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Corrective Action Management Units and Temporary Units

- BACKGROUND:** On February 16, 1993, the Environmental Protection Agency (EPA) published a final rule in the Federal Register [58 FR 8658] that allows either the EPA Regional Administrator or the authorized State to designate areas as corrective action management units (CAMUs) at hazardous waste management facilities for the specific purpose of managing "remediation waste" that has been generated as part of the facility's corrective action activities. According to the rule, placement of remediation wastes into or within a CAMU does not constitute land disposal of hazardous waste and is not subject to Resource Conservation and Recovery Act (RCRA) land disposal restrictions (LDRs) [58 FR 8662]. In addition, waste disposal units located within CAMUs are not required to be designed in accordance with RCRA minimum technological requirements (MTRs) applicable to land disposal units. The February 16, 1993, final rule also authorizes the EPA Regional Administrator or an authorized State to designate as temporary units (TUs) certain tanks and container storage units within the boundaries of a hazardous waste management facility. A TU may (but is not required to) be located within the boundaries of a CAMU. However, TUs must be used only for treating and storing remediation wastes generated at the facility, and cannot operate longer than one year without an approved extension. The advantage of designating a container or tank as a TU is that EPA or the authorized State may impose standards that are less stringent than the full 40 CFR 264 standards; and that utilization of TUs will facilitate remediation at permitted facilities with continuing releases, facilitate corrective action beyond the facility boundary, aid facilities in complying with RCRA 3008(h) orders, promote the use of bioremediation, and provide an environment to encourage the development and implementation of innovative treatment technologies. This rule became effective on April 19, 1993.
- STATUTE:** RCRA as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA)
- REGULATIONS:** 40 CFR 260.10, 40 CFR 264.552, and 40 CFR 264.553
- REFERENCES:**
1. "RCRA Corrective Action Program Guide (Interim)," Environmental Guidance Manual, DOE Office of Environmental Guidance, RCRA/CERCLA Division, EH-231, DOE/EH-0323, May, 1993.
 2. "Corrective Action Management Units and Temporary Units - CAMU/TU Final Rule Issued," Regulatory Bulletin, DOE Office of Environmental Guidance, RCRA/CERCLA Division, EH-231, May 12, 1993.
 3. "Corrective Action Management Units and Temporary Units; Corrective Action Provisions Under Subtitle C," Final Rule, U.S. Environmental Protection Agency, 58 FR 8658, February 16, 1993.
 4. "RCRA Corrective Action Permit Requirements and Modifications Under Subpart F Regulations," EH-231 RCRA Information Brief, EH-231-022/0793, DOE Office of Environmental Guidance, RCRA/CERCLA Division, July 1993.
 5. "Public Participation In Environmental Restoration Activities," DOE Office of Environmental Guidance, RCRA/CERCLA Division, EH-231, DOE/EH-0221, November 1991.

What is a CAMU?

A CAMU is a land area within a facility regulated under RCRA Subtitle C (i.e., facilities with permitted or interim status) that is designated by the EPA Regional Administrator or the authorized State for the purpose of managing remediation wastes generated from corrective action activities [40 CFR 260.10].

- ☐ In the context of this rule, a "facility" consists of all contiguous property under control of DOE [40 CFR 260.10].

- ☐ "Remediation wastes" are those wastes that are managed for the purpose of implementing corrective action and include the following: 1) those that are solid and hazardous wastes and 2) any remediation-derived debris and media (including ground water, surface water, soils, and sediments) that contain listed hazardous wastes or exhibit a hazardous waste characteristic. Remediation wastes must originate within the facility boundary, unless they result from remediation of releases that have migrated beyond the facility boundary (see 58 FR 8664) [40 CFR 260.10].

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What advantages does designation of a CAMU offer?

By definition, placing remediation wastes into or within a CAMU does not constitute land disposal (see 58 FR 8665) [40 CFR 264.552(a)(1)], and the land disposal restrictions (LDRs) do not apply to such activities. In addition, waste disposal units located within CAMUs need not be designed in accordance with MTRs [40 CFR 264.552(a)(2)].

This means remediation wastes generated either within or outside a CAMU, as a result of corrective action at a DOE facility, can be consolidated into the CAMU without triggering LDRs and MTRs. Also, the remediation wastes can be moved between two or more CAMUs at the site without triggering LDRs or MTRs. Likewise, the “replacement” scenario, where remediation wastes are excavated from a CAMU, treated in a separate unit (which could be located inside or outside the CAMU at the facility), and redeposited into the CAMU, is not a new “disposal” event that triggers LDRs. Also, MTRs do not apply to the excavated area receiving the re-deposited material. Designating a CAMU, however, does not change the authority of EPA or an authorized State to establish or approve clean-up levels, determine media-specific points of compliance to be applied to a facility’s remediation, and make other remedy-selection approval decisions [40 CFR 264.552(h)].

