



Department of Energy

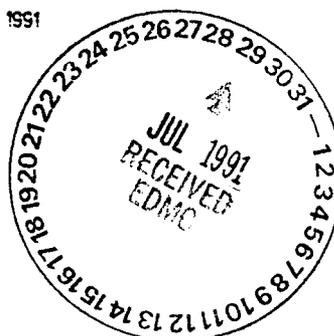
Richland Operations Office
 P.O. Box 550
 Richland, Washington 99352

JUL 19 1991

Incoming: 9103409

91-TPA-131

Mr. Timothy L. Nord
 Hanford Project Manager
 State of Washington
 Department of Ecology
 Mail Stop PV-11
 Olympia, Washington 98504-8711



Dear Mr. Nord:

MEMORANDUM OF UNDERSTANDING BETWEEN DEPARTMENT OF ECOLOGY AND BENTON/FRANKLIN COUNTY HEALTH DISTRICT

DOE Field Office, Richland (RL) has reviewed the proposed Memorandum of Understanding (MOU) between the State of Washington Department of Ecology (Ecology) and the Benton/Franklin County Health District. RL recognizes the statutory ability of counties to contract the administration of the solid waste management program to outside entities. As such, RL concurs that such an agreement is warranted. However, RL disagrees with statements made in the preamble to the MOU. RL, recognizing its obligations under the solid waste management program, approached the Benton/Franklin County Health District regarding regulation of the landfill. RL has not knowingly impeded the district's ability to regulate the landfill and sought permitting by the Health District. RL recommends that the last two "whereas" statements contained in the preamble to the MOU be removed prior to the signing of the MOU.

The scope of the Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement) is limited to RCRA treatment, storage, and disposal units, RCRA corrective action, and CERCLA cleanup activities. It does not include permitting of solid waste disposal as regulated under RCRA Subtitle D or under the state solid waste regulations. Any corrective action required for the solid waste landfill outside of requirements that may be included in the solid waste landfill operating permit is, of course, included within the scope of the Tri-Party Agreement.

Chapter 70.95.185(4) of the Revised Code of Washington, Solid Waste Management - Recovery and Recycling, states that "every application shall be approved or disapproved within ninety days after its receipt by the jurisdictional health department." The landfill permit application was submitted to the Benton/Franklin District Health Department on January 31, 1991. No response has yet been received for this permit application. It is our understanding that action on the permit application is tied to the implementation of the MOU.

Mr. Timothy Nord

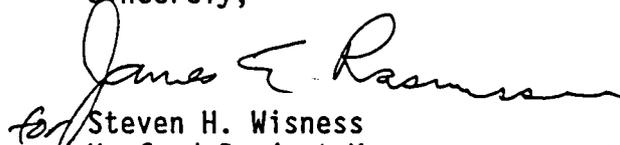
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Until we are advised that the MOU has been implemented, we will continue to address correspondence pertaining to the solid waste landfill activities to the Benton/Franklin District Health Department while providing copies to Ecology. However, we have been coordinating ongoing actions at the landfill, such as design and installation of vadoze zone lysimeters used at arid landfill sites with Paul Stash of your office.

Any questions or concerns you may have on the solid waste landfill permit application or other landfill activities may be addressed to Mr. L. S. Mamiya on (509) 376-1471 or Mr. N. G. Thomas on (509) 376-9624.

Sincerely,


for Steven H. Wisness
Hanford Project Manager

AME:SHW

cc: R. E. Lerch, WHC
T. B. Veneziano, WHC
L. D. Kamberg, BFDHD

