



State of Ohio Environmental Protection Agency 16-06 A11:43-V0

Southwest District

401 East Fifth Street  
Dayton, Ohio 45402-2911

TELE: (937)285-6357 FAX: (937)285-6249  
www.epa.state.oh.us

Bob Taft, Governor  
Bruce Johnson, Lt. Governor  
Joseph P. Koncinski, Director

February 15, 2006

Mr. Johnny Reising  
US Department of Energy  
Ohio Field Office  
Fernald Closure Project  
175 Tri County Parkway  
Springdale, Ohio 45246

**Re: Hazardous Waste Compliance Evaluation Inspection  
US EPA ID # OH6890008976  
Exempt Treatment, Storage, and Disposal Facility**

LIBRARY  
FILE:  
2006 FEB 16 P 3: 51  
LOG  
FERNALD

Dear Mr. Reising:

On November 17, 2005, Paul Pardi and I inspected the U.S. Department of Energy Fernald Closure Project facility to determine compliance with Ohio's hazardous waste laws as found in Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745 of the Ohio Administrative Code (OAC). Mr. Ed Skintik represented DOE and Ms. Betsy Brucken represented Fluor. This letter explains the scope of our inspection, explains the violation found and describes what you need to do to correct it. The letter also explains other general observations, explains other concerns that we have and describes what you need to do to respond to them.

Our inspection began at the RCRA storage area located near the east fence-line of the facility, southeast of OSDF Cell 8 and northeast of the clay borrow area. We inspected waste and product containers in the storage area for proper storage, labeling, aisle-space and similar requirements. After inspecting the RCRA storage area, we drove to the other side of the site to look at paperwork, including training records, inspection records, manifests and Land Disposal Restriction documentation.

During the inspection we found the following violations:

**OAC 3745-66-74, OAC 3745-65-15, and Section F. of the Permit Application**

OAC 3745-66-74 requires that containers of hazardous waste be inspected on a weekly basis. OAC 3745-65-15 requires that a facility develop and follow a written inspection schedule. Section F of the DOE-FCP permit application describes the inspection schedule and requires that containers be inspected on a weekly basis.

Mr. Johnny Reising  
February 15, 2006  
Page 2

We reviewed the inspection records for the hazardous waste storage lockers from October 2004 to the present. A 'note to file' listed two deficiencies. The first explained that inspection forms for hazardous waste storage lockers MS-14 and MS-36 were missing for four weeks from January 3, 2005 through January 28, 2005. A subsequent e-mail from Mr. Skintek explained that at that time two forms were used to record the inspections: one form for non-radioactively contaminated hazardous waste and a different form for mixed waste. These wastes are stored in adjacent lockers and inspected at the same time, so it was explained that the inspection of the hazardous waste lockers was very likely performed, but the paperwork was lost. The second discrepancy noted that no records could be found that any inspections had occurred during the week of April 4, 2005. These deficiencies constitute violations of OAC 3745-66-74, OAC 3745-65-15 and Section F. of the Permit Application. We note that similar violations were cited in a letter from Tom Koch to Mr. William J. Taylor dated December 28, 2004. Given that DOE-FCP has been conducting and documenting inspections adequately since April, 2005, no additional actions are required by the Department of Energy or Fluor to correct the violation.

#### **General Observations/Concerns**

1. We reviewed hazardous waste manifests from October 2004 to the date of the inspection. We also requested photocopies of manifest number 05004 and associated documentation required to comply with the land disposal restrictions as codified in OAC 3745-270. We reviewed this information after we had returned to our office. We are pleased to inform you that Ohio EPA concludes that the OAC requirements were met.
2. During the inspection of the storage locker area, we realized that the storage lockers were being used to store product materials, waste materials, and materials for which the product/waste determination was yet to be accomplished. As you know, Fluor has been implementing a program to re-use excess materials, including materials such as adhesives, cleaners, paints, etc. Some of these materials would be classified as hazardous waste if they were discarded. Some useable materials may also be considered waste if there is no bona fide use for the materials at the FCP. Once the material is determined to be a waste, it is still necessary to determine whether the waste is hazardous.

Much of our inspection centered around several fundamental questions: Are materials for which the waste/product determination has not yet been made handled and managed as useable products? Are they inventoried? Is an effort being made to find an appropriate use for the materials? For materials determined to be a waste, when is the hazardous/non-hazardous determination made? Are hazardous wastes managed properly? We wrote down identifying numbers from several unlabeled containers which were stored among other drums labeled as used oil and used antifreeze.

