

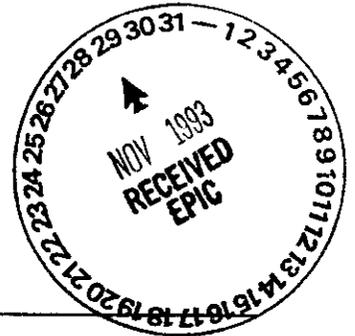
START

0032535

Meeting Minutes Transmittal - Final

Unit Managers Meeting
Nonradioactive Dangerous Waste Landfill
740 Stevens Center, Conference Room 1416
Richland, Washington

Meeting Held
October 18, 1993
From 8:00 to 10:30 a.m.



The undersigned indicate by their signatures that these meeting minutes reflect the actual occurrences of the above dated Unit Managers Meeting.

Robert G. McLeod Date: 11-17-93
Robert G. McLeod, Unit Manager, RL

Not Present

Date: _____
Daniel Duncan, RCRA Program Manager, EPA Region 10

Casey O. Ruud Date: 11-17-93
Casey O. Ruud, Unit Manager, Washington State Department of Ecology

Nonradioactive Dangerous Waste Landfill, WHC Concurrence

Fred A. Ruck III Date: 11/17/93
Fred A. Ruck III, Contractor Representative, WHC

Purpose: Discuss Permitting Process

Meeting Minutes are attached. The minutes are comprised of the following:

- Attachment 1 - Agenda
- Attachment 2 - Summary of Discussion and Commitments/Agreements
- Attachment 3 - Attendance List
- Attachment 4 - Action Items
- Attachment 5 - Presentation on Groundwater of the Nonradioactive Dangerous Landfill
- Attachment 6 - Consent Agreement and Compliance Order, Ecology No. DE 86-133, PCHB No. 86-44, Washington State Department of Ecology, Olympia, Washington.

9413093.0119

Attachment 1

Unit Managers Meeting
Nonradioactive Dangerous Waste Landfill
740 Stevens Center, Conference Room 1416
Richland, Washington

Meeting Held
October 18, 1993
From 8:00 to 10:00 a.m.

Agenda

- 8:00 am NONRADIOACTIVE DANGEROUS WASTE LANDFILL
1. Approval of Past UMM Minutes
 2. Status Action Items
Open - Provide Groundwater Presentation on the NRDWL
 3. Status Closure Activities
- Soil Gas
 4. New Business

10/19/93

Attachment 2

Summary of Discussion and Commitments/Agreements

Unit Managers Meeting
Nonradioactive Dangerous Waste Landfill
740 Stevens Center, Conference Room 1416
Richland, Washington

Meeting Held
October 18, 1993
From 8:00 to 10:30 a.m.

1. Approval of Past UMM Minutes (Ecology/RL/EPA/WHC):

Meeting Minutes for the September 16, 1993, Unit Managers' Meeting (UMM) were approved by all parties.

2. Status Action Items:

Action Items Closed:

Action item #09-16-93, Provide Groundwater Presentation, was closed at this meeting 10-18-93.

A presentation was given by Mr. F. N. Hodges statusing the groundwater monitoring that is currently being conducted at the NRDWL and the Solid Waste Landfill. A copy of the presentation is provided in attachment five. The presentation was compiled from the following references:

DOE-RL, 1993, Quarterly Report of RCRA Groundwater Monitoring Data for Period January 1, 1993 through March 31, 1993, DOE/RL-93-56-1, U.S. Department of Energy, Richland operations Office, Richland, Washington (pp. 18-1 - 18-14).

DOE-RL, 1993, Annual Report of RCRA Groundwater Monitoring Projects at Hanford Site Facilities for 1992, DOE/RL-93-09, U.S. Department of Energy, Richland operations Office, Richland, Washington (pp. 18-1 - 18-12; 19-1 - 19-20).

3. Status Closure Activities:

Soil Gas:

The soil gas sampling involving the gas chromatograph (GC) is complete. A draft report on the GC analysis was transmitted to RL for review. A final report should be available by December 1993.

9413093.015
510-803116

Attachment 4

Action Items

Action Item #

Description

09-16-93

Action item to D. J. Hoff to coordinate presentation on groundwater.

Action Items Closed:

Action item #09-16-93, Provide Groundwater Presentation, was closed at this meeting 10-18-93.

81027002116

Attachment 5

Unit Managers Meeting
Nonradioactive Dangerous Waste Landfill
740 Stevens Center, Conference Room 1416
Richland, Washington

Meeting Held
October 18, 1993
From 8:00 to 10:30 a.m.

Presentation on Groundwater at the Nonradioactive Dangerous Landfill

610760E116

THE NONRADIOACTIVE DANGEROUS WASTE LANDFILL

UNIT MANAGERS MEETING

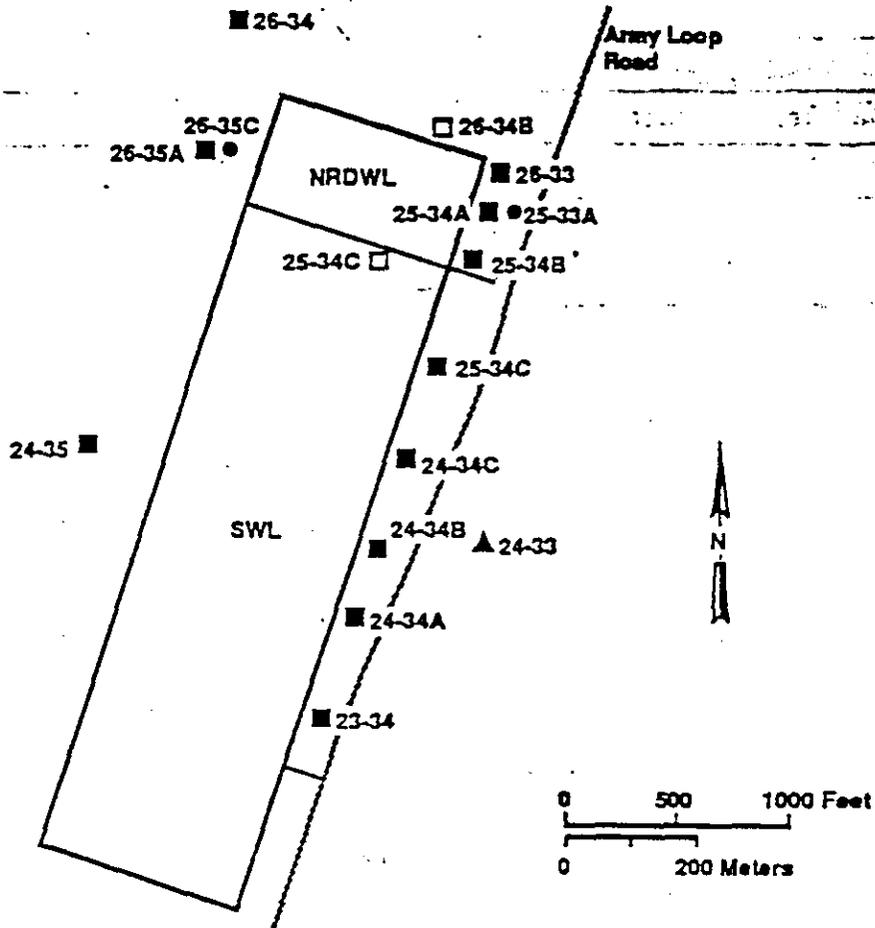
OCTOBER 18, 1993

FLOYD N. HODGES

GEOSCIENCES

WESTINGHOUSE HANFORD COMPANY

Figure 18-1. Map of the Nonradioactive Dangerous Waste Landfill and Solid Waste Landfill Showing the Locations of Groundwater Monitoring Wells.



