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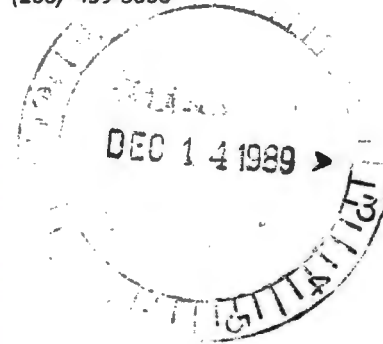
 CHRISTINE O. GREGOIRE
 Director

STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

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December 11, 1989

 Mr. Steve Wisness
 Hanford Project Manager
 U.S. Department of Energy
 P.O. Box 550
 Richland, Washington 99352


Dear Mr. Wisness:

Re: Ecology Response to December 4, 1989 Letter Concerning DOE Responses to RFI/CMS Work Plans for the 100-HR-1 and 100-HR-3 Operable Units

The following is in response to the letter from Roger Freeberg dated December 4, 1989 concerning review of the 100-HR-1 and 100-HR-3 Work Plans. We look forward to discussing selected technical responses regarding these operable units at the December Operable Units Manager Meetings.

This letter notes that USDOE's approach to resolving concerns on integration of 100-HR-1 and 100-HR-3 ground water studies, biotic investigations and data management were presented to Ecology and USEPA at the November Unit Manager's Meeting. These fifteen-minute presentations were responsive to our concerns, and clearly indicated that USDOE and WHC are working toward assuring integration requirements will be met.

However, we believe it is premature to suggest these issues have been resolved. There was little time at this meeting to digest what was presented, and nothing specific has been received in writing to allow further consideration. When Ecology asked to have the viewgraphs (at least) reproduced by the end of the day, we were informed they had not been cleared. The meeting minutes reference these viewgraphs as Attachment #6, but this attachment was not included in the draft minutes received by this office on November 29. The meeting minutes accurately state Ecology indicated the approach presented seemed reasonable, and that we would consider it further in reviewing the revised work plans.

It is apparent from your letter that the numerous conversations held by our respective staffs concerning programmatic comments must be documented to ensure clarification. For example, Ecology has repeatedly stressed that these programmatic comments would not result in duplication of effort or separate processes being required for the remedial investigation of these operable units.

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We have also stated that programmatic comments would not result in major revisions of the work plans. Our goal continues to be the judicious application of statutory and regulatory requirements consistent with federal and state law, and the Hanford Federal Facility Agreement and Consent Order. What is sought in these work plans is adherence to RCRA 3004(u) regulations, guidance and policy in order to assure all parties that final determinations can be justified, and that RCRA requirements will be satisfied without additional field work or documentation.

Also note that Milestone 12-00 states "work plans will meet the requirements of RCRA or CERCLA, depending upon whether the operable unit has been assigned to RCRA Past Practices or to CERCLA." In addition, Sections 7.4.3. and 7.4.4. of the Action Plan call for corrective action and permitting to be done in accordance with current applicable regulations, guidance documents, and written policy available "at any time during the corrective action process."

We also note there is now sufficient RCRA corrective action guidance to draft RCRA past-practice work plans. The four-volume, Interim Final RCRA Facility Investigation Guidance, EPA 530/SW-89-031, issued in May 1989, and the proposed rule Subpart S under 40 CFR 264, 265, 270 and 271, (which is scheduled for issuance in February 1990), provide us with adequate information needed to proceed. Continuing to write work plans for RCRA past-practice operable units using CERCLA guidance is therefore inappropriate and could be counterproductive. All parties will best be served by adherence to applicable regulations and guidance in writing and approving future work plans. To do otherwise makes us prone to incomplete and inefficient remedial investigation and corrective measures studies.

Therefore, Ecology proposes that beginning with the 100-NR-1 work plan, due December 1990, all RCRA past-practice work plans will be written and approved using RCRA corrective action guidance. Already submitted work plans will be reviewed to incorporate this guidance to the extent necessary to assure equivalency with the procedures and goals set forth in EPA 530/SW-89-031.

Analysis subsequent to our letters of October 12 and 20, 1989, regarding CERCLA and RCRA program requirements indicate that at this juncture, there is little discrepancy between the two with regard to processes undertaken during remedial investigation. Ecology has never suggested, and cannot support USDOE's stance that uncertainty concerning these comments must result in "only minimal work on these Operable Units until next fiscal year."

In fact, as indicated in Attachment #1 to the November 17, 1989 Operable Units Managers Meeting minutes, we have suggested that by extending the period of time for preparation for public comment, (and if need be, the period for response and approval), as shown in Figure 7-4, page 7-10 of the Action Plan, these programmatic concerns could be incorporated into both work plans prior to approval. This would result in approval occurring in late April or early May, allowing for a full summer season of drilling activity and other intrusive site characterization field work.

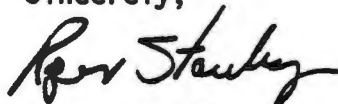
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Consequently, I am asking that USDOE reconsider its December 4, 1989 position, and that our staff work closely to ascertain what, if any, preliminary field work should be delayed. In the interim, we should continue to work toward resolution of any outstanding technical issues.

Finally, we do not agree that a change in the footnote found on page D-9 of the Action Plan, concerning applicable guidance for writing work plans, is a Class I Change. As defined in Section 12.0, a Class I Change "is a change to a major milestone as defined in Section 2.0 (emphasis added)." The footnote references only interim milestones, e.g. M-12-05. Therefore, this change constitutes a Class II Change, given that 1) it affects interim milestones, and 2) it is a change to Appendix C.

We look forward to continued discussions with USDOE and WHC for speedy resolution of these matters of site-wide importance. Comments or inquiries regarding this issue may be directed to myself or Larry Goldstein at (206) 438-7020 or 438-7018.

Sincerely,



Roger Stanley
Program Manager
Nuclear and Mixed Waste Management

RS:tkr

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Subject Ecology Response to December 4, 1989 Letter Concerning DOE Responses to RFI/CMS Work Plans for the 100-HR-1 and 100-HR-3 Operable Units		

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