Mr. Johnny Reising  
February 15, 2006  
Page 3

On November 23, the Ohio EPA requested additional information regarding the outstanding questions in an e-mail from Paul Pardi to Ed Skintek. Mr Skintek's reply was timely but due to problems with Ohio EPA's e-mail server, we did not receive his reply until December 7. The information addressed our questions and concerns regarding management of materials at the storage lockers.

3. We requested the training records of three employees chosen randomly, whose responsibilities include the inspection of the RCRA storage areas. All three employees were current with their training and we consider the FCP to be in compliance with the Part B and the OAC in this regard. However, we wish to note for the record that as the FCP proceeds closer to completion of the remediation, the burden to keep employees current in their training may actually increase as employees transition off-site or to newer responsibilities on-site.

If there are any questions, please contact me at (937) 285-6090 or Paul Pardi at (937) 285-6079.

Sincerely,



Tom Ontko  
Hazardous Waste Inspector

cc: Dinah Crawford/file  
Tom Schneider, OFFO/SWDO

TO/rif

**OHIO PART B PERMITTED FACILITY  
RCRA INSPECTION CHECKLIST**

Facility: U.S. DOE-FEMP  
Address:

Ohio Permit:  
USEPA ID:

County: Hamilton

Facility Phone: 513-648-4444

Inspection Date: 12 / 17 / 2005 Time: 1000am

Advance notice of inspection given? yes  
If so, how far in advance? one day

	<u>Name</u>	<u>Agency/Title</u>	<u>Phone</u>
Inspectors:	<u>Tom Ontko</u>	Ohio EPA	<u>(937) 285-6090</u>
	<u>Paul Pardi</u>	Ohio EPA	<u>(937) 285-6079</u>
Facility Representatives:	<u>Ed Skintik</u>	DOE	
	<u>Betsy Brucken</u>	Fluor	

Is facility operating as a generator? yes

If so, complete the applicable sections of the Generator Requirements checklist for wastes being managed under generator status.

**AUTHORIZED ACTIVITIES**

STORAGE	TREATMENT	DISPOSAL
<input checked="" type="checkbox"/> Container	<input type="checkbox"/> Tank	<input type="checkbox"/> Injection Well
<input type="checkbox"/> Tank	<input type="checkbox"/> Surface Impoundment	<input checked="" type="checkbox"/> Landfill
<input type="checkbox"/> Waste Pile	<input type="checkbox"/> Incinerator	<input type="checkbox"/> Land Application
<input type="checkbox"/> Surface Impoundment	<input type="checkbox"/> Thermal Treatment	<input type="checkbox"/> Surface Impoundment

**RECORDKEEPING REQUIREMENTS**

**OPERATING RECORD**

1. Is the Permittee maintaining a written operating record at the facility as set forth in O.A.C. Rules 3745-54-73 and 3745-54-74 which contains the following elements:

- (a) A description and the quantity of each hazardous waste received? yes
- (b) Method(s) and date(s) of treatment, storage or disposal at the facility? yes
- (c) The location of each hazardous waste within the facility and the quantity at each location? yes

2. Is the Permittee maintaining, until closure is complete and certified, the following documents and amendments, revisions and modifications to these documents:

- |     |   |     |
|-----|---|-----|
| (a) | Waste analysis plan in accordance with O.A.C. Rule 3745-54-13?  | yes |
| (b) | Contingency plan in accordance with O.A.C. Rule 3745-54-53?   | yes |
| (c) | Closure plan in accordance with O.A.C. Rule 3745-55-12?   | yes |
| (d) | Personnel training plan and records required by O.A.C. Rule 3745-54-16?                               | yes |
| (e) | Inspection schedules developed in accordance with O.A.C. Rules 3745-54-15 and O.A.C. Rule 3745-55-74? | yes |

3. Is the Permittee maintaining copies of all inspection logs at the facility for a period of at least three years from date of inspection?	yes
---	-----

#### ANNUAL REPORT REQUIREMENT

4. Is the Permittee complying with annual report requirements set forth in O.A.C. Rule 3745-54-75 and the additional report requirements set forth in O.A.C. Rule 3745-54-77?	yes
---	-----

