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BAT DETERMINATION/FUGITIVE DUSTS

02/28/97

OEPA

DOE-FEMP

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COMMENTS



State of Ohio Environmental Protection Agency

Southwest District Office

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

George V. Voinovich
Governor

February 28, 1997

RE: DOE FEMP
MSL 531-0297
HAMILTON COUNTY
BAT DETERMINATION/
FUGITIVE DUSTS

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

Dear Mr. Reising:

The Ohio EPA was pleased to receive your letter (DOE-0449-97) outlining DOE's strategy to control fugitive dusts. It addresses many of Ohio EPA's concerns about BAT. We still have several outstanding concerns:

- 1) Paragraph 1 of your letter states that "Fugitive dust controls will be required only if fugitive dust emissions are visible." Ohio EPA disagrees with this approach and requires that BAT be applied during all times except when it is counterproductive (during thunderstorm) or would result in a safety hazard (under freezing conditions). All times include non-operation times (weekends, holidays and during non-working hours) when fugitive dust could be generated by environmental conditions.
- 2) Paragraph 2 addresses the difference between fugitive emissions from paved and unpaved roads and material storage piles (for which the operational efficiency criteria is based on the duration of visible emissions applies) and construction activity (for which the operational efficiency criteria is based on opacity applies). The Ohio EPA uses the terminology "material handling activities" instead of "construction activities" and for consistency we will use the same terminology here.

The following bullets outline Ohio EPA's categorization of activities and associated BAT efficiency criteria.

Material handling activities for which the opacity operating efficiency applies are:

- excavation of contaminated soils
- dumping a truck load of soils into the OSDF cell as well as subsequent grading
- loading a truck with material
- working a material storage pile or conditioning soils for the OSDF liner

Activities for which the visible emission duration operating efficiency applies are:

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- emissions from roads and parking lots both paved and unpaved
- emissions from material storage piles (this includes both load-in and load-out and also wind erosion)

Ohio EPA's interpretation of a road is not limited to roads that are delineated as such on work plans. Our interpretation of a road is "anything a vehicle drives over". For instance, vehicles leaving an excavation face and approaching the Waste Haul Road are not driving on a road that is designated as such in a work plan but this is considered to be on a road by Ohio EPA. As another example, a loader excavating soil and depositing the soil into a haul vehicle is doing work to which both the duration and opacity criteria apply. The opacity criteria applies to the material handling activity (excavating and dumping). The duration criteria applies to the emissions from the road over which the loader drives to the truck. The Ohio EPA is open to discussion to decide when "excavating" stops and when "driving" begins. We suggest as a starting point that excavating stops when the loader changes gears from reverse as it leaves the excavation and into drive as it begins its approach to the truck. When the gear shift occurs is when the duration standard begins to apply.

3.) The Ohio EPA disagrees with DOE's proposal for "utilization of the proposed emission standards as triggers for increased controls...." Ohio EPA contends that exceedance of the efficiency criteria without the cessation of construction operations is a failure to apply BAT appropriately. This would be considered a violation of an Ohio EPA ARAR. The criteria should be used to measure the implementation of the fugitive dust control plan and its associated work practices and to evaluate the application of Best Available Technology (BAT). In the case of a measured exceedance of the standards cited in OAC 3745-17-12, the violation would be for improperly following the BAT plan rather than for exceeding a numerical standard. Controls and work practices should be maintained at all times as discussed in comments above, with the level of control being increased to prevent any exceedance of the efficiency criteria.

4.) Of the four numbered points on the enclosure entitled "General BAT Determination for the Control of Fugitive Dust" Ohio EPA takes issue with points 1., 2., and 4. We have articulated our concerns above. We agree with point 3 that the working (but not load-in or load-out) of material storage piles is a material handling activity. Ohio EPA does not distinguish between active and inactive material storage piles.

5.) We agree with the list of activities and controls to be applied. We would like to add the use of a vegetative cover to the list of control measures for material storage piles.

6.) The scheduling of the implementation of the controls is unclear. The Table notes that controls would be applied progressively as needed but provides no details. Ohio EPA needs to know where the plan for defining the progression of the listed controls will be provided.

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7.) Under the topic "Other Construction Activities" add an item for loading and unloading trucks. In the "Controls" column add "limit drop height or change method of excavation/transport from a front-end loader dumping into a truck to self-propelled pan".

8.) The commitment to use covers on trucks "when visible emission from the material conveyed are detected" is inconsistent with the Ohio Administrative Code requirement that "open-bodied vehicles be covered at all times when transporting materials likely to become airborne."

If you have any questions, please contact Tom Ontko or me.

Sincerely,



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

cc: Jim Saric, U.S. EPA
Terry Hagen, FERMCO
Ruth Vandergrift, ODH
Mike Proffitt, DD&GW
Bob Geiger, PRC
Manager, TPSS/DERR, CO
Dave Ward, GeoTrans

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