



Portsmouth EM Site Specific  
Advisory Board

**SUBCOMMITTEE CHAIR**

CARLTON CAVE  
MARTHA COSBY

**SUBCOMMITTEE VICE CHAIR**

AL DON CISCO

**BOARD CHAIR**

WILLIAM HENDERSON II

**BOARD VICE CHAIR**

BOB BERRY

**SUBCOMMITTEE MEMBERS**

CAROL CAUDILL  
TOM EVANS  
RONDA KINNAMON  
JUDY VOLLRATH

**DOE DEPUTY DESIGNATED**

**FEDERAL OFFICIAL**

JOEL BRADBURNE

**DOE FEDERAL COORDINATOR**

GREG SIMONTON

**SUPPORT SERVICES**

EHI CONSULTANTS  
PHONE: 740-289-5249  
FAX: 740-289-1578  
EMAIL: JULIE@PORTS-SSAB.ORG

**COMBINED FUTURE USE & D&D/REMEDATION PROGRESS SUBCOMMITTEE  
WORKSHOP**

**TUESDAY, NOVEMBER 10, 2015 @ 5:45 P.M.**

**THE PURPOSE OF THIS MEETING IS TO GIVE THE SUBCOMMITTEES A PRESENTATION ON  
REGULATORY FRAMEWORK**

**AGENDA**

- WELCOME – JOEL BRADBURNE, DOE
- PORTS REGULATORY FRAMEWORK-JIM SFERRA, OHIO EPA

ADJOURN



## **D&D/REMEDIATION & FUTURE USE COMBINED SUBCOMMITTEE**

MEETING SUMMARY

NOVEMBER 10, 2015 • 5:45 P.M.

THE OHIO STATE UNIVERSITY ENDEAVOR CENTER  
1862 SHYVILLE ROAD, PIKETON, OH 45661

**SSAB Subcommittee Members Present:** Carlton Cave and Martha Cosby, chairs; Al Don Cisco, vice chair; Carol Caudill, Ronda Kinnamon, Judy Vollrath

**SSAB Subcommittee Members Absent:** Tom Evans

**Other SSAB Members Present:** Will Henderson, board chair; Bob Berry, board vice-chair; Lisa Bennett, Stan Craft, Carl Hartley, Neil Leist

**U.S. Department of Energy (DOE) and contractors:** Joel Bradburne, Greg Simonton, Johnny Reising, Jason Sherman, Kristi Wiehle, DOE; Rick Greene, Joe Moore, Rosemary Richmond, Restoration Services, Inc. (RSI); Dennis Carr, Jeff Wagner, Marc Jewett, J.D. Chiou, Jack Williams, Fluor-B&W Portsmouth (FBP)

**Liaisons:** Dustin Tschudy, Jim Sferra, Erik Hagen, Justin Burke, Colin Bennett, Ohio Environmental Protection Agency (EPA); Mike Rubadue, Ohio Department of Health (ODH)

**Support Staff:** Eric Roberts, Julie Galloway, Cindy Lewis, EHI Consultants (EHI)

**Public:** Jeanne Wilson, Senator Sherrod Brown's Office

**Cave and Cosby** opened the meeting:

### **1. PORTS Regulatory Framework by Jim Sferra, Ohio EPA:**

**Henderson:** Jeanne Wilson from Senator Brown's office is here. Jeanne would you like to say anything.

Can you talk a little bit about what the regulatory process was when you declared these landfills as regulatory closed.

**Wilson:** I would like to thank you for having me here. I appreciate the opportunity to hear everything that is going on and keep abreast of everything. I would also like to relay Senator Brown's support of the SSAB.

**Burke:** I do not have any direct knowledge of any of these closures, but they were done with an administrative order as well as regulatory standards at the time.

