

STATE OF COLORADO

COLORADO DEPARTMENT OF HEALTH
Dedicated to protecting and improving the health and environment of the people of Colorado

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MIN RECORD

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SUBJECT: OU 9 dispute

DATE: 10/14/94

OF PAGES TO FOLLOW: Of 3

COMMENTS:

DOCUMENT CLASSIFICATION
REVIEW WAIVER PER
CLASSIFICATION OFFICE

CDPHE proposes the following resolution to the OU 9 tanks dispute to replace the resolution proposed by DOE on 10/7/94. From our perspective, there appears to be some internal obstacles within DOE to further resolution of the disputed issues. Because of this and the fact that informal efforts to resolve this dispute are now over a month long, if DOE is unwilling to accept this proposed resolution, CDPHE believes that the informal efforts to resolve this dispute have been a failure and immediate elevation of this dispute to the DRC should occur. We also note that the "consultative process" for these issues has been continuing now for several months with no resolution. It is our belief that the issues behind this dispute are not of sufficient magnitude to warrant any dispute, and certainly not one that needs DRC resolution. However, if that is the level of DOE personnel that has authority to make this type of decision, then that is where we will go.

Resolution:

1. As of the execution date of this dispute resolution, CDPHE grants full and unconditional approval of Technical Memorandum 1 to the Phase I RFI/RI Workplan for Operable Unit 9.
2. All parties recognize that tanks T-8 and T-9, which are currently a part of Operable Unit 9, are currently used for collection of plenum deluge waters during emergencies, and are therefore operated as a part of the RFETS safety system. Therefore, within 60 days of the execution of this dispute resolution, DOE shall prepare and submit for CDPHE and EPA review and approval, an initial investigation plan and schedule for tanks T-8 and T-9 that shall be limited to sampling that does not compromise the safety mission of the tanks, namely: surface soil samples above and around the tanks and ancillary equipment; soil boreholes and associated samples next to and in the vicinity of the tanks and ancillary equipment; water samples from any vault around the tanks; ground water samples from boreholes or other equivalent sampling points next to or in the vicinity of the tanks and ancillary equipment; external inspection of the tanks, if accessible; external radiological samples; and any other samples necessary to complete investigation of any releases to the environment from the tanks. This initial investigation and sampling plan shall be implemented along with the other investigations planned in TM 1 for OU 9. If releases from these tanks are verified and need further remedial action, the released contamination shall be transferred from the closure process to the corrective action process so that closure of the tanks can proceed following which the tanks may be returned to active status.
3. Within 60 days of the execution of this dispute resolution, DOE shall prepare and submit for CDPHE and EPA review and approval, a secondary investigation plan and schedule for

tanks T-8 and T-9. The secondary investigation and sampling plan shall include all other types of investigation and sampling necessary to determine how the closure requirements for tanks T-8 and T-9 will be met, and are not included in item 2 above. This includes investigation and sampling that temporarily suspends or discontinues the plenum water collection mission of these tanks, namely: internal inspection of the tanks; internal residue and wipe sampling in the tanks or triple rinse with rinsate sampling; tank and ancillary equipment integrity testing; and any other sampling necessary to establish if and when the tanks meet the closure requirements. DOE shall perform the secondary investigation as soon as possible, but no later than 18 months from the execution date of this dispute resolution. Once this investigation and sampling has been completed, the tanks can be returned to their previous use unless and until the collected data indicates that some type of decontamination of the tanks and/or ancillary equipment must be performed. If the planned future use of the tanks requires a modification to the RCRA/CHWA hazardous waste permit for RFETS, the modification must be final before the tank activities can resume.

4. Within 60 days of the execution of this dispute resolution, DOE shall prepare and submit for CDPHE and EPA review and approval, a comprehensive investigation plan and schedule for tanks T-24 and T-32. This plan shall include all types of investigation and sampling necessary to determine how the closure requirements for tanks T-24 and T-32 will be met, namely: surface soil samples above and around the tanks and ancillary equipment; soil boreholes and associated samples next to and in the vicinity of the tanks and ancillary equipment; water samples from any vault around the tanks; ground water samples from boreholes or other equivalent sampling points next to or in the vicinity of the tanks and ancillary equipment; external inspection of the tanks, if accessible, external radiological samples; and any other samples necessary to complete investigation of any releases to the environment from the tanks. This plan shall also include investigation and sampling that temporarily suspends or discontinues the current use of these tanks, namely: internal inspection of the tanks; internal residue and wipe sampling in the tanks or triple rinse with rinsate sampling; tank and ancillary equipment integrity testing; and any other sampling necessary to establish if and when the tanks meet the closure requirements. This investigation and sampling plan shall be implemented along with the other investigations planned in TM 1 for OU 9. Once this investigation and sampling has been completed, the tanks can be returned to their previous use unless and until the collected data indicates that some type of decontamination of the tanks and/or ancillary equipment must be performed. If the planned future use of the tanks requires a modification to the RCRA/CHWA hazardous waste permit for RFETS, the modification must be final before the

tank activities can resume. If releases from these tanks are verified and need further remedial action, the release shall be transferred from the closure process to the corrective action process so that closure of the tanks can proceed following which the tanks may be returned to active status.