

**Draft Restoration Plan and Environmental Assessment
for
Fairmont Coke Works Superfund Site
Marion County, West Virginia**



Prepared by:

U.S. Department of the Interior, Fish and Wildlife Service

**The West Virginia Department of Environmental Protection
Division of Land Restoration**

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1. INTRODUCTION

This Draft Restoration Plan and Environmental Assessment (RP/EA) has been prepared by the Fairmont Coke Works Natural Resource Trustee Council (“Trustees”), represented by the West Virginia Department of Environmental Protection (WV DEP) and the U.S. Fish and Wildlife Service (US FWS), on behalf of the Department of the Interior. This RP/EA will address the proposed restoration activities to compensate for natural resource loss at the Fairmont Coke Works/Sharon Steel Superfund Site (“Site”), Lafayette St, Fairmont, West Virginia (Fig. 1.).



Figure 1. Location of Fairmont Coke Works/Sharon Steel Superfund Site in Fairmont, WV.

The purpose of the proposed action is to restore, replace, or acquire the equivalent of natural resources injured as a result of contaminant releases from the Site. Natural resources include "land, fish, wildlife, biota, air, water, ground water, drinking water supplies, and other such resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the United States ... any State or local government, any foreign government, [or] any Indian tribe" (107(f) of CERCLA, 42 U.S.C. § 9607(f)). The contamination injuries are the chemical and physical impairment of riverine, stream, wetland, upland habitats, and their associated wildlife species.

1.1 Compliance with NEPA and CERCLA

The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and the Clean Water Act (CWA) provide that federal, state, local, and tribal governments hold natural resources in trust for the American public. As trustees of natural resources, they can seek to recover damages to natural resources resulting from a release of hazardous substances covered under CERCLA or the CWA from the parties responsible for the releases. After funds are recovered, CERCLA requires that the Trustees develop a Draft and Final Restoration Plan, with an opportunity for public review and comments on the

Draft Plan. The plan must include a reasonable number of restoration alternatives including selection of the preferred alternative.

In addition, actions undertaken by the Trustees to restore natural resources or services under CERCLA and other Federal laws are also subject to the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 et seq.), and the regulations guiding its implementation at 40 C.F.R. Parts 1500 through 1517. NEPA and its implementing regulations outline the responsibilities of federal agencies under NEPA, including requirements for environmental documentation. In general, federal agencies contemplating implementation of a major federal action must produce an environmental impact statement (EIS) if the action is expected to have significant impacts on the quality of the human environment. When it is uncertain whether a contemplated action is likely to have significant impacts, federal agencies prepare an environmental assessment (EA) to evaluate the need for an EIS. Therefore, in accordance with NEPA and its implementing regulations, this RP/EA summarizes the current environmental setting, describes the purpose and need for restoration actions, identifies alternative actions, assesses their applicability and potential impact on the quality of the physical, biological and cultural environment, and outlines public participation in the decision-making process. The EA integrated in this plan supports a determination that the identified restoration actions do not meet the threshold requiring an EIS, and the NEPA process for these restoration actions concludes with a Finding of No Significant Impact (FONSI). As a result, the Trustees have issued this Final RP/EA describing the selected restoration action(s).

1.2 Affected Area

1.2.1 Site Description

The Fairmont Coke Works Site is located in Fairmont, Marion County, West Virginia. The 107-acre Site was a coke manufacturing plant from 1920 until 1979. The northern 57 acres of the Site was used for coke plant operations, waste treatment, and waste disposal. By-products were transferred to the adjacent Reilly Corporation (now Big Johns Salvage Superfund Site) for additional processing. The remaining acres were a wooded hillside bordered by the Monongahela River. Site runoff drains into two unnamed tributaries north and south of the Site, into the steep Sharon Steel Run, and finally to the Monongahela River.

During the 1950s to 1970s, at the height of the Site's production, the two tributaries were filled by two landfills, two wastewater oxidation ponds, and a sludge disposal area. Soil, surface water, and sediment on the Site and groundwater beneath it were contaminated with a variety of hazardous compounds, including acenaphthene, acenaphthylene, phenanthrene, benzo(a)anthracene, pyrene, fluoranthene, fluorene, naphthalene, polycyclic aromatic hydrocarbons (PAHs), volatile organic compounds (VOCs) including benzene, and various inorganic contaminants. Hazardous coal tar constituents from the Site migrated to the Monongahela River via tributaries.

