



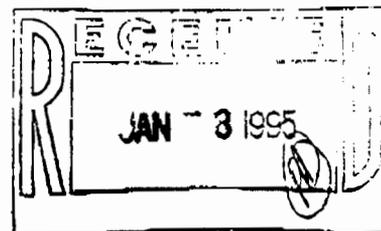
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 6  
1445 ROSS AVENUE, SUITE 1200  
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Mr. George E. Dials, Manager  
U.S. Department of Energy  
Carlsbad Area Office  
P.O. Box 3090  
Carlsbad, NM 88221



Re: Region 6 Comments  
Voluntary Release Assessment and Corrective Action Workplan  
Waste Isolation Pilot Plant (EPA ID NM4890139088)  
Carlsbad, New Mexico

Dear Mr. Dials:

The purpose of this letter is to forward the U.S. Environmental Protection Agency's (EPA, Region 6) comments on the U.S. Department of Energy's (DOE) "Voluntary Release Assessment and Corrective Action Workplan for Solid Waste Management Units Located at the Waste Isolation Pilot Plant" (DOE/WIPP Draft-2115).

Representatives of the U.S. Environmental Protection Agency (EPA) and the U.S. Department of Energy (DOE) met at EPA offices in Dallas, Texas on February 28, 1995. Mr. Steve Zappe (New Mexico Environment Department, NMED), participated via conference call. Representing the DOE were Ms. M. Elizabeth Bennington (DOE, Environmental Manager) and Mr. Daniel C. Robertson (Westinghouse, Senior Environmental Scientist). The purpose of this meeting was to discuss the implementation of "voluntary" corrective actions at the Waste Isolation Pilot Plant (WIPP) prior to issuance of the Resource Conservation and Recovery Act Operating Permit by NMED. DOE subsequently submitted the referenced workplan for review and comment by EPA.

EPA's intent in encouraging these voluntary corrective actions is stated in the preamble to the Proposed Subpart S Rule (Federal Register, Vol. 55, No. 145; July 27, 1990; 30798). The preamble states that "the Agency intends to remove regulatory disincentives to independent action by facility owner/operators and will encourage voluntary cleanups." EPA recognizes that it is important to allow willing and responsible owner/operators to

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begin corrective action promptly without procedural delays. The purpose of these actions are to help determine at the earliest possible time whether there has been a release from a SWMU and assess whether early/expedited corrective actions are needed to protect human health and the environment.

EPA agreed to perform technical reviews of DOE's workplan to provide guidance during the implementation of these corrective actions prior to permit issuance. Upon completion of these corrective action activities and prior to public noticing of a draft permit, EPA and the NMED will determine whether these voluntary activities justify the exclusion of certain solid waste management units from the draft permit and a corrective action schedule of compliance. A final permit will then be issued following the review and consideration of any comments received during the public comment period.

EPA has now performed a technical review of the referenced workplan. Enclosed for your review and consideration are our comments. If you have any questions/comments or wish to discuss these issues further, please call Mr. Rafael Casanova of my staff, at (214) 665-7437.

Sincerely yours,

  
David Neleigh, Section Chief  
New Mexico/Federal Facilities Section  
Multimedia Planning/Permitting Division

Enclosure

cc: Mr. Matthew Hale (OSW)  
Mr. Reid Rosnick (OSW)  
Mr. Chris Rhyna (OSW)  
Mr. Benito J. Garcia (NMED)

bcc: Ms. Ruby J. Williams (6PD-N)

**COMMENTS**  
**VOLUNTARY RELEASE ASSESSMENT/CORRECTIVE ACTION WORKPLAN**  
**U.S. DEPARTMENT OF ENERGY**  
**WASTE ISOLATION PILOT PLANT**  
**CARLSBAD, NEW MEXICO**

EPA's Region 6 staff have performed technical reviews of DOE's "Voluntary Release Assessment/Corrective Action Workplan" (July 25, 1995; DOE/WIPP Draft-2115). The following comments are referenced by letter and presented by chapters, sections, and pages corresponding to the referenced Release Assessment and Corrective Action (RA/CA) Workplan. The purpose of these comments are to provide guidance to DOE on the implementation of these and/or any additional corrective actions. DOE has elected, with agreement from EPA, to commence corrective action activities prior to receipt of EPA's comments. These comments should not be considered final EPA regulatory determinations. It is our understanding that DOE anticipates submittal of a "Voluntary RA/CA Report" during January 1996.

CHAPTER 3.0 DESCRIPTION OF CURRENT CONDITIONS

A. Section 3.3.1 Surface Formations; Page 9;

DOE's RA/CA Workplan Submittal

DOE briefly describes the geology and hydrogeology at the WIPP site.

Region 6 Comments

The Voluntary RA/CA Report which may be submitted by DOE in January 1996 should provide a more detailed description of the hydrogeology of the WIPP site. This description should include specific information such as depths of "water-bearing" units or formations underlying each specific SWMU.

CHAPTER 4.0 A BRIEF DESCRIPTION OF SWMUS AT THE WIPP

B. Section 4.4 Additional SWMUs Identified Since the Issuance of the RFA; Page 12;

DOE's RA/CA Workplan Submittal

DOE states that seven additional SWMUs have been identified since the issuance of the WIPP RCRA Facility Assessment and that release assessments are not proposed for any of these mudpit sites because no releases have occurred. DOE also states that evaluations were performed that demonstrate that no hazardous wastes or hazardous constituents were discharged into the drill mudpits.

