

0989 RF 94

DUE DATE 6-1-94

ACTION *Stiger*
DIST *TR ENC*

- ERMAN, H.S.
- ARNIVAL, G.J.
- OPP, R.D.
- ORDOVA, R.C.
- AVIS, J.G.
- ERRERA, D.W.
- RANZ, W.A.
- ANNI, B.J.
- EALY, T.J.
- EDAHL, T.G.
- LBIG, J.G.
- JTCHINS, N.M.
- ELL, R.E.
- RYBY, W.A.
- JESTER, A.W.
- AHAFFEY, J.W.
- ANN, H.P.
- ARX, G.E.
- CKENNA, F.G.
- ORGAN, R.V.
- ZZUTO, V.M.
- JITTER, G.L.
- ANDLIN, N.B.
- ATTERWHITE, D.G.
- CHUBERT, A.L.
- ETLOCK, G.H.
- TIGER, S.G.
- JLLIVAN, M.T.
- WANSON, E.R.
- ILKINSON, R.B.
- ILSON, J.M.

Broussard
m.c.

ORRES CONTROL	x	x
DMN RECORD/080		
ATS/130G	x	x

Reviewed for Addressee
Corres. Control RFP
DATE *6-1-94* BY *Ci*

Ref Ltr. #

DOE ORDER # *5400-1*

03594-1

STATE OF COLORADO

Mar 14 10 30 AM '94



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

10 Cherry Creek Dr. S. Laboratory Building
Denver, Colorado 80222-1530 4210 E. 11th Avenue
Phone (303) 692-2000 Denver, Colorado 80220-3716
(303) 691-4700

March 7, 1994

CERTIFIED MAIL # *P 392 782 212*
Return Receipt Requested

Mr. Mark Silverman
U. S. Department of Energy
Rocky Flats Office, Building 116
P.O. Box 928
Golden, Colorado 80402-0928

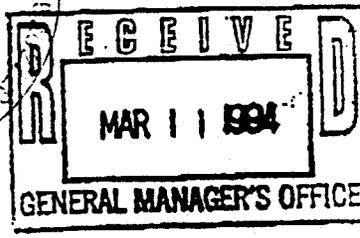
Mr. Harry Mann
EG&G, Rocky Flats, Inc.
Rocky Flats Plant
P.O. Box 464
Golden, Colorado 80402-0464

RE: Hazardous Waste Inspection
EPA I.D. # C0789001526
Warning Letter

Dear Messrs:

This letter is a follow-up to the inspection of the gray drums (investigation derived material) and gray drum management protocols performed at the Rocky Flats Plant on December 1, 1993. The following facts, as of December 1, 1993, were discovered during the inspection:

1. Storage Area 18.03, an interim status storage area specifically set aside for investigation derived material (IDM), currently contains approximately 1750 drums of IDM. Using current drum storage and stacking arrangements, this area is full to capacity.
2. Storage Area Unit 18.04, an interim status storage area specifically set aside for IDM, currently has room for approximately 125 drums of IDM.
3. Area 1940, a designated 90-day accumulation area for IDM, has capacity for 600 drums. At the time of the inspection there was 1 drum in this area.
4. Approximately 1200 gray drums of IDM which were generated outside of IHSSs, but in areas that are known to be contaminated or are potentially contaminated, remain in the field. Most of these drums are in the vicinity of the East Trenches. These drums have been in these areas for longer than 90 days and are not being stored in areas that have interim status or a permit for such storage.
5. EG&G personnel stated that Standard Operating Procedure (SOP) FO.23 describes the process that the Rocky Flats Plant currently uses to make a hazardous waste determination of the IDM contained in the gray drums. In summary, this procedure requires that all IDM generated in IHSSs (Individual Hazardous Substance Sites as defined in the IAG), PACS (Potential Areas of Concern as designated by the Historical Release



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ADMIN RECCRD

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Report), and AACs (Areas of Additional Concern or areas of the plantsite that are known to be contaminated or are potentially contaminated, but are not within the areas predefined as IHSSs), and IDM generated outside these areas where field instrumentation has detected measurable amounts of constituents, be managed as a hazardous waste until analytically determined otherwise. The Division has previously determined that the FO.23 procedure is satisfactory for compliant management of IDM at the Rocky Flats Plant, given present knowledge of the types and amounts of IDM, the types and locations of contamination, and current sampling and analysis protocols.

