



State of Ohio Environmental Protection Agency

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Department of Energy
Portsmouth Site Office
Attn.: William E. Murphie, PPPO Manager
P. O. Box 700
Piketon, Ohio 45661-0700

**RE: DOE-PORTS, X-749A Industrial Solid Waste Landfill Facility, Pike County
Ohio Administrative Code (OAC) Rule 3745-29-10(E)(7)(b) Approval**

Dear Mr. Murphie:

On March 18, 1999, the Ohio Environmental Protection Agency (Ohio EPA) issued Director's Final Findings and Orders (DFF&Os) to the U.S. Department of Energy (DOE) for the Portsmouth Gaseous Diffusion Plant (PORTS) located in Pike County. These DFF&Os ordered DOE to comply with the Integrated Ground Water Monitoring Plan, approved on January 27, 1999, for ground water monitoring activities at PORTS. Thus, pursuant to the DFF&Os and the Integrated Ground Water Monitoring Plan, DOE is required to comply with OAC Rule 3745-29-10, as effective June 1, 1994, as specified in the aforementioned documents, for ground water monitoring at the PORTS X-749A Industrial Solid Waste Landfill (X-749A).

On July 28, 2006, Ohio EPA, Division of Solid and Infectious Waste Management (DSIWM), Southeast District Office (SEDO) received a report from DOE containing ground water results for samples collected at PORTS X-749A. The report included data for the second quarter 2006 sampling event for X-749A. According to the report, data indicated that the following statistically significant change was detected: alkalinity in monitoring well X749A-01G.

On October 13, 2006, DOE submitted a ground water demonstration to Ohio EPA, SEDO, which concluded that the statistically significant increase of alkalinity in monitoring well X749A-01G was the result of natural variation in ground water quality and requested to continue ground water detection monitoring at monitoring well X749A-01G. This request was made in accordance with OAC Rule 3745-29-10(D)(7)(c), as effective June 1, 1994. However, the time frame for approving the request to continue detection monitoring under OAC Rule 3745-29-10(D)(7)(c) has expired. Therefore, the request was reviewed as a request to reinstate detection monitoring in accordance with OAC Rule 3745-29-10(E)(7)(b), as effective June 1, 1994.

Pursuant to OAC Rule 3745-29-10(E)(7)(b), as effective June 1, 1994, the owner or operator may demonstrate that a source other than the industrial solid waste landfill facility caused the contamination, or that the statistically significant change resulted from error in sampling, analysis, or statistical evaluation or natural variation in ground water quality. A report documenting this

Bob Taft, Governor
Jennette Bradley, Lieutenant Governor
Joseph P. Koncelik, Director

demonstration must be submitted to the director and request that the director approve reinstatement of the detection monitoring program.

Ohio EPA has reviewed the applicable information and concurs with the demonstration included in the October 13, 2006 document. Therefore, pursuant to OAC Rule 3745-29-10(E)(7)(b), as effective June 1, 1994, I hereby approve reinstatement of monitoring well X749A-01G back into the detection monitoring program.

Should future or existing ground water sampling results indicate statistically significant increases in ground water monitoring parameters, the owner or operator will be required to either enter into assessment monitoring in accordance with OAC Rule 3745-29-10(E) or obtain approval to remain in the detection monitoring program.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission (Commission) pursuant to Ohio Revised Code Section 3745.04. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00 which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
309 South Fourth Street
Room 222
Columbus, Ohio 43215

If you have any questions, please contact Dan Bergert of Ohio EPA, SEDO at (740) 380-5438.

Sincerely,

Joseph P. Koncelik
Director

JPK/DB/MM/sw

cc: Pike County Health Department
Scott Hester, DSIWM-CO
Steve Rine, DSIWM-SEDO
DDAGW-SEDO
DERR-SEDO