



Department of Energy
Ohio Field Office
Fernald Environmental Management Project
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SEP 23 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-0525-03

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

Dear Mr. Saric and Mr. Schneider:

REQUEST TO ELIMINATE CONSOLIDATED MONTHLY AND QUARTERLY CONSENT AGREEMENT/FEDERAL FACILITY COMPLIANCE AGREEMENT/FEDERAL FACILITY AGREEMENT/REMEDIAL INVESTIGATION/FEASIBILITY STUDY/CONSENT DECREE PROGRESS REPORTS

The purpose of this letter is to request your concurrence to eliminate the monthly and quarterly Consent Agreement/Federal Facility Compliance Agreement/Federal Facility Agreement/Remedial Investigation/Feasibility Study/Consent Decree (CA/FFCA/FFA/RI/FS/CD) progress reports.

Progress reports, providing a variety of information at varying frequencies, have been submitted to the United States Environmental Protection Agency (USEPA) and Ohio Environmental Protection Agency (OEPA) since the execution of the FFCA in July 1986. From time to time these progress reports have been consolidated to eliminate redundancies and streamline informational requirements. Since the beginning of 1996, the Fernald Closure Project (FCP) has been submitting a streamlined version of the consolidated reports (DOE-0395-96, "Phase VII Removal Actions and Reporting Requirements Under the Fernald Environmental Management Project Legal Agreements," dated January 1996). Both agencies approved streamlining the Consolidated Consent Agreement/Federal Facility Compliance Agreement/Federal Facility Agreement Monthly Progress Report and elimination of the Director's Findings & Orders/Consent Decree Quarterly Technical Progress Report. It is our intent to formally eliminate the consolidated report.

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The FCP believes it appropriate to eliminate these reports in recognition of the advanced nature of our formal and informal communication channels with both the USEPA and OEPA as well as the real-time availability of environmental data through the Integrated Environmental Monitoring Plan (IEMP) Data Information Site. These communication channels and access to environmental data make the existing legal agreement reporting requirements no longer relevant or necessary.

Enclosed to this letter are two tables. Table 1, "Legal Agreement Reporting Requirements," provides a crosswalk of the reporting requirements from the various legal agreements with the current reporting status (Table 1 is not a comprehensive list of all legal agreement reporting requirements but only identifies those proposed for elimination). Table 2, "Consolidated CA/FFCA/FFA/RI/FS/CD Reporting," provides a cross-walk showing how the information currently submitted in the monthly and quarterly consolidated reports is communicated through existing communication channels. However, it is not our intent to replace the existing requirement with that reflected in Table 2. The intent is to demonstrate the consolidated report is unnecessary and can be eliminated without compromising the flow of information.

If after several months you find that the former consolidated reports did provide a benefit that is not adequately represented by the communication channels discussed in this request, the FCP would agree to resume the consolidated reports.

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

Sincerely,

Johnny Reising
for Glen Griffiths
Acting Director

FCP:Reising

Enclosures: As Stated

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Mr. James A. Saric
Mr. Tom Schneider

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cc w/enclosures:

N. Hallein, EM-31/CLOV
J. Craig, OH/Springdale
S. Smiley, OH/Springdale
T. Schneider, OEPA-Dayton (three copies of enclosure)
G. Jablonowski, USEPA-V, SR-6J
V. Dastillung, FRESH
P. Dunn, FRESH
D. Sarno, FCAB
F. Bell, ATSDR
M. Cullerton, Tetra-Tech
M. Shupe, HSI GeoTrans
R. Vandegrift, ODH
AR Coordinator, Fluor Fernald, Inc./MS78

cc w/o enclosures:

R. Greenberg, EM-31/CLOV
K. Johnson, OH/FCP
D. Carr, Fluor Fernald, Inc./MS1
T. Hagen, Fluor Fernald, Inc./MS1
F. Johnston, Fluor Fernald, Inc./52-5
T. Poff, Fluor Fernald, Inc./MS65-2
T. Walsh, Fluor Fernald, Inc./MS52-3
ECDC, Fluor Fernald, Inc./MS52-7

TABLE 1 - LEGAL AGREEMENT REPORTING REQUIREMENTS*

Agreement	Reporting Requirement	Reporting Status
Federal Facility Compliance Agreement - July 1986	Part 3 "Reports and Recordkeeping", Section B requires monthly written progress reports to USEPA described in Task 7 of the "Scope of Work for a Remedial Investigation". Task 7 identifies 8 key elements for which information was to be submitted for all on-going work assignments by the contractor. Clean Air Act, Section E and Radiation Discharge Information Section A(1) required routine particulate matter discharge information and liquid discharge information respectively.	Prior to January 1996, the information required by the FFCA was submitted in a consolidated CA/FFCA/FFA monthly progress report. DOE requested streamlining this consolidated report in Letter, DOE-0395-96, dated January 16, 1996. OSPA and USEPA approved this streamlined report in January and February 1996 respectively. The submission of certain analytical data in the streamlined report was again modified with the initiation of the LEMP reporting structure.
Director's Findings and Orders - June 1987	Order 16 required a bi-monthly technical report be submitted to OSPA describing the progress being made with respect to the director's orders.	This requirement was rolled into the December 1988 Consent Decree (Section 4.13). Section 4.13 was amended by the January 1993 "Stipulated Amendment to December 1988 Consent Decree and Settlement of Contempt Charges" by changing the report frequency to quarterly. DOE requested the elimination of this quarterly report in Letter, DOE-0395-96, dated January 16, 1996 which was approved by OSPA and USEPA in January and February 1996 respectively.
Consent Decree - December 1988	Section 4.13 required a bi-monthly technical report submitted to OSPA describing the progress being made with respect to activities described in Section IV of the decree. (Much of the 1987 OSPA DF&O was rolled into Section IV of the decree.	Section 4.13 was amended by the January 1993 "Stipulated Amendment to December 1988 Consent Decree and Settlement of Contempt Charges" by changing the report frequency to quarterly. DOE requested the elimination of this quarterly report in Letter, DOE-0395-96, dated January 16, 1996 which was approved by OSPA and USEPA in January and February 1996 respectively.
Consent Agreement - April 1990	Section XXIII defines a monthly reporting requirement describing actions in the previous month and planned actions in the following month to implement the requirements of the agreement. It also requires the submissions daily flows, concentrations, and loadings of radionuclides released to the Great Miami River and Paddys Run. (USEPA and DOE entered into the Consent Agreement that amends provisions of the FFCA related to the completion of the RI/FS)	Prior to January 1996, the information required by the CA was submitted in a consolidated CA/FFCA/FFA monthly progress report. DOE requested streamlining this consolidated report in Letter, DOE-0395-96, dated January 16, 1996. OSPA and USEPA approved this streamlined report in January and February 1996 respectively. The submission of certain analytical data in the streamlined report was again modified with the initiation of the LEMP reporting structure

