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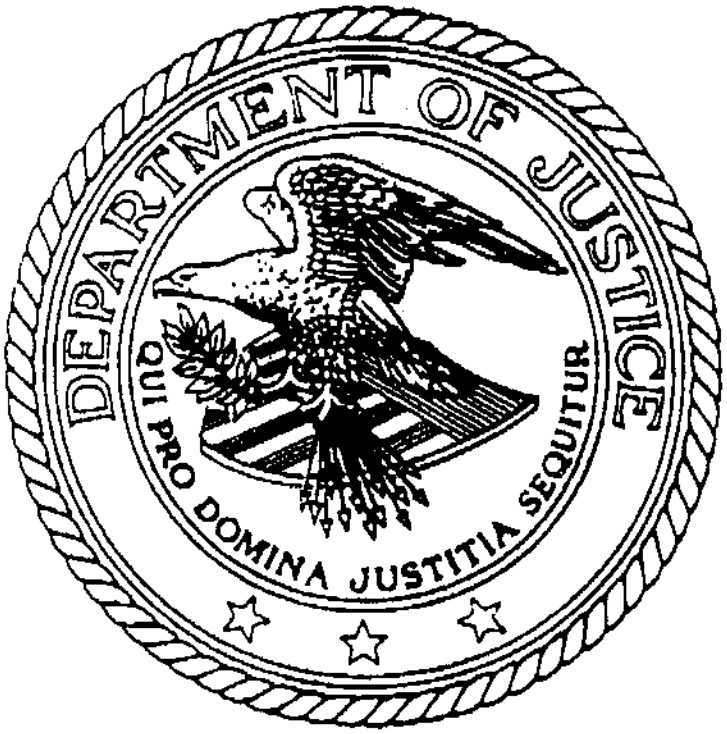

Date: 1-22-93

Number of Pages to Follow: 33

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Remarks: State of Ohio v. DOE
Stipulated Amendment to Consent Decree

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JAN 22 1993

KENNETH J. MURPHY, Clerk
CINCINNATI, OHIO

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

STATE OF OHIO, Plaintiff, v. UNITED STATES DEPARTMENT OF ENERGY, et al., Defendants.	CIVIL NO. C-1-86-0217 Judge Spiegel

STIPULATED AMENDMENT TO CONSENT DECREE ENTERED DECEMBER 2, 1988, AND SETTLEMENT OF CHARGES IN CONTEMPT

WHEREAS, on December 2, 1988, the District Court for the Southern District of Ohio entered a Consent Decree in this matter;

WHEREAS, on April 5, 1990, Ohio filed Charges in Contempt of Court, alleging violations of the Consent Decree by the U.S. Department of Energy ("DOE") and Westinghouse Materials Company of Ohio ("WMCO");

WHEREAS, in September 1991, after negotiations involving DOE, Ohio and the U.S. Environmental Protection Agency ("U.S.EPA") an amended Consent Agreement under CERCLA sections 106 and 120 was signed by DOE and USEPA which updated and amended the 1990 Consent Agreement and the 1986 Federal Facility Compliance Agreement (the "Amended Consent Agreement"), under

which DOE will continue to perform, among other actions, a Remedial Investigation and Feasibility Study, removal actions, and a Remedial Design and Remedial Action at the Feed Materials Production Center (FMPC);

WHEREAS, the parties desire to amend the Decree to reflect DOE's updated Agreement with U.S. EPA and to resolve Ohio's Charges in Contempt of Court, and, therefore, have agreed to this amendment of the Decree;

WHEREAS, DOE plans to provide financial assistance to Ohio for its response costs at the FEMP;

WHEREAS, DOE, through its Hazardous Waste Management Unit Review ("HWMUR"), is in the process of evaluating potential waste units at the FMPC to determine whether they are regulated hazardous waste management units;

WHEREAS, the name of the FMPC was changed to the Fernald Environmental Management Project (FEMP) on August 23, 1991. For purposes of this Amended Consent Decree the term FMPC shall include both FMPC and FEMP;

WHEREAS, the name of WMCO was changed to Westinghouse Environmental Management Company of Ohio (WEMCO) on July 1, 1991. For purposes of this Amended Consent Decree the term WMCO shall include both WMCO and WEMCO;

WHEREAS, WMCO was not a party or signator to the December 2, 1988 Consent Decree ("Consent Decree"), but is willing to become a signator and party to this Amendment to the Consent Decree on the terms and conditions set forth hereinafter;

NOW, THEREFORE, it is hereby ordered, adjudged and decreed as follows:

I.

Paragraph 3.5 of the Consent Decree is amended by the addition of the following Paragraph 3.5.1:

3.5.1 Hazardous Waste Evaluations

(a). DOE has notified OEPA that certain drummed materials require evaluation pursuant to OAC Section 3745-52-11 and 40 C.F.R. 262.11 to determine whether the material is hazardous or mixed waste. Prior to the entry of this Amended Consent Decree DOE submitted for OEPA approval a waste determination plan setting forth the process and procedures to be followed in performing hazardous waste determinations pursuant to OAC Section 3745-52-11 and 40 C.F.R. 262.11. DOE shall implement the waste determination plan on the schedules set forth below. Provided, that DOE shall have the right to request extensions of these schedules from OEPA if such schedules are affected by any changes in the plan that are required by OEPA or in the event OEPA's review is not completed within thirty (30) days of the submittal of the waste determination plan.

(b). DOE shall, in accordance with the approved waste determination plan, complete evaluation of the approximate 16,000 drums of materials identified on Attachment 1, in accordance with the following schedule:

(i). For the approximate 8,000 drums which will not be affected by the HWMUR, DOE completed process knowledge

evaluations by September 30, 1990; the report describing the results of sampling and analysis of such materials was submitted to OEPA by November 30, 1991.

