

OFFES CONTROL
-GOING LTR NO

EG&G ROCKY FLATS

ORDER# 4700.1

95 RF 04191

EG&G ROCKY FLATS INC
ROCKY FLATS PLANT P O BOX 464 GOLDEN COLORADO 80-02 0464 (303, 966 7000)

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MAY 11, 1995

95-RF-04191

Jessie M Roberson
Assistant Manager for Environmental Restoration
DOE, RFFO

OPERABLE UNIT 4 PATH FORWARD RECOMMENDATIONS - SGS-155-95

Action Requested

- 1 Invoke Dispute on Pondcrete definition as remediation waste
- 2 Request from regulators a suspension of future Operable Unit 4 (OU 4) Interagency Agreement (IAG) milestones while reevaluating path forward
- 3 Stop Work Implementation

Several issues and informal recommendations regarding the Solar Ponds proposed Phase I remedy have arisen recently. This letter documents EG&G's recommendations for near term actions to reestablish and recommit to the path forward.

PONDCRETE AS REMEDIATION WASTE

Colorado Department of Public Health and Environment (CDPHE) has issued a letter rejecting pondcrete as a remediation waste on the basis that the material was cemented prior to signing the IAG. They promised further written analysis to support their position, which has not been received. The CDPHE argument to date is not supported by regulatory justification. A dispute is an appropriate forum for forcing meaningful dialog on the regulatory basis for DOE's decision on pondcrete. Documentation and analysis is available to show that pondcrete was connected to corrective action since 1986. Since a \$40 to \$50 million dollar cost impact is associated with the definition of pondcrete as remediation waste, EG&G feels the Department of Energy (DOE) must strongly challenge the CDPHE on this issue. To do that, EG&G recommends the DOE invoke dispute.

Attachment 1 is a draft letter from the DOE to the agencies invoking that dispute. EG&G feels that the question of whether or not pondcrete is remediation waste is extremely important whether or not pondcrete is ultimately disposed of in an OU 4 Corrective Action Management Unit (CAMU) or an on-site CAMU storage cell in another location, the ramification for disposal costs could be significant.

RE-EXAMINE OU 4 PATH FORWARD

During development of the OU 4 Proposed Remediation, there have been numerous changes which have led to the desire by the stakeholders to regroup and rethink the OU 4 path forward. Along with the new lowered budget realities, various regulatory protocols have been revised as listed below.

CLASSIFICATION

CLASSIFIED	
CONFIDENTIAL	
SECRET	

HORIZONTAL CLASSIFIER
SIGNATURE

DOCUMENT CLASSIFICATION
- REVIEW WAIVER PER
CLASSIFICATION OFFICE

REPLY TO RFP CC NO

ON ITEM STATUS
- OPEN
- CLOSED

APPROVALS
- TYPIST INITIALS

ADMIN RECORD

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In their April 21, 1995 letter, the QAT recommended the DOE undertake an in-depth cost/benefit evaluation of an on-site disposal facility that includes both Corrective Action Management Units and permitted RCRA Subtitle C Hazardous Waste cells to facilitate the Environmental Restoration Program. Use of such a facility for disposal of pondcrete, solar pond sludge, and the liners could modify the options for closure of the Solar Ponds, potentially resulting in a significant reduction in the cost of the Solar Ponds interim action.

A large number of alternatives and permutations regarding the Solar Ponds closure have been discussed in the past couple of weeks. EG&G is performing summary level evaluations of the alternatives for OU 4 discussed with Dr. B. Wu on April 28, there are numerous variations on five basic scenarios. EG&G is also conducting the initial cost/benefit analysis for an on-site disposal facility.

Several changes in clean-up criteria may be available, but not all these changes impact the proposed Phase I remedy. Programmatic Preliminary Remediation Goals and risk-scenarios are now established that are less stringent than those used in the Solar Ponds proposal. The remedy selection was, however, driven by Applicable or Relevant and Appropriate Requirements (ARARs). As DOE has noted (95-DOE-08311), the site Working Group for ARARs has reached an impasse and no resolution is currently obvious. Any alternatives that would require a change in the Solar Ponds ARARs should be considered with sufficient time allotted to negotiate changes with the regulators.

