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**ENVIRONMENTAL COMPLIANCE MONTHLY
REPORT FEED MATERIALS PRODUCTION
CENTER MARCH 1990**

03/01/90

DOE-ORO/DOE-HQ

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REPORT

**ENVIRONMENTAL COMPLIANCE
MONTHLY REPORT**

Feed Materials Production Center

March 1990

I. EXECUTIVE SUMMARY

This report is submitted as required by SEN-7-89, "Policy on Line Management's Responsibility to Achieve Environmental Compliance". The information contained in this report represents the current environmental compliance status at the FMPC as of March 31, 1990, to the best of our knowledge.

The current compliance problem areas at the FMPC are RCRA, NESHAP and Ohio Air Permits. A decision is needed on who will sign permit applications in order to help resolve the air and RCRA permitting problem.

A RCRA Notice of Violation (NOV) was issued to DOE and WMCO on December 7, 1989. The NOV contained thirty violations found during the August 2-3, 1989 Compliance Evaluation Inspection and the Comprehensive Ground Water Monitoring Evaluation completed in November.

New major developments for March are:

- On March 6, OEPA sent DOE a letter requesting that the RCRA Part A Permit Application be revised and signed.
- Ohio filed a contempt action on 3/30/90 for violations of the December 1988 Consent Decree.
- FMPC submitted a request for a waiver from compliance with NESHAP Subpart Q on March 15, 1990.

A) Compliance Issues

- THORIUM RELEASE AT THE FMPC

1. Description

On October 24, 1989, the U.S. EPA Environmental Response Center received a report that the FMPC was releasing thorium via run off from leaking drums. The U.S. EPA and OEPA officials, who were onsite to attend a RI/FS community meeting and opening of unrestricted areas in the production area, toured the area where the alleged violation was occurring. This area is the pad west of building 64 where 212 drums of thorium material are being stored outside.

Some of the drums are deteriorated and have holes in them. Sediment samples taken in July indicate elevated levels of thorium in the immediate vicinity of the drums. Releases are well below the reportable quantities under CERCLA(.011 Ci).

2. Corrective Action

The FMPC has taken several actions to minimize release and potential exposure to workers, the public and the environment.

- o On August 15, 1989 the cyclone fencing surrounding the drums was covered with Herculite (a yellow plastic) to reduce any dispersion of the material and to minimize any potential worker exposure. The area has also been designated as a high radiation area which requires a radiation technician's approval to enter and is locked when not attended.
- o During the week of September 25, 1989, the site placed additional diking around the drums to prevent run-off. This temporary diking on the south and east sides is connected to the concrete curbing on the west and north sides to form a continuous dike. The water level within the diked area is kept below the thorium drums. Water collected inside the dike is pumped to a drain tied into the general sump and then discharged to Manhole 175 where it is monitored before leaving the site.
- o The contaminated sediments outside the diked area were removed during the week of October 30, 1989. A total of 584 lbs. of sediment was collected and placed into a 55-gallon drum which is being stored in building 64 where the overpacked material will be stored.
- o The pad diking was inspected on November 29, 1989 and minor modifications were completed on the diking to ensure its integrity.
- o The area surrounding the drain was cleaned on November 30, 1989 to minimize any contamination that may have resulted before the dike was installed.

Repackaging of the thorium drums began on February 16. [Note: As of April 9, 114 drums had been overpacked.]

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On Wednesday, March 14, 1990, overpacking operations were temporarily placed on hold. The hold was in response to a DOE Site Office audit, which found minor violations of the operations.

The DOE Site Office gave approval to WMCO to restart overpacking operations March 16, 1990, after correction of the minor violations were confirmed by the DOE Site Office oversight team. Overpacking resumed on March 20.

On March 27, 1990, approximately 15 pounds of thorium were spilled and on March 29, 1/2 lb. of thorium was spilled. Neither quantity was reportable. The spills were contained and cleaned up and overpacking resumed. All procedures were conducted per the OSR and SOP.

3. Future Response

The repackaging of all 212 drums is tentatively scheduled to be completed by the end of April, 1990.

1. Description

The area around Oil Tank #5, located on the east side of Building 31, was partially excavated. During the excavation, standing water was encountered and a hydrocarbon odor was detected.