(ii). For the approximate 8,000 drums which will be affected by the HWMUR, DOE completed process knowledge evaluations by March 30, 1991; the report describing the results of sampling and analysis of such materials was submitted to OEPA by July 30, 1991.

(c). For any analyses that may be required on the approximate 1300 drums identified on Attachment 2, DOE, in accordance with the approved waste determination plan, completed all sampling by August 30, 1990, and issued the report describing the completed analysis as required by OAC 3745-65-13 and 40 CFR 265.13 by January 11, 1991. If the initial analytical results indicate the need for further sampling and/or analysis, DOE shall submit a schedule to OEPA for approval for such additional actions within thirty (30) days of determining such additional work is required.

(d). DOE shall, in accordance with the approved waste determination plan and the following schedule, evaluate all other materials, except thorium materials, located at the FMPC as of the date of this Amendment that are not located in appropriate hazardous waste storage units to determine if such materials are hazardous or mixed wastes by reason of the criteria established at 40 C.F.R. 262.11:

(i). For materials which will not be affected by the HWMUR, DOE completed process knowledge evaluations by December 31, 1991; the report describing the results of sampling and analysis of such materials was submitted to OEPA on at least 80% of such materials by March 30, 1992, and for the remainder of such materials shall be submitted by September 30, 1992.

(ii). For materials which will be affected by the HWMUR, DOE completed process knowledge evaluations by June 30, 1991; the report describing the results of sampling and analysis of such materials was submitted to OEPA by March 30, 1992.

(e). On or before November 30, 1990, DOE, pursuant to the waste determination plan approved pursuant to paragraph 3.5.1(a), above, and OAC Section 3745-52-11 and 40 C.F.R. 262.11, completed process knowledge evaluations on all containers of thorium materials, and submitted, on or before February 23, 1991, for OEPA review and approval a schedule for necessary overpacking and analysis of such materials. Such activities will be performed in a manner that adequately protects the health and safety of all personnel involved in such work and DOE shall have the right, as set forth in paragraph 3.1 of the Consent Decree, to request an extension in this schedule from OEPA based upon concerns with the health and safety of the personnel performing such activities.

(f). DOE shall, as soon as reasonably possible but in no event more than sixty (60) days from a determination that any

drummed materials are hazardous or mixed waste, move such materials to units that are identified in the FMPC Part A Permit Application submitted September, 1989, or subsequent revisions. If storage space which meets RCRA and Ohio hazardous waste storage requirements is not available, DOE shall store such wastes in a manner as protective of human health and the environment as possible, shall perform daily leakage inspections on all such containers that are not located under cover, and shall, within sixty (60) days of a determination that sufficient hazardous waste storage space is not available, submit a plan and schedule for OEPA approval for short-term storage of such wastes. DOE shall perform weekly inspections in accordance with 40 C.F.R. 265.15 and 265.174, and OAC 3745-65-15 and 3745-66-74 on all such containers. DOE shall store backlog material which is being evaluated for the potential to be hazardous or mixed waste, but for which such evaluations have not been completed, on the best available hard surfaced facilities at the FMPC in such a manner that any leakage can be readily detected, and shall maintain aisle space meeting the requirements of 40 C.F.R. 265.35 and OAC 3745-65-35.

(g). DOE shall have the right to submit a schedule for OEPA approval to address circumstances in which either (i) the initial analyses results for particular samples indicate the need for re-sampling or further sampling and/or analysis, or (ii) there is insufficient qualified laboratory capacity to timely process and analyze samples taken by DOE in complying with this Consent

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Decree, as amended. DOE shall notify OEPA as soon as possible after discovering either such circumstance, and submit such a schedule within thirty (30) days of determining such circumstance exists.

II.

Paragraph 3.8 of the Consent Decree is deleted and replaced by the following paragraphs:

3.8 Plant 1 Pad

(a). DOE shall ensure that sufficient aisle space is maintained on the Plant 1 Pad to meet the requirements of 40 C.F.R. 265.35 and OAC 3745-65-35, except on the covered staging area.

(b). Until such time as the approximate 16,000 drums identified on Attachment 1 are removed from the Plant 1 Pad, or such drums are determined not to contain hazardous or mixed waste, DOE shall perform daily leakage inspections on all such drums, and shall perform weekly inspections in accordance with 40 C.F.R. 265.15 and 265.174, and OAC 3745-65-15 and 3745-66-74. DOE shall perform daily leakage inspections on the remainder of the containers stored on the Plant 1 Pad until such time as these containers are removed from the Pad or are determined not to contain hazardous or mixed waste.

(c). Until such time as all containers evaluated under paragraph 3.5.1 above and all other containers of hazardous or mixed wastes are removed from the Plant 1 Pad, DOE shall maintain containment measures at the overpack covered staging area, such

as the use of temporary dikes or liners, sufficient to ensure that any potential spillage or releases of material from drums are contained on the covered staging area of the Pad and are not released into any drains, soil, storm sewers, or other areas outside of the covered staging area. For any drums that are actually leaking in such a manner as to allow wastes to be released onto the pad DOE shall immediately contain the release or spill and shall manage the drum in accordance with OAC 3745--66-71 as soon as possible after detection, but in no event more than 24 hours after discovery. DOE has submitted to OEPA for its approval a plan describing the actions DOE will perform in order to comply with this subsection.

(d). The parties acknowledge that response actions under the Amended Consent Agreement were developed to respond to any release or threat of release of hazardous substances at the Plant 1 Pad, and that actions to address the Plant 1 Pad will take place under the Amended Consent Agreement as well as under this Consent Decree as amended. Without waiving any provision or reservation of paragraph 5.4 of the Consent Decree, DOE has, prior to the entry of this Amended Consent Decree, provided to OEPA for review, comment and approval a submittal for the Plant 1 Pad setting forth the closure plan information and data, including a schedule, set forth under OAC 3745-66-10 through OAC 3745-66-20. It is DOE's intention that the information, data, and schedules in such submittal shall be consistent with information, data and schedules developed pursuant to the Amended

Consent Agreement, whereas it is the State's position that this submittal and OEPA's review of this submittal are not subject to or affected by the Amended Consent Agreement. The parties specifically reserve their rights set forth in Article V of the Consent Decree to resolve any disagreement that they may have with any of these actions.

