



Pennsylvania Department of Environmental Protection

Rachel Carson State Office Building

P.O. Box 8469

Harrisburg, PA 17105-8469

January 11, 2005

Bureau of Radiation Protection

Mr. Robert N. Kossack
Manager
Kiski Valley Water Pollution Control Authority
1200 Pine Camp Road
Leechburg, PA 15656-9469

Re: Kiski Valley Water Pollution Control Authority ("Authority")
Disposal of residual ash from sewage sludge incinerator

Dear Mr. Kossack:

This letter is to apprise the Authority of the Department's updated position and intended course of action regarding closure of the ash lagoon. Although this letter is not a final action of the Department, we intend to implement the process enumerated herein in the near future.

In a letter dated April 23, 2003, to you from the Acting Director of the Bureau of Radiation Protection, you were notified that much of the residual ash in the lagoon at the Authority's site would require treatment as low-level radioactive waste and as such would be prohibited from disposal in a Pennsylvania municipal landfill.

Since that time, and as referenced in the Federal Register: January 5, 2005, (Volume 70 No. 3, pages 925-928), the U.S. Nuclear Regulatory Commission (NRC) has determined that all of the contaminated ash in the lagoon meets NRC's criteria for unrestricted use and that there is no further need for NRC action at the KVVWPCA site. This determination is based on dose assessments conducted in accordance with current NRC regulations (10 CFR 20 Subpart E) and NRC guidance regarding decommissioning sites contaminated with radioactive materials. These NRC regulations have been incorporated by reference into the Pennsylvania Code and the methodology used in performing the dose assessments is acceptable to the Department.

The NRC dose assessments were conducted for a wide range of potential scenarios including leaving the ash in place or removal of all of the contaminated ash from the KVVWPCA site with disposal at a permitted municipal waste landfill. Based on NRC's dose assessments, the Department will now consider a Closure Plan for the ash lagoon that includes disposal of the contaminated ash at a permitted municipal waste landfill in Pennsylvania. The Department's waste management staff will review the closure plan and forward comments to you so that the plan may be revised to meet the solid waste regulations.



We are willing to meet with you at your request at the Department's Southwest Regional Office in Pittsburgh to discuss closure requirements and to answer any questions you may have. We have tentatively held January 19, 2005, as a date to hold this meeting if you feel it would be beneficial. Please contact Robert Maiers, Chief, Decommissioning and Environmental Surveillance Division, Bureau of Radiation Protection at (717) 783-8979, with any questions or comments you may have regarding the foregoing, or have your attorney contact our counsel, John Herman, at (412) 442-4262.

Sincerely,



David J. Allard, CHP
Director
Bureau of Radiation Protection

cc: Ken Kalman, NRC HQ
Terry Chalker, BWXT
Ken Bowman, DEP SWRO
Robert Maiers, DEP BRP
James Yusko, DEP SWRO
Dwight Shearer, DEP SWRO
John Herman, Esq., DEP SWRO
Diane McDaniel, DEP SWRO
Dave Eberle, DEP SWRO
Mike Forbeck, DEP SWRO