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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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April 17, 2012

12-NWP-047

Mr. Matthew S. McCormick, Manager
United States Department of Energy
Richland Operations Office
P.O. Box 550, MSIN: A7-50
Richland, Washington 99352

Mr. John G. Lehew, President
CH2M Hill Plateau Remediation Company
P.O. Box 1600, MSIN: H7-30
Richland, Washington 99352

Re: Proposed Class 2 RCRA Permit Modification and Request for Temporary Authorization at the Hanford Facility 400 Area Waste Management Unit (WMU)

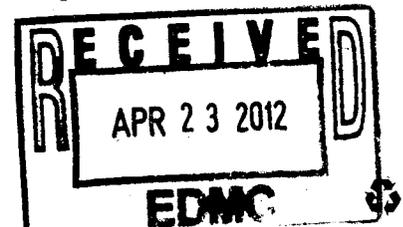
References: See Page 2

Dear Gentlemen:

In response to the USDOE letter dated April 3, 2010 (Reference 1), and as conveyed in email correspondence on April 4, 2012, the Department of Ecology (Ecology) has decided that a temporary authorization is not warranted for the proposed modification to the 400 Area WMU contingency and inspection plans. It is our understanding that weekly inspections have been reinstated at the 400 Area WMU and we cannot see how these additional permit modifications are necessary to avoid disruption of dangerous waste management activities, as required by WAC 173-303-830(4)(e)(iii)(B)(III).

We also understand that, by its letter, USDOE is proposing to submit, at a future date, a Class 2 permit modification request for Addendum J (Contingency Plan) and Addendum I (Inspection Plan) for the 400 Area WMU. USDOE and Ecology agree the current emergency equipment configuration at the 400 Area WMU is not consistent with the 400 Area WMU contingency and inspection plans in revision 8C of the permit and that there are concerns with regard to the status of previous permit modifications (Reference 2). USDOE proposes to submit a permit modification to these plans to reflect current operations. However, we have additional concerns with the plans beyond what is currently proposed in your changes.

First, we require that USDOE continue performing weekly inspections. In addition, we recommend the following path toward resolution of the remaining issues. We request that USDOE place on hold any permit modifications to the 400 Area WMU contingency and inspection plans while Ecology and USDOE come to agreement on the necessary permit language. We are willing to meet with USDOE soon after May 1, 2012 to discuss changes to the contingency and inspection plans. Consistent with our enforcement discretion, we will withhold enforcement related to the activities addressed by the permit changes USDOE is seeking (Reference 1) relating to equipment configuration, in the interests of reaching agreement on exactly how to revise the final permit addendum language and requirements.



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Mr. Matthew S. McCormick
Mr. John G. Lehew
April 17, 2012
Page 2

12-NWP-047

If you have any questions, please contact Andrea Prignano at 509-372-7911.

Sincerely,



Ron Skinnarland
Manager, Waste Management Section
Nuclear Waste Program

ap/jvs

Reference 1: Letter dated April 3, 2012 from Matthew McCormick, United States Department of Energy to J. A. Hedges, Ecology, "*Proposed Class 2 Resource Conservation and Recovery Act (RCRA) Permit Modification and Request for Temporary Authorization at the Hanford Facility 400 Area Waste Management Unit (TSD: S-4-2)*" 1213014

Reference 2: Letter dated November 15, 2011 from Richard Albright, Environmental Protection Agency to Jane Hedges, Ecology, "*Re: Permit Modification Issues regarding the Hanford Facility Resource Conservation and Recovery Act Permit, Dangerous Waste Portion, Revision 8C, EPA/Ecology ID No. WA7 890 008 967*"

cc:

Dave Bartus, EPA
Dennis Faulk, EPA
Stuart Harris, CTUIR
Gabriel Bohnee, NPT
Lela Buck, Wanapum
Dave Rowland, YN
Russell Jim, YN
Susan Leckband, HAB
Ken Niles, ODOE
Administrative Record (FTF, TSD: S-4-2)
Environmental Portal
USDOE-RL Correspondence Control

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