



United States Department of the Interior

FISH AND WILDLIFE SERVICE

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In Reply Refer To:
FWS/R5/ES-NRDAR/061453

OCT 23 2015

Memorandum

To: Project Leader, Pennsylvania Field Office

From: *Acting* Assistant Regional Director – Ecological Services

Subject: Final Restoration Plan and Environmental Assessment Addendum to the Jacks Creek Superfund Site Final Restoration Plan and Environmental Assessment and to the Keystone Sanitation Landfill Superfund Site Final Restoration Plan

This is to inform you that the Regional Director, as Authorized Official, has approved the subject Final Restoration Plan and Environmental Assessment Addendum. Attached is the signed approval page and Environmental Action Statement.

We appreciate the efforts of you and your staff in accomplishing restoration under the Natural Resource Damage Assessment and Restoration (NRDAR) program. If you have any questions or need further assistance, please contact Robin Heubel, Regional NRDAR Coordinator, at 413-253-8630.

Attachments

FINAL RESTORATION PLAN AND ENVIRONMENTAL
ASSESSMENT ADDENDUM

October 2015, Addendum to the

JACKS CREEK/ SITKIN SMELTING & REFINING, INC.
SUPERFUND SITE
LEWISTOWN, MIFFLIN COUNTY, PENNSYLVANIA
October 2000 Restoration Plan

And

KEYSTONE SANITATION LANDFILL SUPERFUND SITE
HANOVER, ADAMS COUNTY, PENNSYLVANIA
October 2007 Restoration Plan

Prepared by:

U.S Fish and Wildlife Service
on behalf of the
U.S. Department of the Interior

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Summary

This Final Addendum to the “Jacks Creek Superfund Site Final Restoration Plan and Environmental Assessment” (U.S. Fish and Wildlife Service, 2000) and to the “Keystone Sanitation Landfill Superfund Site Final Restoration Plan” (U.S. Fish and Wildlife Service, 2007) has been developed to summarize additional restoration projects that have been selected by the U.S. Fish and Wildlife Service (Service), the sole Natural Resource Damage Assessment and Restoration (NRDAR) Trustee. The final restoration plans detailed the process for selecting restoration projects to compensate for natural resource injuries from the two respective Superfund Sites. However, the selected restoration projects were successfully implemented for less than the projected cost, and a combined total of \$59,825 remains for additional restoration projects. Since the natural resource claims for both Sites were injuries to migratory birds and their habitat, the Service proposes to combine the funds for an additional project that will benefit the injured resources. The proposed project is to create and enhance wetland habitat at three adjacent properties in Mifflin County that are currently under permanent conservation easement.

The public comment period for the Draft Addendum was open from July 31, 2015, until August 31, 2015, and notices were published in the Lewistown Sentinel and the Hanover Evening Sun. No public comments were received.

Introduction

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) gives authority to Federal, state, local, and Tribal governments (trustees) to seek compensation on behalf of the American public for injuries to natural resources from the release of hazardous substances into the environment . In October 1996, the U.S. Department of the Interior (DOI), as a natural resource trustee, received money for a settlement of a natural resource damage claim with the *de minimus* Responsible Parties (RPs) for the Jacks Creek/Sitkin Smelting Superfund Site. The Service, on the behalf of the DOI, was the sole natural resource trustee for this claim. The Service sought this settlement because contamination at this site had degraded habitat and injured trust resources under our authority, specifically migratory birds. The Service is required to use the settlement money to compensate the public by restoring lost natural resources. Restoration refers to actions taken to restore, rehabilitate, replace, and/or acquire the equivalent resources and the related services lost to the public. Since the settlement resulted from injury to migratory birds and their habitats, the restoration project alternatives were focused on restoring migratory bird habitat. In order to keep the public informed, CERCLA requires natural resources trustees to develop a Restoration Plan with adequate public notice and consideration of all public comment.

A Draft Natural Resource Restoration Plan was published in the *Federal Register*, and in the Lewistown, Pennsylvania daily publication, The Sentinel. The public comment period was open from July 31, 2000, until August 31, 2000, and no public comments were received. The Final

Restoration Plan for Jacks Creek Superfund Site was issued on October 27, 2000. The preferred alternative described in the 2000 Final Restoration Plan was habitat enhancement and easement placement on Elsesser Farm.