<p>You were talking about milestones. One of the concerns I have is here we have rolling milestones which are different from what they had at Fernald.</p> <p>Has there been some kind of change that has taken place between then and now that has caused Ohio EPA not to establish those kind of milestones as in the past?</p> <p>The problem that I see as a volunteer is DOE pushes funding on regulatory requirements.</p> <p>It does not have to be landfills and plumes, it could be regulatory requirements attached to a building. Jean fights for us to get additional funding every year, so we do not have to lay people off. I am not looking for answers tonight.</p>	<p>I do not know if there has been a change or not, but those hard milestones that are kind of order driven and consent driven are great on paper, they look great, but they get fines and the money comes out of DOE site budget for DOE to pay the fines.</p> <p><b>Carr:</b> There is different framework on the regulator's side verses State side. Fernald and some of the other sites operated under what was called Federal Facilities compliance agreements, which was established under super fund regulations.</p> <p><b>Roberts:</b> It is nice knowing that the regulator is within the state, and is concerned with the local community. Sometimes when you deal with a national regulator, they are worried about setting a national precedent and making decisions that might be good for one area might hurt another. The relationship between DOE and OEPA is a better opportunity for them to work together.</p> <p><b>Burke:</b> When you do not meet the milestones then you are fined and that takes money away from the project.</p> <p><b>Wilson:</b> Without milestones that means DOE has no advantage to say, "We need this funding."</p>
<p><b>Cave:</b> We are not getting to the people with the pocketbook that we need to talk to them because we don't have milestones saying the building needs torn down by this time. EPA can help by trying to convince the Federal government that we need the funding.</p>	

<p><b>Kinnonom:</b> I have deep respect between Ohio EPA and DOE. I understand that DOE is in compliance. Where they are not is 15-05 where DOE is out of compliance in this timeframe. That comes back to the milestones. I think that is what the community wants, what we as the community can see done, so that we can rebuild.</p>	<p><b>Simonton:</b> We expect everyone to do what they tell us they will do, and if they tell us they won't we try to make them even if we have to climb a ladder that may fall apart before we get there. We are trying to build a pathway to get there. This is about building a bridge to the future.</p>
<p><b>Burke:</b> They need the soil. There is a lot of talk on how to do the NRD order now instead of at the end.</p>	<p><b>Henderson:</b> I want to get on board with the process, but when they get into the third landfill and find technetium based on the radioactivity in that third landfill, then what? The other two were only two million dollars apiece. They get to the third one and come back and say, "You know what, based on the RAD, it is going to cost 15-20 million dollars. There is just no way we are going to be able to do it." What then, what is our recourse? How do we hold them to cleaning it up? Once they start this process we have to have some kind of guidelines in place to where there is no wiggle room. This needs to be an all or nothing. Does that make sense?</p>
<p><b>Sferra:</b> We do like the idea of getting everything into a different better-constructed cell. If you need to follow-up or have questions, call the office.</p>	

**Cave and Cosby:** Meeting adjourned

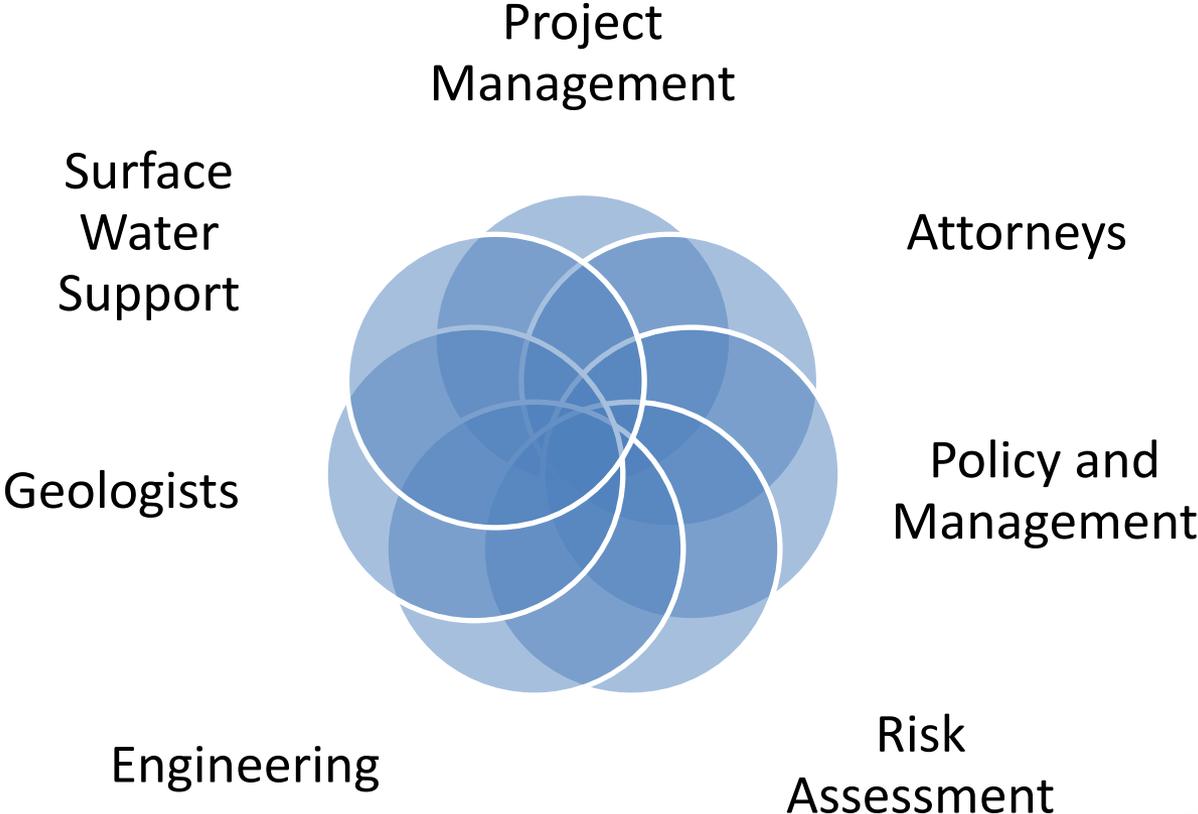
**2. Action Items:** None at this time.

