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**PHASE VII REMOVAL ACTIONS AND REPORTING REQUIREMENTS  
UNDER THE FERNALD ENVIRONMENTAL MANAGEMENT PROJECT  
LEGAL AGREEMENTS**

01/16/96

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DOE-FN        EPAS  
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LETTER**



**Department of Energy**  
Fernald Environmental Management Project  
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(513) 648-3155

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JAN 16 1996

DOE-0395-96

**Mr. James A. Saric, Remedial Project Director**  
U.S. Environmental Protection Agency  
Region V - SRF-5J  
77 W. Jackson Blvd.  
Chicago, IL 60604-3590

**Mr. Tom Schneider, Project Manager**  
Ohio Environmental Protection Agency  
401 East 5th Street  
Dayton, OH 45402-2911

Dear Mr. Saric and Mr. Schneider:

**PHASE VII REMOVAL ACTIONS AND REPORTING REQUIREMENTS UNDER THE FERNALD ENVIRONMENTAL MANAGEMENT PROJECT LEGAL AGREEMENTS**

The purpose of this letter is to 1) respond to the Amended Consent Agreement (ACA) requirement (Section IX.F.3) stating that an annual update of proposed new removal actions be provided to the U.S. Environmental Protection Agency (U.S. EPA) by January 15th of each year and 2) provide a formal proposal to streamline the reporting requirements under the Fernald Environmental Management Project (FEMP) legal agreements. As discussed during the November 7, 1995, Monthly Review Conference Call, the ongoing need to provide an annual update of removal actions is not necessary given the current status of the Record of Decision (ROD) for Operable Unit 1 (OU1) through Operable Unit 5 (OU5). As such, the Department of Energy, Fernald Area Office (DOE-FN) is not proposing to initiate any new removal actions under Phase VII (Calendar Year 1996) and is further proposing to eliminate the automatic requirement (under Section IX.F.3 of the ACA) to submit annual updates of proposed new removal actions to the U.S. EPA each year. Instead, the DOE-FN proposes the submittal of new proposed removal actions be provided to the U.S. EPA when conditions or circumstances at the FEMP necessitate a removal action.

Also during the conference call on November 7, 1995, the FEMP presented a proposal for streamlining certain reporting and other administrative requirements imposed by the FEMP legal agreements. The FEMP proposal included significant streamlining of the Consolidated Consent Agreement/Federal Facility Compliance Agreement/Federal Facility Agreement Monthly Progress Report and elimination of the "Director's Findings & Orders/Consent

Decree Quarterly Technical Progress Report." Both the U.S. EPA and the Ohio Environmental Protection Agency (OEPA) tentatively concurred with the FEMP proposals and recommended that they be formally submitted for approval.

The enclosures to this letter summarize the current reporting requirements and documents the FEMP proposes to modify or eliminate, as discussed during the November 7, 1995, conference call. The comments provided during that discussion have been incorporated. Enclosure I proposes changes to requirements imposed by agreements with the U.S. EPA. Enclosure II proposes changes to requirements imposed by agreements with the OEPA. Although the proposals require separate formal approval by both the U.S. EPA and the OEPA respectively, both proposals are being submitted in a single document for your review in order to streamline the documentation process.

Formal approval of the enclosed proposals is requested as soon as possible. If you have any questions, please contact me at (513) 648-3139.

Sincerely,



Johnny Reising  
Fernald Remedial Action  
Project Manager

FN:Reising

Enclosure: As Stated

cc w/enc:

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cc w/o enc:

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## ENCLOSURE I

CONSOLIDATED CONSENT AGREEMENT /FFCA /FFA MONTHLY PROGRESS REPORT

## I. COMMENT

This report is submitted to fulfill reporting requirements of the following legal agreements:

- U.S. DOE and U.S. EPA, "Federal Facility Compliance Agreement," dated June 19, 1986.
- Administrative Docket Number V-W-90-C-057, "Consent Agreement as Amended Under CERCLA Sections 120 and 106(a)," dated September 20, 1991.
- U.S. DOE and U.S. EPA, "Federal Facility Agreement for Control and Abatement of Radon-222 Emissions," dated November 14, 1991.

