



Department of Energy

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FEB 23 2001

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

DOE-0357-01

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

Dear Mr. Saric and Mr. Schneider:

PROPOSED REVISIONS TO THE GROUNDWATER FINAL REMEDIATION LEVELS ESTABLISHED IN THE FERNALD OPERABLE UNIT 5 RECORD OF DECISION

- References:
- 1) Federal Register, 2000, "40 CFR Parts 9, 141, and 142, National Primary Drinking Water Regulations; Radionuclides; Final Rule," Vol. 65, No. 236, pp. 76708-76753, December 7, 2000, Washington, D.C.
 - 2) Record of Decision for Remedial Actions at Operable Unit 5, DOE, January 1996
 - 3) Superfund Fact Sheet: "ARARs Q's & A's", United States Environmental Protection Agency, Office of Solid Waste and Emergency Response, May 1989

On December 7, 2000, the United States Environmental Protection Agency (U.S. EPA) promulgated the final Maximum Contaminant Level (MCL) for uranium in drinking water at 30 micrograms per liter ($\mu\text{g/L}$) [Reference 1]. In adopting the final MCL, U.S. EPA based their decision on the reasoning that "potential uranium MCLs lower than 30 $\mu\text{g/L}$ have substantially higher associated compliance costs and only modest additional cancer risk reduction and kidney toxicity benefits" (p. 76715). The U.S. EPA also indicated that the "30 $\mu\text{g/L}$ MCL is protective of the general population, including children and the elderly" (p76714).

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The Department of Energy (DOE) believes U.S. EPA's logic provided in Reference 1 serves as a solid foundation for adopting the 30 µg/L MCL as an appropriate Final Remediation Level (FRL) for groundwater restoration activities at the Fernald Environmental Management Project (FEMP). With this letter, DOE is requesting concurrence from the U.S. EPA and Ohio Environmental Protection Agency (OEPA) to move forward with the process of adopting the promulgated 30 µg/L MCL as a recognized FRL for the FEMP. Specifically, the 30 µg/L FRL would be used as the final target for cleanup of the Great Miami Aquifer and as the new uranium limit (consistent with the process outlined in the Operable Unit 5 [OU5] Record of Decision [ROD]) for water discharged to the Great Miami River. Additionally, the final MCL for uranium will be used as the upper limit for injection water returned to the aquifer under the groundwater injection program.

The ROD for OU5 (Reference 2) adopted the proposed uranium MCL of 20 µg/L with the expectation that once finalized, DOE and the regulatory agencies would review the appropriateness of the final MCL for use at the FEMP. Upon U.S. EPA and OEPA concurrence with this letter, DOE will begin the process of preparing an Explanation of Significant Differences (ESD) document to facilitate the revision of the OU5 ROD to adopt the final uranium MCL. DOE will work with the public through the ESD approval process. DOE also acknowledges that the impact of adopting the final MCL will need to be reviewed with the Natural Resource Trustees for the site relative to the ongoing resolution of DOE liabilities for natural resource impacts.

The U.S. EPA also recently finalized the MCL for arsenic in drinking water at 10 µg/L. As part of the ESD, DOE will accommodate this final MCL in adopting a new groundwater FRL for arsenic using the process provided in Figure 2-1 of the OU5 Feasibility Study. If, or when, other Fernald constituents of concern undergo similar MCL revisions, DOE will examine their impact in conjunction with U.S. EPA and OEPA following the policies and guidance contained in Reference 3. Typically, this evaluation would be conducted as an integral element of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Five-Year Review process for the site.

The DOE appreciates U.S. EPA and OEPA's input into this revision and looks forward to a successful implementation of the process. Should you have any questions regarding this matter, please contact Robert Janke at (513) 648-3124.

Sincerely,



Johnny W. Reising
Fernald Remedial Action
Program Manager

FEMP:R.J. Janke

Mr. James A. Saric
Mr. Tom Schneider

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cc:

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