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**RESPONSES TO USEPA AND OEPA COMMENTS ON THE DRAFT OU3
RECORD OF DECISION FOR FINAL REMEDIAL ACTION**

08/23/96

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RESPONSES**

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General Comment

Throughout the text, references are made to the waste acceptance criteria (WAC) for the On-Site Disposal Facility (OSDF). However, the OSDF WAC are not included in the record of decision (ROD). The text should be revised to include the OSDF WAC.

Response: Agree. The following text has been inserted into Section 8.1.5:

"The OSDF WAC are comprised of three elements: chemical/radiological-specific limits; material prohibitions; and physical size criteria. As discussed in Section 6.2, the only chemical/radiological-specific WAC for OU3 materials is Tc-99, which is limited to a total of 105 grams from OU3 materials in the OSDF.

The following items are specifically prohibited from disposal in the OSDF:

- impacted material from any off-site source, including any other DOE site, except as provided in the OU5 ROD;
- pressurizable gas cylinders;
- process-related metals (Category C materials);
- lead sheeting that has not been treated to meet LDR treatment standards;
- product, residues, and other special materials (Category J materials);
- materials containing free liquids;
- intact drums (i.e., drums must be empty and crushed);
- acid brick (Category F materials);
- transformers which have not been either crushed or had their void spaces filled with grout (or other acceptable materials);
- scrap tires;
- used oils; and
- materials not accompanied by an applicable transportation manifest.

Physical size criteria for the OU3 debris are being determined during the design of the OSDF and will be specified in the Impacted Materials Placement Plan for the OSDF. These physical size criteria, once finalized, will be incorporated into the OU3 integrated RD/RA work plan and/or subsequent project-specific implementation plans."

Specific Comment #1

Section 1.3.1, Page 9, Lines 19 to 21. The text states that off-site disposal for interim remedial actions will consist of no more than 10 percent, by volume, of the nonrecoverable or nonrecycleable wastes and debris generated from structural decontamination and dismantlement (D&D) until the OU3 final remedial action ROD is issued. The ROD should be modified to indicate the actual percentage of nonrecoverable or nonrecycleable wastes that has been disposed of off-site during the interim remedial action period.

Response: Agree. As of August 1996, the only materials generated during the OU3 interim remedial action that have been dispositioned off-site are 20 Sea/Land containers of non-recoverable materials (primarily process-related equipment) from Building 4A that were shipped to the Nevada Test Site. This equates to approximately 10,800 cubic feet (unbulked)

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or 0.14 percent of OU3 materials, by volume, which is well below the IROD allowance. Additional text has been added to Section 1.3.1 to indicate the total volume of materials dispositioned off-site under the IROD.

Specific Comment #2

Section 1.3.1, Page 9, Lines 25 to 27. The text states that the sequence and schedule for the above-grade portions of all OU3 structures are included in the OU3 remedial design prioritization and sequencing report (PSR). On May 17, 1996, after the PSR was issued, a revised D&D sequence and schedule for OU3 was submitted to EPA. The text should be revised to clarify that the May 17, 1996, revision dictates the enforceable D&D sequence and schedule for the above-grade portions of all OU3 structures.

Response: Agree. The text in Section 1.3.1 has been modified accordingly.

Specific Comment #3

Section 2.2, Page 13. This page summarizes removal action (RA) 12 and RA 17 activities. These removal actions account for any nonrecoverable or nonrecycleable wastes shipped off-site during interim remedial actions. The text should be revised to include the amount of nonrecoverable or nonrecycleable wastes disposed of off-site to date.

Response: The text has been revised to include a brief summary of materials generated by RA 12 that have already been dispositioned off-site. This action has resulted in the generation of both residue-like wastes (from gross decontamination and equipment clean-out operations) and dismantlement debris (from removing heavily contaminated piping, ductwork, and small equipment). Since RA 17 covers improved storage of soil and debris, no wastes have been dispositioned off-site as a direct result of this action.

Specific Comment #4

Section 6.2, Page 27, Lines 14 to 30. The text states that an OSDF WAC of 105 grams has been established for Technetium-99 (Tc-99). The Tc-99 WAC is based on modeling and leachability study data. However, the text on Page 28 states that less than 59 grams of Tc-99 will be sent to the OSDF. In Section 8.1.3, Page 43, Lines 10 to 12, the text states that a chemical-specific WAC was developed for the OSDF and refers to Section 6.2. It is unclear if the Tc-99 OSDF WAC is 105 grams or 59 grams. The ROD should be revised to clearly identify the Tc-99 WAC.

