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**U.S. DOE - FEMP HAZARDOUS WASTE  
OH6 890 008 976  
HAMILTON COUNTY TSD - GEN**

**02/27/92**

**OEPA/DOE-FO  
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LETTER**



State of Ohio Environmental Protection Agency

**Southwest District Office**

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George V. Voinovich  
Governor

February 27, 1992

RE: U.S. DOE-FEMP  
HAZARDOUS WASTE  
OH 689 0008 976  
HAMILTON COUNTY  
TSD-GEN

Mr. R.E. Tiller  
DOE-FEMP  
P.O. Box 398705  
Cincinnati, Ohio 45239-8705

Dear Mr. Tiller:

This letter is written in response to the January 21, 1992 fax from John Sattler to Paul Pardi regarding the status of the Safe Geometry Digestion Sump. The DOE-FEMP's position, as stated in the correspondence, is that the sump is not a tank, but a component of the slop storage tank and that since the storage tank is empty, all components of the tank would also be considered empty. The DOE-FEMP requested concurrence from the OEPA that the Safe Geometry Digestion Sump not be declared a HWMU.

After a thorough review of the regulations, the OEPA was not able to support the position presented by DOE-FEMP. The OEPA's position regarding the Safe Geometry Digestion Sump is that it is a hazardous waste storage tank where waste was stored for greater than 90 days in violation of OAC 3745-52-34. The unit is considered a HWMU but no formal closure plan will be required. OEPA concurs that the unit should be remediated under the current CERCLA removal action for safe shutdown of process equipment. The DOE-FEMP must be able to demonstrate compliance with OAC Rules 3745-66-11 and 3745-66-14 following completion of the removal action.

The OEPA's decision not to require a formal closure plan for this unit was based upon OEPA Final Guidance on Requiring Closure Plans for Violation of OAC Rule 3745-52-34. The intent of this document is to provide guidance on determining when a closure plan should be required to be submitted by a generator who accumulates hazardous waste on-site for greater than ninety days. The Safe Geometry Digestion Sump was approved for this exception based primarily on the following criteria:

- a) The small quantity of waste present in the sump.

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- b) Existing information indicates that the storage of hazardous waste in the sump has not created or posed a threat to public health or safety and has not contributed to water pollution or soil contamination.
- c) The condition of the sump for storage of hazardous waste appears to be adequate (ie. no deterioration, rust, obvious leakage or spillage).

If further investigation reveals that the storage of hazardous waste in the sump has contributed to contamination of soil, or surface of ground water, a closure plan may be required.

The Final Guidance on Requiring Closure Plans for Violation of OAC Rule 3745-52-34 enables the OEPA to evaluate the need for a formal closure plan when there is a question as to whether or not one should be required. The OEPA is not bound to consider any of these factors for other HWMUs at Fernald. If, and when, any similar situations should arise they will be considered on a case by case basis.

If you have any questions or comments, please call Phil Harris or me at (513) 285-6357.

Sincerely,



Robin Fisher

Division of Hazardous  
Waste Management