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**INFORMAL COMMENTS ON DRAFT
CONCEPTUAL STP AND DRAFT PUBLIC
INVOLVEMENT PLAN**

09/01/93

**OEPA/DOE-FN
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COMMENTS**



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September 1, 1993

John Sattler
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P.O. Box 398705
Cincinnati, OH 45239-8705

Re: Informal Comments on Draft Conceptual STP and Draft Public Involvement Plan

Dear Mr. Sattler:

The following are Ohio EPA's informal comments on the Draft Conceptual STP and the Draft Public Involvement on the FFCA (Ohio DOE Complex) as promised during the August 5 meeting. As discussed during the meeting, these comments are by necessity overly broad and may apply to all sites in the Ohio complex. Hopefully they will assist you in your ongoing efforts to pull the plans together.

Overall, the Draft Conceptual STP appears to be complete in scope, but there are many areas which will need to be filled in over the next year and a half. Given that this is merely a conceptual plan, this should not present a problem, as we expect the level of detail available will increase over time and therefore be incorporated. The draft CSTP does not conform exactly to the outline designed by DOE HQ and approved with suggestions by us on July 2, 1993. There were a few sections originally included on the annotated outline for the STPs that were not included in the draft (5.4 and 6.0), and others that were rearranged (such as 3.2, 3.1.3, and 3.3). All sections of the original annotated outline must be included in the plan, even if not relevant, in which case a simple one-sentence explanation can be given for why that particular section is not relevant or was not completed at this time. All DOE sites must follow as closely as possible the outline agreed to by OEPA, as it provides the basic framework upon which all future FFCA-related submissions depend. New areas to be added to the plan may be identified as the process moves forward either on a site-by-site basis or complex-wide. We emphasize that the national debate following submission of the plans may alter our initial impressions and preferences. This is especially true in those areas that might affect the interstate dialogue on equity issues.

The main areas for which you requested comment were Assumptions (Section 2.1), Characterization of Mixed Wastes (Section 2.4), and Prioritization of Wastestreams (Section 2.6). Comments for other areas are included as well.

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Section 1.4 - Site History and Mission

This section should include more discussion on how the site interacts with DOE HQ, DOE field offices, contractors, and other DOE sites, if applicable.

Section 1.5 - Related Documents

Sites should include locations where these various documents can be viewed or obtained by the public.

Section 2.1 - Assumptions

It would be helpful for us to know the basis upon which each assumption was made.

General Assumption #1 should also state that "DOE will continue to place the highest priority on protecting the health and safety of...the public, **and the environment**, and is committed to complying with all applicable **federal, state, and local** environmental laws and regulations." Many environmental laws and regulations are based on protecting both human health and the environment.

Does CSTP Assumption #2 recognize facilities that do not have RCRA TSD permits as barriers?

Assumption #11 states that the facility treating waste will be responsible for managing residuals. This assumption may be invalid. Tennessee is expecting the ash from the TSCA Incinerator, which is the only offsite treatment facility specifically identified in this draft, to go back to the generating facility. While it is correctly pointed out in a later section that to date no ash has been returned to Fernald, it may not be possible to project this trend into the future. Also, the PORTS Part B permit application states that PORTS will receive treatment residuals from the treatment facility (which is presumably the K-25 Incinerator at Oak Ridge).

Assumption #12 - "STPs will be periodically updated to reflect treatment needs of newly generated and newly characterized mixed wastes." How often is "periodically?" Each time a new waste stream is identified, or on an annual or semi-annual basis? Also, will these updates be inserts to the plan, or will a new plan be generated?

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Assumption #18 states that "The FEMP is able to obtain the required permits for any on-site treatment processes in a timely manner." Is a timespan of a few years considered timely? Also, are air and wastewater permits included in the assumption?

Assumption #19 states that treatment technologies are defined solely by waste matrix and RCRA constituents. This will not lead to accurate consideration of treatment options unless the radiological content of the waste, and attendant emissions, are also taken into consideration when determining treatment technologies and options.

CSTP Assumptions #3 and #5 infer that FFCA will be interfaced/integrated under the existing FEMP CERCLA program. While this may be workable, it has not yet been agreed to. We prefer that FEMP not defer to CERCLA automatically, and would encourage the flexibility to interface/integrate in both directions (eg. FFCA derived options could be incorporated into the CERCLA process).

Many of the assumptions DOE makes will change in the future given the national debate, changes in funding, the availability of commercial treatment facilities, modifications to the mixed waste inventory report based on State comments, and improved waste characterization.

