



Department of Energy
Savannah River Operations Office
P.O. Box A
Aiken, South Carolina 29802

APR 11 2023

Ms. Susan B. Fulmer, P.G., Manager
Federal Remediation Section
Division of Site Assessment, Remediation and Revitalization
Bureau of Land and Waste Management
South Carolina Department of Health and Environmental Control
2600 Bull Street
Columbia, South Carolina 29201

Mr. Jon Richards
Savannah River Site Remedial Project Manager
Superfund and Emergency Management Division
U. S. Environmental Protection Agency, Region 4
61 Forsyth Street, SW
Atlanta, Georgia 30303

Dear Ms. Fulmer and Mr. Richards:

SUBJECT: Explanation of Significant Difference for the Revision 1 Record of Decision Remedial Alternative Selection for the Wetland Area at Dunbarton Bay in Support of Steel Creek Integrator Operable Unit (U) (SRNS-RP-2022-00982, Revision 1 Redline, April 2023) and Savannah River Site's Responses to the Regulatory Comments on the Revision 0 Document, SEMS Number: 71

In accordance with the terms of the Federal Facility Agreement, the U.S. Department of Energy (DOE) is submitting the subject document for your review and approval. The U.S. Environmental Protection Agency (EPA) and the South Carolina Department of Health and Environmental Control (SCDHEC) provided comments on the Revision 0 document on February 13, 2023, and February 27, 2023, respectively. This submittal includes the Savannah River Site's responses to your comments on the Revision 0 report and the incorporation of the responses into the Revision 1 Redline document. Please review the enclosures and provide your approval within thirty (30) days of receipt. The effort and time that the SCDHEC and EPA have given on the subject operable unit are greatly appreciated.

Questions from you or your staff may be directed to me at (803) 952-8365, or the DOE Operable Unit Manager, Karen Adams, at (803) 952-7871.

Sincerely,

Brian T. Hennessey Digitally signed by Brian T. Hennessey
Date: 2023.04.10 10:49:25 -04'00'

Brian T. Hennessey
FFA Project Manager, DOE-Savannah River
Remediation and Deactivation & Decommissioning Division

RDDD-23-003

APR 11 2023

Ms. Susan Fulmer
Mr. Jon Richards

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Enclosures:

- 1) Explanation of Significant Difference for the Revision 1 Record of Decision Remedial Alternative Selection for the Wetland Area at Dunbarton Bay in Support of Steel Creek Integrator Operable Unit (U) (SRNS-RP-2022-00982, Revision 1 Redline, April 2023) SEMS Number: 71
- 2) SRS Responses to United States Environmental Protection Agency/Offices of Regional Counsel Comments on the Explanation of Significant Difference for the Revision 1 Record of Decision Remedial Alternative Selection for the Wetland Area at Dunbarton Bay in Support of Steel Creek Integrator Operable Unit (U) (SRNS-RP-2022-00982, Revision 0, January 2023) SEMS Number: 71
- 3) SRS Responses to SCDHEC Comments on the Explanation of Significant Difference for the Revision 1 Record of Decision Remedial Alternative Selection for the Wetland Area at Dunbarton Bay in Support of Steel Creek Integrator Operable Unit (U) (SRNS-RP-2022-00982, Revision 0, January 2023) SEMS Number: 71

cc w/o encl:

J. Blalock, SCDHEC-Columbia
S. French, SCDHEC-Columbia
M. Reece, SCDHEC-Columbia
G. K. Taylor, SCDHEC-Columbia
G. Stewart, SCDHEC-Columbia
T. R. Fuss, SCDHEC-Aiken Environmental Affairs Office
G. O'Quinn, SCDHEC-Aiken Environmental Affairs Office
B. A. Cameron, SCDHEC-Aiken Environmental Affairs Office
K. L. Beatty, SCDHEC-Aiken Environmental Affairs Office
H. L. Herlong, SCDHEC-Aiken Environmental Affairs Office

cc w/ encl:

