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DIRECTOR'S FINDINGS AND ORDERS

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**DOE-3015-93
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LETTER**



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

SEP 20 1993

DOE-3015-93

Mr. Donald R. Schregardus
 Director
 Ohio Environmental Protection Agency
 1800 Watermark Drive
 Columbus, Ohio 43266

Dear Mr. Schregardus:

DIRECTOR'S FINDINGS AND ORDERS

The Department of Energy (DOE) would like to take this opportunity to express its gratitude to Ohio Environmental Protection Agency (OEPA) employees Katie Crowell, Pam Allen, Julie Ann Kurdila, Graham Mitchell and Mike Proffitt for their initiative in recommending and developing a Director's Findings and Orders (DF&Os) as a mechanism to allow the Fernald Environmental Management Project (FEMP) to operate under an Alternate Resource Conservation and Recovery Act (RCRA) Groundwater Monitoring Program. The Alternate Monitoring Program will allow the FEMP to successfully integrate its RCRA groundwater monitoring requirements with ongoing Comprehensive Environmental Response Compensation and Liability Act (CERCLA) activities.

The FEMP has been working toward integration for several years. Due to differences between the schedules of the CERCLA and RCRA programs integration had not previously been possible. As a result, the FEMP performed costly duplicative activities to achieve compliance with both the RCRA and CERCLA schedules. The DF&Os provide the necessary flexibility to the RCRA reporting requirements to accomplish integration, thus eliminating the need for duplication of efforts, and providing a mechanism through which the FEMP can maintain compliance. The estimated cost savings to the taxpayer through this integration is approximately two million dollars per year. These savings have been applied towards remediation activities at the FEMP.

In addition, the FEMP was preparing for a Comprehensive Monitoring Evaluation scheduled for September 14 and 15, 1993. Without a signed legal agreement to formalize the Alternate Monitoring Program, the United States Environmental Protection Agency (U.S. EPA) indicated that the FEMP would be evaluated based on strict adherence to the RCRA requirements. The U.S. EPA estimated that potential fines from such a rigorous inspection could exceed six million dollars. For this reason, formalization of the Alternate Monitoring Program by September 14, 1993 was imperative to the FEMP. In response, your staff expedited the DF&Os on September 10, 1993 thus minimizing the potential for fines, which would have competed with resources allocated for remediation.

RCRA/CERCLA integration will continue to pose challenges as the FEMP moves through the investigation and remediation process. The implementation of the Alternate Monitoring Program marks the first major milestone in this integration effort. I look forward to working with your staff toward creative solutions to all integration challenges.

Sincerely,



J. Phil Hamric
Manager

FN:Nickel

cc:

- J. Saric, USEPA-V
- K. Crowell, OEPA/Columbus
- P. Allen, OEPA/Columbus
- J. Kurdila, OEPA/Dayton
- G. Mitchell, OEPA/Dayton
- M. Proffitt, OEPA/Dayton
- D. R. Kozlowski, EM-424 TREV
- K. L. Alkema, FERMCO/65-2
- F. Bell, ATSDR
- AR Coordinator, FERMCO