3.9 Pit 5

DOE has submitted a report containing the results of the HWMUR of Pit 5 to OEPA on June 30, 1991. The parties acknowledge that response actions under the Amended Consent Agreement are currently being developed to respond to any release or threat of release of hazardous substances from Pit 5, and that actions to address Pit 5 will take place under the Amended Consent Agreemer as well as under this Consent Decree as amended. Without waiving any provision or reservation of paragraph 5.4 of the Consent Decree, DOE has provided to OEPA for review, comment and approval a submittal for Pit 5 setting forth the closure plan information and data, including a schedule, set forth under OAC 3745-66-10 through OAC 3745-66-20. It is DOE's intention that the information, data, and schedules in such submittal shall be consistent with information, data and schedules developed pursuant to the Amended Consent Agreement, whereas it is the State's position that this submittal and OEPA's review of this submittal are not subject to or affected by the Amended Consent Agreement. The parties specifically reserve their rights set

forth in Article V of the Consent Decree to resolve any disagreement that they may have with any of these actions.

3.10 Underground Storage Tank 5

The parties acknowledge that response actions under the Amended Consent Agreement are currently being developed to respond to any release or threat of release of hazardous substances from Underground Storage Tank 5 ("UST 5"), and that actions to address UST 5 will take place under the Amended Consent Agreement as well as under this Consent Decree as amended. Without waiving any provision or reservation of paragraph 5.4 of the Consent Decree, DOE has submitted to OEPA for review, comment and approval a submittal for UST 5 setting forth the closure plan information and data, including a schedule, set forth under OAC 3745-66-10 through OAC 3745-66-20. It is DOE's intention that the information, data, and schedules in such submittal shall be consistent with information, data and schedules developed pursuant to the Amended Consent Agreement, whereas it is the State's position that this submittal and OEPA's review of this submittal are not subject to or affected by the Amended Consent Agreement. The parties specifically reserve their rights set forth in Article V of the Consent Decree to resolve any disagreement that they may have with any of these actions.

3.11 Revisions to Part A and Part B Permit Applications

Within 90 days of the entry of this Amendment DOE shall submit to OEPA a report (the "90-Day Report") setting forth all

hazardous waste management units subject to regulation under RCRA and the Ohio Solid and Hazardous Waste Disposal Law that have been identified as of that date. On or before June 30, 1991, DOE, subject to and on the basis of data available pursuant to scheduled information submissions under this Amendment, submitted a complete and properly executed revision to its Part A Permit Application, and on or before October 31, 1991, submitted a revision to its Part B Permit Application. Upon receiving OEPA comments on this revision, DOE shall modify the revision to comply with OAC 3745-50-43 and 3745-50-44. OEPA's comments shall not require modifications to the manner in which DOE and WMCO signed the Part A and B Applications. DOE signed such applications as "owner" and "operator", and WMCO signed such applications as "co-operator" subject to the limitations set forth herein and hereinafter in Part VI. Ohio and WMCO are in disagreement as to whether in the absence of this Amendment to the Consent Decree WMCO would have any legal obligations to sign such Permit Applications on the terms set forth herein. Neither WMCO nor Ohio shall be deemed to have waived in any way any position that either party may have with respect to such issue by executing this Amendment to the Consent Decree. DOE and WMCO take the position that they have agreed on their actual and respective responsibilities with respect to activities and operations at the FMPC pursuant to their contract No. DE-AC-05860R21600 ("M&O Contract"). WMCO and DOE take the position that the M&O Contract makes DOE responsible for policy,

programmatic, funding and scheduling decisions as well as general oversight at the FMPC. WMCO and DOE take the position that the M&O Contract makes WMCO responsible for certain day-to-day activities which are performed by WMCO employees and WMCO subcontractors (in accordance with DOE's general oversight responsibilities), such as: waste analysis and handling, monitoring, recordkeeping, reporting and contingency planning. It is WMCO's position that WMCO's obligations, responsibilities and liabilities as co-operator under RCRA are consistent with and limited to the aforementioned responsibilities as set forth and defined in the M&O Contract. The State of Ohio disagrees with the above-described positions and takes the position that the M&O Contract does not, and cannot, limit or define WMCO's or DOE's responsibilities as co-operator under Part A or Part B RCRA permit applications or under the hazardous waste statutes and regulations. Accordingly, by entering into this Amendment to the Consent Decree, and except for obligating themselves to comply with this Amendment, neither Ohio nor WMCO shall be deemed to have waived its position in regard to this issue, and it is agreed that all parties will preserve their respective legal positions and shall have the right to assert said positions at any appropriate time in the future. Should the results of materials characterization received after October 31, 1991 indicate the need to revise the Part B Permit Application to include information on hazardous waste management unit(s) or to update information on hazardous wastes, DOE shall submit such

revision(s) as soon as possible after determining the revision is necessary, provided that all such revisions or updates must be submitted no later than 180 days following the issuance of the last report required by paragraph 3.5.1(d).

3.12 Within sixty (60) days from the date of any report or revision to a permit application which identifies any additional hazardous waste management units or hazardous wastes not previously identified, DOE shall submit a schedule to OEPA for approval setting forth a timetable within which hazardous waste requirements shall be implemented with regard to such newly identified units or waste.

3.13 Where specific requirements are spelled out in paragraphs 3.3 through 3.12, they shall control; in all other respects the requirements in other hazardous waste laws or regulations or state or federal laws shall remain applicable.

III.

