

START

0030476

9306627



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, Washington 98101

MAY 14 1993

Reply To
Attn Of: HW-124



Leo E. Little
Assistant Manager for Environmental Management
U.S. Department of Energy
P.O. Box 550 (A3-42)
Richland, Washington 99352

John R. Hunter
Assistant Manager for Waste Management
U.S. Department of Energy
P.O. Box 550, (A6-53)
Richland, Washington 99352

Re: Environmental Restoration Storage and Disposal Facility

Dear Mr. Little and Mr. Hunter:

The Washington State Department of Ecology (Ecology) and the U.S. Environmental Protection Agency (EPA) have worked closely with U.S. Department of Energy (DOE) staff and its contractors over the past several months on the regulatory, technical, and public involvement issues related to construction and operation of the proposed Environmental Restoration Storage and Disposal Facility (ERSDF) at the Hanford Site. In December 1992, EPA and Ecology committed to research and define the appropriate regulatory process for the ERSDF. This letter provides Ecology's and EPA's preferred direction for the regulatory approach if all of us agree that such a waste management unit is necessary.

The issue is complex, in that both Comprehensive Environmental Response, Compensation, and Liabilities Act (CERCLA) waste and Resource Conservation and Recovery Act (RCRA) cleanup wastes will be stored, treated, and disposed at the ERSDF. We have agreed that these wastes should be managed in a consistent manner, regardless of whether they are being handled under the RCRA or CERCLA programs. We believe we have arrived at a satisfactory solution to this issue. EPA has issued a final rule (58 FR 8656), which allows the creation of Corrective Action Management Units (CAMU) at RCRA facilities which are subject to RCRA corrective action requirements. This rule, which became effective April 17, 1993, offers an option for management of remediation wastes, as defined at 40 CFR § 260.10, on the technical issues.

943200.0155

The CAMU rule allows a unit to be constructed on the RCRA facility for the purpose of managing remediation wastes. The CAMU can be located in uncontaminated areas if including such areas is more protective than management of such wastes at contaminated areas. Generally, the rule allows the facility owner/operator to meet performance based standards that are tailored to site specific circumstances. Under the new rule, CAMUs are used only for remediation waste and the rules governing RCRA treatment, storage, and disposal units do not apply in the same way as for a new RCRA landfill. For example, the CAMU rule allows flexibility in the application of the RCRA Minimum Technology Requirements (MTR) for landfill liner system design. Also, the RCRA Land Disposal Restrictions (LDR) are not automatically triggered. The rule has numerous other elements, but these are two of the major ones to be considered for the ERSDF.

For reasons mentioned above, the CAMU rule could be characterized as being less restrictive than traditional RCRA land disposal requirements. The CAMU rule allows for the flexibility needed to get cleanup accomplished in a timely and appropriate manner, comparable to CERCLA. We will ensure that it is applied in a responsible manner at the Hanford Site, as we have discussed in a number of meetings with DOE and contractor staff over the past three months.

It is paramount that DOE prepare a comprehensive package for EPA and Ecology to consider in evaluating ERSDF under the new CAMU rule. The package should fully address the criteria listed in 40 CFR § 264.552(c) for CAMU designation. The elements of that package should be well thought out, viewing the overall project from a systems approach. We understand that timing of regulatory agency approval for construction and operation of a new land disposal unit is critical and we offer our help to develop that package. We have the best chance for early agreement and success by using this approach. To date, our discussions have included topics such as the following:

- The possibility of a graded approach to bottom liner system design -- contingent upon the application of agreed upon treatment design and operational criteria. It is possible that a combination of alternatives for design and operation may be appropriate, if supported by agreed upon waste acceptance criteria and other components of the design and operating package. The need for a RCRA MTR equivalency determination was also discussed.

- Vadose zone monitoring -- to supplement a groundwater monitoring network and provide for the earliest possible detection of leaks.
- Environmental benefit -- a significant criterion for acceptance of a CAMU is whether the CAMU provides a net environmental benefit. The application should detail how the proposed ERSDF will meet that criterion. References to volume reduction, waste consolidation, treatment, location, and the Hanford Future Site Uses Working Group Report would be important considerations in this demonstration.
- Volume reduction -- such as soil washing or sieving, leaving the clean, coarse soil at the original waste site.
- Treatment at the CAMU -- use of an immobilization technology such as soil stabilization, solidification, grouting, or in-situ vitrification to control the migration of hazardous constituents or radionuclides and to minimize subsidence.
- Operating conditions -- such as temporary cover of an active trench to minimize the potential for leachate generation.
- Use of an enhanced final cover -- specifically, using the Hanford Barrier system which has been designed to be effective for at least several hundred years.
- Siting of ERSDF -- utilizing the available land between the 200 East and 200 West areas to the maximum extent possible, rather than developing areas outside the confines of the 200 area.
- Public Involvement -- need to provide early and meaningful opportunity for public involvement, in consideration of both the technical aspects of the proposal and the Hanford Future Site Uses Working Group Report.
- Capacity -- The capacity of this facility should not outstrip the need. Further, capacity must be evaluated with the inclusion of the existing landfill capacity.

There are a number of administrative issues to be addressed. The CAMU rule provides the general framework for approval and establishment of a CAMU. The process begins with an application,

2413201057

the basis of which will be the package referred to above. The need for the CAMU must also be addressed, in the context of our overall approach to cleanup at the Hanford Site. Again, in the interest of time, we offer our assistance and are willing to work with you in the development of this package. Once we agree on the terms of the application, there are three options for finalizing the decision under RCRA, as follows:

1. Inclusion of the CAMU in the original Hanford RCRA permit, if timing of the CAMU decision coincides with issuance of the permit;
2. Addition of the CAMU to the Hanford RCRA permit through a permit modification, if the permit is issued and effective prior to the CAMU decision; or,
3. Issuance of a RCRA 3008(h) corrective action order by EPA directing DOE to establish a CAMU, if the CAMU decision precedes issuance of the Hanford RCRA permit. While this is a legal option, EPA has no intention of negotiating a RCRA 3008(h) order at Hanford at this time.

At this point in time, we should focus not on the administrative mechanism, but on the technical content of the application. If done properly, the complete application should support any one of the administrative mechanisms.

The CAMU rule was promulgated pursuant to the Hazardous and Solid Waste Amendments (HSWA) of 1984, and therefore will remain under EPA's authority until such time as the State of Washington receives authorization for this component of HSWA. We are anticipating that the state will receive such authorization prior to construction of ERSDF, and therefore, Ecology must be viewed as an equal partner in any decisions regarding this unit.

To this point, we have discussed the CAMU only from the standpoint of RCRA remediation wastes. It is clear that the CAMU would also accept wastes from CERCLA projects at the Hanford Site; therefore, we must have an administrative mechanism that addresses CERCLA wastes. Obviously, each individual CERCLA Record of Decision (ROD) will specify how wastes from each CERCLA operable unit will be dispositioned and will reference the ERSDF, as appropriate. However, we believe we can gain efficiency in the process through an up front recognition that ERSDF is a necessary unit to support the CERCLA program. This will provide a streamlined approach in which the ERSDF can be referenced by the individual operable unit RODs. In order to accomplish this, EPA intends to issue a general ROD, based on the above mentioned application or package, for construction and operation of ERSDF.

The package will also need to include an assessment of alternatives and satisfy other basic CERCLA requirements which may be applicable. We do not expect those requirements to be particularly onerous or duplicative and we need to work closely together to identify such requirements as early in the process as possible. As with the RCRA-CAMU approach, approval will be predicated on agreement on the technical issues, e.g., design, construction, operating, and closure/post-closure requirements. We do not envision a separate CERCLA document from DOE to support this ROD, but rather a single document that addresses all CAMU and CERCLA technical requirements. This approach should ensure consistency in the way we manage waste from RCRA corrective action operable units and CERCLA operable units.

The utilization of two separate administrative mechanisms provides us assurance that we have fully complied with all requirements under both RCRA-CAMU and CERCLA. It should also ensure functional equivalency of these processes to that of the National Environmental Policy Act (NEPA). As you are aware, EPA and Ecology have concerns about DOE's current plan, which defines the first several years of ERSDF operation as interim storage, to be supported by a NEPA Environmental Assessment and a Finding of No Significant Impact.

