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APPROVAL OF THE DRAFT OU 4 RECORD OF DECISION

09/01/94

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LETTER

DOE-FN



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 REGION 5
 77 WEST JACKSON BOULEVARD
 CHICAGO, IL 60604-3590

H-5640
 3902

SEP 01 1994

REPLY TO THE ATTENTION OF:

Mr. Jack R. Craig
 United States Department of Energy
 Feed Materials Production Center
 P.O. Box 398705
 Cincinnati, Ohio 45239-8705

HRE-8J

RE: Approval of the Draft OU 4
 Record of Decision

Dear Mr. Craig:

The United States Environmental Protection Agency (U.S. EPA) has completed its review of the Draft Operable Unit (OU) 4 Record of Decision (ROD)/ Responsiveness Summary (RS). The ROD adequately presents the alternative descriptions, the comparative analysis of alternatives, and follows U.S. EPA guidance. However, U.S. EPA has a few comments that must be addressed.

U.S. EPA is concerned with the completion of the Environmental Impact Statement (EIS) at the Nevada Test Site (NTS) and possible delays in waste shipments from the Fernald site to NTS. U.S. EPA requests that U.S. DOE take further steps to guarantee that all EIS activities will be completed in a time period consistent with the OU 4 clean up schedule.

Therefore, U.S. EPA approves the Draft OU 4 ROD/RS provided the remedy is implemented as described and pending incorporation of responses to the attached comments into the document. U.S. DOE must incorporate these responses and submit a signed Final document within thirty (30) days receipt of this letter.

Please contact me at (312) 886-0992 if you have any questions.

Sincerely,

James A. Saric
 Remedial Project Manager
 Technical Enforcement Section #1
 RCRA Enforcement Branch

Enclosures

cc: Tom Schneider, OEPA-SWDO
 Pat Whitfield, U.S. DOE-HDQ
 Don Ofte, FERMCO
 Jim Theising, FERMCO
 Paul Clay, FERMCO

*(Allen (r)
 partial
 action
 response
 to doc-2185-94
 (8001)*

Comments on the "Proposed Draft Record of Decision for Remedial Actions at Operable Unit 4"

U.S. EPA Region 5 - RCRA Technical Enforcement Section

August 1994

Commenting Organization: U.S. EPA, Gene Jablonowski

Section #: Declaration Statement

Page #: D-ii

Lines #: 2 & 3

Code: E

Original Comment #: 1

Comment: The description of the Operable Unit 4 subunits appears to be incomplete, please review and revise.

Response:

Action:

Commenting Organization: U.S. EPA, Gene Jablonowski

Section #: Declaration Statement

Page #: D-iii

Line #: 8

Code: C

Original Comment #: 2

Comment: It is stated that shipments of Operable Unit 4 vitrified waste are not proposed to begin until after the expected completion of the EIS for the NTS. The following elements should therefore be included in this Record of Decision: 1) the expected date of completion of the EIS for the NTS; 2) statements that on-site temporary storage of vitrified waste will be protective of the human health and the environment, that exposure from the vitrified waste will be minimized through the appropriate implementation of ALARA practices, and that temporary storage of vitrified waste will comply with the ARARs; and 3) a deadline for the transportation and off-site disposal and/or storage of the vitrified waste after its treatment or the completion of material processing.

Response:

Action:

Commenting Organization: U.S. EPA, Gene Jablonowski

Section #: 2.2

Page #: 2-2

Lines #: 16

Code: E

Original Comment #: 3

Comment: Please include information on the past and present storage of K-65 materials at the Lake Ontario Ordnance Works and the Niagara Falls Storage Site, and whether K-65 materials are presently stored elsewhere.

Response:

Action:

Commenting Organization: U.S. EPA, Gene Jablonowski

Section #: 4.0

Page #: 4-1

Line #: 24

Code: E

Original Comment #: 4

Comment: It is stated that the nature of the residues "represent a potential *treat* to human health and the environment;" Please review and revise as appropriate.

Response:

Action:

Commenting Organization: U.S. EPA, Gene Jablonowski

Section #: 5.2.2 Page #: 5-2 Line #: 20 Code: E

Original Comment #: 5

Comment: Please include the average concentrations of Ra-226, Th-230, Pb-210, and Po-210 in Silos 1 and 2; reference information is available in Table 4-2, *Summary of Radionuclide Analyses for Silo 1 and 2 Residues*, of the OU4 Remedial Investigation Report.