The U.S. Environmental Protection Agency (EPA) began performing emergency response and environmental assessments after the company declared bankruptcy in 1992. Initially, the EPA conducted an Emergency Removal Action to control the immediate threats posed

by hazardous substances present on-Site. From 1993 to 1996, the EPA contained and disposed of hazardous waste being stored on the Site and restricted access to hazardous leachate from the landfills. Soil, sediment, surface water, and groundwater were analyzed to identify waste disposal areas and characterize the threat posed by the Site. Based on those results, the Site was added to the National Priorities List of the most serious uncontrolled or abandoned hazardous waste sites requiring long term remedial action on December 23, 1996, making it eligible for federal cleanup funds.

With WVDEP concurrence, EPA approved ExxonMobil's 1997 proposal to conduct a non-time critical removal to address the major source areas to be followed by a Remedial Investigation/Feasibility Study and Record of Decision to address contaminated groundwater and any other concerns due to post-removal residual contamination. The Site was divided into two geographic areas which were addressed in phases: Former Waste Management Area (FWMA) (Phase I) and the Former Process Area (FPA) (Phase II). The FWMA, located on the northwestern portion of the Site, included two landfills (north and south), oxidation ponds, a sludge impoundment and an area known as the breeze wash out area. The FPA, located on the southeastern portion of the Site, included the former production area, the coke ovens and the oil storage area.

Major components of the removal action included excavation and recycling, and treatment and/or disposal of wastes and contaminated soils exceeding site-specific cleanup standards from the FWMA and the FPA. The soil and sediment removal actions were performed to achieve risk-based cleanup criteria that were established for various areas of the Site. Removal actions were completed in the North and South Landfills and the Byproducts Area to achieve site-specific cleanup levels for the protection of human health, the environment, and underlying groundwater, as well as prevent further migration from the Site. The primary contaminants of concern driving the removal activities were benzene, naphthalene, polycyclic aromatic hydrocarbons (PAHs), and arsenic. The response actions outlined in the Action Memoranda began in 2003 and were completed in September 2011.

Upon completion of Non-Time Critical Removal work, the RI/FS was initiated to address contaminated groundwater and any other remaining residual contamination requiring action to mitigate unacceptable risk to human health and the environment. The RI/FS informed the EPA Record of Decision for the Site in December of 2017. ExxonMobil agreed to implement the final cleanup activities for the Fairmont Coke Works Superfund Site. The Selected Remedy included the following key elements:

- A reactive trench beneath the ground surface to neutralize acidic conditions and reduce elevated aluminum, iron, manganese and benzene concentrations in groundwater prior to discharging to the Unnamed Tributary. A small-scale version of the final ground water remedy (pilot test) was installed during the summer of 2020 and is currently being evaluated in conjunction with long-term groundwater monitoring.
- Reduction of bioavailability of inorganic contaminants by applying organic material and seeding a wetland plant mix in two wetlands. Mulch was applied to wetlands at the Site in 2019. In 2020, a wetland seeding application event was conducted.

1.2.2 Natural Resource Injury

The evaluation of natural resources damages at the Site identifies injuries from both hazardous substances and remedial activities to drainage areas, wetlands, and streams containing water sufficient to support aquatic habitat. Many springs and seeps were formed on the Site as a result of the filling of streams, and, when combined with the surrounding hillside runoff, provided sufficient hydrology to develop and maintain transitional areas between the aquatic and terrestrial habitats on the Site and contribute water to the Monongahela River. All of these streams, wetlands, and seeps were found to contain contaminant concentrations in excess of EPA Region 3 ecologically protective values.

Removal actions necessary to abate the migration of contaminants to the streams and the river, resulted in excavation or filling of existing aquatic and transitional habitats (*e.g.*, the upper oxidation pond, the breeze washout area) causing habitat injury and ecological service losses. Some wetland vegetation and stream substrates were removed and filled with rock and soil, which resulted in direct habitat loss and ongoing service losses during reestablishment of preexisting plant communities. Other sources of injury requiring restoration include altered floodplain functions and disruptions in local hydrology due to excavating, filling and compacting; rerouting surface runoff (thus decreasing surface hydrology); and modifying vegetative characteristics (eliminating natural wetland vegetative gradients and promoting dominance of upland plants that thrive in disturbed areas).

