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**CLOSURE PLAN U.S. DOE - FEMP OH6 890 008  
976/ 05-31-0681**

**09-30-91**

**OEPA/DOE-FSO  
4  
LETTER**



State of Ohio Environmental Protection Agency

P.O. Box 1049, 1800 WaterMark Dr.  
Columbus, Ohio 43268-0149  
514) 644-3020  
FAX (614) 644-2329

*B - This is your Action Bob 2271*

George V. Voinovich  
Governor

Donald R. Schregardus  
Director

CLOSURE PLAN APPROVAL

CERTIFIED MAIL

September 30, 1991

RE: CLOSURE PLAN  
U.S. DOE - FEMP  
OH6 890 008 976/05-31-0681

Gerald W. Westerbeck  
U.S. DOE - FEMP  
P.O. Box 398705  
Cincinnati, Ohio 45239-8705

Date Rec'd OCT 02 1991  
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Dear Mr. Westerbeck:

On August 3, 1989, U.S. DOE - FEMP submitted to Ohio EPA a closure plan for Plant 6 hazardous waste storage pad located at 7400 Wiley Road, Fernald, Ohio. Revisions to the closure plan were received on March 30, 1990. The closure plan was submitted pursuant to Rule 3745-66-12 of the Ohio Administrative Code (OAC) in order to demonstrate that U.S. DOE - FEMP'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. DOE - FEMP in accordance with OAC Rule 3745-66-12. The public comment period extended from August 18, 1989 to September 18, 1989. No comments were received by Ohio EPA in this matter.

Based upon review of U.S. DOE - FEMP's submittal and subsequent revisions, I conclude that the closure plan for the hazardous waste facility at U.S. DOE - FEMP as modified herein 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. DOE - FEMP is hereby approved with the following modifications:

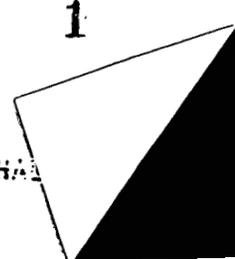
I certify this to be a true and accurate copy of the official document as filed in the records of the Ohio Environmental Protection Agency.

By: Mary Gavin Date 9-30-91

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1. U.S. DOE FEMP shall include the language contained within the Ohio Administrative Code Rule 3745-50-42(D) within the statement of certification.
2. U.S. DOE FEMP shall characterize and document all wastes generated during closure activities as solid waste, hazardous waste, and/or mixed waste. This includes but is not limited to soils, containment pad, protective clothing, and rinse waters. The documentation shall be submitted to the Ohio EPA Southwest District Office for review.
3. U.S. DOE FEMP shall attempt to clean close the pad and area in which the unit is located. If clean closure is not feasible, U.S. DOE FEMP shall consider this an unexpected event requiring a modification of the closure plan as described in OAC Rule 3745-66-12(C) (1).

U.S. DOE FEMP shall submit this modified plan no more than thirty days after the unexpected event has occurred as required by OAC Rule 3745-66-12(C) (3).

4. Should the containment structure require removal, it must be placed within closed compatible containers until characterization activities have been completed. Upon completion of characterization, the waste must be managed according to all applicable regulations.
5. U.S. DOE FEMP shall manage all soils generated during closure activities in accordance with hazardous waste rules until such time that the soils are determined to be non-hazardous.
6. U.S. DOE FEMP shall submit to Ohio EPA a background sampling plan which conforms to the requirements set forth within the May 1, 1991 Closure Plan Review Guidance within thirty (30) days of this date of closure plan approval. The background sampling plan will be subject to review by Ohio EPA to determine the acceptability of background sampling protocols. Background sampling and analysis activities must be conducted in accordance with an Ohio EPA approved background sampling plan.

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By: Gerald W. Westerbeck Date: 10/27/91

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7. U.S. DOE FEMP shall notify the Ohio EPA Southwest District Office inspectors at least five (5) business days prior to any sampling activities.
8. U.S. DOE FEMP shall submit the above requested information to Mike Hayes and Phil Harris, Ohio EPA, SWDO and Montee Suleiman, Ohio EPA, Central Office within 30 days of the receipt of this letter.

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.A. §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 3745.014 of the Ohio Revised Code. 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 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.

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By: Mary Cassini Date: 9-30-91

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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 Hazardous Waste Management, Attn: ~~Thomas Crepeau, Data Management Section~~, P.O. Box 1049, Columbus, Ohio 43266-0149.

Sincerely,

  
 Donald R. Schregardus *DRS*  
 Director

DRS/MS/pas

cc: Tom Crepeau, DHWM Central File, Ohio EPA  
 Lisa Pierard, USEPA - Region V  
 -- Joel Morbito, USEPA - Region V  
 Mike Hayes, SWDO, Ohio EPA  
 Phil Harris, SWDO, Ohio EPA  
 Montee Suleiman, Ohio EPA, DHWM

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 Coan Date 1/30/91

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