- Well completed at the top of the unconfined aquifer
- Well completed in the upper Ringold Formation
- ▲ Well not constructed to RCRA specifications
- New RCRA wells completed but not sampled during reporting period

NRDWL Nonradioactive Dangerous Waste Landfill
 SWL Solid Waste Landfill

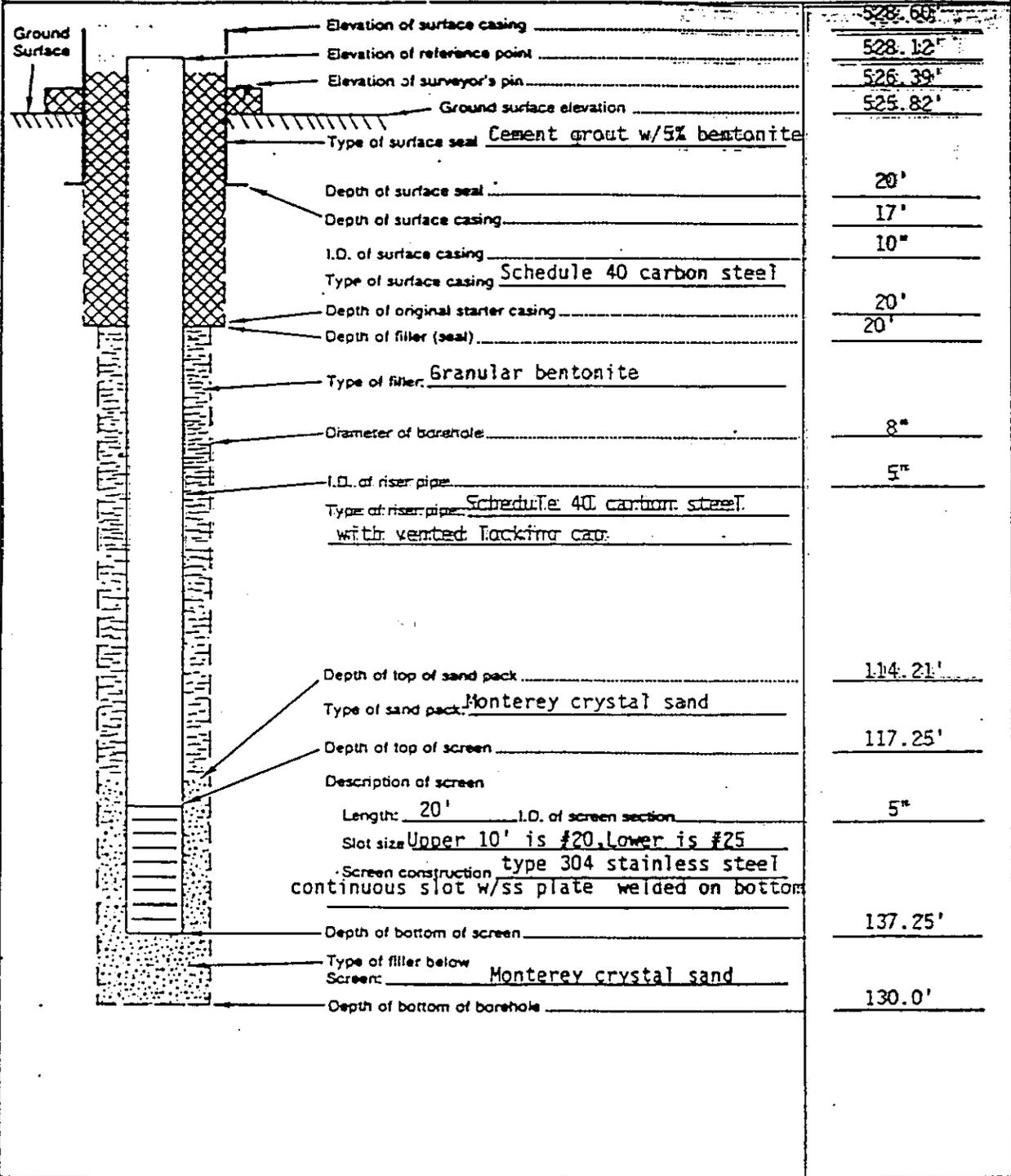
All wells prefixed by 699-

H9012007_95

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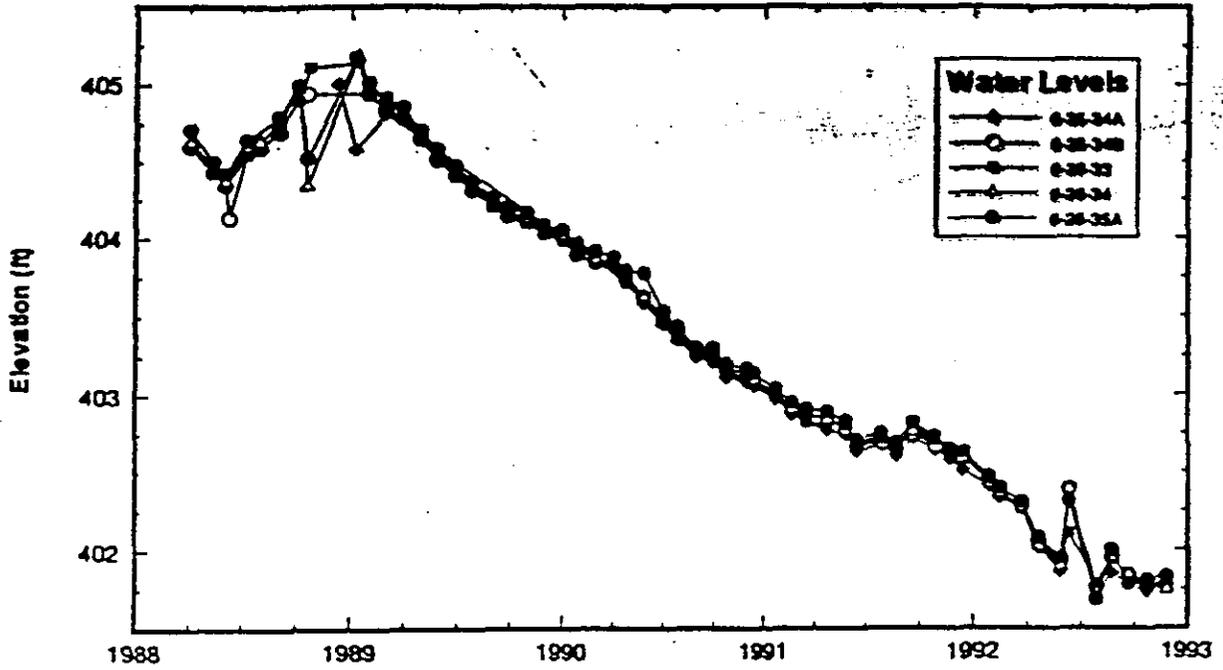
- RECEIVED NONRADIOACTIVE DANGEROUS WASTE 1975 TO 1985
- CONTINUED TO RECEIVE ASBESTOS WASTE UNTIL 1988
- COVERED UNDER 1986 ECOLOGY COMPLIANCE ORDER
- DETECTION LEVEL GROUNDWATER MONITORING PROGRAM INITIATED IN 1986-87
- COVERED UNDER TRI-PARTY AGREEMENT
- CLOSURE PLAN SUBMITTED TO ECOLOGY IN AUGUST 1990

Well Designation	<u>SM-2</u>	Well Construction Summary
Hanford Well Number	<u>699-26-34</u>	<u>N431,376.37</u>
Hanford Coordinates	<u>N26,162.95 W24,483.26</u>	Lambert Coordinates <u>E2,260,774.69</u>
Date Completed	<u>7/3/86</u>	All depths are from ground surface, (no scale given)



