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**CLOSURE PLAN APPROVAL
U.S. DEPARTMENT OF ENERGY FEED
MATERIALS PRODUCTION CENTER OH6 890 008
976/05-31-0681**

02/08/90

OEPA/DOE-FMPC

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LETTER



State of Ohio Environmental Protection Agency

P.O. Box 1049, 1800 WaterMark Dr.
Columbus, Ohio 43266-0149
(614) 644-3020 Fax (614) 644-2329

Richard F. Celeste
Governor

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[REDACTED]

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8/14/90

CLOSURE PLAN APPROVAL

CERTIFIED MAIL

February 8, 1990

Re: Closure Plan
U.S. Department of Energy
Feed Materials Production Center
OH6 890 008 976/05-31-0681

James A. Reafsnyder, Site Manager
U.S. Department of Energy
Feed Materials Production Center
Site Office
P.O. Box 398705
Cincinnati, Ohio 45329-8705

Dear Mr. Reafsnyder:

On February 18, 1988, U.S. Department of Energy, Feed Materials Production Center submitted to Ohio EPA a closure plan for the Trane Thermal Liquid Waste Incinerator located in Fernald, Ohio. I disapproved the closure plan on June 29, 1988. U.S. Department of Energy, Feed Materials Production Center appealed the disapproval on July 29, 1988. Revisions to the closure plan were received on August 5, 1988, and June 7, 1989, as part of settlement negotiations. The closure plan was submitted pursuant to Rule 3745-66-12 of the Ohio Administrative Code (OAC) in order to demonstrate that U.S. Department of Energy, Feed Materials Production Center's proposal for closure complies with the requirements of OAC Rules 3745-66-11 and 3745-66-12.

The public was given the opportunity to submit written comments regarding the closure plan of U.S. Department of Energy, Feed Materials Production Center in accordance with OAC Rule 3745-66-12. No comments were received by Ohio EPA in this matter.

Based upon review of the company's submittal and subsequent revisions, I conclude that, the closure plan for the hazardous waste facility at U.S. Department of Energy, Feed Materials Production Center meets the performance standard contained in OAC Rule 3745-66-11 and complies with the pertinent parts of OAC Rule 3745-66-12.

The closure plan submitted to Ohio EPA by U.S. Department of Energy, Feed Materials Production Center is hereby approved with the following modifications.

I certify this to be a true and accurate copy of the official document as filed in the records of the Ohio Environmental Protection Agency.

By: Mary Cannon Date 2-8-90

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Date Rec'd FEB 27 1990
LOG D. J. 1148

1. FMPC shall sample and test all liquid hazardous wastes as well as all mixed radioactive and hazardous wastes.
2. FMPC shall submit information to Ohio EPA describing the methods for removing, transporting, treating, storing or disposing of all hazardous wastes and mixed radioactive-hazardous wastes and residues, as well as identify the types of off-site hazardous waste management units to be used for the disposal of the mixed wastes and residues.
3. FMPC shall perform the closure in accordance with the requirements of the December 1, 1988, Consent Decree, including but not limited to the Hazardous Waste Requirements of Said Decree.
4. The incinerator, its components and equipment shall be considered clean when rinseate concentrations of waste organic chemicals fall below 1 mg/l and concentrations of heavy metals fall below the values for EP Toxicity. Rinseates failing the clean standard for any of these shall be managed as hazardous waste.
5. Soils contaminated with any RCRA regulated waste solvent above its analytical detection limit (see U.S. EPA Publication SW-846) or with EP Toxic metals above the maximum concentrations specified in O.A.C. 3745-51-24 shall be managed as hazardous waste. Soils contaminated with metals at greater than background levels for total metals, but less than EP Toxic levels, shall be managed as solid waste.
6. The air intake duct and the two blowers shall be sampled for contamination by collecting a rinseate and analyzing the rinseate for hazardous constituents. The electrical control panel shall be sampled for contamination by using a swipe pad and having the pad analyzed to determine the level of hazardous constituents. Should the initial rinseate from the air intake duct and two blowers or the surface residues of the electrical control prove to contain hazardous constituents, cleaning will be performed with water or non hazardous solvent and wiping. The equipment will be checked again after cleaning by collecting a rinseate and analyzing the rinseate for hazardous constituents. The equipment will be washed for decontamination a maximum of three times. If, after three attempts, complete decontamination cannot be accomplished, the contaminated piece of equipment will be removed, placed into appropriate containers and transferred to FMPC RCRA storage units until a method for final disposal can be identified.
7. Soils beneath the incinerator/storage pad and soils around the perimeter shall be sampled and analyzed (using the proper methods in SW-846) individually for any RCRA regulated waste solvent stored or incinerated in this area in addition to sampling for total metals and EP Toxicity for metals. A sampling plan showing the number of samples to be collected and their precise location shall be submitted to Paul Pardi, Ohio EPA, Southwest District Office (SWDO), and Randy Meyer, Ohio EPA, Central Office (CO), for review and approval within fifteen (15) days of receipt of this letter.

