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**DELTA STEEL ALTERNATE WATER SUPPLY -
REQUEST TO MODIFY THE SCOPE AND DELAY
IMPLEMENTATION UNTIL INSTALLATION OF
PUBLIC WATER SUPPLY**

02/03/92

**DOE-795-92
DOE-FO/EPA
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LETTER
OU5**



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

2791

FEB 03 1992

DOE-795-92

Mr. James A. Saric, Remedial Project Director
U.S. Environmental Protection Agency
Region V - 5HR-12
230 South Dearborn Street
Chicago, Illinois 60604

Mr. Graham E. Mitchell, DOE Coordinator
Ohio Environmental Protection Agency
40 South Main Street
Dayton, Ohio 45402-2086

Dear Mr. Saric and Mr. Mitchell:

**DELTA STEEL ALTERNATE WATER SUPPLY – REQUEST TO MODIFY THE SCOPE AND DELAY
IMPLEMENTATION UNTIL INSTALLATION OF PUBLIC WATER SUPPLY**

- References:
- 1) Letter, DOE-737-92, R. E. Tiller to G. Van Hart, "Public Water Supply – Delineation of Required Service Area," dated January 27, 1992
 - 2) Letter, D. G. Baker to C. J. Fermaintt, dated January 9, 1992
 - 3) Letter, DOE-543-92, R. E. Tiller to Delta Steel, "U.S. Department of Energy Access to Delta Steel Property Located at Fernald, Ohio for Information Gathering and Response Actions Under CERCLA," dated December 24, 1991
 - 4) Letter, WEMCO:EMT(OU5):91-084, "South Groundwater Contamination Plume Removal Action – Impacts on Delta Steel Property," dated October 3, 1991
 - 5) Letter, WEMCO:EMT(OU5):91-074, "Part 1 Alternate Water Supply – Delta Steel," dated August 14, 1991
 - 6) South Groundwater Contamination Plume Engineering Evaluation/Cost Analysis, November 1990

The purpose of this letter is to request your concurrence on a change in the approach to providing an alternate water supply to Delta Steel as required by Reference 6. This change is being proposed because of Delta Steel's refusal

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to sign a legal agreement to accept the water (Reference 2, Enclosure 2). Delta Steel has made this decision despite being informed of the Department of Energy's (DOE) legal responsibility to provide them with an alternate water supply (Reference 3, Enclosure 3). Further progress will require legal action. Without a signed agreement, DOE cannot construct any of the facilities required by this project on Delta Steel property. Therefore, DOE recommends that the source of alternate water for the Delta Steel portion of the project be changed because of several key developments which have recently occurred.

Since the Engineering Evaluation/Cost Analysis (EE/CA) was issued for public comment, the DOE has decided to provide supplemental funding for a public water supply; thus public water has become a workable alternative as a source of water for Delta Steel. As can be seen in Figure 1 of Reference 1, the plans for the public water supply include the installation of a distribution main along Paddy's Run Road. Since the Delta Steel property access is to Paddy's Run Road, a connection to the public water supply is logical in the future.

During the past several months, DOE has been discussing the technical issues necessary to complete this removal action with Delta Steel (References 4 and 5, Enclosures 4 and 5). These discussions have resulted in, among other things, a gentlemen's agreement on August 14, 1991, that Delta Steel would be switched over to the public water supply when it becomes available. This oral agreement was based on the fact that a public water supply was going to become a reality, even though at the August 14, 1992 discussion, a time frame was not firm. Since then, the Hamilton County Department of Public Works has indicated that a public water supply can be operational in about two years. Therefore, it would seem logical that rather than continuing with the litigation required to have Delta Steel accept the alternate water supply as discussed in Part 1 of the removal action, we should wait until the public water system is available to supply Delta Steel.