The two administrative mechanisms described above probably will not, however, satisfy the requirements of the State Environmental Policy Act (SEPA). Ecology anticipates that in the future, an environmental checklist and, if necessary, additional SEPA documentation will have to be prepared so that decisions about this project can be made in accordance with SEPA dictates.

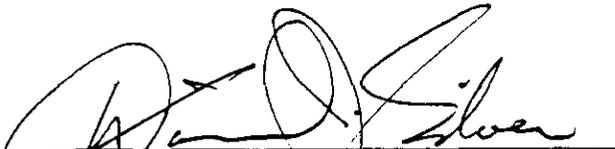
We believe significant progress has been made on many of the issues that must be resolved and, in many areas, general agreement has been reached. However, it is apparent that clarification is needed in one very important area -- treatment and immobilization of the waste at the ERSDF. Such treatment is viewed by EPA and Ecology as an essential element of the package, and hence, is part of our baseline. We are not willing to entertain proposals which do not include treatment (beyond soil washing) as an integral step in the cleanup process. This is an issue we must resolve in the very near term, if we are to meet the schedule for ERSDF construction.

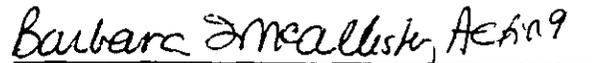
Finally, if we are going to get through all of these complex issues and maintain a schedule to support our cleanup program, we must involve the public in an early and meaningful way. To this end, all three parties have designated a lead person for public involvement and public education activities, specifically for this project. Some of these activities have already begun, but much more will be required to explain what we believe to be a

sound technical concept and to hear and consider public concerns as early as possible. We would propose that the team members provide a thorough discussion of the public involvement plan and its implementation status at the May 1993 Project Managers meeting.

This letter does not answer all of the detailed questions that have been raised in regard to the ERSDF proposal and the regulatory basis for instituting such a unit; however, it does provide some general guidelines. More detailed correspondence will follow as we work together to implement this process. Please contact us or other team members directly as issues arise and as you see opportunities for us to assist you in this process.

Sincerely,


 Dan Silver
 Assistant Director
 Office of Waste Management
 State of Washington
 Department of Ecology


 Randall F. Smith, Director
 Hazardous Waste Division
 EPA Region 10

cc: G. Hofer, EPA
 J. Bauer/S. Wisness, DOE
 R. Stanley/J. Stohr, Ecology
 R. Izatt/R. Freeberg, DOE
 J. Goodenough/J. Erickson, DOE
 M. Adams/M. Lauterbaugh, WHC
 B. Austin, WHC
 R. Wojtasek, WHC
 P. Day, EPA
 C. Sikorski/C. Massimino, EPA
 D. Fagan, EPA
 P. Innis/D. Faulk, EPA
 D. Jansen/L. Goldstein, Ecology
 D. Nylander/D. Teel, Ecology
 T. Michelena/R. Hibbard, Ecology
 T. Barnet, Washington AG Office
 W. Staubitz, USGS
 A. DeAngeles, PRC



CORRESPONDENCE DISTRIBUTION COVERSHEET

Author Dan Silver, EPA Randall F. Smith, EPA	Addressee Leo E. Little, RL John R. Hunter, RL	Correspondence No. Incoming: 9306627
subject: <u>Environmental Restoration Storage and Disposal Facility</u>		

INTERNAL DISTRIBUTION

Approval	Date	Name	Location	w/att
		Correspondence Control	A3-01	
		M. R. Adams	H6-01	
		B. A. Austin	B2-35	
		G. W. Jackson	H6-21	
		M. J. Lauterbach	H6-01	
		R. E. Lerch	B3-63	
		H. E. McGuire (Level 1)	B3-63	
		S. R. Moreno	B3-06	
		J. K. Patterson	H6-27	
		J. A. Rivera	B2-16	
		F. V. Roeck	H6-02	
		T. M. Wintczak	H6-27	
		R. D. Wojtasek (assignee)	H6-27	
		EPIC	H6-08	