# Portsmouth Gaseous Diffusion Plant

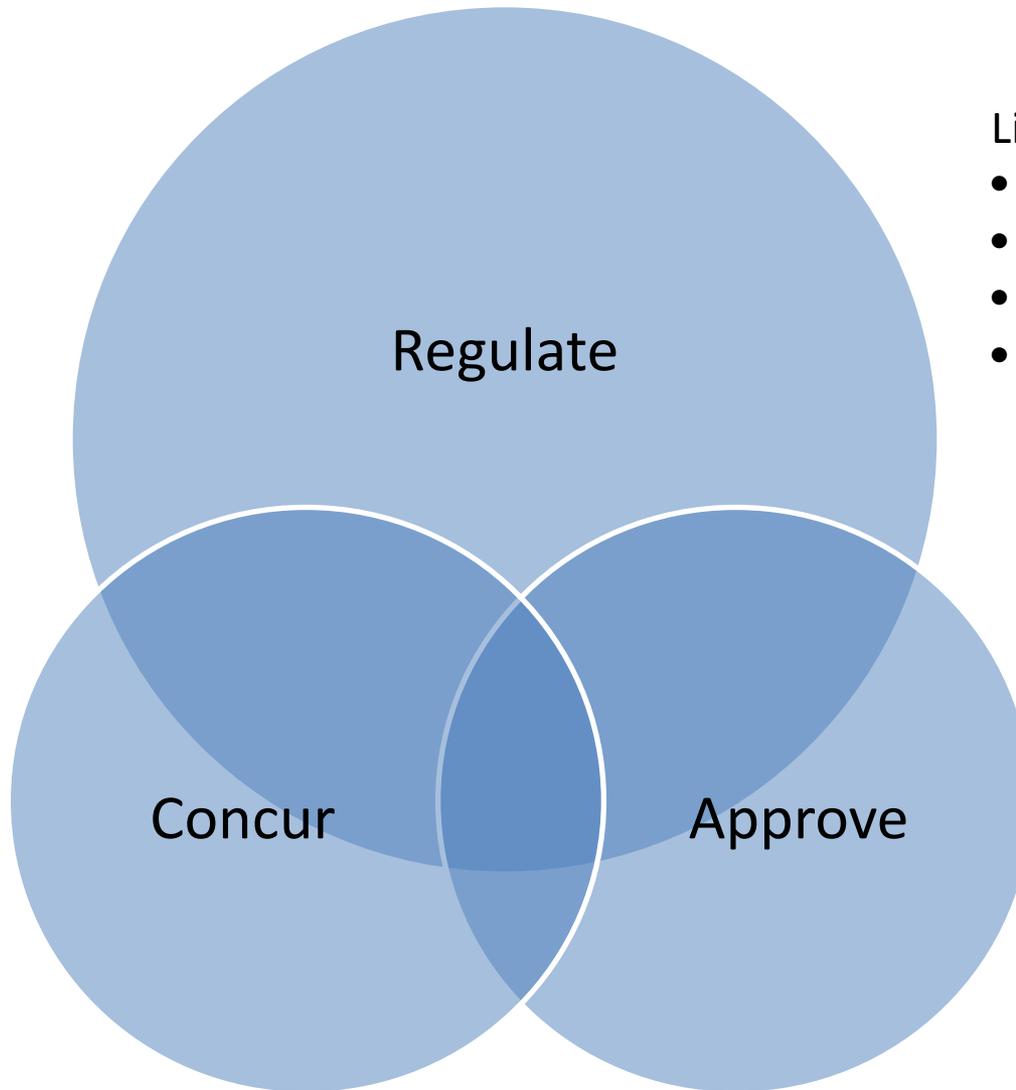
November 2015



# Ohio EPA PORTS Team



# Ohio EPA Role



## Limitations:

- Rules and regulations
- Compliance with Orders
- Guidance
- Scientific literature