The same procedures were followed for the natural resource claim at Keystone Sanitation Landfill Superfund Site. In September 1999, a settlement was reached with several *de micromus* and *de minimus* responsible parties for injuries to migratory birds and their habitat. A Draft Restoration Plan was published in May 2007, and the Final Restoration Plan issued in October 2007. The restoration projects implemented enhanced habitat on properties owned by Littleton Fish and Game Club and purchased a conservation easement on habitat near the Keystone Site.

The projects were successfully implemented using less than the projected cost and additional funds are available for supplemental restoration projects. This addendum describes the restoration projects that will be implemented using the remaining funds.

Background

The Jacks Creek/Sitkin Smelting Site is located 0.5 mile east of the town of Maitland in Mifflin County, Pennsylvania. This 105-acre site is a former non-ferrous metal smelting and precious metal reclamation facility, located partially within the 100-year floodplain of Jacks Creek. The various activities conducted on the site resulted in soils and groundwater contaminated with toxic concentrations of a variety of metals, including cadmium, chromium, copper, lead, mercury, selenium, silver, and zinc. Due to this contamination, most of the site cannot support vegetation. Soils have eroded off the site and into Jacks Creek. At least 5 acres of wetlands and 37 acres of upland migratory bird habitat had been destroyed or contaminated by site activities.

The Keystone Sanitation Landfill is located in York County, Pennsylvania. It occupies an area of approximately 40 acres in a gently rolling, predominantly agricultural setting. The landfill was used from 1966 until 1990 for disposal of household and municipal waste and certain types of industrial and construction debris. The landfill is situated on a ridge, and surface-water runoff flows from the site in all directions. Piney Creek, a tributary to the Monocacy and Potomac Rivers, drains the southern and western portions of the site. The primary injury at the Keystone Sanitation Landfill Superfund Site was the elimination and/or impairment of migratory bird habitat, specifically 2.6 acres of upland forest, 6 acres of forested wetlands, and 17 acres of emergent wetlands.

Natural Resources and Impact to Those Resources

Migratory birds are the only DOI trust natural resource of concern at the Jacks Creek/Sitkin Smelting and Keystone Sanitation Landfill Sites. At Jacks Creek Superfund Site, tracks and observations revealed that numerous small mammals, shorebirds, and great blue herons were using contaminated ponded-water areas on the site, and other areas were used by deer, rabbits,

turtles, frogs, and various bird species such as killdeer, mourning dove, Eastern bluebird, and song sparrow. In addition to heavy metal soil contamination significantly degrading migratory bird habitat, most of the site was stripped of any ground cover. The lack of vegetation or a reduction in diversity of vegetation reduced the available food base, cover, and nesting habitat for migratory birds. Additionally, these birds were exposed to toxic concentrations of site-related contaminants, especially in the numerous ponded-water and floodplain areas that collected contaminated runoff from the site.

Natural Resource Damage Settlements

Although the U.S. Environmental Protection Agency (EPA) oversaw a clean-up at the Jacks Creek Superfund Site, past habitat loss and future injury from remaining contaminants were not considered under its program. Therefore, the Service used a variety of methods to determine the amount of compensation required for these past and future losses. Affected habitats included forested wetlands, riparian forested areas, emergent/scrub-shrub wetlands, and uplands. The total value of the claim was based on the costs associated with restoration, rehabilitation, replacement, and/or acquisition of equivalent resources of the above habitats. In February 1995, the Service reached a settlement of \$128,908 with the *de minimus* RPs. This settlement was negotiated in cooperation with the EPA and published in the *Federal Register*. After interest accrual and redistribution, approximately \$135,000 was ultimately allotted for restoration projects to compensate for natural resources lost at Jacks Creek Superfund Site.

For the Keystone Sanitation Landfill Superfund Site, a settlement of \$204,161 was reached with eight original generator parties and many *de micromis* and *de minimus* RPs. This settlement was negotiated in cooperation with the EPA and filed as several Consent Decrees in U.S. District Court in September 1999. An additional settlement of \$125,000 was reached with the owner/operators in a Consent Decree in U.S. District Court in May 2001. After interest accrual and redistribution, approximately \$370,000 was available for restoration, including restoration implementation, oversight, and monitoring.