To provide restoration-based compensation for these injuries, restoration options need to focus on restoring stream, wetland, riparian, and other aquatic habitats used by migratory birds, mammals, amphibians, reptiles, invertebrates, and their habitats directly injured at the Site.

1.3 Natural Resource Compensation

On January 24, 2003, the State of West Virginia entered into a Consent Decree (Civil Action No. 1:02CV160) with ExxonMobil Corporation, and Green Bluff Development, Inc., for natural resource damages at the Fairmont Coke Works/Sharon Steel Superfund Site. The Consent Decree provided \$500,000 paid as compensation for impacts to natural resources as a result of contamination or subsequent remedial activities at the Site. A subsequent Memorandum of Agreement was developed between the State of West Virginia and the United States Fish and Wildlife Service to ensure coordination and cooperation in developing and implementing a restoration plan for the restoration, replacement, or acquisition of natural resources or services equivalent to those lost (42 U.S.C. 9607(f)(1)).

1.4 Public Notification and Review

The Notice of Availability for this Draft RP/EA will be published in the Times West Virginian newspaper, with copies of the Draft RP/EA sent to all previously-identified interested parties and copies available at the Marion County Public Library, 321 Monroe Street, Fairmont, West Virginia 26554. Interested parties can also obtain an electronic or hard copy of the draft RP/EA from the Trustees at:

Kathleen Patnode

US Fish and Wildlife Service
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304-389-7596

The Trustees believe that public comment and input is critical to the success of this RP/EA and will consider all comments received from the public. Comments received by the Trustees will be addressed in the Final Restoration Plan/Environmental Assessment. When appropriate, we will incorporate concepts and ideas submitted by interested parties during the public comment period. Comments will be accepted for approximately 30 days after the publication of the Notice of Availability. **Comments must be received by Monday, July 12, 2021.** To provide comments, please provide your name, address, and telephone number, and send comments to:

Jake McDougal
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304-389-7596

2. PROPOSED RESTORATION ACTIONS AND ALTERNATIVES

In developing this RP/EA, the Trustees are required to consider a reasonable number of possible restoration alternatives (43 CFR, Section 11.81, DOI Natural Resource Damage Assessment Regulations). This section of the RP/EA describes the alternatives and explains the considerations and criteria for identifying and evaluating alternatives.

The goal of the Trustees is to select restoration projects that best serve to restore resources and/or services that were impacted by contamination and/or remedial activities associated with the Site.

All proposed restoration actions and alternatives must be in compliance with applicable Federal, State, Tribal, and local laws and policies. Further, all proposals must consider potential effects of the project on human health and safety.

2.1 Evaluation Criteria

The following selection criteria has been developed to assist in the evaluation process to ensure that the objective to replace, restore, and/or acquire the equivalent natural resources of those that were injured by releases of contaminants from the Site:

- **Link to injured resources:** The extent to which the alternative restores, replaces, or acquires the equivalent natural resources that were injured. Priority will be given to projects that most closely restore, replace, enhance, or protect stream, wetland, upland, and other aquatic habitats used by Trust resources.

- Proximity to injured resources: Priority will be given to projects that benefit the Monongahela River watershed. Projects located in Marion County will also be weighted. However, projects outside of the watershed will be considered if they restore natural resources comparable to those injured at the Site.
- Cost effectiveness: Priority will be given to projects that provide the greatest environmental benefit for the least cost in comparison to other proposed projects. The benefit of partnerships with other agencies or organizations that can provide matching funds or in-kind services will be considered.
- Long-term maintenance: Wherever possible, natural habitat functions that are self-sustaining and essential to maintain the habitat, will be restored or enhanced and protected. Projects that provide long-term benefits that begin immediately after project implementations are preferred, assuming that any operation and maintenance activities required for long-term success will be conducted by a third party.
- Scope of benefits: Restoration projects that provide a broad scope of measurable benefits to a wide area or population are important. Projects that benefit more than one injured natural resource will be given priority. Those that are focused on a limited set of benefits to a limited area or population are less preferred. Projects should also not have disproportionate high costs or low benefits to a localized population.
- Potential for additional injury resulting from the proposed restoration activities: Priority will be given to alternatives that avoid additional injury to the environment.