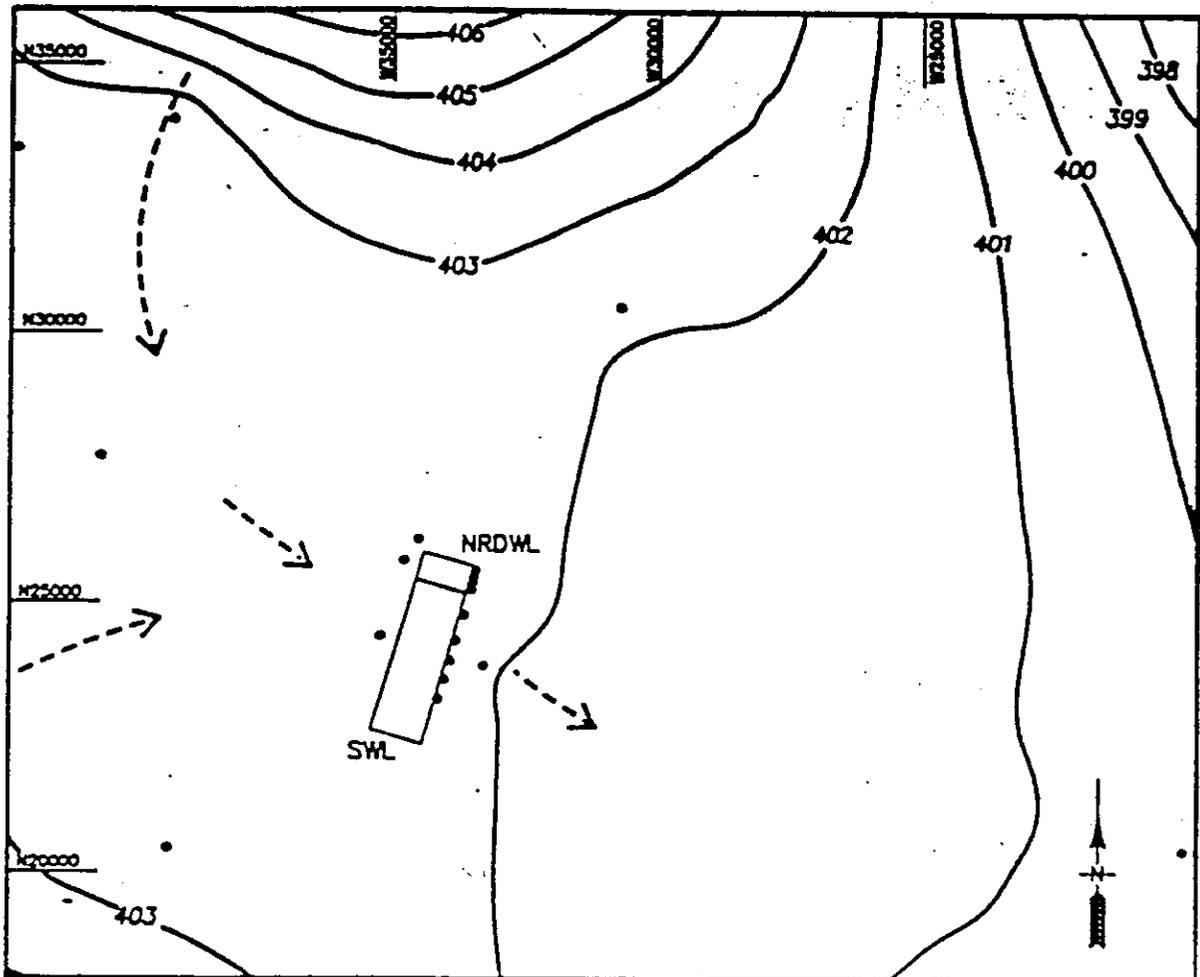
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Figure 18-3. Hydrographs of Monthly Water Level Measurements (Feet Above Mean Sea Level) at the Nonradioactive Dangerous Waste Landfill.



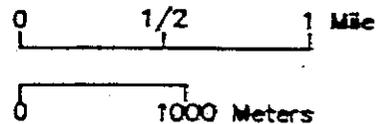
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Figure 18-2. Water Table Map (Potentiometric Surface) for the Vicinity of the Nonradioactive Dangerous Waste Landfill Based on June 1992 Water Level Measurements. Datum is Mean Sea Level (MSL).

