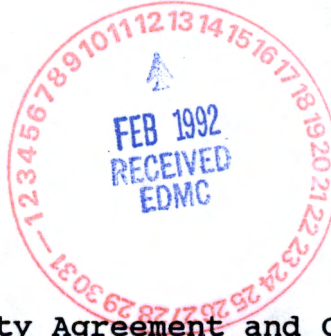




January 31, 1992

Reply To
Attn Of: HW-074

J.P. Hamric
Acting Manager
U.S. Department of Energy
P.O. Box 550, A7-32
Richland, Washington 99352



Re: Hanford Federal Facility Agreement and Consent Order Change
Form M-26-91-1 (Land Disposal Restrictions)

Dear Mr. Hamric:

The U.S. Department of Energy (DOE) submitted the referenced change form to the U.S. Environmental Protection Agency (EPA) and the Washington State Department of Ecology (Ecology) on December 13, 1991. Since the proposed change involves a major milestone, this is a Class I change, requiring concurrence of the signatories to the Tri-Party Agreement. The parties agreed (letter of December 18, 1991) to extend the date for review of this change form to January 31, 1992.

Staff from DOE, Ecology, EPA, and Westinghouse Hanford Company have had several discussions on this issue over the past few weeks. During these discussions, EPA staff has made it very clear that we have no objection to the merger of Milestones M-25-00 and M-26-00, since both require annual reports which are somewhat redundant and are on different schedules for submittal. We continue to support any actions that will increase efficiency, without sacrificing quality of the products.

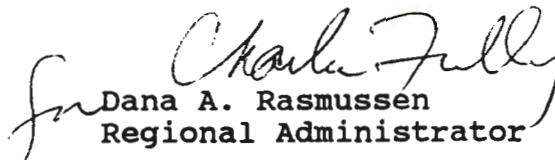
EPA had two general concerns with the change form as submitted on December 13, 1991. The first issue has been resolved to all parties' satisfaction by a slight wording change. The second issue is more troubling to us. DOE is asking that M-26-02 be deleted. This milestone requires DOE to establish interim milestones as part of each annual report, based on updated plans and schedules to achieve compliance with Land Disposal Restrictions (LDR) requirements. This is a straightforward task and is consistent with EPA's approach to schedules of compliance. 40 CFR 270.33(2) states that schedules of compliance which extend beyond one year of permit issuance include interim requirements and the dates for their achievement. Therefore, we are not willing to delete the requirements of M-26-02 from the Tri-Party Agreement.



The change request (M-26-91-1 change form) is disapproved for the reasons specified above. We would suggest that future change requests be discussed in detail with staff prior to submittal to this office. By obtaining staff concurrence wherever possible, we will cut down on the amount of formal paperwork we must deal with.

If you or your staff have questions on this issue, please address them to me at (206) 553-5810 or to Paul Day at (509) 376-6623.

Sincerely,


for Dana A. Rasmussen
Regional Administrator

cc: C. Clark, Ecology
N. Pierce, Ecology
R. Stanley, Ecology
R. Izatt/S. Wisness, DOE
✓ P. Veneziano, WHC

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Subject: HANFORD FEDERAL FACILITY AGREEMENT AND CONSENT ORDER CHANGE FORM
M-26-91-1 (LAND DISPOSAL RESTRICTIONS)

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