

**HTRW Center of Expertise
Environmental Regulatory
Fact Sheet 00-07**

**Proposed Amendments to
the Corrective Action Management Rule**

On August 22, 2000 EPA proposed amendments to the Corrective Action Management Unit (CAMU) Rule, 65 Federal Register 51080. This paper summarizes the proposed amendments to assist Army and DoD reviewers in determining whether the rule is applicable to their activities and whether they should review and comment on this proposal.

Comments are being accepted by EPA on this proposal through October 23, 2000.

BACKGROUND

Historically certain hazardous waste regulations have provided disincentives to ex-situ treatment of remediation waste. The act of excavating waste triggered requirements, such as land disposal restriction (LDR) treatment standards and minimum technology requirements (MTRs), which did not apply to waste managed in place. As a result, a preference existed for less effective containment actions over ex-situ treatment options triggering these costly requirements. In recognition of this, in 1993 EPA promulgated the CAMU Rule to provide regulatory relief. Under the CAMU Rule placement of remediation waste into a CAMU did not constitute land disposal and therefore LDRs and MTRs did not apply. However, the rule was challenged on the basis that it did not provide sufficient detail on the manner in which remediation wastes must be managed. EPA subsequently entered into a settlement agreement committing to developing minimum standards for CAMUs. Those minimum standards are the subject of this proposed rule.

WHO SHOULD READ THIS RULE?

The proposed CAMU amendments relate only to cleanups involving RCRA hazardous wastes. Impacts are anticipated wherever hazardous wastes will be "generated" during the course of remediation such that land disposal restrictions and/or minimum technology requirements would ordinarily apply. This includes cleanups conducted under both RCRA and CERCLA authorities.

This rule will affect cleanup sites requiring a CAMU designation after the effective date of this rule. Impacts are also expected at sites where CAMU applications (or the equivalent) are pending, but which were not substantially complete as of the date of this proposal, August 22, 2000. Due to grandfathering provisions contained in this proposed rule, impacts are not anticipated for sites with existing CAMU designations.

SUMMARY OF PROPOSED CAMU RULE AMENDMENTS

CAMU Eligible Waste

EPA proposes to change regulations regarding CAMU eligible waste:

- to clarify "as-generated wastes" from ongoing industrial operations are not CAMU eligible wastes;
- to allow non-hazardous, as-generated wastes to be placed in CAMUs only when it facilitates treatment or performance;
- to prevent substantially intact containers (other than those excavated during the course of the cleanup) from being disposed in CAMUs; and
- to prohibit placement of bulk or non-containerized liquids (hazardous or non-hazardous) in CAMUs except in association with the selected remedy. For example, adding liquid to facilitate bioremediation would still be allowed.

In addition, EPA is proposing a "kick-out" provision to give regulators the discretion to make certain wastes CAMU ineligible if they were not managed in compliance with applicable LDRs, unit design requirements, or other applicable requirements which likely contributed to the release of the waste.

Information Requirements for CAMU Designation

The information required to be submitted by the owner/operator to enable the CAMU to be designated is proposed to be expanded to include:

- the origin of the waste and how it was subsequently managed;
- whether the waste was listed or identified as hazardous at the time of disposal/release; and
- whether the waste was subject to LDRs at the time of disposal/release.

CAMU Design Standards

EPA discusses two different regulatory approaches to establishing design standards for CAMUs. The end effect of either approach would be to allow waste to be managed exsitu without having to meet LDRs and MTRs, but would use different regulatory approaches to achieve this result.

- One approach would establish two sets of CAMU design standards, one for disposal CAMUs (long-term management) and another for treatment/storage CAMUs (short-term management). EPA proposes standards based on this approach.
- The other approach, upon which EPA is also requesting comment, would establish CAMU design standards only for long-term management of waste. Under this approach, short term management of cleanup waste would be allowed in staging piles rather than in a CAMU. This would require modification of existing staging pile regulations to allow treatment in addition to storage.

For CAMUs used to manage waste above health-based levels after closure, EPA proposes minimum requirements for liners, leachate collection systems, and caps. The CAMU liner would be composed of an upper component of a flexible membrane liner and a bottom component of at least two feet of compacted soil with a hydraulic conductivity of no more than 1×10^{-7} cm/sec. For the cap, EPA proposes to use the existing hazardous

waste landfill cap performance standard. The rule proposes also to allow EPA to modify design requirements on a site specific basis.

Performance standards for the treatment/storage CAMUs would be similar to those established for staging piles. The CAMU used to treat/store the waste, unlike the disposal CAMU, would not be required to have a permanent liner or ground water monitoring unless operated in excess of staging pile timeframes (2 years with a potential 180 day extension).

Proposed Approach to Treatment

For waste that will be permanently disposed into a CAMU, EPA is proposing to require treatment of "principal hazardous constituents (PHCs)". PHCs are constituents that pose a risk substantially higher than the cleanup goals for the site. Generally PHCs would be identified based on the following criteria: (1) risk posed by carcinogens via ingestion or inhalation above 10^{-3} ; (2) risk posed by non-carcinogens from ingestion or inhalation an order of magnitude or greater over their reference dose; and (3) risks posed to ground water.

EPA proposes to require PHCs to be treated as follows:

- to achieve a 90% reduction in concentration or to a level 10 times the Universal Treatment Standard (UTS), whichever is attained first;
- to remove any ignitability, corrosivity, and reactivity characteristics; and
- for debris, to have the option of treating to debris standards in 40 CFR 268.45.

EPA also proposes to allow modification of treatment requirements. Adjustment factors would be based on technical impracticability, consistency with site cleanup levels, community views, short-term risks, and protection offered by engineering controls. Treatment requirements could increase or decrease based on these factors.

In establishing criteria for adjusting treatment requirements because of engineering controls, EPA considers the following factors:

- the mobility of PHCs;
- whether cost effective treatment can be utilized; and
- whether Subtitle C liner and leachate collection systems will be used.

Grandfathering of Existing CAMUs

EPA is proposing two classes of CAMUs which would remain subject to existing CAMU regulations rather than the proposed amendments. The first would be CAMUs approved prior to the effective date of the amendments. The second would be CAMUs not approved prior to the effective date, but for which substantially complete applications (or the equivalent) were submitted to the Agency on or before August 22, 2000. By doing so, EPA seeks to prevent disruption of on-going cleanup activities.

Other Issues

Notification and Corrective Action Requirements. EPA also proposes notification and corrective action for releases to ground water from CAMUs.

Public Participation. EPA proposes to expand the public participation requirements with respect to CAMUs. At a minimum, public notice and opportunity for comment would be mandated prior to designation of a CAMU.