



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
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July 29, 2016

Ms. Tracey Duncan  
Federal Facility Agreement Manager  
United States Department of Energy  
Portsmouth/Paducah Project Site Office  
5501 Hobbs Road  
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RE: EPA Comments: **Appendix C – Water Policy Additional Actions: Addendum to the Five-Year Review for Remedial Actions at the Paducah Gaseous Diffusion Plant, Paducah, Kentucky, (DOE/LX/07-1289&D2/R1/A2)**, transmittal dated March 30, 2016 (PPPO-02-3467420-16).

References:

- *EPA Comments (December 20, 2013) on the Five-Year Review for Remedial Actions at the Paducah Gaseous Diffusion Plant, Paducah, KY (DOE/LX/07-1289&D1).*
- *EPA Comments (July 3, 2014) on the 2013 CERCLA Five-Year Review for the Paducah Gaseous Diffusion Plant (DOE/LX/07-1289&D2/R1).*
- *EPA "Deferred Protectiveness" Determination (September 30, 2014), CERCLA Five-Year Review for the Paducah Gaseous Diffusion Plant ((DOE/LX/07-1289&D2/R1).*
- *EPA Concurrence (May 21, 2015) – Replacement Pages for the Sampling and Analysis Plan to Support the Additional Action for the CERCLA Five-Year Review (DOE/LX07-2200&D2).*
- *EPA Comments (December 29, 2015) on the Water Policy Area Screening Study Report for the Five-Year Review of Remedial Actions (DOE/LX-07-1289&D2/R1/A1).*
- *EPA Acknowledgement of Receipt (March 2, 2016): Transmittal of the Water Policy Area Vapor Intrusion Screening Study Report for the Five-Year Review of Remedial Actions, Paducah, Kentucky, (DOE/LX/07-1289&D2/R1/A1/R1), Secondary Document.*

Dear Ms. Duncan,

The U. S. Environmental Protection Agency Region 4 has reviewed the Department of Energy's (DOE) *Appendix C – Water Policy Additional Actions: Addendum to the Five-Year Review for Remedial Actions at the Paducah Gaseous Diffusion Plant, Paducah, Kentucky (DOE/LX/07-1289&D2/R1/A2)*.

In a series of comments letters between December 2013 and September 2014, EPA provided review comments on various revisions of the DOE CERCLA Five Year Review (FYR) of the protectiveness of environmental media cleanup response actions implemented at the Paducah Gaseous Diffusion Plant Superfund site. In our September 30, 2014 letter, EPA advised the DOE that the Agency did not concur with the DOE protectiveness statements for the (i) **C-400 Building** and the (ii) **Water Policy Box Groundwater Operable Units (OUs) response actions**. In that letter, EPA advised DOE of our independent protectiveness determination of "deferred protectiveness" and made recommendations for specific DOE actions to be completed 1.5 years from September 30, 2014 (i.e., March 2016).

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The Water Policy Box area includes all areas overlying VOC contaminated groundwater that has migrated off of the Paducah Gaseous Diffusion Plant. For the Water Policy Box Groundwater OU removal action, EPA stated: *The potential for current and new landowners using their groundwater is identified as an issue in the FYR. The recommendation to address the issue is for DOE to educate all landowners through an annual educational fact sheet, and contact and inform new landowners about the contaminated groundwater. These actions may reduce risk but will not eliminate risk to residents using contaminated groundwater.*

EPA also stated: *In addition, based on groundwater data from off-site wells, a potential risk for vapor intrusion exists for off-site residents located above the TCE groundwater plume. EPA expects the vapor intrusion risk is small given TCE groundwater concentrations. However, DOE must demonstrate whether vapor intrusion is a risk to residents through a vapor intrusion study.*

EPA concluded: *Until DOE demonstrates that all residents located above the contaminated groundwater plume are not using groundwater and vapor intrusion is not occurring into residential properties, the protectiveness statement should be "deferred" for the Water Policy Box removal action.*

The DOE submittal that is the subject of this letter, *Appendix C – Water Policy Additional Actions*, is documentation of the Department's actions taken in response to EPA's recommendations for the **Water Policy Box Removal Action**. Comments generated during EPA's review of the document are provided as an enclosure to this letter. Satisfactory resolution of these comments is necessary to support a revised protectiveness determination by EPA Region 4.