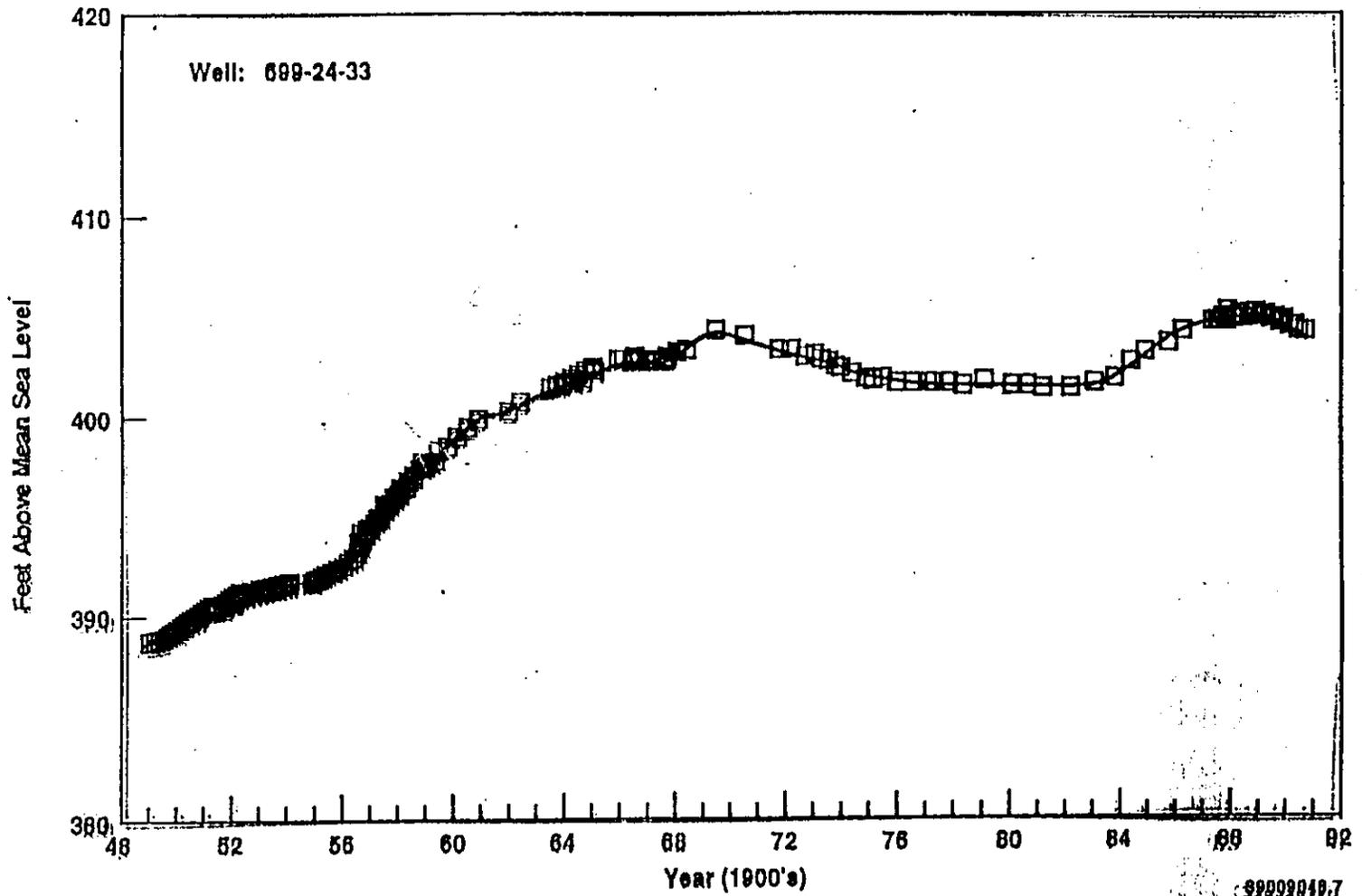


RCRA-AR\010192R1

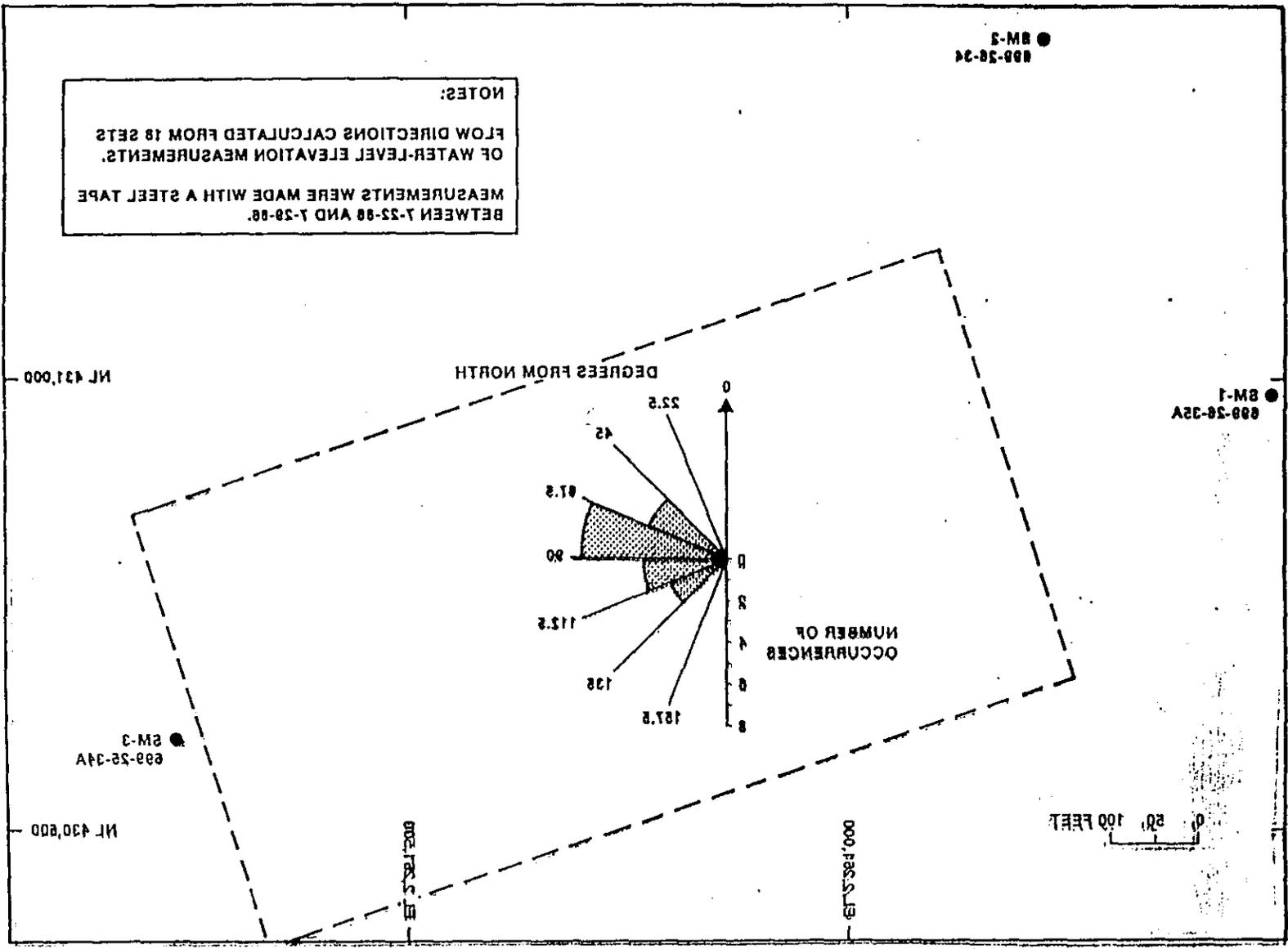
- Groundwater Monitoring Well Location
- 405— Water Table Contour, Feet Above Mean Sea Level
- - -> Generalized Flow Direction
- NRDWL Nonradioactive Dangerous Waste Landfill
- SWL Solid Waste Landfill



