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**SUMMARY OF NON-COMPLIANCE AND OPEN  
ITEMS**

**10/27/88**

**WMCO:SR:(IA):88-0590**

**WMCO/DOE-FMPC**

**14**

**LETTER**

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WMCO:SR(IA):88-0590  
October 27, 1988

Mr. James A. Reafsnyder  
Site Manager  
U. S. Department of Energy  
P. O. Box 398705-8705  
Cincinnati, OH 45239-8705

**SUMMARY OF NON-COMPLIANCE AND OPEN ITEMS**

Dear Mr. Reafsnyder:

This letter transmits a summary of non-compliance with EPA requirements and a description of outstanding issues under the Federal Facilities Compliance Agreement and Director's Findings and Orders.

On October 24, 1988, the DOE (Ray Hansen and Jane Powell) verbally requested:

- 0 A summary of past FMPC non-compliances with EPA regulations and actions which have been taken to resolve those non-compliances;
- 0 A summary of Federal Facilities Compliance Agreement and Director's Findings and Orders deliverables which may have been extended or delayed; and
- 0 A summary of those areas in which delays by the EPA may have resulted in extensions or delays in FMPC actions.

In response to this request, WMCO is providing three summaries:

- 0 A list of TSCA non-compliances noted during EPA inspections and actions taken (being taken) to resolve them;
- 0 A list of RCRA non-compliances noted during EPA inspections and actions taken (being taken) to resolve them; and
- 0 A list of FFCA and DFO deliverables where the EPA has or might take issue with FMPC actions.

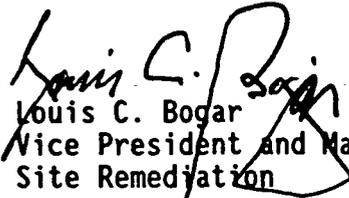
James A. Reafsnyder

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WMCO:SR(IA):88-0590

These summaries are provided for information only. Should additional information be required, contact C. R. Conner.

Very truly yours,

  
Louis C. Bogar  
Vice President and Manager  
Site Remediation

CRC:dal

Attachment

bc: C. R. Conner  
L. C. Bogar  
Central Files

**FMPC TSCA INSPECTIONS****Item 1 : PCB Annual Documents**

Discussion: In May 1986 USEPA, Region V, noted during an inspection that the FMPC PCB Annual Report was deficient because a complete inventory of the FMPC capacitors was not included in the document. The Notice of Noncompliance was received in August 1987, fifteen months after the inspection occurred. The FMPC improved the PCB Annual Report completed in July 1986 based on comments at the inspection. The report was subsequently improved each time it was prepared (annually in July) and a complete inventory of PCB capacitors and transformers was finalized in January 1988. To further improve the PCB Annual Report the FMPC is conducting a PCB Item/Article inventory of all buildings on-site to identify such electrical equipment as oil filled switches, light ballasts, etc.

**Item 2 : PCB Storage Requirements**

Discussion: The TSCA regulations require that all PCB items and articles removed from service must be properly disposed of in a permitted landfill or incinerator (depends on type of item) within one year. In the May 1986 inspection PCB items were identified as being in storage at the FMPC for longer than one year. The items identified as being in storage for longer than one year are also radioactive contaminated and the only storage facility currently available for the FMPC is the K-1435 incinerator in Oak Ridge, Tennessee. Based on the schedule for acceptance at that time it was believed that all items would be shipped by November 1987. Subsequent inspections and contact with US EPA revised that schedule to indicate that most of the out of date material would be shipped to the K-1435 incinerator in August 1988. In August 1988 ORDGP cut off all further shipments until problems were resolved with 13 leaking drums that were previously shipped by the FMPC. Currently the FMPC has less than 70 drums on-site identified as PCBs. The PCB drums that have already been shipped to the ORDGP incinerator have not been disposed of yet because the incinerator is not permitted, although the facility has undergone several test burns. The FMPC is still out of compliance with the TSCA regulations until the material has been incinerated.