EPA notes that DOE actions in response to EPA's September 2014 "protectiveness deferred" determination and recommendations for DOE action for the **C-400 Building response action**, also intended for completion by March 2016, remain pending at this time and will be addressed in separate correspondence. If you have any questions about the enclosed comments, please do not hesitate to contact me at (404) 562-8547 or via electronic mail at [corkran.julie@epa.gov](mailto:corkran.julie@epa.gov).

Sincerely,



Julie L. Corkran, Ph.D.  
Federal Facility Agreement Manager  
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Enclosure

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United States Environmental Protection Agency (U.S. EPA) Region 4  
Comments on:

Appendix C – Water Policy Additional Actions:  
Addendum to the Five-Year Review for Remedial Actions  
at the Paducah Gaseous Diffusion Plant, Paducah, Kentucky,  
(DOE/LX/07-1289&D2/R1/A2), dated March 30, 2016

U.S. EPA ID KY8890008982

**General Comments: Water Policy Additional Actions (C-3 through C-4)**

1. Page C-3. It is EPA's understanding that annual mailing of an educational fact sheet to residents within the Water Policy Box is a component of DOE's plan to ensure the continued future protectiveness of the Water Policy Box CERCLA response action.
  - a. Revise the bullet on C-3 to include a statement of DOE's commitment to annual mailing of a Water Policy Educational Fact Sheet and DOE's commitment to coordinate with KY and EPA on the content of the Education Fact Sheet each year prior to the annual mailing.
  - b. The report is not clear on whether the educational fact sheet was sent to business addresses (in addition to residential addresses) within the Water Policy Box. Revise the bullet for accuracy and clarity. If the fact sheet was not sent to business addresses, please explain why in DOE written comment responses.
2. Page C-3. As presented, the second bullet regarding the Vapor Intrusion Screening Study is incomplete. As documented in EPA correspondence dated March 2, 2016, DOE did not revise the Vapor Intrusion Screening Study in satisfaction of EPA comments. Revise this bullet generally as follows for transparency and accuracy:

The draft Water Policy Vapor Intrusion Screening Study Report, Attachment C2, was submitted as a Secondary Document under the Federal Facility Agreement to EPA/Kentucky Department for Environmental Protection on October 21, 2015. Comments were received and a revised report was submitted on February 22, 2016. This addendum contains the revised report that was previously approved by Kentucky but not previously approved by EPA (March 2, 2016).
3. Page C-4. Until final remedial actions addressing the ground water contamination plumes that have migrated beyond the Plant boundary are selected and implemented, use of well water from the Water Policy Box area will remain potentially hazardous to human health. Revise the last sentence of the first paragraph on C-3 for transparency:

Exposure pathways that could result in unacceptable risk are being controlled; however, additional actions, as part of the Dissolved-phase plume Operable Unit, need to be evaluated for long-term protection. The Record of Decision for actions to address contaminants in the Dissolved Phase Plume OU is scheduled for 2029 and implementation of those actions by 2032.
4. Pages C-3 through C-4. DOE provides a protectiveness statement for the Water Policy Removal Action on pages C-3 through C-4. Satisfactory resolution of EPA's comments on Appendix C- Water Policy Additional Actions Addendum (March 2016) is necessary to support evaluation of DOE's protectiveness statement and a revised protectiveness determination by EPA Region 4.

U.S. EPA Region 4 Comments on:

Appendix C – Water Policy Additional Actions: Addendum to the Five-Year Review for Remedial Actions at the Paducah Gaseous Diffusion Plant, Paducah, Kentucky, (DOE/LX/07-1289&D2/R1/A2), dated March 30, 2016

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**General Comments: Attachment C.1 – Water Policy Educational Mailer**

*Excerpt from EPA December 2014 Letter: The potential for current and new landowners using their groundwater is identified as an issue in the FYR. The recommendation to address the issue is for DOE to educate all landowners through an annual educational fact sheet, and contact and inform new landowners about the contaminated groundwater. These actions may reduce risk but will not eliminate risk to residents using contaminated groundwater.*