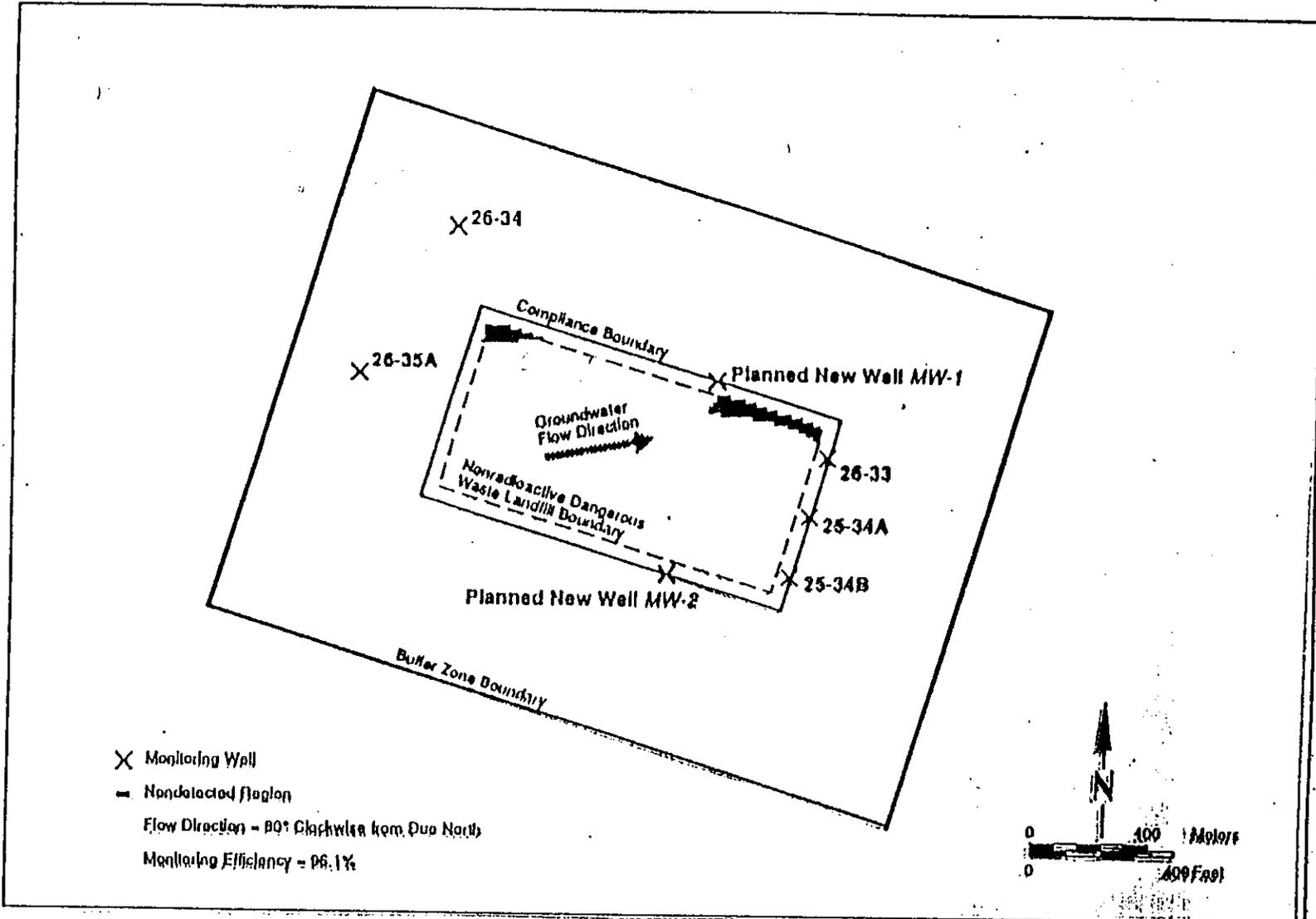
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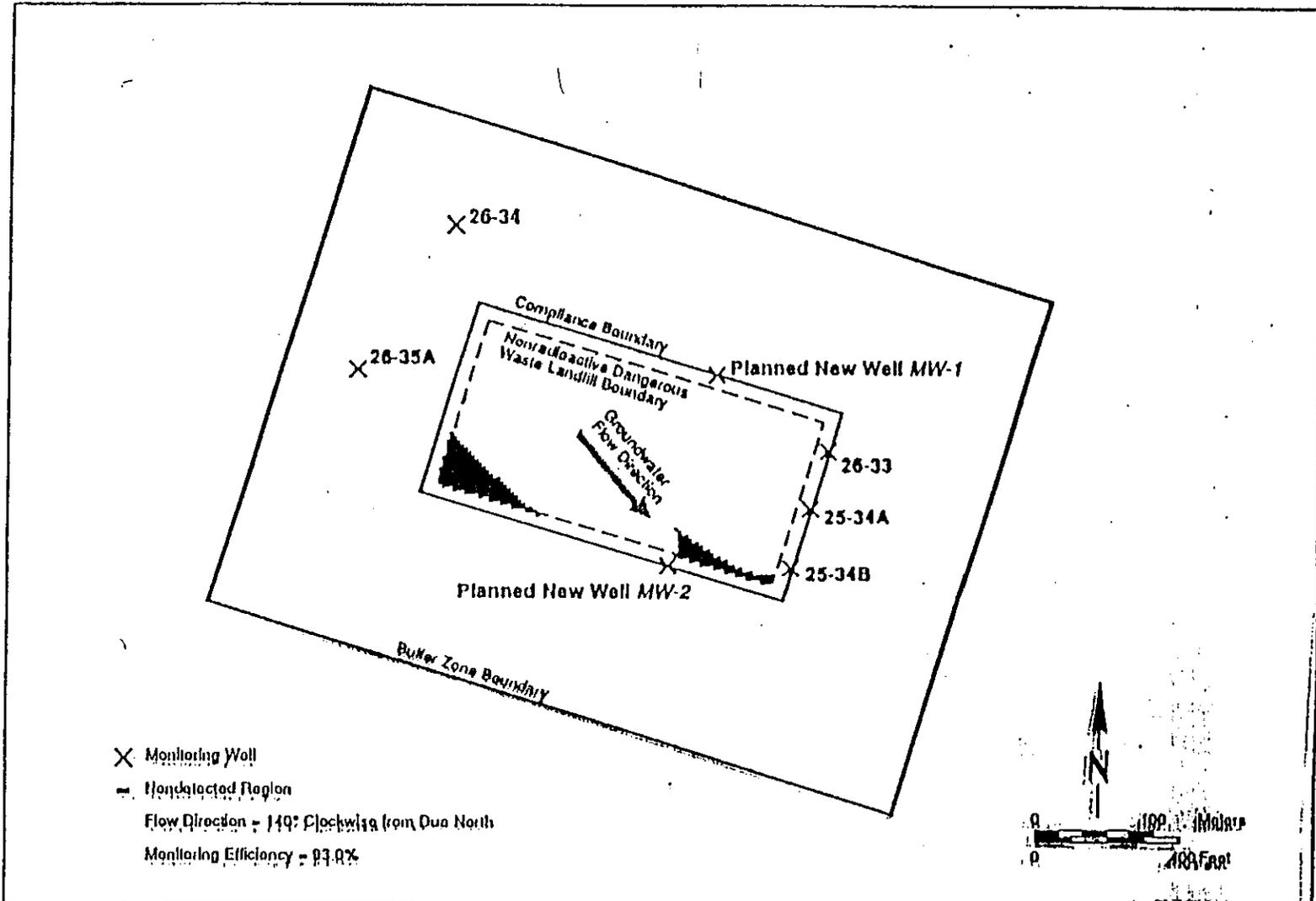


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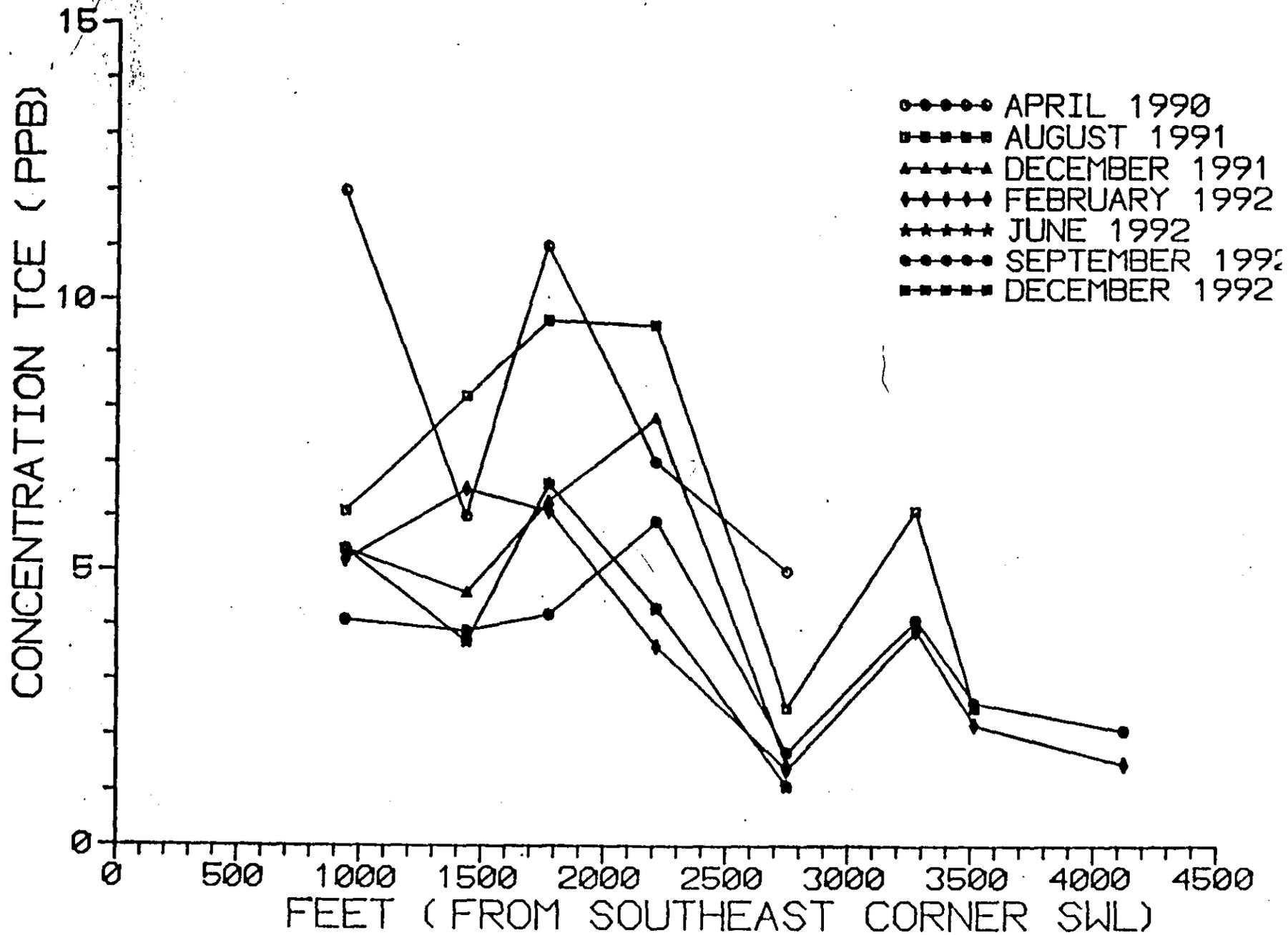


NRDWL

CONSTITUENT	ANNUAL (AUGUST)	SEMIANNUAL (FEBRUARY)
ALKALINITY	X	X
ALPHA	X	X
ANIONS	X	X
BETA	X	X
COLIFORM	X	X
CONDUCTIVITY (F)*	X	X
CONDUCTIVITY (L)	X	X
ICP METALS	X	X
pH (F)*	X	X
pH (L)	X	X
PHENOL	X	
TC	X	X
TDS	X	X
TOC*	X	X
TOX*	X	X
TRITIUM	X	X
VOA (GC)	X	X

* CONTAMINATION INDICATOR PARAMETER

20060815



Attachment 6

Unit Managers Meeting
Nonradioactive Dangerous Waste Landfill
740 Stevens Center, Conference Room 1416
Richland, Washington

Meeting Held
October 18, 1993
From 8:00 to 10:30 a.m.