6. A request for increasing storage capacity for IDM has not been made to the Division.

Based on these findings, the Division has determined that:

1. DOE has failed to properly implement SOP FO.23. This failure has prevented DOE from determining which containers of IDM contain solid waste (IDM that exceeds background levels for naturally occurring constituents and/or detection limits for non-naturally occurring constituents contains solid waste).
2. There are containers of IDM that have not been fully characterized using available analytical data. 6 CCR 1007-3, Section 262.11 states that a generator of a solid waste must determine if the solid waste is a hazardous waste.

The Rocky Flats Plant's failure to make hazardous waste determinations for all of containers of environmental media is a violation of 6 CCR 1007-3, Section 262.11.

3. There are approximately 1200 containers of environmental media generated from environmental restoration activities that are located outside of interim status or permitted storage areas. The majority of these containers have been stored outside of these appropriate areas for longer than 90 days. Many have been stored in these areas for over one year. 6 CCR 1007-3, Section 262.34 states that a generator who accumulates hazardous wastes (or material requiring management as hazardous waste) for more than 90 days is an operator of a storage facility and is subject to the permit requirements of Part 100.

The Rocky Flats Plant's storage of drums containing hazardous waste for periods longer than 90 days without first receiving a permit or interim status for such storage is a violation of 6 CCR 1007-3, Section 262.34 and Part 100.

4. There are approximately 1200 containers of environmental media generated from environmental restoration activities that are located outside of interim status or permitted storage areas. According to SOP FO.23 these containers will be managed as containing hazardous waste until analytically determined otherwise. 6 CCR 1007-3, Section 262.34(a) states that each container must be marked or labeled with the words Hazardous Waste. The containers located outside of the 90-day and permitted and interim status storage areas were not labeled with the words Hazardous Waste.

The Rocky Flats Plant's failure to label its gray drums containing hazardous waste with the words Hazardous Waste is a violation of 6 CCR 1007-3, Section 262.34(a).

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February 15, 1994

5. Only the containers of IDM being accumulated in the ninety-day accumulation area listed above or in the interim status or permitted storage areas are being inspected in accordance with the requirements of 6 CCR 1007-3, Sections 262.34(a) and 265.174.

The Rocky Flats Plant's failure to conduct inspections of all of its drums of IDM that contain hazardous waste is a violation of 6 CCR 1007-3, Sections 262.34(a) and 265.170.

The Division makes the following additional findings:

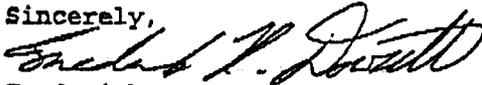
1. There has been a failure to utilize analytical data to characterize many of the gray drums. This includes drums currently in storage and those that remain in the field. Failure to characterize the drums currently in storage has prevented drums that do not need hazardous waste management from being removed from storage, thereby creating a storage space shortage.
2. There has been a failure to request additional interim status storage capacity in anticipation of the large amount of IDM that will be generated. This has resulted in a large number of drums that have been characterized as requiring hazardous waste management to remain improperly managed.

You are hereby advised to take actions that will bring characterization, labeling, management, and storage of the gray drums into compliance with Sections 262.11 and 262.34 and Part 100 of the Colorado Hazardous Waste Regulations. This will include the following as discussed at the December 21, 1993, meeting between Division and DOE staff and presented in DOE correspondence 94-DOE-00625 dated January 14, 1994:

1. All drums requiring management and/or further characterization must be transferred to the Field Operations Yard by December 23, 1993, and labelled as hazardous waste and inspected accordingly.
2. The IDM evaluation for solid waste based on FO.23 background/detection limit criteria must be completed by January 31, 1994.
3. DOE must evaluate whether additional IDM storage capacity is needed. A request for necessary permit modifications should be received no later than June 1, 1994.
4. DOE must prepare additional standard operating procedures that ensure completion of a properly conducted hazardous waste characterization for IDM containers that contain solid waste. This procedure must be developed, approved, and implemented such that final proper IDM disposition can occur by June 1, 1994.

Should you have any questions regarding this matter please contact Joe Schieffelin at (303) 692-3356.

Sincerely,



Frederick R. Dowssett, Chief
Monitoring and Enforcement
Hazardous Waste Control Program

Warning Letter
Rocky Flats Plant
February 15, 1994

cc: Martin Hestmark, EPA
Dan Miller, AGO
Jackie Berardini, CDH-OE
Scott Surovchek, DOE
John Leifer, DOE
Gary Potter, EG&G
Marla Broussard, EG&G