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DELTA STEEL ALTERNATE WATER SUPPLY

03/05/92

USEPA/DOE-FN

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LETTER

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

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REPLY TO THE ATTENTION OF:

Mr. Jack R. Craig
United States Department of Energy
Feed Materials Production Center
P.O. Box 398705
Cincinnati, Ohio 45239-8705

HRE-8J

RE: Delta Steel Alternate Water
Supply

Dear Mr. Craig:

The United States Environmental Protection Agency (U.S. EPA) has reviewed the United States Department of Energy's (U.S. DOE) letter requesting to modify the scope of the South Groundwater Plume Engineering Evaluation/Cost Analysis (EE/CA). U.S. EPA hereby approves the modification subject to the following provisions. U.S. EPA approval of the EE/CA modification is predicated upon: (1) the U.S. DOE's representation that it has exercised its best effort to secure access to the Delta Steel property, and has informed Delta Steel that its refusal of access prohibits U.S. DOE from supplying the company with alternate water as required by the EE/CA; and (2) U.S. DOE's commitment under Section IX.F of the Amended 1990 Fernald Consent Agreement, and its letter of February 3, 1992, to participate in construction of the public water supply project.

The EE/CA provides, in part, that alternate water will be supplied to the two industrial receptors known to be using groundwater with uranium concentrations exceeding 30 ug/l. This alternate water supply was expected to eliminate the groundwater exposure pathway to those receptors, and to reduce the total quantity of uranium released to the Great Miami River by the Fernald Environmental Management Project (FEMP) and the industrial users by approximately two percent (2%). However, implementation of this action was dependant upon acquiring access from both industrial users.

U.S. EPA recognizes that U.S. DOE has made repeated attempts to negotiate access agreements with the affected industries. These attempts have been successful in securing access to the Reutgers-Nease property, but have not resulted in access to the Delta Steel Property. As detailed in your February 3, 1992 letter, U.S. DOE has expended considerable time and energy in its efforts to negotiate a mutually acceptable access agreement with Delta Steel. Most recently, on January 9, 1992, Delta Steel informed U.S. DOE by letter that it would not sign the "Consent to Entry and Access to property" proposed by U.S. DOE and offered instead to sell the property to U.S. DOE for \$6.65 million. U.S. DOE has since confirmed Delta Steel's Denial of access by

letter dated February 14, 1992. Finally, in a February 20, 1992 letter from Delta Steel to U.S. DOE, Delta Steel confirmed its unwillingness to sign the access agreement.

U.S. DOE's inability to obtain access to the Delta Steel property prohibits the construction of facilities necessary to provide the company with an alternate water supply as required by the EE/CA. In light of the considerable additional time likely necessary to secure access to the Delta Steel property and rather than delay the provision of alternate water to the Reutgers-Nease property, U.S. EPA agrees as follows: the EE/CA shall be modified to require U.S. DOE to provide Delta Steel with bottled drinking water for its employees in lieu of the alternate water supply detailed in the EE/CA; to recognize U.S. DOE's participation in the public drinking water supply project; to obligate U.S. DOE to connect Delta Steel to that supply when it is constructed; and if the public water supply is not installed and operating by March 1, 1994 the EE/CA may be changed to take necessary action.

U.S. EPA does not believe that this modification to the EE/CA requires an Explanation of Significant Differences to the EE/CA. The goal of eliminating exposure to the groundwater pathway will ultimately be satisfied by U.S. DOE's agreement to connect Delta Steel to the public drinking water supply. In the interim, U.S. DOE's agreement to supply bottled drinking water for Delta Steel employees will reduce the risk to human health posed by the groundwater.

Therefore, U.S. EPA approves U.S. DOE's request to modify the EE/CA consistent with the terms of this letter. This approval does not release U.S. DOE from its obligation to secure access to all property necessary to implement Phase Two of the EE/CA.

If you have any questions regarding the above matter, please contact me at (312/FTS) 886-0992.

Sincerely,



James A. Saric
Remedial Project Manager

cc: Graham Mitchell, OEPA-SWDO
Pat Whitfield, U.S. DOE-HDQ