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INTEROFFICE MEMORANDUM

DATE: March 23, 1998

TO: Distribution

FROM: Gary Konwinski, Environmental Manager, B116, X2729 

SUBJECT: ENVIRONMENTAL/WASTE COMPLIANCE GUIDANCE-DECOMMISSIONING
TRANSITION FROM RCA TO CERCLA IN 779 CLUSTER -GRK-042-98

Attached to this correspondence is a guidance document that has been prepared for the 779 Cluster. The guidance discusses the regulatory pathway and applicable regulatory requirements that apply to this project. This is a useful resource that should be distributed to project participants. Please note that this is a cluster-specific guidance document. Consequently, it should not be used as regulatory guidance in facilities that are conducting similar work.

Attachment:
As Stated

Distribution:
Gary Bracken
Ted Hopkins
Fred Hughes
Catherine Madore
Jim Patterson
Kelly Trice
Kathy Zbryk
RMRS Records





KAISER - HILL
COMPANY

INTEROFFICE MEMORANDUM

DATE: March 17, 1998

TO: K. North KH
J. Wrapp - KH
W. M. Wierzbicki SSOC
R. Sgrignoli Dyncorp
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T. Benton WSI

FROM: *JMB*
Laura Brooks, EMC, Closure Regulatory Strategy, Bldg. T130C, X6130

SUBJECT: ENVIRONMENTAL/WASTE COMPLIANCE GUIDANCE -
DECOMMISSIONING TRANSITION FROM RCRA TO CERCLA IN 779
CLUSTER - LMB-001-98

The decommissioning of the 779 Cluster under CERCLA

The Rocky Flats Cleanup Agreement (RFCA) states that decommissioning activities shall be conducted as CERCLA removal actions (RFCA paragraph 70). In preparation of conducting decommissioning activities, the DOE and the KH Team prepared a Decommissioning Operations Plan for the 779 Cluster Interim Measure/Interim Remedial Action (DOP). The DOP is the CERCLA decision document for the decommissioning of the 779 Cluster.

Administrative Record

During the preparation of the 779 DOP, documents were either reviewed or generated which assisted the project team in making the decision to decommission the 779 Cluster. Under CERCLA, these documents are required to be placed into an Administrative Record (AR) file for the project. The Project Management team is responsible for collecting records in accord with the RFETS CERCLA Administrative Record Program 1-F78-ER-ARP.001. The AR for the 779 Cluster has been determined to be complete by RFFO, EPA, CDPHE, and the KH Team.

RCRA

The 779 DOP was approved by CDPHE on February 6, 1998. Activities prior to this date were completed as either routine building operations or deactivation. All routine building operations and deactivation activities have been completed. Process wastes and wastes generated during deactivation are CHWA/RCRA regulated. These waste streams must be managed in accordance with either the CHWA/RCRA process for storage, treatment, and disposal of

hazardous and mixed wastes or the AEA as LLW. The requirements for this waste have not changed since the building has become regulated under CERCLA.

CERCLA

Activities conducted after February 6, 1998, are decommissioning activities and must be conducted in accordance with the approved CERCLA decision document, the 779 DOP. Included in the 779 DOP are the requirements that have been identified as applicable or relevant and appropriate requirements (ARARs) for the decommissioning activities.

Applicable requirements are those cleanup standards, standards of control, and other substantive environmental protection requirements, criteria, or limitations promulgated under Federal or State law that specifically address a hazardous substance, pollutant, contaminant, remedial action, location, or other circumstances at a CERCLA site.

Relevant and appropriate requirements are those cleanup standards, standards of control, and other substantive environmental protection requirements, criteria, or limitations promulgated under Federal or State law that, while not "applicable" to a hazardous substance, pollutant, contaminant, remedial action, location, or other circumstances at a CERCLA site, address problems or situations sufficiently similar to those encountered at the CERCLA site that their use is well suited to the particular site.

Included in the decision of whether a requirement is applicable or relevant and appropriate is whether the requirement is substantive or administrative. Substantive requirements are those requirements that pertain directly to actions or conditions in the environment. Examples of substantive requirements include: quantitative health or risk-based restrictions upon exposure to types of hazardous substances (e.g., MCL for drinking water); technology based requirements (e.g., incinerator standards) and restrictions upon activities in certain special locations (e.g., restrictions for placing a landfill in a floodplain).

Administrative requirements are those mechanisms that facilitate the implementation of the substantive requirement of a statute or regulation. Administrative requirements include the approval of, or consultation with administrative bodies, consultation, issuance of permits, documentation, reporting, recordkeeping, and enforcement. In general, administrative requirements prescribe methods and procedures by which substantive requirements are made effective for purposes of a particular environmental or public health program.

How does CERCLA impact decommissioning activities in the 779 cluster?

Waste generated during decommissioning is remediation waste. Although CERCLA allows a facility conducting a CERCLA action to manage its wastes using the substantive requirements of regulations, with very few exceptions the cleanup of the 779 cluster will comply with both the administrative and substantive requirements of RCRA, including administrative requirements as identified in the relevant Waste Operations Procedures. Attachment 1 is a table which identifies those areas for which changes in the transition from RCRA to CERCLA have been identified. This table will be incorporated or referenced into existing procedures.

