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State of Ohio Environmental Protection Agency

Southwest District Office

401 East Fifth Street
Dayton, Ohio 45402-2911Bob Taft, Governor
Lureen O'Connor, Lt. Governor
Christopher Jones, Director

Post-It [®] Fax Note	7671	Date	# of Pages ▶
To	<i>Bill Taylor</i>	From	<i>Tara Schneider</i>
Co / Dept.	<i>DOE EN</i>	Co	<i>Ohio EPA</i>
Phone #		Phone #	
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May 10, 2004

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

**Re: APPROVAL - REVISED TRANSPORTATION AND DISPOSAL PLAN FOR THE
SILO 3 PROJECT**

Dear Mr. Taylor:

Ohio EPA has reviewed DOE's submittal, "Contract DE-AC24-01OH20115, Revised Transportation and Disposal Plan for Silo Project 3" received on April 22, 2004. The original T&D Plan was submitted to Ohio EPA on March 30, 2004. This revised T&D Plan reflects the exclusive use of the "ISO container/flat-bed trailer" packaging configuration.

Ohio EPA is aware that the Attorney General of Nevada has threatened litigation should DOE attempt to dispose of Silo 3 materials at the Nevada Test Site (NTS). DOE should work to immediately resolve any uncertainty about the availability of the NTS for disposal of the Silo 3 materials. DOE has committed to the Attorney General of Nevada to provide 45 days notice prior to shipping to Silo 3 material to NTS. As such, DOE should provide notice to the Attorney General of Nevada 45 days prior to the date DOE intends to extract material from Silo 3.

Once DOE starts extracting material from Silo 3, the OU 4 ROD requires a continuous process of extraction, treatment, packaging, transportation, and off-site disposal of the Silo 3 materials. Under the ROD, there is no allowance for on-site accumulation of extracted materials other than for the purpose of facilitating continuous off-site transportation and disposal of those materials. For example, DOE may accumulate extracted materials as is necessary to assure that individual shipments are fully loaded and to ensure efficient operation of the Silo 3 extraction, treatment, and packaging facility. However, in order to be continuous, individual shipments must occur on a frequent and routine basis. Therefore, Ohio EPA expects that at any given point in time the volume of extracted materials on-site would be very small and that turnover of that material would be continuous. Extraction, treatment, packaging, and on-site accumulation of Silo 3 materials without simultaneous and continuous off-site transportation and disposal would not comply with the OU 4 ROD.

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Ohio EPA approves the document with the attached comments, which need to be addressed in a response to comments and revised version of the document.

If you have any questions, please contact me at (937) 285-6466.

Sincerely,



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

cc: Dale Vitale, Ohio Attorney General's Office
Jim Saric, U.S. EPA
Terry Hagen, FDF
Mark Shupe, HSI GeoTrans
Michelle Cullerton, Tetra Tech EM Inc.
Ruth Vandergrift, ODH

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Revised Transportation and Disposal Plan for Silo 3 Project

- 1 **Commenting Organization: Ohio EPA Commentor: OFFO**
Section #: 2.3.3.2 Motor Carrier Selection Pg #: 7 Line #: NA Code: C
Original Comment #:
Comment: The text states, "Shipments will be consolidated to the extent practicable into larger shipping quantities or unit whenever such arrangements will result in transportation or administrative economies." Ohio EPA requests further detail on the intent of this statement. Ohio EPA expects that shipping quantities will be consistent with transportation risk assumptions and that seven (7) soft-sided containers will be placed into an ISO, one ISO per flatbed truck. And that the off-site shipment of these containers will be continuous without on-site accumulation.

2. **Commenting Organization: Ohio EPA Commentor: OFFO**
Section #: Appendix B Transportation Risk Evaluation Pg #: B-2 Line #: NA Code: C
Original Comment #:
Comment: The transportation risk evaluation for an ISO on a flatbed truck consists of 7 soft-sided containers per ISO. The text states, " It should be noted that an ISO container may be able to hold eight soft-sided containers per shipment." The transportation risk evaluation should also be calculated for 8 soft-sided containers.