



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

DEC 19 1991

OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE

MEMORANDUM

SUBJECT: DOE-Case-by-Case Petition for Extending LDR for
Radioactive Mixed Waste

FROM: Matthew A. Straus, Director
Waste Management Division (OS-820W)

TO: Allyn M. Davis, Director
Hazardous Waste Management Division
EPA Region 6

On November 18, 1991, the U.S. Department of Energy (DOE) submitted a case-by-case petition to the Environmental Protection Agency (EPA) requesting a one-year extension of the May 8, 1992, effective date of the land disposal restrictions (LDR) for 214 radioactive mixed wastes generated at 28 DOE facilities. A list of these DOE facilities is attached. Within Region 6, the DOE case-by-case petition affects the following three sites:

- o Los Alamos National Laboratory in Los Alamos, NM;
- o Sandia National Laboratories-Albuquerque in Albuquerque, NM;
- o Pantex Plant in Amarillo, TX.

A copy of the DOE petition has been forwarded to Mr. Richard Mayer, whom we understand to be the mixed waste coordinator for Region 6.

These wastes contain both radioactive and hazardous constituents, hereafter, referred to as radioactive mixed wastes (RMW). The petition requests a capacity extension for those included in the Third Thirds; it does not, however, include solvents, dioxin, and California list wastes. DOE also has indicated that, as allowed under Section 268.5, a one-year renewal of the extension, if approved, will be requested. It is

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important to note that the effect of approving an extension of the LDR for DOE's RMW would allow DOE to continue storing their RMW in compliance with the Subtitle C hazardous waste regulations for an additional two years at most--that is until May 8, 1994.

We recently have learned from DOE that certain stored RMW, generated prior to the May 8, 1992, effective date, may need to be taken out of storage during the requested extension period and, for example, repackaged and then placed back into storage. The repackaged RMW would remain at the same facility but may be stored in a different on-site location. Because these wastes, if taken out of storage subsequent to the LDR effective date, would then be subject to the LDR, DOE plans to supplement their original petition and request that these RMW likewise be granted a case-by-case extension to allow their continued storage until treatment, recovery, disposal is provided. This information will be forwarded to your mixed waste coordinator as soon as we receive it.

The DOE petition presents and discusses issues that, according to DOE, demonstrate a lack of treatment, recovery, and disposal capacity to manage RMW. DOE believes there is insufficient commercially available capacity. Also, DOE believes that certain circumstances beyond DOE's control prevent it from providing compliant treatment, recovery, or disposal capacity by May 8, 1992.

We will review DOE's case-by-case petition to determine if DOE has met the requirements of the demonstrations that must be discussed in accordance with section 268.5(a). Our review will include an evaluation of all the data and issues provided by DOE in the petition. We would like to schedule a conference call, hopefully in mid-January, to include you, the affected state(s) within your Region, and ourselves to discuss any issues/concerns you or the states may have regarding the DOE case-by-case petition.

Our current plan is to issue in February 1992 a Federal Register notice proposing the Agency's tentative decision to deny or approve DOE's case-by-case petition and request public comment regarding that decision. It is our intent to publish a final decision to deny/approve the DOE petition in the Federal Register by May 8, 1992.

We look forward to receiving your comments and discussing this petition with you. In the meantime, if you or your staff have any questions, please contact Les Otte or Bill Kline of my staff, at (703) 308-8480 and (703) 308-8440/347-5071, respectively.

Attachment

cc: Richard Mayer, Region 6 (with copy of petition)
Les Otte, WMD
Bill Kline, WMD

List of DOE Sites Requesting a Case-by-Case Extension

EPA Region 2

- o Brookhaven National Laboratory - Upton, NY
- o Knolls Atomic Power Laboratory - Niskayuna, NY
- o Knolls Atomic Power Laboratory(Kesserling Site)-West Milton, NY
- o West Valley Demonstration Plant - West Valley, NY

EPA Region 3

- o Bettis Atomic Power Laboratory - West Mifflin, PA

EPA Region 4

- o Paducah Gaseous Diffusion Plant - Paducah, KY
- o Savannah River Site - Aiken, SC
- o K-25 - Oak Ridge, TN
- o Oak Ridge National Laboratory - Oak Ridge, TN
- o Y-12 - Oak Ridge, TN

EPA Region 5

- o Argonne National Laboratory-East - Argonne, IL
- o Fermi National Accelerator Laboratory - Batavia, IL
- o Feed Materials Production Center - Fernald, OH
- o Mound Plant - Miamisburg, OH
- o Portsmouth Gaseous Diffusion Plant - Piketon, OH

EPA Region 6

- o Los Alamos National Laboratory - Los Alamos, NM
- o Sandia National Laboratories-Albuquerque - Albuquerque, NM
- o Pantex Plant - Amarillo, TX

EPA Region 7

- o Kansas City Plant - Kansas City, MO

EPA Region 8

- o Rocky Flats Plant - Golden, CO

EPA Region 9

- o Energy Technology and Engineering Center - Canoga Park, CA
- o Lawrence Berkeley Laboratory - Berkeley, CA
- o Lawrence Livermore National Laboratory -Livermore, CA
- o Sandia National Laboratories, Livermore - Livermore, CA
- o Nevada Test Site - Mercury, NV

EPA Region 10

- o Argonne National Laboratory-West - Idaho Falls, ID
- o Idaho National Engineering Laboratory -Idaho Falls, ID
- o Hanford Site - Richland, WA