# Regulatory Overview

## ORDERS

Consent Decree (August 1989)\*

Three Party Orders (1997)

D&D Orders (2010)\*

Integrated GW Monitoring (1999)

Integration Orders for Site  
Treatment/Storage Plan  
(1995)

Depleted Uranium Hexafluoride  
(1998) (conversion plant)

Natural Resource Damages\*

## PERMITS

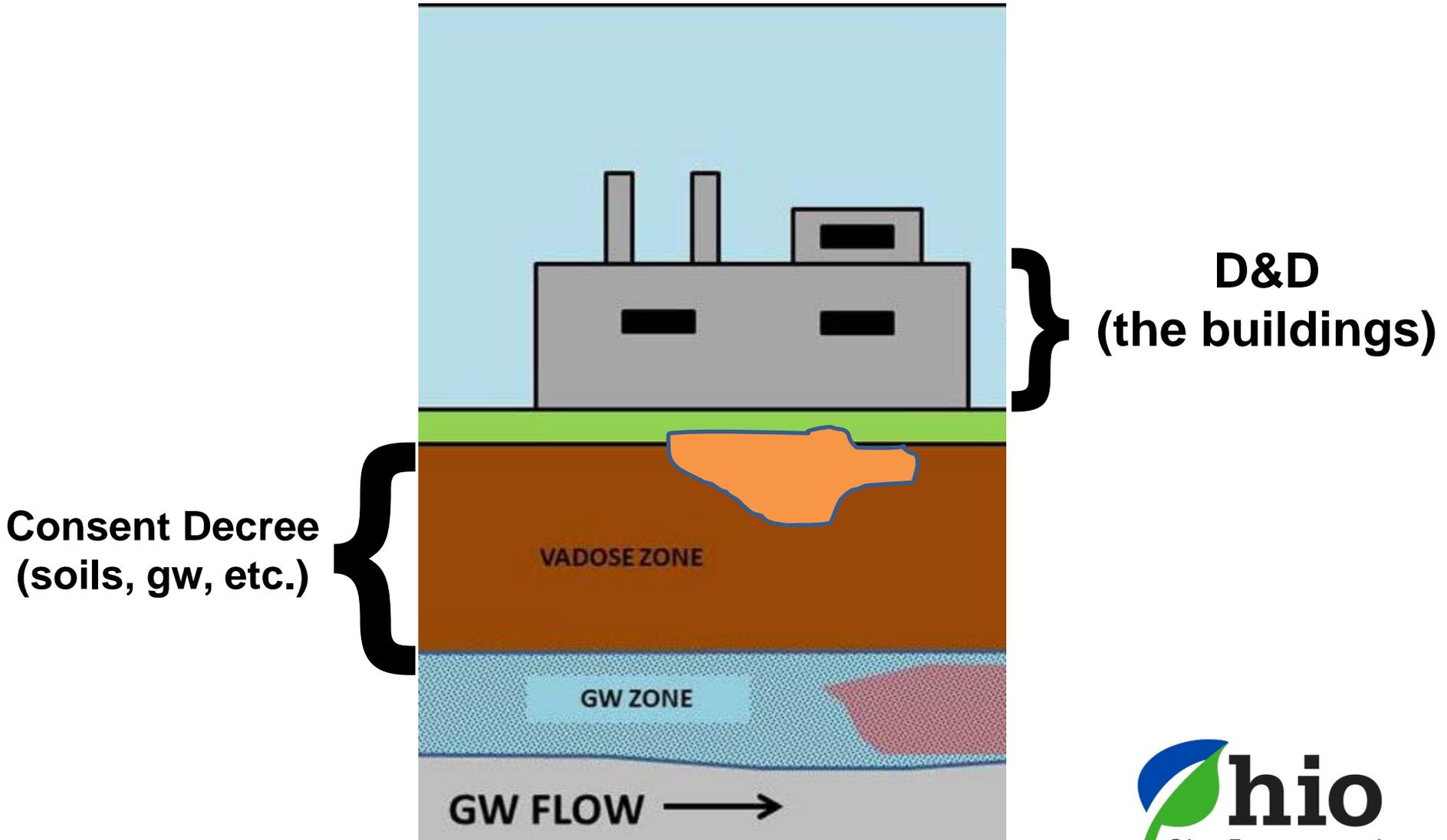
RCRA Part B Permit

Clean Air Act (Title V Permit)