As stated in previous discussions with you, DOE had "oversized" the Part 1 pipeline system for Delta Steel and was maintaining ownership of the system in case uranium concentrations in other private wells in the South Groundwater Contamination Plume area approach the EE/CA action limit. Then, since DOE was maintaining control of the Delta Steel system, DOE could use the system to provide those users with an alternate source of water without having to acquire additional properties for installation of well fields and pipelines. However, this contingency plan is no longer necessary because the public water supply will be available for anyone affected in the area of the South Plume.

Furthermore, with your agreement that the public water supply would be the source of alternate water for Delta Steel, the community will receive these additional benefits:

- Reduce the amount of private property needed for the well fields from 20 acres to about 10 acres,
- Save approximately \$700,000 of taxpayer money as a result of purchasing less private property and eliminating the water supply for Delta Steel, and

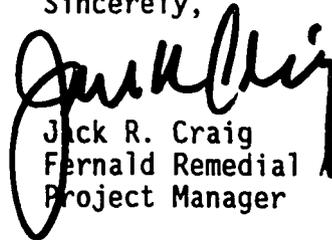
- Gain the capability to earmark this savings to support the public water supply or other removal actions.

One disadvantage to the proposal is that Delta Steel would not receive an alternate water supply for approximately 18 months beyond the currently scheduled Part 1 operational date. However, this delay can be justified because Delta Steel provides its employees with bottled drinking water, and continuing this practice should not be an undue burden to them.

Based on the preceding presentation, please provide your written concurrence to this proposal by February 4, 1992. The reason for this time frame is to prevent incurring substantial unnecessary costs. For example, the scope of the alternate water supply for Delta Steel can still be removed from the overall Part 1 project scope which is currently out for bids. Deferring this decision beyond February 4 will result in the DOE receiving substantial penalties from the successful bidder if this scope is deleted at a later date.

If you or your staff have any questions, please contact me at FTS 774-6159 or (513) 738-6159, or Carlos J. Fermainntt at FTS 774-6157 or (513) 738-6157.

Sincerely,



Jack R. Craig
Fernald Remedial Action
Project Manager

FO:Fermainntt

Enclosures: As Stated

w/encs.:

J. J. Fiore, EM-42, TREV
K. A. Hayes, EM-424, TREV
J. Benetti, USEPA-V, 5AR-26
T. Schneider, OEPA-Dayton
J. P. Hopper, WEMCO
L. Kahill, Radian
(AR Coordinator, WEMCO)

cc w/o enc.:

D. J. Brettschneider, WEMCO

DELTA STEEL

2791

January 9, 1992

Mr. Carlos J. Fermaintt
Operable Unit 5 Manager
U.S. Department of Energy
FEMP Site Office
P.O. Box 398705
Cincinnati, OH 45239-8705

Dear Mr. Fermaintt:

As we discussed on the phone the other day, Delta Steel Corporation and owners of the land cannot sign the "Consent for Entry and Access to Property" that were sent to us by R. E. Tiller as an attachment to his letter dated December 24, 1991.

Part of our phone conversation touched on the possible purchase of the property by D.O.E. If D.O.E. is interested, we are willing to sell the property and move to another location. The price for the land and building plus the costs associated with the move and a new facility is \$6.65 million.

If you have any questions, please call.

Sincerely,



Daniel G. Baker
Controller

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

2791

DEC 24 1991
 DOE-543-92

Mr. Richard E. Dooley
 Delta Steel, Inc.
 10860 Paddy's Run Road
 Cincinnati, Ohio 45030

Mr. Scott B. Dullon
 Delta Steel, Inc.
 10860 Paddy's Run Road
 Cincinnati, Ohio 45030

Mr. Joseph P. McConnaughey
 Delta Steel, Inc.
 10860 Paddy's Run Road
 Cincinnati, Ohio 45030

Mr. Donald R. Caudill
 Delta Steel, Inc.
 10860 Paddy's Run Road
 Cincinnati, Ohio 45030

Mr. Daniel G. Baker
 Delta Steel, Inc.
 10860 Paddy's Run Road
 Cincinnati, Ohio 45030

Dear Sirs:

