

Bechtel*Interoffice Memorandum*

To	G. L. Palau	File No.	7440/113
Subject	Scoping Notice: The B&T Metals Site, Columbus, Ohio	Date	February 26, 1996
		From	D. D. Sexton <i>Dave</i>
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BACKGROUND

The purpose of this Scoping Notice is to formalize the identification and evaluate the application of federal and state rules and regulations that apply to the cleanup of the B&T Metals site, located in Columbus, Ohio. This environmental compliance evaluation is based on information contained in the Designation Summary of the site (CCN 095792), which provides the nature and extent of radiological contamination, and upon an Engineering and Technology preliminary draft characterization report which identifies the presence and type of chemical and radioactive mixed waste present at the site.

This Scoping Notice reviews various environmental regulations. However, neither Occupational Safety and Health Act (OSHA) nor U.S. Department of Transportation (DOT) regulations are within the scope of this review. Although OSHA and DOT regulations are routinely applicable to all FUSRAP remedial actions, identifying the specific elements of these regulations that apply to site work is done through site specific Health and Safety Plans by the Safety and Health Department and through standard shipping procedures and work instructions issued by the Waste Management Department.

REGULATORY FRAMEWORK**Atomic Energy Act Authority**

DOE is proceeding with the decontamination of the B&T Metals site under the authority of the Atomic Energy Act of 1954, as amended. Since cleanup is not proceeding in accordance with the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) or the DOE Expedited Protocol Approach established by DOE Headquarters (CCN 069397), only environmental documentation which satisfies the requirements of the National Environmental Policy Act (NEPA) must be prepared.¹ However, as a courtesy, a document describing decontamination activities will be sent to the Ohio Environmental Protection Agency (OEPA).

¹ CERCLA requires preparation of an Engineering Evaluation/Cost Analysis (EE/CA) for removal actions which are not time critical in nature. The Expedited Protocol Approach recommends that a CERCLA-style PA/SI package and a rHRS package be completed to document the proper application of the Protocol.



The National Environmental Policy Act (NEPA)

NEPA, as implemented by Executive Orders 11514 and 11991, establishes national policies and goals for the protection of the environment. Section 102(2) of NEPA contains provisions which direct federal agencies to give appropriate consideration to the environmental effects of their decisionmaking and to prepare appropriate documentation. Appropriate NEPA documentation may include the preparation of either an Environmental Impact Statement (EIS), Environmental Assessment (EA), or a Categorical Exclusion (CX), depending upon the potential significance of the activities' impact upon the environment.

Since activities at B&T Metals will not have an individual or cumulative significant effect on the environment, a Categorical Exclusion (CX) under NEPA has been prepared specific to the activities planned for the site. The CX has been submitted to and approved by the DOE Oak Ridge Operations NEPA Compliance Officer (CCN 136930). The CX applied to work at this site is "B.6.1 Removal Actions Under CERCLA (including those taken as final response action and those taken before remedial action) and Removal-Type Actions Similar in Scope Under RCRA and Other Authorities." The B&T Metals CX does not require approval by DOE-Headquarters.

ADDITIONAL FEDERAL REGULATORY CONSIDERATIONS

DOE Order 5400.5

Cleanup of the B&T Metals site will be conducted pursuant to DOE Order 5400.5. However, the Department of Energy (DOE) is currently in the process of codifying all DOE Orders. A proposed rule which would codify DOE Order 5400.5 (10 CFR 834) has been published in the Federal Register (58 FR 16268). The final rule is expected to be published late in March 1996. Upon codification of 10 CFR 834, the requirements governing cleanup of radioactively contaminated areas at the B&T Metals site would have to be reevaluated, particularly if the new requirements become effective before remediation commences.

It is recommended that cleanup be completed prior to the effective date of the new regulations. Based on the proposed rule, it is expected that 10 CFR 834 will significantly change existing cleanup requirements at DOE sites. For example, unlike DOE Order 5400.5, the proposed rule in 10 CFR 834 does not contain building release criteria or soil criteria in the form of easily identifiable numbers (e.g., 1,000 dpm). The proposed rule requires that the public not be exposed to 100 mrem/yr. Should this change be incorporated into the final rule, new criteria will be used to determine whether buildings, soil, or equipment may be released.