## II. STATUS REPORTS

A major portion of this monthly report consists of narrative status reports on the following areas:

- Removal Action Summary and Removal Action Status Report - each month, a report is provided on the status of all 31 removal actions implemented pursuant to the ACA. The majority of these are either completed or represent continuing, ongoing activity such as stormwater runoff collection. For most of these removal actions, there is minimal, if any, change in status from month to month.
- RI/FS Status - a report is provided each month on the status of RI/FS activities for each operable unit. With all five operable units proceeding into the remedial design process, there is no benefit to continuation of this report.
- Status of FFCA Initial Remedial Measures and Other Open Actions (Enclosure B) - this enclosure reports the status of deliverables and other specific actions required under the 1986 FFCA. With the exception of ongoing requirements (submittal of annual reports, ongoing monitoring, etc.), all of these actions are completed - there is no sufficient continuing activity to justify continuation of this report.
- FFA for Control & Abatement of Radon Emissions (Enclosure C) - This enclosure contains two sections: a status of actions required under the FFA, and a report of the radon monitoring data. The only remaining actions

required under the FFA are the implementation of remedial action pursuant to the ACA, and the continuation of radon monitoring; all other actions are complete. There is no sufficient activity to justify the status report.

### III. EFFLUENT DATA

Two separate reports of data from monitoring of both radionuclide and non-radionuclide pollutants in FEMP wastewater are provided in the monthly report.

- Wastewater Flows and Radionuclide Concentrations (Enclosure A) - this report provides daily data on flow and alpha, beta and uranium concentrations at the discharge to the Great Miami River ( Parshall Flume bldg.) as well as a monthly estimate of the uranium loading due to stormwater runoff to Paddy's Run based upon correlation between uranium loading and inches of rainfall.
- Effluent Radionuclide Discharges to the Great Miami River (Enclosure D) - this section reports daily data on flow and pollutant concentrations at the Parshall Flume and at several internal points in the wastewater treatment system. Also included on a periodic basis is data on nonradionuclide parameters from the Paddy's Run Road Site (PRRS). This data is reported pursuant to the Addendum 1 of the South Groundwater Contamination Plume Removal Action Workplan. Its intent was to allow evaluation of the effectiveness of the Interim Advanced Wastewater Treatment (IAWWT) systems and to provide analysis of the South Plume groundwater.

Since this monitoring was initiated, the AWWT facility has been brought online, and a significant amount of baseline data on the South Plume groundwater has been assembled. Based upon the current status of the wastewater treatment facilities, and upon review of the data South Plume data, there no longer appears to be a significant use for much of the data being reported at internal monitoring points or at the PRRS.

### IV. RECOMMENDATION

Based upon the above evaluation, it is recommended that the current Consolidated Consent Agreement /FFCA /FFA Monthly Progress Report be replaced by the following:

- A. A brief report identifying the removal actions or other ACA milestones completed during the previous month.
- B. A quarterly report containing:

- A brief status report on the implementation of remedial activities. The content would be streamlined to eliminate the continuing reporting of completed, or static ongoing activities. Information reported would be limited to significant actions, such as: initiation, completion, or submittal of RD/RA deliverables or other major milestones; initiation or completion of construction, facility operation or other field work; and significant issues, concerns, potential schedule difficulties, and corrective actions.
- A report of the following effluent radionuclide data:
  - i. Daily flow, and concentrations of uranium, total alpha and total beta at the combined effluent to the Great Miami River (Parshall Flume Building)
  - ii. Daily flow, and concentrations of uranium, total alpha and total beta at the Stormwater Retention Basin Spillway
  - iii. Daily flow and uranium concentrations at the South Plume Valve house
  - iv. A monthly estimate of the uranium loading due to uncontrolled runoff to Paddy's Run will continue to be reported based upon the correlation between uranium loading and rainfall.
  - v. The radon and K-65 Silo data currently reported will be included in the quarterly report; electronic copies of these data files will no longer be provided.