U.S. DEPARTMENT OF ENERGY ACCESS TO DELTA STEEL PROPERTY LOCATED AT FERNALD, OHIO FOR INFORMATION GATHERING AND RESPONSE ACTIONS UNDER CERCLA

The United States Department of Energy (DOE) is conducting a Remedial Investigation/Feasibility Study (RI/FS) of the environmental effects associated with the releases or threat of releases of hazardous substances, pollutants or contaminants from the DOE's Fernald Environmental Management Project (FEMP) at Fernald, Ohio. The RI/FS is being conducted pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, 42 U.S.C. Section 9601, et seq., and an Amended Consent Agreement with the United States Environmental Protection Agency (EPA). Under a 1991 Amended CERCLA Consent Agreement, DOE is required to implement a series of response actions south of the FEMP, which is referred to as the "South Groundwater Contamination Plume Removal Action."

The first part of this action is the Alternate Water Supply Project, Part 1 of the South Groundwater Contamination Plume Removal Action. Part 1 includes the provision of an alternate water supply unaffected by the South Groundwater Contamination Plume to your property. Since uranium was detected in the groundwater beneath your property, the EPA-approved removal action requires that groundwater wells currently available for industrial use on your property be abandoned and plugged. In addition, DOE is required to sample surface water, sediment, surface soil, subsurface soils on your property and subsequently, excavate and remove any soils associated with FEMP past operations, identified from this sampling activity as requiring removal.

The second part of this action, Part 2 - Pumping and Discharge, requires the installation of a minimum of two recovery wells on your property to extract the uranium bearing groundwater from groundwater locations beneath your property. Associated equipment such as pumps, pipelines, electrical system, etc., will need to be installed on your property to perform this response action. Access roadways and pump stations will be constructed on your facility to perform the response actions, keeping as a first objective, the minimization of impacts to your operations.

As part of an ongoing program approved by the EPA and Ohio EPA, Part 5 - Groundwater Modeling and Geochemical Investigation, the DOE is required to install additional groundwater monitoring wells, and to sample existing groundwater monitoring wells, drinking or production wells, and/or piezometers on your property. In addition, DOE needs to install dedicated pump systems on groundwater monitoring wells to reduce the time required for purging deep wells.

DOE needs to enter your property located off Paddy's Run Road at Fernald, Ohio, to perform the EPA-approved response actions described above. DOE is requesting your consent for entry and access to perform the above activities. All of the above activities have been previously discussed with you and other owners of Delta Steel, Inc., property, in previous meetings.

Section 104 of CERCLA, 42 U.S.C. Section 9604, as amended, authorizes representatives of the President to enter places and property for purposes of determining the need for response, or choosing, taking or effectuating any response actions under CERCLA, 42 U.S.C. Section 104(e)(3). The President has delegated concurrent authority under Section 104(e) to the U.S. DOE and other executive departments and agencies to obtain access where releases or threatened releases are on, or the sole source of the release is from any facility or vessel under the jurisdiction, custody, or control of those departments and agencies, to be exercised with the concurrence of the Attorney General of the United States, Executive Order No. 12580, 52 Federal Register 2925 (1987). This authority may be exercised if there is a reasonable basis to believe that there may be a release or threat of release of hazardous substances, pollutants, or contaminants. See 42 U.S.C. Section 104(e)(1). Places and properties subject to entry under Section 104(e) include any place or property in which any hazardous substance may be or has been generated, stored, treated, disposed of, or transported from; any place a hazardous substance has or may have been released; any place or property where such release is or may be threatened; or any place or property where entry is needed to determine the need for response action(s) or to effectuate response action(s) under CERCLA. Pursuant to this authority, the DOE is requesting

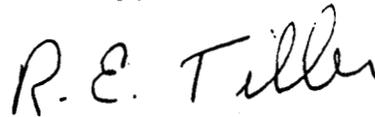
your voluntary agreement to allow the DOE perform the above activities on your property, as described on the approved Work Plans for this Removal Action. If you consent, please sign and return the enclosed form within five days to:

Carlos J. Fermaintt
Operable Unit 5 Manager
U. S. Department of Energy
FEMP Site Office
P. O. Box 398705
Cincinnati, Ohio 45239-8705

A self-addressed, stamped envelope has been enclosed for your use in returning the consent form.

