



**Department of Energy**  
Richland Operations Office  
P.O. Box 550  
Richland, Washington 99352

14-AMRP-0045

DEC 03 2013

Ms. J. A. Hedges, Program Manager  
Nuclear Waste Program  
State of Washington  
Department of Ecology  
3100 Port of Benton  
Richland, Washington 99354

Dear Ms. Hedges:

NOTICE OF DEFICIENCIES FOR THE 216-B-3 MAIN POND CLOSURE PLAN,  
DOE/RL-2013-24, DRAFT A AND 216-S-10 POND AND DITCH CLOSURE PLAN,  
DOE/RL-2006-12, DRAFT B

- References:
- (1) RL ltr. to J. A. Hedges, Ecology, from J. A. Dowell, "Notice of Deficiencies for the 216-B-3 Main Pond Closure Plan, DOE/RL-2013-24, Draft A and 216-S-10 Pond and Ditch Closure Plan, DOE/RL-2006-12, Draft B," 13-AMRP-0323, dtd. September 25, 2013.
  - (2) Ecology E-Mail to J. A. Dowell, RL, from J. A. Hedges, "RE: B and S Ponds NOD Letter" dtd. September 6, 2013.
  - (3) Ecology ltr. to J. A. Dowell, RL, from N. M. Menard, "Re: Notice of Deficiencies for the 216-B-3 Main Pond Closure Plan (DOE/RL-2013-24, Draft A) and the 216-S-10 Pond and Ditch Closure Plan (DOE/RL-2006-12, Draft B)," 13-NWP-076, dtd. July 12, 2013.

This letter provides the U.S. Department of Energy Richland Operations Office responses to the State of Washington Department of Ecology (Ecology) Notice of Deficiencies (NODs) for the 216-B-3 Main Pond Closure Plan (DOE/RL-2013-24, Draft A) and the 216-S-10 Pond and Ditch Closure Plan (DOE/RL-2006-12, Draft B) dated July 12, 2013. This meets the December 9, 2013, response due date. A 60 day extension was provided by your office to allow time to coordinate new Ecology closure unit guidance currently in progress. Closure unit guidance has yet to be provided. It is recommended that the resolution to the NODs be coordinated with the guidance process to ensure consistency.

Ms. J. A. Hedges  
14-AMRP-0045

-2-

DEC 03 2013

If you have any questions, please contact me or your staff may contact Briant Charboneau, of my staff, on (509) 373-6137.

Sincerely,



Ray J. Corey, Assistant Manager  
for the River and Plateau

AMRP:JPS

Attachment

cc w/attach:

D. B. Bartus, EPA  
G. Bohnee, NPT  
R. Buck, Wanapum  
L. M. Dittmer, CHPRC  
M. H. Doornbos, CHPRC  
R. H. Engelmann, CHPRC  
D. A. Faulk, EPA  
S. Harris, CTUIR  
S. Hudson, HAB  
R. Jim, YN  
R. A. Kaldor, MSA  
N. M. Menard, Ecology  
K. Niles, ODOE  
T. W. Noland, MSA  
R. E. Piippo, MSA  
D. Rowland, YN  
F. A. Ruck III, CHPRC  
Administrative Record  
Environmental Portal

## Attachment

State of Washington Department of Ecology (Ecology) comments and U.S. Department of Energy Richland Operations Office (RL) Responses:

1. Closure performance standards were not clearly defined as required by Washington Administrative Code (WAC) 173-303-610(2) and WAC 173-303-610(3)(a).

Response: Clean Closure performance standards for the Resource Conservation and Recovery Act (RCRA) constituents will be displayed in a table. Cleanup standards for the constituents not regulated by WAC 173-303 will be developed through the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) process in their respective 200-OA-1 and 200-CW-1 Operable Units (Tri-Party Agreement Milestone M-15-38B).

2. A schedule was not included for closure activities as required by WAC 173-303-610(3)(a)(vii).

Response: Tri-Party Agreement Milestones M-037-11 and M-15-38B will be referenced to allow changes to occur without impacting the closure plan. These milestones need to be consistent to ensure RCRA/CERCLA integration.

3. Referencing nonexistent Records of Decisions and Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) documents is unacceptable and does not meet Hanford Federal Facility Agreement and Consent Order (HFFACO) Section 5.3 and/or 5.5.

Response: The Tri Party Agreement, Section 5.5 states that "a procedure to coordinate the Treatment, Storage or Disposal (TSD) unit closure or permitting activity with the past-practice investigation and remediation activity is necessary to prevent overlap and duplication of work..." It is therefore intended for the closure plan to point to the CERCLA process. "The information necessary for performing RCRA closure/postclosures with an operable unit will be provided in various RCRA Facility Investigation/Corrective Measures Study (RFI/CMS) documents...The selected closure/postclosure method and associated design details will (unless otherwise agreed to by the parties) be submitted as part of the CMS report at a later date, as specified in the work plan." (Emphasis added).

More generic wording will be used that refers to the CERCLA process for each operable unit.

4. Statements on "Pre-existing contamination" are not valid in relation to Resource Conservation and Recovery Act sites that operated from 1984 onward. (WAC 173-303-040 "Regulated Units" and HFFACO Section 6.3)

Response: "Pre-existing contamination" refers to releases of dangerous waste constituents that occurred prior to issuance of the RCRA permit for these ponds. This phrase is used in Ecology's clean closure guidance (Section 2.8).

## Attachment

5. Numerous constituents listed in the closure plans as "Added CERCLA Constituents of Potential Concern in Soil" designate as dangerous waste constituents and would require meeting closure performance standards. (WAC 173-303-9903 and WAC 173-303-090)

Response: Contaminants due to releases prior to the RCRA permit for the Ponds are RCRA past practice releases and will be dispositioned through the CERCLA process for the 200-OA-1 Operable Unit.

6. Statements such as "currently appear to meet the clean-closure standards without remediation for the Treatment, Storage, and Disposal Facility constituents" are subjective, inaccurate, and not based on the analytical data for soil. (HFFACO Section 6.3 and WAC 173-3 03-610(2)(b))

Response: The statements will be made more definitive or deleted.

7. Contingent closure plans were not provided as required by WAC 173-303-610(3)(a).

Response: A generic contingent closure plan will be inserted.

8. Under contingent closure plan section, "a modified closure plan" is not found in the regulations under WAC 173-303.

Response: See response #7.

9. Under schedule of closure in the 216-B-3 Main Pond Closure Plan, the CW-1 Remedial Investigation/Feasibility Study (RI/FS) will contain the closure plan as an appendix. Without a schedule for this submittal, Ecology must deny this process since the regulation (WAC 173-303-6 10) requires a written closure plan as part of the permit application process Ecology previously stated to USDOE that a closure plan is required for the permit in accordance with WAC 173 303 806 (2)(A).

Response: This sentence will be deleted.

10. The 216-B-3 Pond and 216-S-10 Pond and Ditch are within the 200-OA-1 Source Operable Unit, not the 200-CW-1 Operable Unit under HFFACO Appendix C.

Response: 216-S-10 Pond is within the 200-OA-1 Operable Unit and 216-B-3 is within the 200-CW-1 Operable Unit according to Appendix C of the Tri-Party Agreement.