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**INFORMATION RELATIVE TO OHIO'S AIP AND  
REGULATORY COST RECOVERY PROPOSAL**

**10/08/92**

**OEPA/DOE-FN**

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**LETTER**



State of Ohio Environmental Protection Agency

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George V. Voinovich  
Governor

October 8, 1992

Ms. Ellen Livingston  
Director of Programmatic Guidance  
and Compliance Staff  
U.S. Department of Energy  
1000 Independence Avenue, S.W.  
Washington, D.C. 20585

Dear Ms. Livingston:

The purpose of this letter is to provide some additional information relative to Ohio's AIP and regulatory cost recovery proposal. It is hoped that this letter will adequately answer the remaining questions and concerns the Department has about our proposal. I feel confident that we are very close to reaching final agreement.

Mound Ramping

The DOE-proposed first year budgets for both AIP and CERCLA activities by the state are not adequate to support the initial level of effort anticipated by Ohio. Ramping, as proposed by DOE, is inherent in the state's start-up time due to numerous factors. Hiring of staff, training, equipment bidding and procurement procedures and contracting procedures all have delays associated with them. In addition, the uncertainty of a starting date when funds will be available to the state, coupled with the differences of dates of the federal and state fiscal years, must all be figured into a spending plan based upon budgetary constraints.

However without an increase in the first two years budgets, both AIP and CERCLA activities by the state will be limited primarily to creating positions, interviewing and hiring and subsequently training. This activity is considered to be essential and of primary importance. The bottom line will be that the equally critical component, that of getting people into the field with the equipment they need, will be delayed and the overall program will be incomplete well into the overall funding period of five years. Capital outlay for equipment, including vehicles, computers, safety and environmental monitoring will of necessity be delayed until years two and three of the agreement(s). Laboratory analyses to supplement efforts to validate DOE's sampling program will be scaled back or nearly completely postponed.

What we really need is capability to engage in essential field-type validation activities. We feel that some field-type activities during the initial period are critical to both the State and DOE.

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Most AIP agreements have higher first year costs due to necessary equipment purchases. While we appreciate the fiscal picture at Mound, I must again reiterate the request I made in last week's conference call. We would propose that \$500,000 be taken from year 3 and split between year 1 and 2. The new totals would be:

|        |                |
|--------|----------------|
| Year 1 | \$1.25 million |
| Year 2 | \$1.75 million |
| Year 3 | \$2.0 million  |
| Year 4 | \$2.5 million  |
| Year 5 | \$2.5 million  |

The total cost would remain the same as DOE's current commitment.

#### Ohio Department of Health (ODH) Equipment Purchases

We envision the need for approximately 2,600 radiological analyses to be performed each year. To add this number of samples to the existing workload of the ODH laboratory would be impossible without the purchase of additional equipment to support these efforts. It is important to emphasize that DOE would not be funding a new radiological program. ODH has an extensive radiological analysis program currently in place. The additional work load in this proposal requires additional equipment in order for ODH to fulfill it's mission under this agreement. There are no construction costs included. The ODH laboratory is currently undergoing a complete renovation at state expense. While a small portion of the proposal does reflect installation costs for the new equipment, this should by no means be considered construction costs.

It is our goal that the State of Ohio have confirmed capacity for radiological analyses. Backlogs in analytical capability will fluctuate dramatically at commercial laboratories. By providing funding for ODH to augment the existing laboratory capabilities, sample data will be available on a more timely basis, providing a greater measure of confidence in the oversight process. We feel our proposal is consistent with the intent of DOE's own Analytical Services 5 Year Plan (1/29/92). Finally, it is not atypical for AIP's to include modest funding for laboratory and other equipment. Given the size of Ohio's program, we feel that our equipment request is appropriate.

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### Air Monitoring Proposal

My October 2, 1992, letter summarized our position on the air monitoring program. We still have received nothing regarding the formal commitments of your Portsmouth site to satisfy our concerns and/or the concerns of DOE's own Tiger Team.

### AIP Language

While we in general feel comfortable with the AIP language, our only remaining concern is there are still DOE action items that have no firm deadline. At our meeting in Washington DOE had committed to providing a listing by site of those deliverables that are already required under existing agreements, DOE mandates, etc. We have not received this information. As I expressed in the past, we have little desire to include action items that probably will not be accomplished due to DOE's funding constraints. As we said in Washington, we don't believe the "nice to do" category will be funded for some time. However, an issue like pollution prevention or waste minimization is very important to the State of Ohio and we would expect DOE to make commitments, as they have with other states, in this regard.

### RMI

Our role in the oversight of the RMI cleanup appears close to resolution. USEPA Region V has offered to amend the USEPA/Ohio EPA RCRA Grant in order that Ohio assume a role in oversight of cleanup at RMI.

### Regulatory Costs

While we have made progress on Mound and Fernald Cost Recovery, little or no progress has occurred on Portsmouth. I propose we consider a "Memorandum of Understanding" or "Letter of Intent" to memorialize the agreements we have reached on the appropriate size of Ohio's program until such time as we can reduce to writing the Agreement for Portsmouth cost recovery. As with the Mound IAG, both of us must appeal to region V to craft an IAG involving Ohio for purposes of these costs.

### Summary

Only a handful of issues remain unresolved. My hope is that we can work through these remaining issues in our conference call tomorrow. As you know, Governor Voinovich announced the start of these negotiations over one year ago. Earlier this year he pushed for resolution early this past summer. Let's work towards closure of these remaining issues so that the announcement of

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completion of these negotiations can happen in the next few days. I would hope that we can craft a "Letter of Intent" or other umbrella agreement under which we can mesh the AIP and other various funding pieces. I look forward to a productive conference call.

Sincerely,



Thomas A. Winston, P.E.  
Chief, Southwest District Office

TAW/bjb

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