



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

July 20, 2016

Ms. Tracey Duncan
Federal Facility Agreement Manager
United States Department of Energy
Portsmouth/Paducah Project Site Office
5501 Hobbs Road
Kevil, KY 42053

RE: EPA Comments: Removal Notification for Solid Waste Management Unit 27 at the Paducah Gaseous Diffusion Plant, Paducah, Kentucky, DOE/LX/07-2406&D1, transmittal dated June 21, 2016 (PPPO-02-3536729-16C).

Dear Ms. Duncan,

The U. S. Environmental Protection Agency Region 4 has reviewed the Department of Energy's (DOE) *Removal Notification for Solid Waste Management Unit 27 at the Paducah Gaseous Diffusion Plant, Paducah, Kentucky* (DOE/LX-07-2406&D1). Comments generated during the Agency's review of the Removal Notification are provided as an enclosure to this letter. Solid Waste Management Unit (SWMU) 27 is also known as the C-722 Acid Neutralization Tank, a SWMU listed in the Soils Operable Unit in Paducah Gaseous Diffusion Plant Federal Facility Agreement Site Management Plan.

If you have any questions about this correspondence, please do not hesitate to contact me at (404) 562-8547 or via electronic mail at corkran.julie@epa.gov.

Sincerely,

A handwritten signature in blue ink that reads "Julie L. Corkran".

Julie L. Corkran, Ph.D.
Federal Facility Agreement Manager
Superfund Division

Enclosure

Ms. Tracey Duncan
July 20, 2016
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**United States Environmental Protection Agency (U.S. EPA) Region 4
Comments on:**

**Removal Notification for Solid Waste Management Unit 27 at the Paducah Gaseous
Diffusion Plant, Paducah, Kentucky, DOE/LX/07-2406&D1 (dated June 21, 2016)**

U.S. EPA ID KY8890008982

General Comments

1. Preface; Section 2, Page 6; Table 2: Demonstration of the need for a Time Critical Removal Action. The RN does not clearly present the case for the reader for a Time Critical Removal Action.
 - In the Preface, DOE states that "...a removal action is appropriate considering the age and the unknown condition of the SWMU 27 tank that may pose a threat of release of hazardous substances."
 - In Section 2, the RN indicates that the driver for the action is industrial worker direct contact. Perhaps the basis was intended to be the age and unknown condition of the tank and the unacceptable risk/hazards posed to an industrial worker by the contaminants in the tank?
 - In Section 4.3, the RN indicates that a planning period of less than six (6) months is the basis for a time critical removal action.

The Preface should be revised to clearly present the multiple lines of evidence forming the basis for the TCRA determination.

In addition, Table 2 should be revised to illustrate for the reader how the sludge data support a time critical removal based on the industrial worker screening that is implied in the text (5th paragraph on page 6) and in the table footnote. As presented, it is an assertion without demonstration. This demonstration in the RN will support the decision by the FFA parties to pursue a time critical removal action can be supported in the RN.

EPA notes that, unless we have access controls in place through a CERCLA decision document that prevent workers from coming into contact with contaminants in the tank, the assumption under CERCLA is that the tank contents are accessible to the worker and a potentially completed exposure pathway exists. DOE plant controls (that are not enforceable by KY and EPA through CERCLA) are not a basis for an assumption that workers cannot be/will not be exposed to the contaminants in the tank. But for this action to mitigate the pathway, the potential for exposure of the worker to unacceptable levels of contaminants in the tank is assumed to exist: this needs to be clearly illustrated in the RN.

U.S. EPA Region 4 Comments on:

Removal Notification for Solid Waste Management Unit 27 at the Paducah Gaseous Diffusion Plant, Paducah, Kentucky, DOE/LX/07-2406&D1, dated June 2016

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2. Section 3.2 and Appendix D: Applicable or Relevant and Appropriate Requirements. There is internal inconsistency in the Removal Notification (RN) language used to describe DOE's intent to comply with ARARS during the conduct of the action. For example:

- Section 3.2 of the Removal Notification (RN) states: *"This TCRA shall, to the extent practicable considering the exigencies of this situation, attain ARARS."*
- Appendix D, Section D.1, states: *"Section 300.410(j) of the NCP states that removal actions (RAs) shall, to the extent practicable considering the exigencies of the situation, attain ARARs under federal environmental or state environmental or facility siting laws."*
- Section 2.3, Tank Content Characterization, states *"...will be managed... compliant with applicable or relevant and appropriate requirements..."*

To remedy this inconsistency, please revise Section 2.3 to state: *"DOE will comply with ARARs and to be considered (TBC) guidance as set forth in Appendix D of the Removal Notification when conducting this removal action"*. 40 CFR Section 300.415(j) requires removals to meet ARARs to the extent practicable considering the urgency of the situation and the scope of the removal. In the case of SWMU 27, the RN does not demonstrate a completed exposure pathway; there is no urgency demonstrated in the DOE schedule; and the scope of work is quite small, so there is no basis for DOE to assert a need for the flexibility of complying "to the extent practicable" for this removal action.

3. Section 4.3 – Estimated Costs and Schedules: After-Action Reporting. Please revise this section to address after-action reporting for the TCRA. How will the action (including field start, completion, off-site acceptability determination, and waste disposition) be documented for the Administrative Record?

Specific Comments/Editorial

1. The RN is not clear that SWMU 27 is an underground tank. Please evaluate the document and insert the word "underground" in several key locations for clarity and understanding.
2. Page 1, Paragraph 1: revise to read *"...(SWMU) 27 in the Soils Operable Unit. Any additional actions for the tank structure.....(OU) project at a later time in the PGDP cleanup program."*
3. Page 10, Paragraph 1: Add text clarifying for the reader that all influent lines are already capped in the building (this is EPA's current understanding).
4. Page 10, Section 4.1.2: revise to read *"...by excavation of approximately ___ inches/feet of soil and gravel currently atop the tank."*
5. Page 10, Section 4.1.3: revise to read *"...remaining sludge pending a final remedial decision under the Soils and Slabs Operable Unit."*
6. Please check the citation for 300.410(j), in Section D.1, for accuracy and revise as needed.