Response:

Action:

Commenting Organization: U.S. EPA, Gene Jablonowski

Section #: 7.2.1 Page #: 7-5 Line #: 22 Code: C

Original Comment #: 6

Comment: Provide information on the storage of the vitrified waste prior to shipment, the expected interim storage or holding time of vitrified waste prior to shipment, and assurances that human exposure to direct radiation (gamma and beta) from the vitrified waste would be minimized in keeping with ALARA practices, as well as complying with health and safety requirements and ARARs.

Response:

Action:

Commenting Organization: U.S. EPA, Gene Jablonowski

Section #: 7.2.2 Page #: 7-7 Line #: 23 Code: E

Original Comment #: 7

Comment: It is stated here that "cement stabilization of the wastes effectively reduces the radon emission rate from the waste," in contrast to page 8-7 (line 23) where it is stated that tests using cement stabilization demonstrated that "there was little or no reduction in radon emanation rates." The point that cement stabilization reduces radon emission should not be made; please review and revise as appropriate.

Response:

Action:

Commenting Organization: U.S. EPA, Gene Jablonowski

Section #: 8.2.1.2 Page #: 8-8 Line #: 14 Code: E

Original Comment #: 8

Comment: The primary balancing criteria for further comparative analyses should also include this statement that Alternative 3A.1/Vit is favored over Alternative 3A.1/Cem because vitrification would be effective in reducing radon emanation and cement stabilization is not. This point is not made in favoring Alternative 3A.1/Vit over 3A.1/Cem.

Response:

Action:

U.S. EPA COMMENTS ON THE DRAFT OU 4 ROD AND RESPONSIVENESS SUMMARY

- 1) U.S. DOE discusses protection of human health and the environment in terms of degrees of protectiveness (pages 7-4, 7-8, 8-6, 8-12, and 8-17). Remedial alternatives either meet the threshold criteria or should be eliminated from further analysis. Degrees of protectiveness should be discussed under the balancing criteria.
- 2) U.S. DOE's discussion of proposed remediation goals (PRG) and proposed remediation levels (PRL) on pages 7-17 and 9-9 is misleading. The text states that PRGs are allowable incremental concentrations above background and that the PRGs were added to background concentrations to derive the PRLs. Because the contaminants of concern for OU 4 are radionuclides, this explanation is adequate. However, the text should be revised to correctly discuss PRGs and PRLs, noting that only in the case of radionuclides is the PRG added to background concentrations to derive the PRL.

MEMORANDUM

SUBJECT: Draft Record of Decision and Responsiveness
Summary for the Fernald Environmental Management
Project (Operable Unit 4)

FROM: Brian A. Barwick
Assistant Regional Counsel

TO: Jim Saric
Remedial Project Manager

I have reviewed the draft Record of Decision (ROD) for the Fernald Environmental Management Project (Operable Unit 4) and have the following comments:

1. The selected remedy involves shipping vitrified Silo contents to the Nevada Test Site (NTS). However, the Department of Energy (DOE) acknowledges in the ROD and the Responsiveness Summary that a site-wide environmental impact statement (EIS) must be performed for the NTS. I have a couple of concerns:
 - a. Is acceptance of the Silo waste at NTS contingent upon the outcome of the EIS?
 - b. Will the EIS be completed by a time consistent with the OU 4 clean up schedule?

Considering the requirements for meaningful public participation in the EIS process, it is hard to see how the decision to dispose of silo waste at NTS can be anything but contingent at this time. DOE plans in the event NTS does take the Silo waste should be discussed in the ROD in the same manner as is the possibility that contaminated OU 4 soils and debris will not be integrated into OUs 3 and 5.

2. On page D-i, line 9, why does DOE state that the remedial action was selected in accordance with CERCLA but only "to the extent practicable" with the National Contingency Plan?
3. DOE states that some wetlands will be disturbed and a small area (approximately 2 acres) may be permanently destroyed. Dredge-and-fill activities include capping of a site containing wetlands and are, in this case, potentially subject to the requirements of Section 10 of the Rivers and Harbors Act, Section 404 of the Clean Water Act, and 40 CFR Part 6, Appendix A. DOE

needs to consider these statutory and regulatory provisions, identify any that are applicable or relevant and appropriate requirements (ARARs)¹, and fully explain how the selected remedy complies with all ARARs. The DOE explanation should include:

- The reasons why the proposed action is located in or affects wetlands;
- A list of significant facts considered in making the decision to locate in or affect wetlands including alternative sites and actions;
- A statement whether the proposed action conforms to applicable State or local wetlands protection standards;
- A description of the steps taken to design or modify the proposed action to minimize potential harm to wetlands; and
- A statement indicating how the proposed action affects the natural or beneficial values of the wetlands.

¹ As a Federal agency, DOE is exempt from the permitting requirements of Section 404 of the Clean Water Act but must still meet the substantive requirements of 40 CFR § 230.10.