2. Corrective Action

- 09/29/89 - Notification to Ohio State Fire Marshal of a suspected petroleum release.
- 10/05/89 - The contents of Oil Tank #5 were pumped into four and one-third 55-gallon drums and placed into storage in Building 79.
- 10/09/89 - Soil samples taken and submitted for analysis per Ohio State Fire Marshal requirements.
- 11/30/89 - Tank contents resampled at the request of NET to satisfy analytical requirements for VOC analysis.
- 01/09/90 - Determination that the Tank #5 system is RCRA regulated. Notifications made to Ohio EPA and U.S. EPA Region 5 of a suspected release of RCRA hazardous wastes from an underground tank.
- 01/18/90 - Additional soil sampling to confirm a release of RCRA hazardous wastes into soil around the tank.
- 02/08/90 - Submit a release report pursuant to OAC:3745-66-96(D)(3) or 40 CFR 265.196(d)(3).
- 02/28/90 - Submitted a change in status for Tank #5 to Ohio State Fire Marshal.

3. Future Response

- EST 4/90 - Receive results and perform a technical evaluation on data from the January 18, 1990, soil sampling to confirm if RCRA contamination is outside the tank.
- EST 4/90 - Prepare a modified Application for Removal of FMPC underground storage tanks, including the deletion of Tank #5 on the application. This will be forwarded to the Ohio State Fire Marshal's office.
- EST 4/90 - Identify/implement RCRA operational requirements for Tank #5. These will include any additional stabilization actions, facility modifications, and procedural requirements.

- EST 5/90 - Develop and submit a RCRA Closure Plan for Tank #5. This plan will address additional sampling requirements needed to identify the extent of soil contamination and adequately remove the contamination as part of the closure process. 840
- EST 7/90 - Revise and submit updated RCRA Part A and Part B Permit Applications to include Tank #5 and any other identified units.
- EST 7/90 - Prepare a modified UST Registration application, including the deletion of Tank #5 as an UST. This will be forwarded to the Ohio State Fire Marshal's office.

1. Description

A Compliance Evaluation Inspection by EPA was completed on August 2-3, 1989 and a comprehensive ground water monitoring evaluation was completed in November 1989. A Notice of Violation (NOV) which listed 30 different violations was issued to DOE and WMCO by U.S. EPA on December 7, 1989. In addition U.S. EPA filed a Motion for Amended Complaint against WMCO on December 18, 1989. This is an amendment of the original complaint, which was filed 2/9/89, to include the 30 violations. A response to the NOV will be submitted to EPA.

As part of an ongoing program for RCRA determination of waste stored on Plant 1 Pad, 740 drums were identified as mixed waste requiring approved RCRA storage on January 8, 1990. All RCRA drums (740) have been moved from the Plant 1 Pad to RCRA warehouses. During the movement of the material to RCRA storage, 223 drums were identified as having an inventory loss of approximately 5192 pounds. Total amount of weight gained by 380 drums was 15,040 pounds. The majority of the weight loss is attributed to loss of moisture from the deteriorated drums. Since this material has been in storage for up to eight years, it could not be determined that Reportable Quantities occurred within any one 24 hour period and, as a precaution, the National Response Center and U.S. EPA and Ohio EPA were notified of the loss.

On September 22, 1989 the FMPC submitted unsigned revised Part A and Part B permit applications. A March 6, 1990 letter from Ohio EPA directed the FMPC to submit a signed revised Part A application no later than March 22, 1990 specifically to include an underground storage tank #5 which was recently identified as a hazardous waste storage tank and to include any other RCRA unit not currently identified. The requested application has not been submitted to date. Negotiations with the State of Ohio will determine a revised submittal date.

Failure to submit revised signed applications may result in loss of the FMPC authorization to operate as an existing treatment, storage and disposal (TSD) facility. This would require immediate submission and implementation of closure plans and may also result in additional enforcement sanctions under the existing Consent Decree.

2. Corrective Action

a) Waste Characterization

Sampling of suspected waste streams was initiated in October. Drums representing all suspect waste streams have been moved to the Plant 1 Pad. Reconciliation of the RCRA waste inventory by comparing labels versus the inventory was completed on 1/15/90.

