



ENERGY AND ENVIRONMENT CABINET

Steven L. Beshear
Governor

Department for Environmental Protection
Division of Waste Management
200 Fair Oaks, 2nd Floor
Frankfort, Kentucky 40601-1190
www.kentucky.gov

Leonard K. Peters
Secretary

January 22, 2015

Ms. Jennifer Woodard
US Department of Energy
Portsmouth/Paducah Project Site Office
5501 Hobbs Road
Kevil, KY 42053

RE: Feasibility Study for Solid Waste Management Units 2, 3, 7 and 30 of the Burial Grounds Operable Unit (DOE/LX/07-1274&D2)

Proposed Plan for the Burial Grounds Operable Unit Source Areas for Solid Waste Management Units 5 and 6 (DOE/LX/07-1275&D2)

Remedial Investigation / Feasibility Study Report for CERCLA Waste Disposal Alternatives Evaluation and Subsequent Documents (DOE/LX/07-0244&D2)

Paducah Gaseous Diffusion Plant
Paducah, McCracken County, Kentucky
KY8-890-008-982

Ms. Woodard:

The Kentucky Division of Waste Management (Division) is hereby identifying KRS 224.80-100 et seq. as a potential applicable or relevant and appropriate requirement (ARAR) for all alternatives evaluated under the D2 *Feasibility Study for SWMUs 2, 3, 7 and 30 of the Burial Grounds Operable Unit* which leave contamination in place in excess of unrestricted levels. The Division agrees with and supports EPA Region 4's Condition #2 (addressing the Kentucky statute) as submitted in their December 19, 2014 conditional concurrence to the above-stated document. Additionally, 401 KAR 34:070 Section 10 (40 CFR 264.119) is identified as potential ARAR for the SWMU 2 RCRA capping alternatives.

At this time, the Division is also identifying KRS 224.80-100 et seq. as a potential ARAR for all alternatives evaluated under the approved D2/R1 *Feasibility Study for SWMUs 5 & 6 of the Burial Grounds Operable Unit*, which left contamination in place in excess of unrestricted levels. For the on-site disposal alternative addressed in the D2 *Remedial Investigation /*

Feasibility Study Report for CERCLA Waste Disposal Alternatives Evaluation, KRS 224.80-100 et seq. and 401 KAR 34:070 Section 10 (40 CFR 264.119) are also identified as a potential ARAR.

It remains the Division's position that restrictive covenants at the PGDP are required only at the time of property transfer and that requirement fields in ARAR tables and language in proposed plans would reflect that agreement. Post-closure notices are required to be submitted in accordance with time frames addressed in 401 KAR 34:070 Section 10.

If you have any questions or require additional information, please contact Gaye Brewer at (270) 898-8468, or e-mail gaye.brewer@ky.gov.

Sincerely,



April J. Webb, P.E., Manager
Hazardous Waste Branch

AJW; lww:tm:mg

ec: Jennifer Tufts, US EPA - Region 4, Tufts.Jennifer@epa.gov
Jon Richards, US EPA – Region 4; Richards.jon@epa.gov
William E. Murphie, DOE – Paducah, William.murphie@lex.doe.gov
William Creech, DOE - Lexington; William.creech@lex.doe.gov
Rich Bonczek, DOE – Lexington, Rich.Bonczek@lex.doe.gov
Lisa Santoro, DOE – Paducah; lisa.santoro@lex.doe.gov
Rob Seifert, DOE – Paducah, Rob.Seifert@lex.doe.gov
Jennifer Woodard, DOE – Paducah, Jennifer.Woodard@lex.doe.gov
Kim Knerr, DOE – Paducah, kim.Knerr@lex.doe.gov
Mark J. Duff, LATAKY – Kevil; mark.duff@lataky.com
Myrna Redfield, LATAKY – Kevil, Myrna.Redfield@lataky.com
John Wesley Morgan, LATAKY – Kevil, John.Morgan@lataky.com
Jana White, LATAKY – Kevil; jana.white@lataky.com
Bruce Ford, LATAKY – Kevil; bruce.ford@lataky.com
Jim Erickson, LATAKY – Kevil, Jim.Erickson@lataky.com
Frazier Johnstone, LATAKY – Kevil, Edward.Johnstone@lataky.com
Greg Shaia, LATAKY – Kevil, Greg.Shaia@lataky.com
John Samples, LATAKY – Kevil, John.Samples@lataky.com
Craig Jones, LATAKY – Kevil, craig.jones@lataky.com
Darla Bowen, LATAKY – Kevil; darla.bowen@lataky.com

Sunny Osborne, LATAKY – Kevil; sunny.osborne@lataky.com
Elizabeth Wyatt, LATAKY – Kevil; Elizabeth.wyatt@lata.com
LATAKY – General; latacorrespondence@lataky.com
Karla Morehead, P2S – Paducah; karla.morehead@lex.doe.gov
Christa Dailey, P2S – Paducah; christa.dailey@lex.doe.gov
Bethany Jones, P2S – Paducah; Bethany.jones@lex.doe.gov
Jim Ethridge, CAB – Paducah; jim@pgdpcab.org
Matt McKinley, CHFS – Frankfort; matthewW.mckinley@ky.gov
Stephanie Brock, CHFS – Frankfort; StephanieC.Brock@ky.gov
Nathan Garner, CHFS – Frankfort; Nathan.garner@ky.gov
Todd Mullins, KDWM – Frankfort; Todd.Mullins@ky.gov
Gaye Brewer, KDWM – Paducah; gaye.brewer@ky.gov
Mike Guffey, KDWM-Frankfort; mike.guffey@ky.gov
Leo Williamson, KDWM – Frankfort; Leo.Williamson@ky.gov

DWM File: #1100-E, Graybar ARM20120012 (FS for BGOU SWMUs 2, 3, 7 & 30)

DWM File: #1100-E, Graybar ARM20130010 (Proposed Plan for BGOU SWMUs 5&6)

DWM File: #1040; Graybar: AIN20120007 (CERCLA Cell WDAE RI/FS Report)