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Department of Energy

Oak Ridge Operations
P.O. Box 2001
Oak Ridge, Tennessee 37831-8723

June 8, 1995

Mr. Ed Sadler
Director, Hazardous Waste Program
Missouri Department of Natural Resources
Division of Environmental Quality
P.O. Box 176
Jefferson City, Missouri 65102-0176

Dear Mr. Sadler:

ST. LOUIS SITE - REQUEST FOR MDNR POSITION ON DISPOSITION OF BELOW-GUIDELINE DEBRIS AND SOIL

As the Department of Energy (DOE) increases the level of remedial activity in the St. Louis area under its Formerly Utilized Sites Remedial Action Program (FUSRAP), it is increasingly important to be able to accurately plan for the disposition of demolition debris and soil which contains natural radionuclides above background levels but below the guidelines at which DOE (or other authorized agencies) consider the material to be contaminated. Consequently, I am requesting that MDNR provide a position on this issue in response to the proposals outlined in this letter.

To date in the St. Louis cleanup, almost all of the waste matrix generated has been soil which was contaminated (above guidelines) from the ground surface to a fairly shallow depth. The scope of the removal actions, therefore, has been readily defined--excavate only the above-guidelines soil. As the FUSRAP cleanup progresses, however, significant quantities of other waste matrices will be encountered: building debris, treated soil, and below-guideline overburden atop a lens of contamination. The disposition of these waste forms, which contain isotopes of uranium, thorium, and radium above background but below cleanup guidelines, must be resolved.

DOE proposes to use crushed demolition debris, overburden soil, and treated soil as backfill provided that these materials are below DOE guidelines as stated in the documentation implementing the cleanup--Engineering Evaluation/Cost Analysis, Record of Decision, etc. DOE has used this approach in other states to the satisfaction of the state regulators because the justifications are sound:

- The material to be placed back in an excavation has the same radiological content as the material on the periphery of excavation which was left in place because it had an above background, but below guideline radiological content;

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- The health-based criteria used to set the guidelines is sufficiently conservative to ensure protection of public health and the environment for both in-situ and backfilled above background/below guideline material; and,
- The costs to manage, ship, and dispose of these above background/below guideline materials as radwaste or "special" waste will consume resources that could be used to remediate additional areas and delay the completion of the St. Louis cleanup.

There may be instances, however, when the quantity of below guideline backfill exceeds the need for backfill, e.g. a property owner prefers an excavation not be backfilled because construction of new facilities is imminent. In these instances, DOE proposes to send the below guideline backfill to a landfill.

After review of the Missouri state laws, DOE can find no specific prohibition on dispositioning this material in the ways proposed. Under CERCLA guidance concerning laws that are applicable or relevant and appropriate (ARARs), sections of 19 CSR 20-10 and 10 CSR 80-3 could be viewed relevant and appropriate. The essence of these two potential ARARs seems to be that state concurrence would be required to implement the two proposals. Hence, please respond to this request by June 19, 1995.

I appreciate your consideration of this matter. If you have any questions, please call me at 615-576-9634 or come to the St. Louis Site Remediation Task Force meeting at the Hazelwood Civic Center on Dunn Road in Hazelwood, Missouri at 7:30 a.m. on June 13. After that meeting, the regulators (EPA and MDNR) in attendance hold a coordination meeting at the nearby DOE Information Center on Latty Avenue, at which time we can address this issue in depth.

Sincerely,


David G. Adler, Site Manager
Former Sites Restoration Division

cc: R. M. Geller, MDNR
D. R. Wall, EPA Region VII

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Formerly Utilized Sites Remedial Action Program (FUSRAP)

ADMINISTRATIVE RECORD

for the St. Louis Site, Missouri



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