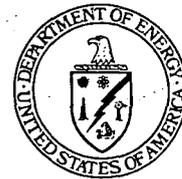




Department of Energy
Ohio Field Office
Fernald Environmental Management Project
P. O. Box 538705
Cincinnati, Ohio 45253-8705
(513) 648-3155



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AUG 05 2003

Mr. James A. Saric, Remedial Project Manager
United States Environmental Protection Agency
Region V, SR-6J
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

DOE-0436-03

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

Dear Mr. Saric and Mr. Schneider:

INSTITUTIONAL CONTROLS

Reference: Letter from J. Saric to J. Reising, "Institutional Control Plan," dated June 17, 2003

The Department of Energy (DOE) agrees that the referenced letter accurately summarizes the recent discussions regarding the Institutional Control (IC) Plan. DOE will submit an IC Plan to the United States Environmental Protection Agency (USEPA) for review and approval as a primary document. Further, implementation of the IC Plan will be an enforceable obligation under the Amended Consent Agreement. DOE recommends additional discussions with USEPA regarding specific content of the IC Plan as noted below.

The IC Plan is currently under development. It is anticipated that the IC Plan will be Volume II of what will be called the Comprehensive Legacy Management and Institutional Control Plan. Volume I will be what is now referred to as the Comprehensive Stewardship Plan. The purpose of combining the IC Plan and the Comprehensive Stewardship Plan under one cover is to ensure consistency of the documents while meeting both USEPA and DOE Guidance.

As you are aware, the Comprehensive Stewardship Plan serves primarily as a policy document addressing issues such as records management, funding, and stakeholder involvement. The IC Plan will address the details regarding required inspections, maintenance and reporting to ensure the continued effectiveness of the FCP's remedies.

AUG 05 2003

Mr. James A. Saric
Mr. Tom Schneider

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Specifically, the IC Plan will detail how DOE will: 1) maintain, monitor, enforce, and report on institutional controls, 2) maintain, monitor, and inspect the OSDF, and 3) manage OSDF leachate as outlined in the Post Care and Inspection Plan and/or the OSDF Groundwater/Leak Detection and Leachate Monitoring Plan.

Regarding the groundwater restoration and monitoring activities: These activities are currently governed by the Operable Unit 5 Record of Decision and will remain so until the groundwater remedy is certified complete, or a Technical Impracticability Waiver is granted, and the Record of Decision can be closed. Therefore, DOE questions whether it is appropriate to include these activities in the IC Plan. DOE recommends that additional discussion take place regarding the appropriateness of including the ongoing groundwater restoration operations and monitoring in the IC Plan.

As proposed, the IC Plan will be a distinct component of the Comprehensive Legacy Management and Institutional Control Plan (Volume II), and as such will be the only plan submitted for review and approval resulting in enforceability. But, because development of the IC Plan requires extensive coordination with the current Comprehensive Stewardship Plan, as well as the newly re-organized Ohio Field Office, DOE requests that a detailed outline of the IC Plan be submitted to the USEPA by September 30, 2003, rather than the plan itself as requested. DOE commits to the submission of a Draft IC Plan for review and approval by November 15, 2003.

If you have any questions, please contact Jay Jalovec at (513) 648-3122 or Johnny Reising at (513) 648-3139.

Sincerely,



Glenn Griffiths
Acting Director

FCP:Jalovec

AUG 05 2003

DOE-0436-03

Mr. James A. Saric
Mr. Tom Schneider

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cc:

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M. Shupe, HSI GeoTrans
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E. Woods, Fluor Fernald, Inc./MS65-2
AR Coordinator, Fluor Fernald, Inc./MS78
ECDC, Fluor Fernald, Inc./MS52-7