

**R-009-207.47**

**3299**

**U.S. DOE REQUEST FOR EXTENSION ON PART  
1 OF THE SOUTH PLUME REMOVAL ACTION**

**05/28/92**

**USEPA/DOE-FN**

**2**

**LETTER**

**OU5**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

LOG F-3323

MAY 29 3 23 PM '93

3299

MAY 28 1992

REPLY TO THE ATTENTION OF:

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

HRE-8J

RE: U.S. DOE Request for Extension  
on Part 1 of the South  
Plume Removal Action

Dear Mr. Tiller:

On December 6, 1992, the United States Environmental Protection Agency (U.S. EPA) granted a schedule extension to the United States Department of Energy's (U.S. DOE) for Parts 1, 2, and 3 of the South Groundwater Plume Removal Action. On April 24, 1992, U.S. DOE requested a second schedule extension on part 1 of the South Groundwater Contamination Plume Removal Action. On April 30, 1992, U.S. EPA submitted a letter to U.S. DOE confirming an agreement between both agencies that would allow U.S. EPA to respond to U.S. DOE's extension request by May 29, 1992. U.S. EPA has considered all information discussed in U.S. DOE's April 24, 1992, letter, information gathered during the April 16, 1992, meeting between U.S. DOE, U.S. EPA, the Ohio Environmental Protection Agency, and the Corps of Engineers regarding access problems with the South Plume Removal Action, and information supplied in the March 26, 1992, U.S. DOE letter "South Groundwater Plume Part 1- alternate Water supply Potential Schedule Impacts".

Pursuant to Section XVIII of the 1991 Amended Consent Agreement U.S. EPA must consider what is good cause for a schedule extension based upon information submitted by U.S. DOE.

For several years U.S. EPA and U.S. DOE have been aware of potential access problems, specifically regarding the South Plume Removal Action. U.S. EPA recognizes the U.S. DOE has experienced difficulty in obtaining access to property to install the alternate water supply, and U.S. EPA is aware that the condemnation procedure to obtain access does take time. However, based upon the facts presented to U.S. EPA it is the Agency's position that the schedule delay for part 1 could have been avoided, if U.S. DOE had acted sooner on the potential access problems, and if U.S. DOE had expedited the internal review period of the condemnation packages. Also U.S. DOE's request for extension did not include a specific period of extension, as required pursuant to Section XVIII of the 1991 Amended Consent Agreement.

Accordingly, U.S. EPA finds that U.S. DOE has not shown good cause for a schedule extension and that U.S. DOE's request for extension is deficient for failing to include a specific time period for the extension as required by the expressed terms of the Consent Agreement. Therefore U.S. EPA denies U.S. DOE a schedule extension for Part 1 of the South Groundwater Plume. Without implying that an extension would be granted at a later date, U.S. EPA provides the following information. U.S. EPA believes that this information, at a minimum, would be required to establish good cause for a schedule extension.

- 1) A specific date of the extension;
- 2) Demonstrate that construction activities have been completed before the existing July 14, 1992, deadline;
- 3) Commit to expediting review of condemnation packages for a time period not to exceed ninety (90) days; and
- 4) Seek ways to expedite other Parts of the South plume Removal Action to compensate for delays in scheduled activities.

Any delays deemed necessary by U.S. DOE as a result of failure to obtain access will be heavily scrutinized by U.S. EPA before any schedule extensions will be granted. Failure to complete removal actions in a timely fashion may result in stipulated penalties for violating the Consent Agreement.

If you have any questions regarding the above matter, please contact Mr. James Saric of my staff at (FTS/312) 886-0992.

Sincerely,

*Norman Spideman*  
David A. Ullrich, Director  
Waste Management Division

*Boj*

cc: Graham Mitchell, OEPA-SWDO  
Pat Whitfield, U.S. DOE-HDQ  
Jack Craig, U.S. DOE-FSO  
Dennis Carr, WMCO