



State of Ohio Environmental Protection Agency

STREET ADDRESS:

Lazarus Government Center
122 S. Front Street
Columbus, Ohio 43215

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MAILING ADDRESS:

P.O. Box 1049
Columbus, Ohio 43216-1049

CERTIFIED MAIL

September 1, 2006

Re: **U.S. Department of Energy
Portsmouth Gaseous Diffusion Plant
US EPA ID No: OHD7890008983
Ohio ID No: 04-66-0680
Modified Hazardous Waste Permit**

William E. Murphy
United States Department of Energy
Portsmouth Gaseous Diffusion Plant
P.O. Box 700
Piketon, Ohio 45661-0700

Dear Mr. Murphy:

On June 5, 2006, Ohio EPA received U.S. Department of Energy Portsmouth Gaseous Diffusion Plant's (DOE Ports) request to modify the current storage area resulting in up to a 25% increase in the facility's container storage capacity for the X-326 storage area. For this modification, DOE Ports submitted a Class 2 permit modification application¹. The Agency received written comments concerning the Class 2 Permit modification and these comments are addressed in the responsiveness summary. I have enclosed the final modified Ohio hazardous waste facility installation and operation permit (Permit) action that was issued by the director today. Please note that the modified Permit remains in effect until it is renewed, withdrawn, suspended or revoked.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. 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:

¹Ohio EPA assigned tracking # 060605-2-1 to this modification application.
Bob Taft, Governor

Bruce Johnson, Lieutenant Governor
Joseph P. Koncelik, Director



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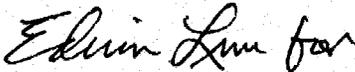
Ohio EPA is an Equal Opportunity

William E. Murphie
U.S. Department of Energy
Portsmouth Gaseous Diffusion Plant
September 1, 2006
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Environmental Review Appeals Commission
309 South Fourth Street, Room 222
Columbus, OH 43215

If you have any questions, please contact Melody Stewart of Ohio EPA's Southeast District Office at (740) 385-8501.

Sincerely,



Pamela S. Allen, Manager
Regulatory and Information Services
Division of Hazardous Waste Management

cc: Jeremy Carroll/Pam McCoy, CO, ERAS, DHWM
Harriet Croke, U.S. EPA, Region V
Dave Chenault, SEDO, DHWM
Carol Hester, Ohio EPA, PIC
file

PUBLIC NOTICE

Pike County

OHIO EPA ISSUES FINAL MODIFIED HAZARDOUS WASTE PERMIT

On September 1, 2006, Ohio EPA issued a final class 2 modified Hazardous Waste Facility Installation and Operation Permit (Permit) to U.S. DOE Portsmouth Gaseous Diffusion Plant (U.S. DOE Ports) for its facility at 3930 U.S. Route 23 South, Piketon, Ohio 45661. The EPA Identification Number for this facility is OH7890008983.

Why is U.S. DOE Ports modifying its Permit?

U.S. DOE Ports was used to enrich uranium until 2001. The hazardous waste permit authorizes the facility to store hazardous waste in containers. U.S. DOE Ports requests to modify the current storage area resulting in up to 25% increase in the facility's container storage capacity for the X-326 storage unit. This final modified permit will allow U.S. DOE Ports to make the requested changes. To issue this final modified Permit, Ohio EPA determined that the modification application is complete and meets appropriate standards.

Can I appeal this final modified Permit?

Yes, if you are an officer of an agency of the state or of a political subdivision, acting in a representative capacity, or any person who would be aggrieved or adversely affected by this modified Permit, you have the right to appeal this Permit decision to the Environmental Review Appeals Commission (ERAC).

If I decide to appeal this final modified Permit, how and when must I make the appeal?

If you file an appeal, you must put it in writing no later than October 6, 2006. Your appeal must explain why you are appealing the action and the grounds you are using for your appeal. 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. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. You must file your appeal, according to Ohio Revised Code § 3745.04 with ERAC at the following address: **Environmental Review Appeals Commission**, 309 South Fourth Street, Room 222, Columbus, Ohio 43215. You must send a copy of the appeal to the director of Ohio EPA at the following address no later than three (3) days after you file it with ERAC: **Joseph P. Koncelik, Director of Ohio EPA**, P.O. Box 1049, Columbus, Ohio 43216-1049.

OHIO E.P.A.

OHIO ENVIRONMENTAL PROTECTION AGENCY

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ENTERED DIRECTOR'S JOURNAL
**MODIFIED OHIO HAZARDOUS WASTE FACILITY
INSTALLATION AND OPERATION PERMIT**

Date of Issuance: September 1, 2006
Effective Date: September 1, 2006

U.S. EPA ID No.: OH7 890 008 983
Ohio Permit No.: 04-66-0680

Name of Permittee: United States Department of Energy

Mailing Address: Portsmouth GDP
P.O. Box 700
Piketon, Ohio 45661-0700

Facility Location: 3930 U.S. Route 23 South
Piketon, Ohio 45661

Person to Contact: William E. Murphie

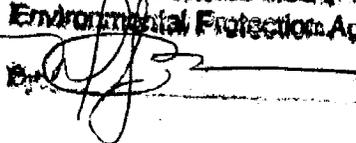
This Modified Ohio Hazardous Waste Facility Installation and Operation Permit is issued pursuant and subject to Section 3734.05(I) of the Ohio Revised Code and Rule 3745-50-51(D) of the Ohio Administrative Code.