All suspected wastes will be sampled by 9/30/90.

b) Barium Chloride Treatment Facility Closure

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OEPA granted approval of the closure plan in an October 18, 1989 letter. Rinseate sampling began on October 18, 1989. Sampling has been completed and all sample results from the process control sampling were received on January 19, 1990. The process control sample results indicate mercury exceeds the drinking water standard levels contained in the Closure Plan. An additional set of process control samples was taken on January 25, 1990, and the results showed that the rinseate is clean.

c) Response to August 2-3, 1989 Ohio RCRA Inspection

Responses to OEPA findings from the August 2-3, 1989 OEPA RCRA Compliance Evaluation Inspection were transmitted to OEPA on October 3 and 19, 1989. The responses included a revised contingency plan, RCRA facility inspection logs, a revised Waste Analysis Plan and a revised Facility Closure Plan.

d) Plant 1 Pad

Samples of the pad and surrounding soils were taken to determine contamination levels. EP Tox tests were below detectable levels. Test results for organics will not be available for approximately eight weeks.

Ongoing radiological monitoring programs in place for the pad and bioassay records confirm that there were no radiological or chemically toxic health effects to FMPC workers.

e) Trane Thermal Liquid Waste Incinerator Closure

OEPA granted approval of the closure plan in a February 8, 1990 letter. A sampling plan was transmitted to OEPA on February 28, 1990 for approval. The closure is to be completed by August 12, 1990.

f) Plant 6 Storage Pad Closure

The closure plan submitted on August 3, 1989 was disapproved by OEPA in a letter dated February 22, 1990. A modified closure plan was submitted to OEPA for approval on March 29, 1990.

3. Future Response

Production-related activities will remain suspended until full RCRA compliance is demonstrated. Samples will be taken from the Plant 1 Pad and the surrounding soils for RCRA organic analysis. The pad will be upgraded in accordance with RCRA closure requirements and consistent with the National Contingency Plan under 40 CFR 300.

Radionuclides

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1. Description

The FMPC installed various radionuclide emitting equipment without receiving U.S. EPA Approval to Modify, pursuant to 40 CFR 61. Applications for Determination of Modification (40 CFR 61.06) and Application for Approval of Modification (40 CFR 61.07) for this equipment were submitted August 10, 1988, November 23, 1988, and December 19, 1988. U.S. EPA denials of these applications, due to deficient and incomplete applications, were sent on December 23, 1988, January 23, 1989, and February 24, 1989, respectively. U.S. EPA issued a Finding of Violation on February 23, 1989 for failure to submit timely applications to modify 14 of the 17 sources.

The emissions from the 17 sources are very small when compared to the site total. Negotiations were conducted with EPA to provide a mechanism for approval of these "de minimus" sources. The applications were submitted as a result of these negotiations, and it became clear in the December 23, 1988 letter from EPA, that a "de minimus" level of emissions was not a basis for relief from the approval process. It should be noted that none of these 17 sources would require EPA approval under the revisions to the radionuclide NESHAP which were promulgated on December 15, 1989.

2. Corrective Action

FMPC has provided a schedule for submitting revised applications for all of the equipment installations covered by the 17 previous applications. The schedule is included as part of the FFCA/NESHAP which is discussed in an earlier section of the report. Applications for ten of the FOV sources have been submitted to date.

3. Future Response

A letter explaining that approval is not needed for the remaining four FOV sources will be submitted to U.S. EPA in April.

FMPC will not operate sources until U.S. EPA approval is granted. In addition, FMPC will submit NESHAP applications in a timely manner for all future projects.

Radon

1. Description

On December 15, 1989, U.S. EPA promulgated the NESHAP standard for radon (40 CFR 61, Subpart Q). Section 61.05 allows 90 days to achieve compliance with the new NESHAP standard, or to apply for a waiver from compliance. The FMPC has several potential sources (including the K-65 silos) subject to the radon flux limit of 20 pCi/m²-s. The K-65 silos do not comply with the flux limit.

2. Corrective Action

FMPC submitted a request for a waiver from compliance on March 15, 1990 to U.S. EPA. The waiver request identified the potential affected sources and proposed the use of the RI/FS strategy and schedules for a compliance program. As part of the RI/FS process, an Engineering Evaluation and Cost Analysis (EE/CA) will be conducted to determine the need for interim action at the K-65 silos.