If you have any questions concerning the activities discussed in this letter, please contact Mr. Carlos J. Fermaintt at (513) 738-6157. If you have any questions concerning the DOE's legal authorities, please contact Elizabeth Osheim, Legal Counsel, at (513) 738-6656.

Sincerely,



R. E. Tiller
Manager

FO:Fermaintt

Enclosures: As Stated

cc w/o encls.:

D. J. Brettschneider, WEMCO
J. Lacefield, WEMCO
R. P. Nicholson, AD-42, ORO
D. Middleton, COE-Louisville

CONSENT FOR ENTRY AND ACCESS TO PROPERTY

Name: Delta Steel, Inc.

Address of Property: Paddy's Run Road, Fernald, Ohio

I consent to officers, employees, and authorized representatives of the United States Department of Energy (DOE) entering and having continued access to my property for the following purposes:

- 1) The sampling of surface water, sediment, surface soil, and subsurface soil on your facility;
- 2) Excavation and removal of any contaminated soil (associated with FEMP past operations) identified as a result of the sampling activities;
- 3) Construction, installation, operation, and maintenance of pipelines and other equipment or facilities associated with the Alternate Water Supply to your property, and plugging and abandonment of existing drinking or production water wells;
- 4) Sampling and measuring water levels in existing groundwater monitoring wells, drinking or production wells, and/or piezometers;
- 5) Construction, installation, operation, and maintenance of groundwater recovery wells, pumps, pipelines, appurtenances, and access roadways; and
- 6) Installation of dedicated pump systems on groundwater monitoring wells proposed in your property.

I realize that these actions by the DOE are undertaken pursuant to Executive Order 12580 which delegates authority to DOE to seek access in accordance with the provisions of Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., as amended.

This written permission is given by me voluntarily with knowledge of my right to refuse and without threats or promises of any kind.

Date

Richard E. Dooley, Delta Steel

Date

Scott B. Dullon, Delta Steel

Date

Joseph P. McConnaughey, Delta Steel

Date

Donald R. Caudill, Delta Steel

WEMCO:EMT(OU5):91-084

2701

CONFERENCE MEMORANDUM

Date of Meeting: October 3, 1991

Location: FMPC Public Information Center

Subject: SOUTH GROUNDWATER CONTAMINATION PLUME REMOVAL ACTION - IMPACTS ON DELTA STEEL PROPERTY

Notes By: David Brettschneider *DB*

Participants: Carlos J. Fermaintt (DOE-FO)
Dave Brettschneider (WEMCO)
Jesse Lacefield (WEMCO)
Jack Karnes (COE)
Dan Baker (Delta Steel)
Donald Candill (Delta Steel)
Joe Connaughey (Delta Steel)
Richard Dooley (Delta Steel)
Scott Pullon (Delta Steel)

The meeting was held to discuss the impacts of the above subject project on the Delta Steel property.

1. Mr. Brettschneider explained that the purpose of the meeting was to discuss three key items. These were:
 - A) Delta Steel's position on allowing DOE to proceed with the alternate water supply to their property as was presented at the August 14, 1991 meeting.
 - B) DOE access to Delta Steel property to install monitoring wells and sample existing Paddys Run Road Site (PRRS) monitoring wells.
 - C) Impacts of the Part 2 extraction well operation on the Delta Steel facility.
2. Mr. Brettschneider asked if Delta Steel had made a decision to accept the DOE proposal made at the August 14th meeting. i.e. DOE to supply water to the Delta Steel property from the alternate water supply well field until such time as the public water supply is tied into their property.
3. Delta Steel stated that they were concerned that future development of their property would be limited because of the restrictive quantity of water which DOE was proposing to supply [i.e. 50 gallons per minute (gpm).] Delta Steel was also concerned that the public water supply might not become a reality. After discussion, it was agreed that if DOE would provide the following, Delta Steel would agree to the plan:

