9481.1987(03)

VULNERABLE HYDROGEOLOGY GUIDANCE CRITERIA

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

JUN 3 1987

Mr. Richard J. Gimello
Executive Director
Hazardous Waste Facilities Siting Commission
State of New Jersey
CN 406, Trenton, New Jersey 08625

Dear Mr. Gimello:

This is in response to your letter dated April 27, 1987, requesting the Environmental Protection Agency's (EPA) opinion on the applicability of EPA's vulnerable hydrogeology guidance criteria to the Millstone, New Jersey proposed incinerator site.

I must first point out that the document referred to in your letter titled, "Criteria for Identifying Areas of Vulnerable Hydrogeology Under RCRA - Statutory Interpretive Guidance" (issued in July, 1986), is simply an Agency guidance. It does not have the force and effect of law that would require full compliance with the stated criteria. Further, the guidance is applicable only to landfills, surface impoundments, and waste piles (i.e., land-based units) and does not apply to incinerators. It is the Agency's opinion that the potential for ground-water contamination resulting from an incinerator is typically not a concern due to the manner that waste is contained during incineration. It is unclear from your letter, however, whether other waste management units associated with the incinerator will be present. The vulnerability guidance might be relevant to the facility if one of these additional units were land-based.

Your letter contained questions on the extent of site-specific investigations and types of restrictions or modifications to design or operating practices that would result in response to a finding that the hydrogeology of a site was considered "vulnerable". If a site were found "vulnerable" using the Agency guidance, further site-specific investigations

may be appropriate. For example, a site owner or operator may be requested to install additional groundwater piezometers in order to verify hydrogeologic information provided in the permit application or to construct a groundwater flow net for the site in order to more fully document flow patterns. These investigations would aid in verifying plans for ground-water monitoring. Similarly, the owner or operator might be directed

to establish a contingent corrective action plan prior to any actual release to ground water, in order to more quickly respond to any release in the future. More stringent unit design and operating controls might be appropriate in certain locations. For example, additional engineered barriers may be appropriate in shallow, subsurface flow areas. In another case, an increase in the length of the post-closure care period may assure that ground-water contamination will be prevented or responded to quickly. Finally, we do not believe these investigations are more extensive than those required under Title 40 of the Code of Federal Regulations (CFR) Part 270.

As you know, we are now developing locations standards for hazardous waste management facilities in response to Section 3004 (o)(7) of RCRA. The relationship (if any) between the vulnerability criteria (and any associated site investigations or design and operating measures) and the nature of these future standards has not yet been established. I welcome your continued participation in the workgroup helping to develop these standards, as well as your suggestions on this specific topic.

I hope this information responds to your concerns. However, if you need more specific information, please contact Arthur Day in the Office of Solid Waste, at (202) 382-4680.

Sincerely,

Original Document signed

J. Winston Porter
Assistant Administrator