



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

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CHICAGO, IL 60604-3590

MAY 10 2004

Mr. William J. Taylor  
 United States Department of Energy  
 Fernald Area Office  
 P.O. Box 398705  
 Cincinnati, Ohio 45239-8705

REPLY TO THE ATTENTION

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FERNALD

**Subject: Approval of the Revised Transportation and Disposal Plan for the Silo 3 Project**

Dear Mr. Taylor:

The United States Environmental Protection Agency (U.S. EPA) has completed its review of the United States Department of Energy's (DOE) Revised Transportation and Disposal Plan (T&D Plan) (Revision F) for the Silo 3 Project dated April 21, 2004. The original T&D Plan was submitted to U.S. EPA on March 30, 2004. This revised T&D Plan reflects the exclusive use of the "ISO container/flat-bed trailer" packaging configuration.

U.S. EPA is aware that the Attorney General of Nevada has threatened litigation should DOE attempt to dispose of Silo 3 materials at the Nevada Test Site (NTS). DOE should resolve any uncertainty about the availability of the NTS for disposal of the Silo 3 materials. Once DOE starts extracting material from Silo 3, the Operable Unit (OU) 4 Record of Decision (ROD) requires a continuous process of extraction, treatment, packaging, transportation, and off-site disposal of the Silo 3 materials. Under the ROD, there is no allowance for on-site accumulation of extracted materials other than for the purpose of facilitating continuous off-site transportation and disposal of those materials. For example, DOE may accumulate extracted materials as is necessary to assure that individual shipments are fully loaded and to ensure efficient operation of the Silo 3 extraction, treatment, and packaging facility. However, in order to be continuous, individual shipments must occur on a frequent and routine basis. Therefore, U.S. EPA expects that at any given point in time the volume of extracted materials on-site would be very small and that turnover of that material would be continuous. Extraction, treatment, packaging, and on-site accumulation of Silo 3 materials without simultaneous and continuous off-site transportation and disposal would not comply with the OU 4 ROD and lead to U.S. EPA enforcement action.

Overall, the T&D Plan appears technically adequate. U.S. EPA has enclosed minor comments which require further clarification. Therefore, U.S. EPA approves the revised T&D Plan. DOE must submit responses to comments and a revised document within thirty (30) days receipt of this letter. If you have any questions or concerns, please contact me at (312) 886-4591.

Sincerely,

Gene Jablonowski  
 Project Manager  
 Federal Facilities Section  
 Superfund Division

Enclosure

cc: Tom Schneider, OEPA-SWDO  
 Johnny Reising, U.S. DOE-Fernald  
 Jamie Jameson, Fluor Fernald  
 Terry Hagen, Fluor Fernald  
 Tim Poff, Fluor Fernald

U.S. EPA COMMENTS ON THE  
"REVISED TRANSPORTATION AND DISPOSAL PLAN FOR THE SILO 3 PROJECT"  
FERNALD CLOSURE PROJECT

GENERAL COMMENTS

Commenting Organization: U.S. EPA Commentor: Jablonowski  
General Comment #: 1 Section #: Not Applicable (NA) Page #: NA  
Comment: The plan should clearly specify the International Standards Organization (ISO) containers that will be used to transport the IP-2 soft-sided containers. Specifications should include material (steel or aluminum), dimensions, weight ratings, and that they are end-opening containers.

Commenting Organization: U.S. EPA Commentor: Jablonowski  
General Comment #: 2 Section #: NA Page #: NA  
Comment: The plan does not include procedures for on-site cleanup of Silo 3 material should damage to the soft-sided containers occur during transport, loading, or unloading activities. Also, the plan should be revised to include procedures for cleanup of Silo 3 material in the event that a spill occurs.

SPECIFIC COMMENTS

Commenting Organization: U.S. EPA Commentor: Jablonowski  
Specific Comment #: 1 Section #: 2.3.1 Page #: 4  
Comment: The text states that the northern transportation route traverses Ohio, Indiana, Illinois, Missouri, Kansas, Colorado, Wyoming, Utah, and Nevada. However, in Appendix B, the fourth and fifth paragraphs of Page B-3 also include Nebraska as one of the states that will be traversed. The plan should be to revised to resolve this inconsistency.

Commenting Organization: U.S. EPA Commentor: Jablonowski  
Specific Comment #: 2 Section #: 5.3 Page #: 14  
Comment: The text states that once a shipment of Silo 3 material leaves FCP, the motor carrier will be responsible for providing emergency response support to local authorities in the event of any incident. Local and state authorities should be notified ahead of time as to the date and time of transport, the route taken for material transport, and any other information that may be useful in conducting cleanup activities should an accident occur. The text should be revised accordingly.

Commenting Organization: U.S. EPA Commentor: Jablonowski  
Specific Comment #: 3 Section #: 6.3.1.3 Page #: 18  
Comment: The text states that "NTS proposes to dispose of the soft-sided containers of Silo 3 material in Area 5." It is U.S. EPA's understanding that the ISO dry van containers, containing the soft-sided IP-2 containers of Silo 3 material, will be disposed in their entirety without emptying; please clarify.

Commenting Organization: U.S. EPA Commentor: Jablonowski  
Specific Comment #: 4 Appendix #: B Page #: B-3  
Comment: The text lists only some of the major cities that a shipment of Silo 3 material will pass through along Southern Route No. 1. The text should be revised to include the following cities along this route: Springfield, Missouri; Amarillo, Texas; Albuquerque, New Mexico; and Flagstaff, Arizona. The text should also be revised to remove the reference to Santa Fe, New Mexico, because the route does not pass through this city.