The Engineering and Technology Department addresses the requirements of DOE Order 5400.5 in the Post RA Survey Plan. This plan will be issued with the Engineering RA Work Instruction prior to field mobilization.

Clean Air Act (CAA)

The federal National Emissions Standards for Hazardous Air Pollutants (NESHAPs) regulate air emissions from facilities owned or operated by DOE.

Emissions of Radionuclides Other Than Radon - Subpart H

NESHAPs Subpart H regulates the emissions of radionuclides other than radon from facilities owned or operated by DOE. A literal reading of the regulation indicates that DOE "operations" which emit radionuclides must demonstrate compliance with the 10 mrem/yr standard. The current DOE interpretation of the applicability of Subpart H, based on a DOE-HQ memorandum, is that Subpart H only applies to



DOE owned or leased sites (see DOE memorandum "Clean Air Act Regulatory Requirements Applicable to FUSRAP"; from J. W. Wagoner, II to W. M. Seay; dated March 22, 1990). The memorandum is unclear on the applicability of Subpart H to vicinity properties such as B&T Metals. This issue has been raised to DOE legal and remains unresolved.

Emissions of Radon - Subpart Q

NESHAPs Subpart Q regulates the emission of radon from facilities owned or operated by DOE. The current DOE interpretation of the applicability of Subpart Q, based on a DOE-HQ memorandum, is that Subpart Q only applies to DOE owned or leased sites (see DOE memorandum "Clean Air Act Regulatory Requirements Applicable to FUSRAP"; from J. W. Wagoner, II to W. M. Seay; dated March 22, 1990). The memorandum is unclear as to the applicability of Subpart Q to vicinity properties such as B&T.

Asbestos Abatement

Characterization activities indicate that the B&T Metals site may contain friable asbestos materials. NESHAPs Subpart M contains requirements for asbestos demolition and renovation activities in 40 CFR 61.145.

Subpart M establishes notification requirements for demolition and renovation activities. Since abatement activities at B&T Metals will not involve the removal of load supporting structures, such operations are considered a renovation activity (40 CFR 61.141). Renovation activities where the amount of regulated asbestos containing material is at least 260 linear feet on pipes or 160 square feet on other facility components must comply with the notification requirements and procedures for asbestos emission control (40 CFR 61.145(b)&(c)).

Since abatement at B&T Metals involves only 120 square feet on facility components other than pipes, the notification and emissions control requirements are not applicable. Nevertheless, Ohio Environmental Protection Agency (OEPA) asbestos requirements (i.e., state NESHAPs equivalents) must be evaluated, since they may be more stringent than federal NESHAPs regulations (see State Requirements section).

Clean Water Act (CWA)

The CWA regulates the discharge of pollutants to waters of the United States through the application of Federal, State, and local discharge standards.

NPDES Requirements

EPA regulates the direct discharges of pollutants through the National Pollutant Discharge Elimination System (NPDES). States may receive authorization from EPA to administer their own equivalent or more stringent state program (i.e., a State Pollutant Discharge Elimination System [SPDES] program) in lieu of the federal requirements. Since Ohio's SPDES program has been authorized by the U.S. EPA, state requirements must be evaluated for applicability (see State Requirements section).

Resource Conservation and Recovery Act (RCRA)

RCRA regulates the storage, treatment, and/or disposal of hazardous waste or radioactive mixed waste (RMW) that contains hazardous constituents (40 CFR 261 through 40 CFR 268). Since Ohio's hazardous waste program has been authorized by EPA, the regulations contained in the Ohio Administrative Code (OAC) govern activities at the B&T Metals site (these state hazardous waste regulations may in some instances be more stringent than federal RCRA regulations).



