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ARAR WAIVER (OU 2)

10/04/94

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LETTER

DOE-FN



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

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FILE: _____
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REPLY TO THE ATTENTION OF:

OCT 04 1994

Mr. Graham Mitchell
Chief, Office of Federal Facility Oversight
Ohio Environmental Protection Agency
South West District Office
40 South Main Street
Dayton, Ohio 45402-2086

HRE-8J

RE: ARAR Waiver

Dear Mr. Mitchell:

The United States Department of Energy (U.S. DOE) proposes in the August 1994 draft Proposed Plan for Remedial Actions at Operable Unit (OU) 2, that the solid waste siting criteria in rules 3745-27-07(B)(5) and (B)(9) of the Ohio Administrative Code be waived. The United States Environmental Protection Agency (U.S. EPA) is considering U.S. DOE's proposal and, therefore, in accordance with 40 C.F.R. § 300.515(d)(3), hereby notifies the State of Ohio that it is considering waiving State requirements which have been identified as applicable or relevant and appropriate requirements (ARARs) for OU 2.

The basis for the proposed waiver is Section 121(d)(4)(D) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9621(d)(4)(D), which allows U.S. EPA to waive compliance with an ARAR when the remedial action selected will attain a standard of performance equivalent to that required under the ARAR. The Proposed Plan, in conjunction with the draft August 1994 Feasibility Study Report for Operable Unit 2, contains a preliminary description of the proposed disposal unit, including elements designed to attain the same level of performance as is required by rules 3745-27-07(B)(5) and (B)(9). Before making a final determination on the waiver request, U.S. EPA needs additional information which U.S. DOE will be required to include in the draft Record of Decision (ROD) for OU 2. Therefore, U.S. EPA's final decision, which will include consideration of any State concerns or public comments, will be made in the OU 2 ROD.

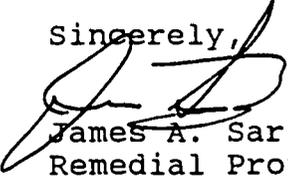
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If you have any questions concerning this letter, please contact me at (312) 886-0992.

Sincerely,



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

cc: Jack Craig, U.S. DOE
Tom Schneider, OEPA-SWDO

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