#### OFF-SITE SHIPMENTS/MANIFEST REQUIREMENTS

- |   |     |
|---|-----|
| 1. (A) Is all hazardous waste transported from the facility by a properly registered transporter of hazardous waste in accordance with all applicable laws, rules and standards?                          | yes |
| 2. Is the Permittee complying with the following manifest requirements set forth in O.A.C. Chapter 3745-52 and O.A.C. Rules 3745-54-70, 3745-54-71, 3745-54-72 and 3745-54-76:                            | yes |
| (a) All hazardous wastes shipped off-site have been accompanied by a completed manifest, USEPA form 8700-22 and, if necessary, USEPA form 8700-22A in compliance with O.A.C. Rule 3745-52-20(A)?          | yes |
| (b) The manifest form used contains all information required by O.A.C. Rule 3745-52-20 and the minimum number of copies required by O.A.C. Rule 3745-52-22?   | yes |
| (c) The facility has designated at least one permitted disposal facility and has/will designate an alternate facility or instructions to return waste in compliance with O.A.C. Rule 3745-52-20(C)(D)(E)? | yes |
| (d) Prepared manifests have been signed by the facility and initial transporter in compliance with O.A.C. Rule 3745-52-23?  | yes |
| 3. Has the Permittee received a return copy of each completed manifest within (35) days of the date the waste was accepted by the initial transporter?  | yes |

- (a) If not, has the Permittee complied with the manifest exception reporting requirements of O.A.C. Rule 3745-52-42? NA  
yes
- 4. Are signed copies of all hazardous waste manifests and any documentation required for exception reports retained for at least three years at the facility as required by O.A.C. Rule 3745-52-40? yes

**WASTE ANALYSIS/WASTE ANALYSIS PLAN**

- 1. Does the Permittee have a detailed chemical and physical analysis of waste streams which contains all information which is necessary to properly treat, store or dispose of the waste in accordance with O.A.C. Chapters 3745-54 to 3745-57 and Condition B.3 of the permit? yes
- 2. Is the Permittee following the procedures described in the approved waste analysis plan (Section C of approved permit application) and the requirements of O.A.C. Rule 3745-54-13 yes

**GENERAL INSPECTION REQUIREMENTS**

- 1. Is the Permittee following the inspection procedures and schedules described in Section F of the approved permit application and the requirements of O.A.C. Rule 3745-54-15? no RMK# 1
- 2. Does the Permittee inspect the facility with such regularity as to identify problems resulting from deterioration, malfunctions, operator errors or discharges which may lead to a release of hazardous waste to the environment or a threat to human health? [O.A.C. Rule 3745-54-15(A)(1)(2)] yes
- 3. Is the Permittee following the approved inspection schedule for inspecting: monitoring equipment, safety equipment, emergency equipment, security devices and operating and structural equipment as specified in O.A.C. Rule 3745-54-15(1)? yes
  - (a) Is the schedule kept at the facility? [O.A.C. Rule 3745-54-15(B)(2)] yes
  - (b) Does the schedule identify the types of problems which are to be looked for during the inspection? [O.A.C. Rule 3745-54-15(B)(3)] yes
  - (c) Does the schedule include inspection of areas subject to spills daily when in use and according to other applicable regulations when not in use? [O.A.C. Rule 3745-54-15(B)(4)] yes
- 4. Does the Permittee remedy deterioration or any malfunctions discovered by an inspection as required by O.A.C. Rule 3745-54-15(C)? yes
- 5. Is the Permittee maintaining records of inspections for a minimum of three years? yes
- 6. In accordance with O.A.C. Rule 3745-54-15(D), do inspection records contain the following information:

- (a) Date and time of inspection? yes
- (b) Signature of inspector? yes
- (c) Notation of observations made? yes
- (d) Date/nature of any repairs or other remedial actions? yes

**SECURITY PROVISIONS/FACILITY OPERATION**

1. Is the Permittee complying with the security provisions of O.A.C. Rule 3745-54-14 and Section F of the approved permit application, including the following:
  - (a) Does the Permittee have a 24-hour surveillance system which continuously monitors and controls entry onto the active portion of the facility, or; yes RMK #2
  - (b) An artificial or natural barrier (in good repair) which completely surrounds the active portion of the facility, or; no RMK #2
  - (c) A means to control entry, at all times, through gates or other entrances, to the active portion of the facility? yes RMK #2
2. In accordance with O.A.C. Rule 3745-54-14(C), does the Permittee have signs reading "Danger-Unauthorized Personnel Keep Out" posted at each entrance and at other locations and in sufficient numbers to be seen when approaching the active portion of the facility? yes
3. Is construction, maintenance and operation of the facility being conducted to minimize the possibility of a fire, explosion, or unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil ground or surface waters? yes

**PERSONNEL TRAINING**

1. Is the facility conducting personnel training in accordance with Section H of the approved permit application and the following requirements of O.A.C. Rule 3745-54-16:
  - (a) The facility provides personnel training which includes instruction in safe equipment operation and emergency procedures and implementation of the contingency plan? [O.A.C. Rule 3745-54-16(A)(B)(C)] yes
  - (b) The facility provides personnel training to new employees within 6 months after their date of employment as required by O.A.C. Rule 3745-54-16(B)? yes
  - (c) The facility provides an annual refresher training course as required by O.A.C. Rule 3745-54-16(B)? yes
2. Is the Permittee maintaining personnel training records as required by O.A.C. Rule 3745-54-16(D) and of the approved application, including; written job titles, job descriptions and documented employee training records? yes

