

December 20, 2002

Michigan Department of Environmental Quality (MDEQ)
Saginaw Bay District Office
Attn: Brenda Brouillet
503 N. Euclid Ave., Suite 1
Michigan Bay City, MI 48706

Dear Ms. Brouillet:

The purpose of this letter is to confirm the details of phone conversations between you and me on December 10, 2002, and between Mr. Tim Bertram and me on December 11, regarding the Bay City, Michigan landfill site formerly owned by Hartley and Hartley, and currently licensed by the NRC to the Michigan Department of Natural Resources (MDNR).

Our conversations confirmed that MDEQ is the responsible regulatory authority for chemical issues related to the MDNR site. Our conversations further confirmed that Region V of the U.S. Environmental Protection Agency (EPA) does not have jurisdiction of chemical waste issues at the site, since the site is not considered a Superfund site.

You indicated that MDEQ became aware that several hundred holes were drilled in the clay cap of the cell at the four acre MDNR site sometime shortly after the holes were drilled in 1999 for radiological sampling. We understand that MDEQ did not and does not view the issue as an immediate environmental concern, but rather a concern that should be addressed in the cleanup of the site. Your rationale for that view was that the clay cell was maintaining containment of the waste at this point, whether or not any barrels which may have contained chemical waste inside the cell were disturbed by the sampling. However, you indicated that water leaching into the cell would eventually require the need for some remediation, including the possibility of a pump and treat system. Our conversations also indicated that an Administrative Order of Consent is pending, that would guide the implementation of the cleanup activities of the site by the responsible party.

We also discussed the desirability for close coordination between the NRC and MDEQ when cleanup activities for this site are initiated. I conveyed the above information to the NRC Project Manager for the site, Mr. Sam Nalluswami (301-415-6694). We look forward to close cooperation on the project in the future.

Please call me at 630-829-9633 if you have any questions.

Sincerely,
/RA/
Christopher G. Miller, Chief
Decommissioning Branch

cc: Linda Nokowitz, EPA

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