



4193

State of Ohio Environmental Protection Agency

Southwest District Office

401 East Fifth Street
Dayton, Ohio 45402-2911

TELE: (937) 285-6357 fax: (937) 285-6249

Bob Taft, Governor
Maureen O'Connor, Lt. Governor
Christopher Jones, Director

March 28, 2002

Mr. Stephen H. McCracken, Director
U.S. Department of Energy
Fernald Environmental Management Project
P.O. Box 538705
Cincinnati, Ohio 45253-8705

FILE:
2002 MAR 22 A 10:46
APR 1
LOG C-00944
FERNALD

SUBJECT: DRAFT CONTAINER MANAGEMENT PLAN

Dear Mr. McCracken:

This letter communicates Ohio EPA's response to U.S. DOE-FEMP's Draft Container Management Plan, received by this office October 10, 2001. U.S. DOE-FEMP submitted this plan, in part, to address certain concerns Ohio EPA shared with the facility as a result of a complaint investigation conducted by the agency in early 2001.

In addition to providing some informational up-dates, DOE-FEMP's stated justification for this plan is that it serves to replace the facility's 1990 Drum Management Plan. However, due to uncertainties with the legal mechanism for replacing the Drum Management Plan, Ohio EPA is reluctant to accept, and approve, an additional container management plan of limited scope. Therefore, this office respectfully declines to issue an approval of this document at this time. General comments concerning this plan are provided as an attachment to this letter.

Ohio EPA is mindful of U.S. DOE-FEMP's concerns related to multiple documents which describe facility container management standards. Ohio EPA remains willing to entertain any mutually agreeable suggestions which could lead to correction and/or clarification of this situation.

Ohio EPA considers the concerns which were raised by the agency regarding continued long term container storage to be reasonable and, at this point, un-resolved. The agency's expectation in this regard is that DOE-FEMP will remain diligent in facility efforts to manage the site's population of containerized waste; that DOE-FEMP will to the extent possible, prioritize the removal and disposition of this waste; and that DOE-FEMP be prepared to take additional container management measures in the event that disposition and disposal schedules are significantly delayed.

Should you have any questions in this matter, please contact me at (937) 285-6090.

1

4193

Mr. Stephen H. McCracken, U.S. DOE-FEMP
March 28, 2002
Page 2

4193

Sincerely,



Phillip C. Harris
Division of Hazardous Waste Management

Attachment

cc: Terry Hagen, Fluor Fernald, Inc.
Graham Mitchell, OFFO

U.S. DOE-FEMP
March 28, 2002

ATTACHMENT

OHIO EPA DHWM COMMENTS CONCERNING:
U.S. DOE-FEMP'S DRAFT CONTAINER MANAGEMENT PLAN, OCT. 9, 2001.

NOTE: In 2001, Ohio EPA voiced several concerns related to the facility's long term management of containerized waste. Ohio EPA's intent was that DOE and the agency consider potential implications of site management of an aging population of containerized waste that is stored predominately, in adverse weather conditions. The facility submitted the Draft Container Management Plan to address, in part, these concerns.

General Comments :

1. Ohio EPA acknowledges that information contained in the 1990 Drum Management Plan is out-of-date. The 1990 plan is tied to legal agreements which make revision and/or replacement of the 1990 document problematic. Intervention of the Attorney General to provide assistance in resolving the issue is un-likely. From a regulatory perspective, Ohio EPA also acknowledges that DOE-FEMP must contend with certain instances of ambiguity resulting from multiple documents which describe facility container management standards.

Given this situation however, Ohio EPA considers the stated rationale for the Container Management Plan ("Plan") to be insufficient to warrant approval at this time. The agency is reluctant to accept and approve an additional stand-alone plan that only addresses certain hazardous waste / mixed waste storage issues, and prefers that some other mechanism be agreed upon, and utilized, to provide updated container management information of this type, e.g., Section D of the facility Part B Application.

2. The Plan's format of "information up-date" is consistent with site management protocol related to container management of hazardous and mixed wastes, but does not address Ohio EPA's concerns related to long term, overall containerized waste management.
3. The scope of described container management protocol is not universal with respect to waste types, i.e., rad waste. In terms of release and response activity, Ohio EPA does not think it unreasonable for the facility to commit to coexistent container management standards, at least for Type I containers.

U.S. DOE-FEMP
March 28, 2002
Attachment page 2

4. Stated response actions for facility-identified Type II and Type III containers appear to be relatively un-changed from status quo operations.
5. The Plan summarizes improvements made to the Plant 1 Pad as a result of the upgrade completed in 1995, but does not address questions regarding the current state of repair of this storage area, and the potential need to consider additional repair, maintenance, and modification of the Plant 1 Pad in the context of continued long term container management.
6. Ohio EPA would require additional information to clarify the types of Plan modifications or revisions the facility would deem as "minor changes" and how such changes would be acknowledged and/or approved.

- END COMMENTS -