US EPA RECORDS CENTER REGION 5
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RESPONSIVENESS SUMMARY ADDRESSING PUBLIC COMMENTS ON THE NOTICE OF INTENT TO DELETE THE TOMAH ARMORY LANDFILL SUPERFUND SITE TOMAH, WISCONSIN FROM THE NATIONAL PRIORITIES LIST

February 2019

Introduction

EPA published a Notice of Intent to Delete the Tomah Armory Landfill Superfund Site (Tomah Armory Site or Site), located in Tomah, Wisconsin from the National Priorities List (NPL) in the *Federal Register* on December 7, 2018, (83 FR 63146). EPA's publication of this notice was intended to inform the public that EPA planned to delete the Tomah Armory Site from the NPL (83 FR 63068), and to provide a 30-day public comment period on the proposed deletion. The closing date for comments on the Notice of Intent to Delete was January 7, 2019.

EPA received three written comments on the proposed deletion. EPA did not receive any telephone or email inquiries about the Tomah Armory Site or the proposed deletion. The public comments and other documents supporting the proposed deletion are available at http://www.regulations.gov and in the information repositories EPA established for the Site. EPA considered the public comments in its final decision to move forward with deleting the Tomah Armory Site from the NPL.

Responsiveness Summary

EPA prepared this Responsiveness Summary to provide a response to the comments submitted to EPA during the 30-day public comment period regarding the Notice of Intent to Delete the Tomah Armory Site from the NPL (83 FR 63146). The original comments are summarized below and are available at http://www.regulations.gov, Docket ID No. EPA-HQ-SFUND-1987-0002-0351 under document type "Public Submissions". The comments are also available at the information repositories EPA established for the Tomah Armory Site at the following addresses:

U.S. Environmental Protection Agency-Region 5
Superfund Records Center
77 West Jackson Boulevard, 7th Floor South
Chicago, IL 60604
Phone: (312) 886-0900

Tomah Public Library
716 Superior Avenue
Tomah, WI 54660
Phone: (608) 374-7470

Summary of Comment from Web, Tracking No. 1k2-96zd-vrgr, December 7, 2018, Docket ID No. EPA-HQ-SFUND-1987-0002-0369:

A citizen of New York State comments that the Site should not be deleted from the NPL because one of the Site contaminants is lead, which does not readily degrade, and because according to WHO, there is no safe concentration of lead for the human body. The commenter demands that EPA keep the Tomah Armory Site on the NPL and continues to clean and monitor the Site until there is no measurable level of contaminants.

EPA Response:

EPA cleanup of sites on the NPL are determined consistent with the CERCLA statute and EPA policy and guidance. The cleanup remedy determination is made with state concurrence and considers public comment. The remedy considers the nature and extent of site contamination, the toxicity of the contaminants, and the present and future land use, among other factors. People are not exposed to contaminants at the Tomah Armory Site. The landfill is covered with a regularly inspected and maintained landfill cap to prevent people from coming into contact with the landfill materials and the Site property and the City of Tomah are serviced by municipal water that is not impacted by the landfill. EPA also conducts statutory reviews of the cleanup every five years to ensure that the Site will remain protective over the long-term.

EPA's risk assessment indicates that the only risk posed at the Site is from exposure to buried, subsurface soil concentrations of lead under a future residential exposure scenario. These subsurface concentrations of lead exceed EPA's residential soil screening level for lead of 400 milligrams/kilogram (mg/Kg), but are below the Site-specific industrial risk-based concentration for lead calculated for surface soil of 36,000 mg/Kg based on the adult lead cleanup model and assuming a Site-specific exposure frequency of 28 days/year at the Site.

EPA's risk assessment indicates that surface soil, the layer of soil that people might regularly come into contact with at the landfill, does not pose an unacceptable risk even under the most unrestricted residential exposure scenario. The calculated risks from exposure to surface soil under future residential use are within EPA's acceptable range for cancer risk (10^{-4} to 10^{-6}) and the calculated exposure point concentrations of lead in surface soil are below EPA's residential soil screening levels.

Eight rounds of groundwater samples collected from six groundwater monitoring locations around the landfill from 1995 to 2010, and a follow-up round of sampling at one well in 2011, confirm that lead levels in groundwater outside the boundaries of the landfill remain well below the federal action level for lead of 15 micrograms/liter (µg/l). The majority of the lead results detected during the monitoring were at or below the detection limit. The highest observed values for lead in groundwater were 4.7 µg/l at groundwater monitoring well MW-4 in 1996 and 4.1 µg/l at groundwater monitoring well

MW-3 in 2010. Subsequent groundwater samples collected at MW-4 from 1999 to 2010 and at MW-3 in 2011 did not contain lead.

