



## State of Ohio Environmental Protection Agency

## Southwest District

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Bob Taft, Governor  
Bruce Johnson, Lt. Governor  
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February 7, 2005

Mr. William J. Taylor  
US Department of Energy  
Ohio Field Office  
Fernald Closure Project  
175 Tri-County Parkway  
Springdale, Ohio 45246

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**RE: Ohio Environmental Protection Agency Approval  
Modification to Final Fernald Waste Pits Remedial Action Project Sampling and  
Analysis Plan for Waste Pit Materials (Revision 0, July 28, 1999)**

Dear Mr. Taylor:

In a letter dated January 25, 2005, you requested Ohio Environmental Protection Agency (Ohio EPA) approval of modification to the Final Fernald Waste Pits Remedial Action Project Sampling and Analysis Plan (SAP) for Waste Pit Materials (Revision 0, July 28, 1999). The letter proposed to eliminate analysis for Toxicity Characteristic Leaching Procedure and Photoionization Detectors measurements in waste pit wastes shipped to Envirocare of Utah Inc.

Ohio EPA has determined that Envirocare of Utah Inc. will continue to conduct sampling when the waste shipments are received to verify characterization and that no changes to their verification procedures will occur. The Department of Energy and Fernald/FEMP will be responsible for any environmental liability and any costs incurred for shipments that do not conform to appropriate characterization and shipping requirements. The generator is ultimately responsible for compliance with Ohio Administrative Code (OAC) 3745-52-11 which states that, any generator of a waste, as defined in OAC 3745-51-02, must determine if that waste is a hazardous waste. The modification of the SAP does not relieve DOE and Fernald/FEMP from this responsibility.

Based on this information and the result information outlined in your letter, the Ohio EPA has determined that the modification can be executed as proposed. This approval covers only those wastes associated with this particular (SAP).

If you have any questions, I can be reached at (937) 285-6466.

Sincerely,

Thomas Schneider  
Project Manager  
Office of Federal Facilities Oversight

cc: Paul Pardi, OEPA/SWDO/DHWM  
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TS/rf