Paragraph 4.13 of the Consent Decree is hereby deleted and replaced by the following paragraph:

4.13 Beginning October 20, 1990, and continuing on the twentieth (20th) day of every third month thereafter, DOE shall submit a quarterly technical progress report to Ohio EPA describing the progress made to comply with the Consent Decree, as amended, during the previous three months, and identifying any hazardous waste management units or hazardous waste not previously listed in a report or permit application. DOE may combine this report with its ongoing reports being submitted

pursuant to the Director's Findings and Orders issued June 4, 1987, provided that such reports shall hereafter be made quarterly and not bi-monthly.

IV.

Section VII of the Consent Decree is hereby amended by the addition of the following paragraph 7.10:

7.10 DOE plans to transfer money to Ohio for its response costs at FEMP through a financial assistance award, pursuant to which DOE's payments for the State's response costs will be made in advance of the State's incurring the costs. DOE and Ohio agree that the financial assistance award will be administered in accordance with 10 C.F.R. Part 600 in lieu of Paragraph 7.3 through 7.6 of the Consent Decree. In the event DOE, for any reason, does not make a financial assistance award to Ohio for its response costs at FEMP, or DOE fails to pay some or all of these response costs pursuant to the financial assistance award, Paragraphs 7.3 through 7.6 of the Consent Decree shall apply to these costs.

V.

No later than 30 days after the entry of this Amended Consent Decree WMCO shall pay to the State of Ohio in full and final settlement of the claims brought by the State of Ohio in its charges in contempt (all of which are disputed by WMCO) and the matters addressed in the Amended Consent Decree the sum of $15,000. It is recognized that this amount is being paid as a compromise regarding disputed matters in recognition of the fact

that in lieu of such settlement, substantial costs of litigation would be incurred.

No later than 30 days after the entry of this Amended Consent Decree DOE shall pay to the State of Ohio in full and final settlement of the claims brought by the State of Ohio in its charges in contempt (all of which are disputed by DOE) and the matters addressed in the Amended Consent Decree the sum of $10,000 to reimburse the State of Ohio for its litigation costs relating to such contempt charges and matters. It is recognized that this amount is being paid to settle disputed matters in recognition of the fact that in lieu of such settlement, litigation costs would be incurred.

Except as otherwise specified in this Amendment, the State hereby releases, covenants not to sue and not to bring any action whether civil or criminal or for administrative findings and orders, against the United States (including DOE) and WMCO, or any past or present officer, director, official, employee, agent, or contractor (and any past or present official, officer, director, employee, agent or sub-contractor of such contractor), of the United States (including DOE) or WMCO with respect to the claims contained in the original Complaint filed on March 11, 1986, the Charges in Contempt filed on April 5, 1990 or any matter covered by the Amended Consent Decree. Nothing contained herein diminishes or limits Paragraph VIII of the Consent Decree.

DOE agrees to advise the State of Ohio of its efforts to obtain the appropriated funding necessary to implement this Amendment to Consent Decree. The State of Ohio and DOE and agree that in any judicial proceeding seeking to enforce the terms of this Amendment to Consent Decree and/or to find DOE in contempt for failure to comply or for delay in compliance with such terms, DOE may raise as a defense that its failure or delay was caused by circumstances beyond its control or that such failure or delay was caused by the unavailability of appropriated funds. While the State of Ohio disagrees that such defenses exist, the parties do agree and stipulate that it is premature at this time to raise and adjudicate the existence of such defenses.

It is the position of WMCO and DOE that providing the funds necessary for compliance with the terms of this Amended Consent Decree is solely the responsibility of DOE. The State of Ohio and WMCO agree that in any judicial proceeding seeking to enforce the terms of this Amended Consent Decree WMCO may raise as a defense that its failure or delay was caused by circumstances beyond its control or that such failure or delay was caused by the unavailability to WMCO of adequate funds allocated by DOE. The State of Ohio disagrees that such defenses exist but stipulates that it is premature at this time to raise and adjudicate the existence of such defenses.

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VII.

WMCO shall execute this Amendment to the Consent Decree, and the terms and provisions of the Consent Decree, as amended herein, shall become applicable to WMCO from the date of the entry of this Amendment forward, subject to the following:

(A) The parties agree that Section V of the original Consent Decree imposes no duty on WMCO to perform any of the RI/FS activities described in that Section. The State reservations described in that Section, however, do apply to WMCO.

(B) With respect to Section VI of the original Consent Decree, it is understood that DOE, not WMCO, owns title to and controls access to the FMPC. Accordingly, the parties agree that WMCO's responsibility under this paragraph shall be limited to taking no action to affirmatively prevent OEPA from obtaining access to the FMPC for the purpose of monitoring, sampling and observing activities carried out under this amended Consent Decree.

(C) Section VII of the Decree is not applicable to WMCO.

(D) The obligations and requirements of this amended Consent Decree shall terminate as to WMCO as of the effective date (November 30, 1992) of the termination or expiration of its M&O Contract No. DEAC05-86OR21600 with DOE. However, nothing contained in this paragraph is intended to modify the obligations between the United States (including DOE) and the State of Ohio

or between the United States (including DOE) and WMCO; nor does the State of Ohio or WMCO intend to absolve WMCO from any liability to the State of Ohio that WMCO may have for any violation of this Amended Consent Decree which occurs prior to the termination or the expiration of the M & O Contract.

(E) WMCO has voluntarily agreed to become a party to the Consent Decree as amended herein from the date of the entry of this Amended Consent Decree forward. Neither WMCO's execution of this Amended Consent Decree nor anything contained herein shall be construed to be an admission by WMCO that the obligations set forth in the original Consent Decree were in any way applicable to WMCO or that WMCO was in any way in violation of said original Consent Decree.

Nothing in this Amendment to the Consent Decree shall be construed as an admission by the State that the obligations set forth in the original Consent Decree were inapplicable to WMCO or that WMCO was not in violation of the original Consent Decree.