Clean Water Act (NPDES Permit)

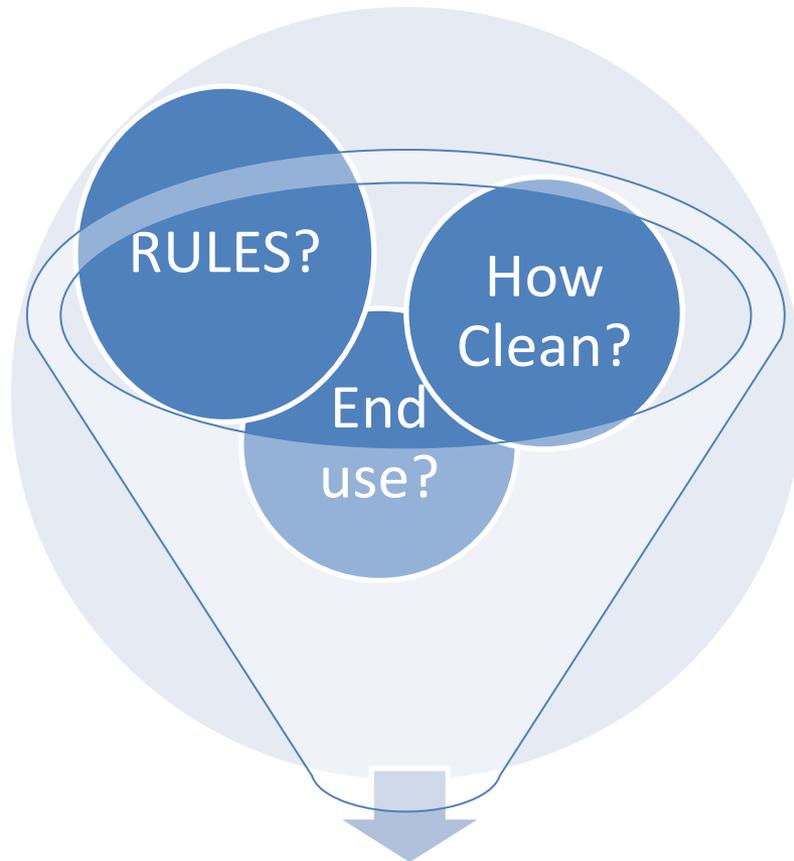
# D&D and Consent Decree

(in overly broad terms)



# Remediation Goal

## Protect Human Health and the Environment



Remedial Options

### Remedial Options:

Clean Closure

Risk Based Clean Closure

In Place (monitored)

Institutional Controls

# RCRA CORRECTIVE ACTION TIMELINE

- **1989**      **Consent Decree**
- **1989**      **Three Party Order (Amended 1994 and 1997)**
- 1990 – 1993      U.S. EPA and Ohio EPA approve Phase I and Phase II RFI Work Plans.
- **1995**      **U.S. EPA letter to DOE stating PORTS is not proposed for the NPL.**
- 1996      Ohio EPA issues the X-749B Peter Kiewit Landfill Decision Document.
- 1996      Ohio EPA issues the X-611A Lime Sludge Lagoon Decision Document.
- 1996      U.S. EPA issues the X-611A Lime Sludge Lagoon Decision Document.
- 1996      Ohio EPA approval of Air RFI Report.

# RCRA CORRECTIVE ACTION TIMELINE

- 1997 U.S. EPA issues the X-749B Peter Kiewit Landfill Decision Document.
- 1997 U.S. EPA and Ohio EPA approve Phase I and Phase II Final RFI Reports.
- 1999 Ohio EPA issues the Quadrant III Decision Document.
- 1999 Ohio EPA issues the X-734 Landfill Decision Document.
- 2000 Ohio EPA issues the Quadrant IV Decision Document.
- 2001 Ohio EPA issues the Quadrant I Decision Document.
- 2003 Ohio EPA issues the X-701B Decision Document.
- 2015 Ohio EPA approval of Deferred Units RFI/CMS Work Plan.
- 2015 RFI/CMS for Deferred Units Underway.