Consent Agreement and Compliance Order, Ecology No. DE 86-133, PCHB No. 86-44, Washington State Department of Ecology, Olympia, Washington.

1800 960846

OFFICE OF THE
ATTORNEY GENERAL

return to Powers

October 2, 1986

Robert Carosino
United States Department of Ecology
Richland Operations Office
P.O. Box 530
Richland, Washington 99352

Re: Compliance Order

Dear Bob:

Enclosed please find a fully executed original of the Consent Agreement and Compliance Order. I will maintain the original. I have notified the PCHB that we have reached an agreement and the hearing date may be stricken. As the order calls for you to withdraw your appeal, you should probably so notify the Board, and provide them a copy of the Compliance Order.

Please call if you have any questions.

Sincerely,

Kathy
Kathleen D. Mix
Assistant Attorney General
(206) 459-6800

KDM:bnt

Enclosure

Ken Ekenberry Attorney General
Office of Justice Center, Washington 98504-0321

9413093.0135

STATE OF WASHINGTON, DEPARTMENT OF ECOLOGY

State of Washington, Department of Ecology,

Complainant,

v.

United States Department of Energy,
Richland Operations Office,
WA789000896,

Respondent.

ECOLOGY No. DE 86-133
PCRB No. 86-44

CONSENT AGREEMENT AND
COMPLIANCE ORDER

INTRODUCTION

A joint regulatory Compliance Order was issued against respondent United States Department of Energy on February 5, 1986, the State Department of Ecology (Ecology) and the Environmental Protection Agency (EPA). The Regulatory Order alleged violations of the Revised Code of Washington, chapter 70.105 et seq. (the Ecology Hazardous Waste Management Program) and Subtitle C of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. §§ 6912 et seq., and regulations found at chapter 173-303, Washington Administrative Code (WAC), and 40 CFR Parts 260 through 265. The Order compelled the respondent to take actions with respect to its dangerous and hazardous waste activities at the respondent's

KENNETH Q. SIKENBERRY, ATTORNEY GENERAL
Kathleen D. Mix
Assistant Attorney General

Mail Stop PV-11

Olympia, WA 206/459-6800
98504 Telephone

9413093.0186

Ritchland, Washington operation, known as the Hanford Nuclear Reservation.

The parties to this agreement and order have agreed that settlement of this action without further litigation is in the public interest and that entry of this Consent Agreement and Compliance Order is the most appropriate means of resolving this matter. Accordingly, the following Consent Agreement and Compliance Order is hereby executed and agreed to by the parties set forth below.

PARTIES

1. The State of Washington Department of Ecology ("Ecology") is the complainant in this action. The United States Department of Energy ("USDOE") is the respondent in this action. Both these parties are signatories to this Consent Agreement and Compliance Order.

JURISDICTION

2. On February 5, 1986 Ecology issued a regulatory order to USDOE pursuant to chapter 70.105 RCW. Ecology has jurisdiction to enter into this consent agreement and compliance order pursuant to chapter 70.105 RCW and specifically RCW 70.105.095.

3. USDOE agrees to undertake all actions required by the terms and conditions of this Consent Agreement and Compliance Order. USDOE consents to and will not contest the jurisdiction of Ecology regarding entry of this Consent Agreement and Compliance Order.

1 4. All documents submitted hereunder shall be submitted
2 to Ecology and to EPA.

3 5. The provisions of this Consent Agreement and Compliance
4 Order shall be binding on the USDOE whether activities are
5 performed by its employees or contractors.

6 FINDINGS OF FACT

7 Ecology makes the following Findings of Fact:

8 6. The USDOE is a person, as defined in RCW 70.105.101.

9 7. On or about August 14, 1980, USDOE submitted a Notice
10 of Hazardous Waste Activity pursuant to Section 3010 of RCRA.
11 This notice identified USDOE as the owner and operator of a treat-
12 ment, storage and/or disposal facility for hazardous wastes
13 ("TSDF"). The notice also identified USDOE as a generator and
14 transporter of hazardous wastes. On or about November 18, 1980,
15 USDOE submitted Part A of its permit application, which qualified
16 USDOE for interim status for a number of hazardous waste activi-
17 ties pursuant to Section 3005(e) of RCRA. USDOE's Part A applica-
18 tion was modified on several occasions prior to this Consent Agree-
19 ment and Compliance Order, including submissions dated June 3,
20 1985 and September 27, 1985 (further revised in November, 1985).
21 Hazardous waste facilities identified in such Part A permit appli-
22 cations which are now subject to interim status regulation include
23 the following:

24 Nonradioactive dangerous waste landfill
25 300 area process trenches
26 200 areas - low level radioactive burial
27 grounds and retrievable storage facilities

1 183-H - solar evaporation basins
2 2727S - nonradioactive dangerous waste
3 transshipment facility
4 616 - nonradioactive dangerous waste
5 transshipment facility
6 3718F - alkali metal treatment and storage
7 facility
8 437 - maintenance and storage facility
9 221T - contaminated systems test facility
10 105DR - large sodium fire facility
11 324 - sodium removal plant
12 300 area solvent evaporation unit
13 Shock sensitive or potentially explosive
14 chemical detonation areas.

15 8. On May 3, 1984, Ecology ordered USDOE to take immediate
16 action to ensure full compliance with state dangerous waste regula-
17 tions (Order No. DE 84-267). On December 26, 1984, Ecology ordered
18 USDOE, inter alia, to submit to Ecology for review and approval a
19 site-wide dangerous waste ground-water monitoring outline and
20 proposal which would detail USDOE's plan for compliance with
21 interim status ground-water standards pursuant to ch. 173-303 WAC
22 and 40 CFR Part 265, Subpart F. Further, Ecology ordered that
23 compliance with these requirements was to be achieved by August 1,
24 1985.

25 9. On June 11 through 14, 1985, Ecology and EPA conducted
26 an inspection of USDOE's facility located at the Hanford Nuclear
27 Reservation, Benton County, Richland, Washington. In addition,
on or about August 19, 1985, Ecology and EPA received from USDOE
a document entitled "Department of Energy--Richland Operations,
Hanford Site Dangerous Waste Implementation Plan ("Implementation
Plan"), which purports to examine USDOE's compliance with applic-
able regulations as of June 1, 1985.

CONSENT AGREEMENT AND
COMPLIANCE ORDER

1 10. Based upon the June 1985 inspection, subsequent failure
2 to achieve compliance with regulatory requirements by USDOE,
3 review of Part A permit applications, and review of other material
4 submitted to date by USDOE, the following violations have occurred
5 at the USDOE Hanford facility:

6 A. Seven manifests, numbered 64091 through 64097,
7 prepared for the shipment of hazardous wastes from the Hanford
8 facility to Chem-Security Systems, Inc., an off-site TSD, did
9 not bear the name, address, or signature of USDOE, in violation
10 of WAC 173-303-180 (and 40 CFR 262.21).