#### OTHER ACA / FFCA REPORTING REQUIREMENTS

I. Annual Updates to Removal Action No. 9, Removal of Waste Inventories - Pursuant to the Amended Consent Agreement, updates to the procedures comprising Removal Action No. 9 are submitted to USEPA on an annual basis. Recent experience demonstrates that submittal of project-specific documentation for new waste disposition activities is a more effective means of obtaining USEPA and OEPA review of these activities. It is proposed that the requirement for an annual update to the compilation of procedures be deleted and replaced by submittal of a project specific plan for each new activity to be initiated under Removal Action No. 9.

II. Annual Identification of Proposed Removal Actions - Paragraph IX.F.3 of the ACA requires the submittal of an identification of any additional removal actions to be implemented at the FEMP to USEPA by January 15 each year "until the RODs for OUs 1-5 are finalized." Given the current status of finalizing RODs for the OUs, it is proposed that this requirement be deleted.

## ENCLOSURE II

DIRECTOR'S FINDINGS AND ORDERS/CONSENT DECREE QUARTERLY  
TECHNICAL PROGRESS REPORT

## I. COMMENT:

This report is submitted to fulfill the reporting requirements of the following legal agreements:

- U.S. DOE and U.S. EPA, "Federal Facility Agreement for Control and Abatement of Radon-222 Emissions," dated November 14, 1991.
- Administrative Docket Number V-W-90-C-057, "Consent Agreement as Amended Under CERCLA Sections 120 and 106(a)," dated September 20, 1991.
- U.S. DOE and U.S. EPA, "Federal Facility Compliance Agreement," dated June 19, 1986.

The report is comprised of three primary sections:

Status Report on Actions Required by DF&O, Consent Decree & SACD - This report provides the status of all actions required to be implemented by these three agreements. The vast majority of these actions are either completed, or are ongoing actions such as continuing inspections, maintaining compliance with the NPDES permit, etc.. It is recommended that this status report be eliminated. Any significant issues, concerns, or changes in activity or status in one of these areas, will be highlighted in the status report submitted to the U.S. EPA and the OEPA pursuant to the Amended Consent Agreement.

Quarterly Updates of RCRA Annual Report and Part B Permit Application Table C-4 - Quarterly updates of the RCRA Annual Report were initiated to ensure accuracy of hazardous waste inventory data as the large number of characterizations required under the SACD were completed. Quarterly updates of the "RCRA Regulated Hazardous Waste Streams" information contained in Table C-4 of the Part B Permit application were also initiated to provide notification of newly identified waste streams. Given the current status of FEMP characterization and waste disposition activities, the likelihood of identifying a significant quantity of new hazardous waste streams is small; submittal of the RCRA Annual Report will provide adequate tracking of changes in the inventory. In addition, newly identified mixed wastes will be provided to the OEPA pursuant to the STP DF&O (usually within 90 days of ID) and the STP will be updated annually. It is

recommended that these quarterly updates be eliminated.

Boring Logs and Well Completion Logs - The Quarterly Technical Progress Report currently contains copies of all boring logs and well completion logs generated during the previous quarter. These logs represent a large volume of information; the usefulness of including this information in the report is unclear. The logs are maintained on file at the FEMP and can be made available for inspection by the U.S. EPA or OEPA upon request. It is recommended that quarterly submittal of these logs be discontinued.

II. RECOMMENDATION:

As the three items addressed above have all been proposed for discontinuation, it is proposed that the DF&O and Section IV Consent Decree Quarterly Technical Progress Report no longer be prepared.