



START

9613470.0960

Department of Energy

Richland Operations Office
P.O. Box 550
Richland, Washington 99352

026013

0042788

JAN 05 1996

Mr. Steven M. Alexander
Perimeter Area Section Manager
State of Washington
Department of Ecology
1315 W. 4th Avenue
Kennewick, Washington 99336

Mr. Douglas R. Sherwood
Hanford Project Manager
U.S. Environmental Protection Agency
712 Swift Blvd., Suite 5
Richland, Washington 99352



Dear Messrs. Sherwood and Alexander:

CONDUCTING DECOMMISSIONING UNDER COMPREHENSIVE ENVIRONMENTAL RESPONSE,
COMPENSATION, AND LIABILITY ACT (CERCLA) AT THE HANFORD SITE

The U.S. Department of Energy (DOE), Richland Operations Office (RL) is currently developing a strategy to implement the joint U.S. Environmental Protection Agency (EPA)/DOE policy on conducting decommissioning under CERCLA. RL intends to implement this policy at the surveillance and maintenance (S&M) surplus facilities and other "non-key facilities." RL is not pursuing implementation of this policy at "key facilities" as defined by section 8 of amendment 6 to the Tri-Party Agreement.

The joint EPA/DOE policy, issued on May 22, 1995, applies to all decommissioning projects to be conducted by the DOE except for buildings that do not contain hazardous substances as defined by section 101(14) of CERCLA. A summary of what the policy established is provided below:

- DOE has lead agency responsibility for the purposes of determining whether response action is necessary to protect health, welfare, and the environment, and what type of response is most appropriate under the circumstances presented by the site. Response action may be taken when DOE determines that the action will prevent, minimize, stabilize, or eliminate a risk to health or the environment. When DOE determines that CERCLA removal action is necessary, DOE is authorized to evaluate, select, and implement the removal action that DOE determines is most appropriate to address potential risks posed by the release or threat of release of hazardous substances as defined by section 101(14) of CERCLA. The selection of such response should comply with the requirements of CERCLA, the National Contingency Plan, and other applicable regulations. EPA has the responsibility to oversee compliance with these requirements. DOE must also coordinate decommissioning activities with state regulatory agencies and stakeholders.

Messrs. Alexander and Sherwood

-2-

JAN 05 1996

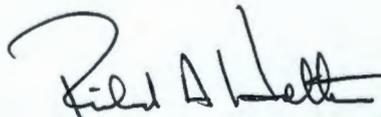
- DOE lead agency authority for removal actions must be coordinated with any anticipated remedial action to ensure an orderly transition from removal to remedial activity is achieved where applicable.
- Decommissioning activities will be conducted as non-time critical removal actions, unless circumstances at the facility make it inappropriate.

Please review the attached draft strategy and provide comments to RL by January 31, 1996. If comments are not received on or before this date, without prior notification to RL, this strategy will be considered final. RL is willing to meet with you, upon request, to discuss this draft strategy.

RL is looking forward to working together to make this new approach an efficient and streamlined process for conducting decommissioning activities at the Hanford Site. This process will allow RL to make more effective decisions regarding decommissioning activities with the input of EPA, the State of Washington Department of Ecology, stakeholders, and the public.

If you have any questions or require additional information, please contact Mr. J. M. Bruggeman on (509) 376-7121 or Ms. B. A. Ward on (509) 376-7142. Thank you in advance for your comments.

Sincerely,



Richard A. Holten, Director
Restoration Projects

DDP:JMB

Attachment

STRATEGY FOR IMPLEMENTING THE JOINT EPA/DOE POLICY,
FOR CONDUCTING DECOMMISSIONING UNDER CERCLA,
AT THE HANFORD SITE

BACKGROUND

On May 22, 1995, the U.S. Environmental Protection Agency (EPA) and the U.S. Department of Energy (DOE) issued a joint policy on decommissioning DOE facilities under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The policy applies to all decommissioning projects to be conducted by the DOE except for buildings that do not contain any hazardous substances as defined by the National Contingency Plan (NCP). Buildings identified for decommissioning that do not contain hazardous substances will be addressed via the National Environmental Policy Act process.

A summary of what the policy established is provided below:

- DOE has lead agency responsibility for the purposes of determining whether response action is necessary to protect health, welfare, and the environment, and what type of response is most appropriate under the circumstances presented by the site. Response action may be taken when DOE determines that the action will prevent, minimize, stabilize, or eliminate a risk to health or the environment. When DOE determines that CERCLA removal action is necessary, DOE is authorized to evaluate, select, and implement the removal action that DOE determines is most appropriate to address potential risks posed by the release or threat of release of hazardous substances as defined by section 101(14) of CERCLA. The selection of such response should comply with the requirements of CERCLA, the NCP, and other applicable regulations. EPA has the responsibility to oversee compliance with these requirements. DOE must also coordinate decommissioning activities with state regulatory agencies and stakeholders.
- DOE lead agency authority for removal actions must be coordinated with any anticipated remedial action to ensure an orderly transition from removal to remedial activity is achieved where applicable.
- Decommissioning activities will be conducted as non-time critical removal actions, unless circumstances at the facility make it inappropriate.

