

STATE OF COLORADO

COLORADO DEPARTMENT OF HEALTH

Dedicated to protecting and improving the health and environment of the people of Colorado

4300 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



Roy Romer
Governor

Patricia A. Nolan, MD, MPH
Executive Director

June 9, 1994

Mr. Richard J. Schassburger
U.S Department of Energy
Rocky Flats Plant
Building 116
P. O. Box 928
Golden, Colorado 80402-0928

RE: Denial of Request for Schedule Extension and Modification to the Interim Measure/Interim Remedial Action Decision Document for Solar Evaporation Ponds (Operable Unit No. 4).

Dear Mr. Schassburger,

The Colorado Department of Health, Hazardous Materials and Waste Management Division (the Division) has reviewed your May 26, 1994 request for an extension to the delivery and modification of the subject document.

The Division concurs that scheduling conflicts have prevented the respective parties from assembling to discuss DOE's perspectives on the inclusion of treated mixed waste within the OU-4 IM/IRA design. However, the scheduling obstacles do not support approval of an extension to the IM/IRA milestones or a modification to the IM/IRA document for the following reasons and, therefore, the Division denies your requests:

- The Solar Pond sludges are not being managed pursuant to a corrective action decision, and as such, do not meet the definition of "remediation waste" eligible for management in a CAMU.
- The sludges are illegally stored mixed wastes, which under the terms of the Agreement in Principle, were scheduled for removal, solidification, and shipment off-site by October 1, 1991 by DOE. While the October, 1991, date has clearly not been met, the State considers the off-site disposal commitment by DOE to be binding.

Furthermore, the Division has been informed that a standing DOE Order may preclude placement of radionuclide contaminated materials, including remediation waste, into the OU-4 CAMU cell.

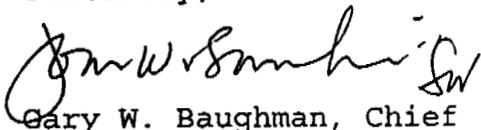
ADMIN RECORD

1101-A-00024

Over the past few weeks, we have asked DOE for information on this issue, but a reply has not been provided. Until the Division receives a definitive answer to this issue, and evaluates other potential ARARs related to on-site disposal of radioactively contaminated materials, no decision related to this CAMU will be made.

We believe that DOE should now implement the previously agreed upon scope and schedule for the OU-4 IM/IRA. If you have any questions concerning the Division's position, please call Joe Schieffelin at 692-3356 or Harlen Ainscough at 692-3337.

Sincerely,



Gary W. Baughman, Chief
Facilities Section
Hazardous Waste Control Program

cc: Daniel S. Miller, AGO
Steve Tarlton, RFP
Martin Hestmark, EPA
Arturo Duran, EPA
Frazer Lockhart, DOE
Andy Ledford, EG&G
Wanda Busby, EG&G