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PLANT 1 PAD REMOVAL ACTION

05-09-91

DOE-1298-91
DOE-FSO/USEPA
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LETTER



Department of Energy

Fernald Site Office
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MAY 9 1991

DOE-1298-91

Ms. Catherine A. McCord
Remedial Project Director
U. S. Environmental Protection Agency
Region V - 5HR-12
230 South Dearborn Street
Chicago, IL 60604

Dear Ms. McCord:

PLANT 1 PAD REMOVAL ACTION

- References:
- 1) Letter, DOE-383-91, A. P. Avel to C. A. McCord and G. E. Mitchell, "Draft Removal Action Work Plan for the Plant 1 Pad Continuing Release and RCRA Closure Information Package," dated December 10, 1990
 - 2) Letter, C. A. McCord to A. P. Avel, "Removal #8 - OU#3 U. S. DOE Fernald OH6 890 008 976," dated January 9, 1991
 - 3) Letter, DOE-734-91, J. R. Craig to C. A. McCord, "EPA Comments on Plant 1 Pad Continuing Release Removal Action Work Plan," dated February 8, 1991
 - 4) Letter, DOE-886-91, J. R. Craig to C. A. McCord, "Responses to U. S. EPA and Ohio EPA Comments on the Removal Action Work Plan for the Plant 1 Pad Continuing Release," dated March 1, 1991
 - 5) Letter, G. E. Mitchell to J. R. Craig, "Conditional Approval Plant 1 Pad Removal," dated April 3, 1991
 - 6) Letter, DOE-1080-91, J. R. Craig to C. A. McCord, "Response to DOE Submittals," dated April 5, 1991
 - 7) Letter, C. A. McCord to J. R. Craig, "Removal #8 - OU#3 Plant 1 Pad U. S. DOE Fernald OH6 890 008 976," dated May 6, 1991

Reference 1 (enclosed) transmitted the Removal Action Work Plan for the Plant 1 Pad to U. S. EPA and Ohio EPA for review and comment. Reference 2 (enclosed) transmitted U. S. EPA comments on the Plant 1 Pad Removal Action Work Plan to DOE. A response to the comments was due to U. S. EPA on February 9, 1991, consistent with the 30-day response cycle outlined in the 1990 Consent

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FERNALD'S MAIN PRIORITY IS CLEANUP

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Agreement. Reference 3 (enclosed) was submitted by DOE, consistent with the Consent Agreement, requesting 20 additional days, in which to respond to U. S. EPA comments and set a date of March 1, 1991, for the DOE response to comments.

On February 28, 1991, Andy Avel of DOE and Dennis Carr of WMCO held a teleconference with Graham Mitchell of Ohio EPA and you. In this teleconference, U. S. EPA and Ohio EPA agreed to review the DOE responses to EPA comments prior to our revising and transmitting the final work plan. Reference 4 (enclosed) transmitted our response to EPA comments and the proposed changes to the work plan. Ohio EPA responded to the DOE submittal within the required 30-day timeframe on April 3, 1991 (as agreed in the teleconference), with a conditional approval of the Plant 1 Pad Removal Action Work Plan (Reference 5, enclosed). No response was received from U. S. EPA within the required 30-day timeframe; therefore, due to DOE's concern that the Removal Action would be delayed by a late (or lack of a) response from U. S. EPA, reference 6 (enclosed) was sent.

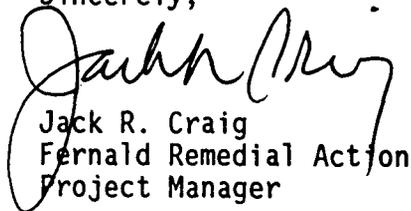
Reference 7 (enclosed) was submitted to DOE by U. S. EPA 66 days after the transmittal of the response to comments on the Plant 1 Pad work plan. In this letter, you state "U. S. EPA is waiting for the submission of the late work plan," but you fail to acknowledge that you agreed in the February 28, 1991 teleconference with DOE, WMCO and Ohio EPA to review DOE responses to comments prior to transmittal of the revised final work plan. As we pointed out in our April 5, 1991, letter (Reference 6), it is DOE who is waiting on you to meet your commitment to provide comments by April 2, 1991. You are 39 days late!

DOE has made every effort to adequately respond to all EPA comments on the Plant 1 Pad Work Plan and had mutual agreement with U. S. EPA and Ohio EPA on the method for obtaining EPA concurrence with all responses. Ohio EPA responded, consistent with the February 28, 1991 agreement, and gave conditional approval of the Work Plan.

U. S. EPA apparently took no action on the DOE response to comments, a direct contradiction to the agreement reached on February 28, 1991. Your non-responsiveness has delayed this Removal Action at least one month. If you now wish to review only a completely-revised work plan and not the responses to comments (as previously agreed), please advise us promptly and we will accommodate this request. However, this change would cause approximately an additional six-week delay in the project.

If you have any questions or wish to discuss any of the facts included in this letter, please contact me at FTS 774-6159.

Sincerely,


Jack R. Craig
Fernald Remedial Action
Project Manager

Enclosures: As stated

cc w/encl.:

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