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**OU#4 DISPUTE RESOLUTION U.S. DOE FERNALD  
OH6 890 008 976**

**10-3-90**

**USEPA/DOE  
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LETTER**



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

2135

OCT 03 1990

REPLY TO ATTENTION OF:

Bobby J. Davis  
United States Department Of Energy  
Feed Materials Production Center  
P.O. Box 398705  
Cincinnati, Ohio 45239-8705

5HR-12

RE: OU#4 Dispute Resolution  
U.S. DOE-Fernald  
OH6 890 008 976

Dear Mr. Davis:

1920 On September 4, 1990, the United States Environmental Protection Agency (U.S. EPA) disapproved a revised Initial Screening of Alternatives for Operable Unit #4. This disapproval initiated the first phase of dispute resolution in accordance with Section XIV of the 1990 Consent Agreement. Negotiations regarding this dispute were held during an October 3, 1990 teleconference.

The deficiencies in the Initial Screening of Alternatives document were identified in U.S. EPA's September 4, 1990, letter. The United States Department of Energy (U.S. DOE) responded to these deficiencies in a letter dated September 26, 1990. It appears that U.S. DOE intends to address all deficiencies, with the exception of the application of 40 CFR 191 Subpart A standards as relevant and appropriate requirements and 40 CFR 191 Subpart B as To Be Considered (TBCs) requirements in Appendix A of this document. The application of these requirements as Applicable or Relevant and Appropriate (ARARs) or TCBs were the focus of dispute resolutions negotiations.

It appears that U.S. DOE Initial Screening of Alternatives will carry forward appropriate alternatives for detailed analysis and the dispute over this document may terminate. U.S. DOE must revise the Initial Screening of Alternatives for Operable Unit #4 to include the response to U.S. EPA's September 4, 1990, letter. This revision is to be submitted within twenty-one (21) days of the date of this letter, as required by Section XIV of the 1990 Consent Agreement.

The Initial Screening of Alternatives includes an appendix that presents a summary of the potential Applicable Relevant and Appropriate Requirements (ARARs). Pursuant to Section XII.F of the 1990 Consent Agreement, U.S. EPA presented comments on a later version of the potential ARARs list in a July 27, 1990 meeting. U.S. EPA comments included 40 CFR 191 regulations as ARARs and TBCs for Operable Unit #4.

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U.S. EPA is currently formulating a written policy regarding the application of 40 CFR 191 standards to the K-65 residues at Fernald. This policy will be forwarded to U.S. DOE in the near future. The detailed analysis must further develop and evaluate alternatives in consideration of this policy.

Please contact me at (312) or FTS 886-4436, if there are any questions

Sincerely,



Catherine A. McCord  
Remedial Project Manager

cc: Richard Shank, OEPA-SWDO  
Graham Mitchell, OEPA-CO  
Joe LaGrone, U.S. DOE - ORO  
Leo Duffy, U.S. DOE - HDQ