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CLOSURE PLAN APPROVAL U. S. DOE-FEMP OH689008976

09/12/95

OEPA DOE-FN
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COMMENTS



State of Ohio Environmental Protection Agency

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CLOSURE PLAN APPROVAL

CERTIFIED MAIL

September 12, 1995

RE: CLOSURE PLAN APPROVAL
U.S. DOE-FEMP
OH6890008976

Mr. Jack R. Craig
Director
U.S. DOE-FEMP
P.O. Box 398705
Cincinnati, Ohio 45239-8705

Dear Mr. Craig:

On December 23, 1993, U.S. Department of Energy - Fernald Environmental Management Project (DOE-FEMP) submitted to Ohio EPA a closure plan for Hazardous Waste Management Unit #52 (North and South Solvent Tanks), an unpermitted storage unit located at 7400 Willey Road, Fernald, Ohio. Revisions to the closure plan were submitted on January 6, 1994. Subsequent to meeting with Ohio EPA on March 16, 1995 DOE-FEMP resubmitted the revised closure plan on August 3, 1995. The closure plan was submitted pursuant to Rule 3745-66-12 of the Ohio Administrative Code (OAC) in order to demonstrate that DOE-FEMP's proposal for closure complies with the requirements of OAC Rules 3745-66-11 and 3745-66-12.

The public was given the opportunity to submit written comments regarding the closure plan of DOE-FEMP in accordance with OAC Rule 3745-66-12. No comments were received by Ohio EPA in this matter.

Based upon review of DOE-FEMP's submittal and subsequent revisions, I conclude that the closure plan for the hazardous waste facility at 7400 Willey Road, Fernald, Ohio meets the performance standard contained in OAC 3745-66-11 and complies with the pertinent parts of OAC Rule 3745-66-12.

OHIO EPA
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By: Mary Cavin Date 9-12-95

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The closure plan submitted to Ohio EPA on December 23, 1993, and subsequent revision dated January 6, 1994 by DOE-FEMP is hereby approved.

Please be advised that approval of this closure plan does not release DOE-FEMP from any responsibilities as required under the Hazardous and Solid Waste Amendments of 1984 regarding corrective actions for all releases of hazardous waste or constituents from any solid waste management unit, regardless of the time at which waste was placed in the unit.

Notwithstanding compliance with the terms of the closure plan, the Director may, on the basis of any information that there is or has been a release of hazardous waste, hazardous constituents, or hazardous substances into the environment, issue an order pursuant to Section 3734.20 et seq of the Revised Code or Chapters 3734 or 6111 of the Revised Code requiring corrective action or such other response as deemed necessary; or initiate appropriate action; or seek any appropriate legal or equitable remedies to abate pollution or contamination or to protect public health or safety or the environment.

Nothing here shall waive the right of the Director to take action beyond the terms of the closure plan pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. § 9601 et seq., as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. 99-499 ("CERCLA") or to take any other action pursuant to applicable Federal or State law, including but not limited to the right to issue a permit with terms and conditions requiring corrective action pursuant to Chapters 3734 or 6111 of the Revised Code; the right to seek injunctive relief, monetary penalties and punitive damages; to undertake any removal, remedial, and/or response action relating to the facility; and to seek recovery for any costs incurred by the Director in undertaking such actions.

You are notified that this action of the Director is final and may be appealed to the Environmental Board of Review pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. It must be filed with the Environmental Board of Review within thirty (30) days after notice of the Director's action. A copy of the appeal must be

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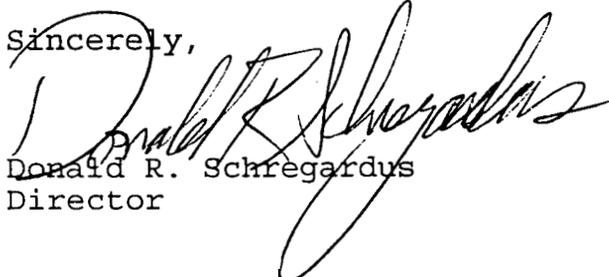
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By: Mary Convin Date 9-12-95

Mr. J.R. Craig
DOE-FEMP
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served on the Director of the Ohio Environmental Protection Agency within three (3) days of filing with the Board. An appeal may be filed with the Environmental Board of Review at the following address: Environmental Board of Review, 236 East Town Street, Room 300, Columbus, Ohio 43266-0557.

When closure is completed, the Ohio Administrative Code Rule 3745-66-15 requires the owner or operator of a facility to submit to the Director of the Ohio EPA certification by the owner or operator and an independent, registered professional engineer that the facility has been closed in accordance with the specifications in the approved closure plan. These certifications shall follow the format specified in OAC 3745-50-42(D), and should be submitted to: Ohio Environmental Protection Agency, Division of Hazardous Waste Management, Attention: Tom Crepeau, Data Management Section, P.O. Box 1049, Columbus, Ohio 43216-0149.

Sincerely,

Donald R. Schregardus
Director

- cc: Tom Crepeau, OEPA, DHWM Central File
- Montee Suleiman, OEPA, DHWM, CO
- Harriet Croke, Ohio Permit Section, USEPA, Region V
- Chris Budich, OEPA, Southwest District Office
- Bob Danner, DOE-FEMP

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I certify this to be a true and accurate copy of the official document as filed in the records of the Ohio Environmental Protection Agency.

By: Mary Gavin Date 9-12-95