5. EPA was unable to locate information in Appendix C documenting DOE actions in 2015/2016 to contact and inform new landowners about the contaminated groundwater that extends beyond the PGDP and into the Water Policy Box area. Revise Appendix C to address this apparent omission.
6. DOE mailed Attachment C.1, *Informational Brochure – DOE Water Policy Resident*, to residents in the Water Policy Box on January 27, 2016. The Brochure (aka educational fact sheet) does not meet EPA's expectations for clear and accessible community outreach to residents and business owners in the Water Policy Box regarding use of contaminated groundwater. The comments that follow could have been avoided if DOE had collaborated with EPA prior to issuance of the fact sheet. Revise the Fact Sheet to address the issues noted below.
  - a. The fact sheet states (column 2) that "*DOE with agreement from the U.S. Environmental Protection Agency (EPA) and the Kentucky Department for Environmental Protection (KDEP) decided to send this fact sheet to all Water Policy residents...*". This statement is not correct. DOE did not afford EPA the opportunity to review and comment on this fact sheet. EPA was provided a copy of the DOE fact sheet after it had been mailed. As written, the fact sheet potentially misleads the reader into thinking that EPA (and Kentucky) concurred on the content and sufficiency of the fact sheet.
  - b. The fact sheet should be titled for clarity: this outreach by DOE is in regard to the Paducah Gaseous Diffusion Plant and the information is current as of January 2016. Revise the header generally as follows: INFORMATIONAL BROCHURE – PADUCAH GASEOUS DIFFUSION PLANT – DEPARTMENT OF ENERGY WATER POLICY RESIDENT, JANUARY 2016.
  - c. Revise the fact sheet to speak to both residents and businesses.
  - d. The principal message of the fact sheet is provided in Column 3, but is incomplete. Revise the "Resident Need to Know" statement for clarity generally as follows: *Need to Know – All residents and businesses are asked not to drill a new water supply well or use any existing water supply wells in the Water Policy area for any purpose: including drinking, showering, cooking, gardening, or farming activities.*
  - e. The fact sheet directs individuals in the Water Policy Area not to use groundwater or drill new wells, but does not discuss the risks posed by groundwater contamination in the area. Revise the fact sheet to address this issue.

U.S. EPA Region 4 Comments on:

Appendix C – Water Policy Additional Actions: Addendum to the Five-Year Review for Remedial Actions at the Paducah Gaseous Diffusion Plant, Paducah, Kentucky, (DOE/LX/07-1289&D2/R1/A2), dated March 30, 2016

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f. In order to ensure that potential water users in the Water Policy Area “are educated about the potential contamination in underlying groundwater”, revise the map to illustrate the 1 ug/L TCE contour and the 25 pCi/L Tc-99 contour; revise the legend to reflect these changes.

g. The brochure provides a contact name for additional information. However, the individual’s affiliation and relevance are not clear to the reader; the phone number provided is a general (not direct) number for which a Google search returns the United States Enrichment Corporation (no longer at the PGDP); and an email address is not provided. Revise the fact sheet to address these concerns generally as follows: *For more information about the Water Policy, please contact: Buz Smith, DOE Community Outreach, at 270-441-5500 ext. 1429; [robert.smith@lex.doe.gov](mailto:robert.smith@lex.doe.gov).*

### **General Comments: Attachment C.2 – Water Policy Vapor Intrusion Screening Study**

*Excerpt from EPA September 2014 letter: In addition, based on groundwater data from off-site wells, a potential risk for vapor intrusion exists for off-site residents located above the TCE groundwater plume. EPA expects the vapor intrusion risk is small given TCE groundwater concentrations. However, DOE must demonstrate whether vapor intrusion is a risk to residents through a vapor intrusion study.*

7. The revised Water Policy Vapor Intrusion Screening Study presented as Attachment C-2 to this report does not respond to EPA’s previous comment (General Comment #2, submitted December 29, 2015) to DOE and discussed in tri-party conference calls on February 11 and February 18, 2016.

*Revise the report to illustrate the areal extent of the 1 ug/L -5 ug/L TCE plume on Figures 1 and 5. This expectation, consistent with use of 1.2 ug/L TCE as the EPA Vapor Intrusion Screening Level (VISL) calculator screening value to develop the Sampling and Analysis Plan, was previously discussed in tri-party scoping discussions supporting development of the DOE 2015 Sampling and Analysis Plan for this study effort.*

Simply stated, absent a figure that illustrates the estimated 1ug/L contour for TCE in RGA groundwater on the map of VI screening locations, an individual resident or property owner is unable to visualize why his/her property was not included in the sampling effort to evaluate the protectiveness of the Water Policy Area remedy.

