

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 500  
DENVER, COLORADO 80202-2466

AUG 27 1993

Ref: 8RC

Mr. Ralph Morgenweck  
Regional Director  
U.S. Fish and Wildlife Service  
P.O. Box 25486  
Denver Federal Center  
Denver, Colorado 80225

Re: Letter from Donald Gober dated August 4, 1993

Dear Mr. Morgenweck:

Enclosed is a copy of a letter we recently received from Dr. Donald Gober, Project Leader for the U.S. Fish and Wildlife Service at the Rocky Mountain Arsenal. I was very surprised by the content and tone of this letter. As you know, EPA has always considered USFWS an essential partner in converting the Rocky Mountain Arsenal from a highly contaminated Superfund site to a safe and attractive National Wildlife Refuge. Until recently, however, we believed that the role of our respective agencies was clear to everyone involved in this project.

Pursuant to CERCLA and the National Contingency Plan (NCP), it is the role of the lead agency, in this case the Army, to conduct remediation at the Arsenal. The Army must seek the concurrence of EPA in its remedy decisions. As Dr. Gober has correctly pointed out, the USFWS is involved as a natural resource trustee, but that does not confer on the USFWS the remediation authority apparently envisioned by Dr. Gober. Nor has the Arsenal Refuge Act changed the Service's authority under CERCLA. The Act states that response actions are to be carried out by the Army in accordance with CERCLA and that:

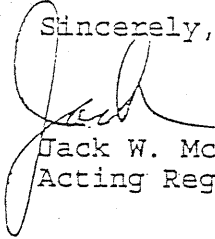
In the case of any conflict between management of the property by the Secretary of the Interior and any such response action or other action, the response action or other action shall take priority.

In the upcoming months we will be facing many important decisions at the Arsenal. Cooperation by all agencies involved will be essential to achieving the result envisioned by the Refuge Act. If there is a fundamental difference of opinion between our agencies concerning the appropriate roles we play in remediation, I would like to resolve any disagreement as soon as possible. Toward that end, I request that you give this matter

your personal attention and contact me in the near future. I believe it would be beneficial for us to meet to resolve any misunderstandings.

I appreciate your attention to this matter and look forward to a swift resolution of any disagreement so that we may resume an efficient and cooperative effort.

Sincerely,



Jack W. McGraw  
Acting Regional Administrator

Enclosure

cc (with enclosure):

John Spinks, USFWS  
Robert Jacobsen, USFWS  
Gina Guy, Reg. Solicitor, DOI  
Lewis D. Walker, Army  
Col. Eugene Bishop, Army  
Capt. Jonathan Potter, TJAG  
Tom Looby, CDH  
David Shelton, CDH  
Vicky Peters, Colorado AG's Office  
Ray Lopez, Shell  
Ed Benton, Shell  
Brad Bridgewater, Department of Justice



# United States Department of the Interior



FISH AND WILDLIFE SERVICE  
Rocky Mountain Arsenal National Wildlife Area  
Building 111  
Commerce City, Colorado 80022-2180

IN REPLY REFER TO:

September 1, 1993

Office of the Program Manager  
for Rocky Mountain Arsenal  
AMXRM-PM (ATTN: Mr. Kevin Blose)  
Building 111  
Commerce City, Colorado 80022-1748

Dear Mr. Blose:

The U.S. Fish and Wildlife Service (Service) has reviewed the draft Detailed Analysis of Alternatives (DAA) for Rocky Mountain Arsenal National Wildlife Area (Arsenal) and offers the following comments:

## General Comments

Ebasco and the other preparers of this document should be congratulated for completing this monumental task. The Service is in general agreement with the conceptual approach to contaminants remediation as proposed in the DAA. However, its release prior to the completion of the Integrated Endangerment Assessment (IEA) appears to be premature. The Service has not attempted to speculate on the outcome of the IEA process. Rather, our comments are based solely on the proposed alternatives and treatment areas described in the DAA. Comments on this draft DAA may be moot, if the DAA is substantially modified as a result of new information contained in the IEA. Therefore, the parties to the Federal Facilities Agreement (FFA) and the State of Colorado (State) should be given the opportunity to review a revised DAA before it is released as a final document.