**REQUIRED EQUIPMENT**

1. Is the Permittee, at a minimum, maintaining the equipment set forth in the approved permit application (Section G) at the facility? yes
2. Is the Permittee inspecting, testing and maintaining the equipment specified in Question #1 to assure its proper operation as specified in O.A.C. Rule 3745-54-33, the inspection plans and Section F of the approved permit application? yes
3. Whenever hazardous waste is being managed at the facility, has the Permittee provided all personnel involved in the operation with immediate access to an internal alarm or emergency communication device as required by O.A.C. Rule 3745-54-34 and Section F of the approved permit application? yes

**CONTINGENCY PLAN REQUIREMENTS**  
**EMERGENCY PROCEDURES**

1. Does the Permittee:
- (a) Familiarize the emergency response agencies likely to respond to an emergency at the facility with: yes
- i. - The layout of the facility? yes
- Properties of hazardous waste managed at the facility and associated hazards? yes
- Places where facility personnel will normally be working? yes
- Entrances to and roads inside the facility? yes
- Evacuation routes as depicted in Section G of the permit application? yes
- (ii) - Inform emergency response agencies of safety equipment, supplies, proper emergency procedures that are applicable to the facility, and any further requirements imposed by the permit? and; yes
- (iii) - Familiarize local ambulance services, fire depts., hospitals and any other local emergency services with the properties of hazardous waste managed at the facility and the types of injuries or illness which could result from fires, explosions or a release of hazardous wastes at the facility? yes

**EMERGENCY AUTHORITIES**

2. Has a state or local agency declined to enter into the arrangements set forth in O.A.C. Rule 3745-54-37(A)? If so, no
- (a) Has the Permittee documented the refusal in the operating record as required by O.A.C. Rule 3745-54-37(B)? NA
3. Has the Permittee, in accordance with O.A.C. Rule 3745-54-53 submitted a copy of the approved contingency plan (including amendments, revisions or changes) to all local authorities,

- agencies and response contractors designated in the approved contingency plan? [Condition B.12.(c)] **yes**
4. Has the Permittee notified the agencies in Question #1, in writing, within (10) days of the effective date of any amendments or revisions to the plan? [Condition B.12.(c)] **yes**
5. Has the Permittee submitted a copy of the approved contingency plan and all revisions, amendments and modifications to the Ohio EPA, Division of Emergency and Remedial Response in accordance with O.A.C. Rule 3745-54-53? [Condition B.12.(d)] **yes**

#### EMERGENCY COORDINATOR

6. At all times is there an individual on-site or on call to act as an emergency coordinator as required by O.A.C. Rule 3745-54-55? **yes**

#### AMENDMENT OF PLAN

7. Is the Permittee reviewing the approved contingency plan regularly and amending the plan immediately if needed in compliance with O.A.C. Rule 3745-54-54? **yes**
8. Has there been a fire, explosion or release of hazardous waste or hazardous waste constituents at the facility since date of last inspection as described by Condition B.13. of the permit? **no**

#### REQUIREMENTS FOR IGNITABLE, REACTIVE OR INCOMPATIBLE WASTES

1. Is the Permittee in compliance with the requirements of O.A.C. Rules 3745-54-17, 3745-55-77 (for incompatible wastes), the approved application and conditions of the permit? **yes**
2. As required by O.A.C. Rule 3745-55-76 does the Permittee store containers of ignitable or reactive wastes greater than 15 feet (50 feet) from the facility's property line? **yes**
3. Does the Permittee take precautions to prevent accidental ignition or reaction of ignitable or reactive waste and follow the procedures as specified by O.A.C. Rule 3745-54-15 and in Section F of the permit application? **yes**
4. Does the Permittee provide electrical grounding for all containers and tanks, and transport vehicles during all operations involving the handling of flammable and/or combustible wastes? **yes**
5. Does the Permittee require the use of spark proof tools during all operations involving the handling of ignitable wastes? **yes**
6. Does the Permittee prohibit smoking and open flames in areas where hazardous wastes are managed and post appropriate signs? **yes**