Because CAMUs are exempt from LDRs, innovative technologies may be utilized to treat wastes managed in CAMUs. Under the LDR program, treatment options for certain wastes may be limited to Best Demonstrated Achievable Technology (BDAT).

What is a TU?

A TU is a tank or container storage unit, located within a facility’s boundaries, but not necessarily within a CAMU’s boundaries, that the EPA Regional Administrator or the authorized State has designated to be used for treating and storing remediation wastes generated at the facility. A TU may not be operated for longer than one year without an approved extension [40 CFR 264.553].

What advantages does designation of a TU offer?

The EPA Regional Administrator or the authorized State can replace the Subtitle C standards for tanks and container storage units designated as TUs with alternative requirements, as long as human health and the environment are protected (a hypothetical example would be to allow the substitution of high berms for leak detection equipment or

double-lined tanks) [40 CFR 264.553(a)]. The alternative requirements are based upon site-specific needs and characteristics.

How can designations of CAMUs and TUs be initiated for DOE sites?

CAMUs

If a DOE site has a RCRA permit, designation of CAMUs can be initiated either by the EPA Regional Administrator or the authorized State. DOE may also request that the EPA Regional Administrator or the authorized State initiate the CAMU designation process. The Regional Administrator or the authorized State will decide whether a site will be considered a CAMU based on the following seven decision criteria:

- ☐ The designation will help implement a reliable, effective, protective, and cost-effective remedy.
- ☐ Waste management activities associated with the CAMU will not create unacceptable risks to humans or the environment.
- ☐ In order to manage remediation wastes, the CAMU may include uncontaminated facility areas only if doing so is more protective than managing such waste at contaminated facility areas.
- ☐ Wastes remaining after CAMU closure will be managed and contained to minimize future releases.
- ☐ The designation will expedite the timing of remedial activity implementation when appropriate and practicable.
- ☐ The designation will allow the appropriate use of treatment technologies to enhance remedial action by reducing the toxicity, mobility, or volume of wastes that remain after CAMU closure.
- ☐ The designation will minimize the facility’s land area upon which wastes will remain after CAMU closure [40 CFR 264.552(c)].

TUs

The seven decision criteria that the EPA Regional Administrator or the authorized State will consider when designating a TU are:

- ☐ length of time the unit will operate,
- ☐ type of unit,
- ☐ volume of wastes to be managed,
- ☐ physical and chemical characteristics of wastes to be managed,
- ☐ potential releases from the unit,
- ☐ hydrogeological and other environmental conditions at the facility that may influence migration of releases, and
- ☐ potential exposure to humans and environmental receptors if releases occur from the unit [40 CFR 264.553(a) and (c)].

DOE may be required to provide EPA or the authorized State with information from facility investigations, remedial studies, or other site-specific analyses in order for the regulator to determine whether or not it is feasible to designate a particular site at the facility as a CAMU or whether or not a unit may be designated as a TU. Information requested may include qualitative risk assessments addressing exposure from potential windblown particulates and air emissions during excavation and transportation, and qualitative assessments of other risks (such as to workers, local populations, or ecosystems).

Can CAMUs and TUs be designated at interim status facilities?

CAMUs and TUs can be designated for interim status facilities by EPA or the authorized State through a RCRA Section 3008(h) Order or order modification [40 CFR 265.1(b), 264.552(a) and 264.553(a)]. DOE may confer informally with EPA or the authorized State to encourage agency designation.

Can regulated units be designated as CAMUs?

“Regulated units,” as defined by 40 CFR 264.90(a)(2), are landfills, surface impoundments, waste piles, and land treatment units that received hazardous wastes after July 26, 1982 (see Reference #4). Only closing or closed regulated units (i.e., those units required to begin the closure process under 40 CFR 264.113 or 265.113) can be designated as

CAMUs. Such designation is allowed only if it will enhance implementation of an effective, protective, and reliable remedy for the facility. If a regulated unit is designated as a CAMU, or as part of a CAMU, the 40 CFR Part 264 or 265 ground water monitoring, closure, and post-closure requirements continue to apply after the designation [40 CFR 264.552(b)(2)].

If a regulated unit is located within a designated CAMU but will not be used for remedial purposes, the regulated unit can not be part of the CAMU and must remain a distinct and separate unit subject to all applicable Subtitle C requirements [40 CFR 264.552(b)].

What public participation is required when designating a CAMU or TU?

