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**PROPOSED AMENDED CONSENT DECREE  
(PACD) REQUIRMENTS FOR NEWLY  
DETERMINED WASTES**

**05/29/92**

**DOE-1798-92  
DOE-FN/OEPA  
2  
LETTER**



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

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MAY 29 1992  
DOE-1798-92

Mr. Paul Pardi, Group Leader  
Solid & Hazardous Waste Management Unit  
Ohio Environmental Protection Agency  
40 South Main Street  
Dayton, Ohio 45402

Dear Mr. Pardi:

**PROPOSED AMENDED CONSENT DECREE (PACD) REQUIREMENTS FOR NEWLY DETERMINED WASTES**

- Reference:
1. DOE letter, 1249-92, G. W. Westerbeck to P. Pardi, "Completion of Sampling and Analysis of All Other Material (10,000 Drums Affected by the Hazardous Waste Management Unit Review)," dated March 30, 1992
  2. DOE letter, 1248-92, G. W. Westerbeck to P. Pardi, "Completion of Sampling and Analysis of All Other Material (26,000 Drums Not Affected by the Hazardous Waste Management Unit Review 80% Report)," dated March 30, 1992

In accordance with Section 3.12 of the PACD, the Fernald Environmental Management Project (FEMP) is required to submit, to the Ohio EPA, a compliance schedule which addresses the proper management of newly determined waste streams. The compliance schedule must be submitted to the Ohio EPA within sixty days from the date a report identifying additional hazardous wastes is submitted. On March 30, 1992, the FEMP reported to the Ohio EPA determinations which declared sixty-four additional waste streams to be Resource Conservation and Recovery Act (RCRA) hazardous waste. The determinations were based on sampling and analysis of the 10,000 affected by and 26,000 not affected by the Hazardous Waste Management Unit Review (HWMUR). Enclosed on Attachment I is a Compliance Schedule establishing a timetable for implementation of the hazardous waste requirements for these newly determined wastes.

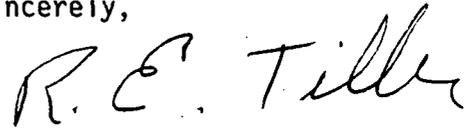
Moreover, as a result of the newly determined waste streams, approximately 4,000 drums of waste have been identified which lack storage space in indoor RCRA compliant storage areas. At this time, approximately 600 of the 4,000 drums also lack storage in indoor RCRA compliant areas because of the need to meet additional fire protection standards. Therefore, pursuant to section 3.5.1(f) of the PACD, this letter also notifies you of the present lack of RCRA storage and provides you with the short-term plan and schedule for your approval.

Attachment II provides the schedule and explanation of actions to correct storage deficiencies.

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If you or your staff have any questions, please contact David Rast at FTS/Commercial (513) 738-6322.

Sincerely,



R. E. Tiller  
Manager

FN:Rast

Enclosures: As Stated

cc w/enc.:

P. Harris, OEPA-Dayton  
G. E. Mitchell, OEPA-Dayton  
H. F. Daugherty, WEMCO  
L. S. Farmer, WEMCO  
V. A. Franklin, WEMCO  
J. E. Harmon, WEMCO  
E. D. Savage, WEMCO  
A. M. Schwartzman, WEMCO  
D. A. Yeager, WEMCO  
AR Coordinator, WEMCO

## ATTACHMENT I

REQUIREMENTS SCHEDULE FOR  
SAMPLING AND ANALYSIS RESULTS OF THE  
10,000 AFFECTED BY AND 26,000 NOT AFFECTED BY THE  
HAZARDOUS WASTE MANAGEMENT UNIT REVIEW (HWMUR) AT THE  
FERNALD ENVIRONMENTAL MANAGEMENT PROJECT (FEMP)

I. INTRODUCTION

Section 3.12 of the Proposed Amended Consent Decree (PACD) for Civil Action no. C-1-86-0127 required that within sixty days of the date of any report which determines additional hazardous waste, the Department of Energy (DOE) will submit to the Ohio Environmental Protection Agency (Ohio EPA), for approval, a schedule establishing a time table for implementation of the hazardous waste requirements.

On March 30, 1992, the DOE reported that the waste streams identified by the attached list have been determined to be hazardous waste and are subject to the requirements of Section 3.12 and Section 3.8 of the PACD.

II. SCHEDULE

Hazardous waste requirements applicable to the 10,000 affected by and 26,000 not affected by the HWMUR will be implemented as follows. (Section numbers indicated in bold-face type refer to the appropriate PACD section).

1. Update the operating record to indicate the location and date of storage of newly determined waste.

Include the following information in the operating record:

- Description and quantity of each waste
- Results of waste analyses

**COMPLETION DATE: June 30, 1992**

2. Mark containers per RCRA requirements, e.g. accumulation date, hazardous waste labels, etc.

**COMPLETION DATE: July 31, 1992**

3. Any additional drums identified to be a hazardous waste of a material and source code already in the FEMP RCRA hazardous waste inventory will meet the requirements of items 1 and 2 within 60 days of adding them to the inventory.

**COMPLETION DATE: As required**

4. The FEMP Waste Analysis Plan (Table C-1) will be updated to include the new waste streams resulting from these determinations.

COMPLETION DATE: June 20, 1992

5. Section 3.11 Revise the Part A Permit Application to include newly identified waste streams.

COMPLETION DATE: August 31, 1992

## ATTACHMENT II

## STORAGE PLAN FOR NEWLY DETERMINED WASTES

The following actions are in progress to correct these storage deficiencies. Bay 8 of the KC-2 Warehouse, will be modified to house ignitable wastes. Part of the KC-2 Warehouse (Building 63) and the CP Storage Warehouse (Building 56 - Butler Building) will also be modified to address RCRA storage requirements. As additional space becomes available in the current RCRA storage warehouses (such as the CP Storage Warehouse and KC-2 Warehouse), some or all of the approximately 4,000 containers may be moved into these areas. If some of the containers cannot be moved into the current RCRA storage warehouses, they will remain on the Plant 1 Pad until sufficient storage space is available. To the extent that space is available, containers of mixed waste on the Plant 1 Pad will be stored in covered structures. Ignitable wastes will be stored on Plant 1 Pad in a segregated location in accordance with the drum management plan and fire and safety requirements. The Finished Product Warehouse, also known as the 4A Warehouse, Building 77, will be clearing out some of its uranium metal. At that point, the remainder of the approximately 4,000 containers will be stored in Building 77. Until these storage areas are available, these containers will be stored on the Plant 1 Pad in a manner as protective of human health and the environment as possible. Portable storage will also be reviewed as a possible storage option for ignitable wastes.

Move RCRA hazardous containers to interim storage on Plant 1 Pad

**COMPLETION DATE: June 15, 1992**

Move containers of ignitable waste to Bay 8 of KC-2 Warehouse

**COMPLETION DATE: November 2, 1992**

Move RCRA hazardous containers to Bldg 56 and KC-2 Warehouse

**COMPLETION DATE: November 9, 1992**

Move RCRA hazardous containers to Finished Product Warehouse

**COMPLETION DATE: June 1, 1993**