- a) The alternate water supply will be installed with an infrastructure so that a flow of 150 gpm can be provided to Delta Steel in the future with just minor modifications to the system (i.e. pump changeout, etc.).
 - b) DOE will supply water to Delta Steel until the Public Water Supply is operational (estimated 2-3 years, but may continue for an indefinite period.)
 - c) The Public Water Supply installed will be capable of supplying Delta Steel with the 150 gpm flow in the future.
4. Delta Steel was concerned over how their existing building piping system will be decontaminated to provide clean water for drinking. DOE indicated that the system would be evaluated to determine if it would need to be decontaminated or new piping would have to be provided.
 5. Delta Steel asked what other property owners, besides Albright and Wilson Americas, would be receiving water from the alternate water supply. DOE indicated that, at the current time, Delta Steel was the only other facility. However, DOE is keeping control over the "Delta Steel" portion of the system so that DOE may have the potential to supply other facilities should it become necessary to do so.
 6. Delta Steel agreed to sign the right of access for surveying so that DOE could complete the design of the Delta Steel portion of the Alternate Water Supply system. They will not sign the right for construction until the above agreement is prepared and signed.
 7. DOE directed WEMCO to prepare an agreement based on the above described conditions.
 8. DOE presented and discussed a drawing (attached) which indicated several items which will impact the Delta Steel facility.
 9. DOE explained that the COE would be presenting Delta Steel with an agreement for installing three monitoring wells on their property approximately as shown on the drawing. The DOE would require access to the well nearest the Delta Steel building via the existing roadways. Access to the two other wells would need to be obtained via an approximately 20 foot wide cleared access from the adjoining Weber property. The agreement would state that the wells would need to remain for a minimum of three years with the option to renew the agreement based on mutual agreement, and DOE would need to sample these wells, plus the adjoining PRRS piezometer, during that period.

Delta Steel agreed to allow installation and sampling access if the agreement would state that the monitoring wells would be relocated by DOE within 90 days prior to any future construction if they would interfere with future development on their property. DOE concurred with this request.

Delta Steel will review the eastern monitor well site to assess how they feel about the course for access to the site. Delta Steel mentioned that they have an old roadway which runs from the front of their property to probably very near the well site. DOE will arrange to meet with Delta Steel to walk the area and agree on the course of access to the well site.

10. Mr. Brettschneider explained that further design work had been completed on the Part 2 Removal Action extraction well field. The work determined that, to accomplish the revised agreements being made with U.S. EPA and Ohio EPA, the extraction well field would need to be partially located in the southeast corner of the Delta Steel property, approximately as shown on the drawing. DOE would need a perpetual easement for the area, approximately as delineated on the drawing (approximately 2 acres).
11. Delta Steel was concerned that the extraction well nearest their building would interfere with their operations in this area as they lease this area from the CSX Realty. DOE explained that only a limited fenced in area would be required. The area would be approximately similar to the area of the Albright and Wilson Americas well which currently exists near the front of the Delta Steel building. DOE explained that the extraction well location could be moved somewhat if it would be more acceptable to Delta Steel.
12. DOE indicated that they would prefer to access the Part 2 western extraction well via the existing Delta Steel roadway in this area in order to avoid installing the access roadway shown. The proposed roadway indicated on the drawing would need to be constructed on an embankment and would require installation of two railroad crossings to access the extraction well. Delta Steel was acceptable to this idea.
13. DOE indicated that the Part 2 extraction well field would be in operation for a period of approximately thirty years, based on current projections.



cc: S. L. Bradley
D. J. Carr
S. W. Coyle
J. R. Craig, DOE-FO
T. L. Crawford
H. F. Daugherty
C. J. Fermaintt, DOE-FO
D. M. Gerrick
J. P. Hopper
J. M. Lacefield

WMCO:EMT(OU5):91-074 2731

CONFERENCE MEMORANDUM

Date of Meeting: August 14, 1991

Location: FMPC Public Information Center

Subject: PART 1 ALTERNATE WATER SUPPLY - DELTA STEEL

Notes By: David Brettschneider *DB/mr*

Participants: Jack Craig (DOE-FSO)
Dave Brettschneider (WEMCO)
Jesse Lacefield (WEMCO)
Jack Karnes (COE)
Charles Pierce (COE)
Dan Baker (Delta Steel)
Joe Connaughey (Delta Steel)
Richard Dooley (Delta Steel)
Scott Pullon (Delta Steel)

The meeting was held to discuss the status of the above subject project.