- The 1 (1.2) ug/L value is a specific screen in the EPA Guidance for conduct of vapor intrusion evaluation activities. The FFA Parties used 1 ug/L TCE as a screening criterion for selecting which wells would be sampled during this vapor intrusion screening study.
- A subject matter expert, such as a hydrogeologist, is able to draw a reasonable interpretation of the 1 ug/L contour on Figure 1 or Figure 5. However, EPA maintains that it is not reasonable to expect a resident or business owner to try and “connect the dots” between legend symbols or break-out boxes that detail the available groundwater monitoring data in order to determine whether their homes and outbuildings “inside the line” for sampling or “outside the line” for sampling by DOE per the Water Policy Box Vapor Intrusion Screening Study Work Plan (DOE/LX07-2200&D2) that was approved by EPA and KY.

U.S. EPA Region 4 Comments on:

Appendix C – Water Policy Additional Actions: Addendum to the Five-Year Review for Remedial Actions at the Paducah Gaseous Diffusion Plant, Paducah, Kentucky, (DOE/LX/07-1289&D2/R1/A2), dated March 30, 2016

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- The 1 ug/L TCE plume contour is familiar to the residents and business owners in the Water Policy Box: (i) DOE has included the 1ug/L contour line on previous bi-annual updates to the Paducah groundwater plume maps to illustrate the full extent of TCE contaminant migration from the plant; and (ii) DOE established a 1 ug/L action level for DOE provision of municipal water within the Water Policy Box (1 ug/L for TCE and 25 pCi/L for Tc-99).

Revise an existing figure (or provide a new figure) in the report to clearly illustrate the 1 ug/L plume contour line (per industry standard, using dashed lines where the line is interpreted based on available data). Clearly denote the wells that were included in the vapor intrusion screening study analysis and include sufficient geographic features (roads, watercourses, etc.) such that individual home and business owners in the Water Policy Box can reasonably determine where their property is located relative to “the line”. Revise the text as needed to explain the significance of the contour with reference to the map.

EPA notes that this is not a new request. Earlier in 2015, EPA requested a map illustrating the 1 ug/L TCE contour to support tri-party scoping sessions for the Vapor Intrusion Screening Study work plan. DOE showed us a map with the 1 ug/L contour, but also declined to provide regulatory agencies with a copy of the map illustrating the extent of TCE contamination outside the Plant boundary (Limited Area) as illustrated by the 1 ug/L TCE contour.

### **General Comments: Attachment C.3 – Demonstrate No Groundwater Usage**

Excerpt from the EPA September 2014 letter: *DOE demonstrates that all residents located above the contaminated groundwater plume are not using groundwater from their wells...*

8. Cover notation: Attachment C-3 is not an historical document. Revise the cover to reflect that it is a March 2016 DOE/FLUOR internal document reprinted in its original format in this report. (This internal report has not previously been provided to EPA for review and comment.
9. Introduction: DOE states that a “flyer was designed to educate landowners about the presence and risks posed by groundwater contamination in the area.” The Water Policy flyer (brochure/fact sheet) does not discuss the risks posed by groundwater contamination in the area. Revise this sentence to remove the phrase “and risks posed by”.
10. Upon revision by DOE of Figure 1 (*2014 Plume Map with Parcels*) and Figure 2, (*Parcels Identified as Affected Properties*), to illustrate the 1 ug/L contour for TCE, DOE should evaluate whether any additional parcels overlie the extent of the groundwater contamination.
11. Section 3.1, Evaluation Process
  - a. In this report, DOE uses the term “affected properties”. What is DOE’s definition of “affected properties”? In the decision documentation for the Water Policy Area, the “affected area” was defined as the entire area inside the Water Policy Box and 1ug/L TCE was a criterion used to define those properties that would receive municipal water. However, Section 3.1.1, *Determination of Property Overlying the Plume*, implies that the affected properties are those that overlie the 5 ug/L TCE contour on the map. Attachment C.3 should be revised to clarify this apparent discrepancy.