Toxic Substances Control Act (TSCA)

PCBs

TSCA establishes requirements for the manufacture, processing, distribution in commerce, use, disposal, storage, and marking of PCBs of greater than 50 ppm (40 CFR 761). TSCA regulated PCBs have not been identified at the site, nor are any expected based on process knowledge. Should regulated PCBs be encountered, they will be managed, stored, and disposed of in accordance with TSCA regulations.

Asbestos

TSCA establishes requirements which must be followed by employers of state or local government employees during asbestos abatement projects not governed by OSHA (40 CFR 763.120). These requirements are not applicable to B&T since asbestos abatement will not involve state or local government employees and OSHA asbestos standards under 29 CFR 1926.1101 will be followed.

National Historic Preservation Act (NHPA)

Since this removal action is a federal undertaking, compliance with §106 of the NHPA is required. On December 7, 1995, a letter was sent to the Ohio State Historic Preservation Officer (SHPO) indicating DOE's opinion that site activities would not detrimentally impact any historic properties (CCN 137271). The Ohio SHPO indicated that they believed the B&T Metals building is eligible for the National Register under Criterion C (CCN 138405). The Ohio SHPO also requested a description of the decontamination work proposed. On behalf of DOE, Bechtel provided the requested information to the SHPO (CCN 139490). The SHPO subsequently concurred with DOE's assessment that activities at B&T will not adversely affect any historic properties and that the property is cleared under 36 CFR 800 (CCN 139565).

ADDITIONAL STATE REGULATORY CONSIDERATIONS

Hazardous Waste

Ohio's hazardous waste program, which has been authorized by EPA, establishes requirements related to the management of RCRA hazardous wastes. Lead anchor bolts which meet the definition of a hazardous waste will be generated at the B&T Metals site. However, since these anchor bolts will be recycled at a permitted facility and not accumulated speculatively, they are not subject to regulation as a hazardous waste (OAC 3745-51-06). The anchor bolts will not require manifesting when shipped for recycling.

Lead containing paint on the walls destined for decontamination has been tested and does not exhibit the characteristic of toxicity for lead. Vats located at the site contain caustic material and sludge; however, these materials and sludges will not be removed from the vats since radioactive contamination is not above cleanup criteria. These vats remain the property of the site owner and will not be disposed of by DOE. Should circumstances change and a decision be made to decontaminate and dispose of the material in the vats, hazardous waste regulations will not be triggered since process knowledge does not indicate that these materials are a hazardous waste and analytical results verify that these materials do not exhibit a hazardous waste characteristic.

Air Issues

Fugitive Dust Emissions

Ohio regulations prohibit a person from causing or permitting a "fugitive dust source to be operated; or any materials to be handled, transported, or stored, or a building or its appurtenances or a road to be used,



constructed, altered, repaired, or demolished without taking or installing reasonably available control measures to prevent fugitive dust from becoming airborne" (OAC 3745-17-08). Reasonable measures include, but are not limited to, the use of water or other suitable dust suppression chemicals, the use of equipment to contain, capture, vent, and control fugitive dust; and the covering of open bodied vehicles when transporting materials that may potentially become airborne.

HEPA filters should be used to control potential emissions from decontamination activities within the B&T buildings. Contaminated materials should be covered or containerized when outdoors, including when transported.

OEPA Asbestos Regulations (State NESHAPs equivalent regulations)

The Ohio Environmental Protection Agency (OEPA) regulates asbestos demolition and renovation activities. OEPA has established requirements for demolition and renovation activities by way of notification standards, procedures for asbestos emission control, and standards for asbestos handling (OAC 3745-20-03 to 3745-20-05). These requirements are not applicable to the removal of asbestos containing material at the B&T Metals site because the removal is not a regulated renovation activity (i.e., the renovation activity involves less than 160 square feet).

