

**From:** Michael F. Weber (MFW)  
**To:** TW8:GCC1  
**Date:** Friday, November 4, 1994 1:22 pm  
**Subject:** NEWS ON KISKI VALLEY SLUDGE -Reply -Reply

As I understand PADER's rationale, they denied authorization because the U contamination exceeded 30 pCi/g (some levels are up to 450 pCi/g of enriched U). Therefore, contamination below 30 pCi/g should not be objectionable to PADER for disposal in a sanitary or hazardous waste landfill.

Mike

**CC:** kjh3, hma

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COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL RESOURCES

400 Waterfront Drive  
Pittsburgh, PA 15222-4745  
October 31, 1994

(412) 442-4000

Southwest Regional Office

CERTIFIED MAIL #P 280 446 689

Thomas J. Donohue, P.E.  
Director of Project Engineering  
Mill Service, Inc.  
1815 Washington Road  
Pittsburgh, PA 15241-1498

RE: Denial of Beneficial Use of  
Municipal Waste

Dear Mr. Donohue:

The Department hereby denies Mill Service Inc.'s October 8, 1993 request, as amended on January 11, 1994 and April 5, 1994, to utilize incinerator ash from the Kiski Valley Water Pollution Control Authority Leechburg Plant lagoon, as cap subgrade construction fill. This decision is based on the results of recent radionuclide analyses of the ash which indicate that the ash radionuclide levels are above certain NRC action criteria. These apparent elevated levels of radionuclides render the material unsuitable as a substitute for soil to be used as cap subgrade on Yukon Impoundment No. 5 and Bulger Impoundment No. 2 because the ash would not be considered equivalent to soil from approved borrow sources.

Any person aggrieved by this action may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. Section 7514, and the Administrative Agency Law, 2 Pa. C.S., Chapter 5A, to the Environmental Hearing Board, Second Floor, Market Street State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in

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Thomas J. Donohue, P.E.

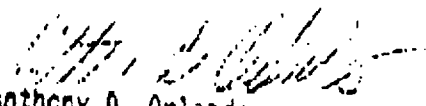
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October 31, 1994

braille or on audiotape from the Secretary to the Board at (717) 787-3483.  
This paragraph does not, in and of itself, create any right of appeal beyond  
that permitted by applicable statutes and decisional law.

If you have any questions please contact this office.

Sincerely,

  
Anthony D. Orlando  
Regional Manager  
Waste Management

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Director of Project Engineering  
Mill Service, Inc.  
1315 Washington Road  
Pittsburgh, PA 15241-1198

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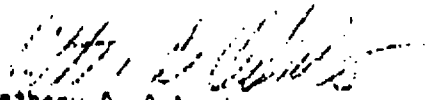
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