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**INFORMATION SUBMITTAL UNDER  
PARAGRAPH XIII (B) OF THE CERCLA  
CONSENT AGREEMENT - COLLECT  
UNCONTROLLED PRODUCTION AREA  
STORMWATER RUNOFF (REMOVAL ACTION  
16)**

**06/03/93**

**DOE-2102-93  
DOE-FN/EPA  
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LETTER**



Department of Energy  
Fernaïd Environmental Management Project  
P.O. Box 398705  
Cincinnati, Ohio 45239-8705  
(513) 738-6355

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JUN 3 1993

DOE-2101-93

Mr. James A. Saric, Remedial Project Director  
U.S. Environmental Protection Agency  
Region V - 5HRE-8J  
77 W. Jackson Boulevard  
Chicago, Illinois 60604-3590

Mr. Graham E. Mitchell, Project Manager  
Ohio Environmental Protection Agency  
40 South Main Street  
Dayton, Ohio 45402-2086

Dear Mr. Saric and Mr. Mitchell:

**INFORMATION SUBMITTAL UNDER PARAGRAPH XIII (B) OF THE CERCLA CONSENT AGREEMENT  
- COLLECT UNCONTROLLED PRODUCTION AREA STORMWATER RUNOFF (REMOVAL ACTION 16)**

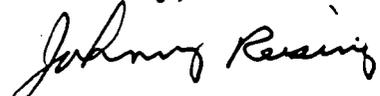
This letter provides permit information on the CERCLA Removal Action 16 for the collection of uncontrolled production area stormwater runoff. This action is designed to collect previously uncontrolled production area stormwater runoff.

As stated in Section 121 (e) of CERCLA, the revised NCP 40 CFR 300.400 (e), and Section XIII (A) of the April 1990 CERCLA Consent Agreement provide an exemption from permitting requirements for removal or remedial actions conducted on-site.

Enclosed is the permit information required by Paragraph XIII (B) of the Amended Consent Agreement. The enclosure identifies the substantive requirements that would otherwise be imposed by an approved permit and describes how the requirements will be satisfied by this project.

If you or your staff have any questions, please call Pete J. Yerace at (513) 648-3161.

Sincerely,

*for*   
Jack R. Craig  
Assistant Manager  
for Environmental Restoration

FN:Yerace

Enclosure: As Stated

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cc w/enc.:

S. M. Beckman, FERMCO/65-2  
A. K. Bomberger, FERMCO/52-5  
J. R. Craig, DOE-FN  
W. J. Quaider, DOE-FN

**PERMIT INFORMATION REQUIRED BY AMENDED CONSENT AGREEMENT PARAGRAPH XIII B**

Pursuant to Paragraph XIII.B of the Amended Consent Agreement, the U.S. Department of Energy (DOE) is required to supply the following information regarding permitting requirements for Removal Action 16 - Collect Uncontrolled Production Area Runoff. The Removal Action will be conducted at the Fernald Environmental Management Project (FEMP) in Hamilton and Butler Counties, Ohio.

- 1) **Identification of each permit that would be required absent the CERCLA 121e exemption.**

Federal Requirements

Removal Action 16 involves the installation of a perimeter trench around portions of the former FEMP production area. Upon its completion, the trench will be utilized to convey previously uncontrolled stormwater runoff to the existing FEMP storm sewer collection system. As a result of trenching activities along the fence line east of the production area, excavated material will be temporarily sidecast (discharged) into an area which has been identified as an emergent wetland.

Pursuant to Section 404 of the Clean Water Act, a permit from the U.S. Army Corps of Engineers (ACOE) would be required to discharge this material into the wetland.

State Requirements

A 3.4 MMbtu gas/oil fired water heater will be used as a tool in the construction of the stormwater collection system. Pursuant to OAC 3745-31-02(A), A Permit to Install is required for this water heater.

Pursuant to OAC 3745-35(B), a permit to operate application must be submitted. This source would normally be placed on registration status as it is in compliance with applicable air pollution control laws, is not subject to any mass emission limitations or control requirements, and has annual potential emissions of less than 25 tons per year.

Pursuant to OAC 3745-32-02(A)(2), a Section 401 State Water Quality Certification is required to obtain a Section 404 permit from the ACOE.

- 2) **Identification of the standards, requirements, criteria, or limitations that would have had to have been met to obtain each permit.**

Federal Requirements

The temporary sidecasting (up to 3 months) of excavated material into wetlands during construction of utility lines is authorized under Nationwide Permit (NWP) 12 as codified in Appendix A to 33 CFR Part 330, provided the following permit conditions are met:

- **Navigation.** The activity must not cause more than a minimal effect on navigation.
- **Proper Maintenance.** Fill authorized by the NWP must be properly maintained, including maintenance to ensure public safety.
- **Erosion and Siltation Controls.** Appropriate erosion and siltation controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills must be permanently stabilized at the earliest possible date.
- **Aquatic Life Movements.** The activity must not disrupt the movement of those species of aquatic life indigenous to the waterbody (wetland) in which the activity is being conducted.
- **Equipment.** Heavy equipment working in wetlands must be placed on mats or other measures must be taken to minimize soil disturbance.
- **Wild and Scenic Rivers.** The activity can not occur in a component of the National Wild and Scenic River System.
- **Tribal Indian Rights.** The activity must not impair reserved tribal rights including but not limited to reserved water rights and treaty fishing and hunting rights.
- **Water Quality Certification.** A State Water Quality Certification or waiver thereof is required.
- **Endangered Species.** The activity must not jeopardize the continued existence of any threatened or endangered species or adversely effect their habitats in any manner.
- **Historic Properties.** The activity must not affect historic properties listed or eligible for listing in the National Register of Historic Places.
- **Water Supply Intakes.** The discharge of excavated material must not occur in close proximity of a public water supply.
- **Shellfish Production.** No discharge of material is allowed in an area of concentrated shellfish production.
- **Suitable Material.** The discharged material must be free of unsuitable materials (trash, debris, etc.) and toxic pollution in toxic amounts as per Section 307 of the CWA.
- **Mitigation.** The discharge of material must be minimized or avoided to the maximum extent practicable at the project site.
- **Spawning Areas.** Discharges in spawning areas during spawning season must be limited to the maximum extent practicable.

- Obstruction of High Flows. To the maximum extent practicable, discharges must not permanently restrict or impede the passage of normal or expected high flows or cause relocation of the water.
- Waterfowl Breeding Areas. Discharge into breeding areas for migratory waterfowl must be avoided to the maximum extent practicable.
- Removal of Temporary Fills. Any temporary fills must be removed in their entirety and the affected areas returned to their preexisting contours.

State Requirements

Pursuant to OAC 3745-31-05(A), the application for a Permit to Install must employ the best available technology (BAT) to control emissions. For a water heater of this size the use of natural gas as fuel would meet the BAT requirement.

The Ohio Environmental Protection Agency (OEPA) granted Section 401 State Water Quality Certification for NWP 12 on January 17, 1992. Work conducted under NWP 12 need only comply with the following conditions of the Water Quality Certification to be authorized.

- Bank Stabilization. All necessary steps shall be taken, upon completion of the project, to ensure bank stability.
- Damages to Immediate Environment. All damage by equipment needed for construction or hauling shall be repaired immediately.
- Water Quality. Care must be employed throughout the course of the project to avoid the creation of unnecessary turbidity which may degrade water quality or adversely affect aquatic life.
- Forested Wetlands. NWP 12 can not be used to authorize utility lines greater than 1000 feet in length in forested wetlands.

3) Explanation of how the response action will meet the standards, requirements, criteria, or limitations identified in item 2 above.

Federal Requirements

The proposed project will be conducted in compliance with the conditions of NWP 12 as follows:

- Navigation. The proposed project will not effect navigation.
- Proper Maintenance. Any fill discharged as a result of the project will be maintained and stabilized as soon as practicable upon completion of the project.

- Erosion and Siltation Controls. Appropriate erosion and siltation controls will be used and maintained in effective operating condition during construction, and all exposed soil and other fills will be permanently stabilized at the earliest possible date, after completion of construction.
- Aquatic Life Movements. Construction will not disrupt the movement of any indigenous aquatic species.
- Equipment. When heavy equipment must be used to conduct work within the wetland mats or other measures will be utilized to minimize disturbance within the wetland area.
- Wild and Scenic Rivers. The wetland in which work will be conducted is not part of the National Wild and Scenic River System.
- Tribal Indian Rights. The project will not impair reserved tribal Indian rights in any manner.
- Water Quality Certification. OEPA granted State Water Quality Certification for NWP 12 on January 17, 1992.
- Endangered Species. No know threatened or endangered species inhabit the area in which work will be conducted.
- Historic Properties. The project will not affect any historic properties which are listed or eligible for listing in the National Register of Historic Places.
- Water Supply Intakes. There are no public water supply intakes in close proximate to the proposed project location.
- Shellfish Production. The project will not be conducted in an area of concentrated shellfish production.
- Suitable Material. All material discharged during the course of the project will be free of unsuitable materials (trash, debris, etc.) and toxic pollution in toxic amounts as per Section 307 of the CWA.
- Mitigation. Impacts to the wetland area will be minimized to the maximum extent practicable during construction. Disturbances will be allowed only in those area in which they are absolutely required.
- Spawning Areas. The proposed project is not being conducted in a spawning areas.
- Obstruction of High Flows. To project will not result in the permanent restrict or impediment of flows within the wetland. All fill discharged into the wetland will be removed with three (3) months.

- Waterfowl Breeding Areas. The project area is not known to be a breeding area for migratory waterfowl.
- Removal of Temporary Fills. All fill material will be removed from the wetland area immediately upon completion of construction and the affected wetland areas will be returned to their preexisting contour elevations. In addition, any exposed areas will be stabilized as soon as practicable.

#### State Requirements

The source will comply with applicable air pollution control laws and is not subject to any mass emission limitations or control requirements. In addition, the proposed project will comply with all conditions of the Section 401 State Water Quality Certification for NWP 12 as follows:

- Bank Stabilization. All necessary steps will be taken, upon completion of the project, to ensure bank stability.
- Damages to Immediate Environment. All damage cause by equipment needed for construction or hauling will be repaired immediately, upon completion of construction.
- Water Quality. Care will be taken to avoid the creation of unnecessary turbidity which may degrade water quality or adversely affect aquatic life.
- Forested Wetlands. The proposed project does not involve work within a forested wetland.