**Item 3 : Continuous Curbing in Storage Areas**

Discussion: The FMPC was inspected by US EPA Region V in July 1987 and received the Notice of Noncompliance in June 1988. The Notice indicated that there was not a continuous six inch curb constructed of smooth and impervious materials, such as Portland cement concrete or steel to prevent or minimize the penetration of PCBs in Bay 7. Bay 7, in the KC-2 Warehouse, does have continuous curbing except for one eight foot section. The eight foot section is constructed of four 8'x2"x10" boards nailed together, wrapped in plastic and sealed with tar. The removable wood section allows a forklift truck to pass during the placement and removal of containers. The wood section was put in place due to insufficient room available to place a ramp over a continuous concrete dike. Region V was advised that the present method of containment

would be reviewed and a test conducted to demonstrate imperviousness. As a result of the testing engineering adjustments will be made as necessary.

Subsequently, the FMPC has chosen not to test the curbing and will install a six inch concrete curbing and permanent ramping. Epoxy sealant will be used to ensure that proper sealing of the 8' section occurs.

## FMPC RCRA INSPECTIONS

Inspection: July 20, 1988                      Agency: OEPA  
Date of Notice of Violation: July 29

Item 1: Job descriptions not included in operating records.

Discussion: Records were updated to comply 8/31/88.

Item 2: One manifest form lacked the pick up date from shipper.

Discussion: Manifest was corrected, and new procedure now requires review of all manifests before shipper is released.

Item 3: Inadequate aisle space in Bay 5.

Discussion: Drums were moved to correct aisle space problems.

Item 4: A list and map of locations of emergency equipment not available.

Discussion: A list indicating locations of emergency equipment is part of the FMPC Emergency Plan. A map is not required by regulation.

Item 5: An evacuation plan had not been submitted to OEPA.

Discussion: The Evacuation Plan had not been submitted previously, but was provided to DOE on 8/31/88.

Item 6: The Contingency Plan should include a list of Emergency Coordinators.

Discussion: The list of Emergency Coordinators is included in the SPCC Plan which is a part of the Contingency Plan.

Item 7: The Contingency Plan does not include requirements for reporting after implementation.

Discussion: Not required by regulation to be included in the plan; however, FMPC will record events during an incident per the SPCC Plan, and provide a report as required.



Inspection: July 14, 1988                      Agency: OEPA  
Date of Notice of Violation: July 24, 1987

Item 1: Chemical and physical analyses of wastes have not been completed.

Discussion: Analytical results were provided to OEPA & USEPA with submittal of the Waste Analysis Plan on March 22, 1988.

Item 2: - Newly generated wastes have not been updated in the Waste Analysis Plan.

Discussion: No new wastes have been generated since issue of the plan.

Item 3: Job descriptions were not included in the training records.

Discussion: Records were updated to comply on 8/31/88.

Item 4: Documentation identifying hazardous wastes was not present.

Discussion: Classification for all wastes was provided to OEPA and USEPA in the Waste Characterization Report March 31, 1988.

Item 5: There were no records documenting the completion of required training.

Discussion: Training records for RCRA were provided to OEPA August, 1987.

Item 6: Emergency Coordinator information in the Contingency Plan was not updated.

Discussion: The information (phone nos., names, addresses) was updated August, 1987.

Item 7: The Contingency Plan fails to include the location and description of emergency equipment.

Discussion: This information is part of the SPCC Plan and Emergency Plan.

Item 8: The Contingency Plan had not been distributed to local emergency authorities.

Discussion: Site-specific County Emergency response Plans are in effect with local emergency authorities.

Item 9: Bay 7 had inadequate aisle space.

Discussion: Drums in Bay 7 were moved to correct the problem. Additional storage space was gained by modifying Bays 5 and 6 by August, 1987.

Item 10: The expected closure date was not included in the Closure Plan.

Discussion: An estimated date (Year 2035) was added to the Closure Plan by August, 1987.

Item 11: The Closure Plan didn't include schedules for closure of each RCRA facility.

Discussion: Closure plans, with dates, for all the RCRA facilities were submitted in January, 1988.

Item 12: The Closure Plan did not include decontamination methods.

Discussion: Descriptions of decontamination methods were added to the Plan on 8/24/88.

Item 13: Some RCRA waste drums were not closed.

Discussion: Lids were secured on the noted drums and personnel instructed as to the requirements in August, 1987.