11 B. Hazardous waste was stored for over 90 days in
12 four nondesignated TSDs (the J.A. Jones Staging Area, Hanford
13 Environmental Health Foundation laboratory, Westinghouse Hanford
14 Company, 340 Staging Area, and the Pacific Northwest Laboratory
15 332 Staging Area), in violation of WAC 173-303-200 (and 40 CFR
16 § 262.34).

17 C. Facility-closure and post-closure plans available
18 during the June 1985 inspection were not adequate to meet the
19 requirements of WAC 173-303-400 (and 40 CFR Part 265, Subpart G).
20 Respondent, in correspondence dated April 1, 1986, has now identi-
21 fied that its closure and post-closure plans available during the
22 June 1985 inspection are superseded and replaced by those plans
23 contained in respondent's most recent Part B permit application
24 submittal, currently under review by EPA and Ecology.

25 D. Dangerous (and hazardous) wastes were disposed of
26 the 183-H Solar Evaporation Basins on at least two occasions,

1 | January 17 and April 22, 1983. Thus, the 183-E Solar Evaporation
2 | basins are a regulated unit within the scope of RCRA and
3 | ch. 70.105 RCW. The units comprising the basin were used as
4 | evaporation tanks by USDOE, qualifying them as storage and treat-
5 | ment tanks pursuant to WAC 173-303-141. USDOE did not include
6 | these basins in its June 3, 1985, or prior Part A applications.
7 | Therefore, the basins had operated as a hazardous waste TSDf with-
8 | out interim status, in violation of ch. 70.105 RCW, ch. 173-303
9 | WAC and RCRA § 3005. The units are currently listed on USDOE's
10 | most recent Part A permit application. In addition, hazardous
11 | wastes and hazardous waste constituents have been released into
12 | the soil and ground water at this site. Such release constitutes
13 | the land disposal of hazardous waste, and subjects the basins to
14 | ground-water regulations found at 40 CFR Part 265, Subpart F.

E. Ground-water monitoring wells at the 183-E Solar Evaporation Basins were inadequate for alternate ground-water monitoring, as described in 40 CFR § 265.90(d). Ground water monitoring wells at the 300 Area Process Trenches, which are land disposal units, were inadequate for alternate ground-water monitoring as described in 40 CFR § 265.90(d). No ground-water monitoring wells existed at the Nonradioactive Dangerous Waste Landfill, and the written ground-water monitoring waiver demonstration has been determined to be invalid for this land disposal unit. Hazardous waste ground-water monitoring systems in compliance with WAC 173-303-400(e), which incorporates 40 CFR Part 265,

Subpart F, have not been implemented at 200 area mixed waste burial grounds and retrievable storage areas.

DETERMINATION

11. On June 3, 1985, and prior to issuance of the Regulatory Order, USDOE was in violation of RCRA and ch. 70.105 RCW and accompanying regulations.

AGREEMENT

12. Ecology has jurisdiction to enter into and enforce this Consent Agreement and Compliance Order. Nothing in the Findings of Fact or the Determination made herein shall be construed as an admission of fact or law, an estoppel or waiver of defenses by USDOE nor shall anything elsewhere in this agreement be considered an admission of fact. USDOE neither admits nor denies the Findings of Fact or Determination stated herein. However, in order to amicably resolve this matter and to avoid further litigation on this matter, USDOE agrees to comply with all actions described in the Compliance Order. USDOE has a duty to comply with applicable requirements of RCRA and ch. 70.105 RCW, and all accompanying regulations.

USDOE agrees to the dismissal of its appeal of the Regulatory Order before the Pollution Control Hearings Board (PCHB No. 86-44). USDOE recognizes that it is the position of Ecology that failure to comply with the final order may subject USDOE to penalties of up to \$10,000 per day to Ecology and the State of Washington, pursuant to RCW 70.105.095. USDOE reserves any defenses it may have to such penalty assertion by Ecology.

CONSENT AGREEMENT AND
COMPLIANCE ORDER

1 As between Ecology and USDOE this Consent Agreement and Final
2 Order supersedes the Joint Regulatory Order issued by Ecology and
3 EPA on February 5, 1986.

4 FINAL ORDER

5 13. Manifest Requirements: USDOE shall comply with all
6 described procedures for the completion of manifests to ensure full
7 compliance with 40 CFR Part 262, Subpart B, and WAC 173-303-180.

8 14. Storage Requirements: USDOE shall comply with the
9 90-day storage requirements of 40 CFR § 262.34 and WAC 173-303-200
10 for the off-site disposal of hazardous waste from its generator-
11 accumulation areas. USDOE shall remove all dangerous (and hazard-
12 ous) wastes stored for more than 90 days from nondesignated TSDFs
13 by July 14, 1986. USDOE shall submit a report demonstrating com-
14 pliance with this Section by July 31, 1986. The provisions of
15 this section do not address other regulations applicable to
16 hazardous waste generators.

17 15. Closure and Post-Closure Plans: Within sixty (60) days
18 of receipt of written comments from Ecology on respondent's clo-
19 sure and post-closure plans, respondent shall modify those plans to
20 fully address the comments, and otherwise comply with requirements
21 of 40 CFR Part 265, Subpart G. This requirement applies to the
22 following seven facilities: nonradioactive dangerous waste land-
23 fill, 2727S and 616 - nonradioactive dangerous waste transshipment
24 facilities, 221T - contaminated systems test facility, 3718F -
25 alkali metal treatment and storage facility, 105DR - large sodium
26

fire facility and 183-H - solar evaporation basins. Such modified plans shall be submitted to Ecology for final review and approval. Any deficiencies in these modified plans noted by Ecology in the final submittal shall be cured (and the plans resubmitted to Ecology) within thirty (30) days. Such modified plans shall become the approved closure plans under the terms of this agreement.

16. Landfill Utilization: USDOE shall not accept hazardous waste at the nonradioactive dangerous waste landfill, the 183-H Solar Evaporation Units or 300 Area Process Trenches, until such time as Ecology recognizes respondent's compliance with 40 CFR Part 265, Subpart F, for the units. The issue of the unit's compliance with regulatory requirements shall be resolved through formal agreement between USDOE and Ecology. The issuance of a RCRA B permit would be one example of such formal agreement.

17. Ground-Water Monitoring:

A. Affected Units: USDOE shall come into compliance with WAC 173-303-400(3) and 40 CFR Part 265, Subpart F (interim status ground-water monitoring requirements), for the following units as soon as is reasonably and practically possible, but no later than the schedules set forth below: Nonradioactive Dangerous Waste Landfill; 183-H Solar Evaporation Units; 300 Area Process Trenches; and 200 east and 200 west mixed waste burial grounds and retrievable storage areas.

B. Compliance Plans: USDOE shall immediately initiate efforts to comply with ground water monitoring requirements at the

identified units through development of compliance plans and initiation of necessary procurement as presented to Ecology and EPA at meetings on March 5, April 15, May 5, and June 11, 1986. USDOE shall provide EPA and Ecology with copies of Requests for Proposals issued in relation to this Final Order. Development of ground-water monitoring systems shall adhere to the following:

(1) Compliance Plans: Contents: A compliance plan for each unit shall be developed and shall include at a minimum, the following:

(a) A narrative description of all work performed to date, to comply with 40 CFR Part 265, Subpart F ("interim status ground-water monitoring requirements").

(b) A copy of all boring logs, well construction location data, results of sampling and analysis, and other hydrogeological data gathered since June 1985, to comply with interim status ground-water monitoring requirements.

(c) A discussion on the need for further hydrogeological investigation at the unit as related to the requirements of the hazardous waste regulations.

(d) An outline and schedule of additional work planned to comply with interim status ground-water monitoring requirements, such that compliance is achieved by the date indicated in Section 18(C), below.

