



Department of Energy

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AUG 13 1998

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

DOE-1097-98

Mr. Thomas Schneider, Project Manager
Ohio Environmental Protection Agency
401 East Fifth Street
Dayton, Ohio 4502-2911

Dear Mr. Saric and Mr. Schneider:

**CONTRACT DE-AC24-92OR21972, PROPOSED MILESTONES FOR THE ON-SITE
DISPOSAL FACILITY**

Reference: DOE-1310-97, J. Reising to J. Saric and T. Schneider, "DOE Responses to U.S. Environmental Protection Agency Comments on Remedial Action Work Plan for the On-Site Disposal Facility."

On August 13, 1997, the Department of Energy (DOE) responded to the U.S. Environmental Protection Agency (U.S. EPA) comments on the Remedial Action Work Plan (RAWP) for the On-Site Disposal Facility (OSDF). A key comment response in the referenced letter established that by August 15 of each year, the DOE would submit a list of proposed enforceable milestones for the OSDF for the upcoming Fiscal Year.

Over the past year, implementation of the Fernald Environmental Management Project (FEMP) remediation strategies for OSDF operations have evolved into generator projects versus the disposal project. The generator projects, Soil Characterization and Excavation Project (SCEP), and Facility Closure and Demolitions Project (FC&DP) provide the feed stock for the waste placement into the OSDF. The OSDF Project is responsible for properly placing the remediation waste. The rate of OSDF construction, operation, and closure is completely dependent upon generation rates for contaminated soil and debris. Enforceable milestones are separately established by the generator projects. As the OSDF is required to meet these generator project milestones, they are indirectly applicable to the

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OSDF with the exception identified below. It should be noted that DOE will commit to immediately initiating and expeditiously completing cell capping operations when waste placement reaches the maximum level as identified in the approved design.

Based on continuing discussions of this issue with your agencies, DOE will agree to the establishment of enforceable milestones for initiation of individual OSDF cell construction as required to maintain consistency with the soil and debris generation rates referenced above. The criterion for establishing a single enforceable milestone for initiation of cell construction is required to continue uninterrupted placement of soil and debris according to the FEMP's baseline. For Fiscal Year 1999, DOE proposes a milestone of July 1, 1999, for initiating Cell 3 construction.

DOE also agrees to seasonal restrictions related to cell liner construction and waste placement activities (please see enclosed proposal). This proposal modifies our previous correspondence of June 19, 1998. DOE offers these restrictions as enforceable requirements at the OSDF. Therefore, DOE proposes to revise the RAWP to reflect these newly created milestones.

If you have any questions, please contact Jay Jalovec at (513) 648-3122.

Sincerely,



Johnny W. Reising
Fernald Remedial Action
Project Manager

FEMP:Jalovec

Enclosure:

Mr. James Saric
Mr. Tom Schneider

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cc w/enclosure:

G. Jablonowski, USEPA-V, SRF-5J
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T. Schneider, OEPA-Dayton (3 copies total of enc.)
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F. Barker, Tetra-Tech
AR Coordinator, FDF/78

cc w/o enc:

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**Seasonal Restrictions for Cell Liner Construction and Waste Placement Activities
Proposal**

Up to December 31 of a given year, operations at the On-Site Disposal Facility (OSDF), including cell construction and waste placement activities will continue, provided such activities are completed in accordance with all approved design requirements and specifications. In recognition of the enhanced potential for adverse impacts on OSDF liner construction operations due to weather, work related to liner construction will be suspended with appropriate liner protection requirements completed no later than December 31. Work on liner construction may be reinitiated when weather allows required specifications to be met or April 1, which ever is later. During the period from March 1 to March 31, work may be initiated on liner construction with the concurrence of the U. S. Environmental Protection Agency (EPA) and Ohio Environmental Protection Agency (OEPA) if weather allows required specifications to be met. During the period from January 1 through February 28, work could proceed on waste/debris placement operations with the concurrence of EPA and OEPA. The criteria for establishing consensus that OSDF operations can continue during this period will be based solely on the ability to achieve requirements and specifications that could otherwise be impacted by adverse weather.

It is DOE's intent to continue waste placement during this period as weather allows. Accordingly, it is DOE's expectation that a mutually acceptable process will be established that allows for "real time" consensus on the acceptability of continuing placement activities.

DOE also recognizes the potential for weather related impacts on OSDF operations prior to December 31 in a given year. Accordingly, during clay liner construction activities, if there are four consecutive days where the average temperature is below 32°F (as measured on a time-weighted basis), the continuation of activities will be evaluated. DOE may propose and implement, with the concurrence of EPA and OEPA, any corrective actions that may be required to allow continuation of construction activities without adversely impacting the integrity of the liner. In the absence of proposed corrective action, or concurrence of the regulators on proposed corrective actions, construction will be suspended, with appropriate liner protection requirements completed expeditiously.

The above criterion is based on professional engineering/construction judgement and experience in the Ohio River Valley area. Consultation with the OSDF Construction Quality Control (CQC) contractor indicates the given criterion is very conservative in favor of liner protection.