

# memorandum

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REPLY TO  
ATTN OF: EM-453 (J. Sands, 3-8192)

SUBJECT: Closure Plan for the Solar Evaporation Ponds

TO: Frazer Lockhart, RF

Attached is a strategy and rationale for developing a Resource Conservation and Recovery Act (RCRA) Closure Plan for the Solar Pond Project at Operable Unit 4. Verbal discussions between our staff have indicated that the Colorado Department of Health has issued a letter releasing Rocky Flats of its obligations under RCRA to submit a closure plan for the solar ponds. However, prudent management requires the Department of Energy to assess whether it is in our best interest to submit a closure plan despite the regulators good intentions. Please evaluate the attachment and respond with the Rocky Flats Office position in two weeks of receipt of this memorandum.

In addition, you are requested to route to Headquarters and HAZWRAP all documents generated by Haliburton/NUS and EG&G which supports the Solar Pond Project for information and review.

*Autar Rampentrap for*  
Raymond I. Greenberg  
Director  
Decontamination and Decommissioning Division  
Office of Southwestern Area Programs  
Environmental Restoration

A-0004-000372

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SHU  
20-4

## Strategy and Rational for Developing a Resource Conservation and Recovery Act Closure Plan for Sludge Solidification at Operable Unit 4

The Solar Evaporation Ponds (SEPs) designated as Operable Unit 4 (OU4) at the Rocky Flats Plant are currently undergoing an Interim Measure/Interim Remedial Action (IM/IRA). These activities are regulated by the Colorado Hazardous Waste Act (CHWA), the Comprehensive Environmental, Response, Compensation, and Liability Act, and the Resource Conservation and Recovery Act (RCRA). These regulations are enforced with the Rocky Flats Interagency Agreement (IAG) dated January 22, 1991, and signed by the State of Colorado, U.S. Environmental Protection Agency (EPA), and the U.S. Department of Energy (DOE). The SEPs operate under RCRA interim status and stopped receiving wastes in 1986. The SEPs are involved with an IM/IRA which involves removal of the remaining impounded liquids, removal and solidification of pond sludges, and monitoring and characterization of the site. These activities are scheduled to be complete by November 8, 1992.

The salient issues are as follows:

1. Under what regulation is OU4 managed?
2. What can be done to meet the intent of the regulations?

Since the facility is operated under interim status, it would appear that RCRA would be a significant and applicable regulation. The Hazardous and Solid Waste Amendments of 1984 required interim status surface impoundments to comply with new design standards or stop receiving, storing, and treating wastes by November 8, 1988. Facilities in noncompliance must be closed by November 8, 1992. As part of RCRA, 40 Code of Federal Register 265 Subpart G, a closure and post-closure plan must be submitted for the facility. As such, it appears appropriate that a closure plan addressing all current and planned activities at the SEPs be prepared and submitted to the State and EPA. This is consistent with the IAG since the DOE acknowledged that it, "*is subject to, and must comply with RCRA and CHWA*" (IAG, Part 9-80) and that, "*The Rocky Flats Plant...is subject to permit requirements of Section 3005 of RCRA, and section 25-15-303 of CHWA*" (IAG, Part 9.83). Part 11.91 states that:

*"DOE shall comply with RCRA and CHWA permit and closure requirements, including State-approved closure plans, for OUs specifically identified for permitting closure in the Statement of Work... Closures under this chapter shall be regulated by the State under applicable law".*

The lead regulatory agency for OU4 is the State of Colorado Department of Health according to the IAG Statement of Work on Table 3. Based on the IAG, a closure plan must be submitted to the State for sites, including the SEPs, designated for closure (see IAG Statement of Work, Table 5, page 5).

In summary, the following is concluded from the IAG:

- The SEPs are interim status facilities,
- The SEPs are regulated by RCRA and CHWA,
- RCRA requires a closure plan,
- A closure plan should therefore be required for the SEPs.

A recommendation is made that a closure plan and post-closure plan be prepared and submitted to the State. This effort should require minimal effort since existing work plans for the IM/IRA and the RCRA Facility Investigation/Remedial Investigation work plan could be incorporated into a RCRA closure plan. This plan should be submitted prior to November 8, 1992. Since any activities conducted after this date would not be allowable, an approved plan would allow work to proceed past this point.