3. Future Response

FMPC will be evaluating and completing the following actions, relating to the Radon standard:

- Developing emission estimates for all identified potential radon sources.
- Developing a radon flux determination technique for each of the potential sources
- Submitting an EE/CA document for the K-65 silos to U.S. EPA by August 1, 1990
- Evaluating optimization of use of the Radon Treatment System
- Proceeding with the RI/FS activities associated with potential radon sources, ultimately leading to final remediation.

B) Status of new or proposed agreements, orders, major permits

- **FEDERAL FACILITIES COMPLIANCE AGREEMENT (FFCA)/NESHAP** 840

U.S. DOE/FMPC and U.S. EPA-Region V are negotiating an FFCA for NESHAP issues, including resolution of the FOV (see Section II - Status of NOV's). Initial discussions on the FFCA/NESHAP began in 1987, and many versions of the document have been drafted since that time.

An advance copy of the latest draft FFCA was received on March 1, 1990. U.S. EPA has redrafted the agreement to conform with the revised radionuclide standard, which was promulgated on December 15, 1989, and the new radon standard promulgated on the same date. A meeting was held in Chicago on March 9, and conference calls were conducted on March 21 and 22 to discuss the FFCA. U.S. EPA will issue a proposed agreement to DOE in the near future. This action will trigger DOE response within 30 days under the "Federal Facilities Compliance Strategy".

- **STATUS OF DRAFT SARA 120 AGREEMENT (IAG)/CERCLA**

On May 12, 1989, FMPC received a draft Section 120 Agreement from EPA-Region V. The draft Agreement covers compliance with remedial and removal actions pursuant to CERCLA and includes legally enforceable schedules for deliverables in the RI/FS process. This SARA 120 Agreement will supercede pertinent sections of the FFCA signed in July, 1986, and actions not being incorporated into this SARA 120 Agreement will be accomplished as part of the original FFCA.

Meetings were held November 14-17, 1989, between DOE, the State of Ohio and U.S. EPA Region V. The revised draft versions of a FFCA with U.S. EPA and a Consent Decree with the State of Ohio, were preliminarily agreed upon by all parties present during the negotiation sessions.

DOE/OMB/USEPA have resolved the cost reimbursement issue. ORO has received authorization for the Manager to sign the CERCLA 120 Agreement on behalf of DOE. The Manager signed the Agreement on 4/3/90 and EPA signed on 4/9/90. The signed Agreement will be sent to the Department of Justice for concurrence. Finally, it will be made available for public comment prior to becoming effective.

For the Ohio Agreement, the major issue to be settled is the form (Administrative Agreement or Ohio Consent Decree) and content of the Agreement. The Department of Justice will not approve a Consent Decree with Ohio that parallels the 120 Agreement.

- **OHIO CONSENT DECREE - CONTEMPT ACTION**

The Ohio Attorney General's Office advised the Department of Justice (DOJ) that it would file a contempt action in federal district court for violations of the 1988 Consent Decree. The Consent Decree addresses compliance with federal and state hazardous waste management requirements. Ohio is willing to discuss settlement of the issue with DOE but proceeded to file its action on March 30, 1990.

Ohio is seeking injunctive relief and civil penalties for failure to characterize waste streams, improper handling of materials (i.e., Plant 1 Pad drums), and potential RCRA violations identified in DOE's "Tiger Team" report. 840

Ohio is also considering a new compliance action for ongoing violations and enforcement of the 1986 CERCLA agreement between DOE and U.S. EPA.

The site office is working with ORO and DOJ to propose a comprehensive amendment to the Consent Decree addressing RCRA compliance issues. DOE plans to initiate settlement negotiations with Ohio.

- MAJOR PERMITS

- o U.S. EPA approval of the Plant 8 Sump NESHAP application was received on March 20.

C) Status of NOV's

- NESHAP FOV

A Finding of Violation for failure to submit timely applications to modify radionuclide emitting equipment was issued on February 23, 1989. Resolution of the FOV is being pursued through the FFCA/NESHAP discussed elsewhere in this report.

- RCRA NOV

An NOV for 30 RCRA related violations was issued to DOE and WMCO on December 7, 1989. A response to the NOV is in preparation.