# Accomplishments under Consent Decree

## X-616 Sludge Lagoon Corrective Action



## Oxidant Treatment of X-701B Plume



## X-611A Sludge Lagoon Corrective Action



# Accomplishments under Consent Decree



**X-749 Low Level Waste Landfill  
Closed and Capped -1992**



**X-749A Classified Waste Landfill  
Closed and Capped -1994**



**X-735 Sanitary Landfill  
Closed and Capped -1998**

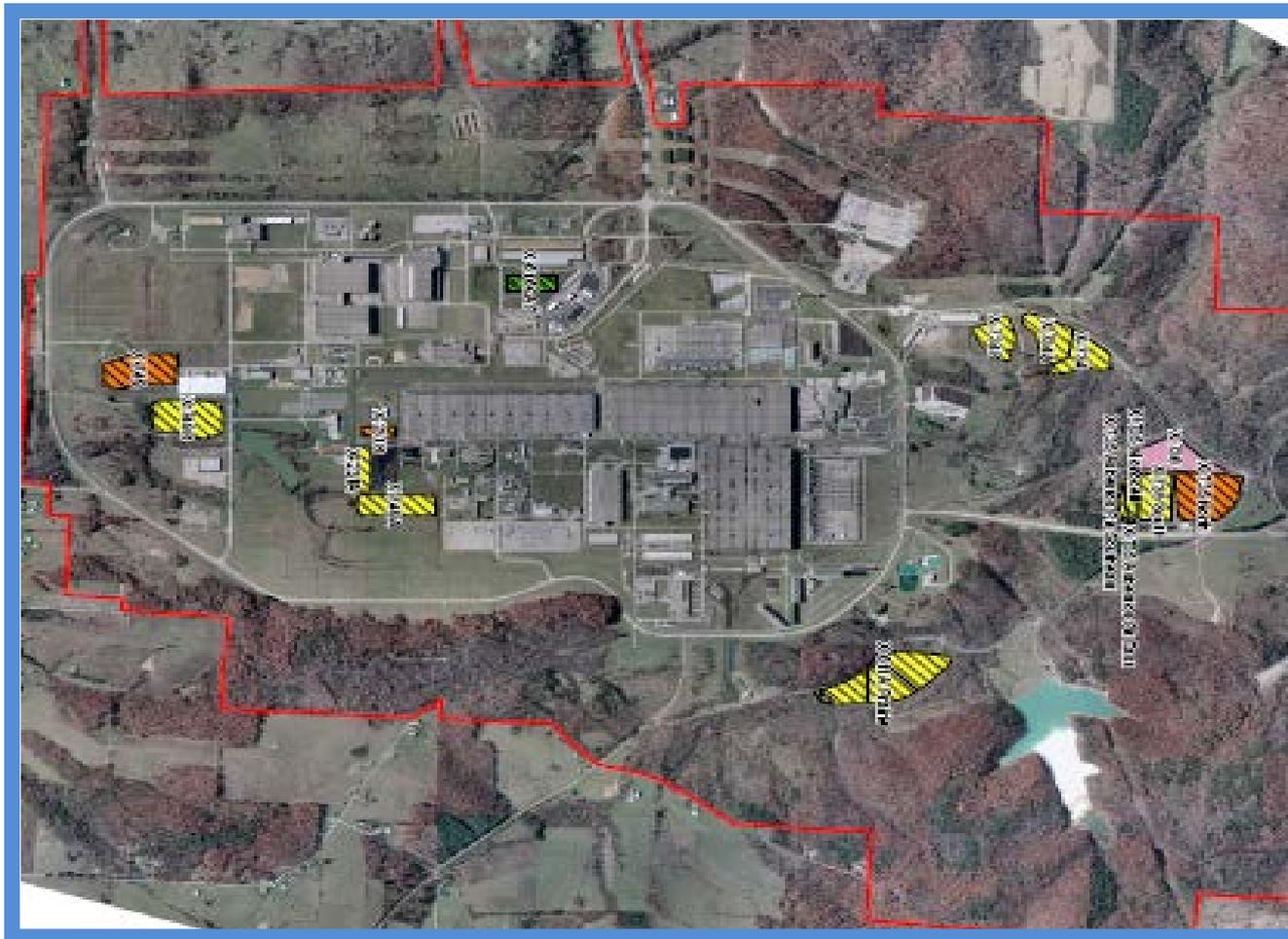


**X-749B (Peter Kiewit) Landfill  
Closed and Capped -1998**



**X-734 Construction Spoils Landfill  
Closed and Capped - 2000**

# Existing Site Landfills and Capped Soil Contamination Areas



- ▶ Existing capped or closed landfills and capped soil contamination areas (based on Ohio EPA and U.S. EPA regulations and historical decisions).
- ▶ Monitoring as required by regulations and regulatory decisions.