INTRODUCTION

This document presents the strategy for implementing the joint EPA/DOE policy at the Hanford Site. The DOE, Richland Operations Office (RL), intends to conduct Non-Time Critical removal actions for the purpose of decommissioning surveillance and maintenance (S&M) surplus facilities. Currently RL does not intend to conduct decommissioning activities under CERCLA at "key facilities" as defined by section 8 of amendment 6 to the Tri-Party Agreement.

SCOPE

The scope of the first Non-Time Critical removal action will be determined after a removal evaluation is prepared. The removal evaluation will assess the 100 B/C Area ancillary facilities, the 108-F building, and activities associated with final disposition of waste generated during the long term storage of the 105-C reactor. Decommissioning activities initiated prior to December 4, 1995, are not included in this workscope. The removal evaluation will rely on existing documentation for the 100 B/C and F areas. The scope of the removal evaluation will be to identify the source and nature of the release or threat of release of a hazardous substance and to assess the threat to public health, welfare, the magnitude of the threat, and to assess the following factors necessary to determine the need for a removal action.

- Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances, pollutants, or contaminants
- Actual or potential contamination of drinking water supplies or sensitive ecosystems
- Hazardous substances, pollutants, or contaminants in drums, barrels, tanks, or other bulk storage containers, that may pose a threat of release
- High levels of hazardous substances, pollutants, or contaminants in soils largely at or near the surface, that may migrate
- Weather conditions that may cause hazardous substances, pollutants, or contaminants to migrate or be released
- Threat of fire or explosion
- The availability of other appropriate federal or state response mechanisms to respond to the release
- Other situations or factors that may pose threats to public health, welfare, or the environment

The removal evaluation will identify the exact number of facilities that will be addressed in the Engineering Evaluation/Cost Analysis (EE/CA) Approval Memorandum.

Once the removal evaluation has been completed an EE/CA Approval Memorandum will be issued to authorize initiation of an EE/CA in support of a Non-Time Critical removal action. The EE/CA Approval Memorandum must document that the situation meets the NCP criteria for initiating a removal action and that the proposed action is non-time critical. The document will also provide detailed information pertaining to the site background; threats to public health, welfare, or the environment posed by the site including any expected changes in the situation if no action is taken or if the action is delayed; enforcement activities related to the site if applicable; and projected costs. The EE/CA Approval Memorandum will become part of the Administrative Record.

Upon completion of the EE/CA Approval Memorandum the Community Relations Plan (CRP) and EE/CA will be prepared. The CRP must be issued prior to completion of the EE/CA. A CRP already exists for the CERCLA process as it is conducted at the Hanford Site, however this plan does not currently address decommissioning activities and the plan is only revised when the lead agency (EPA or State of Washington Department of Ecology [Ecology]) determines that a change is needed. Since DOE is the lead agency for conducting decommissioning activities under CERCLA, a separate CRP will be prepared to cover all Decontamination & Decommissioning activities. A CRP specifically intended for decommissioning activities will not impact other Hanford Site operable units when such document requires revision.

An EE/CA will be prepared for 100 B/C area ancillary facilities containing hazardous substances, as defined by CERCLA, activities associated with final disposition of waste generated during the long term storage of the 105-C reactor, and the 108-F building. The goals of the EE/CA are to identify the objectives of the removal action and to analyze the effectiveness, implementability, and cost of various alternatives that may satisfy these objectives.

Once the EE/CA is finalized and public review is completed, RL will issue an Action Memorandum. The Action Memorandum provides a concise, written record of the decision to select an appropriate removal action. As the primary decision document, it substantiates the need for a removal action, identifies the proposed action, and explains the rationale for the removal action selection.

Specific topics will be addressed in the Action Memorandum to demonstrate that the release meets statutory and NCP requirements for a removal action. For non-time critical removal actions, an EE/CA summary or the EE/CA Executive Summary, the EE/CA Approval Memorandum, or a summary thereof, and a summary of the written comments on the EE/CA for alternative actions considered for non-time critical removal actions will be part of the "Proposed Actions and Estimated Costs" section of the Action Memorandum. In addition, a copy of the EE/CA, or the Executive Summary, and the RL's response to significant public comments on the EE/CA will be attachments to the Action Memorandum and become part of the administrative record file.

EPA and Ecology Roles

As mentioned above, EPA has responsibility for performing oversight of RL's ability to meet the requirements of the NCP. Ecology maintains the responsibility of ensuring that state requirements are met. RL will provide all documents prepared for the purpose of conducting decommissioning under CERCLA, to EPA and Ecology for review. RL values the input of EPA, Ecology, Tribes, stakeholders, and the public and intends to provide review time in accordance with the NCP. Documents that are not given specific review times in the NCP will be provided to EPA and Ecology with sufficient time for review based on the length and/or importance of the document. However, as the lead agency, RL will approve and issue these documents in accordance with the NCP. RL will submit Sampling and Analysis Plans (SAPs) to EPA for approval before obtaining samples of environmental media where results of the sampling are used to reach a decision on the alternative that will be implemented to achieve the removal action objectives. RL does not intend to submit SAPs for approval when obtaining samples inside of buildings or structures or for collecting samples of environmental media for final verification purposes.