D) Major DOE and Regulatory Oversight Activities

- U.S. EPA DEPUTY ASSISTANT ADMINISTRATOR VISIT

Mr. Chris Holmes, U.S. EPA-D.C. Deputy Assistant Administrator, for the Office of Solid Waste and Emergency Response, visited the FMPC March 8, 1990 for a briefing and tour of the facility. He was accompanied by U.S. EPA-V, and Ohio EPA representatives. Mr. Holmes is responsible for conducting a management review of RCRA enforcement. The Oak Ridge Operations Manager, Assistant Manager for Defense Programs, the Acting FMPC Site Manager and the proposed FMPC Site Manager accompanied the EPA visitors on the tour.

- EH SITE REPRESENTATIVE ON SITE

Two EH Site Representatives from Oak Ridge were at the FMPC the week of March 15. A close out meeting was held March 16, 1990 with the site office. Major findings were: 1. The construction safety program was "one of better programs reviewed" and with minor improvements could be excellent; 2. Occupational Safety concerns dealt with "lock and tag"

discrepancies found in Plants 8 and Plant 2/3 (WMCO was tasked March 14, 1990 to review all facilities for lock and tag deficiencies and take corrective action where required. Site office personnel will independently verify); and 3. The radiological training program does not have "hands-on" training for frisking or for respirator and anti-C clothing (prior finding). 840

Plant to Plant variation in housekeeping and adherence to procedures; e.g. drum spacing and posting of enriched material on Plant 1 Pad (also prior finding), and lock and tag procedure indicate lack of buy-in to formal conduct of operations at all management levels.

- DEPARTMENT OF JUSTICE AT THE FMPC

The Department of Justice attorney who will be handling the action brought by the State of Ohio under the existing Consent Decree was at the FMPC March 22, 1990, to review the factual basis for the State's assertion that the decree has been violated. DOE and DOJ will also be discussing potential approaches to a settlement offer.

- FMPC ADVISORY COMMITTEE MEETING

A meeting of the FMPC Advisory Committee was held March 22-23, 1990 at the FMPC. Points of discussion were the status of the Tiger Team Report, the release of the 1988 Environmental Monitoring Report, and various remediation activities on going at the site.

- NUCLEAR SAFETY REVIEW OF FMPC

Two individuals from DOE/HQ-NS were on site March 26-27, 1990 to review the FMPC system for verifying closure to Technical Safety Appraisal (TSA) and Tiger Team actions. Findings included: the WMCO verification process for corrective action closure was excellent for "internal" findings such as from the TSA and Tiger Team. Corrective actions and closures by WMCO were dependent on the individual managers - some did well, others not so well. The document trail for closures was not evident for all closures. The DOE site verification program was "good news" and, though in its infancy, was working well.

- CLASS ACTION SUIT (HOMEOWNERS)

A \$300 million class action suit was filed against NLO, the former operating contractor of the FMPC, and NLI, NLO's parent corporation. The suit, filed in the U. S. District Court in Cincinnati, alleges diminished property values and emotional distress within five miles of the FMPC as a result of plant emissions.

A non-binding Summary Jury Trial in June resulted in a verdict for the class. The proposed settlement would provide for a \$73 million fund for medical monitoring and payment of claims, with up to \$5 million more for commercial and industrial property claims. A hearing on the settlement was held on August 23, 1989.

On September 29, 1989, Judge Spiegel issued an order approving the settlement and attorney's fees. Judge Spiegel also appointed trustees and special masters to administer and decide claims against the fund.

Defendant's appeal to the Sixth Circuit of the Order approving the settlement has been dismissed. A hearing was held in February on motions to enforce the Consent Decree. DOE's first payment (\$17,000,000) has been made.

- CLASS ACTION SUIT (WORKERS)

On Tuesday, January 30, a major lawsuit was filed in the U.S. District Court in Cincinnati against former FMPC contractor, NLO, and its parent, NLI. The suit, which seeks certification as a class action, is on behalf of NLO workers at the FMPC, their families and their unions, plus "frequenters" (contractors, subs, and invitees who regularly transacted business at the FMPC from 1952 through 1985), their families and unions. Plaintiffs estimate the proposed class at more than 10,000 members. In a 10 count complaint, plaintiffs seek \$1.9 billion for "loss of income, loss of jobs, diminished ability to secure employment and insurance, emotional distress including increased fear of cancer and other diseases, and contamination of personal property." The attorneys who represented the neighbor class in the earlier Fernald tort action are "of counsel" on this suit, as well as on a class action arising out of Rocky Flats filed on the same day.