We are at a critical point in the Solar Ponds Interim Action. Not only is the Decision Document currently scheduled to be finalized within 3 1/2 months, but we are about to embark on several projects to begin implementation of the currently proposed closure remedy. In light of the recent discussions with the regulators about possible rescoping of this remedy, we believe it is appropriate to suspend work scope related to the Solar Ponds until the path forward is reexamined by a joint team and consensus reached on the remedy to be pursued. This suspension will save FY95 funds and make resources available to support the evaluation of alternatives and replan the work scope as appropriate.

The OU 4 scope we recommend be suspended includes

- treatment construction (of process trains)
- early preparations for treatment operations
- sludge and remix engineering (complete sludge conceptual design report and treatability study, complete remix treatability study)
- title II design of Phase I remediation (complete 90% package but do not review)
- responsiveness summary and final Decision Document (complete draft responsive summary)
- pre-construction items such as vehicle access gate, Building 788 cleanout, Building 964 removals, general site improvements, etc
- de-scope Phase II RCRA [Resource Conservation and Recovery Act] Facility Investigation/Remedial Investigation (RF/RFI) to assess Interceptor Trench System (ITS) effectiveness at capturing groundwater

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This suspension will impact all future enforceable milestones except the draft responsiveness summary. EG&G recommends DOE send the attached letter (Attachment 2) to the regulators. In addition, we request your concurrence to our recommendation to suspend the identified work scope and focus efforts on an objective evaluation of the recently proposed alternatives. To minimize costs incurred, we intend to suspend the listed activities immediately and request your concurrence on this action as soon as possible.

If you have any questions regarding these issues or wish to discuss our recommendations further, please contact me or S R Keith at extension 8541.

CONCURRENCE

J M Roberson Date



S. G. Stiger
Director
Environmental Restoration Program Division
EG&G, Rocky Flats, Inc

SRK clh

Attachments
As Stated

Orig and 1 cc - J M Roberson

S	Howard	-	DOE, RFFO (SAIC)
N M	Silverman	-	DOE, RFFO
B C	Wu	-	DOE, RFFO
D	Steffen	-	RMRS

DRAFT

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Joe Schieffelin, Unit Leader
Rocky Flats Unit
Facilities Section
Hazardous Materials and Waste Management Division
4300 Cherry Creek Drive South
Denver, CO 80222-1530

RE STATUS OF PONDCRETE AS REMEDIATION WASTE

Dear Mr Schieffelin,

The Department of Energy (DOE) has received your letter of April 11, 1995. The Division provided comments both in the body of the letter and the attachment. In particular, the letter provided the Division's determination that sludge is a remediation waste but pondcrete is not a remediation waste under 6 CCR 1007-3 Part 260. DOE feels the Division has omitted certain information from the determination on pondcrete and will document our position in the Draft Responsiveness Summary.

Per your comments on the Proposed Decision Document, the Division committed to transmit details on their pondcrete position. We now understand unofficially that no further information will be forthcoming. The Division's decision to not transmit the details is an action under the Rocky Flats Interagency Agreement, ¶192. DOE hereby invokes the dispute resolution process under ¶192. A Written Statement of Dispute is attached.

We would like to begin reasonable efforts to resolve this dispute immediately. Please contact Dr. Briand Wu on 966-5899 at your earliest convenience to begin the process.

cc
H Ainscough - CDPHE
A Duran - EPA
M Hestmark - EPA
J A Ledford - EG&G
S R Keith - EG&G
K Peter - EG&G
S Stiger - EG&G
D Steffen - RMRS
S Howard - SAIC
S Surovchak - RFFO
B Wu - RFFO

RFETS
Written Statement of Dispute
Operable Unit 4
Solar Evaporation Ponds

Nature of Dispute The State of Colorado has determined that pondcrete does not meet the definition of remediation waste. The State's commitment to provide DOE with information on the basis for this determination has not been fulfilled.

DOE's Position Pondcrete stored at RFETS meets the definition of remediation waste. No change to the OU 4 Proposed Decision Document is required. Information and reasoning that may challenge the DOE position has been withheld by the State.

