From:	Sheldrake, Beth
To:	Williams, Jonathan
Cc:	McDonnell, Kimberlee
Subject:	lepic foia - redevelopment language in the IRODA and RTC
Date:	Thursday, January 08, 2015 4:49:42 PM

Response to Comments:

Comment Summary: 289 comments were received supporting redevelopment of the FMC OU for commercial and/or industrial purposes after the remedy has been implemented. 9 comments stated redevelopment is unlikely at a Superfund site with subsurface elemental phosphorus contamination.

EPA Response: As the property owner interested in selling land it has no plans to use, FMC is motivated to work with interested parties to pursue potential commercial or industrial redevelopment at the FMC OU. FMC has publicly taken this position with all interested governmental entities. The FMC OU covers approximately 1,450 acres; approximately 480 acres will have either a gamma or evapotranspiration cap and the capped RCRA ponds cover approximately 62 additional acres.

Market forces will likely most strongly influence future land development. Areas with caps are likely more difficult to develop because they will have more future use restraints than areas that have been less impacted by operations. Additionally, rail spurs and energy infrastructure will likely influence development depending on the needs of prospective users. Environmental easements (or possibly covenants) will be placed on the property to prevent the disturbance of the implemented remedy and exposures to subsurface contamination. These use restrictions and/or obligations will be part of ownership of the land and cannot be terminated if a subject property (the FMC OU consists of numerous separate land parcels, most of which are within the
Fort Hall Indian Reservation) is transferred. They will remain in effect from owner to owner for as long as they may be needed.

While EPA will continue to provide oversight after the remedy is implemented, it will be up to FMC, commercial interests, and the government with jurisdiction to develop the property to the extent the market will support in a manner consistent with the remedy.

If a redevelopment option is identified during remedial design that would provide equal protection from radiation exposure, this could be incorporated into the remedial design. For instance, many likely redevelopment projects would include asphalt or concrete parking lots and/or other areas that could be designed to meet the same protective standards as a gamma cap

FMC Specific Comment 33: *Section 7.2.1, sentence 4, page 42: "If a redevelopment option is identified during remedial design that would provide equally protective shielding…" As stated in*
FMC's general comment #1, FMC supports EPA's incorporation of redevelopment into remediation of areas of the site. However, the inclusion of redevelopment under Section 7.2.1 Topsoil Cover while not also acknowledging potential future redevelopment under Section 7.2.2
Evapotranspiration (ET) Cap is not fully consistent with Section 9.0. The first bullet under

Section 9.0, Proposed Alternative, does not limit redevelopment to any specific "cap type" but, consistent with EPA guidance, allows "integration of a reuse / redevelopment option if development plans are timely identified during the remedial design…" The discussion of redevelopment in Section 7.2.1 should be deleted to eliminate the perception of inconsistency with the overall goal of promoting maximum reuse / redevelopment of the site consistent with the remedial action.

EPA Response to Specific Comment 33: The IRODA does not preclude potential redevelopment in any area of the FMC OU, though it does make clear that redevelopment options or future uses are more limited in ET capped areas.

IRODA

8.2.1 Gamma Soil Covers

A gamma soil cover involves placement of at least 1 foot of native soil over fill or soil containing slag or ore to eliminate gamma exposures. Exposure rate measurements at FMC OU test plots have shown that 1 foot of native soil cover is sufficient to reduce exposure to gamma radiation to meet the soil radiological RAOs. This cover, with the appropriate Common Elements (primarily Institutional Controls, Soil/Fill Management, Cap/Cover Monitoring) achieves the RAOs for potential human exposure pathways for: (1) gamma radiation, (2) incidental ingestion, (3) direct dermal exposure, and (4) inhalation of fugitive dust. If a land use redevelopment option is identified during RD that would provide equally protective shielding, it could be incorporated into the RD. For instance, many likely redevelopment projects would include asphalt or concrete parking lots and/or other areas that could be designed to meet the same protective standards as a gamma soil cover.

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