# Process and Support Building Decisions 2011-2015

## Final Action Memorandums

X-103, X-334, X-344B, X-626, X-630 and  
Plant Support Buildings

## Ohio EPA Concurrence Removal Action Work Plans

X-103, X-334, X-344B, X-630, X-100, X-  
100B, X-101 and X-109C, X-600, X-  
600B, X-600C, X-102, X-106, X-624-1,  
X-744S, and X-690 Construction Work  
Plan

## Remedial Decisions

Concurrence on Process Buildings and  
Complex Facilities RI/FS

Concurrence on Site-Wide Waste  
Disposition RI/FS

Final Site-Wide Waste Disposition  
Proposed Plan

Final Process Buildings and Complex  
Facilities Proposed Plan

Final Site-Wide Waste Disposition  
Record of Decision

Final Process Buildings and Complex  
Facilities Record of Decision

# D&D Activities



**X-100 Building Demolition**



**X-101 Dispensary Demolition**



**X-630 During Demolition**



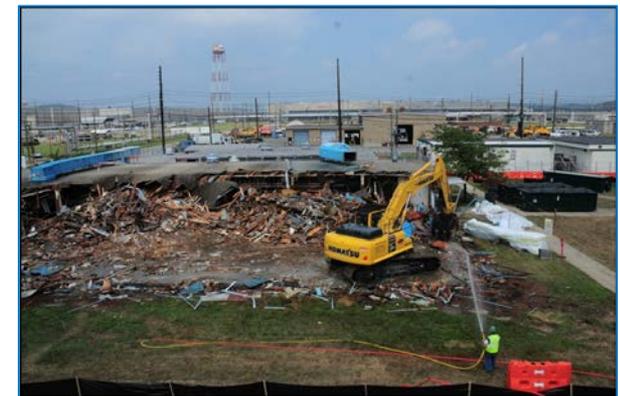
**Well Abandonment in  
OSWDF Project Area**



