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G-000-102.155

**LETTER REGARDING THE 2/7/97 FACT SHEET FAXED TO OEPA
REGARDING LIQUIDS STORED IN WHITE METAL BOXES IN BLDG.
71 AT THE FERNALD ENVIRONMENTAL MANAGEMENT PROJECT SITE**

02/14/97

**OEPA
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LETTER**

DOE-FEMP



State of Ohio Environmental Protection Agency

Southwest District Office

401 East Fifth Street
Dayton, Ohio 45402-2911
(513) 285-6357
FAX (513) 285-6249

FERNALD _____

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FILE: _____
George V. Voinovich
Governor

February 14, 1997

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

Mr. Johnny W. Reising, Project Manager
U.S. Department of Energy
Fernald Environmental Management Project
P.O. Box 538705
Cincinnati, Ohio 45253-8705

Reference: Facsimile Transmittal: U.S. Department of Energy Fernald Area Office to OhioEPA; 2/07/97 @ 14:44; B. Danner to P. Harris;
Subject: Fact Sheet: Liquids Stored in White Metal Boxes in Bldg. 71 at the Fernald Environmental Management Project Site.

Dear Mr. Reising:

On February 7, 1997, the Department of Energy- Fernald Environmental Management Project (DOE-FEMP) notified this office by telephone and facsimile transmission, of probable hazardous waste violations in regard to the storage of certain containerized waste.

A summary of the pertinent facts reported by DOE-FEMP, is as follows:

1. As a result of a container trash sorting/disposal project (February to August 1995), waste liquids (wastewater) were generated. The wastewater was collected and placed into nine (9) white metal boxes used by DOE-FEMP as waste transport/disposal containers. These containers were then placed into storage in building 71. (The facility Part B Application does not designate Building 71 as a hazardous waste storage location for "containers with free liquids".
2. Samples of the wastewater were collected on 10/10/95 for the purpose of waste characterization, and analytical results were available to the site within thirty (30) days.
3. Waste characterization was completed in October 1996. The waste was characterized as a RCRA characteristic hazardous waste (EPA Waste Codes D018 - benzene; D019 - carbon tetrachloride; D034 - tetrachloroethylene; and D040 - trichloroethylene).
4. The waste was then designated for inclusion in the Liquid Mixed Waste Project for treatment and disposal via the Oak Ridge TSCA incinerator. A Task Order was prepared

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in December 1996, to pump the wastewater into a tanker and transport it to bulking tanks in preparation for shipment.

- 5. A February 4, 1997, internal review of the Task Order revealed that the white metal box containers had not been properly labeled (as hazardous waste); these containers had remained in storage in building 71; and that there was no evidence of spills or leaks from the white metal boxes. The internal review further revealed that DOE-FEMP was in apparent violation of hazardous waste regulations as a result of the described situation.
- 6. Following the above referenced notification to Ohio EPA, DOE-FEMP immediately took corrective measures to properly label the containers, and place the waste into a designated hazardous waste "free-liquids" storage area.

Based upon a review of the information as communicated by DOE-FEMP, Ohio EPA determines that the following violation of the Ohio Revised Code (ORC) has occurred:

1. ORC 3734.11(A) Prohibition:

This statute provides that no person shall violate any section of this chapter, any rule adopted under it, or any order issued under section 3734.13 of the Revised Code.

(Reference Order #9 of Director's Findings and Orders issued June 6, 1996, which enjoins the facility to comply with terms of its RCRA Part B Application; the Part B Application identifies specific areas for the storage of hazardous waste, and requires labeling/marketing of hazardous waste containers).

Based upon a review of the information as communicated by DOE-FEMP, Ohio EPA determines that the following violation of the Ohio Administrative Code (OAC) has occurred:

1. OAC 3745-59-50(A)(2)(a) Prohibitions on storage of restricted wastes :

This rule requires an owner/operator of a hazardous waste facility, while storing hazardous waste in containers for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment, or disposal, to clearly mark each container to identify its contents and the date each period of accumulation begins.

Ohio EPA acknowledges that the above violation notification is a consequence of self-reported information by DOE-FEMP. Based upon the information provided by DOE-FEMP, Ohio EPA considers that the facility has already taken action to correct these violations.

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In order to document corrective action, this office requests that within ten (10) days from the date of this letter, DOE-FEMP submit SWIFTS database information (and/or other RCRA operating log information), which will show the movement/transport of the containers into appropriate non-free liquid hazardous waste storage.

In addition, this office requests that DOE-FEMP submit the following:

1. An explanation as to why characterization of this waste was not completed until almost one year after availability of analytical results.
2. An explanation as to why this waste was placed into a storage area designated for non-free liquids, and administrative or other management controls DOE-FEMP will utilize to prevent a reoccurrence.

Should you have any questions in regard to this correspondence, please contact either myself at (937) 285-6090, or Chris Budich at (937) 285-6083.

Sincerely,



Phillip C. Harris
Division of Hazardous Waste Management

cc: P. Pardi, OEPA DHWM
T. Schneider, OEPA OFFO