FEDERAL FACILITIES COMPLIANCE AGREEMENT & DIRECTOR'S FINDINGS & ORDERS  
ISSUES

10/26/88

## Item 1: Plant 8 thorium packaging.

**Discussion:** The Technical Information Package (TIP) was submitted to EPA in February 1988 for approval before the subcontractor could come on-site to begin the thorium packaging effort. EPA did not approve the TIP until late May 1988. The subcontractor was ready to begin on April 11, but was delayed in starting the project until EPA approval was received. After the subcontractor began and the Plant 8 thorium was sampled in June, it was determined that a redesign of the extraction equipment was necessary due to the physical properties of the sampled material. These scheduler impacts were discussed at the TIE meetings held on June 28, 1988, and on September 21, 1988. There has been approximately a five month delay from the original schedule. The current schedule calls for a start of packaging in November 1988, with a completion date of March 1989.

## Item 2: 1988 Stack Test Reports

**Discussion:** Three stack tests were conducted in February, two in April, and five in August. The FFCA commitment is that test results be sent to EPA within 45 days of the end of the test. This is not technically feasible since it takes longer than 45 days to process the samples and obtain analytical data. This also does not allow adequate time for review of the data by FMPC personnel.

For the February tests, the reports were sent to DOE-FMPC and DOE-ORO in May for review. Numerous discussions have been held to resolve comments on these test reports. A teleconference was held in September 1988 between WMCO, DOE-FMPC and DOE-ORO, and all comments were resolved. All 10 test reports are being revised to include DOE's comments, and all 10 stack test reports will be sent in one package to DOE in November.

## Item 3: K-65 Interim Stabilization

**Discussion:** The original implementation schedule for interim remediation of the K-65 silos was submitted on schedule in August 1986 to EPA. EPA comments were received in December 1986. A revised schedule was

submitted to EPA on schedule in January 1987. Additional comments were received from EPA in June 1987, and another revised schedule was submitted to EPA in July 1987. Approval and authorization from EPA to proceed was not received until December 1987.

The original stabilization plan was to use a foaming process. Following a review of the foaming process by industry experts, the original design was found unfeasible. The stabilization design was revised to use sand instead of foam. The project was originally scheduled for completion in June 1988, but due to the changed design has been revised to December 1988.

**Item 4: Resolution of RCRA Items A1-A7**

**Discussion:** The original response was sent in the 30-day deliverable transmitted to EPA on August 15, 1986. Item A5 was resolved with the submittal of this deliverable. Items A4 and A6 were resolved in the revised RCRA deliverable submitted to USEPA in January 1987.

Additional comments on Items A1, A2, A3 and A7 of the RCRA deliverable were received from USEPA in May 1987. WMCO provided DOE with revised information in August 1987. Because a September 1987 DOE internal memorandum on this subject made no additional comments on Items A2, A3, and A7, WMCO believes these Items to be resolved. A September 1988 letter from WMCO to DOE advised that these Items were ready for transmittal to USEPA.

With respect to Item A1, USEPA's May 1987 letter expressed concern over the potential presence of "plutonium, thorium, technetium, and transuranic wastes". WMCO and DOE began trying to resolve their differences on a revised submittal for Item A1. Meetings were held in February 1988 to discuss the FMPC position on this Item. The submittal of the FMPC Waste Characterization Report to USEPA in March 1988 resolved some of the questions on Item A1. DOE notified WMCO in June 1988 that additional work on this Item would be required. After numerous meetings, WMCO forwarded their final position on RCRA Item A1 to DOE in September 1988 recommending that the current revisions be transmitted to USEPA.

**Item 5: Overpacking of Warehouse Thorium**

**Discussion:** FMPC originally planned to overpack and ship the warehouse thorium to the Nevada Test Site by March 1988. In November 1987, FMPC was told that the thorium could not be sent to Nevada. At that time, FMPC began to consider other alternatives, including a plan to overpack and store the thorium at Fernald. WMCO initiated a new design effort including Conceptual Design of two new warehouses to be built on-site, and issuance of the appropriate NEPA documentation for the overpacking effort. The current schedule shows the overpacking to begin in the Second Quarter of 1989, and an estimated completion time of two years for the overpacking and warehouses.

**Item 6: RI/FS Workplan**

**Discussion:** The original RI/FS Workplan was due to EPA in October 1986. In order to provide a more comprehensive work plan which would be more readily approved by EPA, submittal of the plan was delayed until December of that year. Comments from EPA were not received until June 1987. Revision 1 of the plan was submitted on schedule in August 1987. EPA comments on Revision 1 were not received until December 1987. Revision 2 was submitted on schedule in February 1988. Revision 3 was submitted in March 1988, when EPA granted approval of the RI/FS Workplan. In the interim while these revisions were being made, FMPC initiated the RI/FS Site Investigation in August 1987, eight months before receiving final approval of the plan. This was done to reduce the schedule impact due to delayed approval of the plan. The initiation of field activities was undertaken at risk, but was seen as necessary to accelerate the entire RI/FS program.

