



INTEROFFICE CORRESPONDENCE

DATE: April 22, 1991

TO: R. T. Ogg, Remediation Programs Division, Bldg. T130B, X7079

FROM: *J. T. Crone* J. T. Crone, Remediation Programs Division, Bldg. T130B, X5945

SUBJECT: REGULATORY EVALUATION OF INTERIM MEASURE STUDY, SOLAR EVAPORATION PONDS DEWATERING AND RCRA PARTIAL CLOSURE ACTIVITIES, ROCKY FLATS PLANT - JTC-001-91

On April 4, 1991, comments were transmitted to Rocky Flats Plant (RFP) regarding Environmental Assessment for the Dewatering and RCRA Partial Closure Action on Solar Evaporation Ponds, Rocky Flats Plant, Golden, Colorado. The comments contained the following statement:

"The proposed action is described in part as including item (2) forced evaporation of water collected by the interceptor trench system. Based on discussions between DOE, the Colorado Department of Health, and EPA, this portion of the partial closure activities, including collection of groundwater from the interceptor trench system, storage in holding tanks, and evaporation of the groundwater using the flash evaporators, will be handled as an interim measure under the Interagency Agreement pending remedial investigation and final remedy selection and implementation for the solar ponds."

Additional conversations between Waste Programs and the regulatory agencies [EPA and the Colorado Department of Health (CDH)] conducted by Waste Programs indicate that the agencies want RFP to submit the Interim Measure/Interim Remedial Action (IM/IRA) information with the Request for Change to Interim Status which RFP will be submitting to cover operations once the storage tanks are constructed. The Request for Change to Interim Status is scheduled to be submitted once design drawings for the storage tanks are complete.

In order to determine if the regulatory agencies were correct to request that an IM/IRA study be performed, all pertinent regulatory documents covering the solar evaporation ponds were reviewed to determine if pumping, storage, and treatment of the interceptor trench groundwater was covered under an existing permit or agreement. The following documents were reviewed:

- Rocky Flats Interagency Agreement, January 22, 1991
- Agreement in Principle between the United States Department of Energy and the State of Colorado, June 28, 1989

ADMIN RECORD

REVIEWED FOR CLASSIFICATION

By *[Signature]* *[Signature]*

Date *7/17/92*

A-DU04-000105

- RCRA Part B Operating Permit Applications for Hazardous and Radioactive Mixed Waste, November 28, 1986 and December 15, 1987
- RCRA Post Closure Care Permit Applications for Hazardous and Radioactive Waste, November 28, 1986 and October 5, 1988
- RCRA Part B Operating Permit Application for Transuranic (TRU) Mixed Waste, July 1, 1988
- Solar Evaporation Ponds Closure Plan, July 1, 1988
- 55 FR, March 8, 1990, National Oil and Hazardous Substance Pollution Contingency Plan; Final Rule
- 40 CFR 300.430, Remedial Investigation/Feasibility Studies
- 40 CFR 270, Administered Permit Programs
- 55 FR, July 27, 1990, Corrective Action for Solid Waste Units at Hazardous Waste Management Facilities; Proposed Rule
- RCRA Corrective Action Interim Measures Guidance, Interim Final, June 1988

The regulations and pertinent guidance documents indicate that the type of operation in question, pumping groundwater, storage in tanks, and treatment by evaporation in order to prevent contaminant migration clearly constitutes an IM/IRA. In fact, the examples given of interim measures in the regulations and guidance are "pumping and treating groundwater to retard plume migration" (55 FR 8704 March 8, 1990, and RCRA Corrective Action Interim Measures Guidance, page 4). Additionally, both RCRA regulations and CERCLA regulations can be used to "permit" IM/IRAs. If the facility qualifies as a RCRA facility, then an IM/IRA is permitted through RCRA Corrective Action Orders under RCRA Section 3008(h) or through the issuance of a RCRA permit. If the facility is a CERCLA site, then a IM/IRA Decision Document must be approved by the public as well as pertinent regulatory agencies.

Operation of the existing interceptor trench system is not covered by a RCRA permit. In fact, no RCRA Permit has been adopted to govern any operations at the RFP, however the solar ponds do have Interim Status. The solar ponds and interceptor trench system are not mentioned in the RCRA Part B Operating Permit Application, other than waste water flows from the solar ponds which will be evaporated in the Building 374 Evaporator. Therefore, even if a RCRA Permit were issued tomorrow, operation of the interceptor trench would not be covered. The only places the solar ponds and interceptor trench system are discussed at any length are in the Solar Evaporation Ponds Closure Plan and Post Closure Care Permit Application. However, it is my impression that the Closure Plans and Post Closure Operations are currently superseded by the IAG. Therefore, the IAG

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would be the document governing permitting IM/IRA operations. The IAG specifies that the CERCLA process be followed for IM/IRA operations and provides very detailed procedures that must be adhered to.

After reviewing the above referenced documents, the IM/IRA process detailed in the IAG appears to be the appropriate permitting instrument. However, the process detailed in the IAG is lengthy (approximately 410 working days are predicted in the IAG) and initiating an IM/IRA process would result in a schedule impact in solar pond clean out operations (pondcrete).

In summary, the IM/IRA process detailed in the IAG appears appropriate for operation of the interceptor trench, storage tank, and flash evaporator system. However, performing this process will severely impact the solar pond clean out operation schedule in the Agreement in Principle. The agencies should be contacted to make a decision as to which process is of higher priority.

Should you have any questions regarding this matter, please contact me at extension 5945.

JTC:plf

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