MISSOURI
DEPARTMENT OF
NATURAL RESOURCES

Natural Resource Damage Assessment & Restoration

Missouri Statewide Groundwater Restoration Plan Request for Proposals (RFP)

September 2, 2016

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What is NRDAR?

Natural
Resource
Damage
Assessment &
Restoration

The process of determining natural resource injuries, due to hazardous substance releases, petroleum spills, or pollutants; And, receiving compensation to restore, replace or acquire the equivalent of the injured resources.

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Purpose of NRDAR;

- ✓ Determine natural resource injuries *through time.* (Quantify extent & severity of injury.)
- ✓ Determine damages ($) – costs to restore trust resources & services.
- ✓ Recover damages ($) to develop & implement activities to restore, replace or acquire equivalent of the injured resources.

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What are Natural Resources?

State: All natural resources including land, fish, biota, air and water

Federal: Migratory birds, threatened and endangered species and their supporting habitats, releases onto federally-owned property

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Injury vs. *Damages*

Injury is the negative impact to the natural resources caused by the hazardous substance release.

Damages are the funds received to restore, replace or acquire the equivalent of the injured natural resources.

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Federal Authorities:

- Comprehensive Environmental Response Compensation & Liability Act (CERCLA/Superfund) – hazardous substance releases
- Oil & Petroleum Act (OPA) – petroleum spills
- Clean Water Act (CWA) – pollutants

State Authorities:

- Missouri's Clean Water Law (MCWL) – pollutants - 10 CSR 20-7.031(5) Table A Criteria for Designated Uses that before the discharge or release met the criteria; or
- Public Nuisance laws

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"Superfund" Law

What is CERCLA and what does it do?

- **Congress passed the Comprehensive Environmental Response, Compensation and Liability Act in 1980 in response to the threat of sites contaminated with hazardous waste, such as Love Canal in NY**
- **"Polluter pays" principle encompasses both:**
  - **Cleanup/remediation**
  - **NRDAR/restoration and land acquisition to compensate the public for lost resources**

Components of CERCLA Recovery

- **Remediation**—Cleanup actions are USEPA driven and remove contamination at a site to human health levels with some ecological consideration
- **Restoration**— Trustee driven and focused on ecological conditions.
  - On Premise Restoration (Primary)
  - Off Premise Restoration (Compensatory)

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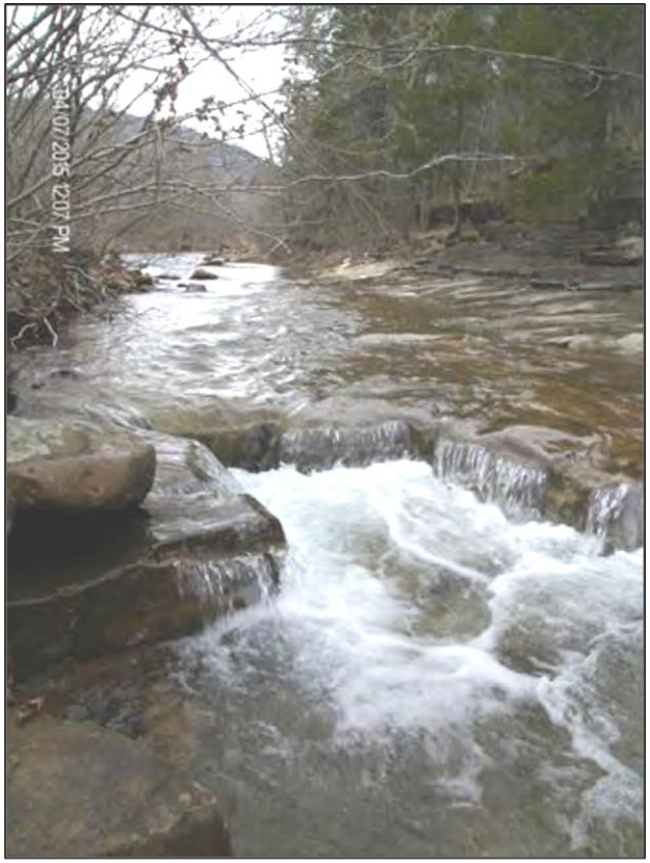
What is MDNR's role?



