



NJ Zinc/Mobil Chemical Natural Resource Damage Assessment DePue, Illinois





Overview of presentation

- What is an NRDA?
 - Process (hazardous substances-focus)
 - Goal (restoration-focus)
 - Who are trustees?
 - Laws and guidance
 - Key terms
 - Phases
- What is a cooperative NRDA?
- Where is the NJ Zinc/Mobil Chemical site in the NRDA process?
- Community involvement
- Summary

Natural Resource Damage Assessment

Process:

a trustee can determine compensation for injuries to natural resources resulting from a release(s) of https://nxiao.com/hazardous_natural-resources or oil.



Goal:

Within the statutory authority, to make the public whole through restoration, rehabilitation, replacement, or acquisition of equivalent natural resources.

NRD Trustees

State of Illinois:

- Department of Natural Resources
- Environmental Protection Agency
- Close coordination with the Illinois Attorney General's Office







Primary Federal:

• Department of Interior's Fish and Wildlife Service



Authorization and Guidance

- Comprehensive Environmental Response, Compensation, & Liability Act (Superfund)
 - 43 CFR Part 11
- Federal Clean Water Act
- Oil Pollution Act of 1990
 - 15 CFR Part 990
- Common law principles and State statutes

Natural Resource:

land, fish, wildlife, plants, air, water, ground water, drinking water supplies and other such resources





Baseline:

conditions that would have existed <u>but for</u> the contamination of the environment

Injury:

a <u>measurable adverse change</u> in the chemical or physical quality or the viability of a natural resource

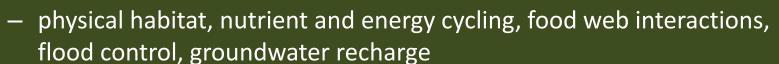
Examples from federal guidance:

- Concentrations sufficient to retard plant growth
- Concentrations exceeding water quality criteria
- Death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (reproduction difficulties) and physical deformations

Services:

Ecologically based

Examples from guidance:



Use based

Examples from guidance:

Drinking water supply, recreation, flood control, groundwater recharge

Key Terms

Damages:

- Value of the restoration necessary to restore the injured resource and compensate the public for the injury
- Trustees preference is for <u>restoration</u>, as opposed to cash payment

43 CFR Part 11 Phases

- Preassessment ✓ completed 2016
- Assessment ongoing
 - Injury determination
 - Quantification
 - Damage determination
- Post Assessment
 - Restoration planning







Cooperative Assessment

 refers to activities conducted by trustees and potentially responsible parties in a collaborative context to assess injury and assess damages with a focus on achieving restoration and resolution of liability without costly litigation

NJ Zinc/Mobil NRDA: <u>Assessment Phase</u>

- Injury evaluation
 - Determination
 - Quantification

Identify <u>local</u> restoration project concepts

- Valuation
 - Injuries and service losses = restoration projects

Community participation/involvement

How does the public get involved in the process?

- The Public is encouraged to review the documents made available to them and provide comments.
- The Public is encouraged to attend community informational meetings and inquire about progress/status.

Examples of involvement:

- 30-day public comment periods:
 - Pre-Assessment Screen ✓ completed 2016
 - Assessment Plan available April 2019
 - Restoration Plan
- Community meetings

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State of Illinois NRDA information: