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Governor

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DEPARTMENT OF ENVIRONMENTAL QUALITY

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Mr. Don Bahnke
Project Manager-SUPR-FFSE
Environmental Protection Agency Region 7
901 North 5th Street
Kansas City, KS 66101

RE: Review of February 2004 Documents titled "Draft Remedial Investigation, Residential Yard Soil, Omaha Lead Site" and "Draft Feasibility Study, Residential Yard Soil, Omaha Lead Site"
IIS No. 069981
Prog ID No. NESFN0703481

Dear Mr. Bahnke:

The Nebraska Department of Environmental Quality (Department) has reviewed the above-referenced documents prepared on EPA's behalf by Black & Veatch Special Projects Corporation. Presented below are NDEQ's comments and concerns. Specific comments are referenced by report section and subsection heading as found in the report.

Draft Remedial Investigation

2.1 Purpose of Report

- Bullet 2 – "Sampled approximately 200 randomly selected residential properties for interior dust." This should be revised to state that 159 residential properties were sampled.

2.2 Dust Sampling and Demographic Survey

- This section indicates that 159 homes were sampled for interior dust and administered a demographic survey. The approved Remedial Investigation/Feasibility Study workplan indicated that 550 homes would be completed. Please explain the rationale for not obtaining the information for all 550 homes and the effect the reduced information will have, if any, on the Risk Assessment, the soil cleanup number, or in the development of public health education activities discussed as part of the remedial alternative in the Feasibility Study report.



Draft Feasibility Study

4.1 Remedial Action Objectives

- The RAO does not contain a soil cleanup number. The RAO states that the objective is to “reduce public exposure...”. The NDEQ is aware that the soil cleanup number would be based on the Risk Assessment, which has not been completed at this time. The Department believes that a soil cleanup number should be provided in the Feasibility Study in order to evaluate the remedial alternatives.

5.2.2 Alternative 2

- Alternative 2 proposes to treat lead contaminated soils with phosphate (applied as phosphoric acid) at residences where the lead concentrations in the soil is greater than 400 mg/kg but less than 800 mg/kg. It is our understanding that EPA has determined this is an appropriate treatment method based on the results of a pilot treatment test conducted near Joplin, Missouri. NDEQ is concerned that the results of the pilot test conducted in Missouri may not be a reliable indicator that the phosphate stabilization method will be equally successful in Omaha, Nebraska. Some of the loess-derived soils in Omaha contain significant concentrations of calcium carbonate, resulting in somewhat alkaline soil conditions. Although we have not reviewed the characteristics of the soils in Missouri, it is our understanding the soil in Joplin may have significantly different chemical properties because the lead contaminated soil is derived from mine spoils. The lead in the mine spoils occurs as lead sulfide and sulfides often cause acidic soil conditions. Therefore, the chemical buffering capacity of the soils is likely to be different, and consequently the effectiveness of the phosphoric acid may be quite different. NDEQ requests that EPA conduct a pilot test to evaluate the effectiveness of phosphate treatment of the lead contaminated soils in Omaha.
- Alternative 2 also proposes the use of institutional controls. NDEQ believes it is impractical to place individual controls on each residential property and will not be supported by the community. Obtaining input from the community on the use of institutional controls will be important during future public meetings. This comment also applies to Alternative 3.

5.2.3 Alternative 3

- The end of this section under institutional controls indicates that “the long-term repository would be maintained by the local governments.” Please explain what maintenance activities are proposed, which local government would be responsible, and who will pay for the maintenance activities.

Table 6-2 Potential State Action-Specific ARARS

- Title 132 – Integrated Solid Waste Management Regulations, Chapters 3, 7, and 13 are not stated as an ARAR for the disposal of any excavated soils. These are the State of Nebraska regulations pertaining to solid waste management and the permitting requirements for solid waste disposal areas. As the lead contaminated soil has not met the definition of hazardous waste and can be disposed of in a permitted municipal solid waste disposal area (MSWDA), these regulations should be listed in the ARARs.

- The NDEQ has identified other possible alternatives for the management of any excavated soils. The alternatives are:

The soil could be used as fill material in a lined cell to bring the cell to final grade prior to placement of the final cover system at a permitted MSWDA.

Soil could be used at a permitted MSWDA in need of alternative daily cover (ADC).

- Nebraska Revised Statute 13-1701 to 13-1714 would also need to be listed in this table related to obtaining local siting approval for any soil repository that would be proposed.
- Title 128 - Nebraska Hazardous Waste Regulations are stated under the heading "Applicable Requirements." The lead contaminated soil has not met the definition of hazardous waste. Title 128 should be moved under the heading "To Be Considered" in the event that any of the soils would be considered hazardous waste.

Tables 6-3 and 6-4

- The costs associated with the soil repository are unclear related to the following areas: 1) the design and site preparation costs should be pursuant to Title 132, Chapter 3, 003 design requirements, 2) the vegetative cover costs should be pursuant Title 132, Chapter 3, 005 final cover system requirements, 3) the operation and maintenance costs should be pursuant to Title 132, Chapter 3, 006 post-closure maintenance and monitoring requirements, and 4) the monitoring of institutional controls.

If you have any questions regarding this letter, please call Todd Davis or me at 402-471-3388.

Sincerely,



Mike Felix, Section Supervisor
Remediation Section
Waste Management Division

CC: Tanya Cook, Governor's Office
Todd Davis, NDEQ Eastern Field Office
Sue Dempsey, NHHSS