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**HAMILTON COUNTY TSDF/LGQ - (LETTER CONCERNING THE  
MISSING INSPECTION LOGS)**

04/05/96

OEPA            DOE-FN/FERMCO  
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COMMENTS



State of Ohio Environmental Protection Agency

Southwest District Office

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George V. Voinovich  
Governor

April 5, 1996

RE: U.S. DOE-FEMP  
HAZARDOUS WASTE  
OH6890008976  
HAMILTON COUNTY  
TSDF/LGQ

Mr. Jack Craig, Director  
U.S. Department of Energy  
Fernald Area Office  
P.O. Box 538705  
Cincinnati, Ohio 45253-8705

Mr. John C. Bradburne, President  
Fernald Environmental Restoration Management Corp.  
at U.S. DOE-FEMP  
P.O. Box 538704  
Cincinnati, Ohio 45253-8704

Dear Mr. Craig and Mr. Bradburne:

On March 25, 1996, Mr. Chris Budich and I visited the Fernald site (DOE-FEMP), for the purpose of conducting a compliance review of hazardous waste storage area inspection logs maintained by the facility. We were accompanied by Mr. Tom Ontko, and Mr. Brent Bosma of Ohio EPA's Office of Federal Facility Oversight (OFFO). A compliance review of all hazardous waste records documentation maintained by the facility, including inspection logs, is also a component of the annual Compliance Evaluation Inspection conducted by this office.

Ohio EPA's compliance review was in response to information provided by FERMCO on March 15, 1996 regarding the results of a recent self-assessment program conducted by the facility, including corrective measures being undertaken. The program was in fact a self-audit designed to determine the level of compliance regarding required facility inspections of Hazardous Waste Management Unit (HWMU's). As reported, the self-audit covered the period of July 1, 1995 to February, 1996.

Results of the Ohio EPA compliance review for this period indicate, that of 627 required inspections for the active storage units there were 47 inspection logs missing from the administrative record. Gaps in the record were for the most part, sporadic. However, of most concern was the large gap in the records for the Plant 1 pad during the month of September, 1995. Specifically, inspection logs are missing from the dates September 12 through September 15, and September 20 through September 30. Ohio EPA considers this gap in the records to be of significant concern and DOE/FERMCO must take steps to ensure the situation does not recur. This period does coincide with reported inspection procedure changes implemented by the facility which may have been a contributing factor. Ohio EPA's review of the inactive storage units also identified missing inspection reports. Again, there did not appear to be a pattern to these missing inspection records. In all, approximately 140 of the required 2658 inspection logs were missing from the record.

Mr. Jack Craig, DOE-FEMP, and Mr. John Bradburne, FERMCO  
April 5, 1996  
page 2

Therefore, DOE-FEMP is in violation of the Ohio Administrative Code (OAC) and/or the Stipulated Amendment to Consent Decree (SACD) as follows:

OAC 3745-66-74(A)&(B) Inspections.

This regulation requires that an owner or operator inspect areas where containers are stored, at least weekly, looking for leaks and for deterioration caused by corrosion or other factors. The owner or operator shall record inspections in an inspection log or summary, and keep these records for at least three years from the date of inspection. The records shall include the date and time of the inspection, name of the inspector, notations of observations made, and the date and nature of any repairs or other remedial action.

SACD paragraph 3.8(b).

This paragraph requires DOE-FEMP to conduct daily leakage inspections on all containers on the Plant 1 Pad until such time as these containers are removed from Plant 1 Pad, or such containers are determined not to contain hazardous or mixed waste and that weekly inspections will be conducted in accordance with 40 C.F.R. 265.15 and 265.174, and OAC 3745-65-15 and 3745-66-74.

Please correct the above violation(s) immediately, and within fifteen (15) days from the date of this letter provide a written response to this office which details corrective measures undertaken by the facility to prevent a recurrence of non-compliance.

While Ohio EPA is concerned with the above violation, it does not appear that this situation resulted in a threat to site workers, the public, or the environment. Ohio EPA notes that non-compliance regarding documented inspections was initially determined by the facility using internal audit procedures. Internal audits represent an effective method by which regulated facilities can seek to maintain and improve compliance, and the agency fully supports such procedures and encourages DOE/FERMCO to continue this practice.

Failure to list specific deficiencies in this communication does not relieve DOE-FEMP from the responsibility of complying with all applicable hazardous waste regulations. This letter does not relieve DOE-FEMP from liability for any past or present violations of the state's hazardous waste laws.

Mr. Jack Craig, DOE-FEMP, and Mr. John Bradburne, FERMCO  
April 5, 1996  
page 3

If you should have any questions concerning the above, please contact me at (513)285-6090, or  
Chris Budich at (513)285-6083.

Sincerely,



Phillip C. Harris  
Division of Hazardous Waste Management



Christopher M. Budich  
Division of Hazardous Waste Management

cc: Pam Allen, RCRA Enforcement, CO  
Tom Schneider, OFFO