

5022

**NITRIC ACID TANK CAR REMOVAL ACTION
FINAL REPORT**

12/22/93

OEPA/DOE-FN

1

LETTER

OU3



State of Ohio Environmental Protection Agency

Southwest District Office

40 South Main Street
Dayton, Ohio 45402-2086
(513) 285-6357
FAX (513) 285-6404

H-1499

6448.35

UR

5022

George V. Voinovich
Governor

December 22, 1993

Re: Nitric Acid Tank
Car Removal Action
Final Report

Mr. Jack Craig
Project Manager
U.S. DOE FEMP
P.O. Box 398705
Cincinnati, OH 45329-8705

Dear Mr. Craig:

Ohio EPA has reviewed the Nitric Acid Tank Car and Area Removal Action and Closure Final Report. Ohio EPA has significant concerns with DOE's disposition of the contaminated soils generated during the Closure. These soils, though not a hazardous waste, are a solid waste. DOE's backfilling of the Pilot Plant Sump excavation with this waste could be considered disposal. The fact that DOE states it followed Removal Action 17 guidelines for soil disposition suggests that removal action may be flawed. DOE will need to revise Removal Action 17 such that it does not direct the disposal of solid waste as backfill in the future. Additionally, DOE will need to ensure that the soils not placed in the Pilot Plant Sump excavation are not disposed in other excavations within the plant.

In order to ensure that solid waste disposal does not occur on-site, DOE must revise Removal Action 17 and submit it to Ohio EPA within 30 days. DOE's revision of Removal Action 17 is integral to Ohio EPA approval of a DOE Investigation Derived Waste policy for FEMP.

Additional comments by Ohio EPA RCRA staff on the Nitric Acid Tank Car Closure will be provided in a separate letter. If you should have any questions, please contact Tom Schneider or me.

Sincerely,


Graham E. Mitchell
Project Manager

cc: Dan Campbell, DSIWM
Tom Schneider, DERR
Mike Proffitt, DDAGW
Jim Saric, U.S. EPA
Ken Alkema, FERMCO

Jenifer Kwasniewski, DERR
Robert Owen, ODH
Paul Pardi, DHWM
Lisa August, GeoTrans
Jean Michaels, PRC