



Department of Energy

**Ohio Field Office
Fernald Area Office**

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AUG 23 1998

**Mr. Tom Schneider, Project Manager
Ohio Environmental Protection Agency
401 East 5th Street
Dayton, Ohio 45402-2911**

DOE-1123-98

Dear Mr. Schneider:

RESPONSE TO THE JULY 27, 1998, NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT NOTICE OF VIOLATION - NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT NUMBER 11000004*ED - FERNALD ENVIRONMENTAL MANAGEMENT PROJECT

The Department of Energy (DOE) is in receipt of your letter titled, "Notice of Violation, NPDES Permit 11000004," dated July 27, 1998. In this letter you requested that all construction activities in the Area 1 Phase II Borrow Area be halted until such time that the sediment trap is completed, as-built drawings and associated calculations used in sizing the sediment trap are provided to the Ohio Environmental Protection Agency (OEPA), and that OEPA inspects and accepts the completed sediment trap. In response, the DOE has completed the following actions:

- Enlarged the sediment trap to the required dimensions to control the actual disturbed area;
- Constructed a berm to route drainage to the sediment trap;
- Walked down and reworked/repared storm damage; and,
- Provided preliminary as-built drawings and calculations in the field on July 29, 1998.

These actions were completed on July 28, 1998, and Mr. Joe Bartoszek of your agency inspected and accepted the trap on July 29, 1998. DOE believes that there has been a satisfactory response to the issues raised in the Notice of Violation. We believe the situation unfortunate, but further believe the situation to be an isolated event. DOE and Fluor Daniel Fernald (FDF) are committed to being pro-active, consistent, and effective in the implementation of the Fernald Environmental Management Project (FEMP) stormwater management program. DOE requests OEPA's written concurrence that it has accepted

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DOE's corrective actions as described previously and considers the issue resolved and confirmation of OEPA's July 29, 1998, verbal authorization to resume excavation activities in the Area 1 Phase II Borrow Area.

On a related issue, DOE would like to initiate discussions with your office on the issue of compliance with the Ohio Department of Natural Resources Rainwater and Land Development Manual. We will contact you to arrange for a mutually agreeable mechanism to initiate these discussions.

If you should have further questions, please contact Mr. Robert Janke at (513) 648-3124.

Sincerely,



Johnny W. Reising
Fernald Remedial Action
Project Manager

FEMP:Nickel

cc:

- N. Hallein, EM-42/CLOV
- R. J. Janke, OH/FEMP
- A. Tanner, OH/FEMP
- G. Jablonowski, USEPA-V, SRF-5J
- J. Saric, USEPA-V, SRF-5J
- R. Beaumier, TPSS/DERR, OEPA-Columbus
- F. Bell, ATSDR
- M. Schupe, HSI GeoTrans
- R. Vandegrift, ODH
- F. Barker, Tetra Tech
- D. Carr, FDF/52-2
- T. Hagen, FDF/65-2
- J. Harmon, FDF/90
- R. Heck, FDF/2
- S. Hinnefeld, FDF/2
- AR Coordinator, FDF/78
- EDC, FDF/52-7