Response: The OU3 WAC for Tc-99 to the OSDF is 105 grams. However, the mass of Tc-99 placed in the OSDF will be administratively controlled through concrete scabbling to achieve a reduction to less than 59 grams for dispositioning in the OSDF. The text in Section 8.1.3 has been clarified accordingly. The Tc-99 WAC of 105 grams for OU3 materials has also been stated in the WAC discussion that was added to Section 8.1.5 as a result of U.S. EPA's General Comment.

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Specific Comment #1

Declaration Statement & other sections, Bullets. The basis for changing the bulletized summary for Alternative 2 in the Proposed Plan (page 10) to what is presented in the draft ROD is not clear to the reviewer. An example of the importance of this change is, the fact that DOE defined "economically feasible" in the draft Responsiveness Summary but changed the bulletized summary to state "practicable." Additional discrepancies between the draft ROD and final Proposed Plan raise concerns. Unless DOE can provide a clear justification for the changes in the draft ROD, Ohio EPA recommends use of the bullets from the Proposed Plan within the draft ROD.

Response: The presentation of the bullets in the ROD was changed from the Proposed Plan for several reasons. First, changes were made as a direct result of stakeholder comments. Second, changes were made to clarify and better define the selected remedy. Third, the ROD presentation provides a smoother flow to the actual remedy than was presented in the Proposed Plan. Finally, in response to comments from the Agencies, a list of bullets was added to identify those previous OU3 decisions that are being adopted by this ROD to demonstrate a seamless, integrated OU3 remedial action. The following is an itemized discussion of the specific reasons why each Alternative 2 bullet included in the Proposed Plan has been revised.

- *Provide for unrestricted release of materials, as economically feasible, for recycling, reuse, or disposal at a commercial landfill*

This bullet was converted into two bullets in the draft ROD. The first new bullet addressed unrestricted release but removed the economic feasibility restriction. This was largely due to the belief that a good deal of material such as metal from the administrative side can easily be cost-effectively recycled or dispositioned.

The second bullet allowed for restricted reuse/recycle of materials as practicable. When the Proposed Plan was written, it was not believed that recycling would be feasible because of the costs. The revised bullets were considered to be more responsive to stakeholder comments in which a desire for a recycling program was stated. Additionally, the term "as practicable" rather than "as economically feasible" had been used in the draft ROD to indicate that there will likely be many other factors that will be considered, not just cost.

However, to accommodate both OEPA's concerns that the new text represented a substantive change to the Proposed Plan and the above, the first two bullets in the draft ROD were combined into one bullet in the final ROD to read as follows: "provide for unrestricted/restricted release of materials, as economically feasible, for recycling, reuse, or disposal."

- *Administratively disposition process-related metals and brick off-site because of the high concentration of COCs generally found in these materials*

This bullet was converted into two bullets in the draft ROD, and partially combined with a later one. Two bullets were used in the ROD to make it more readily apparent that there

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are two categories of waste that could be dispositioned off-site: those that do not meet the WAC for the OSDF and those where an administrative decision to prohibit them from the OSDF was made.

The first new bullet (under the category of off-site disposal) addresses the process residues and product materials and equipment containing process residues. No data exist to support the statement that the process-related metals contain high concentrations of COCs; the requirement for on-site disposal is that it not contain visible process residues. The bullet in the ROD has been revised by reinserting the term "process-related metals."

The second bullet in the ROD addresses acid brick and concrete and any other materials exceeding the OSDF WAC. This is a more accurate statement of potential off-site disposition; the concrete was recognized in a later bullet in the Proposed Plan because of technetium-99 concentrations.

- *Remove identified material as necessary to achieve the technetium-99 mass-based waste acceptance criteria for on-property disposal and dispose of it off-site*

This bullet was combined with the bullet above and addressed in the ROD under the off-site disposal category (as noted above). The treatment aspect of this bullet is addressed generically in the ROD in the bullet under the treatment category.

