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(0075380H)

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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August 15, 2016

16-NWP-140

Mr. Kevin W. Smith, Manager
Office of River Protection
United States Department of Energy
PO Box 450, MSIN: H6-60
Richland, Washington 99352

Mr. Mark A. Lindholm,
President and Project Manager
Washington River Protection Solutions LLC
PO Box 850, MSIN: H3-22
Richland, Washington 99352

Re: Department of Ecology (Ecology) Concurrence with Mutual Letter of Agreement Modifying the SY Settlement Agreement and Stipulated Order of Dismissal, PCHB No. 98-249; No 98-250 (Agreement) Section II.H

References: See page 2

Dear Mr. Smith and Mr. Lindholm:

Ecology concurs with the enclosed Mutual Letter of Agreement to the SY Settlement Agreement (Reference 1) to modify Section II.H of the Agreement, in accordance with Section I.E. This Mutual Letter of Agreement requests concurrence from Ecology to:

1. Set the leak detector probes in the annulus of double-shell tank 241-AY-102 on the surface of the waste instead of one-fourth inch from the floor of the annulus.
2. Suspend the reporting requirements of II.H for tank 241-AY-102 during waste retrieval.

Ecology does not concur with the notification requirements provided in your letter 16-TF-0087 (Reference 2). That letter states you would notify Ecology of a significant change to waste levels in the annulus when not retrieving waste. However, no basis, timing, or amount of waste is given.

In lieu of the notification requirements in II.H, Ecology requires that you notify us within 24 hours if a level increase or decrease of at least one-half inch occurs within a 24-hour period while the waste is not being retrieved or otherwise disturbed. Also, you must notify Ecology within 24 hours if the leak into the annulus from the primary worsens during waste retrieval. We expect you to incorporate the detailed notification requirements in this paragraph into the *241-AY-102 Monitoring Plan*.

Please ensure the enclosed original, signed Mutual Letter of Agreement is placed into the Administrative Record as an addendum to the SY Settlement Agreement.

The Mutual Letter of Agreement is applicable only to tank 241-AY-102; it does not amend the requirements for any other double-shell tank system.



Mr. Smith and Mr. Lindholm
 August 15, 2016
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If you have any questions, please contact Jeff Lyon, Tank Systems Operating and Closure Project Manager, at jeff.lyon@ecy.wa.gov or (509) 372-7914, or Cheryl Whalen, Cleanup Section Manager, at cheryl.whelen@ecy.wa.gov or (509) 372-7924.

Sincerely,

Alexandra K. Smith
 Program Manager
 Nuclear Waste Program

kw/aa
 Enclosure

References:

1. Pollution Control Hearings Board, State of Washington, "SY Settlement Agreement and Stipulated Order of Dismissal, PCHB No. 98-249; No. 98-250", signed and submitted March 15, 1999, effective March 18, 1999
2. Letter 16-TF-0087, dated August 10, 2016, "The U.S. Department of Energy, Office of River Protection and Washington River Protection Solutions LLC Submits Mutual Letter of Agreement to PCHB 98-249; 98-250 (SY Settlement Agreement)" 1239768

cc electronic w/enc:

Dave Bartus, EPA
 Dennis Faulk, EPA
 Reggie Eakins, USDOE
 Thomas Fletcher, USDOE
 Jeremy Johnson, USDOE
 Chris Kemp, USDOE
 Dawn MacDonald, USDOE
 Glynn Trenchard, USDOE
 Steve Cherry, WRPS
 Neil Davis, WRPS
 Doug Greenwell, WRPS
 Rob Gregory, WRPS
 Sebastien Guillot, WRPS
 Jessica Joyner, WRPS
 Robert McPherson, WRPS
 Rebecca Sams, WRPS
 Kent Smith, WRPS
 David Strasser, WRPS
 Mark Tavelli, WRPS
 Ken Niles, ODOE
 Kelly Wood, AGO

cc electronic w/enc:

Steve Lowe, Ecology
 Jeff Lyon, Ecology
 Cheryl Whalen, Ecology
 Kristi Wold, Ecology
 USDOE-ORP Correspondence Control
 WRPS Correspondence Control
 Environmental Portal
 Hanford Facility Operating Record

cc w/enc:

Steve Hudson, HAB
 Administrative Record
 NWP Compliance Index File: 14.489
 SY Settlement Agreement File:
 PCHB 98-249; 98-250
 NWP Central File

cc w/o enc:

Rod Skeen, CTUIR
 Gabriel Bohnee, NPT
 Russel Jim, YN
 NWP Reader File

V. EXECUTION

This document may be executed in counterparts and may be executed by email, and each executed shall have the same force and effect as the original instrument.

WASHINGTON STATE
DEPARTMENT OF ECOLOGY



Alexandra K. Smith
Program Manager

8/15/16

Date

U.S. DEPARTMENT OF ENERGY
Office of River Protection



Kevin Smith
Manager

8/9/2016

Date

WASHINGTON RIVER
PROTECTION SOLUTIONS,
LLC



Mark A. Lindholm
President and Project Manager

8/10/16

Date