M. McRae, TechLaw, Inc.

**SRS Responses to
United States Environmental Protection Agency/Offices of Regional Counsel Comments on
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General Comments

1. Recommend adding additional information to clarify/further explain the change from excavation to expanded LUCs. For example, are perched water conditions in SARA persistent or seasonal? Are perched water conditions present in the entire SARA? Are perched water conditions present in the additional ash area? Regarding the planned disposal volume at the waste receiving facility – why not partially excavate drier areas of SARA and additional ash (if existing) and fill waste receiving facility to capacity? Regarding cost increases -- is the \$5.8 million estimate from the ESD an additional amount beyond the range of the \$11,535,146 cost estimate in the ROD? What was the cost to complete the remedy in NARA? The \$5.8 million cost to complete excavation by itself does not justify a change, it should be clear that this exceeds the ROD estimate, and by what amount.

Response: Clarification/Agree.

The presence of hydric soils underlying the ash depositional area within the SARA and additional ash area indicates the perched water condition is a persistent condition that would hamper ash removal regardless of the seasonal aspect. In the *Soil Survey of the Savannah River Plant Area, Parts of Aiken, Barnwell, and Allendale Counties, South Carolina*, the type of soil present, “Pickney sand” is described as frequently flooded and poorly drained for long periods. These soils are located on floodplains/historic floodplains that have no well-defined channels. The Soil Survey also states that the “flooding and the wetness severely restrict the use of equipment,” therein referring to vehicles. As such, continued/partial excavation is not being pursued.

The estimated cost of \$11,535K in the ROD includes capital costs associated with excavation of ash from the NARA and SARA, installation of LUCs for the wetland and buffer area, and O&M costs associated with inspection and maintenance of the area to remain under LUCs for a period of 200 years. The capital costs as reported in the ROD, \$9,826K, were from an estimate prepared in 2013 (Focused CMS/FS SRNS-RP-2012-00252). The actual incurred costs to date, \$10,747K, as reported in the Post Construction Report (SRNS 2020) are associated with remediation of the NARA, and the initial remediation activities in the SARA (~0.4-ha [1-ac]). The Post Construction Report (SRNS 2020) provides an explanation of the difference between the incurred costs and the ROD cost estimate. The \$5.8M additional cost, as provided in the ESD, represents the additional capital costs that would be incurred to complete the excavation in the SARA based on the subcontractor estimates

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provided after the wet conditions and the additional acre of ash were discovered in 2019, as well as cost escalation factors from 2019 to 2023. The costs provided in the ESD were meant to compare the costs of continuing with the excavation as planned in the ROD vs. modifying the remedy to expand the LUCs. Section IV, Description of Significant Difference, will be modified to address the ROD estimate as described in the response to Specific Comment #8.

Responsible Party: Susan Blas, (803) 952-6904, susan.blas@srs.gov

2. The “ESD Checklist” referenced below is Highlight 7-2 in *A Guide to Preparing Superfund Proposed Plans, Records of Decision, and Other Remedy Selection Decision Documents*.

Response: Agree.

The ESD was developed following previously approved ESDs as templates for this most recent SRS deliverable. The reference to the ESD Checklist is appreciated.

Responsible Party: Susan Blas, (803) 952-6904, susan.blas@srs.gov

Specific Comments

1. Page 3 – Update SEMD signature name.

Response: Agree.

The Superfund and Emergency Management Division Director for US EPA Region 4 will be changed to Randall Chaffins.

Responsible Party: Susan Blas, (803) 952-6904, susan.blas@srs.gov

2. Page 9, first paragraph, first sentence – Per ESD Checklist, include site location in the introduction. Recommended edit: “...the lead agency for remedial activities at the Savannah River Site, near Aiken, South Carolina, with concurrence by...”

Response: Agree.

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Section I, Introduction, will be modified as follows to include the site location as recommended:

“This Explanation of Significant Difference (ESD) is being issued by the United States Department of Energy (USDOE), the lead agency for remedial activities at the Savannah River Site (SRS), near Aiken South Carolina, ~~for remedial activities,~~ with concurrence by the United States Environmental Protection Agency (USEPA) – Region 4 and the South Carolina Department of Health and Environmental Control (SCDHEC).”

