

**RESPONSES TO U.S. EPA COMMENTS ON  
"SILOS 1 AND 2 DRAFT EXPLANATION OF SIGNIFICANT DIFFERENCES FOR  
OPERABLE UNIT 4"**

**FERNALD CLOSURE PROJECT**

(Two Pages)

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"SILOS 1 AND 2 DRAFT EXPLANATION OF SIGNIFICANT DIFFERENCES FOR  
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**SPECIFIC COMMENTS**

Commenting Organization: U.S. EPA  
Section #: 3.1  
Specific Comment #: 1

Commenter: Jablonowski  
Lines #: 14 to 17

Page #: 5

Comment: The text indicates that processes other than chemical stabilization may be applied to residual material remaining in or underneath the silos and the decant sump. The text should be revised to add that decisions on how residual material is to be handled will be made in conjunction with both the U.S. Environmental Protection Agency and the Ohio Environmental Protection Agency.

Response: Agreed.

Action: The text has been revised to state that decisions on how residual material is to be handled will be developed in conjunction with both the U.S. Environmental Protection Agency and the Ohio Environmental Protection Agency.

Commenting Organization: U.S. EPA  
Section: 3.2.1  
Specific Comment #: 2

Commenter: Jablonowski  
Lines #: 23 to 24

Page #: 6

Comment: The text states that Nevada Test Site personnel have completed an eligibility review of silo material and have deemed the material acceptable for disposal as 11e.(2) material that is statutorily exempt from the Resource Conservation and Recovery Act. The text should be revised to clarify whether documentation of the Nevada Test Site eligibility review findings is available.

Response: The eligibility review is documented in a letter from Carl Gertz, Assistant Manager for Environmental Management at DOE's Nevada Operations Office to Stephen McCracken, Director of the FEMP. This letter will be attached to the ESD.

Action: The text has been revised to reference Attachment 1 for a copy of the eligibility review findings.

Commenting Organization: U.S. EPA  
Section: 3.2.1  
Specific Comment #: 3

Commenter: Barwick  
Lines #: 23 to 24

Page #: 6

Comment: The current NTS waste acceptance criteria is quoted as "waste regulated under Title 40 CFR 261-268 [the RCRA hazardous waste regulations] and State of Nevada hazardous waste regulations shall not be accepted for disposal." The draft ESD then concludes that since RCRA and the Federal regulations exempt 11e.(2) material, the NTS can accept the waste. However, State hazardous waste regulations can be broader in scope than Federal hazardous waste regulations by, for example, regulating wastes not covered by the Federal RCRA program. Such broader in scope State regulations are not part of the RCRA authorized program but are still effective as a matter of State law. The quoted

NTS waste acceptance criteria is so broad that it would seem to incorporate all Nevada hazardous waste regulations, regardless of whether or not such regulations are broader in scope than the Federal regulations.

I suggest that the language in lines 18-24 of page 6 be revised as follows:

*...that are ~~statutorily exempt~~ and are not regulated under Title 40 CFR 261-268 or State of Nevada hazardous waste regulations, such as 11.e(2) materials or waste from the beneficiation of ores, no longer need to meet TCLP-based acceptance criteria, provided the waste is otherwise disposed of in a manner that is protective of human health and the environment. As part of an eligibility evaluation, a waste profile for each ~~statutorily exempt~~ waste must be reviewed individually to ensure **that the waste both: (1) exempt from Federal and state of Nevada hazardous waste regulations and; (2) that protective requirements are met for the constituents that would otherwise be regulated under RCRA. NTS personnel have already completed an eligibility review and have deemed determined that this material is both exempt from Federal and state of Nevada hazardous waste regulations and acceptable for disposal at NTS as 11e.(2) material that is statutorily exempt from RCRA.***

Response: The suggested text will be incorporated with one minor change. The reference to 11e.(2) material was not deleted from the last sentence because the eligibility findings specifically state that the waste "may be accepted for disposal at the NTS as 11(e)(2) byproduct material following the successful completion of the NTS waste approval process." Therefore, the last sentence will read, "...is both exempt from Federal and State of Nevada hazardous waste regulations and acceptable for disposal at NTS as 11e.(2) material."

Action: The suggested text has been incorporated with one minor change discussed in the response.

Commenting Organization: U.S. EPA

Commenter: Saric

Section #: 3.2.4

Page #: 8

Line #: N/A

Specific Comment #: 4

Comment: This text should include an estimate of the cost savings that will occur, since the FCP will not be sampling the waste form after it has been stabilized. The cost savings associated with not only the sampling and analysis, but the reduced worker handling will certainly reduce the overall cost of the remedy, and this should be discussed in the document. Further, although it may be difficult to quantify at this time, transport of the waste via rail as opposed to truck would also decrease cost.

Response: Approximately \$400,000 will be saved by eliminating TCLP sampling and analysis of the stabilized waste. In addition, we revisited the assumptions that were used to calculate the reduction in potential worker exposure and realized that the calculations did not assume the correct number of samples. There is a 500 mrem reduction in potential worker exposure, as opposed to 310 mrem as reported in the ESD. A cost estimate has been developed to compare the costs of truck transportation versus rail transportation. Approximately \$30 million may be saved by

transporting the stabilized waste to Envirocare via rail versus transporting it to NTS via truck.

Action:

A discussion of the cost savings associated with eliminating TCLP sampling and allowing disposal at Envirocare via rail will be added to the document. The reduction in worker exposure associated with eliminating TCLP sampling will be changed to 500 mrem.