State of Ohio Environmental Protection Agency

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Bob Taft, Governor
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June 22, 2002

Mr. David R. Allen
United States Department of Energy
Oak Ridge Operations Office
200 Administration Road
Oak Ridge, Tennessee 237830

Re: Ohio EPA Comments on Draft Programmatic Environmental Assessment for Uranium Management Group

Dear Mr. Allen:

Enclosed are Ohio EPA's Comments on the Draft Programmatic Environmental Assessment for the Uranium Management Group. Ohio EPA is concerned about several issues regarding US DOE's intent to store uranium material at the Portsmouth site without any plan or budget in place to properly evaluate the economic value of this material. We believe continued discussion with all stakeholders is a necessary component to the future of uranium management at Portsmouth as well as other facilities within the US DOE complex.

If you have any questions regarding the enclosed comments, please do not hesitate to contact me at (740) 380-5289.

Sincerely,

Graham E. Mitchell, Chief
Office of Federal Facilities Oversight

MG/mg

cc: Ken Dewey, Ohio EPA, SEDO
Tony Takacs, US DOE-PORTS
Melody Stewart, Ohio EPA
Maria Galanti

Ohio EPA Comments on the Draft Programmatic Environmental Assessment for the Uranium Management Group.

1) During the meeting on June 4, it was noted that funding just became available to help with proper disposition of the uranium material currently stored at the Portsmouth facility and that additional funding would be needed to continue to find a new use for this material. Please state how US DOE intends to continue funding this program so that material will not be stored in perpetuity but rather shipped to other entities for re-use. US DOE must make funding this program a priority within each budget in order to continue disposition of the uranium material. Without proper funding, the necessary research to determine potential uses for this material can not be accomplished. The cost for management and research for re-use of this material should not come from the budget for the clean-up and remediation of the Portsmouth facility.

2) Portions of the revenues generated from the Uranium Management Group should be maintained in Portsmouth to off set the cost of storing the material as well as cleanup activities.

3) Ohio EPA understands US DOE's goal to consolidate uranium materials to reduce costs and promote more efficient management of these materials. However, to really develop credibility, US DOE is going to have to prove that this material does have economic value and other companies or government agencies are interested in it. Uranium materials need to be leaving the site rather than just arriving for storage. US DOE should establish goals and commitments to stakeholders to remove a certain percentage of material per year. These commitments could be in the form of a letter of intent or other type of agreement with the State of Ohio.

4) The draft EA noted that US DOE considers 20 years or greater to be interim storage. At what point within the 20 years will US DOE determine that this material is no longer of value and deem that it should no longer be stored but treated as a waste? What plan(s) does US DOE have to evaluate this material over the next 20 years to determine if it is of value? Because of past problems with storage of materials that later became waste, US DOE must make a commitment in the EA to establish a

process where the inventory is reevaluated on a regular basis (3-5 years) to ensure that it still has economic value. Please refer to the comment above in regard to establishing an agreement with the State of Ohio to continually evaluate the material and remove a percentage of this material from the site each year. US DOE can not continually accept material at the Portsmouth facility without establishing that the material is of economic value.

5) US DOE mentions that disposition is a major function of this uranium management effort. US DOE must also include disposition as waste as an additional component of this effort. Over time, as US DOE reevaluates this material, some of it may no longer have economic value and US DOE should be able to disposition it as waste under this EA. US DOE must ensure that funding is available to remove the material that is no longer of economic value as a waste.

6) The material currently at Portsmouth was moved there in order for US DOE to meet its regulatory requirements at several other sites. US DOE-Portsmouth has a regulatory requirement to address contamination at the site per the requirements of the Ohio Consent Decree. Currently, the material stored on site is in a building which sits upon and is adjacent to a groundwater plume which is to be addressed during the next fiscal year. The storage of the uranium material may interfere with the overall site clean-up. Please state how US DOE will ensure that storage of the additional material will not interfere with the requirements of the Ohio Consent Decree to clean-up the site. US DOE should conduct environmental characterization of buildings to be upgraded to meet the potential storage needs for incoming material. This effort could avoid future disruption of uranium management efforts.

7) Please state how storage of this material will not interfere with the other potential missions at the US DOE-Portsmouth site? For example, if Portsmouth were to become a D&D site, would it still be a good location for this facility? How does the storage of this material fit in with the current mission of Portsmouth to clean-up the current contamination at the site and potential re-use of the site for future industrial purposes?

8) US DOE should evaluate the long term storage of the uranium material at a facility such as the Nevada Test Site. The material could be easily obtained if it is determined to be of economic value and should US DOE determine that it is a waste the material may not have to be moved again for final disposition. Storing the uranium material in this manner may save the US DOE valuable economic resources.

9) Please state if the material will be tested for evaluation of RCRA characteristics including TCLP prior to shipping and storing the material to ensure that it meets regulatory requirements? Prior to shipping US DOE should make this evaluation to avoid potential regulatory issues at the site. As you are aware this site is not permitted to accept any hazardous waste from other facilities, to do so would be a violation of the permit.

10) If additional buildings/space will be needed for this effort, US DOE should coordinate with SODI in an effort to make the best future use of buildings.

11) US DOE should evaluate who the likely users of the material may be prior to shipment to Portsmouth. US DOE should avoid shipment of material over long distances for storage only to have the material re-locate to a user near its origin (i.g. shipping the material from the Hanford Facility to Portsmouth then back to a western user) . Conducting this type of evaluation up front will save US DOE economic resources as well as avoid potential risks associated with transportation of this material over long distances.