Nothing in this Amendment to the Consent Decree shall be construed as admission by the United States (including DOE) that it was in violation of the original Consent Decree.

VIII.

The terms of the original Consent Decree shall be unaltered and shall remain in full force and effect, except to the extent

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specifically amended herein.

SO ORDERED this 22 day of June, 1978.

S. ARTHUR SPIEGEL
United States District Judge

P.20/34

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ATTACHMENT 1

8000 DRUMS
NOT AFFECTED BY HWMUR
SUMMARY CHART

*Plan No.	Mat. Type	Source Code	*Drum Count	Lot Count	Material Description	*RCRA	*Non RCRA	EPA Hazardous Waste #	*Disposal Restrictions	*Location	*Physical State
3	037	112	2340	57	MgF2, ground		X	*	h	1,6,8	S
8A	011	530	893	67	Contaminated rocks, soil, etc.		X	*	a	1	S/
8B	011	530	3	1	Contaminated rocks, soil, etc.	X		D004, D008, D011	a,f	1	S
11	013	YAQ	283	3	Contaminated solvent	X		F001, F003, F005, D001, D018, D022, D028, D026, D035, D039, D040	a,b,c,f,g	RCRA W.	1
12	021	810	174	40	Drum decontam residues – MgF2		X	*	h	1	S
14	047	732	113	75	Samples, non-metallic, misc.		X	*	a	1	S/1
15	068	VXB	127	3	Wet sump or filter cake, oil contd	X		F002	a,b	RCRA W.	S/1
16A	068	HXA	311	9	Wet sump or filter cake, oil contd	X		D011	a,f	1, RCRA W.	S/1
16B	063	HXA	2	1	Wet sump or filter cake, oil contd	X		D002, D007	a,f	8, RCRA W.	1
17S/L	040	530	117	17	Non-oily semi-solids		X	*	[illegible]	1	S
17L	043	530	3	2	Decanted water from Plan 17		X	*	a	1	[illegible]
18	063	FYC	101	7	Wet sump or filter cake		X	*		1	S
24	062	314	40	21	Dust collector residues – High F		X	*	[illegible]	1	
25	021	134	64	6	Drum decontam residues – MgF2		X	*	[illegible]	1	[illegible]
29	066	510	37	7	Scrap salts, high fluoride		X	*	h	1	[illegible]
33	066	530	36	12	Scrap salts, high fluoride		X	*	h	1	[illegible]
35	018	315	25	16	Contaminated alumina-soda lime		X	*	h	1	[illegible]
36	064	843	24	11	Scrap salts, low fluoride	X		D007	a,f	1	S
40	011	510	22	13	Contaminated rocks, soil, etc.		X	*	a	1	S
42	067	FTA	21	4	Wet sump or filter cake		X	*	[illegible]	1	[illegible]
47	011	600	17	5	Contaminated rocks, soil, etc.		X	*	[illegible]	1	S
48	065	514	18	2	Scrap salts, high fluoride		X	*	h	1	[illegible]
51	011	517	15	6	Contaminated rocks, soil, etc.		X	*	a	1	S
52	015	137	15	3	Contaminated oil, insoluble	X		D019, D029, D039, D040, F001	a,b,c,g	RCRA W.	1

ATTACHMENT I

8000 DRUMS

AFFECTED BY HWMUR

SUMMARY CHART

Plan No.	Mat. Type	Source Code	Drum Count	Lot Count	Material Description	RCRA	Non RCRA	EPA Hazardous Waste #	LDR Status	Location	Weight (lbs.)	Physical State
1	069	658	2539	89	Wet sump or filter cake		X	*	a	1	983134	S/L
4	143	826	5492	94	Roasted sump and filter cakes		X	*	h	1, 6	1539044	S
7	062	512	1175	90	Dust collector residues - High F		X	*	h	6, 9	512265	S
9	033	240	536	36	Incinerator cinders	X		F001	b	1	143878	S
19	039	853	79	2	Oily semi-solids	X		F001, F003, F006, D001, D019, D039, D040	a,b,c,l,g	RCRA	34239	S/L
20	011	245	77	1	Contaminated rocks, soil, etc.		X	*	a	1	37404	S/L
22	065	822	65	5	Scrap salts, high fluoride		X	*	h	1	29093	S
23	163	112	63	1	Roasted, milled sump cake		X	*	h	1	34515	S
26	065	100	51	3	Scrap salts, high fluoride	X		D008	f	1	16494	S
28	068	735	55	6	Wet sump or filter cake, oil cont'd	X		F002, D039, D040	b,c,g	RCRA	20560	S/L
30	125	560	36	4	Slag, ball mill product		X	*	h	1	32626	S
32	058	827	33	1	Contaminated CaF2-MgO		X	*	h	1	8983	S
34	062	822	31	3	Dust collector residues - High F		X	*	h	1, 8	16944	S
36	011	260	30	8	Contaminated rocks, soil, etc.		X	*	a	1, Refinery	15900	S/L
37	036	518	25	1	MgF2, high free metal		X	*	b	1	15025	S
39	033	112	24	2	Incinerator cinders		X	*	h	1	6191	S
41	021	518	21	2	Drum decontam residues - MgF2		X	*	a	1	12965	S/L
43(s)	069	381	21	1	Wet sump or filter cake	X		F002, D0[illegible]	a,b,g	1	7112	S/L
43(w)	069	381	2	1	Wet sump or filter cake		X	*	a	1	682	L
44	065	800	20	1	Scrap salts, high fluoride		X	*	h	3	25293	L
45	011	400	31	5	Contaminated rocks, soil, etc.		X	*	a	1	143730	S

Key: "PLAN NO." – Some plans divided into (s)olids, (l)iquids, and (w)a[illegible]