Responsible Party: Monique Rabin, (803) 952-6695, monique.rabin@srs.gov

3. Page 9, first paragraph, last sentence – Per ESD Checklist, Include date of ROD signature. Recommended edit: “...as selected in the Record of Decision, dated XXXXX, land use controls...”

Response: Agree.

Section I, Introduction, will be modified as follows to include the date of the signed Record of Decision:

“The purpose of this ESD is to announce that in lieu of ash excavation and disposal for the ash overflow area at the Wetland Area at Dunbarton Bay (WADB) in support of Steel Creek Integrator Operable Unit (IOU) as selected in the Record of Decision (ROD) issued on June 20, 2018, land use controls (LUCs) will be expanded as the remedial action for the remaining ash in the form of signage and institutional controls.”

Responsible Party: Monique Rabin, (803) 952-6695, monique.rabin@srs.gov

4. Page 9, section I – Per ESD Checklist, include summary of circumstances that led to the need for an ESD. For example, add sentence at the end of this section to state that the change is the result of the discovery of additional ash and saturated ground conditions, and the additional cost to complete excavation and disposal.

Response: Agree.

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The following sentence will be added to the end of the first paragraph in Section I, Introduction, to summarize the circumstances that led to the need for the ESD:

“...of signage and institutional controls. “The change to expand the LUC boundary, in lieu of continued excavation of ash, is the result of the discovery of additional ash and the saturated conditions encountered during remedial activities, disposal volume limitations, increased costs for excavation and disposal, and the protectiveness of human health and the environment provided by LUCs.””

Responsible Party: Monique Rabin, (803) 952-6695, monique.rabin@srs.gov

5. Page 11, first paragraph under *Previous Action* – Recommend adding more detail regarding total volume of soil excavated. The document states the ROD included excavation and disposal of 16,820 m³ of contaminated soil. How much of that total was removed from NARA? How much, if any, was excavated from SARA before excavation was suspended? How much contaminated soil of the original 16,820 m³ is remaining in this area? Also, the area of additional ash is stated; if known, add the volume of additional ash that would have to be excavated from this area.

Response: Agree. The estimate of ash outside of the wetland and buffer area as presented in the ROD (16,820 m³/ 22,000 yd³) was low due to ash being deeper than anticipated in several areas in the NARA and SARA and due to the discovery of an additional acre of ash found outside of the boundaries of the SARA. The total ash removed during remediation of the NARA and initial excavation activities in the SARA (17,323 m³/ 22,658 yd³) exceeded the ROD estimate. Volumes of ash removed from the NARA and SARA, as well as the volume of ash remaining in the SARA, outside of the wetland and buffer area, where 44,512 m³ (58,220 yd³) of ash is estimated to remain, will be added to the text in the first paragraph under the *Previous Actions* heading:

“The design for the implementation of the selected remedy for the WADB OU consisted of two distinct areas of ash excavation: the North Ash Remediation Area (NARA) and the South Ash Remediation Area (SARA) (Figure 2). The volume of ash removed from the NARA and SARA is presented in the Post Construction Report (SRNS 2020). The remedial action for the NARA is complete and supports unrestricted land use. Excavation activities in the SARA were intended to be executed beginning with the section adjacent to the buffer area. However, following initial excavation activities in the SARA, a status meeting was held in June 2019 with the Core Team (i.e., USDOE, USEPA, and SCDHEC) to discuss field”

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conditions due to the discovery of the presence of shallow perched water and additional ash discovered outside of the limits of the ash boundary adjacent to the SARA (Figure 3). The area of additional ash was delineated to be ~0.4 ha (~1 ac). The additional ash discovered would exceed the capacity of the disposal cell that was constructed at the waste receiving facility. The volume of ash remaining outside of the wetlands and buffer area is estimated to be 16,820 m³ (22,000 yd³). Due to the additional ash discovered, saturated conditions, and disposal volume limits established by the waste receiving facility, the decision was made to suspend further remediation of the remaining SARA (SRNS 2020).”