The Service has the disparate objectives of protecting fish and wildlife from the impacts of environmental contaminants on one hand, while attempting to preserve their essential habitat from the impacts of remediating those contaminants. It is not sufficient to cleanup the environment for the sake of wildlife if by virtue of the cleanup their habitat is no longer suitable for their use. The Rocky Mountain Arsenal National Wildlife Refuge Act of 1992 directs the Service to manage the Arsenal "as if it were a refuge" except when such management is in direct conflict with the need to remediate contaminants. These comments are framed in the context of this delicate balance.

The Service's habitat evaluation program was initiated last year to identify habitats of high value to wildlife and quantify the extent of habitat loss when impacts are unavoidable. The preliminary designation of Resource Categories pursuant to the Service's Mitigation Policy has not been finalized and there will be some refinement of their boundaries. These Resource Categories were not intended to be the sole or principal justification for selecting or not selecting a course of action with regard to remediation. The

Service acknowledges that legitimate human health concerns override concerns for preserving essential habitat. However, habitat value should weigh heavily in decisions concerning the remediation of biota exceedances.

The Service defers to the expertise of the Environmental Protection Agency and others concerning human health issues. However, as a future wildlife refuge near the heart of a major metropolitan area, the Arsenal will play host to a great many people. We are concerned that adequate provisions be taken to ensure their health and safety. Therefore, the Service has no reservation in endorsing the most aggressive treatments proposed in the DAA for the removal of chemical agent, organo-chlorine pesticides, and other contaminants which pose an imminent threat to people. We are satisfied that such measures also will protect biota from the most significant threats, although they may not eliminate exposure to lower level sources. Nevertheless, their overall exposure should be significantly reduced.

The Service favors a remediation strategy which focuses on treatment and/or containment of those areas most highly contaminated for which there is a potential exposure route to either people or biota. Medium groups which fall into this category include the munitions testing, agent storage, disposal trenches, ditches/drainages, Basin A, lime basins, South Plants, chemical sewers, Basin F wastepile, and secondary basins groups. By remediating the most contaminated sites first, the Army and Shell will provide the greatest immediate benefit. Phasing the cleanup in this manner is critical also because peripheral sites, such as the surficial soils and lake sediments medium groups, may continue to receive wind- and water-borne contaminants from these core areas until the core areas are remediated.

The Service concurs with the concept of consolidating treated wastes and lower level untreated wastes in Basin A and installing an impervious cap, provided that underlying Basin A soils are aggressively treated, as proposed, to reduce contaminant levels, and containment measures are adequate to prevent off-site migration of contaminants. Basin A has long been regarded as a "write-off" because of its high levels of contamination. It is unlikely that Basin A would support wildlife habitat without intensive reclamation or that the Service would encourage wildlife use of Basin A in any event. Therefore, it is appropriate that this area be sacrificed for use as a disposal basin. The disposal of treated wastes, lower level untreated wastes, and debris from buildings demolition in Basin A not only minimizes the area of disturbance outside Basin A, but provides grade fill necessary to promote drainage from the impervious cap.

Perhaps our greatest concern with regard to this alternative is the fate of those areas from which material will be removed for consolidation in Basin A. The DAA is quite specific in its discussion of remediation alternatives, but does not adequately address reclamation of these sites. Regardless of which alternatives ultimately are selected, however, some form of mitigation for damages to fish and wildlife resources will be required. Topsoils removed or physically/chemically altered by certain treatments would require replacement or augmentation to support vegetation. In addition, clean soil would be required for caps and covers. The source of this soil must be identified in order to assess the impacts to the source area, as well. Because mitigation is integral to the remediation process, the DAA should include at least a generic description of the mitigation process, identify potential sources of

borrow materials, and specify mitigation cost estimates for each remediation alternative for comparison. The Service recognizes that the preparers of the DAA did not have sufficient information on which to base specific mitigation prescriptions or cost estimates. However, the Service would be happy to provide estimates of the per acre cost to reclaim disturbed habitats.

#### Surficial Soils Medium Group

The surficial soils medium group consists entirely of biota exceedances. As such, less aggressive treatment measures have been proposed to remediate contaminants in this area of about 1500 acres. The proposed alternative is *in situ* biological treatment, or land farming. This is certainly the least aggressive of the treatment alternatives and would result in less adverse impact to wildlife habitat than more aggressive treatments, such as direct thermal desorption.

