



State of Ohio Environmental Protection Agency

Southwest District

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FERNALD

LOG # 811

2005 SEP 9

A. Bob Tate, Governor  
Bruce Johnson, Lt. Governor  
Joseph P. Koncinski, Director

FILE:

54933

LIBRARY:

September 8, 2005

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

**RE: NOTICE OF VIOLATION OF OHIO HAZARDOUS WASTE RULES AND ORDERS  
U.S. EPA ID No. OH6890008976**

Dear Mr. Taylor:

On July 12, 2005 Tom Koch and I inspected the Fernald Closure Project (formerly known as the Fernald Environmental Management Project). The Department of Energy was represented by Ed Skintek. Fluor Fernald was represented by Elisabeth Brucken and Ken Alkema. Our inspection was triggered because the Department of Energy self-reported an error in the handling of two drums of uranyl nitrate hexahydrate (UNH). Waste UNH is regulated as a hazardous waste, D002, because of the characteristic of corrosivity. The two drums of UNH were to be treated in the site Advanced Waste Water Treatment (AWWT) System which, in addition to chemical neutralization, also removes uranium with ion-exchange resin. This treatment was specified in the approved Site Treatment Plan and is also consistent with the Ohio-issued NPDES permit. For reasons unknown, the drums were never treated in the AWWT although paperwork was completed indicating that treatment had occurred. Instead, the two drums remained in a storage yard adjacent to the AWWT Facility for over one year. The drums were originally properly labeled as containing hazardous waste but while in storage, the drums had the original labeling crossed out. When we saw the drums, they were properly labeled and stored and appeared to be intact. We do not allege a release to the environment.

Based on Ohio EPA review of the information submitted and our inspection, DOE/Fluor Fernald has violated the following Ohio hazardous waste laws, the October 4, 1995 Director' Final Findings & Orders, and the June 6, 1996 Director's Final Findings & Orders:

**Violation # 1. -- Order 9 of the June 6, 1996 Director's Final Findings & Orders**

This order exempts the facility from obtaining a hazardous waste facility installation and operation permit with stipulated provisions, i.e. enjoins the facility to comply with

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terms of the facility Part B permit application, (and revisions) and applicable hazardous waste laws and regulations, unless otherwise specifically provided by the Orders.

DOE's revised permit application specifies where hazardous wastes are to be stored. The storage yard area adjacent to the AWWT facility where the subject drums were stored is not specified in the application. Therefore, DOE did not comply with the terms of the application and violated Order 9.

Violation #2.-- Ohio Administrative Code (OAC) 3745-52-34(A)(3) This rule requires containers used to manage hazardous waste be clearly labeled with the words "hazardous waste". We believe that crossing out the labels contributed to the long duration of the unpermitted storage.

Violation #3.-- Order 1 of the October 4, 1995 Director's Final Findings & Orders Order 1 states in part that the Respondent (DOE) shall implement and comply with the approved STP (Site Treatment Plan), in accordance with the approved schedules contained therein, and shall comply with other terms and conditions of the order. DOE's Site Treatment Plan, as amended and approved, identified the milestone for completion of the Wastewater Treatment technology (Phase II) as June 30, 2004. The two containers of hazardous waste discussed within DOE's letters of July 7, 2005 and July 28, 2005 were not treated until July 26, 2005. Therefore, DOE did not comply with the approved schedule and has violated this Order.

Violation #4.-- OAC 3745-65-15 This rule requires that facilities which manage hazardous waste perform inspections sufficient to detect conditions which may lead to the release of hazardous waste constituents. These inspections are required to be recorded in an inspection log.

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Given that DOE has now completed treatment of these wastes, DOE has returned to compliance with all rules and Orders cited above. Per the proposal made in Elisabeth Brucken's e-mail of July 27, 2005 to Paul Pardi of this office, DOE should document the treatment of these drums in the Annual STP Updated (due by the end of December) in the section of the update that consists of documenting compliance with STP milestones. No additional actions are necessary for the Department of Energy to be considered back in compliance.

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Should you have any questions, please contact Paul Pardi or me.

Sincerely,



Tom Ontko  
Division of Hazardous Waste Management

cc: Jim Saric, U.S. EPA  
Mark Shupe, GeoTrans, Inc. (via e-mail)  
Michelle Cullerton, Tetra Tech EM, Inc. (via e-mail)  
Ken Alkema, Fluor Fernald (via e-mail)  
Tom Schneider, Ohio EPA, OFFO (via e-mail)

TO/br