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K-65 REMOVAL ACTION

10-22-90

DOE/USEPA

DOE-131-91

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LETTER



Department of Energy

FMPC Site Office
P.O. Box 398705
Cincinnati, Ohio 45239-8705
(513) 738-6319

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October 22, 1990
DOE-131-91

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:

K-65 REMOVAL ACTION

Reference: Letter, DOE-³⁵19-91, A. P. Avel to C. A. McCord, "K-65
Removal Action - Statement of Dispute," dated
October 11, 1990

The referenced letter outlined DOE's position with respect to U.S. EPA's modifications to the K-65 EE/CA document. The enclosure to the referenced letter listed five items which were the basis of DOE's invoking dispute resolution on October 4, 1990. A telephone conversation between you and Jack Craig was conducted on October 22, 1990 to discuss the five items. Each item is outlined below, followed by the resolution reached in the telephone conversation.

- 1) One foot of bentonite clay is the optimum thickness for attenuating radon gas; however, it is DOE's position that protection from a tornado strike should be considered necessary for this action.

RESOLUTION:

As previously documented to U.S. EPA, DOE agrees that a minimum of one foot of bentonite clay is the optimum thickness for attenuating radon gas. Since the chronic emissions of radon are the largest risk posed by the K-65 Silos, DOE agrees that preventing these emissions should be the primary goal of the removal action. The work plan will document DOE's concurrence with the U.S. EPA modification of the EE/CA to provide a thickness of a minimum of one foot of bentonite clay.

2. DOE does not agree that the work plan for this removal action was required to be submitted to U.S. EPA 30 days from September 4, 1990. In order for DOE to prepare an adequate work plan, would require at least 30 days after reaching concurrence on the DOE response to the U.S. EPA conditions/modifications.

RESOLUTION:

This letter will serve as DOE's official request for an extension to complete and submit the K-65 Removal Action Work Plan. DOE requests an additional 21 days for completion of the work plan from the date of this letter (October 22, 1990 to November 12, 1990). This extension is 21 days from the resolution of the dispute and is consistent with Section XIV.J and Section XVIII of the 1990 Consent Agreement. The extension is required for incorporation of the agreements made between U. S. EPA and DOE on the EE/CA modifications. The current schedule for submittal of the work plan to U.S. EPA is November 5, 1990.

3. DOE does not agree that the installation of the bentonite clay layer can be completed within 180 days of September 4, 1990. A commitment by DOE cannot be made on the schedule for this removal action prior to completion of the Removal Action Work Plan. The work plan schedule is dependent upon items such as equipment requirements, procurement, and installation timeframes. These items are being prepared as part of the work plan package. The work plans will be submitted to U.S. EPA for review and approval.

RESOLUTION:

It was agreed that the schedule for the removal action is part of the work plan which will be submitted to U.S. EPA for review and approval. This item will be resolved through the work plan review process.

4. DOE does not agree that the monitoring required by U.S. EPA should be included in an EE/CA document or required for the EE/CA approval. CERCLA and the Consent Agreement allow this type of design information and these types of requirements to be included in the work plan. Since U.S. EPA has approval authority of the work plan it is DOE's position that this type of information should be part of the work plan and not included as modification or conditional approval of the EE/CA.

RESOLUTION:

The monitoring outlined in the U.S. EPA modification will be addressed as part of the work plan. U.S. EPA has review and approval authority for the work plan. This item will be resolved through the work plan review process.

- 5) DOE does not agree with the performance level of 0.015 pCi/l above background. DOE's position is that FMPC and U.S. EPA jointly review the effectiveness of the bentonite clay using the data collected after the removal action is complete to determine if additional measures are required.

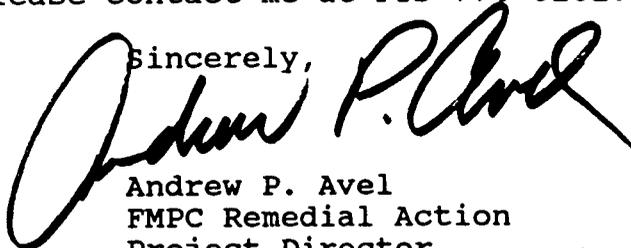
RESOLUTION:

The performance level indicated by U.S. EPA will be stated in the work plan as a goal of the removal action. Whether or not additional measures are needed will be determined by a number of factors including the timeframe until final clean-up and review of data from the monitoring equipment.

With resolution of the above items, DOE's dispute has been resolved. DOE and U.S. EPA have discussed the resolution with their respective Dispute Resolution Committee members who have also concurred in the resolution.

If you have any questions, please contact me at FTS 774-6161.

Sincerely,



Andrew P. Avel
FMPC Remedial Action
Project Director

DP-84:Craig

cc:

R. P. Whitfield, EM-40, FORS
G. E. Mitchell, OEPA
P. Q. Andrews, USEPA-V
D. A. Kee, USEPA-V
K. J. Pierard, USEPA-V
D. A. Ullrich, USEPA-V
E. Schuessler, PRC
D. Nixon, WMCO
D. Harmon, IT