"DRUM COUNT" – Drum counts reflect current FMPC inventory

"RCRA" – Hazardous waste regulated under RCRA Subtitle C

"NON-RCRA" – Not regulated under RCRA Subtitle C

"LDR [illegible]" – See "Key To Land Disposal Restrictions" on final page

"LOCATION" – 1, 2, 3, etc. = Plant Number; PP = Pilot Plant, LAB = Laboratory

"PHYSICAL STATE"

S = Solid

L = Liquid

S/L = Solid and liquid phases

4848

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8000 DRUMS

AFFECTED BY HWMUR

SUMMARY CHART

Plan No.	Mat. Type	Source Code	Drum Count	Lot Count	Material Description	RCRA	Non RCRA	EPA Hazardous Waste #	LDR Status	Location	Weight (lbs.)	Physical State
46	007	112	18	1	Trailer cakes, slurries, etc.		X	*	h	1	6977	S
49	011	200	18	6	Contaminated rocks, soil, etc.		X	*	a	1, RCRA	9671	S/L
50	042	742	15	4	Cleanout sludges		X	*	a	1	5872	S/L
54	011	742	13	2	Contaminated rocks, soil, etc.		X	*	h	1	5575	S
60	062	524	11	5	Dust collector residues - High F		X	*	h	1	5177	S
62	042	200	29	13	Cleanout semi-solids	X		F002, D039	a,b,g	2	9200	S/L
63	011	212	9	2	Contaminated rocks, soil, etc.	X		D004, D005, D007, D008, D010, D011	a,f	1	6486	S/L
65	038	824	9	2	MgF2, +20 mesh, low U		X	*	h	1	5039	S
67	011	235	8	1	Contaminated rocks, soil, etc.		X	*	a	1	4731	S/L
69	042	643	8	1	Cleanout semi-solids		X	*	a	1	5090	S/L
71	067	980	8	3	Wet sump or filter cake		X	*	a	1	240[illegible]	S
72	042	900	6	1	Cleanout semi-solids		X	*	[illegible]	1	142[illegible]	S
75	013	745	17	10	Contaminated solvent	X		F003, F005, D001, D039	a,b,f,g	RCRA	560	[illegible]
76	015	741	96	14	Contaminated oil, insoluble	X		F001, D018	a,b,f,g	RCRA	3214[illegible]	[illegible]
78	042	940	2	1	Cleanout semi-solids		X	*	a	1	874	S
80	062	665	5	5	Dust collector residues - High F	X		D006, D008	f	1	1242	S
83	001	381	4	1	Discard process residues, etc.	X		D039, F002	a,b,g	1	1097	S/L
84(s)	001	235	3	1	Discard process residues, etc.		X	*	h	1	230[illegible]	[illegible]
84(l)	001	235	1	1	Discard process residues, etc.	X		D002	a,c,f	1	910	[illegible]
86(s)	011	211	3	3	Contaminated rocks, soil, etc.	X		D011	f	1	52[illegible]	[illegible]
86(l)	011	211	1	1	Contaminated rocks, soil, etc.	X		D002, D004, D007, D008, D011	c,f	1	100[illegible]	[illegible]

Key: *"PLAN NO." - Some plans divided into (s)olids, (l)iquids, and (w)ater*

"DRUM COUNT" - Drum counts reflect current FMPC inventory

"RCRA" - Hazardous waste regulated under RCRA Subtitle C

"NON-RCRA" - Not regulated under RCRA Subtitle C

"LDR STATUS" - See "Key To Land Disposal Restrictions" on final page

"LOCATION" - 1, 2, 3, etc. = Plant Number; PP = Pilot Plant; LAB = Laboratory

"PHYSICAL STATE":

S = Solid

L = Liquid

S/L = Solid and liquid phases

4848

8000 DRUMS

AFFECTED BY HWMUR

SUMMARY CHART

Plan No.	Mat. Type	Source Code	Drum Count	Lot Count	Material Description	RCRA	Non RCRA	EPA Hazardous Waste #	LDR Status	Location	Weight (lbs.)	Physical State
87	011	300	3	2	Contaminated rocks, soil, etc.		X	•	h	1	2909	S
90	020	920	4	1	Contaminated merco-dri & hilco cake		X	•	a	RCRA	1587	S/L
92	069	380	4	1	Wet sump or filter cake	X		F002, D039	b,c,g	1	1401	S
93	001	200	3	1	Discard process resides, etc.		X	•	a	1	1351	S/L
96	038	800	3	2	MgF2, +20 mesh, low U		X	•	h	1	868	S
98	041	655	26	6	Oily sludges, high free metal	X		D001	a,f	1	20702	S/L
99	042	741	10	3	Cleanout semi-solids	X		F001, D019	a,b,g	RCRA	4105	S/L
100	043	732	1	1	Solvent semi-solids	X		D007, D011	f	RCRA	79	S
104	001	210	1	1	Discard process resides, etc.		X	•	h	1	183	S
105	001	246	2	1	Discard process resides, etc.		X	•	h	1	255	S
106	011	210	2	1	Contaminated rocks, soil, etc.		X	•	a	1	116[illegible]	S/
109A	047	140	1	2	Samples, non-metallic, misc.	X		D001, D003	f	1	1[illegible]	S
109B	047	140	1	1	Samples, non-metallic, misc.		X	•	a	1	15[illegible]	S
111	058	512	2	1	Contaminated CaF2-MgO		X	•	h	1	41[illegible]	S
114	001	660	1	1	Discard process resides, etc.	X		D008, D007, D006, D018, D040, F002, F006	b,f,g	1	152	S
119	011	655	1	1	Contaminated rocks, soil, etc.		X	•	h	1	317	S
123	032	732	1	1	Incinerator ashes		X	•	h	1	1	S
126	041	660	1	1	Oily semi-solids, high free metal			See Cover Letter	•	•	•	•
127	041	611	1	1	Oily semi-solids, high free metal			See Cover Letter	•	•	•	•
130	062	530	1	1	Dust collector residues - High F		X	•	h	1	110	S
134	068	200	1	1	Wet sump or filter cake, oil cont'd		X	•	a	1	584	S/

