



State of Ohio Environmental Protection Agency

Southwest District Office

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JUL 21 9 50 AM '97
George V. Voinovich, Governor
Nancy P. Hollister, Lt. Governor
Donald R. Schregardus, Director

July 17, 1997

RE: DOE FEMP
APPROVAL: BAT PLAN FOR 5090
FUGITIVE DUST CONTROL

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

Dear Mr. Reising:

This letter constitutes approval of the "Best Available Technology Determination for Remedial Construction Activities on the Fernald Environmental Management Project" as outlined in your letter DOE-1133-97. Following the procedures in this BAT Determination policy would comply with the substantive requirements of Ohio Administrative Code (OAC) 3745-31-05(A)(3) as cited in the Records of Decision for both Operable Unit 2 and Operable Unit 5. This rule requires the employment of BAT for new air pollution sources. As you are aware, compliance with the substantive requirements is required for CERCLA activities in lieu of an Ohio EPA Permit To Install (PTI) for new sources of air pollution. Failure to comply with this policy would constitute a violation of OAC 3745-31-05(A)(3) and any Notice of Violation issued by Ohio EPA would cite this rule.

We are confident that the activities and controls as outlined in the table will perform satisfactorily to control the off-site migration of contaminants. We also expect that if this policy is vigorously pursued a progressive level of sophistication in the control of fugitive dusts will evolve as more experience is gained. Over the past year Ohio EPA has observed progress in the FEMPs ability to control erosion and sediment run-off and we anticipate similar progress in the control of fugitive dusts.

As always, we remain available to assist with field determinations such as where an excavation area ends and a road transition area begins. If you have any questions, please contact Tom Ontko or me.

Sincerely,

for

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

Terry Hagen, FDF
Ruth Vandergrift, ODH
Mike Proffitt, DD&GW
Bob Geiger, PRC
Manager, TPSS/DERR,CO

cc: Jim Saric, U.S. EPA

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