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**POSITION OF THE FERNALD ENVIRONMENTAL MANAGEMENT
PROJECT ON THE RETURN OF TOXIC SUBSTANCE CONTROL ACT
INCINERATOR RESIDUALS**

01/06/97

DOE-0388-97
DOE-FEMP DOE-OR
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MEMORANDUM

United States Government

Department of Energy

Fernald Area Office

memorandum

JAN 6 1997

DATE: DOE-0388-97

REPLY TO FEMP: Danner

ATTN OF:

SUBJECT: POSITION OF THE FERNALD ENVIRONMENTAL MANAGEMENT PROJECT ON THE RETURN OF TOXIC SUBSTANCE CONTROL ACT INCINERATOR RESIDUALS

TO: Joy Sager, DOE-OR

This memorandum is to clarify the Fernald Environmental Management Project's (FEMP) position on the return of TSCA incinerator residuals, if and when that contingency becomes necessary. The following documents have established our willingness to do so:

1. The December 28, 1995 letter from DOE-FEMP to OEPA submitting the FEMP Residual Management Plan. This plan was submitted as Appendix I to the FEMP Site Treatment Plan (STP) and is enforceable through the October 1996 Director's Findings and Orders (DF&O).
2. The January 19, 1996 memorandum from DOE-FEMP to DOE-AB with regard to the storage of RMI's proportion of residuals at Fernald. This document clearly establishes the fact that DOE-FEMP will accept the materials for storage if necessary, providing it meets the five criteria described.
3. The September 27, 1996 memorandum from DOE-FEMP to DOE-CL which agreed to accept Battelle's allotment of residuals under the same conditions as described above.

This issue has been discussed at length with all interested stakeholders, such as the OEPA and local citizen groups. The stakeholders are aware of and have approved our contingency plan as part of the STP.

One point of clarification is necessary. The FEMP does not have a Part B RCRA Permit nor do we intend to ever receive one. We have filed a Part B Application which is used as a management plan only, due to the issuance of the RCRA/CERCLA Integration DF&O. Therefore any changes to the Part B Application to incorporate the residuals storage would be changes to an internal FEMP document only. The enforceable document for this action would be the STP Appendix I, Residuals Management Plan -- not the Part B Application.

In addition, I want to point out that the FEMP has just accepted incinerator ash and residuals from SEG which resulted from the treatment of Fernald waste in the past. We feel this should demonstrate to the State of Tennessee that we are willing to work to arrive at solutions that are agreeable to all parties.

If you have any questions, please contact me at (513) 648-3167.



Robert F. Danner
Waste Management Fernald

Attachments: As Stated

cc w/att:

J. Sattler, FEMP
AR Coordinator/78
EDC, FDF/52-7

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Department of Energy
Fernald Environmental Management Project
P. O. Box 398705
Cincinnati, Ohio 45239-8705
(513) 648-3155

DEC 23 1995

DOE-0351-96

Mr. Michael Savage
Ohio Environmental Protection Agency
Division of Hazardous Waste Management
1800 Watermark Drive
Columbus, Ohio 43215

Mr. Paul Pardi
Ohio Environmental Protection Agency
Division of Hazardous Waste Management
401 East 5th Street
Dayton, Ohio 45402-2911

Dear Mr. Savage and Mr. Pardi:

SUBMITTAL OF THE FERNALD ENVIRONMENTAL MANAGEMENT PROJECT'S FINAL RESIDUALS MANAGEMENT PLAN

Enclosed is the Fernald Environmental Management Project's (FEMP) Final Residuals Management Plan. This plan has been revised from the Interim Final Plan submitted as Appendix I to the FEMP's Site Treatment Plan (STP) and incorporates comments received from discussions with the Ohio Environmental Protection Agency (OEPA). The FEMP's STP requires the submittal of the Final Residuals Management Plan to the OEPA, for review and approval, by December 31, 1995. This submission serves to meet that requirement.

If you have any questions, please contact Robert Danner at (513) 648-3167.

Sincerely,

for
Jack R. Craig
Director

FN:Danner

Enclosure: As Stated

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United States Government

Department of Energy

Fernald Field Office

memorandum

JAN 19 1996

DATE: **DOE-0373-96**

REPLY TO: **FN:Danner**

ATTN OF:

SUBJECT: **TEMPORARY STORAGE OF REACTIVE METALS, INCORPORATED TOXIC
SUBSTANCE CONTROL ACT INCINERATOR RESIDUALS**

TO: **Mr. Ward Best, DOE-AB**

Reference: Letter, Ms. Adrienne La Favre to Mr. Eric Marsh, dated December 20, 1995.