Responsible Party: Monique Rabin, (803) 952-6695, monique.rabin@srs.gov

6. Page 11, first paragraph under *Selected Remedial Action* – Capitalize “Dunbarton bay” to “Dunbarton Bay.”

Response: Agree. Dunbarton bay will be revised to Dunbarton Bay.

Responsible Party: Susan Blas, (803) 952-6904, susan.blas@srs.gov

7. Page 12, first paragraph under Section IV – The document states that excavation in SARA was “suspended” and expanded LUCs are “in lieu of” excavation. Recommend using more specific language. If accurate, state explicitly that no further excavation will occur in the SARA and newly discovered ash area.

Response: Agree. The first paragraph under Section IV, Description of Significant Difference, will be modified as follows:

“The significant difference described in this ESD is to expand the LUC boundary to include the SARA and additional ash to the east of the SARA ~~in lieu of excavating and disposing of the ash.~~ Expansion of the LUC boundary will be protective of human health and the environment without additional excavation and disposal of the ash.”

Responsible Party: Susan Blas, (803) 952-6904, susan.blas@srs.gov

8. Page 12, last paragraph under Section IV – The document states the estimated costs for expanded LUCs vs. continued excavation and offsite disposal but does not explain how

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these values were calculated. Recommend adding additional detail for cost estimates, and a supporting reference.

Response: Agree. The \$5.8M is based on the increased costs that the subcontractor estimated due to the saturated field conditions along with an escalation factor from 2019 to 2023 dollars. The last paragraph of Section IV, Description of Significant Difference, will be revised to state;

“The expanded LUCs are estimated to cost approximately \$50,000. It is estimated that pursuing continued excavation and offsite disposal of the SARA and additional ash would cost approximately \$5.8 Million due to the saturated field conditions along with an escalation factor from 2019 to 2023 dollars. This additional cost would result in a total remedial cost for the WADB that exceeds the ROD estimate.”

Responsible Party: Monique Rabin, (803) 952-6695, monique.rabin@srs.gov

9. Pages 12-13, Section V – Per ESD Checklist, this section should state specifically that the modified remedy satisfies CERCLA §121. Recommend adding a sentence in this section stating, e.g. “The modified remedy remains protective of human health and the environment and satisfies CERCLA §121, 42 United States Code §9621.”

Response: Agree. The recommended sentence will be added to Section V, Statutory Determinations, as follows:

“The nine criteria used to compare alternatives were derived from the statutory requirements of CERCLA Section 121. The NCP [40 Code of Federal Regulations Section 300.430 (e) (9)] sets forth nine evaluation criteria that provide the basis for evaluating alternatives and selecting a remedy. Because LUCs were selected as part of the remedy for the WADB (SRNS 2018a), an additional comparison of remedial alternatives is not required. The modified remedy remains protective of human health and the environment and satisfies CERCLA §121, 42 United States Code §9621.”

Responsible Party: Joe Burch, (803) 952-6660, joseph.burch@srs.gov

10. Page 12, second paragraph under Section V – The statement that an ESD generally does not reopen ARAR considerations is too broad. This statement should be revised to relate to this specific project. Recommended replacing this paragraph with: “This ESD expands

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the LUC area previously described in the ROD, but does not otherwise change an active remedy component; therefore reconsideration of Applicable or Relevant and Appropriate Requirements (ARARs) is not required in this case.”

Response: Agree. The recommended sentence will be added to Section V, Statutory Determinations, as follows:

“An ESD generally does not reopen consideration of Applicable or Relevant and Appropriate Requirements (ARARs). In addition, the only new component added to the ROD are expanded LUCs which do not necessitate an additional ARAR evaluation. This ESD expands the LUC area previously described in the ROD but does not otherwise change an active remedy component; therefore, reconsideration of Applicable or Relevant and Appropriate Requirements (ARARs) is not required.”