- *Dispose of all remaining wastes in the on-property disposal facility (along with wastes generated by OU2 and OU5)*

This bullet was retained in the ROD, although the parenthetical comment referring to OU2 and OU5 was deleted since it is not relevant to the OU3 remedy.

- *Treat materials, where required, to meet the waste acceptance criteria for the off-site disposal facility*

This bullet was revised in the draft ROD to reflect that material could also be treated to meet the OSDF WAC. Examples are (1) a pipe or piece of equipment where process residues have been removed (i.e., the equipment cleaned by water washing and visually inspected to verify removal of residues) that could potentially be placed in the OSDF; and (2) scabbling of the top portion of concrete that contains the greatest concentration of contamination to allow the higher volumes of concrete (i.e., the remaining slab) to be disposed in the OSDF.

- *Impose administrative controls through deed restrictions and access controls*

This bullet was not included in the list of bullets in the draft ROD because it is not specifically part of the OU3 remedy. However, it has been reinserted into the description of the selected remedy, although it has also been noted in Section 8.1.5 that this is actually part of the OSDF design packages.

- *Incorporate post-remediation activities that include long-term monitoring and maintenance of the on-property disposal facility and operation of a groundwater monitoring network to*

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evaluate the performance of the on-property disposal facility.

This bullet was not included in the list of bullets in the draft ROD because it is not specifically part of the OU3 remedy. However, it has been reinserted into the description of the selected remedy, although it has also been noted in Section 8.1.5 that this is actually part of the OSDF design packages.

Specific Comment #2

Section 3.0, Page 17, Line 22. Ohio EPA attended the public workshop referred to here and agrees with the text except for one detail. The "Fernald materials" referred to are limited to structural steel from OU3. There are many other materials that are not covered by this policy. The Ohio EPA still has outstanding issues regarding the recycling, reuse, and free release of materials other than steel.

Response: Agree. Once the "Methodology" has been successfully applied to structural steel, DOE intends to expand the use of the methodology to apply to materials other than steel, since the concept of the methodology is equally applicable to all materials. The language utilized in the bullet has been modified to emphasize structural steel. Additionally, a sentence has been added to Section 8.1.2 to reflect the possible future application of the methodology to a broader range of materials than just the scrap metal identified in its current title, since the methodology concept will be broadly applied by the OU3 integrated RD/RA work plan.

Specific Comment #3

Section 6.2, Page 28, Lines 7 and 8. Delete the sentence starting "Oversize debris...". The prior sentence sufficiently directs the reader to the document in which physical WACs will be defined. It is inappropriate to place language into the ROD which will provide a mechanism for exceeding the WAC. This is particularly important when considering the number of public comments received stating that the WACs should not be exceeded.

Response: Agree. The sentence has been deleted.

Specific Comment #4

Section 6.2.2, Pages 29 and 30. Ohio EPA requests that DOE incorporate language from DOE's Response to Comments on the final RI/FS into this section. The language from DOE's 2/15/96 submittal is as follows: "DOE will continue over the life of the D&D of the Former Production Area to aggressively evaluate existing and emerging recycling technologies and markets to identify opportunities for cost-competitive application at the FEMP. The DOE strives to maintain recycling and reuse as disposition options to be considered for each material at the time of its intended generation, and will continue to evaluate recycling and reuse on a case-by-case basis within each D&D complex implementation plan."

Response: Agree. The suggested text has been incorporated into Section 6.2.2.

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Specific Comment #5

Responsiveness Summary, Page A-16, Line 31. As stated in a previous comment, please delete the sentence beginning "Oversize debris..."

Response: Agree. The sentence has been deleted.

Specific Comment #6

Responsiveness Summary, Page A-19, Line 30. Being "inconsistent with DOE guidance" may not be the most persuasive response to the comment. Ohio EPA suggests that the answer be restricted to the factual and logical reasons why an additional quantitative evaluation of human health risks is not being performed.

Response: Agree. The response has been revised to reflect that local evaluation, such as the NTS EIS, is the key to such an undertaking.

Specific Comment #7

Responsiveness Summary, Page A-20, Line 23. Typo: "vey".

Response: The typo has been corrected.

Specific Comment #8

Responsiveness Summary, Pages A-30 and A-31. The response does not address the commentor's concern regarding potential successor agency commitment to the ROD (see page A-31, lines 4-6). DOE should add a paragraph discussion of how a potential successor agency would be committed to the ROD.

