



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



*Trustee presentation to community, February 27, 2019*

# 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 hazardous substances 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

# Key terms

## Natural Resource:

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



# Key terms

## Baseline:

conditions that would have existed but for the contamination of the environment

# Key terms

## Injury:

a measurable adverse change 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



# Key terms

## Services:

- Ecologically based

Examples from guidance:

- physical habitat, nutrient and energy cycling, food web interactions, flood control, groundwater recharge



- 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 restoration, 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: Assessment Phase

- Injury evaluation
  - Determination
  - Quantification
- Identify local 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:

<https://www.dnr.illinois.gov/programs/NRDA/Pages/default.aspx>