



Department of Energy

Idaho Operations Office
1955 Fremont Avenue
Idaho Falls, ID 83401

December 6, 2003⁴ *AS*

Nicholas Ceto, INEEL Project Manager
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712 Swift Blvd., Suite 5
Richland, WA 99352

Daryl F. Koch, FFA/CO Manager
Waste Management and Remediation Division
Idaho Department of Environmental Quality
1410 North Hilton
Boise, ID 83706-1255

SUBJECT: Revisions to the INEEL Federal Facility Agreement and Consent Order Process for
Inclusion of Newly Identified Sites (FMDP-FFA/CO-04-041)

Dear Mr. Ceto and Mr. Koch:

The Federal Facility Agreement and Consent Order (FFA/CO) provides a process for including newly identified release sites in the CERCLA remediation of the INEEL. Representatives from each agency met on September 23, 2004 and mutually agreed to revise the newly identified site process to streamline, to shorten its administrative elements and to allow for rapid response to newly identified contamination. This letter transmits a flowchart, which describes the revised process. The revisions made are summarized in an attachment to the flowchart.

The FFA/CO also provides a process for agreement amendment. The process requires that amendments be in writing and agreed to by all parties to the FFA/CO. If you agree that the attached flowchart and revision summary accurately describe the agreed on process revisions, please return a signed copy of the documents. You may provide your signature through use of a PDF file, as recommended in one of the process changes.

Sincerely,

Kathleen E. Hain

Kathleen Hain
CERCLA Lead

Summary of Revisions to the Newly Identified Site Process

1. The New Site Identification (NSI) form requires signature of the contractor Responsible Manager and the DOE, EPA and IDEQ Project Managers.
2. An adobe acrobat (.pdf) file signature concurrence from the DEQ and EPA Project Managers is considered approval, in lieu of hardcopy signature, and will be attached to the NSI form.
3. The NSI form no longer includes the option to conduct a Track 1 investigation. The agencies will, through a conference call or meeting, review the adequacy of existing data and make a decision.
4. When a newly identified site is near to and has similar characteristics to a release site already addressed in a Record of Decision (ROD), the agencies may proceed directly to cleanup, using the remedial action objectives stated in the relevant ROD. The documentation for a decision to proceed with cleanup in accordance with the relevant ROD will be the placement of the approved NSI form and attachments in the Administrative Record.
5. Removal Actions may be used to expedite cleanup.
6. The established procedures will be used to validate inclusion of a new site under the FFA/CO. The procedures ensure that the following will occur prior to submittal of a NSI form to the agencies:
 - a. Determine that a potential new site has not previously been evaluated under the FFA/CO Action Plan, a ROD, an Explanation of Significant Differences or a submitted NSI form.
 - b. Determine that a potential new site has not been previously listed in the INEEL Archeological Sites Database.
 - c. Determine that a potential new site has not previously been listed in the INEEL Unexploded Ordnance Sites Database.
 - d. Determine if a potential new site is a release from an active waste treatment, storage or disposal unit covered under a Hazardous Waste Management Act/Resource Conservation and Recovery Act (HWMA/RCRA) permit or under interim status. Such a release will be addressed under HWMA/RCRA through the permit and/or the contingency plan.
 - e. Determine if a potential new site presents a threat to human health or the environment. If the potential new site presents a threat to human health or the environment it is a candidate for inclusion under the FFA/CO. If a potential new site does not present a threat it will be addressed through another regulatory program or during decommissioning of nearby buildings.
 - f. Determine if a potential new site is a new, one-time spill to the environment from INEEL operations. Cleanup of a new, one-time spill is usually done under HWMA or Idaho Petroleum Release Response and Corrective Action regulations. Special conditions may warrant discussions with DEQ and EPA regarding submittal of a NSI for a new, one-time spill from operations.
 - g. Determine if a potential new site is an active discharge allowed through other federal, state or local permits.
 - h. Determine if a potential new site meets the definition of a solid waste management unit (SWMU). The FFA/CO directs that corrective action requirements for SWMUs be investigated and cleaned-up, if necessary, under criteria established by CERCLA. These criteria include addressing other

applicable or relevant and appropriate requirements (see Section V.A. of Module V. of the INEEL HWMA/RCRA Permit).

- i. Determine if a potential new site is addressed under the Voluntary Consent Order or another agreement with the agencies.
7. The Newly Identified Site Process is used to verify that a release is not from a TSD unit and to document all identified releases.

I agree to modify, as described in this Flow Sheet and Summary, the Newly Identified Site process described in the Action Plan for the INEEL Federal Facility Agreement and Consent Order.



Nicholas Ceto, EPA Project Manager

Daryl F. Koch, IDEQ FFA/CO Project Manager

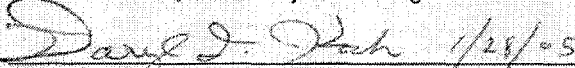
Kathleen Hain, DOE Project Manager

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Nicholas Ceto, EPA Project Manager

 1/28/05

Daryl F. Koch, IDEQ FFA/CO Project Manager

Kathleen Hain, DOE Project Manager

New Site Discovery Process

Wednesday, December 08, 2004

