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**OEPA DIRECTOR'S CONSENT DECREE -  
TECHNICAL PROGRESS REPORT FOR MAY AND  
JUNE 1989**

**07/28/89**

**DOE-1378-89  
DOE-FMPC/OEPA  
7  
REPORT**



Department of Energy

- 5408

FMPC Site Office  
P.O. Box 398705  
Cincinnati, Ohio 45239-8705  
(513) 738-6319

July 28, 1989  
DOE-1378-89

Mr. Thomas Winston, District chief  
Ohio Environmental Protection Agency  
40 South Main Street  
Dayton, Ohio 45402

Dear Mr. Winston:

OEPA DIRECTOR'S CONSENT DECREE - TECHNICAL PROGRESS REPORT FOR MAY  
AND JUNE, 1989

Enclosed is the bimonthly technical progress report describing FMPC  
progress to comply with the subject orders.

If you have any questions on this report, please contact Jack  
Craig, of my staff, at FTS 774-6159.

Sincerely,

James A. Reafsnyder  
FMPC Site Manager

DP-84:Craig

Enclosure: As stated

cc w/enclosure:

Larry Sparks, SE-31, ORO  
Basil Constantelos, USEPA-5  
Catherine McCord, USEPA-5  
Graham Mitchell, OEPA  
Bob Weidner, NLO  
Bob Conner, WMCO

cc w/o enclosure:

W. A. Weinreich, WMCO

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CONSENT DECREE

BIMONTHLY TECHNICAL PROGRESS REPORT

May - June 1989

Introduction

Section 4.13 of the Consent Decree requires that bimonthly technical progress reports be issued which describe actions performed to comply with the activities agreed upon under the Consent Decree. This report also incorporates the remaining outstanding items from the OEPA Director's Findings and Orders which have not been addressed within the Consent Decree.

This report fulfills the requirements of Section 4.13 by describing activities taken at the Feed Materials Production Center (FMPC) from May 1 through June 30, 1989.

<u>Section</u>	<u>Activity</u>	<u>Due Date</u>	<u>Status</u>
3.1	Comply with Federal and state hazardous waste laws and regulations in hazardous and mixed waste operations, except where mixed waste compliance will increase risk to humans or the environment or where requirements would be inapplicable due to 42 U.S.C. 6905(a). Exceptions require DOE/OEPA consultation for acceptable resolution.		<u>Ongoing</u>
3.2	FMPC will comply with the specifications and allowable actions contained within current RCRA permits.		<u>Ongoing</u>
3.3	All containers of hazardous and/or mixed waste must be stored in compliance with requirements set forth in 40 CFR 264.175, et al.		<u>Ongoing.</u>
3.4	Conduct and document inspections of hazardous and mixed waste facilities at FMPC in accordance with 40 CFR 264.15, et al, no less than once per week.	Weekly	<u>Ongoing</u> Routine inspections are conducted and documented per established procedures.

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 MAY - JUNE, 1989

<u>Section</u>	<u>Activity</u>	<u>Due Date</u>	<u>Status</u>
3.5	Complete and submit to OEPA analyses of all hazardous or mixed waste streams produced or received at FMPC.	3/2/89	<u>Complete.</u> Report of analyses was transmitted to OEPA by 3/2/89 (required as 90-day deliverable after entry into Consent Decree on 12/2/88).
3.6	Keep a written operating record of information for all hazardous and mixed waste stored at FMPC prior to the Consent Decree (per 40 CFR 264.73, et al).	Ongoing	<u>Complete.</u> An inventory is maintained and updated. Operating records of storage facilities are maintained according to procedure.
3.7	Correct any deficiencies noted by OEPA in the groundwater quality assessment plan and resubmit within 45 days.	3/24/89	<u>Complete.</u> Comments received from OEPA and USEPA on 2/7/89. Resubmittal date for Groundwater Quality Assessment Plan was 3/24/89.
4.1 DFD 1	Cease discharge of "sewage," "industrial waste," or "other waste" to Waste Pit 5 or the Clearwell.	3/29/87	<u>Complete.</u> All production discharge to Waste Pit 5 and the Clearwell ceased by 2/24/87.
4.2 DFD 3	No water from Pits 4, 5, or 6, the BDN Surge Lagoon and underdrains, and SWRB underdrains will be discharged into Paddy's Run without prior written approval from OEPA.		<u>Complete.</u> With the covering of Pit 4, rainwater from the Pit surface is discharged to Paddy's Run. OEPA has approved this project as part of the Pit 4 closure.
4.3	OEPA is to provide written response to DOE on whether or not a liner is needed for the coal storage facility, based on the characterization report.	12/2/88	<u>Complete.</u> An agreement was reached with OEPA in March 1989 that liners are not needed for the coal pile or the run-off collection basin. It was agreed that operational controls will be placed on the basin, with water level monitoring and groundwater monitoring. The Coal Storage Facility Line Item Project will be canceled.