Approximately 120 square feet of potentially friable asbestos containing floor tiles are present at the B&T Metals site. If this material is determined to be friable, removal would be considered a renovation activity since it does not involve the wrecking or taking out of a load-supporting structural member of the facility. The requirements of OAC 3745-20-03 to 3745-20-05 are only applicable to renovation activities where at least one hundred and sixty square feet of friable asbestos materials on facility components other than pipes are to be stripped or removed. Since the renovation activity at B&T Metals involves less than 120 square feet of potentially friable asbestos material, the above referenced regulations are not applicable.

Ohio Department of Health Asbestos Regulations

The Ohio Department of Health (ODH) requires certain licenses and certifications for persons working on an asbestos hazard abatement project (OAC 3701-34-01 to 3701-34-11). An asbestos abatement project is defined as any activity involving the removal or renovation of friable asbestos-containing material in an amount greater than 50 square feet (OAC 3701-34-01(C)). However, an ODH memorandum specifically exempts certain asbestos containing materials (e.g., vinyl floor tiles) from ODH regulation, as long as the requirements of 29 CFR 1926.1101 of OSHA are followed (CCN 139335). Bechtel and its subcontractors routinely comply with the applicable requirements of §1926.1101. The requirements of §1926.1101 are captured in Project Instruction S1.10A, The Asbestos Abatement Program.

Water Issues

Since contamination is localized indoors, it is not expected that a large volume of water will be generated. However, water generated onsite (e.g., decontamination water) must be managed in accordance with applicable Ohio regulations.

SPDES Point source discharges

Ohio regulates the discharge of any "pollutant" to a "water of the state" from a "point source" (3745-33-02). These terms are sufficiently broad to cover the discharge of almost any substance to any water body, including any discharge onto the ground. Ohio requires permits for such discharges. Environmental Compliance should be consulted to determine permit applicability prior to the discharge of any potential pollutant to a water of the state.



Non-point source discharges (i.e., stormwater discharges)

Under the current scope of work stormwater regulations are not applicable since there is no outdoor contamination at the B&T site. However, should outdoor contamination requiring excavation be found, these requirements could be applicable.

Ohio non-point source regulations do not apply to construction areas of less than five (5) acres. To determine whether an activity is an industrial or construction activity, OEPA looks at the primary activity that is taking place. A remedial action consisting of excavation as the primary activity (e.g., FUSRAP sites with outdoor contamination), would fall under the construction discharge regulations (Telecon with Ohio). Thus, if less than five acres were involved a permit would not be required.

Lead Abatement

ODH regulates lead abatement activities (OAC 3701-32-01 to OAC 3701-32-11). However, these lead abatement regulation are only applicable to structures. Structures are defined as "any house, apartment, or building, used as an individual's private residence or commonly used as a place of education or child day-care center for children under six years of age" (OAC 3701-32-01). Since the B&T building is not considered a structure, lead abatement requirements do not apply.

State Radioactive Waste Code

Ohio is not a Nuclear Regulatory Commission (NRC) agreement state. Therefore, they only have jurisdiction over Naturally-Occurring Radioactive Materials (NORM) and accelerator-produced material.

Radioactive materials such as byproduct, source, and special nuclear material are regulated by the NRC. Since the radioactive material at B&T Metals is byproduct material, the Ohio Radiation Protection Standards are not directly applicable.

Potential Local Ordinances and/or Permits

Local officials have been contacted and it has been determined that there are no local permits applicable to activities at the B&T Metals site.

CONCLUSION

This review has identified the major regulatory drivers that guide activities during the B&T Metals site cleanup. The following are the key regulatory drivers affecting work at B&T:

1. OEPA should be consulted prior to the discharge of water generated at the site to a water of the state (this includes a discharge to the ground). However, the following are additional water management options that may be entertained without consulting with OEPA:
 - drum heating
 - subcontracting with a licensed water hauler
 - discharge to a POTW
2. Asbestos work should proceed in accordance with the applicable provisions of 29 CFR 1926.1101 to ensure that Ohio Department of Health licensing and certification requirements will not be triggered.
3. Lead anchor bolts do not have to be stored and managed in accordance with hazardous waste regulations since they are destined for recycling at the Scientific Ecology Group (SEG) facility in Oak Ridge, Tennessee.

