



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 – (217) 782-3397
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 – (312) 814-6026

ROD R. BLAGOJEVICH, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

217/782-9720

March 16, 2006

CERTIFIED MAIL #70042510000186558426
RETURN RECEIPT REQUESTED

U.S. Department of Energy
Dr. Joanna Livengood, Manager
of Fermi Site Office
Post Office Box 2000
Batavia, Illinois 60510

CERTIFIED MAIL #7004251000186558419
RETURN RECEIPT REQUESTED

Dr. Pier J. Oddone, Director Fermilab
Universities Research Association
Post Office Box 500
Batavia, Illinois 60510

Re: Violation Notice: W-2006-00019
Facility I.D.: ILU000798 – Fermilab-Batavia

Dear Dr. Livengood and Dr. Oddone:

This constitutes a Violation Notice pursuant to Section 31(a)(1) of the Illinois Environmental Protection Act, 415 ILCS 5/31(a)(1), and is based upon review of available information and investigation by representatives of the Illinois Environmental Protection Agency ("Illinois EPA").

The Illinois EPA hereby provides notice of violations of environmental statutes, regulations or permits as set forth in Attachment A to this letter. Attachment A includes an explanation of the activities that the Illinois EPA believes may resolve the specified violations, including an estimate of a reasonable time period to complete the necessary activities. However, due to the nature and seriousness of the violations cited, please be advised that resolution of the violations may also require the involvement of a prosecutorial authority for purposes that may include, among others, the imposition of statutory penalties. In addition, a request for surface water, groundwater, or soil sample results to be submitted to the Illinois EPA is included as Attachment B.

A written response, which may include a request for a meeting with representatives of the Illinois EPA to be held at an Illinois EPA facility, must be submitted via certified mail to the Illinois EPA within 45 days of receipt of this letter. The response must address each violation specified in Attachment A and include for each, an explanation of the activities that will be implemented and the time schedule for the completion of each activity. Also, if a pollution prevention activity will be implemented, indicate that intention in any written response. The written response will constitute a proposed Compliance Commitment Agreement ("CCA") pursuant to Section 31 of the Act. The Illinois EPA will review the proposed CCA and will accept or reject the proposal within 30 days of receipt.

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If a timely written response to this Violation Notice is not provided, it shall be considered a waiver of the opportunity to respond and meet, and the Illinois EPA may proceed with a referral to the prosecutorial authority.

Written communications should be directed to BEVERLY BOOKER at the ILLINOIS EPA, BUREAU OF WATER, CAS #19, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276. All communications must include reference to this Violation Notice number, W-2006-00019.

Questions regarding this Violation Notice should be directed to BARB CONNER at 217/782-9720.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael S. Garretson". The signature is fluid and cursive, with a long horizontal flourish at the end.

Michael S. Garretson, Manager
Compliance Assurance Section
Bureau of Water

Attachments A and B

ILU000798

**FERMILAB-
BATAVIA****VIOLATION NOTICE: W-2006-00019**

Questions regarding the violations identified in this attachment should be directed to Barb Conner at (217) 782-9720.

On December 6, 2005, a representative of Fermilab contacted a representative of the Illinois EPA concerning the detection of tritium in two cooling ponds adjacent to Indian Creek and in Indian Creek on their property. It is believed that a pipe connecting the two cooling ponds allowed water with low levels of tritium to escape from these ponds and to reach the creek. A review of information available to the Illinois EPA indicates the following violations of statutes, regulations or permits. Included with each type of violation is an explanation of the activities the Illinois EPA believes may resolve the violations including an estimated time period for resolution.

Threat to Groundwater Quality

No person shall cause, threaten, or allow the release of any contaminant to a resource groundwater such that treatment or additional treatment is necessary to continue an existing use or to assure a potential use of such groundwater, or such that the existing or potential use of such groundwater is precluded. Fermilab must cease and desist of any further violations of the Act.

Violation Date	Violation Description
12/06/2005	No person shall cause, threaten or allow a violation of Act, the Illinois Groundwater Protection Act or regulations adopted by the Pollution Control Board thereunder.
Rule/Reg.:	Section 12(a) and (d) of the Act, 415 ILCS 5/12(a) and (d) (2004), 35 Ill. Adm. Code 620.115
12/06/2005	No person shall cause, threaten, or allow the release of any contaminant to a resource groundwater such that an existing or potential use of such groundwater is precluded.
Rule/Reg.:	Section 12(a) and (d) of the Act, 415 ILCS 5/12(a) and (d) (2004), 35 Ill. Adm. Code 620.301(a) (2)

Systems Reliability

Review operational and maintenance procedures in order to correct the deficiencies which caused the violation. Compliance with this requirement is expected to be achieved immediately.

Violation Date	Violation Description
12/06/2005	All treatment works and associated facilities shall be so constructed and operated as to minimize violations of applicable standards during such contingencies as flooding, adverse weather, power failure, equipment failure, or maintenance, through such measures as multiple units, holding tanks, duplicate power sources, or such other measures as may be appropriate.
Rule/Reg.:	Section 12(a) and (d) of the Act, 415 ILCS 5/12(a) and (d) (2004), 35 Ill. Adm. Code 306.102(a)

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FERMILAB-
BATAVIA

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Unreported Waste Stream

Failure to identify tritium as a component of the waste stream in the NPDES permit application. Submit a revised permit application within 30 days to reflect any additional contaminants, including tritium, that may be present in your waste stream.

<u>Violation Date</u>	<u>Violation Description</u>
12/06/2005	Cause, threaten or allow the discharge of any contaminant into the waters of the State, as defined herein, including but not limited to, waters to any sewage works, or into any well or from any point source within the State, without an NPDES permit for point source discharges issued by the Agency under Section 39(b) of this Act, or in violation of any term or condition imposed by such permit, or in violation of any NPDES permit filing requirement established under Section(b), or in violation of any regulations adopted by the Board or of any order adopted by the Board with respect to the NPDES program.
Rule/Reg.:	Section 12(f) of the Act, 415 ILCS 5/12(f) (2004)

Unpermitted Discharge Point

Immediately cease and desist discharges from unpermitted discharge points.

<u>Violation Date</u>	<u>Violation Description</u>
12/06/2005	Cause, threaten or allow the discharge of any contaminant into the waters of the State, as defined herein, including but not limited to, waters to any sewage works, or into any well or from any point source within the State, without an NPDES permit for point source discharges issued by the Agency under Section 39(b) of this Act, or in violation of any term or condition imposed by such permit, or in violation of any NPDES permit filing requirement established under Section(b), or in violation of any regulations adopted by the Board or of any order adopted by the Board with respect to the NPDES program.
Rule/Reg.:	Section 12(f) of the Act, 415 ILCS 5/12(f) (2004)

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The release of any amount of tritium, as cited in Attachment A, may result in environmental contamination. Such environmental contamination is a violation of the Illinois Environmental Protection Act, when into the waters of the State [415 ILCS 5/12(a)] or onto land in such a manner so as to create a water pollution hazard [415 ILCS 5/12(d)]. Waters of the State include groundwater, drainage ditches and intermittent streams as well as the more obvious bodies of surface water. According to the Fermilab web site, extensive sampling in Indian Creek and the surrounding areas has been conducted as a result of this release. The Illinois EPA requests that any surface water, groundwater, or soil sample results be submitted as part of the CCA.