



Department of Energy

Portsmouth/Paducah Project Office
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MAR 24 2008

Mr. Mike Guffey, FFA Manager
Division of Waste Management
Kentucky Department for Environmental Protection
14 Reilly Road, Frankfort Office Park
Frankfort, Kentucky 40601

PPPO-02-392-08

Mr. Harold Taylor
U.S. Environmental Protection Agency
Region 4
DOE Remedial Section
Federal Facilities Branch
Waste Management Division
61 Forsyth Street
Atlanta, Georgia 30303


Dear Mr. Guffey and Mr. Taylor:

**RESOLUTION OF THE ENVIRONMENTAL PROTECTION AGENCY LETTER OF
NON-CONCURRENCE FOR THE SITE INVESTIGATION REPORT FOR THE
SOUTHWEST PLUME AT THE PADUCAH GASEOUS DIFFUSION PLANT
PADUCAH, KENTUCKY (DOE/OR/07-2180&D2) AND NOTICE OF INFORMAL
DISPUTE DATED NOVEMBER 30, 2007, MCCRACKEN COUNTY, KENTUCKY,
KY8-890-008-982**

Please find enclosed the signed Resolution for the referenced documents. The U.S. Department of Energy (DOE) has evaluated the revisions provided in the U.S. Environmental Protection Agency (EPA) letter dated March 18, 2008, and has found them acceptable and is ready to proceed with this important Paducah Gaseous Diffusion Plant project. DOE is signing EPA's proposed resolution with the understanding that the conditions of the agreement do not alter or waive the rights that would otherwise be available to the parties under the Paducah Federal Facility Agreement or National Contingency Plan. DOE appreciates EPA's and the Commonwealth of Kentucky's efforts and willingness to work with DOE to reach consensus on the path forward for this project.

If you have any questions or need any additional information, please contact David Dollins at (270) 441-6819.

Sincerely,



Reinhard Knerl
Paducah Site Lead
Portsmouth/Paducah Project Office

Enclosure:

Resolution of Informal Dispute Regarding the SIR for the SW Plume

cc w/enclosure

DCC/Kevil

D. Dollins, PPPO/PAD

J. Tufts, EPA/Atlanta

E. Winner, KDEP/Frankfort

e-copy w/enclosure:

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Resolution of the Environmental Protection Agency Letter of Non-Concurrence for the Site Investigation Report for the Southwest Plume at the Paducah Gaseous Diffusion Plant, Paducah, Kentucky (DOE/OR/07-2180&D2) and Notice of Informal Dispute dated November 30, 2007

The undersigned agree that the Informal Dispute invoked by the U.S. Environmental Protection Agency (EPA) in the letter dated November 30, 2007, is hereby resolved provided the conditions and actions listed below are satisfied by the Department of Energy.

- (1) Conduct a Focused Feasibility Study (FFS) for addressing the following three areas in the Southwest Plume Site Investigation: the C-747-C Oil Landfarm (Solid Waste Management Unit: (SWMU) 1), the C-720 Building (specifically areas near the northeast and southeast corners of the building), and part of the storm sewer between the south side of the C-400 Building and Outfall 008, [SWMU 102], in view of developing remedial alternatives and undertaking a CERCLA remedial action consistent with the Record of Decision (ROD).
- (2) The FFS Report can be based upon the Site Investigation Report data, previous documents, and additional information, as necessary, in order to meet the purposes set forth in the Federal Facility Agreement for the Paducah Gaseous Diffusion Plant (FFA) Section III, the provisions of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), as well as any pertinent EPA guidance. The FFS Report will include, among other required information, a Remedial Action Objective (RAO) for addressing these source areas, including treatment and/or removal of principal threat wastes consistent with CERCLA, the NCP (including the Preamble), and any pertinent EPA guidance.
- (3) Develop (consistent with CERCLA, the FFA, provisions of the NCP, as well as any pertinent EPA guidance) a Proposed Plan and ROD for conducting a remedial action for the Southwest Plume sources.
- (4) Address the Southwest Dissolved-Phase Plume (in particular contamination in the Regional Gravel Aquifer from the source areas to the leading edge of the plumes) as part of the Groundwater Operable Unit (GWOU) Dissolved-Phase Plumes Project. Contamination in the shallow groundwater will be addressed in the FFS identified in Item (1), above.
- (5) The GWOU Dissolved-Phase Plumes Remedial Investigation/Feasibility Study (RI/FS) Work Plan will include, in the scoping assumptions, an RAO to return contaminated ground waters to their beneficial use(s) and attain chemical specific ARARs (e.g., Maximum Contaminant Levels established under the Safe Drinking Water Act) and/or risk-based concentrations for all identified contaminants of concern throughout the plume (or at the edge of the waste management area depending on whether the waste source is removed), consistent with CERCLA, the NCP (including the Preamble), and any pertinent EPA guidance. The GWOU Dissolved-Phase Plumes RI/FS Work Plan will

Resolution of the Environmental Protection Agency Letter of Non-Concurrence for the Site Investigation Report for the Southwest Plume at the Paducah Gaseous Diffusion Plant, Paducah, Kentucky (DOE/OR/07-2180&D2) and Notice of Informal Dispute dated November 30, 2007

include a scoping assumption that the groundwater contamination documented in the Southwest Plume SI Report, as well as previous CERCLA or RCRA corrective action documents, is at such levels that requires a CERCLA remedial action for that particular plume.

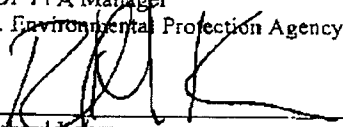
- (6) Address the C-747 Contaminated Burial Ground (SWMU 4) as part of the Burial Grounds Operable Unit Project. The Burial Grounds OU RI/FS Report will include, among other information, an RAO for addressing this source of contamination for the Southwest Plume, including treatment and/or removal of principal threat wastes consistent with CERCLA, the NCP, and any pertinent EPA guidance.
- (7) Revise the FY 2008 Site Management Plan to include enforceable milestones for submittal of the following FFA Primary Documents: Southwest Plume Sources FFS Report, Proposed Plan, and ROD for the Southwest Plume Sources, as well as an RI/FS Work Plan for the GWOU Dissolved-Phase Plumes Project.

The parties also agree that the Department of Energy's failure to satisfy the aforementioned actions and conditions may be viewed as a nullification of the parties' resolution herein. Such failure could result in the initiation of the formal dispute process in accordance with the FFA Section XXV.B with respect to the originally disputed Southwest Plume issues. Nothing in this resolution shall prevent any of the parties from disputing, under the FFA, any other matters related to the aforementioned projects.

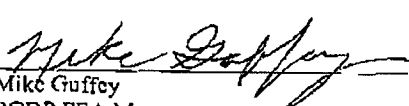
David G.
Williams

Digitally signed by David G. Williams
DN: cn=David G. Williams, ou=U.S. Environmental Protection Agency, ou=Region 4, email=David.G.Williams@epa.gov, c=US

David G. Williams _____ Date _____
PGDP FFA Manager
U.S. Environmental Protection Agency, Region 4


Reinhard Knorr _____ Date _____
PGDP FFA Manager
Paducah Site Lead
DOE Portsmouth/Paducah Project Office

3/24/08


Mike Guffey _____ Date _____
PGDP FFA Manager
Division of Waste Management
Kentucky Department for Environmental Protection

3/18/08