Implemented Restoration

As described in the Jacks Creek Restoration Plan, the selected restoration project involved enhancing habitat on Elsesser Farm, located on Elsesser Lane in Mifflin County. Elsesser Farm was an undeveloped area comprised mostly of open fields, old fields, and sparse woodland. It also contained an unnamed tributary to Meadow Run, which joins Jacks Creek approximately 2 miles south of the Elsesser farm, and approximately 1 mile upstream of the Jacks Creek/Sitkin Smelting Site. This tributary is classified as a cold water fishery and contains native brook trout. At the time of the restoration project, the unnamed tributary was being degraded by bank erosion and siltation due to the use of approximately 50 head of cattle.

The restoration project consisted of installing a dike to create wetland habitat and the eradication of the non-native multiflora rose. A small, u-shaped dike (2 to 3 feet high and approximately 600 feet long) was constructed in the pasture to impound surface water. The primary spillway consisted of a 6- to 8-inch high-density polyethylene outlet pipe placed at the proper elevation to maintain wetland hydrology. The dike flooded heavily pastured uplands and permanently converted the area into approximately 2 acres of emergent wetlands, 1 acre of scrub-shrub wetlands, and approximately 0.5 acre of forested wetlands. Wetland vegetation, including a variety of herbaceous, shrub, and tree species that are native to the area, was planted to ensure adequate vegetative cover and provide some diversity. The stream corridor was planted with wetland shrub and tree species to restore a forested riparian corridor that provided many benefits (e.g., decreased temperature and siltation, and increased habitat value and use by fish and wildlife). The project also included dike seeding with native wildflowers and established an upland buffer to protect the restored wetlands. Additionally, several acres of uplands was cleared of multiflora rose and planted with warm season grasses to benefit grassland species. The project also included construction of a permanent cattle watering location and rerouted some electric fence to eliminate the bank erosion and other adverse effects of the grazing cattle. Bird nest boxes and structures were placed in all restored areas to increase migratory bird productivity. The restored areas are perpetually protected with a conservation easement held by the Central Pennsylvania Conservancy.

Altogether, the project restored approximately 3.5 acres of wetlands, a meandering riparian corridor of approximately 400 feet, and approximately 3 acres of uplands, increasing habitat value for migratory birds in both wetlands and uplands. A stewardship fund was established to ensure proper maintenance and management of all restored areas for the benefit of migratory birds. While approximately \$135,000 was allotted for restoration for Jacks Creek Superfund Site, \$51,181.80 remains available for additional restoration activities.

To compensate for natural resources lost at the Keystone Sanitation Landfill Superfund Site, the Service implemented two restoration projects. The restoration project first implemented was located at the Littlestown Fish and Game Club property in Adams County, approximately 4 miles northwest of the Keystone Landfill. This 66.9-acre property includes old field, forest, and open-water habitats. The property drains into an unnamed tributary of Alloway Creek, which is a tributary to the Monocacy River. The project involved the restoration of 6 acres of wetlands and a permanent conservation easement on the property. The second restoration project implemented was a conservation easement of the Green property in Adams County, approximately 12 miles west of the Keystone Landfill. Migratory bird habitat protected on the property included 82 acres of upland and riparian forest, 0.6 mile of stream, and 6 acres of wetland habitat. The property is bounded by Marsh Creek which drains into the Monocacy River. After both projects were completed, \$8,643.60 remains and provides an opportunity for additional restoration projects.

Combining the remainders of the two funds, \$59,825.40 is available for additional restoration projects. Because the majority of the remaining funds were allotted for restoration in compensation for natural resource injuries at Jacks Creek Superfund Site, the Service pursued additional appropriate restoration projects in Mifflin County.

Proposed Restoration Project – Mifflin County Habitat Enhancement Project

The Service proposes to use the remaining funds to enhance riparian, wetland, and upland habitat on three properties in Mifflin County currently protected by permanent easements. The three adjacent properties (Fig. 1), with the combined acreage of 89.39 acres, are reserved in perpetual conservation easement by the United States and are being managed by the Pennsylvania Game Commission. Formerly owned by one family, H. and D. Aungst, the easement property is currently divided into three owners; Lydia King, Stephen Kerstetter, and Edward Hillard. The properties are open fields and include a portion of Musser Run, a tributary to the Juniata River, located approximately 20 miles upstream from the Jacks Creek Superfund Site (Fig. 2). Approximately 1.3 acres of wetland will be restored.

