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**REQUEST FOR DELETION OF THE COMPREHENSIVE SITEWIDE
OPERABLE UNIT REQUIREMENTS FROM AMENDED CONSENT
AGREEMENT**

05/14/96

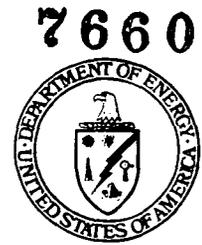
DOE-0878-96
DOE-FN EPAS
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LETTER



Department of Energy

Ohio Field Office
Fernald Area Office

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MAY 14 1996

DOE-0878-96

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

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

Dear Mr. Saric and Mr. Schneider:

REQUEST FOR DELETION OF THE COMPREHENSIVE SITEWIDE OPERABLE UNIT REQUIREMENTS FROM AMENDED CONSENT AGREEMENT

The Department of Energy, Fernald Area Office (DOE-FN) has evaluated the remedies selected for Operable Units 1 through 5 (OU1-5) against the potential added effectiveness of completing the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Documentation for a Comprehensive Sitewide Operable Unit (CSOU). The results of this evaluation indicate that the requirements stated in the Amended Consent Agreement (ACA) for the CSOU may not add value in the short term. The DOE-FN is requesting that the ACA requirements for a CSOU be deleted.

As you know, the ACA, Section X (C) and (F) requires documentation and submittal for the following:

- **A sitewide Remedial Investigation (RI), which will include a Projected Residual Risk Assessment Work Plan Addendum and report. The work plan would be submitted to the U.S. Environmental Protection Agency (U.S. EPA) within six months of approval of the OU3 Record of Decision (ROD). The report will be submitted in accordance with the schedule approved in the above mentioned Work Plan Addendum Projected Residual Risk Assessment.**
- **A Feasibility Study (FS) Report could be required by the EPA, depending on the results of the Projected Residual Risk Assessment, and based on the submittal schedule as defined in the Projected Work Plan Addendum.**

- **A Proposed Plan, and ultimately a ROD, would also be provided in accordance with the Projected Residual Work Plan Addendum described above.**

Conceptually, the above referenced CSOU would ensure that the acceptability of the selected remedies for OU1-5 is confirmed within six months of approval of the OU3 ROD. However, additional information will not be available to update residual risk assessment for the site until sitewide remedial actions are essentially completed and the contaminant sources are removed.

The OU3 Comprehensive Response and Risk Evaluation (CRARE) has evaluated the cumulative sitewide residual risk using all the available data from the established remedies for each OU (including the proposed OU3 remedy) upon completion of the remedial action.

The DOE-FN is requesting the deletion of the CSOU with the knowledge that several redundant mechanisms are retained within the ACA for EPA to ensure that acceptable residual risk levels will be achieved and maintained. These mechanisms include the five year review required in Section XXX of the ACA, and the Sitewide Residual Risk Assessment Report that must be submitted to the EPA following completion of a response actions at the site per Section XI, Subsection D. The five year review process is designated in Section 121(c) of CERCLA to begin with the initiation of remedial action. Should the EPA determine that additional actions must be taken to maximize protection of human health and the environment through either the five year review, or from the Sitewide Residual Risk Assessment Report, the ACA requires that DOE complete these actions. Finally, Section XV of the ACA allows EPA to require additional response actions should they become necessary, subject to dispute resolution, in addition to those requirements cited in the ACA.

If you have any questions or wish to discuss this request, please contact me at (513) 648-3139.

Sincerely,



**Johnny W. Reising
Fernald Remedial Action
Project Manager**

cc:

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