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U-005-407.19

**OU3 PROPOSED PLAN PUBLIC COMMENTS - (LETTER PROVIDING
OHIO EPA'S OFFICIAL COMMENTS ON THE OU3 PROPOSED PLAN)**

04/30/96

OEPA DOE-FN
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COMMENTS



State of Ohio Environmental Protection Agency

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George V. Voinovich
Governor

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April 30, 1996

RE: DOE FEMP
HAMILTON COUNTY
OU3 PROPOSED PLAN -
PUBLIC COMMENTS

Mr. Gary Stegner
Director, Public Information
U.S. DOE Fernald Area Office
P.O. Box 538705
Cincinnati, OH 45253-8705

Dear Mr. Stegner:

The purpose of this letter is to provide Ohio EPA's official comments on the Operable Unit 3 Proposed Plan during the public comment period. Ohio EPA's comments are as follows:

1. The OU3 Proposed Plan is the culmination of efforts by U.S. DOE, Ohio EPA, and U.S. EPA to understand and develop a plan for mitigating releases to the environment from OU3. Ohio EPA believes the alternative selected in the Proposed Plan is protective of human health and the environment. Ohio EPA believes the preferred alternative is the appropriate one, when considered in the context of overall site cleanup. Ohio EPA supports the concept of a balanced approach where the low volume, high concentration wastes go off-site for disposal and high volume, lower concentration wastes are disposed of in an engineered facility on-site. We believe that this approach provides the most implementable and protective strategy for remediation of the FEMP site.
2. The Operable Unit 3 Record of Decision (ROD) should clearly place restrictions on the use of the engineered on-site disposal facility. Ohio EPA understands the need to allow flexibility for incorporation of other operable units but also feels the following restrictions must be made in the ROD:
 - a) No disposal or long-term storage of off-site waste in the proposed engineered disposal facility or any other facility on the FEMP site;
 - b) DOE must commit to implementing the ALARA mass based WAC for Tc-99 of 59 grams. The goal should be met through scabbling and other efforts to reduce Tc-99 loading to the disposal facility;
 - c) No characteristic hazardous waste should be disposed of in the facility.
3. DOE should commit to developing a policy defining criteria for implementing recycling

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of materials rather than disposing of them as waste. In addition, a commitment to allowing public and regulatory review and comment on such a policy should be included in the OU3 ROD.

4. DOE should include a commitment to reuse of materials on-site to the extent practical as well as encouraging other facilities to reuse Fernald materials. Examples of such on-site reuse could include crushed concrete as road base or reuse of equipment in remediation facilities.
5. DOE should commit to being open to consider new technologies which may reduce the volume, toxicity or mobility of wastes being disposed of on-site. Ohio EPA is simply requesting that DOE remain open to the idea of additional technologies which may result in a safer waste form for on-site disposal.
6. DOE should commit to including and/or developing real-time monitoring for discharges to the environment resulting from remedial actions. DOE should attempt to incorporate any new developments in real-time monitoring from the DOE Office of Science and Technology as well as the private sector. Data obtained from real-time monitors and any additional monitoring activities should be provided to the Ohio EPA and public in a timely manner.
7. DOE should attempt to incorporate pollution prevention activities whenever possible during the design and operation of the OU3 remedial action systems. All available methods to reduce or eliminate discharges and releases from the demolition and disposal activities should be considered during the design of remedial activities.
8. DOE must ensure the public that their involvement will not be diminished during Remedial Design and Remedial Action (RD/RA). DOE should commit within the Record of Decision for OU3 to maintaining the exceptional on-going public involvement program during RD/RA .
9. DOE must provide commitments to ensure the land-use employed to develop the cleanup standards is maintained into the future. DOE ownership is essential to maintaining institutional controls and limiting land-use to ensure protectiveness of the site.
10. With regard to the request for a USEPA waiver of the Ohio solid waste siting criteria, Ohio EPA supports this waiver only in that it allows for a remedy more protective than capping in place and more implementable than off-site shipment. Since the DOE FEMP is a CERCLA site and its location would not allow issuance of an Ohio EPA exemption

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of the criteria, Ohio EPA believes a waiver is the appropriate mechanism to support the preferred alternative. Ohio EPA's support of the waiver is inherently tied to the restrictions described in comment #2 above.

If you have any questions concerning these comments please contact me at (513) 285-6466.

Sincerely,



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

cc: Terry Finn, Ohio AG
Jim Saric, USEPA
Terry Hagen, FERMCO
Dave Ward, Geotrans
Sharon McLellan, PRC
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