The Ohio Hazardous Waste Facility Installation and Operation Permit with the above-referenced permit number as issued by the Ohio Environmental Protection Agency and journalized on March 15, 2001, is hereby incorporated by reference in its entirety, except as it may be modified herein.

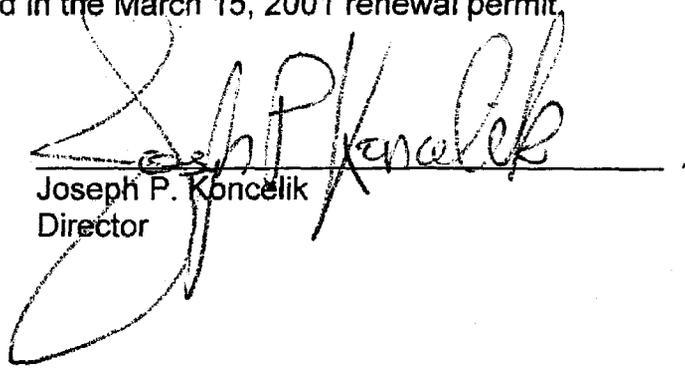
This modification of the permit shall remain in effect until such time as the Ohio Hazardous Waste Facility Installation and Operation Permit is renewed, modified, withdrawn, suspended or revoked.

The Permittee shall comply with all requirements of the modified Part B permit application as amended or supplemented on June 5, 2006. The information contained in the modified Part B permit application is incorporated herein by reference. Specifically, all written statements regarding the specifications, locations or capabilities of the processes, equipment, containment devices, safety devices or programs or other matters made by the applicant in the permit modification application are hereby incorporated as express, binding terms and conditions of this modified permit.

I certify this to be a true and accurate copy of the
official document as filed in the records of the Ohio
Environmental Protection Agency


Date: 9-1-06

The modified Terms and Conditions of this permit are attached hereto and are incorporated herein by reference. The modified Terms and Conditions supersede and replace the corresponding pages found in the March 15, 2001 renewal permit.



Joseph P. Konecny
Director

PartsGDP.permitpg.wpd

OHIO EPA DHWM

SEP 01 2006

MODULE C - CONTAINER STORAGE

C. CONTAINER STORAGE AND MANAGEMENT

The activities covered by this module consist of storage of containers of hazardous and mixed waste in the X-326 and X-7725 buildings as described in the following tables and figures in Section D of the permit application, and all other terms and conditions of this permit.

Table D-1 - Container Information

Table D-2 - Maximum Container Stacking Heights

Table D-3 - Maximum Number of Containers, X-326 Unit

Table D-4 - Maximum Number of Containers, X-7725 Unit

Table D-5 - X-7725 Container Storage Unit- Secondary Containment Calculations

Table D-6 - Summary of Containment Area Information for X-7725

Figure D-1 - X-7725 Building Layout - Level I

Figure D-2 - X-7725 Building Layout - Level IV

Figure D-3 - X-326 Building Floor Plan

C. 1. Process Capacity/Annual Quantity Limitation.

OAC Rule 3745-50-43(A)(7)

- (a) The Permittee shall not store more than 161,920 gallons of containerized waste at any given time in the permitted container area, located in building X-326 and no more than 3,230,971 gallons at any given time in the permitted storage areas located in building X-7725. The Permittee shall store hazardous waste and mixed waste in the types of containers described in Section D of the approved Part B application.
- (b) For the purpose of compliance with the capacity limitation of this permit, each container will be considered to be storing an amount of hazardous waste or mixed waste equal to its capacity, regardless of the actual quantity stored in the container.
- (c) The provisions of Conditions C.1(a) and C.2 shall not apply to the Permittee's activities as a generator accumulating hazardous waste and mixed waste on-site in compliance with the provisions of OAC Rule 3745-52-34(A).

However, when accumulating waste within the permitted container storage area, in accordance with OAC Rule 3745-52-34(A), the Permittee shall not, for

SEP 01 2006

the total amount of hazardous waste and mixed waste stored and accumulated, exceed the maximum container storage inventory established under this Condition.

C.2. Waste Identification

ORC Sections 3734.02(F) and 3734.05(H); and OAC Rule 3745-50-43

The Permittee shall store in containers only the hazardous waste codes specified in Section A of the Part B application.

C.3. Condition of Containers

OAC Rule 3745-55-71

If a container holding hazardous or mixed waste is not in good condition (e.g., severe rusting, apparent structural defects) or if it begins to leak, the Permittee shall transfer the hazardous or mixed waste from such container to a container that is in good condition or otherwise manage the waste in compliance with the conditions of this Permit or the hazardous waste facility chapters of the OAC.