Information Relied Upon The DOE feels there is a strong regulatory basis for defining pondcrete as remediation waste. The DOE has not received a regulatory rebuttal.

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Joe Schieffelin, Unit Leader
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Facilities Section
Hazardous Materials and Waste Management Division
4300 Cherry Creek Drive South
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RE INTERAGENCY AGREEMENT (IAG) TABLE 6 MILESTONE DATES FOR OPERABLE
UNIT 4 (OU 4) SOLAR PONDS

Dear Mr. Schieffelin,

This letter requests a schedule extension for OU 4 Solar Evaporation Ponds Interagency Agreement Table 6 milestones per Part 42. The Department of Energy (DOE) feels good cause for the extension exists. The proposed remedy for OU 4 Phase I remediation is currently being re-evaluated by DOE, Colorado Department of Public Health and Environment, and Environmental Protection Agency in response to recommendations from the Stakeholder Summit and the Quality Action Team. Summit participants indicated strong support for maximizing risk reduction and improving cost effectiveness at Rocky Flats. They also indicated a willingness to consider an on-site disposal facility for remediation and some process waste, and demonstrated a strong preference for minimizing areas at Rocky Flats where waste remains after cleanup. Our consideration of this input has yielded additional alternatives to the Phase I remediation that we believe should be evaluated before a final remedial action decision is made, particularly in light of the significant potential cost and schedule savings.

In light of fiscal year 1995 and 1996 budget constraints and proper fiscal management, it would be imprudent for DOE to continue funding tasks based on the Proposed Decision Document when that proposal is under re-evaluation. The information required under Part 42 is attached. Please provide your concurrence by June 9, 1995. If you would like to discuss the extension further, please contact Dr. Briand Wu, extension 966-5899.

cc

H Ainscough	-	CDPHE
A Duran	-	EPA
M Hestmark	-	EPA
T Grenis	-	EG&G
S Keith	-	EG&G
J Ledford	-	EG&G
K. Peter	-	EG&G
J Ledford	-	EG&G
S Stiger	-	EG&G
D Steffen	-	RMRS
S Howard	-	SAIC
S Surovchak	-	RFFO
B Wu	-	RFFO

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EXTENSION REQUEST FOR
OU 4
Solar Evaporation Ponds

The following information is presented as required by the IAG Part 42

A The following milestone dates will be revised

- Final Interim Measure/Interim Remedial Action (IM/IRA) Decision Document and Responsiveness Summary
- Final IM/IRA Title II Design
- Start of Soil Excavation

- Draft Phase II RCRA Facility Investigation/Remedial Investigation (RFI/RI) Report
- Final Phase II RFI/RI Report
- Draft Phase II Corrective Measure Study/Feasibility Study (CMS/FS) Report
- Final Phase II CMS/FS Report
- Draft Phase II Proposed Plan (PP)
- Final Phase II PP
- Draft Phase II Responsiveness Summary
- Final Phase II Responsiveness Summary
- Draft Phase II Corrective Action Decision/Final Action Decision (CAD/FAD)
- Final Phase II CAD/FAD
- Corrective Design/Remedial Design (CD/RD) Work Plan
- Draft Title II Design
- Final Title II Design
- Corrective Action/Remedial Action (CA/RA) Construction

B The new dates will be established following a joint decision by DOE, CDPHE, and EPA on a remedy for Phase I

C Good cause exists

(1) The proposed remedy for Solar Ponds, OU 4 Phase I remediation is being re-evaluated by DOE, CDPHE, and EPA. The re-evaluation is being driven by recommendations from the Stakeholder Summit and the Quality Action Team. To respond to these recommendations, DOE must divert resources from the current Solar Ponds project.

(2) In light of Fiscal Year 1995 budget constraints and proper fiscal management, it would be imprudent for DOE to continue funding tasks based on the Proposed Decision Document when that proposal is under re-evaluation.

D All the effected milestones are listed in (A) above. Only the submittal of the Draft Responsiveness Summary would occur on the current schedule (that is, the Draft RS would be submitted by June 9, 1995).