CAMUs AT PERMITTED FACILITIES

- ☐ If EPA or the authorized State initiates designation of a CAMU, the agency must follow the procedures for agency-initiated permit modifications as set forth in 40 CFR 124 [40 CFR 264.552(g)]. Such procedures require the agency to prepare a draft permit for public comment and issue notice of an opportunity for a public hearing.
- ☐ If DOE personnel request designation of a CAMU, the permit modification request must be processed under the provisions of 40 CFR 270.42 as a Class 3 permit modification [40 CFR 264.552(g)]. This requires DOE to publish public notice of the modification request, place a copy of the request in a publicly accessible location, hold a public meeting, and solicit public comment. The responsible agency (i.e., EPA or authorized State) must then grant or deny the permit modification in accordance with 40 CFR 124. (NOTE: A list of possible RCRA permit modifications and the corresponding class for each (i.e., Class 1, 2, or 3) as designated by EPA is provided in 40 CFR 270.42, Appendix I.) (See Reference #5 for further guidance on public participation in environmental restoration.)

TUs AT PERMITTED FACILITIES

- ☐ If EPA or the authorized State initiates designation of a TU, the agency must follow the procedures for agency-initiated permit modifications as set forth in 40 CFR 124 [40 CFR 264.553(f)(1)]. Such proce-

dures require the agency to prepare a draft permit for public comment and issue notice of an opportunity for public hearing.

- ❑ If DOE requests designation of a TU through a permit modification, it will be processed under the provisions of 40 CFR 270.42 as a Class 2 permit modification [40 CFR 264.553(f)(2)]. These provisions are the same as for Class 3 permit modifications, except EPA or the authorized State may grant the request without issuing a draft permit and providing an opportunity for a public hearing.

CAMUs AND TUs AT INTERIM STATUS FACILITIES

If EPA or the authorized State issues an order or order modification designating a CAMU or TU or granting a TU time extension, a 30- to 45-day public comment period generally will be provided. This period may be reduced or eliminated, however, if the corrective action order (i.e., a RCRA Section 3008 (h) Order) addresses an immediate threat.

How can the operating time of a TU be extended?

In order to grant an extension of the operating time for a TU, the EPA Regional Administrator or the authorized State must determine that continued operation of the unit will not pose a threat to human health and the environment, and that continued use of the unit is necessary to ensure the timely and efficient implementation of remedial actions at the facility. The rule allows only one extension for up to one year [40 CFR 264.553(e)]. Like the designation of a TU, a TU time extension at a permitted facility will be processed as a Class 2 permit modification.

What happens at the end of the specified time limit for a TU, or at the end of an extension?

When the time limit for a TU or a TU extension ends, DOE will be required to cease management of remediation wastes in the TU and to initiate closure of the TU. If it is necessary or desirable to continue waste management in the TU, the unit must be retrofitted to meet applicable 40 CFR 264 or 265 standards for that type of unit. If retrofitting cannot be completed before the end of the extension period, management of waste in the unit must cease until the retrofitting has been completed. Retrofitting of a TU at the end of the operating time limit must be approved through modifications to the applicable permit or order [58 FR 8676].

Can CAMUs and TUs be used at CERCLA sites?

EPA expects CAMUs and TUs to constitute applicable or relevant and appropriate requirements (ARARs) for remediating many CERCLA sites. In the CERCLA context, CAMU and TU requirements that are designated to be ARARs would be incorporated into CERCLA decision documents rather than RCRA permits or orders. EPA anticipates that the increased flexibility offered by CAMUs and TUs will allow EPA or the authorized State to expedite protective and cost-effective remedies at CERCLA sites where they are ARARs, such as at Federal facilities on the National Priorities List. Environmental restoration program managers at DOE sites that are CERCLA sites should investigate whether CAMU and TU final regulations will be ARARs at their sites.

When can DOE request the designation of sites as CAMUs and TUs?

DOE personnel at each site must determine whether the CAMU and TU final rule can be applied in their respective States. EPA has determined that CAMU and TU regulations are less stringent than existing Federal corrective action requirements. The CAMU and TU regulations will not apply in States authorized for the HSWA corrective action program until the States adopt comparable provisions. Furthermore, these States are not required to adopt the rule because it is less stringent than existing corrective action requirements. The rule takes effect immediately only in 1) States that are not authorized for the RCRA base program, and 2) States that are authorized for the RCRA base program, but are not yet authorized for the HSWA corrective action program.

EPA has strongly urged the States to adopt the final CAMU and TU regulations because of the potential benefits from expediting the management of remediation waste.

Questions of policy or questions requiring policy decisions will not be addressed in EH-231 Information Briefs unless that policy has already been established through appropriate documentation. Please refer any questions concerning the subject matter covered in this Information Brief to Jerry Coalgate, RCRA/CERCLA Division, EH-231, (202) 586-6075.

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