Currently, Musser Run on the proposed restoration site is over wide and stream habitat is degraded by stream bank erosion and fine sediment deposition. While the dimension and profile of the stream will not be significantly altered, stream habitat will be enhanced by installing several fish habitat structures (Fig. 3). Specifically, the project will stabilize and improve about 2,400 linear feet of Musser Run over a 7,383 foot reach by installing 8 rock cross vanes and 1,391 feet of muddill or other log structures. All structures will meet the specifications of the Natural Resources Conservation Service and the Pennsylvania Fish and Boat Commission as prescribed by Pennsylvania's GP-1 process. In addition, several areas of random boulders will be strategically placed to create fish habitat. The proposed work will be done at or below bank full elevation and will have no significant impact on flood flows.

Approximately 1.3 acres of wetlands will be restored in the former pasture and old field areas by excavating several potholes (Fig. 4). Potholes will be created by stripping off topsoil and excavating clay material to an upland site. Hydrology will then be provided to the restored wetlands via overland sheet flow and occasional stream overbank flow. Any subsurface drain tiles encountered will be removed to provide additional hydrology. Average depth of the potholes will be approximately 12 inches with topsoil redistributed as growing medium. The potholes will be seeded with a native obligate seed mix and planted with native shrub seedlings, such as alder, silky dogwood, and gray-stem dogwood. Concurrent with the excavation work, all disturbed sites will be mulched and seeded with native vegetation. Depending on the time of construction, seeding will include either annual rye grass or rye grain to quickly stabilize the site and permit the reestablishment of native plants. All upland areas will return to a pre-project condition as soon as construction is completed.

By enhancing stream and wetland habitats for migratory birds in Mifflin County, the Service is continuing their commitment as natural resource trustees to compensate for natural resource injuries at Jacks Creek and Keystone Sanitation Superfund Sites.

Compliance with the National Environmental Policy Act (NEPA)

The Final Revised Procedures for the Service for implementing NEPA, published in the *Federal Register* on January 16, 1997, provide a categorical exclusion for natural resource damage assessment restoration plans prepared under CERCLA when only minor or negligible change in the use of the affected areas is planned. Categorical exclusions are classes of actions which do not individually or cumulatively have a significant effect on the human environment.

The Mifflin County Habitat Enhancement Project will result in only a minor change in the use of the project area, mostly directed toward increasing the natural resource habitat value, and will not have a significant effect on the human environment. Accordingly, this Natural Resource Restoration Plan qualifies for a categorical exclusion under NEPA. An Environmental Action Statement has been prepared documenting this determination.

Literature Cited

U.S. Fish and Wildlife Service. 2000. Final Restoration Plan and Environmental Assessment, Jacks Creek Superfund Site. Prepared by the U.S. Fish and Wildlife Service on behalf of the U.S. Department of the Interior.

U.S. Fish and Wildlife Service. 2007. Final Restoration Plan, Keystone Sanitation Landfill Superfund Site. Prepared by U.S. Fish and Wildlife Service on behalf of the U.S. Department of the Interior.