* Table 1 is not a comprehensive list of all legal agreement reporting requirements

TABLE 1 - LEGAL AGREEMENT REPORTING REQUIREMENTS*

Agreement	Reporting Requirement	Reporting Status
<p>Amended Consent Agreement - September 1991</p>	<p>Reporting requirements are defined in Section XXIII and were unchanged from the original April 1990 Consent Agreement.</p>	<p>Prior to January 1996, the information required by the ACA was submitted in a consolidated CA/FFCA/FFA monthly progress report. DOE requested streamlining this consolidated report in Letter, DOE-0395-96, dated January 16, 1996. OEPA and USEPA approved this streamlined report in January and February 1996 respectively. The submission of certain analytical data in the streamlined report was again modified with the initiation of the LEMP reporting structure.</p>
<p>Federal Facilities Agreement - November 1991</p>	<p>Section VI requires a monthly report to USEPA all steps taken in the previous month to implement the requirements of Section V, "Radon-222 Control and Abatement Plan." It also requires the submission of all data generated as a result of the actions described.</p>	<p>Prior to January 1996, the information required by the FFA was submitted in a consolidated CA/FFCA/FFA monthly progress report. DOE requested streamlining this consolidated report in Letter, DOE-0395-96, dated January 16, 1996. OEPA and USEPA approved this streamlined report in January and February 1996 respectively. This streamlined report included the radon and K-65 Silo data. This requirement was again modified with the initiation of the LEMP reporting structure.</p>
<p>Stipulated Amendment to December 1988 Consent Decree and Settlement of Contempt Charges - January 1993</p>	<p>Part III of the SACD amended Section 4.13 of the Consent Decree by changing the reporting frequency to quarterly.</p>	<p>DOE requested the elimination of this quarterly report in Letter, DOE-0395-96, dated January 16, 1996 which was approved by OEPA and USEPA in January and February 1996 respectively.</p>

* Table 1 is not a comprehensive list of all legal agreement reporting requirements

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TABLE 2 - CONSOLIDATED CA/FFCA/FFA/RI/FS/CD REPORTING

Required Information	Contents of Consolidated Reports	Current Communication Vehicle
MONTHLY REPORT		
<p>A brief report identifying the removal actions or other ACA milestones completed during the previous month</p>	<p>In addition to identifying milestones completed, the monthly report includes status information on most field activities. Much of the information is repeated from the weekly agendas prepared for the weekly conference call</p>	<p>On a weekly basis, Fluor Fernald accumulates topics and information from the four major projects (WPRAP, Silos, ARWWP, and SDF) and provides these documents (pdf format) via e-mail to USEPA and OSPA. This submittal will be reviewed to ensure milestone information is included. In addition, information relative to OU3 will be added to future reports using input from SDF/WAO organization. This will ensure that all major projects are adequately communicated and discussed</p>
QUARTERLY REPORT		
<p>Status report on the implementation of remedial activities such as initiation, completion, or submittal of RD/RA deliverables; initiation and completion of construction, facility operation or other field work and any other significant issues concerns, schedule difficulties, and corrective actions</p>	<p>The quarterly report is essentially a roll-up of the monthly status reports</p>	<p>The submission of weekly agendas as described above satisfies the required status information required under the quarterly report. The bi-annual IEMP report and the annual Site Environmental Report supplements this weekly information</p>
<p>Daily flow and concentration data from the parshall flume</p>	<p>Submission of data in this consolidated report was eliminated and replaced by reporting the data through the IEMP Reporting Mechanism.</p>	<p>IEMP Data Information Site</p>

TABLE 2 - CONSOLIDATED CA/FFCA/FFA/RI/FS/CD REPORTING

Required Information	Contents of Consolidated Reports	Current Communication Vehicle
QUARTERLY REPORT (continued)		
Daily flow and concentration data from the SWRB	Submission of data in this consolidated report was eliminated and replaced by reporting the data through the IEMP Reporting Mechanism.	IEMP Data Information Site
Monthly estimate of uranium loading to Paddys Run	Submission of data in this consolidated report was eliminated and replaced by reporting the data through the IEMP Reporting Mechanism.	Loading is based on 2.6 lbs of uranium/inch of rainfall. Estimate is independent of any analytical data. Met. data is posted on IEMP Data Information Site.
Radon and K-65 silo data	Submission of data in this consolidated report was eliminated and replaced by reporting the data through the IEMP Reporting Mechanism.	Real-time radon data is located on the IEMP Data Information Site