Key: *"PLAN NO." – Some plans divided into (s)olids, (l)iquids, and (w)ater*

"DRUM COUNT" – Drum counts reflect current FMPC inventory

"RCRA" – Hazardous waste regulated under RCRA Subtitle C

"NON-RCRA" – Not regulated under RCRA Subtitle C

"LDR: ?" – See "Key To Land Disposal Restrictions" on final page

"LOCA. – 1, 2, 3, etc. = Plant Number; PP = Pilot Plant; LAB = Laboratory

RCRA = Approved RCRA Warehouses; THOR = Thorium Storage

"PHYSICAL STATE":

S = Solid

L = Liquid

S/L = Solid and liquid phases

4848

8000 DRUMS

AFFECTED BY HWMUR

SUMMARY CHART

Plan No.	Mat. Type	Source Code	Drum Count	Lot Count	Material Description	RCRA	Non RCRA	EPA Hazardous Waste #	LDR Status	Location	Weight (lbs.)	Physical State
135	069	362	2	2	Wet sump or filter cake	X		D005	f	RCRA, THOR	565	S
143	029	512	117	30	Dust collector bags		X	*	h	1	7936	S
146	029	520	75	16	Dust collector bags		X	*	h	1	5558	S
148	029	513	63	27	Dust collector bags		X	*	h	1	3985	S
150	029	530	46	9	Dust collector bags		X	*	h	1	1796	S
155	028	200	31	2	Contaminated non-burnables	X		D008	f	1, RCRA	15081	S/L
157	029	535	27	6	Dust collector bags		X	*	h	1	1841	S
159	027	658	29	21	Contaminated burnables		X	*	h	1	4642	S
160	026	311	24	12	Contaminated carbon filter elements		X	*	h	1, RCRA	4177	S
165	026	310	15	6	Contaminated carbon filter elements		X	*	h	1, RCRA	3197	S
167	029	560	13	12	Dust collector bags		X	*	h	1	1212	S
208	029	533	2	2	Dust collector bags		X	*	h	1	142	S
209	029	536	13	2	Dust collector bags		X	*	h	1	1776	S
218	027	100	3	2	Contaminated burnables		X	*	h	1	53	S
222A	028	100	4	1	Contaminated non-burnables	X		F002	b	1, RCRA	2503	S
222B	028	100	1	1	Contaminated non-burnables	X		D004, D008, D011, F005	b,i	1, RCRA	13	S
222C	028	100	4	1	Contaminated non-burnables		X	*	a	1, RCRA	618	S/L
222D	028	100	11	5	Contaminated non-burnables		X	*	h	1, RCRA	392	S
223	028	210	1	1	Contaminated non-burnables	X		F002	b	1	40	S
225	025	227	1	1	Contaminated non-burnables		X	*	h	1	8[illegible]	S

Key:
*"PLAN NO." - Some plans divided into (s)olids, (l)iquids, and (w)ast[illegible]
*"DRUM COUNT" - Drum counts reflect current FMPC inventory
*"RCRA" - Hazardous waste regulated under RCRA Subtitle C
*"NON-RCRA" - Not regulated under RCRA Subtitle C
*"LDR STATUS" - See "Key To Land Disposal Restrictions" on final page
*"LOCATION" - 1, 2, 3, etc. = Plant Number; PP = Pilot Plant, LAB = Laboratory

*"PHYSICAL STATE"
S = Solid
L = Liquid
S/L = Solid and liquid phases

4849

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8000 DRUMS

AFFECTED BY HWMUR

SUMMARY CHART

Plan No.	Mat. Type	Source Code	Drum Count	Lot Count	Material Description	RCRA	Non RCRA	EPA Hazardous Waste #	LDR Status	Location	Weight (lbs.)	Physical State
231	029	510	1	1	Dust collector bags		X	-	h	1	90	S
634	003	200	1	1	Non-recoverable trash		X	-	h	1	249	S
634	028	200	22	3	Contaminated Asbestos		x	-	h	1	10650	S

Total Drums:	11266
Total "RCRA" Drums:	989
Total "RCRA" Streams:	25

0030

4843

Key: "PLAN NO." – Some plans divided into (s)olids, (l)iquids, and (w)ater
"DRUM COUNT" – Drum counts reflect current FMPC inventory
"RCRA" – Hazardous waste regulated under RCRA Subtitle C
"NON-RCRA" – Not regulated under RCRA Subtitle C
"LDR [illegible]" – See "Key To Land Disposal Restrictions" on final page

"PHYSICAL STATE":
S = Solid
L = Liquid
S/L = Solid and liquid phases

8000 DRUMS

AFFECTED BY HWMUR

SUMMARY CHART

KEY TO LAND DISPOSAL RESTRICTIONS DESIGNATED IN "LDR STATUS" COLUMN

General Comments:

- All material designated as "RCRA" is classified as Radioactive Mixed Waste. This material is subject to land disposal restrictions as part of the "Third Third" listed wastes. There is a two year national capacity variance for Radioactive Mixed Wastes which expires on May 8, 1992.

Codes:

(a) Any material containing liquids is prohibited from land disposal irrespective of it's status as a RCRA Hazardous Waste.

(b) Solvent Ban; effective November 8, 198[illegible].

(c) California List; effective July 8, 1987.

(d) First Third wastes; effective August 8, 1988.

(e) Second Third wastes; effective August 8, 198[illegible].

(f) Third Third wastes; effective May 8, 19[illegible]

(g) TC Organics D019 - D043; No LDRs apply. No treatment standards set.

(h) Not restricted from land disposal.