Section 2.3 - Treatability Groups

Treatability groups and subgroups are tied to accurate waste characterization. If waste has not been adequately characterized, then treatability groups and subgroups will not be identified adequately. If treatability information is lacking, no sufficient basis will exist for the selection of treatment options. This will lead to the lumping of wastes into too few groups and subgroups, which could translate into a small number of treatment options that will be identified. These few treatment options will be designed on a scale and scope which could overexceed the treatment requirements of this waste and be excessively costly as well. DOE must characterize this waste adequately and place it into expanded treatability groups or subgroups so that treatment options will accurately reflect the scale of treatment required. Treatment options must be of an appropriate size and scale.

Section 2.4 - Characterization of Wastestreams

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This section represents an overview of FEMP procedures for waste characterization. This process appears to be adequate to characterize RCRA components of mixed waste. RCRA waste characterization procedures should not differ in concept among DOE sites, and must be based upon current hazardous waste regulations.

Process knowledge must be well justified and have supporting documentation for both positive and negative determinations with respect to a waste's regulatory status. Although in some cases, process knowledge may be adequate to determine the appropriate waste codes, it is not sufficient to accurately determine the appropriate land disposal restriction treatment standard and BDAT for the treatment of the mixed waste. In these cases, sampling and analysis will be required. Where process knowledge is the only feasible basis for waste characterization, the overall chemical process that generated the waste must be documented.

Treatment options cannot be determined without specific knowledge of radionuclide content of waste since the content and attendant emissions will affect treatment choices.

Section 2.6 - Prioritization of Wastestreams

The criteria used for determining priority are valid. Perhaps some type of weighted system using a subjective means could be devised, which could take all the various criteria together. Wastestreams that are already being treated or for which there is existing capacity should be placed in a separate category, since they will probably continue to be treated independently of those with no capacity, even if these no-capacity wastes have a much higher priority. When capacity is found, the rankings may be adjusted.

Table C-3

Please explain the need for the categories of "Other Possible Waste Codes" and "Remotely Possible Waste Codes." Also, what is the significance of having the categories of "Characterization (Analysis) Requirements" and "Off-site Acceptance (Fingerprint) Analysis?"

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Section 3.0 - Low-Level Mixed Waste Streams

As part of Existing Capacity, this section should provide a table showing the breakdown of stated MLLW currently going to the TSCA Incinerator treatability Group Tables

Explain code information given in the "Basis" and "Status" columns. Also, explain why waste quantities are based upon multiples of two tenths of a cubic meter.

Why do the Treatability Group Tables indicate TSCA Incineration as a treatment option for some mixed waste, while the remainder of the mixed wastes are shown as having no treatment options?

Section 6.1 - Future Generation of Mixed Streams

As work on the plan progresses, this section will need to include more specific information with respect to wastes generated under CERCLA activities. Also, waste pit sludges should have associated waste codes.

DOE must provide reference information for any and all proposed treatment technologies now considered "new" or "innovative." A list of references for any given method will allow regulators to assess the viability of a given technique based on reading objective, independently written research materials.

Comments on the Draft Public Involvement Plan are as follows:

We emphasize that each site share its plan with the affected public. It has been demonstrated numerous times that public involvement designed without involving the public is a no-win situation.

These plans need to be dynamic. They should present a baseline of public involvement activities which would be augmented by various public involvement tools or methods as issues or public interests warrant. It is hoped that DOE HQ or the sites will be ready to expand their activities quickly if there is a need.

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It is a good idea to integrate public involvement on FFCA issues with the existing public involvement activities at the site, taking into account the importance of these plans.

There were a number of good ideas in each of the four sites presented. We urge the sites to learn and borrow from each other's successes and mistakes.

Most of the sites included questions that have been asked by members of the community, indicating that their concerns are being taken into account. Obviously, these questions are important to the public and should be given the utmost attention. The complex may consider the possibility of integrating material to answer some of these questions into the site treatment plans. If the questions cover areas not relevant to the plans, then they should be answered in educational documents distributed widely to the affected public.

I hope these comments are helpful to you in your continuing efforts to develop a Conceptual STP and a Public Involvement Plan. The submittal dates for the Conceptual STP's should be pinned down at the next Task Force meeting in September (Oct. 1 vs. Oct. 31).

If you have any questions, please give me a call.

Sincerely,



Michael A. Savage
 Assistant Chief
 Division of Hazardous Waste Management

cc: Jennifer Tiell, Director's Office	Robin Fisher, DHWM, SWDO
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