Figures

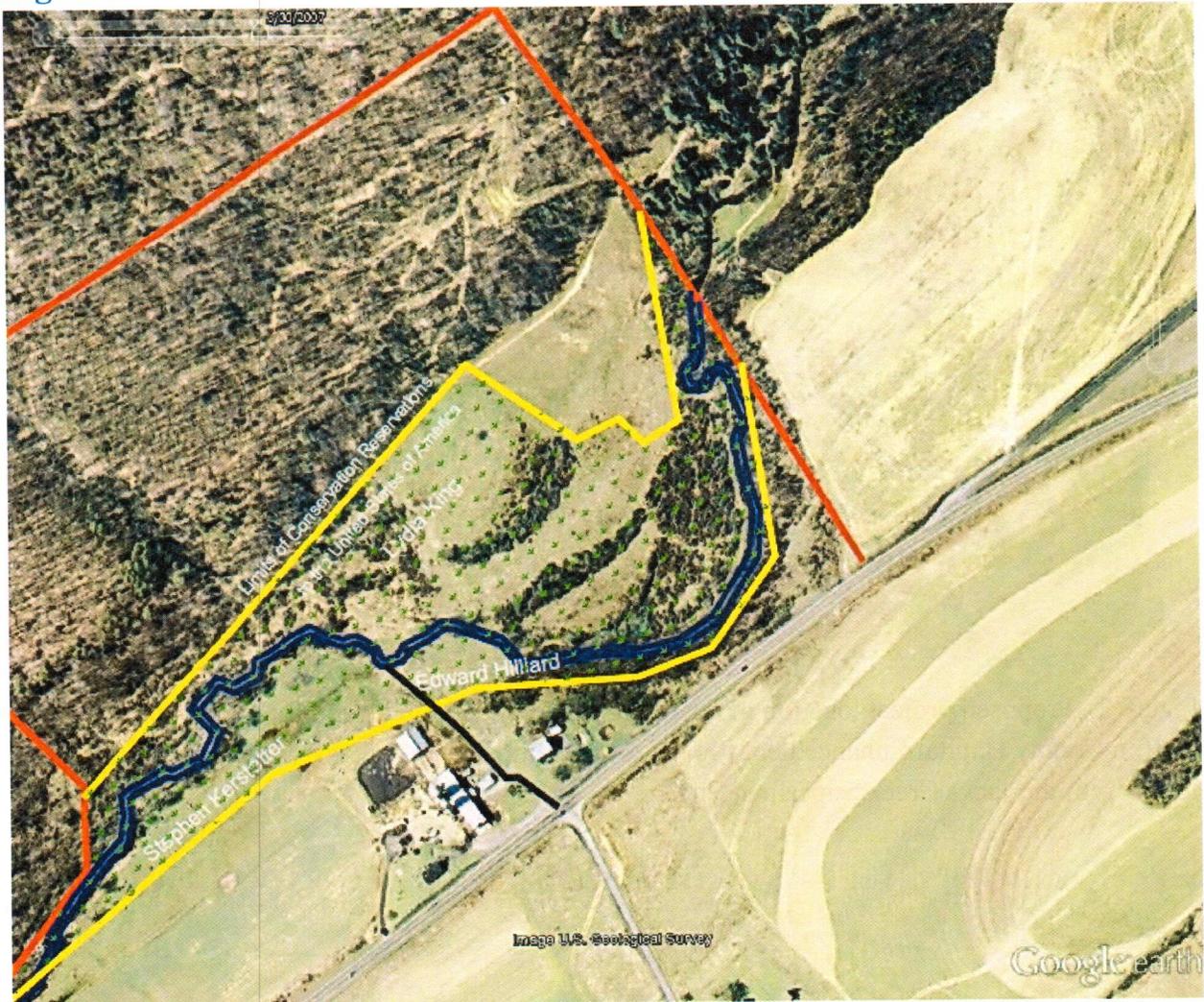


Figure 1. Mifflin County Habitat Enhancement Project Map. The properties of Lydia King, Edward Hillard, and Stephen Kerstetter are under conservation easement in perpetuity. The project proposes to create wetlands and enhance the streambanks of Musser Run on this property.