Response: Agree. The following statement has been incorporated into the text: "DOE will follow these requirements as appropriate (as will any successor agency since acceptance of ownership or authority for a CERCLA remediation site includes the responsibility for the legally binding remediation and/or the post-remediation operation and maintenance of the site)."

Specific Comment #9

Table B-1, Page B-5. It is unclear why OAC 3745-20-07(A)(C) has been cited as "applicable" in Table B-1, page B-5. This citation regulates inactive asbestos waste disposal sites. The following regulations are more applicable to OU3 activities. OAC 3745-20-06 sets standards for active asbestos waste disposal facilities.

<i>OAC 3745-20-02(B)</i>	<i>Standards for demolition and renovation</i>
<i>OAC 3745-20-04(A),(C)</i>	<i>Demolition and renovation procedures for asbestos emission control</i>

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<i>OAC 3745-20-05(B),(C)1-4</i>	<i>Standards for asbestos waste handling and labeling</i>
<i>OAC 3745-20-05(D)</i>	<i>Vehicle labeling</i>
<i>OAC 3745-20-05(E),(F),(G)</i>	<i>Standards for off-site shipping</i>
<i>OAC 3745-20-06</i>	<i>Standards for active sites that dispose of asbestos waste</i>
<i>OAC 3745-20-12</i>	<i>Standards for air cleaning</i>

Response: The citation of OAC 3745-20-07(A)(C) was utilized intentionally as a result of the desire to access these two sections. Since OAC 3745-20-06(A) is equivalent in content to OAC 3745-20-07(A), it has been adopted into the revised document. Paragraph (C) was utilized by the OU2 ROD to allow for alternative posting methods to deter access by the general public at the OSDF. This citation is consistent with the requirements of 40 CFR 61, subpart H. The revised ARARs tables adopts OAC 3745-20-06, but retains OAC 3745-20-07(C) for this reason.

Of the other requirements identified, the first four are applicable to the OU3 interim remedial action and were cited in the IROD. They have not been cited in the revised submittal.

The references to OAC 3745-20-05(E), (F), and (G) and OAC 3745-20-12 were not found in either the 1993, 1994, or 1996 editions of the OEPA regulations. These are draft regulations that have not yet undergone public review.

Specific Comment #10

Table B-2, Page B-9. *The Ohio EPA can't find the reference to OAC 3745-27-09(Y) in Table B-2, page B-9. Please check the accuracy of this citation.*

Response: Agree. The citation has been removed from the table.

Specific Comment #11

Table B-3, Page B-16. *OAC 3745-400-01(A) cited on Table B-3, page B-16 refers only to one definition of terms. A more appropriate reference is to OAC 3745-400-04 which allows the disposal of construction and demolition debris by landfilling.*

Response: Agree. The citation was found to be a typographical error. The text has been changed to OAC 3745-400-04(A).

Specific Comment #12

Table B-3. *Please add the following action-specific ARARs to Table B-3:*

<i>OAC 3745-17-02(A),(B),(C)</i>	<i>particulate ambient air quality standards applicable to both stacks and fugitive emissions</i>
<i>OAC 3745-17-05</i>	<i>non-degradation policy for particulates</i>
<i>OAC 3745-19-04</i>	<i>prohibits open burning in non-municipal areas</i>
<i>OAC 3745-27-19(E)(30)(a)</i>	<i>prohibits disposal of scrap tires in a sanitary landfill facility</i>

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ORC 3767.13
ORC 3767.14

prohibits noxious smells or the obstruction of waterways
prohibits disposal of refuse into surface waters or drains

Response: DOE does not concur with the use of OAC 3745-17-02(A), (B), and (C) and OAC 3745-17-05 as ARARs, since they represent ambient air quality standards and do not apply directly to a specific project activity. The specific emission standards that are promulgated as a result of the standard are more appropriate as ARARs and have already been cited. Similarly, the identified sections of the Ohio Revised Code are more appropriately covered in the water ARARs already included in the ROD.

The citations of OAC 3745-19-04 and OAC 3745-27-19(E)(30)(a), as suggested in this comment, have been added to Table B-3. An expanded discussion of the OAC 3745-27-19(E)(30)(a) citation has also been included in Table B-5.