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CORRESPONDENCE
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REGION VIII
999 18th STREET - SUITE 500
DENVER, COLORADO 80202-2466

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Ref: 8HWM-FF

Mr. Richard Schassburger
Department of Energy
Rocky Flats Office
P.O. Box 928
Golden, CO 80402-0928

re: Pond Water Management IM/IRA

Dear Mr. Schassburger:

EPA has reviewed your November 22, 1993 submittal of the Draft Decision Document for the Pond Water Management IM/IRA. Our comments are attached. It has been agreed with CDH that EPA will act as lead regulatory agency and make the approval determination for the subject document. EPA comments must be addressed in the final submittal. Comments submitted by CDH must be addressed to the satisfaction of EPA. The nature of many of the comments is such that it may take some discussion and negotiation to reach a resolution. We look forward to working with your staff to resolve these issues informally and avoid any additional submittals prior to the final.

We appreciate your efforts to move forward by allowing us to review this document in parallel with DOE. We will cooperate in expediting finalization of the Decision Document and in other steps necessary to avoid possible problems with prompt implementation of the IM/IRA and the related NPDES Permit.

If you have questions or would like to discuss the progress of this effort, please contact Bill Fraser (EPA) at 294-1081.

Sincerely,

Martin Hestmark, EPA
Manager
Rocky Flats Project

cc: Joe Schieffelin, CDH
Dave Norbury, CDH
Norma Castaneda, DOE
Gail Hill, DOE
Bob Shankland, EPA

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EPA Comments
Pond Water Management IM/IRA
Draft Decision Document

EPA comments on the subject document are presented below. They have been divided into General Comments covering technical and procedural issues that affect several portions of the document, and specific comments on errors and contradictions in particular subsections. We feel the general comments warrant discussion among the parties, so suitable resolutions can be reached without repeated submittals. Note please that we have omitted any editorial suggestions, recognizing the time pressure under which the document was prepared. A thorough edit to improve readability and correct grammar appears necessary throughout as part of the preparation of a final version.

General Comments

1. It appears DOE is still confused about the process by which milestones are set under the IAG. Please refer to our letter of November 18, 1993, and to Paragraph 150 of the IAG for a correct explanation of this process, and note that the IAG did not need to be formally "amended" for the November 22, 1993 due date for this document to be established and enforceable. We appreciate your efforts in meeting this date, and find that the document submitted constitutes an acceptable draft and therefore meets the first IM/IRA milestone. Dates for subsequent milestones now must be set, beginning with submittal of a Draft Final Document for Agency review prior to public comment, and continuing through submittal of the Final IM/IRA and the Responsiveness Summary and their release to the Public. Implementation milestones can then be set for implementation as appropriate for the selected action(s). We would like to see DOE's proposed schedule and milestones as soon as possible, so problems like those experienced with the Draft milestone can be avoided.

2. The Document does not address the landfill seep, or say how or when it could properly be addressed outside this effort. This ignores specific direction given in the scoping meetings. There is no justification for contending that actions under this IM/IRA must be "Independent of OU Actions". The NCP says they need to be "consistent", a very different thing. The use of the "independent" criteria leads directly to concluding there is nothing that can be done to prevent contamination of the ponds. Arguing that controlling direct inflows of contaminated leachate is not part of pond management is ridiculous.

3. The Document makes no provisions for discontinuing use of the upper ponds for routine spill control. Again, incorporating a plan for this was a requirement of the IM/IRA as explained during scoping. Indefinite continuation of this practice is not in compliance with Clean Water Act Provisions and therefore violates both the EPA Threshold Criteria and Primary Screen #3 in the Document and does not meet objective #2 (Section 1.3). It

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must therefore be rejected and a different action proposed for spill control. Several of those developed and passed through screening appear appropriate.

4. While the objectives of the program have been accurately stated, the concept of risk is incorrectly applied as a justification for inaction. The single-pathway risk analysis presented is inappropriate and misleading. It does not provide an adequate basis for the statements made that risk is within the acceptable range, as the range applies to risks for all complete pathways to a given receptor.

5. The repeated references made to the problems caused by not having the proposed Draft NPDES permit are noted. EPA is doing everything possible to expedite this process. We expect to have the Draft Permit out for Permittee review by January 1, 1994.

Specific Comments

1. Section 2.2.2.3 - A brief discussion of the findings of the recently-completed zero discharge studies and what actions will be taken to implement them should be included.

2. Section 2.3 - Groundwater seepage and future releases from buildings as a result of transition/D&D activities must be included as potential sources.

3. Section 2.3.1 - The mechanism for coordination with the Industrial Area IM/IRA should be described, and it should be demonstrated that these efforts will fit together properly.

4. Chapter 3 - Why not just call them ARARs? That's what they are. Obscuring that fact behind the name "Benchmark" doesn't change anything.

5. Section 4.0 - Assumption #4 contradicts Objective #2.

6. Section 4.1.1.2 - The EPA criteria requires compliance with Applicable or Relevant and Appropriate Requirements (ARARs).

7. Section 4.1.2 - Criteria #3 should read, "Is the option consistent with OU actions?" Criteria #4 should read, "Can the option be implemented within two years?"

8. Section 4.1.3 - The Screening Criteria have been carefully crafted and then broadly, and in some cases selectively, applied. The net result is that the scope and range of potential action is largely limited by design to things that are already being done. This has resulted in some very promising options being thrown out. EPA regrets we were not invited to participate in the screening, as time spent responding to these comments could have been saved. We believe a discussion of the screening as reported here would be useful.

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9. Section 4.1.4 - Risk reduction is improperly used as a screening criterion. Meeting objectives and complying with ARARs are the important questions.

10. Section 4.3 - The fact that contamination can be traced to an OU does not put it outside the scope of this IM/IRA; quite the opposite. If it is getting into the ponds, it is within scope, especially if a source can be identified, therefore facilitating possible responses. Modifications to the other IM/IRA Decision Documents (they are not RODs) can be done very simply. This is no reason to avoid early action to prevent further contamination of the ponds and/or possible downstream discharges.

11. Section 4.3.5 - The foundation drain water discharges represent one of several types of discharges which will pass from the area of responsibility of the TA IM/IRA to the Ponds IM/IRA. It must be clearly demonstrated that where these two efforts come together, they will match.

12. Section 4.6.7 - We are unable to make any sense out of this argument, which appears circular and contradictory to the way the screening was done on most other options.

13. Section 4.8.1 - In at least one case, a seep is known to be a direct source of pond contamination. There may be other such instances, and monitoring of them should be included as necessary to adequately monitor the ponds and provide a basis for determining if action to control them is necessary.

14. Table 4.2 - We would like to go over this table with DOE/RFFO. There are a number of choices reflected here, which we either do not understand or disagree with.

15. Section 5.1.6 - This section must include a discussion of how, when, and in what form the monitoring information will be reported to the regulatory agencies and the public.

16. Section 5.1.7 - Again, the contention that there is no risk is incorrect, inappropriate, and irrelevant. Several of the items on this list do not appear to match the Option descriptions presented earlier, like cleaning the SID. Please explain the discrepancies.

17. Section 6.2 - We need a proposed schedule for completion of the Decision Document. Please note there is no ROD executed for IM/IRAs. This Decision Document, when final, serves to document what actions will be taken, as a ROD will do when final decisions are made for the various OUs.

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