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<u>Section</u>	<u>Activity</u>	<u>Due Date</u>	<u>Status</u>
4.3.B	If a liner is not required, submit a PTI application describing existing coal pile storage area and run-off collection and treatment system.	TBD	<u>In progress.</u> Liner is not required. Letter, dated 4/7/89, was sent to the EPA detailing FMPC's proposal for groundwater and basin level monitoring. Waiting for EPA's response.
4.4	DOE shall make every effort to manage its wastewater in such a way as to comply with the biochemical oxygen demand, suspended solids, and fecal coliform limits of its present NPDES permit. Until OEPA issues a new NPDES permit for FMPC, DOE shall comply with all other terms (excluding part I.B), conditions and effluent limitations of its present NPDES permit.		<u>Ongoing.</u>
4.5	Submit a new PTI application for a BDN effluent treatment system to meet BOD and suspended solids limitations of the new NPDES permit.	6/27/89	<u>Complete</u> The PTI was submitted to OEPA on 6/27/89. Waiting for approval.
4.6	Submit a new PTI application for the full-scale BDN Facility. Plans must include temporary as well as permanent collection, storage, and treatment system components.	10/1/89	<u>Complete.</u> The PTI for the BDN Facility was approved and submitted to OEPA on 3/9/89. The OEPA-approved PTI was received in the DOE/FMPC Site Office on 4/29/89.
4.7	Complete construction of the expanded Stormwater Retention Basin (SWRB).	12/31/88	<u>Complete.</u> Construction of the SWRB was completed 12/28/88.

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<u>Section</u>	<u>Activity</u>	<u>Due Date</u>	<u>Status</u>
4.8	Revise draft contingency plan to address environmental impact of leakage, overflow, or bypass of the Stormwater Retention System.	6/6/88	<u>Complete.</u> DOE transmitted response to OEPA on 6/6/88. Concerns associated with the impacts of SWRB overflows will be addressed in the final RI report. Stormwater run-off samples requested from those areas bypassing the SWRB were provided as part of data collected in the Best Management Practices Plan.
4.9	Perform clean-out of SWRB (at 24-month intervals, based on maintenance schedules approved in the SWRB PTI)	11/30/89	<u>In Progress</u> Cleanout of the SWRB West Chamber is scheduled for 11/89. Cleanout is contingent upon rainfall allowing the basin to be drained and out of service.
4.9	Perform clean-out of BSL (when approximately 500,000 gallons of sediment is accumulated, but no more than once per year, as stated in the BSL PTI).	6/30/90	<u>In Progress</u> The lagoon was placed in service on 6/17/89. The lagoon will be evaluated for cleanout during June of next year, 12 months from the in-service date.
4.10	Submit a Spill Prevention Control and Countermeasures Plan to OEPA for review and approval.	1/2/89	<u>Complete.</u> Spill Prevention Control and Countermeasures Plan was transmitted to OEPA on 12/30/88.
4.11.A DFO 10	Implement a Best Management Practices (BMP) Plan after approval by OEPA for control of wastes that may be discharged from the FMPC.	4/18/88	<u>Ongoing.</u> As of 6/30/89, no response had been received from the OEPA.

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<u>Section</u>	<u>Activity</u>	<u>Due Date</u>	<u>Status</u>
4.11.B DFO 11	Maintain BMP Plan.		<u>Ongoing.</u> On 11/25/88, OEPA responded to the 11/2/88 submittal of stormwater run-off samples with comments and a list of three requirements that must be addressed by the FMPC in order to consider the stormwater sampling results and accompanying conclusions as part of the stormwater sampling program of the BMP Plan. FMPC responded in January 1989 with a letter identifying five projects that will address the concerns expressed by OEPA. No response has been received from the OEPA as of 6/30/89 concerning the five projects.
4.11.C	Amend BMP whenever there is a change in the facility which affects the facility's potential for discharging waste.		<u>As required.</u>
4.11.D DFO 13	If requested by OEPA, modify the Best Management Practices (BMP) plan within 45 days.		<u>As required.</u>
4.12	Modify the Zone of Influence Study Report within 30 days of OEPA request.		<u>As required.</u>
4.13 DFO 16	Issue a bimonthly technical progress report to OEPA by 20th of every second month.	7/20/89	<u>Ongoing.</u> The technical progress report for March through April was transmitted to OEPA on May 19, 1989.

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<u>Section</u>	<u>Activity</u>	<u>Due Date</u>	<u>Status</u>
DFD 14a	Study the integrity of the FMPC outfall.	5/15/89	<u>Complete.</u> Due to an overflow of Manhole 180, manholes 178, 179, 180, and 181 were replaced. System has been restored to its original integrity.
DFD 14c	Study the gravel pack.	TBD	<u>In progress.</u> The FMPC is currently negotiating with a subcontractor to do the study. Activity is expected to begin during the first quarter of FY 1990 (October - December, 1989)