- 1) After introductions, a brief explanation of the overall CERCLA program being conducted at the FMPC was made by Mr. Brettschneider. The explanation clarified what Operable Unit #5 (OU#5) is, and that the subject project is part of a CERCLA Removal Action being conducted under OU#5 termed the "South Groundwater Contamination Plume." The project itself is Part 1 of the Removal Action. It was explained that the Corps of Engineers (COE) has been brought in to pursue access agreements and property access required for CERCLA activities at the site.
- 2) Mr. Baker stated that Delta Steel did not use their water for drinking and their demand is small. Therefore, he is not sure if Delta Steel is interested in accepting an alternate water supply and may prefer to use their existing well.
- 3) Mr. Brettschneider reiterated the fact that the CERCLA documentation for the South Groundwater Contamination Plume Removal Action requires DOE to provide an alternate supply of water to the Delta Steel Facility.
- 4) Mr. Brettschneider explained that a change has occurred since the last DOE/Delta Steel meeting held on February 5, 1991. The DOE has been working with the Hamilton County Department of Public Works to bring a public water supply to the South Plume area. It

is expected that this water supply will be available to Delta Steel in approximately three years. It is now DOE's intent to tie Delta Steel into this system when it is available. The alternate water supply discussed at the previous meeting would now only constitute a gap filling measure until the public water supply is available.

- 5) Mr. Connaughey was concerned that Delta Steel would have to maintain the water supply system, as in the first meeting, it was mentioned that Delta Steel could eventually be given control of the "Delta Steel" portion of the alternate water supply. Mr. Brettschneider explained that the original concept for the "Delta Steel" water supply was to have DOE own and operate the facility for an initial period of approximately three years. If other "users" of the system do not arise in that period, DOE may decide to turn the system over to Delta Steel. With the change in direction discussed above, this will no longer be DOE's position. Hooking up to the public water supply will eliminate the concern of having to maintain an alternate water supply system.
- 6) Mr. Lacefield reviewed the 100% Design Review Package which has been prepared for the Part 1 project. It was explained that the "Delta Steel" portion of the project is not quite at the 100% stage due to a need to access Delta Steel property to obtain tie-in information, etc. It was requested that Delta Steel allow the engineering consultant access to the property to obtain this information. A set of the Part 1 100% drawings was given to Delta Steel for their information and review.
- 7) Jack Karnes discussed the forms which he had brought to Delta Steel several weeks ago to obtain access for surveying and construction access. Mr. Baker explained that Delta Steel was willing to allow access for survey information collection, but they were not sure about granting construction access.
- 8) Mr. Brettschneider briefly explained Part 2 of the Removal Action will involve construction of a groundwater extraction well field just south of the Delta Steel facility. It was explained that Delta Steel leases a portion of the adjacent southern property. DOE requested that Delta Steel provide information on the dimension of the leased property. DOE will attempt to keep the proposed well field from affecting the Delta Steel operations within the said property.
- 9) Mr. Lacefield requested that Delta Steel get back to DOE through Mr. Fermaintt (present at previous meeting but unable to attend today's meeting) on agreement to move forward on the project as described above.

c: S. L. Bradley
D. J. Carr
S. W. Coyle
J. R. Craig, DOE-FSO
T. L. Crawford
H. F. Daugherty
C. J. Fermaintt, DOE-FSO
D. M. Gerrick
J. P. Hopper
J. M. Lacefield