C.4. Compatibility of Waste with Containers

OAC Rule 3745-55-72

The Permittee shall use containers that are compatible with the hazardous or mixed waste to be stored.

C.5. Management of Containers

OAC Rule 3745-55-73

- (a) All container storage shall be conducted within the container storage units as described in Condition C.1. of this permit and Section D of the approved Part B permit application.
- (b) The Permittee shall keep all containers closed during storage, except when it is necessary to add or remove waste, and shall not open, handle, or store containers in a manner which may rupture the container or cause it to leak.
- (c) In the event lab-pack waste are generated they shall be handled in compliance with applicable storage requirements.
- (d) In the event lab-pack waste are generated they shall be packaged in drums containing absorbent material that is compatible with the waste.

**Responsiveness Summary For Comments
On Portsmouth Gaseous Diffusion Plant Modification Request
June 5, 2006**

1. **Comment Received:**

"We feel that the Piketon plant shouldn't be given a waste permit modification. The Portsmouth Gaseous Diffusion plant is not a waste storage plant this modification could open the doors to other waste.

"EPA Identification Number is OH 7890008983"

"On July 22, 2006 Ohio EPA issued a final class 3 hazardous waste facility installation and operation permit modification to the U.S. Department of Energy Portsmouth Gaseous Diffusion plant locate [sic] in Piketon, Ohio. PRESS ask that you help keep the waste out of Piketon, Ohio.

The health of the workers and the community has been effect [sic] by the past operation of the Piketon plant. Help clean up the site so we can get other plants to come here for better employment. Don't make us a waste site.

Thank you, Vina Colley (PRESS)"

1. **Response:**

A letter from the Director was sent to Vina Colley on August 8, 2006. Letter is attached.

END OF COMMENTS

USD OE



State of Ohio Environmental Protection Agency

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P.O. Box 1049
Columbus, OH 43216-1049

August 8, 2006

Ms. Vina Colley
PRESS President
3706 McDermott Pond Creek Road
McDermott, Ohio 45652

Re: Portsmouth Gaseous Diffusion Plant Permit Modification

Dear Ms. Colley:

Thank you for your July 25, 2006, letter concerning waste storage and the issuance of a hazardous waste permit modification to the Portsmouth Gaseous Diffusion Plant in Piketon, Ohio.

As you may or may not know, the Portsmouth Gaseous Diffusion Plant was first issued a permit for the storage of hazardous waste on August 21, 1995. A renewed permit was issued on March 15, 2001, and is effective until it expires on March 15, 2011. This permit allows the Portsmouth Gaseous Diffusion Plant to store hazardous waste that is generated on-site in two (2) hazardous waste storage areas. These storage areas are commonly referred to as the X-7725 and X-326 storage areas. It needs to be noted that the Portsmouth Gaseous Diffusion Plant is not permitted to receive hazardous waste from other facilities.

In your letter, you reference a Class 3 hazardous waste facility permit modification which was issued on July 22, 2006. This modification which actually occurred on June 22, 2006, was for a name change for the co-operator (Bechtel Jacobs Company LLC to LATA/Parallax Portsmouth LLC). It did not involve any waste storage issues.

Currently, Ohio EPA is reviewing a Class 2 permit modification which was received on June 5, 2006. This modification is currently under review and concerns the storage of hazardous waste generated on-site. The permit modification requests the Portsmouth Gaseous Diffusion Plant to increase the amount of hazardous waste stored in the existing X-326 storage area. Currently the X-326 storage area is permitted to store 133,000 gallons. If the Class 2 permit modification is approved, 161,920 gallons of hazardous waste could be stored in the X-326 storage area. The applicant states this Class 2 permit modification is needed to off-set the loss of storage capacity in the existing X-7725 storage area. The loss of storage capacity in the X-7725 storage area is due to a change in building use and proposed closure of the permitted X-7725 storage area. Overall, the permitted storage capacity of hazardous waste has decreased from levels allowed in the 2001 permit.

Bob Taft, Governor
Bruce Johnson, Lieutenant Governor
Joseph P. Koncelik, Director

Ms. Vina Colley

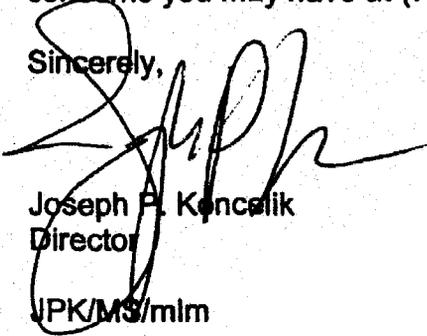
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August 8, 2006

The proposed Class 2 modification is subject to public comment from June 7, 2006 to August 7, 2006. Ohio EPA will consider your letter as a public comment and will further address your concerns in the review and Responsiveness Summary.

I hope I have adequately addressed your concerns regarding these issues. Please feel free to contact Melody Stewart in our Southeast District Office with any additional questions or concerns you may have at (740) 380-5256.

Sincerely,

A handwritten signature in black ink, appearing to read 'JPK', with a large, sweeping flourish extending to the right.

Joseph P. Koncalik
Director

JPK/MS/mlm