



ENERGY AND ENVIRONMENT CABINET

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Governor

Department for Environmental Protection
Division of Waste Management
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Leonard K. Peters
Secretary

February 2, 2015

Ms. Jennifer Woodard
US Department of Energy
Portsmouth/Paducah Project Site Office
PO Box 1410
Paducah, Kentucky 42002

RE: Conditional Concurrence to the Feasibility Study for the Solid Waste Management Units 2, 3, 7, and 30 of the Burial Grounds Operable Unit at the Paducah Gaseous Diffusion Plant (DOE/LX/07-1274&D2)
Paducah Gaseous Diffusion Plant
Paducah, McCracken County, Kentucky
KY8-890-008-982

Ms. Woodard:

The Kentucky Division of Waste Management (Division) issued a conditional concurrence on the *Feasibility Study for the Solid Waste Management Units 2, 3, 7, and 30 of the Burial Grounds Operable Unit D2* dated June 12, 2014, on November 12, 2014. On January 22, 2015, the Division identified KRS 224.80-100 et seq. as a potential applicable or relevant and appropriate requirement (ARAR) for the alternatives evaluated under the subject Feasibility Study which leave contamination in place in excess of unrestricted levels. The Division also identified 401 KAR 34:070 Section 10 as a potential ARAR for SWMU 2. The Division hereby adds the attached conditions to our November 12, 2014 conditional concurrence.

Please revise this Primary Document as specified in these attached conditions and in the Division's November 12, 2014 conditions. If you have any questions or require additional information, please contact Gaye Brewer at (270) 898-8468 or e-mail at gaye.brewer@ky.gov.

Sincerely,



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

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

Attachment: Kentucky Conditions

**Kentucky Division of Waste Management Conditions Pertaining to the
Feasibility Study for Solid Waste Management Units 2, 3, 7, and 30 of the Burial Grounds
Operable Unit**

Paducah Gaseous Diffusion Plant, Paducah, Kentucky

DOE/LX/07-1274&D2

February 2, 2015

General Condition:

1. For all sections of the document listing and describing Land Use Controls (LUCs) as a component of remedies that would leave waste in place, include text describing DOE's intent to apply restrictive covenants as required by KRS 224.80-100 et seq. It is understood that for a federal facility such as the PGDP, such covenants would only be required to be filed at the time of property transfer, should that ever occur.

Specific Condition:

1. Appendix F, ARARs:

Include KRS 224.80-100 et seq. as an ARAR for the alternatives which leave contamination in place in excess of unrestricted levels.

Include 401 KAR 34:070 Section 10 and 40 CFR 264.119 as ARAR for SWMU 2 (Alternatives 3, 4(SS), 4(CI), and 6).

End of Conditions