**Region 6 Comments**

EPA will review the information submitted in DOE's Part B Permit Application (DOE/WIPP 91-005, Revision 5) and will make a determination on whether these mudpits should be investigated under a RCRA Facility Investigation (RFI) schedule of compliance.

**C. Section 6.3 Routine and Quality Control Sampling; Page 18:****DOE's RA/CA Workplan Submittal**

DOE states that one series of background samples will be collected from each of the 16 SWMUs at the same sample depth intervals proposed in the sampling plan.

**Region 6 Comments**

EPA agrees that background samples are required to determine the extent of contamination at each SWMU, if any; however, background samples from each of the 16 SWMUs may be excessive. The number of background samples collected could be reduced and still provide the required information.

**CHAPTER 8.0 SUMMARY OF RELEASE ASSESSMENTS FOR SELECTED SWMUS AT THE WIPP****D. Sections 8.1-8.11, Pages 23-59:****DOE's RA/CA Workplan Submittal**

DOE describes the methodology for characterizing releases from each of the SWMUs listed in the draft permit. DOE also provides a listing of the target analytes for each of the potash drilling mud pits and the Portacamp Area.

**Region 6 Comments**

EPA agrees that the investigations proposed by DOE could provide the data necessary for a determination of the appropriate corrective actions for each SWMU. The methodology described by DOE in the sampling plans and in selecting the target analytes is consistent with the requirements of the proposed Subpart S Rule and RFI Guidance Documents.

## CHAPTER 9.0 SUMMARY OF CORRECTIVE ACTIONS FOR SELECTED SWMUS AT THE WIPP

- E. Sections 9.1 (SWMU 001o, Badger Unit Drill Pad), 9.2 (SWMU 001p, Cotton Baby Drill Pad), and 9.3 (SWMU 001q, DOE-1 Drill Pad); Pages 60-106:

### DOE's RA/CA Workplan Submittal

DOE describes the voluntary corrective actions for the Badger Unit, Cotton Baby, and DOE-1 Drill Pads. These proposed actions consist of the placement of three wetted and compacted 6-inch lifts of crushed caliche fill. According to DOE this 18-inch caliche cap at each SWMU will contain any vertical or lateral extent of migration of hazardous constituents. Six to twelve inches of topsoil will then be placed on each compacted caliche cap and reclaimed using a Bureau of Land Management (BLM) approved grass seed mix.

### Region 6 Comments

The Voluntary RA/CA Report which may be submitted by DOE in January 1996 should include a demonstration that there will be no migration of hazardous wastes or constituents from each of the capped landfills at levels that could present a hazard to human health and the environment. This demonstration could include simplified worst-case migration scenarios and modeling that take into account specific site characteristics (e.g., rainfall, depths to groundwater, etc.). This demonstration may require the performance of risk assessments to identify the risks posed to human health and the environment. In addition, DOE should elaborate on each of the following remedy selection factors applicable to each site: long-term reliability and effectiveness; reduction of toxicity, mobility, or volume; short-term effectiveness of a potential remedy(s); implementability; and cost. These comments should not preclude DOE from implementing the proposed corrective actions at each respective SWMU.

## CHAPTER 10.0 DETERMINATION OF NO FURTHER ACTION

- F. Section 10.1 SWMU 002a, Brinderson Landfill (Formerly 003a); Section 10.2 SWMU 002b, Construction Landfill (New Landfill/Inactive Landfill, Formerly 003a); Page 107; Section 10.3 Justification for a Determination that No Further Action is Required at SWMUs 002a and 002b, pages 108-109:

### DOE's RA/CA Workplan Submittal

DOE states that on January 14, 1985, the BLM approved a Land Use Permit Application to convert an existing caliche pit into a

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landfill known as the Brinderson Landfill. DOE adds that the landfill was used to accumulate and dispose of construction debris and that the landfill received monthly inspections to ensure that the area was managed and eventually closed in accordance with permit conditions.

DOE also states that on February 9, 1987, the BLM approved a Land Use Permit Application to construct a new landfill known as the Construction Landfill for the disposal of construction debris. Two pit areas were designed to accumulate and dispose of construction debris. DOE adds that one pit was closed in accordance with permit conditions and the other remains operational and is managed in accordance with the Westinghouse/WIPP, Construction Landfill Operations Procedure. DOE adds that the area received monthly inspections during operations to ensure that materials disposed of met permit conditions which specified disposal of construction debris only.

DOE is now requesting a formal determination that no further action is required for both the Brinderson and Construction Landfills. DOE states that justification for this request is based on information not contained in the WIPP RCRA Facility Assessment (RFA). DOE adds that "the RFA does not disclose that both landfills were managed by the DOE in accordance with specific BLM permit conditions. The RFA also does not describe the administrative controls such as limitations on the type of materials that could be disposed at the facility, monthly inspections, and reclamation/closure requirements established in the land use permit."

#### Region 6 Comments

It is our understanding that NMED is developing a guidance document for "No Further Action" (NFA) proposals. EPA will utilize this document in determining DOE's proposal for NFA. In the RA/CA Report which may be submitted in January 1996, DOE should specifically define what is meant by construction debris and should demonstrate that hazardous wastes or constituents have not been placed in the landfills. DOE should provide additional information such as interviews, historical records, site visual inspections, site surveys, operating logs, and possibly release assessment sampling in demonstrating that NFA is appropriate. In addition, DOE should attempt to demonstrate that no hazardous waste or constituents were placed in the Brinderson Landfill prior to permitting under the BLM.