DOE declined to assume the defense of the Day case, and directed NLO to "proceed with the defense of the action in good faith." NLO retained the Cincinnati law firms of Frost and Jacobs (F&J) and Beirne and Wirthlin (B&W) to represent NLO. [B&W has workers compensation experience; F&J has class action experience and greater resources than B&W. The pairing is appropriate given the nature of the case.] NLI is represented by the Washington, D.C. firm of McKenna, Conner and Cuneo.

On March 12, 1990, in response to the January complaint, NLO filed motions to dismiss the case. Those motions have not been heard or decided. NLO will oppose class certification if the suit is not dismissed.

IV. SIGNIFICANT ACCOMPLISHMENTS

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- CERCLA WORKING GROUP

The CERCLA Working Group met on March 23, 26 and 30, 1990, to discuss CERCLA impacts on construction at the FMPC. The group has completed a draft FMPC CERCLA Compliance Strategy which addresses excavation and demolition activities at the site. The group is also reviewing items which may be beyond the present scope of work for the Remedial Investigation/Feasibility Study (RI/FS) and may recommend changes to revise the scope.

- FIRST COMMUNITY ROUNDTABLE

The first Community Roundtable was held March 6, 1990. Members of FRESH, DOE Site Office management and WMCO management participated. Topics included hazardous waste, clean up progress, contaminated ground water and the 1988 Environmental Monitoring Report. The Community Roundtables are small, informal discussions on topics of interest to the community in addition to the RI/FS Status meetings to improve community relations. The meeting was considered a success.

- CERCLA - EE/CA DOCUMENTS

Engineering Evaluation and Cost Analysis (EE/CA) documentation addressing the non-time-critical removal actions for the South Plume and Storm Water Runoff Control underwent final comment resolution prior to submittal to DOE/HQ for approval. The comment resolution meeting was held on March 26, 1990 with representatives from FMPC and EH and EM divisions of DOE/HQ in attendance. The recommendation was made that document approval should be granted, once final revisions identified in the meeting were incorporated.

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- NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) REQUIREMENTS

Draft 5 of the Draft Environmental Impact Statement (DEIS) for FMPC sitewide renovation is in final review. Draft 5 includes a cessation of uranium metal production alternative, and updates the Appendix A lists of projects.

The FMPC revised its NEPA/CERCLA integration strategy to incorporate EH concerns. The Notice of Intent (NOI) initiating the NEPA process for the FMPC RI/FS activities was transmitted to DOE/HQ for approval March 15, 1990. Delay of the public scoping meeting will adversely impact the FFA schedule.

- SIGNATURES FOR PERMITS AND ROUTINE REPORTS

A number of permit applications (RCRA Part B Permit, air permits to operate and permits to install) were submitted unsigned. On December 1, we received notice from SWOAPCA that they will not process the air permit applications until signatures are received. Construction start dates will be impacted by the delay in submittal of the applications.

The central issue of personal liability remains unresolved. No direction has been received from HQ.

- OWNER/OPERATOR ISSUE

An issue remains open with respect to documents which require the signature of the owner and/or operator of the facility. U.S. EPA, Region V, is requiring the operating contractor (WMCO) to sign the RCRA permits as the operator of the facility. DOE has historically signed such documents as the operator.

- CERCLA CONSENT AGREEMENT (120 IAG)

The Agreement can be signed with a reasonable assurance that the commitments in the agreement can be met. However, all reviewers of and commentors on documents identified as deliverables in the agreement should be aware of the extremely compressed schedules for the development of these documents. FMPC personnel held a briefing at HQ on April 5, 1990 with reviewing organizations to discuss time review schedules.

