

**2256**

**RESPONSE TO THE COMPLIANCE STATUS  
SUMMARY CONTAINED IN THE APRIL 1990  
COMPREHENSIVE MONITORING EVALUATION**

**09/12/91**

**DOE-2179-91  
DOE-FSO/OEPA  
2  
LETTER**



**Department of Energy**  
Fernald Environmental Management Project  
P.O. Box 398705  
Cincinnati, Ohio 45239-8705  
(513) 738-6357

SEP 12 1991

2256

DOE-2179-91

Mr. Paul Pardi  
Division of Solid and Hazardous Waste  
Ohio Environmental Protection Agency  
40 South Main Street  
Dayton, Ohio 45402

Dear Mr. Pardi:

**RESPONSE TO THE COMPLIANCE STATUS SUMMARY CONTAINED IN THE APRIL 1990  
COMPREHENSIVE MONITORING EVALUATION**

Reference: Letter, Pamela S. Allen (Ohio EPA/DSHWM) to G. W. Westerbeck  
(DOE-FEMP), "Report for the Comprehensive Monitoring Evaluation,"  
dated August 5, 1991

A Comprehensive Monitoring Evaluation (CME) was conducted at this facility, April 9, 1990, by Ohio Environmental Protection Agency staff. The Department of Energy received the results of that evaluation August 12, 1991 (reference).

The compliance status summary of the CME lists a number of issues requiring response. Each issue resulted from the unavailability of the 1989 RCRA Annual Report at the time of the CME inspection. Information relative to the nature, rate and extent of contaminant migration was, therefore, not available to Ohio EPA staff at that time. The FEMP has taken action to assure that, in the future, all information will be submitted prior to the regulatory deadline, and available for review at the time of inspection.

The difficulty with the 1989 report arose from the integration of the RCRA groundwater monitoring program with the CERCLA RI/FS in progress at this facility. At that time, all groundwater samples were sent to a Contract Laboratory Program (CLP) laboratory with the capacity to analyze samples containing both hazardous and radioactive constituents. Due to the scarcity of CLP laboratories with radionuclide capability, the few available labs were backlogged with samples, and data was not returned to the FEMP in time to meet the reporting requirements. The 1989 Annual Report could not be completed until the analytical results were received from the lab; thus, a complete document was not available until late 1990.

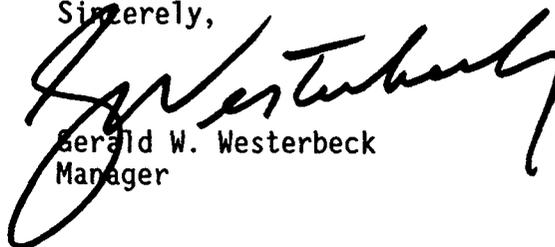
In 1990, to avoid difficulties resulting from lengthy laboratory turn around, the RCRA groundwater samples were sent to NET laboratory in Dayton, Ohio. NET laboratory is not a CLP laboratory; however, RCRA does not require the use of a laboratory that participates in the Contract Laboratory Program. Analytical

data were received in a timely manner, and the 1990 RCRA Annual Report was submitted to the Ohio EPA by March 1, 1991.

Any future laboratory contracts will be written to assure data is returned to this facility in a timely manner for incorporation into the RCRA Annual Report. For now, NET laboratories will continue to analyze samples collected in support of the RCRA program.

Enclosure I contains responses to the specific issues presented in the CME. If you have additional questions or comments, please contact Ed Skintik at (513) 738-6660.

Sincerely,



Gerald W. Westerbeck  
Manager

FO:Skintik

Enclosure: As stated

cc w/encl.:

R. P. Whitfield, EM-40, FORS  
K. A. Hayes, EM-422, GTN  
D. R. Schregardus, OEPA-Columbus  
G. E. Mitchell, OEPA-Dayton  
K. Davidson, OEPA-Columbus  
R. Owen, ODH  
A R Coordinator, WEMCO

cc w/o encl.:

J. Fiore, EM-42, GTN  
P. J. Gross, SE-31, ORO  
J. Steven Rogers, DOJ  
J. Van Kley, OAGO  
S. W. Coyle, WEMCO  
E. D. Savage, WEMCO

## ENCLOSURE 1

The results of the Comprehensive Monitoring Evaluation performed April 9, 1990 by Ohio Environmental Protection Agency staff were received by the FEMP on August 12, 1991. The following are responses to the issues raised in the CME compliance status summary.