CERCLA designates the Governor as the Trustee for the natural resources of the state.

- Governor designated the Director of MDNR to act on his behalf.

The Trustee, working singly or jointly with federal agencies, recovers natural resource damages and funds projects.

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Natural Resource Damages Settlements

- Department obtained a monetary settlement for groundwater injuries associated with the former Kerr-McGee wood treatment sites in Springfield and Kansas City, MO.
- Groundwater impacts from hazardous contaminants related to creosote wood treatment operations.
- Separate funds awarded for ongoing cleanup operations which will continue into the future.

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What is Natural Resource Restoration?

- Primary Restoration
  - Restores injured resources to baseline condition

- Compensatory Restoration
  - Compensate the public by acquiring or preserving the equivalent of those resources which were injured
    - Groundwater recharge area protection
    - Riparian Corridor Protection
    - Other resource restoration projects which benefit groundwater

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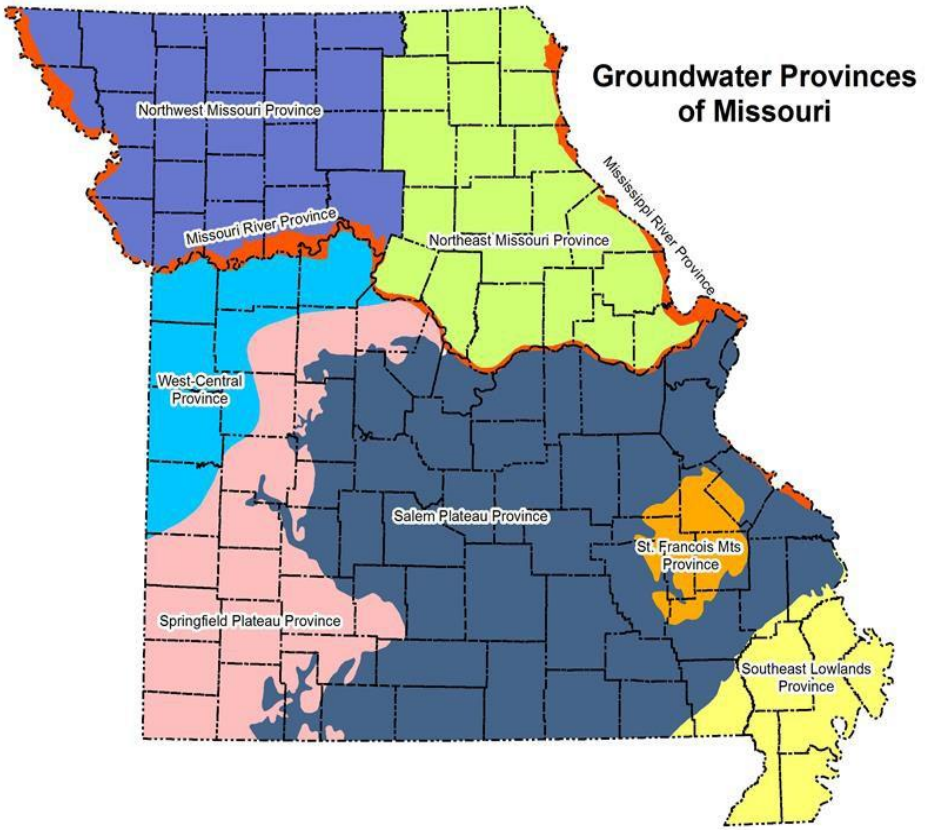
Missouri Statewide Groundwater Restoration Plan

- The Plan is intended to address natural resource damage claims or restoration efforts relating to injured groundwater
- Covers seven major groundwater provinces and two subprovinces



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Example Restoration Projects Under the MSGRP:

- Restore injured groundwater, caves, springs, and karst systems;
- Preserve groundwater, caves, springs, and karst systems by acquiring land for parks or for other public uses; or by acquiring conservation easements;
- Eliminate conduits or pathways for contamination, via projects such as well plugging;
- Fund groundwater conservation projects;
- Implement riparian restoration opportunities along losing streams;
- Protect recharge areas/establish groundwater protection zones;
- Educate the public about the importance of groundwater quality in Missouri.