PREVIOUSLY REPORTED COMPLIANCE ISSUES WITH
NO CHANGE IN STATUS

1. Description

On June 16, 1989, the FMPC reported a release from an above ground mixed hazardous waste storage tank to U.S. EPA and Ohio EPA. This unit, Tank T-5, stored a Trichloroethane mixture (F001). The estimated amount of release was less than one ounce. A pinhole leak and a corroded area were found along two weld seams during an inspection on June 16, 1989. Both areas were damp, and there was no evidence of dripping or release into the tank containment area.

2. Corrective Action

The release was reported to U.S. EPA and Ohio EPA on June 16, 1989. Patches consisting of adhesive RTV and aluminum were placed over both corroded areas to mitigate any release to the environment. To prevent any potential release to the environment, emptying of the tank began on June 27, 1989, after allowing time to obtain proper equipment, train personnel in the transfer operation, and to determine a container suitable for the characteristics of this material. The material was transferred into 55-gallon drums and placed in RCRA storage until it can be shipped off-site to the K-1435 incinerator in Oak Ridge, Tennessee.

A RCRA closure plan was prepared for this tank and Tank T-6 and submitted to EPA on September 25.

3. Future Response

The material will be sent to an approved/permitted treatment facility.

1. Description

On April 2, 1989, high volatile organic compound readings were detected with a HNu monitor from the soil samples taken during test borings conducted for the RI/FS in the area east of Building 31, where two underground fiberglass unleaded gasoline storage tanks are located. A suspected release was reported to the Ohio State Fire Marshal on April 4, 1989.

2. Corrective Action

The contents of the underground tanks were removed. On June 16 and 17, a tank tightness test was performed on the underground storage tanks and associated piping. Results received June 19, 1989 indicated a failure of the test. On June 20, 1989, the U.S. EPA and OEPA were notified of the failure of the tank tightness test. The Ohio State Fire Marshal was notified June 22, 1989. FMPC was instructed to test soil and water samples collected for the Total Petroleum Hydrocarbons, in addition, information regarding ground water flow and ground strata, site map showing boring and well locations, etc. must be submitted. On August 4, 1989, the FMPC submitted the initial abatement measures report and site investigation report which contain information requested by the Ohio State Fire Marshal.

FMPC received the result of the Total Petroleum Hydrocarbon (TPH) test for the water sample collected. It shows a 1.5 mg/l TPH value. A letter transmitting the results and a corrective action plan was sent to the Ohio State Fire Marshal on September 1. The two tanks have been taken out of operation, emptied of gasoline and filled with water to remove any potential source of contamination.

3. Future Response

The future plan of corrective action for these tanks is to revise the Underground Storage Tank Permit Application that was transmitted to Ohio State Fire Marshal on June 6, 1989. This application called for removal of ten underground storage tanks at the FMPC and included a schedule for the removals. The two underground gasoline storage tanks (now out of service) will be added to the revised permit, and are scheduled for removal in FY-90. FMPC will also respond to Ohio State Fire Marshal's request to provide ground water monitoring results particularly benzene, toluene and xylene for water at the site south of the underground storage tanks. FMPC will conduct a site assessment to determine the extent of contamination due to the release.

1. Description

On June 21, 1989, while analyzing soil for a future project on-site, lead-based paint chips were detected. The paint chips were determined to be from old lead-based paint that was grit-blasted from two FMPC water towers in the winter of 1988. Three hundred drums of the old paint chips and grit-blast material were recovered during the water tower painting project, but obviously not all the material was collected. The exact quantity of lead release was unknown, but it was believed to be greater than the 1 lb reportable quantity for lead, as defined in 40 CFR § 302.4

2. Corrective Action

U.S. EPA and Ohio EPA were contacted within the regulatory time frame on June 22, 1989.

Steps have been undertaken to correct the lead-grit blast material problem through collection and drumming of residual lead-grit blast material at the FMPC Site. All recovered material has been placed in a RCRA storage facility. A preliminary assessment report for removal actions due to the release of lead-contaminated material at the FMPC was prepared. Since the removal action for the lead release had a planning period of less than six months before on-site removal activities were initiated, it is considered as a time-critical removal action, pursuant to Section 113(k)(2)(A) of CERCLA. During the latest EPA RCRA Inspection both U.S. EPA and OEPA representatives observed the actions being undertaken by the FMPC to recover the material and ensure proper storage.