**STORAGE OF HAZARDOUS WASTES IN CONTAINERS**

- 1. Is each container stored clearly marked to identify its contents and the date each period of accumulation/storage begins? yes
- 2. Are containers holding hazardous wastes in good condition? yes
  - (a) If not, (e.g. severe rusting, structural defects) did the Permittee transfer the hazardous waste from such a container to a container that is in good condition or otherwise manage the waste in a manner that complies with the conditions of the permit and O.A.C. Rule 3745-55-71?? NA
- 3. Does the Permittee ensure that all containers used at the facility are compatible with the hazardous waste to be stored in them as required by O.A.C. Rule 3745-55-72? yes
- 4. Does the Permittee keep all containers closed during storage except when it is necessary to add or remove waste as required by O.A.C. Rule 3745-55-73? yes
- 5. Are lab-pack wastes handled in compliance with the applicable storage requirements? yes
- 6. Are lab pack wastes packaged in drums containing absorbent material that is compatible with the wastes? yes

**INSPECTIONS**

- 8. Is the Permittee inspecting the container area weekly in accordance with O.A.C. Rule 3745-55-74 and the approved inspection schedule (Section F) to detect leaking containers and deterioration of containers and the containment system? no <sup>1</sup> RMK# 1
  - (a) Does the Permittee note the results of these inspections in the inspection log along with any remedial action taken? no RMK #1
- 9. Has the Permittee had a spill or leak of wastes or an accumulation of precipitation in the containment system? no

If so,

  - (a) Are spilled or leaked wastes and accumulated precipitation removed from the sump or collection area in a timely manner? [Condition C.8.(c)] NA
  - (b) Does removal of spilled/leaked wastes and accumulated precipitation occur within (24) hours from the time the spilled or leak waste is discovered? [Condition C.8.(c)] NA

RMK# 1 Two deficiencies noted. Inspection records for two storage lockers covering a 4 week period were missing. All inspection records for one week were also missing. More details are in letter to facility.  
 RMK #2 Facility has 24-hr. guards and controlled vehicle entrance. Entire facility perimeter is not fenced.

**REQUIRED AISLE SPACE**

10. Is the Permittee maintaining aisle space to allow unobstructed movement of personnel, fire protection equipment, spill control equipment and decontamination equipment in the event of an emergency to any area of the facility as required by O.A.C. Rule 3745-54-35? yes

**LAND DISPOSAL RESTRICTION REQUIREMENTS****GENERATOR REQUIREMENTS**

1. Has the generator adequately evaluated all wastes to determine if they are restricted from land disposal? [O.A.C. Rule 3745-270-07(A)] yes
2. Has the generator determined the correct "treatability group" for each waste restricted from land disposal (e.g. wastewater, non-wastewater, high arsenic, low arsenic, high zinc, low zinc, etc.)? [O.A.C. Rule 3745-270-07(A)] yes
3. Has the generator correctly determined if restricted wastes meet or exceed treatment standards? [O.A.C. Rule 3745-270-07(A);] yes
4. Does the entity generate any listed waste(s) which are restricted from land disposal? If so, yes
- (a) Do such wastes also exhibit hazardous waste characteristics as identified in O.A.C. Rules 3745-51-20 to 3745-52-24? yes
- (b) For listed wastes which also exhibit a characteristic: Does the generator also identify the appropriate treatment standard for the constituent(s) which cause the waste to exhibit the characteristic(s)? [O.A.C. Rule 3745-270-09(A)] yes

NOTE: The generator is not required to identify the treatment standard for the characteristic if the listing covers the associated characteristic (e.g. a F019/D007 hazardous waste - F019 being listed due to chromium content and D007 being the characteristic waste code for chromium). [See O.A.C. Rule 3745-270-09(B)]

**NOTIFICATION/CERTIFICATION**

5. For wastes that do not meet treatment standards: Does the generator notify the treatment/storage facility receiving the wastes, in writing, that wastes being received do not meet treatment standards? [O.A.C. Rule 3745-270-07(A)(1)] yes
- If so, does the notification include the following:
- (a) EPA hazardous waste number? [O.A.C. Rule 3745-270-07(A)(1)(a)]
- (b) The manifest number associated with the shipment of waste? [O.A.C. Rule 3745-270-07(A)(1)(c)] yes

(c) Waste analysis data, where available? [O.A.C. Rule 3745-270-07(A)(1)(d)] yes

6. Does the generator retain on-site a copy of all notices, certifications, demonstrations and waste analysis data for at least five years? [O.A.C. Rule 3745-59-07(A)(6)] yes

**STORAGE OF LAND DISPOSAL RESTRICTED WASTES**

7. Is the owner/operator storing land disposal restricted wastes in containers? If so, is each container marked with the following information in accordance with O.A.C. Rule 3745-59-50(A)(2)(a) :

(a) The identification of the contents? yes

(b) The date which accumulation began? yes