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**RESPONSE TO THE JUNE 3, 1994 NOTICE OF VIOLATION FOR  
DRINKING WATER COMPLIANCE MONITORING UNDER THE SAFE  
DRINKING WATER ACT**

06/22/94

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DOE-FN        OEPA  
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RESPONSE



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Department of Energy  
Fernald Environmental Management Project  
P. O. Box 398705  
Cincinnati, Ohio 45239-8705  
(513) 648-3155

JUN 22 1994

DOE-1975-94

Mr. Kevin A. Mills  
Ohio Environmental Protection Agency  
Division of Drinking and Groundwaters  
Enforcement and Water Quality Section  
P. O. Box 1049  
1800 WaterMark Dr.  
Columbus, Ohio 43266-0149

Dear Mr. Mills:

**RESPONSE TO THE JUNE 3, 1994 NOTICE OF VIOLATION FOR DRINKING WATER COMPLIANCE MONITORING UNDER THE SAFE DRINKING WATER ACT**

Reference: Letter, Kevin A. Mills to Feed Materials Production Center (Owner), "Violation of Monitoring Requirements for Volatile Organic Chemicals (VOC's)," dated June 3, 1994.

The Department of Energy was notified on June 3, 1994 that the "Feed Materials Production Center" was in violation of monitoring requirements for volatile organic chemical (VOC's) pursuant to OAC 3745-81-24. The DOE as owner of the Fernald Environmental Management Project (formerly the Feed Materials Production Center) and FERMCO as site operator believes the site drinking water system to be in compliance with the referenced VOC monitoring requirements and that no violation occurred.

Conversation between you and FERMCO personnel (Frank Johnston) on June 10, 1994 indicate that this did not appear to be a serious issue and revolved around OEPA not receiving a "reduction request form." However, your proposed resolution of the issue requiring DOE to accept the NOV and making the required public notification does not seem to be appropriate based on the following events.

- \* The FEMP received a letter dated November 30, 1993 from Mr. James W. Evans of your office reminding the FEMP of the requirement to issue a news release upon the completion of each VOC monitoring cycle.
- \* The initial news release was made on December 9, 1993. A copy of the release was mailed to your office on December 14, 1993, (enclosed).

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- \* A letter was received from OEPA dated March 18, 1994 informing DOE of the eligibility for reduced VOC monitoring pending the submission of a reduction request form "as soon as possible." No specific due date was provided. NOTE: This letter was mailed to the DOE Oak Ridge Office; Oak Ridge Tennessee.
- \* FERMCO personnel (Frank Johnston) contacted you on April 6, 1994 to request clarification on the reduction request and when annual monitoring would begin. There was no indication at that time that there were any compliance issues. You further indicated that FEMP would not be required to sample for VOC's until 1996. The FERMCO conversation report is attached for your information.
- \* The reduction request form was signed and sent (Federal Express) by the Department of Energy on April 20, 1994 (enclosed).
- \* Department of Energy Records show the subject letter was received at OEPA Columbus and signed for by a T. Burrell on April 21, 1994 at 9:31 am. These records are based on the Federal Express tracking number 8962184755.

The Department of Energy, being acutely aware of the health and safety of FEMP workers, believes such a public notice to be counter productive to our efforts of maintaining a safe and compliant drinking water system. Such a notification would contain false information and mislead the drinking water consumers as to the safety of the drinking water supply especially given that the required monitoring was completed and the analytical results indicate the FEMP drinking water system to be safe from VOC contamination. The Department of Energy respectfully requests your re-evaluation of the situation and the withdrawal of the Public Notice Requirement. Your earliest attention to this matter will be appreciated. Thank you in advance for your consideration.

In the future please address all correspondence to:

Department of Energy  
Fernald Environmental Management Project  
P. O. Box 398705  
Cincinnati, Ohio 45239-8705

If you have any questions, please contact Ed Skintik at 513 648-3151.

Sincerely,

  
Walter J. Quaid  
Assistant Manager  
Technical Support

FN:Skintik

Enclosure: As Stated

cc w/enc:

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cc w/enc:

K. A. Chaney, EM-423, TREV II  
G. E. Mitchell, OEPA-SWDO  
R. P. Brown, OEPA-SWDO  
S. M. Beckman, FERMCO/65-2  
F. L. Johnston, FERMCO/65-2  
L. Pennington, FERMCO/42

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Fernald Environmental



Restoration Management Corporation P.O. Box 398704 Cincinnati, Ohio 45239-8704 (513) 738-6200

December 14, 1993

U. S. Department of Energy  
Fernald Environmental Management Project  
Letter No. C:RP:93-0182

Ohio Environmental Protection Agency  
Division of Drinking and Ground Waters  
Attn.: Mr. James W. Evans  
P. O. Box 1049  
1800 WaterMark Dr.  
Columbus, Ohio 43266-0149

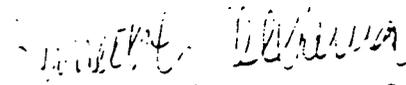
Dear Mr. Evans:

**COMPLETION OF VOLATILE ORGANIC CHEMICAL MONITORING CYCLE - CONSUMER NOTIFICATION  
UNDER 3745-81-32 - PWS ID 3136512 - FERNALD ENVIRONMENTAL MANAGEMENT PROJECT**

Enclosed is a copy of the site news letter "Employee Update" containing the required consumer notification for the completion of the 1993 VOC monitoring cycle. The notification can be found on the top of page two.

If you have any questions concerning this notification please contact Mr. Frank Johnston at AC 513/738-8644.

Sincerely,

  
Kenneth L. Alkema, Vice President  
Regulatory Programs

KLA:FLJ:flj  
Attachment

c w/encl.:

E. P. Shintik, DOE-FN  
Thomas Winston, OEPA-SWDO  
PR Files  
File Record Storage Copy 108.13

c w/o encl.:

L. Pennington, FERMCO

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Department of Energy  
Fernald Environmental Management Project  
P.O. Box 398705  
Cincinnati, Ohio 45239-8705

REGULATORY PROGRAM  
REGULATORY TECHNICAL  
SUPPORT

APR 25 10 40 AM '94

APR 20 1994  
DOE-1520-94

Mr. Kevin Mills  
Ohio Environmental Protection Agency  
1800 Water Mark Drive  
Columbus, Ohio 43266-0149

**REDUCTION IN VOLATILE ORGANIC CHEMICAL MONITORING, POTABLE WATER SUPPLY**

Per your letter of March 18, 1994, requesting owners of groundwater potable water systems, we are submitting a Volatile Organic Chemical (VOC) Reduction request form certifying that we have completed VOC monitoring and the levels of VOCs are consistently below the maximum contaminant level. This reduction request will permit monitoring on an annual basis, instead of a quarterly basis beginning in CY 1996.

Please note that future correspondence should be sent to this location, DOE Fernald, rather than Oak Ridge, Tennessee.

If you have any questions, please contact Ed Skintik, 513 648-3151.

Sincerely,

Walter J. Quader  
Assistant Manager  
Technical Support

FN:Skintik

Enclosure: As Stated

cc w/enc:

~~CONFIDENTIAL~~

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