- b. The majority of parcels are very large and appear (based on the aerials provided in the report) to typically be bounded on only one side, or perhaps two sides, via a public access road. The reports state that DOE “conducted a drive-by assessment and documented any evidence of water well usage.” It does not seem likely that DOE was able to conduct effective drive-by evaluations to check for either the installation of, or use of, water wells on these large parcels. Please revise the document to detail which parcels were evaluated in this manner and describe the data/observations that were made and recorded in support of drive-by assessments, and the level of confidence that DOE has in this line of evidence to support satisfaction of the EPA recommendation. This comment also applies to Appendix A to Attachment C, *Assessment Forms*.
- c. The report notes that the Kentucky Geological Survey (KGS) database for water wells is only current on the internet as of June 2014. However, this reviewer conducted a search of the KGS database using the following search parameters; (i) constructed since 7/2015 and (ii) McCracken County and (iii) water wells. Four (4) wells in McCracken County were returned for the 7/2015-7/2016 time period. With the proper search criteria, it is possible that additional wells in McCracken County may be returned for evaluation by DOE to determine if they are in the Water Policy Box for the 2014 through 7/2015 time period. (i) Please conduct this evaluation and revise the report as needed to reflect current water well data. (ii) Also, please revise Section 3.1.5 of the report to clarify the parameters used to search the KGS database in order to ensure return of all new wells within the Water Policy Box. (iii) Given DOE’s statement that the KGS database was only current through 2014, did DOE conduct visual inspections of the affected properties to confirm that no new wells had been advanced for primary or secondary water uses? If yes, how were those visual inspections performed?
- d. Based on the information presented in Section 3.1 and Table 1, it appears that there are only three (3) wells (of the six wells) on the properties listed in the Table that DOE is able to visually inspect to ensure that the well is not in use, capped and locked. Is that correct?
- e. In Table 1, *Comments* field, a number of properties are listed as farmland with the notation “Farmland with no known residential well.” Revise the table and report text to clarify for the reader whether an agricultural-use well may be present.
- f. Revise the last paragraph in 3.1.6 for clarity: “Appendix A contains forms from the assessment of each property that overlies the TCE plume (as defined by the 5 ug/L contour).”
12. **Appendix A – Assessment Forms.** In general, the level of information provided in the *Assessment Forms* does not clearly document what effort, if any, DOE made in support of this report, to determine if known wells were in use, capped and locked, or new wells had been advanced since the last DOE evaluation. For the majority of the parcels, it does not appear that an on-site assessment was conducted. Based on the lack of detail and clarity in the field notes presented, it does not appear to EPA that these forms provide defensible lines of evidence regarding groundwater usage, existing well usage and conditions, or whether new wells have been advanced for primary or secondary water uses. This outcome is a consequence of DOE conducting this work absent tri-party scoping to support this effort. During tri-party Comment Resolution, EPA is requesting that the form for each parcel be discussed for better understanding of DOE’s intent and the usefulness of the information on the forms to support document revision and a revised protectiveness statement.

U.S. EPA Region 4 Comments on:

Appendix C – Water Policy Additional Actions: Addendum to the Five-Year Review for Remedial Actions at the Paducah Gaseous Diffusion Plant, Paducah, Kentucky, (DOE/LX/07-1289&D2/R1/A2), dated March 30, 2016

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13. **Appendix A – Assessment Forms – Aerial Observations.** On the *Assessment Forms*, DOE states several times that aerial observations yielded no signs of groundwater wells being present, or use of groundwater. From a data quality objectives standpoint, what specific visual indicators and pieces of information was DOE seeking when looking at the aerials for evidence of wells (new or previously known) or groundwater usage? This is not articulated in either the text or the forms, so it is not clear what line(s) of evidence was collected by DOE to support the conclusions drawn under “aerial observations” for each parcel. Revise the report to address these concerns.
14. **Appendix A – Property ID 3.** DOE notes that the cap was broken and the lock missing on well R-245 and further documents that the cap and lock were fixed on 2/25/2016. The form does not address why the cap was broken and the lock missing from this well? Did DOE inquire of the owner regarding why the cap was broken and the lock missing? If yes, why is that information missing from this form? A reasonable individual would conclude that this is evidence that the well may have been in use. Please revise the report to address this concern.
15. **Appendix A – Property ID 10.** DOE notes that the lock was missing on a well on this property. Did DOE inquire of the owner regarding why and lock was missing from this well? If yes, why is that information missing from this form? A reasonable individual would conclude that this is evidence that the well may have been in use. Please revise the report to address this concern.