This memorandum is in response to the request in the attached letter regarding the Department of Energy, Fernald Area Office (DOE-FN) consideration to temporarily store Reactive Metals, Incorporated (RMI) TSCA incinerator residuals, in the event that immediate disposal is not possible. Although we would prefer that the residuals be returned to the RMI site, we can agree to consider receipt and storage of these materials under the following conditions:

1. These contingency plans will only be enacted if disposal of residuals directly from the incinerator facility becomes impossible and the State of Tennessee insists on removal of the materials from the Oak Ridge site.
2. The waste residuals to be shipped will be subject to the same analytical requirements as those outlined in the Fernald Residual Management Plan.
3. No hazardous waste from off-site facilities will be accepted and/or stored at the Fernald Environmental Management Project (FEMP) unless the conditions of this Residual Management Plan and of the Consent Decree and its Stipulated Amendment are met. Under the terms of the Consent Decree, "No hazardous or mixed waste from an off-site source not already listed in the FEMP Part B Permit Application, or a revision as of the date of entry of this Consent Decree, shall be stored, disposed or treated at the FEMP without the prior approval of the State of Ohio.
4. The waste residuals meet the Waste Acceptance Criteria for both hazardous and radioactive contaminants as outlined in the Fernald Residual Management Plan.

5. RMI's portion of the residuals contains no radionuclides not presently in residuals designated as Fernald's share.

If you have any questions regarding this issue, please contact Robert Danner at (513) 648-3167.

Glenn Griffiths
for Jack R. Craig
Director

Attachment: As Stated

cc w/att:

J. McCloskey, EM-423, GTN
R. Nace, EM-423, GTN
L. Johnson, DOE-AB
E. Marsh, DOE-AB
N. Brown, DOE-OH
D. Hodge, DOE-OH
J. Reising, DOE-FN
J. Sattler, DOE-FN
P. Pardi, OEPA-Dayton
M. Savage, OEPA-Columbus

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United States Government

Department of Energy

Fernald Area Office

memorandum

SEP 27 1996

DATE: DOE-1397-96

REPLY TO
ATTN OF: FEMP:DannerSUBJECT: **TEMPORARY STORAGE OF BATTELLE COLUMBUS LABORATORIES DECOMMISSIONING
PROJECT TOXIC SUBSTANCE CONTROL ACT INCINERATOR RESIDUALS**

TO: Thomas A. Baillieul, DOE-CL

This memorandum is in response to your request regarding the Department of Energy, Fernald Environmental Management Project (FEMP) consideration to temporarily store Toxic Substance Control Act (TSCA) Incinerator residuals from your project in the event that immediate disposal is not possible. It is recognized that the material to be sent from the BCLDP constitutes less than two drum equivalents of PCB contaminated oils, from which the residues would be minimal. Although we would prefer that the residuals be returned to the Battelle site, we recognize that Battelle does not currently possess a site Resource Conservation and Recovery Act (RCRA) permit which would allow receipt of residuals containing RCRA hazardous constituents. Therefore, we can agree to consider receipt and storage of the residual materials under the following conditions.

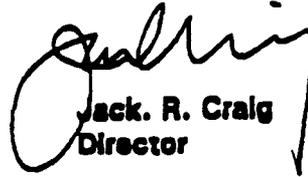
1. These contingency plans will only be enacted if disposal of residuals directly from the incinerator facility becomes impossible and the state of Tennessee insists on removal of the materials from the Oak Ridge site.
2. The waste residuals to be shipped will be subject to the same analytical requirements as those outlined in the Fernald Residual Management Plan.
3. No hazardous waste from off-site facilities will be accepted and/or stored at the FEMP unless the conditions of the Residuals Management Plan and of the Consent Decree and its Stipulated Amendments are met. Under the terms of the Consent Decree, "No hazardous or mixed waste from an off-site source not already listed in the FEMP Part B Permit Application, or a revision as of the date of entry of this Consent Decree, shall be stored, disposed or treated at the FEMP without approval from the state of Ohio".
4. The waste residuals meet the Waste Acceptance Criteria for both hazardous and radioactive contaminants as outlined in the Fernald Residual Management Plan.
5. The BCLDP portion of the residuals contains no radionuclides not present in residuals designated as Fernald's share.



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If you have any questions regarding this issue, please contact Robert Danner at (513) 648-3167.


Jack. R. Craig
Director

cc:

D. Cartwright, EM-425/GTN
S. Fauver, EM-425/GTN
R. Nace, EM-425/GTN
N. Brown, DOE-OH
D. Hodge, DOE-OH
K. Hall, DOE-CL
J. Relaing, DOE-FN
J. Sattler, DOE-FN
A. Kubilak, OEPA-Columbus
M. Savage, OEPA-Columbus
S. Schmucker, Battelle
AR Coordinator/78
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