However, the Service has several reservations with this proposal. While this treatment is less disruptive than others, its effectiveness as a "treatment" has not been documented in the DAA. Furthermore, the Service questions whether treatment of any kind is necessary over the entire area. Organochlorine pesticide (OCP) residues will diminish over time even in untilled soils, and the marginal enhancement of this effect by deep tilling may not warrant the loss, albeit temporary, of valuable wildlife habitat.

OCP residues in soils and biota in themselves do not provide an accurate measure of the degree of risk to the animal. The Service is currently engaged in a long-term Biomonitoring Program to try to ascertain what behavioral, physiological or reproductive effects, if any, chemical residues impose on wildlife. The outcome of this study should provide information critical to the decision making process.

In the meantime, the Service advocates treating a portion of the surficial soils medium group using the land farming treatment and that a controlled study be undertaken to demonstrate both the effectiveness of the treatment on reducing OCPs and its effects on wildlife. The Service would be happy to assist the Army in developing such a study proposal for the Record of Decision.

#### Lake Sediments Medium Group (Biota Exceedances)

Lake sediments are another medium group which has primarily biota exceedances. The proposed action for this group is "No Additional Action." The Service agrees that this probably is the appropriate course of action for Ladora Lake and Lake Mary (which has no human or biota exceedances). However, it may be prudent to implement a more aggressive course of action in Lower and Upper Derby Lakes to protect both human health and biota.

A small portion of lake sediments in Lower and Upper Derby Lakes also exceed human health criteria. According to the DAA, sediments in Upper Derby which exceed human health criteria would be excavated and consolidated with Basin A wastes, while a small volume in the center of Lower Derby Lake would be left in place. The apparent rationale for this differential treatment is that the sediments in the center of the lake have no exposure pathway to humans and, therefore, present no health risk. However, because of fluctuating lake

Levels and anticipated increases in public use, particularly around the lakes, the Service is concerned that visitors potentially could be exposed to contaminated sediments found in Lower Derby.

Also, shorebirds which use Upper Derby Lake could be exposed to soils exceeding biota criteria. Upper Derby, which is currently maintained dry to prevent exposure of shorebirds, should be remediated for both human and biota exceedances. The DAA should consider removing sediments exceeding human health criteria from Lower Derby, as well. The Service reserves judgement on removing sediments exceeding biota criteria from either Lower Derby or Lake Ladora, pending the outcome of its aquatic Biomonitoring Program. If lake sediments are found to pose a risk to biota, the Service will recommend remediation of all exceedance volumes. As previously stated, the lakes should be remediated only after those areas upstream, such as South Plants, are remediated.

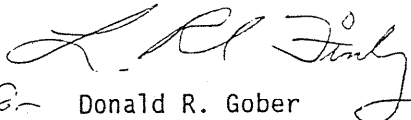
#### Sanitary Sewers Medium Group

The proposal for this medium group is access restrictions. Portions of this group contain human health exceedances, and the Service is concerned that without treatment or containment these potential contaminant sources could become a liability. The Service recommends that the portion of the sanitary sewers which exceed human health criteria be removed and treated.

Although the Service has some specific concerns regarding the types and locations of other access restrictions, such as on capped areas, landfills, boundary containment systems, etc., these concerns will likely be addressed in greater detail in the Record of Decision in accordance with the provisions of the FFA.

If you have any questions or require clarification of these comments, please contact Gerry Roehm at 289-0232.

Sincerely,

  
for Donald R. Gober  
Project Leader

Copies Furnished:

- Mr. John L. Spinks, Jr., Deputy Regional Director, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225
- Mr. Wilbur Ladd, Assistant Regional Director, Refuges and Wildlife, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225
- Mr. Robert Jacobsen, Assistant Regional Director, Ecological Services, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225
- Mr. Bradley Bridgewater, U.S. Department of Justice, 999 18th Street, Suite 501 North Tower, Denver, Colorado 80202
- Mr. Connally Mears, U.S. Environmental Protection Agency, 999 18th Street, Suite 500, Denver, Colorado 80202
- Mr. Jeff Edson, Colorado Department of Health, 4300 Cherry Creek Drive South, Denver, Colorado 80222-1530
- Mr. William McKinney, Shell Oil Company, 1700 Lincoln Street, Suite 4100, Denver, Colorado 80202
- Document Tracking Center, Office of the Program Manager for Rocky Mountain Arsenal, Building 111, Commerce City, Colorado 80022-1748