Responsible Party: Joe Burch, (803) 952-6660, joseph.burch@srs.gov

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General Comments

1. As per the Savannah River Site's response to SCDHEC comments on the Preferred Remedial Action and Regulatory Strategy for Remaining Savannah River Site's Coal Ash and Coal Fines Operable Units (U) (IACD-22-166), the appropriate ARARs for the Industrial Wastewater closure criteria are to be considered and listed in the closure documents (Specific Comment #2). Although ARARs are not typically listed in an ESD, this commitment was made after the issue of the Revision 1 Record of Decision (ROD) and these specific ARARs were not considered in the ROD. Please address these ARARs in either a table or by a written statement in the revised ESD.

Response: Clarification.

SRS responses cited in IACD-22-166 were generalized to apply to all the ash units that were being discussed in IACD-22-166; with several of the units still having open industrial wastewater treatment (IWT) permits. The response was not intended to address each unit in the same context since a ROD (with an ARAR evaluation) had already been signed and implemented for WADB, unlike the other units.

Ash from operation of the coal-fired powerhouse in P Area was transferred to the P-Area Ash Basin (PAB) from 1951 to 1991. The PAB was permitted on June 22, 1981 as a wastewater facility as part of Permit #7292. During the years of 1973 to 1974 and prior to issuance of the permit, significant amounts of ash within the PAB were removed and placed around the perimeter of the basin and along the access road that led to the basin. In 2010, the Core Team agreed that a non-time critical removal action was appropriate for the PAB, and concurrence on the *Removal Site Evaluation Report/Engineering Evaluation/Cost Analysis (RSER/EE/CA) for the P-Area Ash Basin (including Outfall P-007) and the R-Area Ash Basin* (SRNS-RP-2009-01064, Revision 1, January 2010) was reached in 2010. As documented in the RSER/EE/CA, the removal action would achieve closure consistent with SCDHEC regulations, SC R.61-82, *Proper Closeout of Wastewater Treatment Facilities*. On June 23, 2011, SCDHEC personnel performed an inspection of the PAB and responded via letter (*RE: LOA-003838, Revision 1 – Closure Plan for P-Area Ash Basin, Mullinax to Millings, May 4, 2010*) that the Department was satisfied that closure of PAB was conducted in accordance with the approved closure plan, and the permit for PAB is considered closed by the Department.

An area of ash overflow was discovered during the removal activities in 2010 at the PAB that are the subject of this Explanation of Significant Difference (ESD). The Core Team agreed that this ash overflow area was outside the scope of the removal

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action for the PAB, and the overflow was administratively transferred to the Steel Creek IOU in 2010 and named the Wetland Area at Dunbarton Bay (WADB). In 2013, a Focused Corrective Measures Study/Feasibility Study Report (CMS/FS) (SRNS-RP-2012-00252, Rev 1.1, April 2013) was submitted and approved that evaluated six remedial alternatives for the WADB. WADB is a solid waste management unit within the Steel Creek IOU, and there is no active IWT permit to consider for closeout. In addition, the water closeout regulation does not specifically address a hazardous substance, pollutant, contaminant, remedial action, location, or other circumstance at a CERCLA site. For these reasons, the IWT closure criteria (SC R.61-82), were determined to not be an Applicable or Relevant and Appropriate Requirement (ARAR) in the CMS/FS for any of the six alternatives and was not included in any remedial decision documents.

The Record of Decision Remedial Alternative Selection for the Wetland Area at Dunbarton Bay in Support of Steel Creek Integrator Operable Unit (SRNS-RP-2013-00730, Rev. 1, April 2018) was issued on 6/20/2018 and selected Alternative A-3b Excavation of Ash and Off-SRS Containment and LUCs as the final remedy. Consistent with the CMS/FS remedial alternative evaluation, the ROD does not include the IWT closure criteria (SC R.61-82) as an ARAR for the selected remedial action for the reasons explained above. Because the ESD for the WADB only expands the LUC boundary for the WADB beyond the initial area established for Dunbarton Bay in the ROD, reconsideration of the IWT closure criteria in the ESD would not be appropriate.