2.2 Alternative 1: No Action

The No Action alternative, required by the National Environmental Policy Act (NEPA), consists of expected conditions under current programs pursued outside the National Resource Damage Assessment (NRDA) process by tribes and agencies. It is the baseline against which other actions can be compared. Under the No Action Alternative, no restoration, rehabilitation, replacement, or acquisition actions would occur. If this alternative were implemented, the Trustees would not initiate specific actions to restore injured natural resources or compensate the public for natural resource losses.

2.3 Alternative 2: Habitat Protection

This alternative would preserve nearby areas of high-quality habitat or enhance areas with moderate-quality habitat that provide natural resource services similar to the services that injured wetland and riparian habitat would provide in its baseline condition. Habitat preservation could be accomplished by purchasing land from willing sellers or by securing easements from willing participants. In either case, lands that would be considered most appropriate for protection include those that preserve high-quality wetlands and forested riparian buffers within the watershed. For this alternative, the first task will be to identify available areas and their associated resource and service benefits. The Trustee Council would work with local agencies and non-profit organizations to generate a list of potential projects.

2.4 Alternative 3: Habitat Restoration

This alternative would involve actions to restore, enhance, or create contiguous areas of high-quality habitat that could provide natural resource services similar to those that injured habitat would provide in its baseline condition. The Trustee Council would work with local agencies and non-profit organizations to generate a list of potential projects.

Wetland restoration may involve returning a degraded wetland or former wetland to a pre-existing condition, converting a non-wetland area (either dry land or unvegetated water) to a wetland, or increasing one or more of the functions performed by an existing wetland beyond what currently or previously existed in the wetland. Restoration efforts are often focused on restoring hydrology. Common methods include crushing drainage tiles, constructing ditch plugs, and installing small berms and water control structures. Additional efforts may include the creation of microtopography (small ridges and swales on the land surface) to create a more diverse soil moisture regime, transplanting trees and shrubs, and the addition of coarse woody debris to provide long-term carbon sources and habitat structure. Straw or hay may also be incorporated into restoration projects to stimulate the denitrification process and to provide substrate for aquatic invertebrates. Revegetation may occur naturally or may require active planting and invasive species control. Wetland restoration projects require permanent easements and monitoring to ensure the long-term protection of these restored habitats. Upon project completion, initial site conditions (including as-built conditions) would be documented to provide baseline information against which changes to the site can be evaluated through long-term monitoring. Monitoring consists of measuring a number of wetland attributes or parameters at regular intervals to ensure that restoration objectives are being achieved, or to identify any need for corrective action. Measurement parameters are tailored to project objectives, but generally include an array of hydrologic, soil, and biological conditions.

Aquatic habitat restoration can focus on streambed or streambank improvements. Streambed improvements include creating pools to provide deeper, cooler spots for fish when water temperatures rise during the summer, providing cover for fish to escape natural and human predation, narrowing stream channels to keep waters deeper and cooler overall, and removing sediment bars. Streambank stabilization reduces or prevents erosion and sediment generation by decreasing the energy impact of the stream on the bank or redirecting that energy away from the bank and back to the center of the stream. This goal may involve reducing the vertical angle of the bank, planting vegetation on the bank slope, placing boulders in the stream in specific patterns, hardening the bank surface with rocks, or hardening the toe of the slope and planting appropriate vegetation above the toe. The design of streambank stabilization measures must take into account the expected volume and velocity of water reaching the banks and the fluvial geomorphology of the stream. Considerations include: Reduction of upstream stormwater runoff volume might allow for less costly stabilization measures. Streambank bioengineering addresses banks that have been vertically eroded. Banks are sloped back to a stable angle then planted with natural or native vegetation. Boulders may be used at the base of the slope to prevent undercutting of the bank by the stream, and/or to improve epifaunal cover (i.e., substrate suitable for colonization and fish cover, consisting of a mix of snags, submerged logs, undercut banks, cobble or other stable habitat features). Vanes may be constructed by placing boulders in

the stream in specific patterns designed to direct the energy of the stream flow into the center of the channel and to help create pools in which fish can congregate. Long-term monitoring of streambed and streambank measures is also required to ensure that restoration goals are achieved and to determine whether a need for corrective action exists.