Cleanup criteria for the lead-grit blast residue from the water tower painting project is set at 500 ppm in accordance with a directive to the EPA Regions from EPA Headquarters (OSWER Directive #9355.4-02). Soil sampling should be conducted to determine whether further cleanup will be required.

3. Future Response

In all future projects which involve removing lead-based paint, steps will be taken to minimize any release into the environment.

- OHIO EPA PERMITS

a. Permits to Operate (PTO)

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1. Description

Under Ohio Administrative Code Rule 3745-35, the owner or operator must submit an application for a permit to operate (PTO) for each source of air contaminants and must receive either a PTO or notice of registration before operating the source. The FMPC currently has approximately 323 sources which need PTOs. The following is a summary of the permit status for these sources.

Sources with permits in place	183
Sources with permit applications submitted in process at Ohio EPA	58
Sources with permit applications in process at WMCO	77
Sources with permit application in process at DOE	6

The following factors are pertinent to the compliance status of these sources.

- 1) ORO legal counsel has interpreted the Consent Decree signed with the State of Ohio on December 2, 1988, to allow operation of the approximately 400 sources included in the complaint, while permit applications are in process at Ohio EPA.
- 2) The majority of these sources are not in operation at the current time. Although these sources may have operated without a permit as required by OAC 3745-35, they are not currently in operation.
- 3) Shutdown of some of the sources which remain in operation without permits (such as the Plant 8 Sump) would result in adverse environmental impact. Therefore, shutdown is not a viable option.
- 4) None of these sources have any emission exceedances.

2. Corrective Action

Applications for the remainder of the sources are being processed. An estimated completion date is June, 1990, pending acceptance of the Plant 8 Sump emission calculation methodology by SWOAPCA.

3. Future Response

FMPC will submit permit applications in a more expeditious manner in the future.

We will continue to work with SWOAPCA and OEPA to resolve this issue. One area that is being pursued is grouping sources onto permits (which reduces paperwork and time for issuing permits) and registration status for sources with small emissions (which does not require permit renewal every three years).

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b. Permits to Install (PTI)

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1. Description

Under Ohio Administrative Code Rule 3745-31, the owner or operator must obtain a permit to install (PTI) prior to installing or modifying any source of air contaminants after January 1, 1974. The FMPC currently has identified approximately 67 sources which need PTI's. The following is a brief summary of the PTI status for these sources.

Sources with PTIs in place	35
Sources with PTI Application submitted and in process at OEPA	16
Sources with PTI Applications in process at WMCO	14
Sources with PTI Applications in process at DOE	2

Only 2 of these sources (ingot pickling and metal dissolver) may have been installed without a permit as required by OAC 3745-31. Construction has been ceased and neither have been operated.

2. Corrective Action

Applications for the two previously-installed sources have been submitted and are in process at Ohio EPA.

3. Future Response

PTI approval will be received prior to start of construction or modification for any future projects to which the PTI Rule applies.

1. Description

A plume of above background concentration of uranium in ground water extends from the FMPC southern boundary near Paddy's Run to approximately 2,500 feet to the south of the facility within the Great Miami Buried Valley Aquifer. Emphasis is being placed upon defining the existing area and migration of this plume as part of the ongoing RI/FS.

2. Corrective Action

An interim removal action is being planned prior to selection of the final preferred remedial action alternative. An Engineering Evaluation/Cost Analysis (EE/CA) is currently in DOE internal review, and is scheduled to be submitted to U.S. EPA by April 15, 1990.

As an addendum to the RI/FS Workplan (December 22, 1988) off-site ground water monitoring wells are to be installed to characterize the southern plume. As of January 31, 1990 all 10 wells have been installed.

On December 15, 1989, DOE submitted a proposal for additional off site wells. In a meeting on January 3, 1990, DOE and EPA agreed on a proposal for a total of five additional wells. These wells will be included in a proposal for 31 additional wells (19 high priority, 12 low priority).

3. Future Response

Once well access agreements are finalized, scheduled completion dates will be provided for both the CERCLA Interim Removal Action and the Final Remedial Action which are subject to the RI/FS Record of Decision (ROD) approval from U.S. EPA-Region V. The Interim Removal Action that has been proposed in the EE/CA is to provide an alternate water supply to the effected users.