I certify this to be a true and accurate copy of the official document as filed in the records of the Ohio Environmental Protection Agency.

By: Mary Carver Date 2-8-90

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8. If any soil sample, including those taken under the incinerator/storage pad, detects contamination, FMPC shall continue soil sampling until the full extent of contamination is ascertained. Additional soil samples shall be collected and analyzed after notifying Paul Pardi, Ohio EPA, SWDO, and Randy Meyer, Ohio EPA, CO, in the event that the first set of samples detects contamination.

Please be advised that approval of this closure plan does not release U.S. Department of Energy, Feed Materials Production Center from any responsibilities as required under the Hazardous and Solid Waste Amendments of 1984 regarding corrective action for all releases of hazardous waste or constituents from any solid waste management unit, regardless of the time at which waste was placed in the unit.

Notwithstanding compliance with the terms of the closure plan, the Director may, on the basis of any information that there is or has been a release of hazardous waste, hazardous constituents, or hazardous substances into the environment, issue order pursuant to Section 3734.20 et seq of the Revised Code or Chapters 3734 or 6111 of the Revised Code requiring corrective action or such other response as deemed necessary; or initiate appropriate action; or seek any appropriate legal or equitable remedies to abate pollution or contamination or to protect public health or safety or the environment.

Nothing here shall waive the right of the Director to take action beyond the terms of the closure plan pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. §9601 et seq., as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. 99-499 ("CERCLA") or to take any other action pursuant to applicable Federal or State law, including but not limited to the right to issue a permit with terms and conditions requiring corrective action pursuant to Chapters 3734 or 6111 of the Revised Code; the right to seek injunctive relief, monetary penalties and punitive damages, to undertake any removal, remedial, and/or response action relating to the facility, and to seek recovery for any costs incurred by the Director in undertaking such actions.

You are notified that this action of the Director is final and may be appealed to the Environmental Board of Review pursuant to Section 3745.04 of the Ohio Revised Code except to the extent that your appeal rights have been waived pursuant to the Stipulation and Settlement Agreement that has been filed with the Ohio Environmental Protection Agency in the adjudication proceeding of this matter. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. It must be filed with the Environmental Board of Review within thirty (30) days after

I certify this to be a true and accurate copy of the official document as filed in the records of the Ohio Environmental Protection Agency.

By: Mary Corwin Date 2-8-90

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notice of the Director's action. A copy of the appeal must be served on the Director of the Ohio Environmental Protection Agency and the Environmental Enforcement Section of the Office of the Attorney General within three (3) days of filing with the Board. An appeal may be filed with the Environmental Board of Review at the following address: Environmental Board of Review, 236 East Town Street, Room 300, Columbus, Ohio 43266-0557.

When closure is completed, the Ohio Administrative Code Rule 3745-66-15 requires the owner or operator of a facility to submit to the Director of the Ohio EPA certification by the owner or operator and an independent registered professional engineer that the facility has been closed in accordance with the approved closure plan. The certification by the owner or operator shall include the statement found in OAC 3745-50-42(D). These certifications should be submitted to: Ohio Environmental Protection Agency, Division of Solid and Hazardous Waste Management, Attn: Thomas Crepeau, Program Planning and Management Section, P.O. Box 1049, Columbus, Ohio 43266-0149.

Sincerely,



Richard L. Shank, Ph.D.
Director

RLS/RM/pas

cc: Randy Meyer, Ohio EPA, DSHWM
Joel Morbito, USEPA - Region V
Paul Pardi, SWDO, Ohio EPA

Lisa Pierard, USEPA-Region V
Tom Crepeau, Ohio EPA, DSHWM
Don Marshall, SWDO, Ohio EPA

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I certify this to be a true and accurate copy of the official document as filed in the records of the Ohio Environmental Protection Agency.

By: Mary Carr Date: 2-8-90

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