2.5 Alternative 4: Water Quality Improvement

This alternative would involve actions to restore or enhance water quality in stream/river or wetland habitat that could provide natural resource services similar to those that injured habitat would provide in its baseline condition. Water quality improvements could be focused on control of point or non-point sources of pollutants. Installation of passive treatment systems could also be used to improve water quality. For this alternative, the first task would be to identify impaired streams, wetlands and river reaches within the watershed. The Trustee Council would work with WVDEP Water Program to generate a list of impaired surface waters within the watershed.

2.6 Alternative 5: Biological Enhancement

This alternative would encompass projects that seek to restore species or communities in areas with high-quality habitat or following successful habitat preservation, restoration or water quality improvement projects. Species that would have occupied the Site or adjacent habitats prior to the physical and chemical habitat degradation could be evaluated for potential reintroduction. Pilot reintroductions would be required to demonstrate viability and recolonization potential prior to full-scale reintroductions. The Trustee Council would work with WVDNR to identify species in need of recovery efforts within the watershed.

2.7 Alternative 6: Habitat Protection, Habitat Restoration and Biological Enhancement

This alternative combines the activities of habitat protection, habitat enhancement, and biological enhancement. By combining these activities, the Trustees fully meet their goal to compensate the public for natural resource injuries and associated service losses associated with the Fairmont Coke Works Site.

3. EVALUATION OF ALTERNATIVES

The Trustee Council's primary goal is to select one restoration alternative that sufficiently compensates the public for natural resource injuries and associated service losses resulting from exposure of these resources to site-related contaminants in the aquatic and semi-aquatic habitats. The Trustee Council believes that the most significant injuries and service losses resulted from: chemical and physical habitat degradation and reduction in species diversity.

3.1 Alternative 1: No Action

Under the No Action Alternative, injuries to natural resources would be uncompensated. The No Action Alternative would not replace natural resource losses as a result of the release of contamination at the Site. Furthermore, no environmental benefits would be realized from the settlement received, and the Trustee Council would not fulfill our obligations as a natural resource trustees under CERCLA. For these reasons, this option will not be further evaluated.

3.2 Alternative 2: Habitat Protection

Habitat protection projects can be selected to match the injured resources and provide the broadest scope of benefits. Although it is sometimes difficult to find such projects in close proximity to the site of the injury, the absence of strict time limits enables the Trustees to seek out the best fitting projects. These projects are typically the most cost effective when an agency or non-governmental organization is willing to accept title to the property or hold a conservation easement. This approach permits the use of funds for acquisition or easement without the need to oversee long term maintenance.

3.3 Alternative 3: Habitat Restoration

Similar to habitat protection, habitat restoration projects can be selected to match the injured resources and if successful, provide a broad scope of benefits. Again, it is sometimes difficult to find such projects in close proximity to the site of the injury. Habitat restoration projects do involve a longer time investment, greater oversight, and higher risk if the restoration techniques are not appropriately matched to the site conditions. Projects on public land must be protected via inclusion in land management plans. Projects on private land must include a conservation easement to prevent loss of the habitat should the landowner decides to change his/her land use. Trustees will consider habitat restoration as a component of lands acquired or protected by easements under Alternative 2.

3.4 Alternative 4: Water Quality Improvement

Water quality is affected by point and non-point sources of contamination. Improvements to water quality from point source control/reduction fall under the jurisdiction of the WVDEP NPDES Program and thus, are not suitable projects for these funds. Projects that reduce non-point source pollution could restore resources that were injured at the Site. However, they likely would entail habitat protection and/or restoration. Thus, they are best addressed in conjunction with projects considered under Alternatives 2 and 3 rather than as stand-alone projects.

3.5 Alternative 5: Biological Enhancement

Projects focused on biological enhancement could provide benefit to individual species or groups of species that were injured at or near the Site. If priority was given to at-risk and keystone species identified by WVDNR, then this approach has the potential to produce substantial and cost-effective benefits for a focal area from which that species could disperse and the entire community would improve. The reintroduced species would be the responsibility of WVDNR which would eliminate the need for long term maintenance funding.

3.6 Alternative 6: Habitat Protection, Habitat Restoration and Biological Enhancement

This alternative combines the individual alternatives that meet the evaluation criteria and most effectively restore the natural resources injured at the Site. This alternative also permits the combination of two or three in a single project. It also affords the greatest flexibility to opportunistically select projects with the strongest links to injured resources and closest proximity to the Site.

3.7 Environmental Justice

According to Executive Order 12898:

—each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations (59 CFR Section 1.1, 1994).

In the communities surrounding the Fairmont Coke Works Site, minority populations comprise approximately 6.3% of the population, which is below both the state average (7.3%) and the national average (36.3%) (US Census Bureau 2020; [census.gov](https://www.census.gov)). Low income populations comprise 14.6% of the population, which is also below the state (16%), but above the national average (10.5%) (US Census Bureau 2020; [census.gov](https://www.census.gov)). These statistics indicate that the alternatives proposed in this RP/EA are not unjustly located in high-minority or low-income communities. Each restoration alternative is expected to affect all socioeconomic groups equally and no one group would be unjustly affected. Therefore, the Trustees do not anticipate environmental justice concerns associated with any of the proposed alternatives.

4. PREFERRED RESTORATION SUMMARY

The Trustees evaluated six general restoration alternatives that address natural resource injuries and service reductions resulting from the release of contamination. Based on evaluation criteria, the Trustees selected Alternative 6: Habitat Protection, Habitat Restoration and Biological Enhancement as the Preferred Alternative. Any selected projects that are expected to have non-negligible impacts will be subject to a project-specific NEPA analysis prior to implementation. In addition, a Section 7 consultation (under the Endangered Species Act) will be completed for restoration projects that may affect threatened or endangered species and Section 106 of the NHPA will be followed for each restoration project that will be implemented.




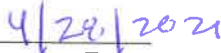
West Virginia Department of Environmental Protection
Approval of the
Draft Restoration Plan
for the
Fairmont Coke Works Superfund Site
Fairmont, West Virginia

The Authorized Official for the WV Department of Environmental Protection must demonstrate approval of draft and final Restoration Plans for natural resource damage assessment and restoration projects, with legal concurrence. The Authorized Official for the Fairmont Coke Works Superfund Site is the Cabinet Secretary for the West Virginia Department of Environmental Protection.

By the signatures below, the Draft Restoration Plan is hereby approved. This approval does not extend to the Final Restoration Plan. The Draft Restoration Plan shall be released for public review and comment for a minimum of 30 days. After consideration of the public comments received, the Restoration Plan may be revised to address such comments.

Approved:

Concurred:

	
Harold Ward	Jason Wandling
Cabinet Secretary	General Counsel
Department of Environmental Protection	Department of Environmental Protection
	
Date	Date

U.S. Department of the Interior
Approval of the
Draft Restoration Plan
for the
Fairmont Coke Works Superfund Site
Fairmont, West Virginia

In accordance with U.S. Department of the Interior policy regarding documentation for natural resource damage assessment and restoration projects (521 DM 3), the Authorized Official for the Department must demonstrate approval of draft and final Restoration Plans, with concurrence from the Department's Office of the Solicitor.

The Authorized Official for the Fairmont Coke Works Superfund Site is the Regional Director for the U.S. Fish and Wildlife Service's Northeast Region.

By the signatures below, the Draft Restoration Plan is hereby approved. This approval does not extend to the Final Restoration Plan. The Draft Restoration Plan shall be released for public review and comment for a minimum of 30 days. After consideration of the public comments received, the Restoration Plan may be revised to address such comments.

Approved:

Concurred:

Wendi Weber
Regional Director
Northeast Region
U.S. Fish and Wildlife Service

Date

Mark Barash

4/28/2021

Mark Barash
Attorney
Department of the Interior
Office of the Solicitor

Date