



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
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REPLY TO THE ATTENTION OF: —

APR 26 2000

Mr. Johnny W. Reising
United States Department of Energy
Feed Materials Production Center
P.O. Box 398705
Cincinnati, Ohio 45239-8705

SRF-5J

RE: U.S. DOE Request for
Extension of OU 5 A9,P1
Soil Remediation

Dear Mr. Reising:

The United States Environmental Protection Agency (U.S. EPA) has carefully reviewed the United States Department of Energy's (U.S. DOE) April 20, 2000, Operable Unit (OU) 5 request for extension under Section XVIII (Extensions) of the 1991 Amended Consent Agreement (ACA).

U.S. DOE requests an extension for submittal of the following OU 5 soil certification milestone: Area 9, Phase 1 Certification Design Letter (CDL) and Project Specific Plan (PSP), which was due to U.S. EPA on April 28, 2000. Based on the presence of arsenic and beryllium discovered above Final Remediation Levels (FRL) in the latest soil sampling effort, further investigation and soil excavation appear necessary, and submittal of a CDL is not appropriate at this time.

In its request, U.S. DOE states that the Area 9, Phase 1 CDL was delayed due to wet weather conditions prohibiting the completion of the real-time scan portion of pre-certification activities; the discovered presence of arsenic and beryllium above FRLs requiring a Pre-Design Work Plan to outline the extent of the arsenic and beryllium; and failure to obtain access with the land owner to conduct further sampling, since the expiration of the Right-of-Entry agreement on February 29, 2000.

U.S. EPA agrees that wet soil conditions limited the ability to obtain the remaining real time samples. Also, due to the presence of arsenic and beryllium above FRLs in soil in A9,P1 a pre-design investigation is necessary to conduct more physical samples to bound the area of elevated concentrations, and to provide the necessary information for the development of remedial alternatives, which will be detailed in the Implementation Plan (IP) to be submitted to U.S. EPA on November 1, 2000. This course of action is necessary before a CDL can be submitted in the future. Further, U.S. EPA is aware of U.S. DOE's

unsuccessful attempts to obtain access to the property with the land owner.

In addition, U.S. EPA has reviewed the A9,P1 Pre-Design Work Plan and Project Specific Plan which details the samples required to define the extent of soil containing arsenic and beryllium above FRLs in A9,P1, and concurs with the Work Plan.

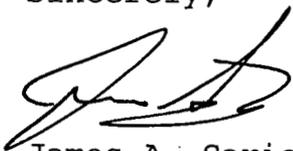
U.S. EPA considers the presence of beryllium and arsenic off-site above FRLs a high priority and expects U.S. DOE to exercise all authorities to obtain access pursuant to Section 104(e) of CERCLA. U.S. DOE must follow all procedures required in Section XXIX (Access) of the 1991 ACA, to obtain access to the off-site property. Also, U.S. DOE must complete the work in the Pre-Design Work Plan and PSP, and submit the A9,P1 IP by November 1, 2000.

U.S. EPA recognizes that a variety of factors, have lead to the need to change the certification approach in A9,P1. The presence of elevated levels of beryllium and arsenic no longer make the submittal of a CDL the correct path forward for A9,P1. Therefore, submittal of the CDL and PSP on April 28,2000, is not required until the Pre-Design Investigation and an IP are completed. After the IP is submitted a revised date for providing the CDL to U.S. EPA will be established.

In summary, U.S. EPA concurs with the revised certification approach and submission of the A9,P1 IP by November 1, 2000.

If you have any questions regarding this matter, please contact me at (312) 886-0992.

Sincerely,



James A. Saric
Remedial Project Manager
Federal Facilities Section
SFD Remedial Response Branch #2

cc: Tom Schneider, OEPA-SWDO
Bill Murphie, U.S. DOE-HDQ
John Bradburne, Fluor Fernald
Terry Hagen, Fluor Fernald
Tim Poff, Fluor Fernald

bcc:

Brian Barwick, ORC
Gene Jablonowski, SRF-5J
Frances Hodge, Tetra Tech