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Groundwater Resource Improvement RFP

- $500,000 funding commitment to the current RFP
- Goal of this RFP is to implement successful programs and projects of environmental restoration to benefit groundwater resources.
- The RFP is geographically prioritized

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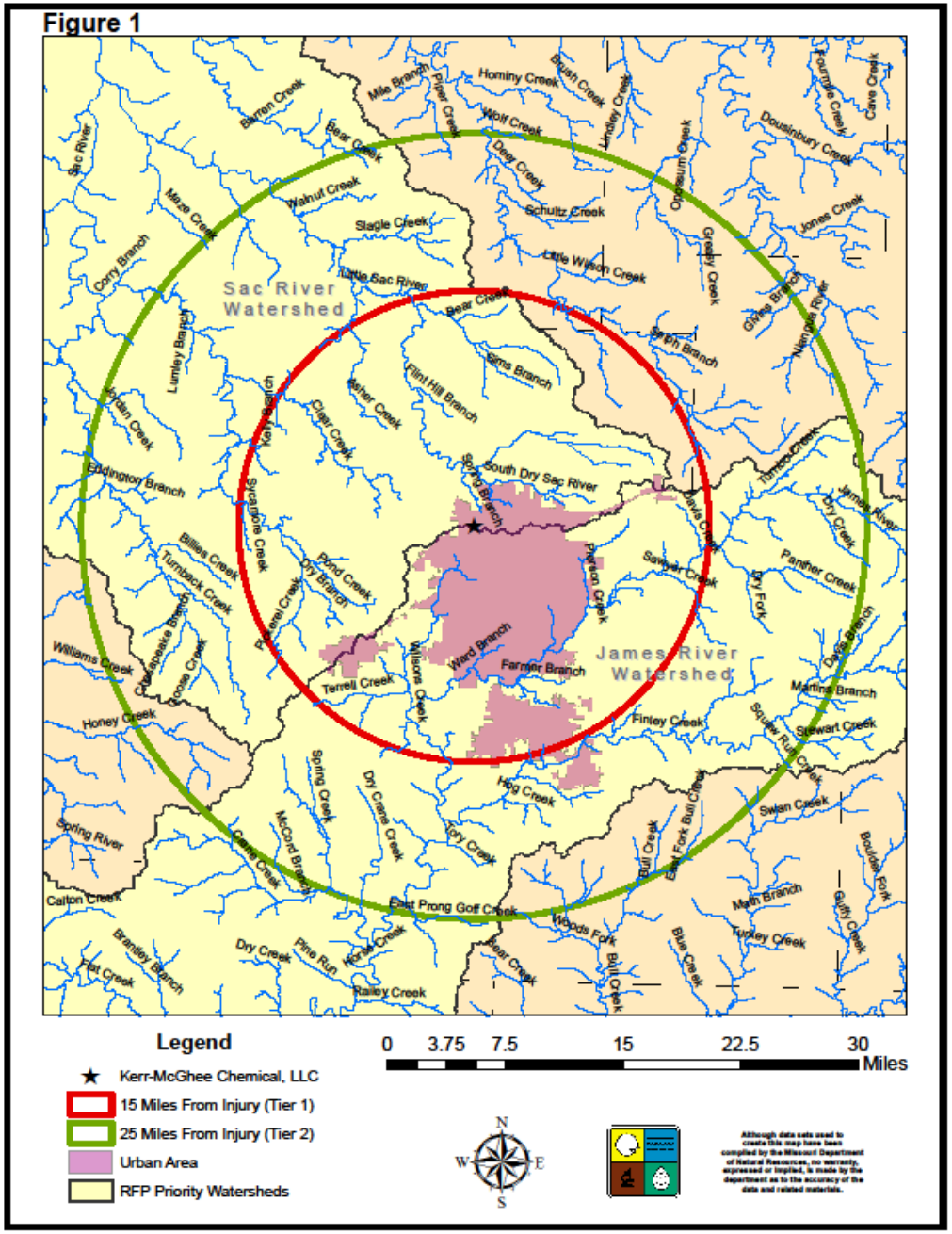
Tier 1 & Tier 2
RFP Priority Areas



