, repeating all three subunit names is confusing. Please name only the subunit and its associated remedial alternative number.

Specific Comment #14, Statutory Determinations, page 42: The second full paragraph, last sentence, states, "The statutory preference for treatment as a principal element of the remedy is not applicable as no PTSM RCOCs were identified at the OU." This statement mischaracterizes the statutory preference for treatment as a principal element of the remedy. This preference is not "triggered" by the presence of principal threat source material or principal threat waste; rather the statutory preference for treatment applies even where there is low-level waste. As stated in EPA guidance, A Guide to Principal Threat and Low Level Threat Waste, 9380.3-06FS, November 1991, at page 3:

> The '"Statutory Determinations" section should discuss how the selected remedy satisfies the statutory preference stated in CERCLA § 121 to select remedial actions "in which treatment which permanently and significantly reduces the volume, toxicity or mobility or the hazardous substances, pollutants, and contaminants is a principal element." In evaluating this statutory preference, the site manager needs to decide whether treatment selected in the ROD constitutes treatment as a major component of the remedy for that site. Remedies which involve treatment of principal threat wastes likely will satisfy the statutory preference for treatment as a principal element, although this will not necessarily be true in all cases (e.g., when principal threat wastes that are treated represent only a small fraction of the wastes managed through containment). Ground water treatment remedies also may satisfy the statutory preference, even though contaminated ground water is not considered a principal threat waste and even though principal threat source material may not be treated.

Further, the guidance directs that a ROD should include in this section "a discussion of how the statutory preference for treatment as a principal element is satisfied or explain why it is not satisfied, stating reasons in terms of the nine evaluation criteria." Accordingly, please revise this sentence to state, "Treatment is not a principal element of the Selected Remedy for ECODS L-3 and LRP 131-4L because land use controls provide protection of human health and the environment while providing the best balance of tradeoffs regarding treatment with respect to implementability, long-term effectiveness, and permanence at a reasonable cost."

Specific Comment #15, Table 5. Cleanup Levels for ECODS L-3, LRP 131-1L, and LRP 131-4L OU, p. 60. Please remove LRP 131-1L since no action was selected for this subunit.

Specific Comment #16, Table 5. Cleanup Levels for ECODS L-3, LRP 131-1L, and LRP 131-4L OU, p. 60: The Toxic Substances Control Act (TSCA), in provision 40 C.F.R. § 761.3, defines a low occupancy area as "any area where PCB remediation waste has been disposed of on-site and where occupancy for any individual not wearing dermal and respiratory protection for a calendar year is: less than 840 hours (an average of 16.8 hours per week) for non-porous surfaces and less than 335 hours (an average of 6.7 hours per week) for bulk PCB remediation waste." Table 6 cites to 40 C.F.R. § 761.61(a)(4)(i)(B), which contains the cleanup level for bulk PCB remediation waste in low occupancy areas. Table 5, however, includes risk-based cleanup levels for PCBs. 40 C.F.R. § 761.61(c) addresses risk-based cleanup and disposal approval, but this provision is not cited in the ARARs in Table 6. Table 5 also includes cleanup levels based on residential land use, which is inconsistent with the definition of low occupancy area under TSCA identified in the ARAR cited in Table 6, which is provided above.

- Please clarify whether you mean to designate a residential use risk-based cleanup level and/or the "high occupancy" TSCA self-implementing level for the two subunits for which a LUC-only remedy was selected.
- Will the LUCs achieve either cleanup level? If not, please identify the cleanup level that the remedy will achieve and/or preserve.
- In addition, Table 5 is inconsistent with the citation to the "low occupancy" level at 40 CFR 761.76(a)(4)(B)(1), in Table 6.

Specific Comment #17, Tabel 6. ARARs for the Selected Remedial Alternative for the ECODS L-3 and LRP 131-4L Subunits, p. 61: The ARARs in Table 6 appear to be action-specific ARARs, not chemical-specific ARARs as the Table sub header on page 61 states.

Specific Comment #18, Tabel 6. ARARs for the Selected Remedial Alternative for the ECODS L-3 and LRP 131-4L Subunits, p. 61: There appears to be an inconsistency among the ARARs. On page 62, in the first entry in Table 6 under the sub heading "Bulk PCB Waste in Place," the document cites to 40 C.F.R. § 761.61(a)(4)(i)(B)(1), which contains the self-implementing procedures for on-site cleanup and disposal of PCB remediation waste for low.occupancy areas where the PCB concentrations are ≤25 ppm. The provision also indicates that such waste may remain at a cleanup site at such concentrations (≤25 ppm) without a fence, signs, or a cap. Compare 40 C.F.R. § 761.61(a)(4)(i)(B)(1) with 40 C.F.R. §§ 761.61(a)(4)(i)(B)(2) and (3). In contrast, the other PCB ARARs cite to requirements in 40 CFR 761.61(a)(8), which are warranted only where the PCB contamination levels are above 25 ppm. Please clarify and revise according to the following.

- Is the bulk PCB waste at the ECODS L-3 Subunit present in a concentration under ≤25 ppm? If so, for the reason stated above, the additional PCB related ARARs included in Table 6 on page 62 regarding deed restrictions for caps, fences and low occupancy areas that cite 40 C.F.R. § 761.61(a)(8) are not required and should be removed. (This would appear to be supported by the LUC-only and no action nature of the remedies for the three subunits in this ROD.)

- Is the bulk PCB waste at the ECODS L-3 Subunit is >25 ppm and ≤50 ppm or >25 ppm and ≤100 ppm? If so, then a fence or a fence and a cap would be required per 40 C.F.R. §§ 761.61(a)(4)(i)(B)(2) or (3) and the ARARs included in Table 6 would need to be more comprehensive.

Minor Comments:

Minor Comment #1, Declaration, Description of the Selected Remedy, page iii: Consider combining the first bullet point into one sentence, as it now contains two incomplete sentences. A suggested revision is: "[w]arning signs posted at the ECODS L-3 and LRP 131-4L subunits around the waste unit boundaries/areas, including operations and maintenance of the signage."

Minor Comment #2, Section Site And Operable Unit Compliance History, Subsection Operable Unit and Compliance History, LRP 131-4L Subunit, Page 7, end of first incomplete paragraph: The document states, "[t]his feature acts as a maximum subunit boundary in leu [sic] of confirmatory borings to define the exact extent of buried waste." Should "leu" be replaced by "lieu"?

Minor Comment #3: On page 31, Alternative B-3, third sentence: The document states "[t]his alternative would also require LUCs through the use of warning and no trespassing signs, excavation permit restrictions, a LUCIP, and deed restrictions would be put into place to preclude activities that could cause exposure to contaminated media exceeding acceptable risk levels in the even [sic] the property were to be transferred out of federal ownership." Should it be "acceptable risk levels in the event the property . . ." rather than "in the even."