



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

FERNALD JUNCTION BOULEVARD
CHICAGO, IL 60604-3590
LOG

F-00820

2005 SEP 19 A 4:00

FILE: 6446-5 REPLY TO THE ATTENTION OF:

SEP 16 2005

Mr. Johnny W. Reising
United States Department of Energy
Fernald Closure Project
175 Tri-County Parkway
Springdale, Ohio 45246

SR-6J

RE: Suspending Silos Material Shipping
and Increased On-Site Staging

Dear Mr. Reising:

The United States Environmental Protection Agency (U.S. EPA) has completed its review of the United States Department of Energy's (U.S. DOE) September 9, 2005 letter requesting approval to suspend off-site shipments of Silos material until October 1, 2005, and to allow for the staging of additional Silos shipping containers until November 30, 2005.

U.S. EPA has reviewed the letter and its supporting documentation and concurs that this increased container staging can be accomplished without any impact on safety, public health protection, and the environment. Therefore, U.S. EPA approves U.S. DOE's request to suspend the off-site shipment of Silos material until October 1, 2005, and to increase the staging of Silos shipping containers until November 30, 2005.

The suspension of shipments will create a backlog that must be cleared by November 30, 2005. That presents logistical issues that will require careful management. Is the transportation company prepared to make a greater number of shipments both to and from the Waste Control Specialist facility? U.S. EPA expects that after October 1, 2005, the shipment of waste containers should exceed the amount of containers generated, in order to reduce the backlog of materials staged on-site. U.S. DOE should know that U.S. EPA will not consider logistical issues to be good cause for any failure to clear the backlog of containers by November 30, 2005.

Although the information presented regarding the staging configuration, location and safety basis for the additional silos containers is adequate, U.S. EPA does not concur with U.S. DOE's desire to revise the transportation and disposal plans to allow for such staging activities to be incorporated into the currently approved plans. Such staging activities were not envisioned when the transportation and disposal plans were developed for the silos materials. Therefore, this request by U.S. DOE is inconsistent

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with the existing silos transportation and disposal plans. However, in order to maintain progress at the site, U.S. EPA will, as a one-time event, not object to the suspension and staging requested by U.S. DOE.

Specifically, during the period of October 1, 2005 through November 30, 2005 U.S. EPA understands that U.S. DOE intends to stage Silo 3 materials longer than 14 days, and increase the staging of Silo 1 and 2 containers from 180 to a maximum of 440 containers. Further, U.S. DOE will resume Silos 1, 2, and 3 material shipments by no later than October 1, 2005. By no later than November 30, 2005, U.S. DOE will not stage Silo 3 material for more than 14 days; and the Silo 1 and 2 container staging area will not exceed 180 containers. In the event U.S. DOE fails to adhere to these commitments, U.S. EPA reserves the right to assess stipulated penalties under the Amended Consent Agreement for failure to meet the terms and conditions of the approved transportation and disposal plans for the silos project.

On October, 1, 2005, removal of the backlog of staged silos material should be a top priority and U.S. DOE must notify stakeholders of these activities, and update them on the progress toward continued off-site shipping and reducing the backlog of staged material.

Please contact me at (312) 886-0992 if you have any questions regarding this matter.

Sincerely,



James A. Saric
Remedial Project Manager
Federal Facilities Section
SFD Remedial Response Branch #2

cc: Tom Schneider, OEPA-SWDO
Graham Mitchell, OEPA-SWDO
Con Murphy, Fluor Fernald
Frank Johnston, Fluor Fernald