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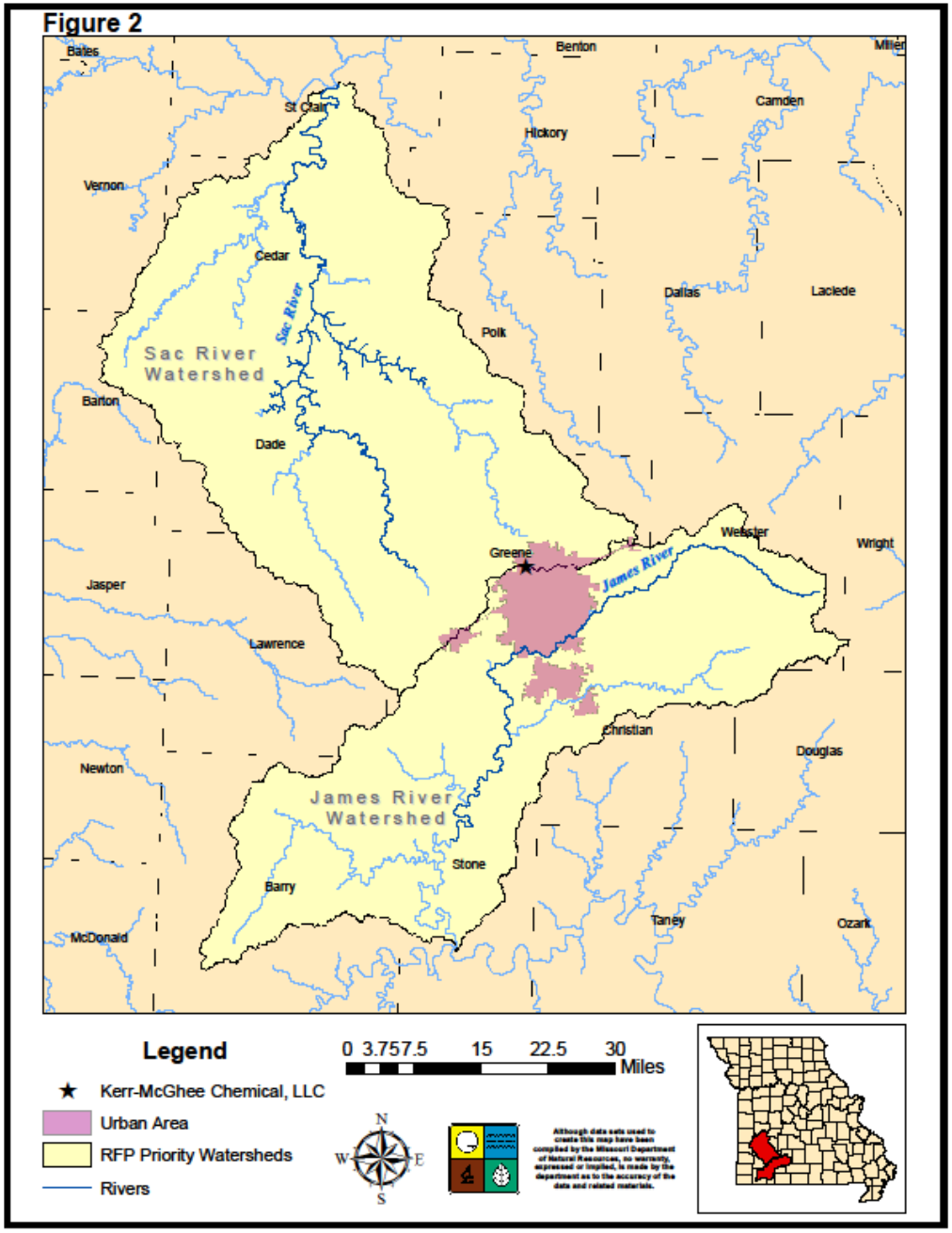
Sac and James River Watersheds



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Restoration Project Evaluation

- Evaluated with Scoring Matrix attached to the RFP

Projects must :

- Be Technically Feasible
- Address or compensate for injured natural resources
- Not be targeting remedial/clean-up actions
- Consistent with CERCLA
- Not proposed by responsible parties

