

6408

U-003-504 .1

OU1 DRAFT RECORD OF DECISION - COMMENTS

12/09/94

OEPA DOE-FN
7
COMMENTS

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Comment: Since the remediation levels defined within the ROD are only protective of the expanded trespasser and off-property farmer, DOE must incorporate stronger language committing to perpetual ownership and maintenance of the property. DOE must include a commitment to long-term monitoring of contaminated soils left in place as well as any on-property disposal facilities which may be employed under OU3 or OU5. DOE must preclude development, which would allow exposures exceeding those defined by the expanded trespasser, from occurring within the OU1 area.

Response:

Action:

- 4) Commenting Organization: Ohio EPA Commentor: OFFO
 Section #: 2.3 Pg #: 2-8 Line #: 9 Code: c
 Original Comment #:
 Comment: This section might more appropriately be titled "Response Actions"
 Response:
 Action:
- 5) Commenting Organization: Ohio EPA Commentor: OFFO
 Section #: 3.0 Pg #: 3-2 & 3 Line #: Code: c
 Original Comment #:
 Comment: This section should reference the Ohio EPA's availability session concerning the OU1 Proposed Plan held during August.
 Response:
 Action:
- 6) Commenting Organization: Ohio EPA Commentor: OFFO
 Section #: 8.2.6.2 Pg #: 8-11 Line #: 19-24 Code: c
 Original Comment #:
 Comment: Update this section concerning the current status of the waiver.
 Response:
 Action:
- 7) Commenting Organization: Ohio EPA Commentor: OFFO
 Section #: Table 9-2 Pg #: 9-5 Line #: Code: c
 Original Comment #:
 Comment: Footnote "d" is used within the table but no footnote exists. The table should be revised to incorporate the footnote.
 Response:
 Action:
- 8) Commenting Organization: Ohio EPA Commentor: OFFO

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Section #: 10.6 Pg #: 10-8 to 10-9 Line #: all Code: c

Original Comment #:

Comment: This section is totally unacceptable. The way the text is written, by concurring with the OUI ROD the State of Ohio would essentially be waiving any NRD claims against the DOE. Please remove this section in its entirety.

Response:

Action:

- 9) Commenting Organization: Ohio EPA Commentor: OFFO
 Section #: A.2 Pg #: A-2-9 Line #: 23-27 Code: c
 Original Comment #:
 Comment: Update the response to Summary Comment 1d with regard to the current status of the waiver.
 Response:
 Action:
- 10) Commenting Organization: Ohio EPA Commentor: OFFO
 Section #: A.2 Pg #: A-2-16 Line #: 22-25 Code: c
 Original Comment #:
 Comment: The requirement for a new public comment period only occurs when a ROD Amendment is conducted. The section should be revised to delete discussion of the Explanation of Significant Difference, since an ESD would not be appropriate under this scenario.
 Response:
 Action:
- 11) Commenting Organization: Ohio EPA Commentor: OFFO
 Section #: A.2 Pg #: A-2-17 Line #: 2-5 Code: c
 Original Comment #:
 Comment: The ROD should not discuss expectations with regard to another OU's remedy. The text should be revised to state what is factual (e.g., "the preferred alternative in the OU2 Proposed Plan....").
 Response:
 Action:
- 12) Commenting Organization: Ohio EPA Commentor: OFFO
 Section #: A.2 Pg #: A-2-36 Line #: Code: c
 Original Comment #:
 Comment: It would seem DOE's response to comment #3e could be more committal. Ohio EPA believes it would be appropriate for DOE to at least commit to not storing loaded cars at Shandon yard. This would show a good faith effort on DOE's part to incorporate substantial public comments into the

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ROD.

Response:

Action:

- 13) Commenting Organization: Ohio EPA Commentor: OFFO
 Section #: Appendix B Pg #: Line #: Code: M
 Original Comment #:
 Comment: DOE has failed to incorporate sufficient RCRA ARARs. The section should be revised to include RCRA ARARs and TBCs for hazardous waste treatment and HWMU closures. At a minimum hazardous waste will be generated from Waste Pit 4, which must undergo HWMU closure.
 Response:
 Action:
- 14) Commenting Organization: Ohio EPA Commentor: OFFO
 Section #: Appendix B, Table B-2 Pg #: B-10 Line #: Code: c
 Original Comment #:
 Comment: The requirements under OAC 3745-17-07 are incorrectly cited. Discharges may not exceed 60% opacity for greater than 6 minutes.
 Response:
 Action:
- 15) Commenting Organization: Ohio EPA Commentor: OFFO
 Section #: Appendix B, Table B-2 Pg #: B-10 Line #: Code: c
 Original Comment #:
 Comment: The citation for 40 CFR 61.92 should be revised to include 60.90 through 60.97. The additional sections define monitoring requirements.
 Response:
 Action:
- 16) Commenting Organization: Ohio EPA Commentor: OFFO
 Section #: Appendix B, Table B-3 Pg #: Line #: Code: c
 Original Comment #:
 Comment: An additional action specific ARAR should be 40 CFR 60.670 Subpart OOO. This ARAR addresses standards for the use of a crusher.
 Response:
 Action:
- 17) Commenting Organization: Ohio EPA Commentor: OFFO
 Section #: Appendix B, Table B-3 Pg #: Line #: Code: c

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Original Comment #:

Comment: An additional action specific ARAR should be OAC 3745.31-05(A)(3) which requires all new source employ Best Available Technology (BAT) for minimizing air emissions.

Response:

Action:

18) Commenting Organization: Ohio EPA Commentor: OFFO
 Section #: Appendix B, Table B-3 Pg #: B-26 Line #: Code: c
 Original Comment #:

Comment: The standards referenced for OAC 3745-17-11 are only for sources existing prior to 1/1/74. For all new sources BAT applies and standards are developed upon BAT ability. Thus it is likely that emission standards may be substantially lower than those listed. DOE will be required to prove that scrubbers and condensers are BAT. It is possible DOE may be required to use fabric filters and an oxidizer to achieve BAT.

Response:

Action:

19) Commenting Organization: Ohio EPA Commentor: OFFO
 Section #: Appendix B, Table B-3 Pg #: B-26 Line #: Code: c
 Original Comment #:

Comment: With regard to OAC 3745-21-07(G)(2), it is current Ohio EPA policy to consider all VOCs to be photochemical reactive materials.

Response:

Action:

If you should have any questions, please contact me.

Sincerely,



Thomas A. Schneider
 Fernald Project Manager
 Office of Federal Facilities Oversight

cc: Jim Saric U.S. EPA
 Terry Hagen, FERMC
 Robert Owen, ODH
 Jean Michaels, PRC

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State of Ohio Environmental Protection Agency

6408

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George V. Voinovich
Governor

December 5, 1994

RE: DOE FEMP
MSL #531-0297
HAMILTON COUNTY
CONDITIONAL APPROVAL -
OU5 RI

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

Dear Mr. Craig:

This letter provides Ohio EPA's Conditional Approval on DOE's Operable Unit 5 Remedial Investigation report submitted to Ohio EPA on November 1, 1994. The condition for Ohio EPA approval is DOE revising the document to incorporate the attached comments in the final document.

If you should have any questions, please contact Laura Hegge or me.

Sincerely,

Thomas A. Schneider
Fernald Project Manager
Office of Federal Facilities Oversight

cc: Jim Saric U.S. EPA
Terry Hagen, FERMCO
Robert Owen, ODH
Mike Proffitt, DDAGW
Jean Michaels, PRC
• Manager TPSSU, DERR/CO
Lisa August, GeoTrans