Waste generated during sampling, i.e., sampling conducted for the purpose of characterization during the Reconnaissance Level Characterization, is a remediation waste even if the CERCLA

decision document is not final. This example is analogous to generating investigation derived material.

If remediation waste is commingled with process waste, the more restrictive requirements apply to the waste. The project does have the option of generating waste during decommissioning and electing to manage it as a process waste instead of a remediation waste.

Other Specific Questions Regarding Waste Management in the 779 Cluster

Universal Waste (aerosol cans) collected during decommissioning may continue to be sent to a Universal Waste Handler (Building 881) for puncturing, even if the universal waste is a CERCLA waste.

Remediation waste that leaves the cluster must meet the WAC for the unit the waste is being transferred to and all applicable RCRA permit requirements.

Samples generated during deactivation, but that are returned to the site after the CERCLA decision document is finalized, may be managed as a remediation waste if the process waste has been dispositioned.

Attachment:

As Stated

WASTE MANAGEMENT TRANSITION FROM RCRA TO CERCLA

3/13/98

What We Do Under Deactivation	How Do We Change	What We Do Under D&D (779 DOP)
Waste Generation Planning		
Waste Characterization (WGI, WSRIC)	NO CHANGE	NO CHANGE
Determination of how waste will be managed e.g. in satellite area -- contact ETA to set up a satellite or 90-day area if hazardous waste, or to notify custodian that waste would be placed in their unit	ETA works with RMRS WEMS group and KH to implement the use of temporary units (TU) designations in WEMS. ETA provides briefing to building staff at All-Hands meetings (or safety meetings) to explain process	ETA will set up a temporary unit (TU) in compliance with 6 CCR 1007-3 Section 264.553, and the methods for documenting waste generation (e.g. WEMS)
Pre-Evolution Briefing	NO CHANGE	NO CHANGE
Packaging of Waste		
WGI, WO-4034, WO-1100, WO-1102, WP-1027	NO CHANGE	NO CHANGE
Accumulation and Storage of Waste		
Straight Low Level and TRU Waste -- Accumulate at generation location and transfer to designated areas within building	NO CHANGE	NO CHANGE
Hazardous waste (has RCRA EPA codes) -- accumulate in a satellite or 90-day area	Communication of revised requirements through pre-evolution briefings and informal on-the-floor briefings.	Accumulate and store in building in a temporary unit (TU). Permit not required to store waste beyond 90 days in TU.
Used Oil	NO CHANGE	NO CHANGE
PCB waste	NO CHANGE	NO CHANGE
Inspections of Hazardous Waste		
Weekly inspections of RCRA-regulated hazardous waste in satellite and 90-day areas in accordance with the Inspection Log Sheet	ETA will revise Inspection Log Sheet and provide informal briefings	Weekly inspections of the TU
Operating Record		
Enter data pertaining to containerized waste into WEMS (WEMS data entry procedures)	Communication of revised requirements through pre-evolution briefings and informal briefings with individuals providing data to the WEMS coordinators, and to the WEMS coordinators.	Enter data (as before) pertaining to containerized waste into WEMS. In addition, identify the waste as "CERCLA" waste in WEMS. (WEMS data entry procedures already include CERCLA designation)

WASTE MANAGEMENT TRANSITION FROM RCRA TO CERCLA

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What We Do Under Deactivation	How Do We Change	What We Do Under D&D (779 DOP)
Spills and Releases		
Clean-up and decontaminate spills and releases according to plant and building procedures (e.g. HSP, building decontamination procedures)	NO CHANGE	NO CHANGE
Follow the RCRA Contingency Plan reporting requirements for a spill or release of a hazardous waste (complete verbal and written notifications and reports) -- ETA coordinates with Radian to ensure proper notifications and reporting is completed.	No change in process. ETA coordinates with Radian and KH to ensure proper notification and reporting is completed.	Complete verbal notifications to the regulators. Not necessary to prepare and submit written reports to CDPHE.
Follow the CERCLA spill response regulations (reporting and emergency response) -- conducted through the site spill response and reporting procedures	No change in process. Briefing with CCA's line supervision.	NO CHANGE
Follow the site spill response reporting procedures (e.g. call shift supervisor if necessary, call HazMat team if necessary) -- initiated by the Shift Manager or CCA	NO CHANGE	NO CHANGE
Closure of RCRA Units		
Complete closure in accordance with the unit-specific RCRA Closure Plan and the RCRA Permit.	Changes to the closure process are primarily administrative and will be accomplished through the development of documents by the 779 closure team's environmental personnel.	Closure of RCRA storage unit will be completed in accordance with the Closure Description Document in the DOP.
Training		
Training as required under existing site procedures and RCRA permit	Training in regard to DOP specific operations (e.g., TU implementation, treatment, etc.) will be developed and given as tail gate training	No reduction in training requirements.
Treatment of Wastes		

WASTE MANAGEMENT TRANSITION FROM RCRA TO CERCLA

3/13/98

What We Do Under Deactivation**How Do We Change****What We Do Under D&D
(779 DOP)**

Required to meet Part A/B of the permit and to obtain state approval, etc.

Briefings with CCA's, Line Management, etc.

A permit will not be required for treatment of wastes; however, AHA, IWCP, and all other work documents to ensure the work is conducted in a manner protective of human health and environment will be required and LDR treatment standards are met.