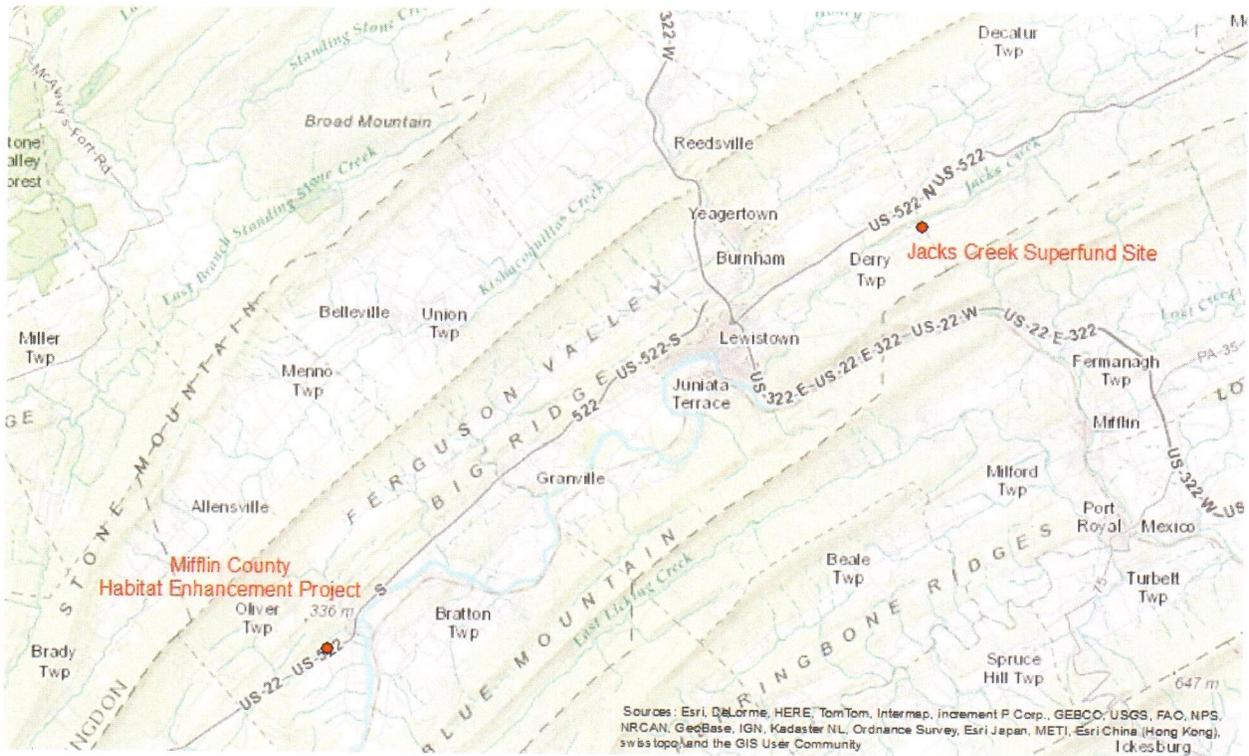


Figure 2. Proposed project location in relation to Jacks Creek Superfund Site. The site of the Mifflin County Habitat Enhancement Project is approximately 20 miles upstream of the Juniata River from the Jacks Creek Superfund Site.



Figure 3. Stream habitat enhancements to Musser Run. Approximately 8 log cross vane (yellow) and 1.3 feet of mudsills (red) will be placed in Musser Run to improve stream habitat.