1. **Issue:** The FEMP has not defined the extent of the contaminant plume. Perimeter wells used in the detection monitoring program have shown contamination; however, FEMP has not submitted any data to show that the Groundwater Assessment Program has been able to define the extent of the contaminant plume.

**Response:** On March 1, 1991, the FEMP submitted to the Ohio EPA the RCRA Annual Groundwater Monitoring Report summarizing monitoring activities conducted during the 1990 calendar year. The RCRA monitoring program during 1990 included quarterly monitoring of 40 wells adjacent to, and downgradient of the waste pit area. The report includes information such as the extent and rate of migration of contaminant plumes.

2. **Issue:** The FEMP has not determined the concentrations of the hazardous waste constituents in the groundwater. The FEMP has not submitted any data concerning the concentrations of these constituents to the Ohio EPA, and therefore, has not complied with the regulation.

**Response:** The 1989 annual report was not available to the Ohio EPA inspector at the time the CME was conducted. The difficulty with the annual report arose from the integration of the RCRA groundwater monitoring program with the CERCLA RI/FS in progress at this facility. At that time, all groundwater samples were sent to a Contract Laboratory Program (CLP) laboratory with the capacity to analyze samples containing both hazardous and radioactive constituents. Due to the scarcity of CLP laboratories with radionuclide capability, the few available labs were backlogged with samples, and data was not returned to the FEMP in time to meet the reporting requirements. The 1989 Annual Report could not be completed until the analytical results were received from the laboratory; thus, a complete document was not available until late 1990.

The 1990 Annual Report summarizes the data collected during the 1990 calendar year. The information includes analyses of general water quality parameters, indicator parameters, and selected metals from each quarter's sampling episode. Reported organic constituent information includes selected HSL volatile organics from the first quarter sampling episode, a full HSL analysis from the second quarter sampling episode, and EPA method 8240 volatile organic analyses from the third and fourth quarter sampling episodes. These analyses defined the concentration of hazardous waste constituents in the groundwater. The Assessment program will continue to monitor hazardous constituent concentrations in the groundwater, and report this information in the annual reports.

3. **Issue:** Annual Groundwater Monitoring Reports should be submitted to the Ohio EPA by March first of each year. Because FEMP has not submitted any annual Groundwater Monitoring Reports, they have not complied with this rule.

**Response:** As explained in the response to Issue 2, the FEMP did not meet the reporting deadline for the 1989 Annual Report due to difficulties in receiving laboratory data. In 1990, to avoid difficulties resulting from lengthy laboratory turn around, the RCRA groundwater samples were sent to NET laboratory in Dayton, Ohio. NET laboratory is not a CLP laboratory, however, RCRA does not require the use of a laboratory that participates in the Contract Laboratory Program. Analytical data were received in a timely manner, and the 1990 RCRA Annual Report was submitted to the Ohio EPA by March 1, 1991.

The FEMP anticipates that all future reports will be submitted prior to the regulatory deadline.

4. **Issue:** FEMP has failed to submit the RCRA Groundwater Assessment Program Annual Report on March 1, 1990. FEMP's violation of this rule was included in charges of contempt of court filed by the state of Ohio, as described in State of Ohio vs. United States Department of Energy, and Westinghouse Materials Company of Ohio, Inc., Feed Materials Production Center; Civil Action No. C-1-86-0217. Because of this violation, Ohio EPA has not been able to evaluate the RCRA Assessment Monitoring Program in this CME.

**Response:** The information included in the 1989 Annual Report has since been submitted to the Ohio EPA, as well as the 1990 Annual Report. The elements of the Assessment Program are summarized in the Groundwater Quality Assessment Program Plan (GQAPP). The plan was originally submitted to the Ohio EPA on November 25, 1987. The plan was revised and resubmitted to the Ohio EPA in March of 1989. The program was updated for a second time, and GQAPP Revision 2 was submitted to the Ohio EPA May 28, 1991. Future changes to the program will be implemented as needed, and revised GQAPP documents will be submitted to the Ohio EPA to maintain a current program description.