**Item 7: Closure Plan for the Pit 4 landfill**

**Discussion:** A Closure Plan for the Pit 4 landfill was transmitted to USEPA in July 1987. In September 1987 USEPA incorrectly informed the FMPC that the closure plan was for final closure. FMPC received no additional comments on the plan, and in May 1988 provided OEPA with construction specifications and drawings to expedite the approval process. OEPA sent approval of the interim closure plan in June, 1988 with seventeen conditions. DOE sent an appeal to the conditions

to OEPA in July 1988. In August, a conference call was held with OEPA and the remaining issues for the start of construction of the Pit 4 cover were resolved. USEPA provided their comments on the cover design in August and their remaining issues were also resolved. Construction of the cover began in September 1988 and is scheduled for completion in December 1988, unless adverse weather this Fall delays the completion until the Spring of 1989.

**Item 8: Closure Plan for the Trane Liquid Incinerator**

**Discussion:** A Closure Plan for the Trane Liquid Incinerator was submitted to USEPA in January 1988. FMPC received USEPA's disapproval and comments for this Plan in June 1988. FMPC appealed several of the conditions in a July letter to USEPA. In August a revised closure plan was submitted to OEPA and USEPA reflecting the changes the FMPC agreed to. FMPC is awaiting comments and/or approval from USEPA and OEPA to begin closure.

**Item 9: Closure Plan for the Barium Chloride facility**

**Discussion:** A Closure Plan for the Barium Chloride facility was submitted to USEPA for approval in September 1987. Approval was transmitted to FMPC in February 1988, with conditions of submitting several sampling plans. FMPC submitted a sampling plan for the drummed waste (residue) to USEPA in March 1988. A revised sampling plan for the rinsate was submitted to DOE in September 1988. DOE received approval from USEPA in September to begin closure, but WMCO has not been officially notified to date.

**Item 10: Dispersion modeling for radon emissions from the K-65 silos and Thorium structures**

**Discussion:** The dispersion modeling was due in November 1987. A final report was submitted to DOE in September 1988. The report was delayed since sampling and engineering estimates had to be performed to obtain a source term for modeling the Thorium Warehouses. ORNL, who performed the modeling study was provided with the Thorium Warehouse emissions information in February 1988. Results of the modeling effort were transmitted to WMCO in April 1988. The modeling effort was considered a low priority item and was not reviewed by WMCO until July 1988. Incorporation of WMCO review

comments resulted in a September 1988 issuance to DOE.

**Item 11: Annual Progress Report on installations and replacement of emission control devices in 1987**

**Discussion:** The Annual Progress Report was due to USEPA in December 1987. The report was submitted to DOE in January 1988, and subsequently revised to incorporate DOE comments and schedule changes for installation of control devices. The report was resubmitted to DOE in April 1988 for transmittal to USEPA.

**Item 12: Issue to OEPA a contingency plan for actions to be taken to investigate and minimize environmental impacts to Paddy's Run.**

**Discussion:** The Contingency Plan was submitted on time to OEPA on October 1, 1987. OEPA comments on the Plan were received seven months later in May 1988. The Plan was revised and resubmitted to OEPA in June 1988.

**Item 13: Issue a Zone of Influence Study on the discharge to the Great Miami River.**

**Discussion:** An Interim ZOI Study was submitted on time to OEPA by October 1, 1987. OEPA comments were received seven months later in May 1988, and were incorporated into the Final ZOI Study which was issued to OEPA in August 1988.

**Item 14: Submit a Best Management Practices Plan**

**Discussion:** A Best Management Practices Plan outlining emergency procedures for site spill control was issued to OEPA on time in March 1988. OEPA comments were received in April 1988, requesting additional sampling. A revised plan was submitted on time to OEPA in June 1988, in accordance with the 60-day limit allowed by OEPA for revisions. Some of OEPA's comments required additional sampling which could not be performed until a large rainfall. This sampling was accomplished in July 1988, and the results were returned to WMCO in September. The results are currently undergoing WMCO review.