**X-600 Complex After Boiler  
Demolition**

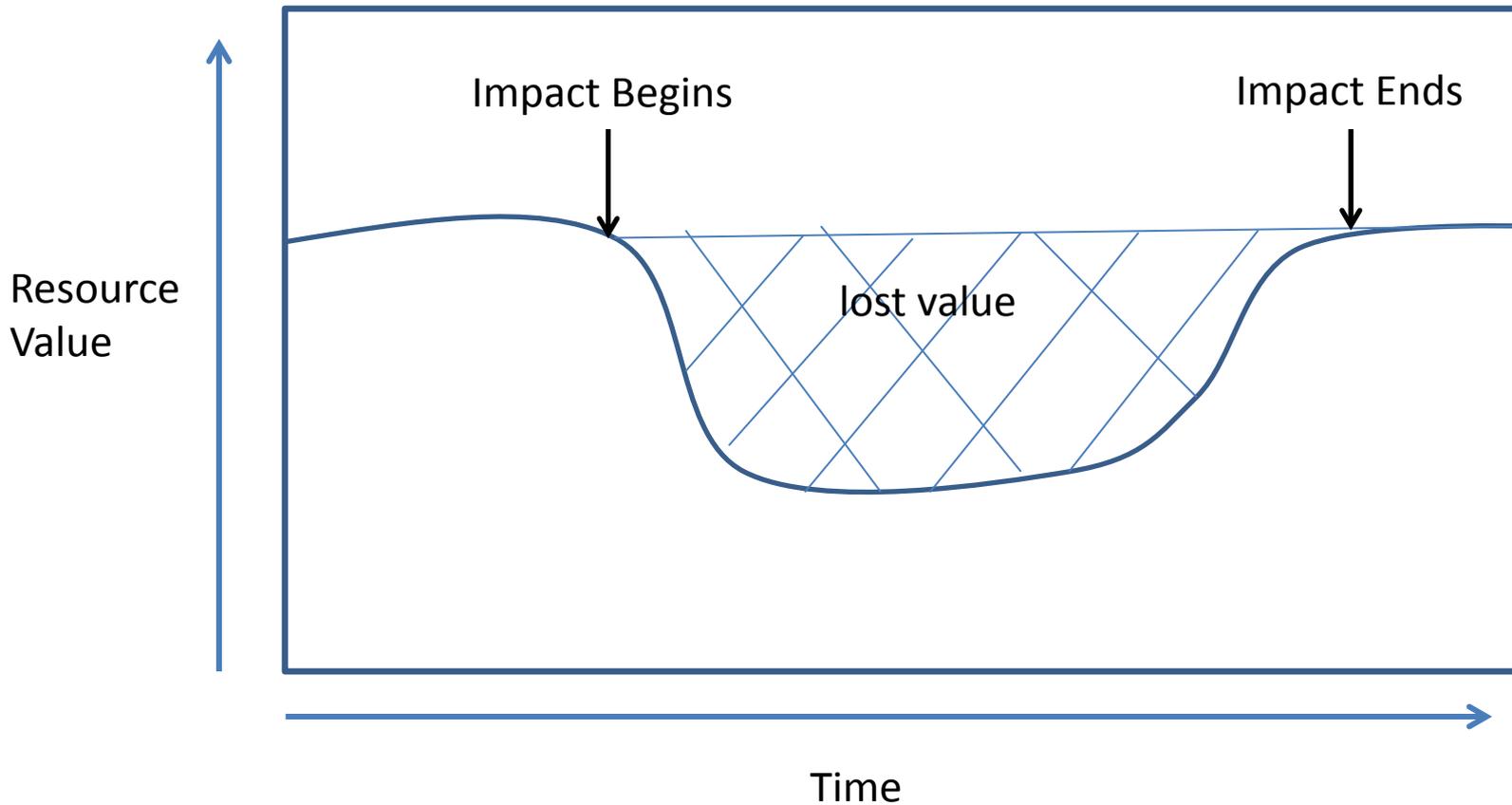


**X-106 Building Demolition**



**X-102 Cafeteria Demolition**

# Natural Resource Damage Assessment

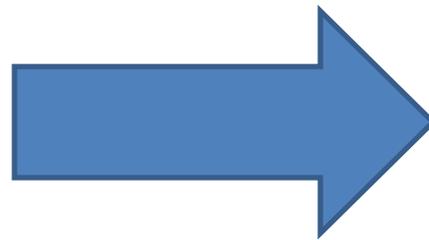
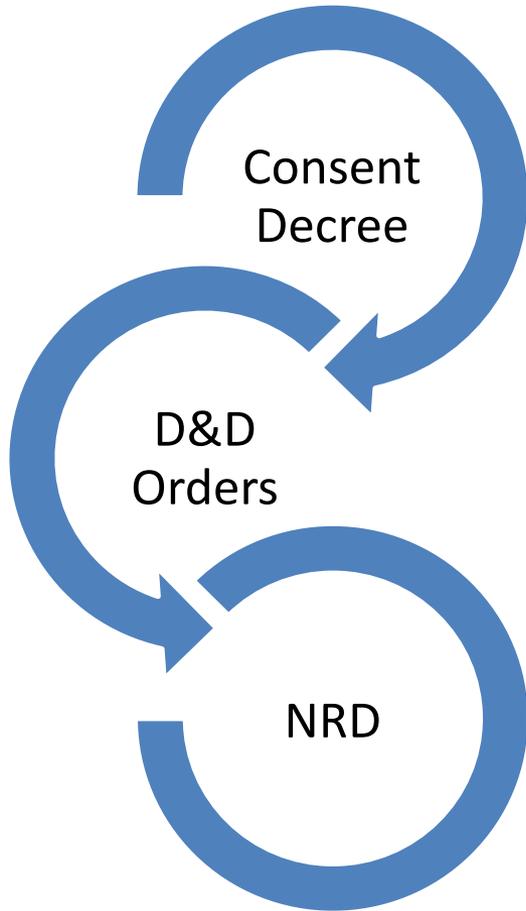


# Natural Resource Damage Assessment and Restoration Program

- Provides assessment of and recovery for damages to natural resources
- Mechanism to remove closed landfills and accelerate ground water plume restoration
- Negotiations between Ohio EPA and DOE on-going

# Five On-Site Ground Water Plumes





Protect Human Health  
and the Environment  
(Re-use and  
redevelopment)

# Questions?

## Ohio EPA Site Coordinator for PORTS

Dustin Tschudy

[Dustin.Tschudy@epa.ohio.gov](mailto:Dustin.Tschudy@epa.ohio.gov)

(740) 380-5253

