

DOE/RFO
CORRESPONDENCE
INCOMING LETTER

1 DOE 02369

SCHASSBURGER

ON 2/28/94

DATE

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COLORADO DEPARTMENT OF HEALTH

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

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Roy Romer
Governor
Patricia A. Nolan
Executive Director

February 11, 1994

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

RE: DOE Correspondence 94-DOE-00624 - Risk Posed By Spill at the OU2 Field Treatability Unit

Dear Mr. Schassburger,

The Colorado Department of Health, Hazardous Materials and Waste Management Division (the Division), has reviewed the above referenced correspondence submitted by DOE. This letter raises several concerns that need to be addressed both for this spill and for future spills.

Our first concern is that DOE may have applied the wrong thought process to the situation. The correct process is as follows:

1. Any environmental media that contains levels of hazardous constituents (levels above background (naturally occurring analytes) and/or detection limit (non-naturally occurring analytes) contains solid waste. As required by the Colorado Hazardous Waste Regulations (CHWR) Section 262.11, a generator of a solid waste must complete a hazardous waste determination. In this particular case, the surface water being transported from surface water stations SW-059, SW-061, and SW-132 contains, at a minimum, one or more of the following listed hazardous waste found in CHWR, Section 261.33: F002, U043, U044, U078, U210, U211, and U228.

2. Only when an environmental media has been determined to contain a list of hazardous waste, and there are no other applicable standards, is a risk evaluation appropriate. In this particular case, the water for this IM/IRA is being collected and treated to certain standards agreed to in the Decision Document (ARARS). Therefore, a risk assessment of the water is not necessary or appropriate. Further, the spilled water potentially contaminated soil at the spill site. The soil must be evaluated from a risk perspective because there are no current applicable standards. However, no risk evaluation of the soil was completed.

3. Once a risk assessment has been determined to be appropriate, any risk assessment methodology used must be approved by the Division. On November 1, 1993, the Division issued policy and guidance that should be used to conduct the type of risk assessment, both in this case, and in other future appropriate circumstances. You will note that this guidance does not address a "risk range

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Our second concern, related to that presented above, is a dependence in the evaluation of this spill on the water quality chemical-specific ARARs defined by the Surface Water IM/IRA Decision Document. These ARARs are only applicable to water. As soon as soil contamination occurs, exceedance of water quality ARARs cannot be used to evaluate the extent of, or risk from, soil contamination. Furthermore, risk from all of the constituents in the water, both those above, and below, their respective ARARs will contribute to the risk from the soil and must be evaluated from a risk perspective.

Finally, in any risk assessment associated with Colorado Hazardous Waste Act jurisdiction, DOE should use Division approved methodology rather than "EPA approved methodology." Please use the methodology presented in the above referenced Division guidance.

Please complete an appropriate evaluation of this spill and submit it to the Division no later than Monday, February 28, 1994. If you have any questions regarding these matters, please call Joe Schieffelin of my staff at 692-3356 or Cathy Alstatt at 692-3349.

Sincerely,



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

cc: Martin Hestmark, EPA
Scott Grace, DOE
Eric Dille, DOE
Peter Laurin, EG&G
Rick Roberts, EG&G
Jackie Berardini, CDH-OE