ATTACHMENT 2

1800 DRUMS

SUMMARY CHART

*Item No.	Mat. Type	Source Code	*Drum Count	Lot Count	Material Description	*RCRA	*Non RCRA	EPA Hazardous Waste #	*Disposal Restrictions	*Location	*Physical State
13	030	530	5	1	Mag oxide, mag zirconate		X	*	h	RCRA	S
21	000	FTA	30	27	Sludges salt & chloride	X		D006, D008	f	RCRA	S
27	041	600	14	2	Oily semi-solids for oxidation	X		D001, D039, F001	a,b,c,i,g	RCRA	S/L
31	013	736	22	3	Contaminated solvent	X		D007, D018, D019, D021, D029, D039, D040, F001	a,b,c,g	RCRA	L
74	011	700	6	2	Contaminated rocks, soil, etc.	X		D008	f	RCRA	S
80	015	730	1	1	Used oil	X		D008, D009, D039, F001	a,b,c,i,g	RCRA	S/L
87	039	985	3	1	Oily semi-solids	X		D007, F001	a,b,c,f	RCRA	S/L
124	039	920	1	1	Oily semi-solids		X	*	a	RCRA	S/L
128	043	135	2	1	Solvent semi-solids	X		D001, D008, D035, F005	a,b,f,g	RCRA	S/L
201	039	855	553	52	Oily semi-solids	X		D029, D039, D040, F001	a,b,g	RCRA	S/L
219	027	382	1	1	Contaminated burnables	X		D005	a,f	RCRA	S/L
230	027	200	31	2	Contaminated burnables	X		D029, D039, D040, F001	a,b,c,g	RCRA	S/L
237	002	382	24	1	Sump cake - copper contaminated	X		D005, D007	a,f	RCRA	S/L
239	012	208	14	1	Contaminated water	X		D039	a,g	RCRA	L
240	001	375	9	2	Discarded process residues	X		D039	a,g	RCRA	S
243	041	361	8	1	Oily semi-solids for oxidation	X		D018, D035, F001	a,b,c,i,g	RCRA	S/L
248	003	746	3	1	Non-recoverable trash	X		D007, D010	a,f	RCRA	S/L
250	011	600	3	1	Contaminated rocks, soil, etc.	X		D005, D006, D007, D008, D009	f	RCRA	S
251	044	500	3	1	Non-oily semi-solids for oxidation		X	*	a	RCRA	S/L
252	011	736	2	1	Contaminated rocks, soil etc.		X	*	h	RCRA	S
254	039	200	2	1	Oily semi-solids	X		D008, D039, D040, F001	a,b,c,i,g	RCRA	S/L
256	008	700	803	18	Grit blast	X		D008	f	RCRA	S
257	003	200	19	4	Non-recoverable trash	X		D008, F001	a,b,f	RCRA	S/L
258	027	741	2	2	Contaminated burnables	X		D018, F001	a,b,g	RCRA	S/L

1800 DRUMS

SUMMARY CHART

*Plan No.	Mat. Type	Source Code	*Drum Count	Lot Count	Material Description	*RCRA	*Non RCRA	EPA Hazardous Waste #	*Disposal Restrictions	*Location	*Physical State
263	011	FTA	148	119	Semi-solids, salt & chloride	X		D006	a,f	RCRA	S/L
264	043	YAQ	48	13	Solvent semi-solids (1,1,1 T)	X		D001, F001	a,b,c,f	RCRA	S/L
265	015	600	14	2	Used oil	X		D039, D040, F001	a,b,c,g	RCRA	S/L
266	039	800	10	2	Oily semi-solids	X		D008, F001	a,b,c,f	RCRA	S/L
267	015	821	8	3	Used oil	X		D006, D007, D008, D019, D029, D040, F001	a,b,c,f,g	RCRA	S/L
268	013	732	8	2	Contaminated solvent	X		D001, F003	a,b,f	RCRA	L
269	043	735	5	3	Solvent semi-solids	X		D029, D039, F001	a,b,g	RCRA	S/L
270	015	801	2	1	Used oil	X		F001	a,b	RCRA	S/L

Total Drums: 1857
Total "RCRA" Drums: 184
Total "RCRA" Streams: 23

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1800 DRUMS

SUMMARY CHART

034

Key:	"PLAN NO."	Some plans divided into (s)olids, (l)iquids, and (w)ater
	"DRUM COUNT"	Drum counts reflect FEMP inventory on 8/31/90
	"RCRA"	Hazardous waste as regulated under RCRA Subtitle C
	"NON – RCRA"	Not regulated under RCRA Subtitle C
	"DISPOSAL RESTRICTIONS"	See "Key To Disposal Restrictions Codes" below
	"LOCATION"	1, 2, 3, etc. = Plant Number; PP = Pilot Plant; LAB = Laboratory; RCRA = Approved RCRA Warehouses; THOR = Thorium storage
	"PHYSICAL STATE"	S = Solid; L = (Free) Liquid; S/L = Solid & free liquid phases

KEY TO DISPOSAL RESTRICTIONS CODES

General Comments:

-- All material designated as "RCRA" is classified as Radioactive Mixed Waste. Under the Land Disposal Restrictions (LDR) Program, radioactive mixed wastes which are solely "Third Third" wastes were granted a two year national capacity variance that expired on May 8, 1992.

Codes:

(a) Any material containing free liquids is prohibited from disposal in a landfill irrespective of it's status as a RCRA Hazardous Waste.

(b) LDR Solvent Ban; effective November 8, 1986.

(c) LDR California List; effective July 8, 1987.

(d) LDR First Third wastes; effective August 8, 198[illegible].

(e) LDR Second Third wastes; effective August 8, 198[illegible].

(f) LDR Third Third wastes; effective May 8, 1990.

(g) LDR TC Organics D019 – D043; No LDRs apply. No treatment standards set.

(h) Not restricted from land disposal.