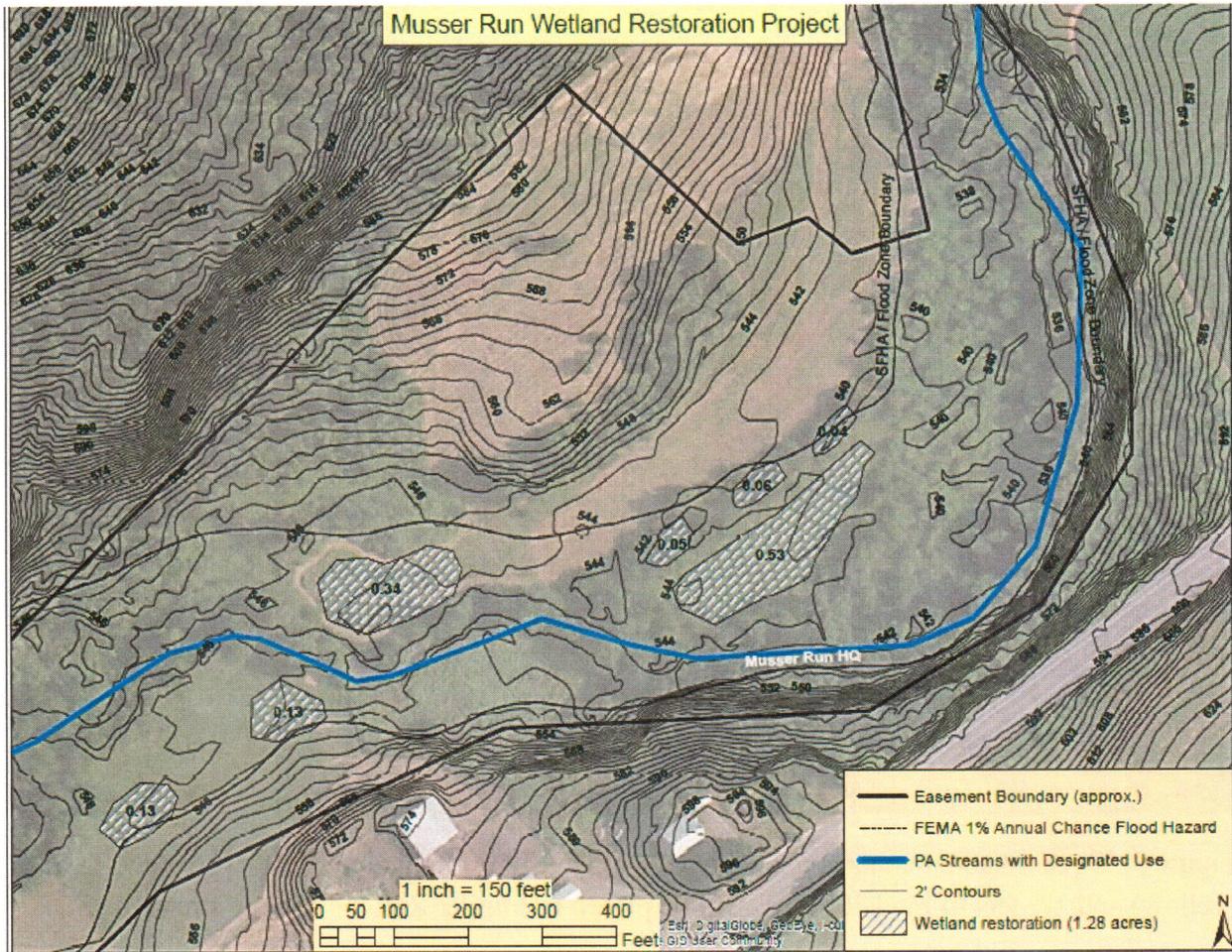


Figure 4. Wetland restoration for Mifflin County Habitat Enhancement Project. For the benefit of migratory birds, approximately 1.3 acres of wetland will be created by excavating potholes and planting native plants.

Attachment A

UNITED STATES FISH & WILDLIFE SERVICE

ENVIRONMENTAL ACTION STATEMENT

Restoration Plan Addendum (2015) for the Jacks Creek Superfund Site and the Keystone Sanitation Landfill Superfund Site

Within the spirit and intent of the Council on Environmental Quality's regulations for implementing the National Environmental Policy Act (NEPA) and other statutes, orders, and policies that protect fish and wildlife resources, I have established the following administrative record and have determined that the action of the Final Addendum to the Restoration Plans for the Jacks Creek Superfund Site and the Keystone Sanitation Landfill Superfund Site:

XX is a categorical exclusion as provided by 516 DM 6 Appendix 1 and 516 DM 6, Appendix 1. No further documentation will therefore be made.

_____ is found not to have significant environmental effects as determined by the attached Environmental Assessment and Finding of No Significant Impact.

_____ is found to have significant effects, and therefore further consideration of this action will require a notice of intent to be published in the *Federal Register* announcing the decision to prepare an Environmental Impact Statement.

_____ is not approved because of unacceptable environmental damage, or violation of the U.S. Fish and Wildlife Service mandates, policy, regulations, or procedures.

_____ is an emergency action within the context of 40 CFR 1506.11. Only those actions necessary to control the immediate impacts of the emergency will be taken. Other related actions remain subject to NEPA review.



Acting Regional Director/DOI Authorized Official

23 OCT 2015

Date



Final Approval of Restoration Plan Addendum

Final Restoration Plan Addendum

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

The Authorized Official for the Jacks Creek Superfund Site natural resource damage assessment case is the Regional Director for the U.S. Fish and Wildlife Service's Northeast Region.

By the signatures below, the Jacks Creek Superfund Site Final Restoration Plan Addendum is hereby approved.

Approved:

Concurred:


Date 10/23/15


Date 12/7/2015

Active

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

Mark Barash
Attorney
Northeast Region
Office of the Solicitor

