



Recommendation No. 110

January 25, 2000

Proposed EPA Rule Change

Background

EPA requests comments on a newly proposed rule that would impact the management of low level mixed waste (LLMW) and a category known as naturally occurring and accelerator-produced Radioactive Material (NARM). The comment period for the proposed rule ends in mid-February 2000. The proposed rule will allow greater flexibility to DOE sites that manage these wastes by reducing costs and paper work burdens while improving or maintaining the protection of human health and the environment.

Part 1 of the new proposed Rule does not apply to DOE. As currently drafted, EPA offers an exemption from Resource Conservation and Recovery Act (RCRA) for these wastes generated, stored, or treated on-site by a Nuclear Regulatory Commission (NRC) or Agreement State licensee. Since DOE is not a NRC or Agreement State licensee, as currently drafted, DOE does not qualify regarding storage and treatment of LLMW.

However, Part 2 of the draft Rule does apply to DOE. It offers an exemption from RCRA for the off-site transportation and disposal of the mixed low-level wastes generated by DOE. It applies when those wastes transported and disposed away from DOE sites meet the waste acceptance criteria at the low-level radioactive waste disposal facilities (LLRWDF) licensed by NRC or Agreement States. Even though the specified wastes would be exempted from RCRA, they would continue to be regulated by NRC or Agreement States during transportation and disposal under regulations comparable to RCRA regulations.

Comments/Benefits

The proposed rule gives DOE more low-level mixed waste disposal options than currently exist. This would give SRS the option to dispose of mixed low-level wastes in commercial disposal facilities licensed by NRC. It would permit orphan and large equipment wastes at SRS (such as lead shielded components, components contaminated with hazardous chemical/radionuclides, and lead shielded cranes) to be shipped offsite for disposal at approved commercial disposal facilities.

In addition, the draft Rule provides the Savannah River Site Citizens Advisory Board (CAB) with an opportunity to recommend to EPA that it revise its draft to exempt low-level mixed wastes from RCRA that are disposed at certain DOE facilities based on the characteristics of the waste to be buried, the characteristics and operational performance of a site, and the approval by regulatory authorities. These DOE facilities are facilities that have received disposal authorization statements (DAS) under DOE Order 435.1 (only two DOE sites have an approved DAS, including SRS). A DAS is analogous to a NRC license. This change would significantly reduce the costs of the disposal of mixed low-level wastes and continue to protect human health and the environment.

Recommendation

The SRS CAB supports cost-effective options; therefore, we recommend the proposed rule be adopted in its current form with the following revisions:

- That EPA revise the proposed rule to exempt low-level mixed waste from RCRA for those DOE low-level waste disposal facilities that have approved Disposal Authorization Statements.

Furthermore, the SRS CAB recommends that DOE-SR provide to the CAB by February 25, 2000, a copy of its comments submitted to EPA on the proposed rule change.

Agency Responses