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**DOE-FEMP HAMILTON COUNTY HAZARDOUS
WASTE**

OEPA/DOE-FN

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LETTER**



State of Ohio Environmental Protection Agency

Southwest District Office

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George V. Voinovich
Governor

April 23, 1993

Re: DOE-FEMP
HAMILTON COUNTY
HAZARDOUS WASTE

Mr. Thomas J. Rowland
Acting Manager
DOE-FEMP
P.O. Box 398705
Cincinnati, Ohio 45239-8705

Dear Mr. Rowland:

On March 30, 1993, you wrote a letter to Director Schregardus regarding the transmittal of information and data to support RCRA closure under CERCLA actions for the five hazardous waste management units associated with the Uranyl Nitrate (UNH) Tanks. This letter appears to indicate that DOE does not intend to submit a Closure Plan for these tanks. DOE bases this intent on apparent schedule conflicts between the required date of closure plan submittal (as established by the Stipulated Amendments to the Consent Decree) and ongoing CERCLA activities. Ohio EPA cannot release DOE from the requirement to submit a closure plan based on the submittal of the March 30, 1993 letter.

On April 6, 1993 a meeting was held in Ohio EPA's Southwest District Office, with Harold O'Connell, Robin Fisher, Phil Harris and I representing Ohio EPA, and John Sattler, Tom Walsh, and Ken Alkema representing DOE/FERMCO. During this meeting, the March 30, 1993 letter was discussed. At that time, DOE's options regarding the UNH Tanks were discussed. The following is a summary of this discussion.

1. DOE could submit a closure plan for these tanks. This closure plan would describe those activities that will be or have been conducted under the CERCLA process that would be considered closure activities. The plan would also describe those additional activities that must be conducted to satisfy RCRA closure performance standards. The plan would contain schedule information which may coincide with schedules already established under the CERCLA process. As discussed, DOE may ask for more than 180 days to complete closure activities. The length of time to complete closure would be indicated within the closure plan, and justification for additional time must be provided. DOE may also conduct certain decommissioning activities ahead of closure plan approval, with the understanding that these activities are subject to subsequent review by OEPA/DHWM. It is OEPA's position that submittal of a closure plan is a viable option and is the preferred option.

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2. DOE could request an exemption under ORC 3734.02(G) to be relieved of the requirement to submit a closure plan for these units. It is unlikely that the Director would look favorably upon such a request, but this is an available option.

Another potential option discussed at the April 6, 1993 meeting was amending the Consent Decree to address RCRA/CERCLA integration issues such as the one associated with the UNH Tanks. While all parties have agreed to open discussions on this issue, it was decided that a resolution would not occur in the time frame necessary to be a current viable option.

Regardless of the option chosen by DOE, DOE must submit a request to revise the Consent Decree Compliance Schedule, since the March 31, 1993 deadline for closure plan submittal has already lapsed. At the time you submit the request, propose a new compliance date and identify which option has been chosen.

In conclusion, although the OEPA is willing to engage in discussions on interfacing RCRA/CERCLA work efforts and will work with DOE to the extent we are able on this matter, until a resolution is reached it is necessary that closure plans be submitted and approved for closure of any hazardous waste management units at the Fernald site in order to satisfy RCRA requirements.

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

Sincerely,



Paul D. Pardi, Group Leader
Division of Hazardous Waste Management
Southwest District Office

PDP/ycr

cc: Linda Welch, Chief, DHWM/CO
Ed Kitchen, DHWM/CO
Graham Mitchell, SWDO