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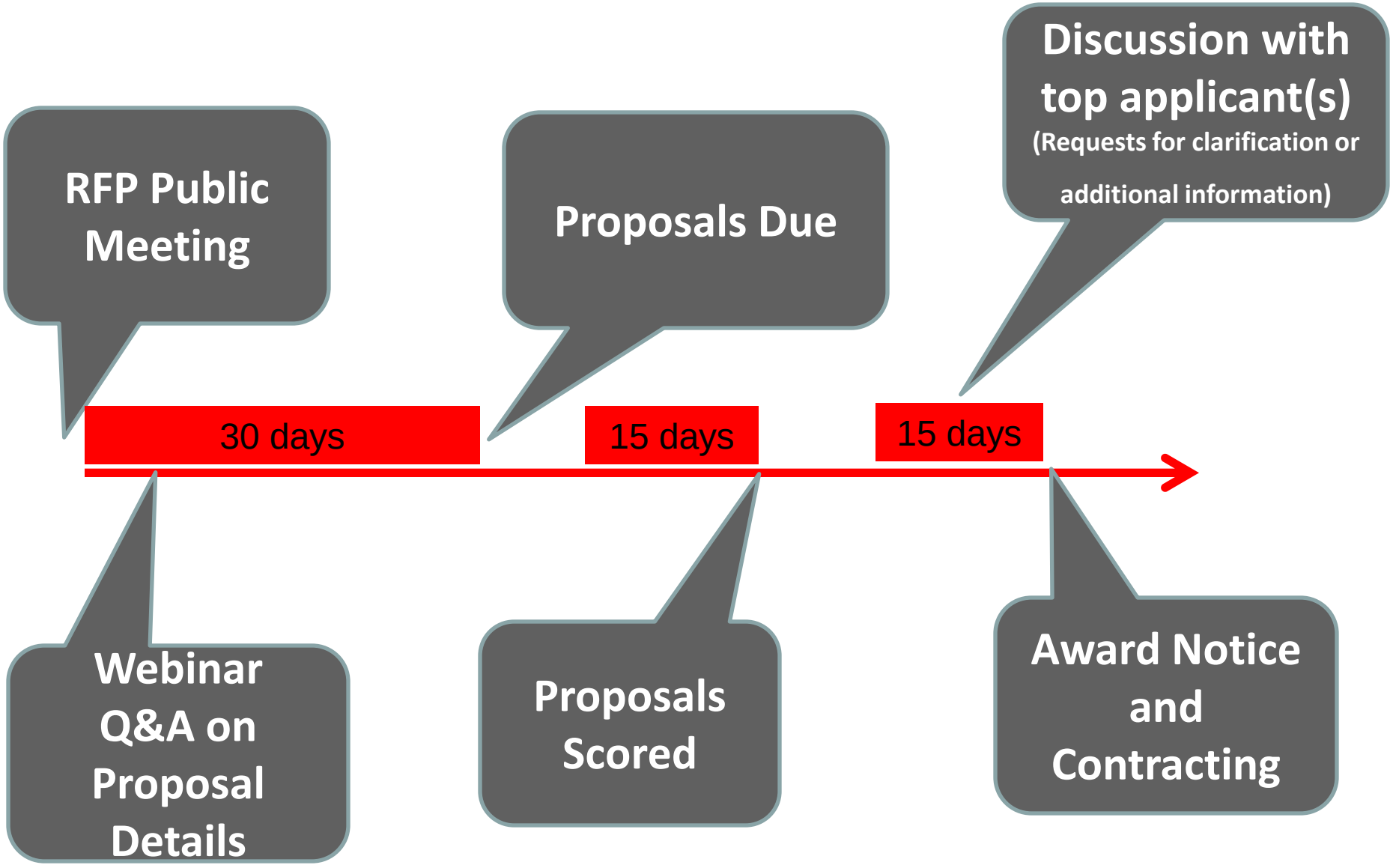
RFP Timeline



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RFP Important Dates

- 9/3/2016 Full Proposal Posted to Web
- 9/9/2016 Information Webinar Q&A
- 9/12/2016 Deadline for Questions
- 10/3/2016 Proposals Due by 5:00 p.m.
- 11/02/2016 Award Notifications

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NRD Resources on the Web, RFP and Restoration Contacts

State NRD website:

http://www.dnr.mo.gov/env/hwp/sfund/nrda.htm

RFP Submittals to :

MissouriNRD@dnr.mo.gov