Current zoning, municipal ordinances and state regulations prevent the landfill property from being used for residential use. Current property owners of the Site are the Wisconsin Army National Guard who uses their property for support operations, the City of Tomah who uses their property for a bike path, and a private property owner who uses their property for commercial use.

Enforceable Declarations of Restrictions prevent these property owners from: (1) excavating or grading the land surface of their property, (2) filling on the capped area, (3) plowing for agricultural use, and (4) construction or installation of a building or other structure with a foundation that would sit on, or be placed within, the cap or which would interfere with the existing cap, unless prior written approval is obtained from the Wisconsin Department of Natural Resources or its successor. Other implemented institutional controls prevent groundwater at the Site and within 1,200 feet of the landfill from being used as a water supply.

A full discussion and copies of the institutional controls that restrict land and groundwater use at the Site and in the surrounding area are available in the 2016 Remedial Action Report. This report is available with other Site information supporting the deletion in the Site information repositories and at www.regulations.gov, Docket ID No. EPA-HQ-SFUND-1987-002-0356.

Summary of Comment from Web, Tracking No. 1k3-97ja-moyi, January 6, 2019, Docket ID No. EPA-HQ-SFUND-1987-0002-DRAFT-0457:

The implementation of this rule would be extremely hazardous to communities across Wisconsin and have tremendously detrimental effects on the livelihood and wellbeing of its community members. EPA needs to reconsider the implementation of this rule.

EPA Response:

EPA is deleting the Tomah Armory Site from the NPL because all required cleanup actions other than operation, maintenance and monitoring have been completed at the Site and the Site no longer poses a threat to human health or the environment. EPA will also continue its statutory five-year reviews (FYRs) of the cleanup to ensure that the Site remains protective over the long-term.

EPA conducted FYRs of the Site in 2001, 2006, 2011, and 2016. The next FYR report will be available for public review and comment in 2021. EPA's most recent FYR completed in August 2016 determined that the Site cleanup continues to protect human health and the environment. The remedy is functioning as intended, groundwater standards continue to be met, and enforceable land and groundwater use restrictions, including restrictions that prevent the landfill cap and buried waste from being disturbed, are in place and have been complied with.

The landfill cap and the land and groundwater use restrictions at the Site are maintained and monitored in accordance with the *Landfill Cap Maintenance Plan* dated April 3, 2015 and the *Institutional Control Plan* dated August 31, 2016 for the Site. The *Institutional Control Plan* also includes a plan for long-term stewardship. These plans are available in Appendix H and Attachment 1 of the *Remedial Action Report* for the Tomah Armory Landfill Site dated August 31, 2016. This report is available at the information repositories and at www.regulations.gov, Docket ID No. EPA-HQ-SFUND-1987-002-0356.

Copies of EPA's FYR reports and other reports supporting the NPL deletion, including EPA's *Final Close Out Report* dated February 7, 2018 documenting that all cleanup actions have been completed at the Site, are also available in the information repositories, at www.epa.gov/superfund/tomah-armory, and at www.regulations.gov, Docket ID No. EPA-HQ-SFUND-1987-0002-0351, under document type "Supporting & Related Material".

Summary of Comment from Web, Tracking No. 1k2-970r-1hrk, December 9, 2018, Docket ID No. EPA-HQ-SFUND-1987-0002-0370:

A commenter appreciates EPA protecting the people of Wisconsin from hazardous materials and pollution. The commenter states that EPA should do its best to ensure the safety of the environment, and that if local regions can be protected from pollution the area can be used in a more economically focused way and the health of local communities will be improved.

EPA Response:

EPA appreciates that the regulatory agencies, property owners, local governments and other stakeholders for the Tomah Armory Site were able to work together to develop and implement a cleanup remedy at the Site that is protective and also allows for continued use of the property.

PUBLIC SUBMISSION

As of: 1/29/19 10:41 AM
Received: January 06, 2019
Status: Draft
Tracking No. 1k3-97ja-moyi
Comments Due: January 07, 2019
Submission Type: Web

Docket: EPA-HQ-SFUND-1987-0002
National Oil and Hazardous Substances Pollution Contingency Plan; The National Priorities List Revisions; Amendment. Final Rule 52 FR 27620 (07/22/87); Administrative Record

Comment On: EPA-HQ-SFUND-1987-0002-0351
National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Tomah Armory Landfill Superfund Site

Document: EPA-HQ-SFUND-1987-0002-DRAFT-0457
Comment on EPA-HQ-SFUND-1987-0002-0351

Submitter Information

General Comment

I believe that the implementation of this rule would be extremely hazardous to communities across Wisconsin and have tremendously detrimental effects on the livelihood and wellbeing of its community members. Since it is the responsibility of the EPA to protect the environment in which our communities live and the resources of our country, it is important that communities understand that federal agencies are concerned about the destruction of their environment and resources, as well as the management of the fallout of this damage. For this reason, I hope that the implementation of this rule is reconsidered by the EPA.

PUBLIC SUBMISSION

As of: 1/29/19 10:43 AM
Received: December 07, 2018
Status: Posted
Posted: December 26, 2018
Tracking No. 1k2-96zd-vrgr
Comments Due: January 07, 2019
Submission Type: Web

Docket: EPA-HQ-SFUND-1987-0002
National Oil and Hazardous Substances Pollution Contingency Plan; The National Priorities List Revisions; Amendment. Final Rule 52 FR 27620 (07/22/87); Administrative Record

Comment On: EPA-HQ-SFUND-1987-0002-0351
National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Tomah Armory Landfill Superfund Site

Document: EPA-HQ-SFUND-1987-0002-0369
Comment submitted by K. Gould

Submitter Information

Submitter's Representative: Kyle Gould

General Comment

Hello, my name is Kyle Gould and I am a concerned citizen from New York State.

I'm writing to express my concerns over deleting Tomah Armory from the Superfund site.

Lead has an incredible amount of staying power, and according to the WHO, there is no safe concentration of lead for the human body. It is for this reason that I demand the EPA to keep the Tormah Armory Superfund as a listed Superfund and continue cleaning and monitoring until there is no measurable contaminants when regular monitoring is conducted.

Thank you for your time,
Kyle Gould

PUBLIC SUBMISSION

As of: 1/29/19 10:44 AM
Received: December 09, 2018
Status: Posted
Posted: December 26, 2018
Tracking No. 1k2-970r-1hrk
Comments Due: January 07, 2019
Submission Type: Web

Docket: EPA-HQ-SFUND-1987-0002
National Oil and Hazardous Substances Pollution Contingency Plan; The National Priorities List Revisions; Amendment. Final Rule 52 FR 27620 (07/22/87); Administrative Record

Comment On: EPA-HQ-SFUND-1987-0002-0351
National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Deletion of the Tomah Armory Landfill Superfund Site

Document: EPA-HQ-SFUND-1987-0002-0370
Anonymous public comment

Submitter Information

General Comment

I am personally glad that the EPA is stepping in to provide regulation in order to protect the people of Wisconsin from hazardous materials and pollution. I generally tend to support a lack of governmental regulation for most things, but I believe that protecting the environment is in the best interest of all parties involved. The EPA should work to protect the people of our country from environmental pollution, and it should do its best to ensure the safety of the environment that we occupy. If there is a threat to this, I feel regulation should be made. Oil and other hazardous materials can be extremely damaging, and waste materials seeping from landfills can seriously harm the soil and water qualities of surrounding ecosystems and infrastructures. For the health and safety of local ecosystems and communities, it is a good thing that the EPA is choosing to regulate this. If local regions can be protected from pollution, the area can be used in a more economically focused way that promotes agriculture in addition to natural ecosystem stability. With this, health of local communities will be improved.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

Subject: Recommendation for the Approval of the Responsiveness Summary Addressing Public Comments on the Notice of Intent to Delete the Tomah Armory Landfill Superfund Site from the National Priorities List

From: Thomas Short, Acting Director
Superfund Division

To: Cathy Stepp
Regional Administrator

I recommend you approve the attached Responsiveness Summary Addressing Public Comments on the Notice of Intent to Delete the Tomah Armory Landfill Superfund Site (Tomah Armory Site or Site) from the National Priorities List (NPL). EPA prepared this Responsiveness Summary to provide a response to three comments submitted to EPA during the 30-day public comment period regarding EPA's notice to delete the Site from the NPL.

One of the comments submitted to EPA during the public comment period is not adverse. The other two commenters disagree with EPA's proposal to delete the Site from the NPL because they believe this is not protective. This Responsiveness Summary explains how the Site cleanup protects human health and the environment, how EPA's statutory five-year reviews of the Site will ensure that the Site remains protective over the long-term and confirms that EPA is proceeding with deleting the Site from the NPL.

Please indicate your approval or disapproval of the Responsiveness Summary below, and feel free to contact me if you have any questions. Upon your approval, the Responsiveness Summary will be placed in the Deletion Docket for the Site and sent to the Site information repositories.

Attachment:

1. Responsiveness Summary Addressing Public Comments on the Notice of Intent to Delete the Tomah Armory Landfill Superfund Site from the National Priorities List, February 2019.

Approve: _____ 2-7-19
Cathy Stepp
Regional Administrator
Date

Disapprove: _____ _____
Cathy Stepp
Regional Administrator
Date