(e) For those units subject to alternate or assessment ground-water monitoring, a discussion of the method of

determining the rate and extent of contamination. Compliance plans shall be submitted according to schedules indicated in Section C, SUPRA.

(2) Compliance Plans: Modifications Prior to Implementation: Ecology may submit written comments on each compliance plan received in the event such plan is inadequate or unacceptable. These comments and proposed modifications may include additions or changes to the Outline and Schedule for Additional Work section of the plan. USDOE shall modify each plan, within thirty (30) days of receipt of comments specific to each compliance plan, to fully address these comments and submit such modified plan to Ecology and EPA prior to performance of scheduled work, to the extent practicable. USDOE shall implement the modified compliance plans according to terms and schedules as set forth in the modified compliance plans.

(3) Compliance Plans: Reporting: For each compliance plan, USDOE shall submit a quarterly report on the status of USDOE's implementation of the outline and schedule for additional work until the plan is fully implemented. These reports shall describe all work done pursuant to this Agreement and Order in the past quarter, and shall present a compilation of all raw data obtained pursuant to this Agreement and Order in the previous quarter. Ecology, in reviewing the quarterly report (which shall be submitted by the 25th day of each subsequent quarter), or any other report submitted by USDOE, may comment on

the report in writing and request modification of the applicable compliance plan including additions and/or alterations to the outline and schedule for additional work. Upon receipt of comments, USDOE shall modify said compliance plan per the terms and procedures set forth in paragraph 2 above. Ecology reserves the right to request additional information at any time regarding compliance with the terms of this agreement.

C. Implementation of Compliance Plans: Specific Units:

(1) Nonradioactive Dangerous Waste Landfill: The March 1986 compliance plan submitted to EPA and Ecology for the nonradioactive dangerous waste landfill satisfies the requirement to submit a ground-water monitoring compliance plan for this unit, subject to supplementation at the request of Ecology. A ground water monitoring system based upon such plan shall be installed by USDOE. A ground-water monitoring system adequate to comply with interim status standards shall be installed no later than December 31, 1986.

(2) 183-H Solar Evaporation Basins: Within forty-five (45) days of the effective date of this Order USDOE shall submit a compliance plan for the 183-H Solar Evaporation Basins. A ground water monitoring system based upon such plan shall be installed by USDOE. Phase II of the ground water monitoring plan, as presented to EPA and Ecology (as modified), designed to comply with interim status standards shall be in place no later than December 31, 1986. Phase II shall include those

1 wells identified in the Revised Phase II Ground Water Monitoring
2 plan presented to EPA and Ecology on June 11, 1986. Phase III of
3 the ground-water monitoring system shall be installed no later
4 than September 30, 1987, to complete compliance with interim
5 status standards.

6 (3) 300 Area Process Trenches: Within -sixty
7 (60) days of the effective date of this Order USDOE shall submit a
8 compliance plan for the 300 Area Process Trenches. A ground water
9 monitoring system based upon such plan shall be installed by
10 USDOE. A ground-water monitoring system adequate to meet interim
11 status standards shall be in place no later than December 31,
12 1986.

13 (4) 200 Area Mixed Waste Burial Grounds and
14 Retrievable Storage Facilities:

15 (a) Within 60 days of the effective date of
16 the Order USDOE shall submit an outline of a proposed compliance
17 plan for the 200 East and 200 West mixed waste burial grounds and
18 retrievable storage facilities. Regulated units within those
19 facilities are identified by USDOE as follows: 218-W-3A, 218-W-3A2,
20 218-W-4C, 218-E-10, and 218-E-12B.

21 USDOE has determined that radioactive mixed waste was not
22 disposed of in sites 218-W-2A and 218-C-9 and will withdraw its
23 permit application for these two sites. Other units identified
24 in the Part B permit application which may be utilized in the
25 future, but which have not been used to date, shall not be
26 subject to this Order.

27 CONSENT AGREEMENT AND
COMPLIANCE ORDER

tion that was not reasonably available at the time of presentation
the compliance plan becomes available to USDOE which indicates
the plan will not result in compliance with applicable ground-water
monitoring regulations by the specified dates, that information
shall be brought immediately to the attention of Ecology. After
submission and evaluation by Ecology, an alternative plan and
schedule may be negotiated by the parties based on such new infor-
mation.

(2) Ecology may require modification or expansion
of ground-water monitoring systems installed pursuant to this
agreement, should such installed systems fail to achieve compliance
with 40 CFR 265 Subpart F.

18. In the event any reviews or circumstances demonstrate a
need for extension of time for any submission or compliance date
set forth above in paragraph 17, it may be modified by the written
agreement of the parties. If agreement on a revised schedule
cannot be reached, or if any party believes that a revised
schedule is not justified, the parties shall resolve any
disagreement over the revised schedule through the conflict
resolution procedures of this agreement.

19. Conflict Resolution: In the event of a dispute arising
between the parties concerning the implementation of any of the
terms of this Agreement, the parties will attempt to resolve the
differences. If the differences cannot be resolved by the two
parties in a timely manner, USDOE will expeditiously prepare a
brief issue(s) paper detailing the circumstances of the dispute

CONSENT AGREEMENT AND
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1 and present the paper to Ecology's project manager. If a resolu-
2 tion is not reached within two weeks of the receipt of this issue
3 paper, the parties will hold a mid-level management meeting to
4 resolve the issues in dispute. If the dispute is still unresolved,
5 higher management levels and respective legal counsels for the
6 parties will be consulted.

7 Should a dispute involving Ecology and USDOE not be resolved
8 by the foregoing procedure, an action may be taken by Ecology to
9 the extent authorized by law to enforce its position on this
10 agreement in an appropriate forum.

11 20. Compliance with Permits and Laws: Compliance with the
12 terms and conditions of this Order shall not in any way be con-
13 strued to relieve USDOE of its obligations to comply with the
14 terms and conditions of any permit, or any applicable federal,
15 state or local law. All actions taken pursuant to this Agreement
16 and Order shall be those authorized by RCRA and ch. 70.105 RCW, as
17 applicable.

18 21. Availability of Funding: USDOE's commitments under
19 this Agreement are subject to the availability of appropriated
20 funds for such purpose. However, should USDOE fail to comply
21 with the terms herein based on a lack of appropriated funds,
22 Ecology reserves all rights to initiate action to require compli-
23 ance with RCRA and ch. 70.105 RCW, including the provisions of
24 § 6001 of RCRA (42 U.S.C. § 6961) at those facilities on the
25 Hanford site subject to such requirements, including those covered
26 by this Agreement and Order, to the extent permitted by law.

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1 22. Submission of Documents: All submittals required under this Order

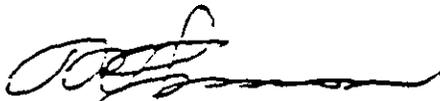
2 shall be submitted in duplicate to Mr. Richard A. Burkhalter, Supervisor,
3 Industrial Section, Washington Department of Ecology, M/S PV-11, Olympia,
4 Washington, 98504. Where provided in this Agreement and Order, duplicate
5 copies shall be provided to Mr. Kenneth D. Feigner, Chief, Waste Management
6 Branch, M/S 533, Environmental Protection Agency, 1200 Sixth Avenue, Seattle,
7 WA 98101.

8
9 IT IS SO AGREED AND ORDERED, effective this 1st day of October, 1986.

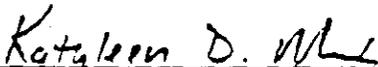
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11 

12 MARC A. HORTON, Deputy Director
13 Office of Operations and Enforcement
14 State of Washington Department of Ecology

15
16 STIPULATED AND AGREED FOR ISSUANCE

17 

18 L. R. Fitzsimmons, Assistant Manager
19 Environment, Safety and Security
20 United States Department
21 of Energy

22 

23 KATHLEEN D. MIX
24 Assistant Attorney General
25 Department of Ecology
26 State of Washington

27 Approved as to form.

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