



State of Ohio Environmental Protection Agency

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George V. Voinovich
Governor

September 16, 1997

RE: DOE FEMP
MSL 531-0297
HAMILTON COUNTY
COMMENTS - OU5 A2P1 RtC PACKAGE

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

Dear Mr. Reising:

Ohio EPA has reviewed DOE's September 4, 1997 submittal, "Response to USEPA and Ohio EPA on the Draft Area 2, Phase 1 Site Preparation Plan" Attached are Ohio EPA comments detailing our concern with response package.

If you have any questions, please contact me.

Sincerely,

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

cc: Jim Saric, U.S. EPA
Terry Hagen, FDF
Ruth Vandegrift, ODH
Bob Geiger, PRC
Manager, TPSS/DERR,CO
Dave Ward, GeoTrans

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OHIO EPA COMMENTS ON AREA 2 PHASE 1 R4C

- 1) Commenting Organization: Ohio EPA Commentor: OFFO
Section #: Pg #: Line #: Code: C
Original Comment #: 7
Comment: Revise action to state "...embankment, sandbags will be used..." Ohio EPA agreed to the current basin design on the commitment that bags will be used to prevent Paddys Run from breaching the berm.
Response:
Action:
- 2) Commenting Organization: Ohio EPA Commentor: OFFO
Section #: Line #: Code: C
Original Comment #: 10
Comment: The response and action in EPA comment #6 refers the reader to Section 2200 2.1.C for details. The correct reference is Section 2200 2.1.D. Ohio EPA is concerned with the 3" maximum rock size and believes it presents a threat to the synthetic liner integrity. DOE should provide Ohio EPA with a manufactures specifications stating that the liner can be placed over such objects with a vertical load and no negative effects. Otherwise DOE must revise the contract specification package to ensure the integrity of the liner is not jeopardized.
Response:
Action:
- 3) Commenting Organization: Ohio EPA Commentor: OFFO
Section #: Pg #: Line #: Code: C
Original Comment #: 18
Comment: As stated in the comment, neither Ohio EPA nor USEPA have approved this approach. Ohio EPA continues to disagree with the proposed method for evaluating these three contaminants. DOE should remove usage of this method until such time as an agreed upon approach is developed. If DOE continues to pursue this method, they run the risk of jeopardizing soil segregation and site preparation activities.
Response:
Action:
- 4) Commenting Organization: Ohio EPA Commentor: OFFO
Section #: Pg #: Line #: Code: C
Original Comment #: 19(2)
Comment: The decision to use a 95% confidence interval was based upon risk as well as pervasiveness. Ohio EPA believes the consequences of failing to certify Tc-99 with sufficient certainty are significant considering the WAC and FRL concentrations. In addition, if the material is not pervasive then certifying to a 95% confidence interval should not present a difficulty during certification. If on the other hand difficulty in certifying to 95% confidence is

encounter, then the conclusions regarding process knowledge and contaminant distribution are incorrect, jeopardizing not only the certification process but also the WAC process as well. Thus Ohio EPA concludes that in areas where Tc-99 is a ASCOC that certification should be to the 95% confidence interval.

Response:

Action:

5) Commenting Organization: Ohio EPA Commentor: OFFO

Section #: Pg #: Line #: Code:

Original Comment #: 22

Comment: The site fugitive dust BAT policy is not referenced in section 1.5.C. No where in the specification does it require "compliance with the regulatory approved dust suppression requirements." Ohio EPA is disappointed with the lack of specific reference to the BAT plan and hopes this doesn't reflect a lack of commitment to its implementation. Ohio EPA is still committed to the plan and ensuring DOE's compliance with it. Ohio EPA recommends DOE make explicitly clear to the contractor the requirements of the BAT plan.

Response:

Action:

6) Commenting Organization: Ohio EPA Commentor: OFFO

Section #: Pg #: Line #: Code: C

Original Comment #: 27

Comment: Ohio EPA believes the original language in the section was left as a carry over from the design without any synthetic liner and including mechanical removal of sediment. As presently written the language should be included in Specification 2200 3.8 along with other specifications for construction of the basins.

Response:

Action:

7) Commenting Organization: Ohio EPA Commentor: OFFO

Section #: Pg #: Line #: Code: C

Original Comment #: 32

Comment: Ohio EPA disagrees with the wording change to the specification. The original language in the Ohio EPA comment and the text of the specification are appropriate. The 3 square feet was not meant to represent 5% of the area. It is certainly possible to have germination occurring in all areas 3 square feet or less but still have coverage less than 95%. Ohio EPA expects a better commitment to reseeding in A2P1 than was exhibited in A1P1.

Response:

Action: