

**REVISION TO CONSENT AGREEMENT UNDER
CERCLA SECTION 120 AND 106(a) FEED
MATERIALS PRODUCTION CENTER, FERNALD,
OHIO**

05/01/90

**5RA-14
USEPA/DOE-ORO
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LETTER**



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[REDACTED]

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
230 SOUTH DEARBORN ST.
CHICAGO, ILLINOIS 60604

MAY 01 1990

REPLY TO THE ATTENTION OF:
SRA-14

Joe La Grone, Manager
Department of Energy
Oak Ridge Operations
P.O. Box 2001
Oak Ridge, Tennessee 37831-8510

Re: Revision to Consent Agreement Under CERCLA Section 120
and 106(a) Feed Materials Production Center,
Fernald, Ohio

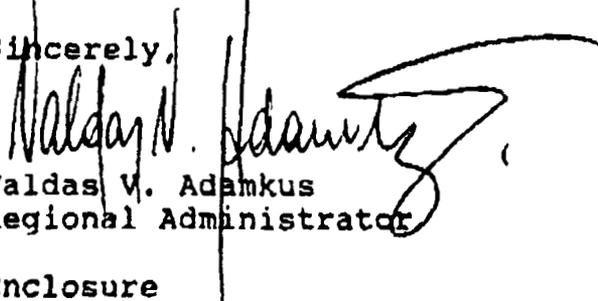
Dear Mr. La Grone:

By letter of April 9, 1990, the United States Environmental Protection Agency (U.S. EPA) requested the concurrence of the Attorney General of the United States in the Consent Agreement referenced above, as required by Executive Order 12580 for the exercise of the Administrator's authority under Section 106(a) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. § 9606(a).

Pursuant to the qualified concurrence contained in the United States Department of Justice letter of April 25, 1990, I have reviewed and agree to make the requested change on page 41. Enclosed is an explanation of the change to the Enforceability section, Paragraph XVI(A)(1). Accordingly, a revised Page 41 will be substituted for Page 41 contained in the document signed by the United States Department of Energy on April 3, 1990, and U.S. EPA on April 9, 1990. To provide the public notice of this revision to the signed document, a copy of this letter will be attached to the Consent Agreement provided to the public for review during the public comment period.

Please do not hesitate to call me if there are any questions.

Sincerely,



Valdas V. Adamkus
Regional Administrator

Enclosure

cc: Richard B. Stewart
Assistant Attorney General

Paragraph XVI(A)(1) contained in signed Consent Agreement:

XVI. ENFORCEABILITY

A. The Parties agree that:

1. Upon the effective date of this Agreement, any standard, regulation, condition, requirement, or order which has become effective under CERCLA and is incorporated into this Agreement is enforceable by any person pursuant to Section 310 of CERCLA and any violation of such standard, regulation, condition, requirement or order will be subject to civil penalties under Sections 310(c) and 109 of CERCLA and Section 3008 of RCRA;

Revised Paragraph XVI(A)(1):

XVI. ENFORCEABILITY

A. The Parties agree that:

1. Upon the effective date of this Agreement, any standard, regulation, condition, requirement, or order which has become effective under CERCLA and is incorporated into this Agreement is enforceable by any person pursuant to Section 310 of CERCLA and any violation of such standard, regulation, condition, requirement or order will be subject to civil penalties under Sections 310(c) and 109 of CERCLA;

C. Any additional work or modification to work approved pursuant to Paragraphs A or B of this Section, shall be completed in accordance with standards, specifications, and schedules approved by U.S. EPA. If any additional work or modification to work will adversely affect work scheduled or will require significant revisions to the approved work plan, U.S. EPA Remedial Project Manager/On-Scene Coordinator (RPM/OSC) shall be notified immediately of the situation and be followed by written explanation within five (5) days of the initial notification.

XVI. ENFORCEABILITY

A. The Parties agree that:

1. Upon the effective date of this Agreement, any standard, regulation, condition, requirement, or order which has become effective under CERCLA and is incorporated into this Agreement is enforceable by any person pursuant to Section 310 of CERCLA and any violation of such standard, regulation, condition, requirement or order will be subject to civil penalties under Sections 310(c) and 109 of CERCLA;

2. All timetables or deadlines associated with the development, implementation and completion of the RI/FS shall be enforceable by any person pursuant to Section 310 of CERCLA, and any violation of such timetables or deadlines will be subject to civil penalties under Sections 310(c) and 109 of CERCLA;

3. All terms and conditions of this Agreement which relate to removal and remedial actions, including corresponding timetables, deadlines or