



State of Ohio Environmental Protection Agency

Southwest District Office

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George V. Voinovich
Governor

July 27, 1998

RE: DOE FEMP
HAMILTON COUNTY
NOTICE OF VIOLATION
NPDES PERMIT 1100004

Mr. Johnny Reising
U.S. Department of Energy, Fernald Area Office
P.O. Box 538705
Cincinnati, OH 45253-8705

Dear Mr. Reising:

During a meeting on site on June 18, 1998, Ohio EPA approved plans for construction of the sediment trap in Area 1, Phase II to expedite access to additional borrow material for the OSDF. At this meeting it was specifically asked and assurances given that sediment and erosion controls would be in place before any soil disturbance would occur. This verbal assurance was in addition to all of the supporting documentation. The Surface Water Management Plan for Remediation Area 1, Phase II (Section 5.1), states specifically in the first bullet that "All erosion and sediment control measures are to be installed prior to or as the first step in excavation". All site documents also reference the Ohio Department of Natural Resources *Rainwater and Land Development*. This guidance document states, under Sediment Trap Timing "Sediment traps, along with other sediment-control practices, must be constructed as a first step in any land-disturbing activity. They must be functional before upslope land disturbance takes place."

During a site visit on July 23, 1998, Ohio EPA noted a drainage ditch cut into the sediment trap in A1PII. The cut was made in the sediment trap after substantial upslope disturbances had occurred including stripping of approximately 3 acres and stockpiling of soils. The sediment trap contained sediment laden water from the disturbed area and a rain event less than 24 hours prior. The cut caused this water to drain into a culvert and to the Storm Sewer Outfall Ditch. This action was a violation of the provisions of NPDES permit 1100004 and the FEMP Storm Water Pollution Prevention Plan section 6.1. Additionally, this action violated the Surface Water Management Plan for Remediation Area 1, Phase II (Section 5.1 and associated documents); and more importantly, the trust built between FDF, DOE and Ohio EPA.

Ohio EPA expects that all construction activities within Area 1, Phase II will be halted until such time as the sediment trap is complete, an as-built drawing and associated calculations used in sizing the trap are provided to Ohio EPA, and Ohio EPA inspects the completed trap. Ohio EPA expects that DOE will take measures to ensure that all site projects comply with appropriate storm water control measures as presented in the Storm Water Pollution Prevention Plan and

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appropriate design documents. DOE should reiterate to all project personnel the importance of storm water controls and their proper sequencing during construction activities.

If you have any questions, please contact Joe Bartoszek at (937) 285-6464 or me.

Sincerely,



Thomas A. Schneider
Fernald Project Manager
Office of Federal Facilities Oversight

cc: Jim Saric, U.S. EPA
Terry Hagen, FDF
Ruth Vandergrift, ODH
Mark Shupe, HSI GeoTrans
Francie Barker, Tetra Tech EM Inc.
Manager, TPSS/DERR,CO
Martyn Burt, Enforcement Supervisor, DSW/SWDO