To clarify the relationship between the PAB and the WADB in the context of the closure of the IWT permit, the following text will be added to the end of the first paragraph of Section II, Site History and Selected Remedy, section of the ESD:

“.... The PAB is was an unlined, earthen containment basin that received sluice from 1951 to 1991 (SRNS 2013a) and closed as part of a separate removal action prior to the WADB remedy implementation. The industrial wastewater permit that was issued in 1981 and associated with the PAB was closed as part of the prior removal action.

WADB is a solid waste management unit within the Steel Creek IOU, and there is no active IWT permit to consider for closeout. In addition, the water closeout regulation does not specifically address a hazardous substance, pollutant, contaminant, remedial action, location, or other circumstance at a CERCLA site. For these reasons, the IWT closure criteria (SC R.61-82), were determined to not be an Applicable or Relevant

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and Appropriate Requirement (ARAR) in the CMS/FS for any of the six alternatives and was not included in any remedial decision documents."

SRS agrees with the EPA Office of Regional Counsel, Specific Comment 10, and will emphasize and provide a clearer explanation for not reopening ARAR considerations in the ESD. The ESD, Section V, will be revised to include the EPA recommended language as follows:

"An ESD generally does not reopen consideration of Applicable or Relevant and Appropriate Requirements (ARARs). In addition, the only new component added to the ROD are expanded LUCs which do not necessitate an additional ARAR evaluation. This ESD expands the LUC area previously described in the ROD but does not otherwise change an active remedy component; therefore, reconsideration of Applicable or Relevant and Appropriate Requirements (ARARs) is not required."

Responsible Party: Joseph Burch, (803) 952-6660, joseph.burch@srs.gov

2. The Wetland Area at Dunbarton Bay (WADB) is a RCRA 3004(u) Solid Waste Management Unit/CERCLA subunit. Issuing an Explanation of Significance Difference (ESD) will require the Division of Waste Management (DWM) to revise the Appendix VIII-A Solid Waste Management Unit Remedy Selection of SRS RCRA Hazardous and Mixed Waste Permit (RCRA Permit). The DWM will capture the ESD in Appendix VIII-A in a future modification to the RCRA Permit.

Response: Agree.

The Solid Waste Management Unit Remedy Selection listed in Appendix VIII-A of the SRS RCRA Hazardous and Mixed Waste Permit will be revised in a future modification to the permit for the WADB as follows:

"The Wetland Area at Dunbarton Bay shall be remediated by the Permittee by: partial excavation of ash and contaminated soil media; transportation of the waste offsite and implementing Land Use Controls as documented in the approved Statement of Basis/Proposed Plan (Rev. 1; 9/13), and the effective Record of Decision for the Wetland Area at Dunbarton Bay in Support of Steel Creek Integrator Operable Unit (SRNS-RP-2013-00730 Rev. 1, April 2018), and the Explanation of Significant Difference for the Revision 1 Record of Decision Remedial Alternative Selection for the Wetland Area at Dunbarton Bay in Support of Steel Creek Integrator Operable Unit (U), (SRNS-RP-2022-00982, Revision 1, April 2023)".

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Responsible Party: Joseph Burch, (803) 952-6660, joseph.buurch@srs.gov

3. It would be helpful to state that the WADB is a RCRA/CERCLA unit in the Introduction of the ESD.

Response: Agree.

Section I, Introduction, of the ESD will be revised to state that the WADB is a RCRA/CERCLA unit as shown below:

“The WADB is listed as a Resource Conservation Recovery Act 3004(u) Solid Waste Management Unit/ Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Unit in Appendix C of the FFA for SRS (FFA 1993). Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 117(c), SRS is required to publish an ESD whenever there is a significant change to a component of a remedy specified in the ROD.”

Responsible Party: Joseph Burch, (803) 952-6660, joseph.buurch@srs.gov