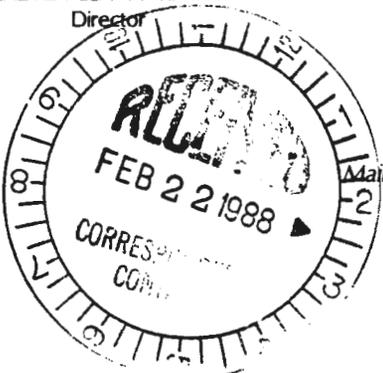


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ANDREA BEATTY RINKER  
Director



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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February 16, 1988

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- KA Gasper
- Donald D. Wodrich

Mr. R. D. Izat, Director  
Waste Management Division  
U. S. Department of Energy  
Post Office Box 550  
Richland, Washington 99352

Mr. R. E. Lerch, Manager  
Waste Management Division  
Westinghouse Hanford Company  
Post Office Box 1970  
Richland, Washington 99352

RECEIVED  
R.E. LERCH

FEB 19 1988

ACTION \_\_\_\_\_  
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Dear Mr. Izat and Mr. Lerch:

Please note the enclosed revised scope of the Hanford agreement which has been redrafted to reflect modifications suggested by both the EPA and Ecology. I have also incorporated USDOE and Westinghouse comments which were made under H. E. McGuire's January 6, 1988 letter to both Randy Smith and myself. I look forward to receiving any final comments you or your staff may have in this regard.

Sincerely,  
*Roger Stanley*  
Roger Stanley  
Hanford Project Manager

cc: John Littler  
Kathy Mix  
Jay Manning  
Randy Smith, EPA



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HANFORD AGREEMENT  
draft scope

February 16, 1988

Format:

Presently not determined. Options under consideration include a Consent Decree (with or without special master), a Consent Order / Compliance Agreement, or a combination thereof. The term "agreement" has been utilized in the following text for ease of discussion.

Purpose:

To establish, in an enforceable agreement: (a) the actions that the Department of Energy and Westinghouse Hanford Company will take to address hazardous waste contamination, hazardous waste facility permitting, and associated compliance problems at the Hanford reservation, and (b) the respective regulatory and oversight responsibilities of the Washington Department of Ecology and the Environmental Protection Agency for those actions. This agreement is envisioned as having two parts: (1) A preamble, containing agreed upon legal clauses and stipulations, and (2) an action plan to be incorporated by reference, and attached thereto. Facility specific work plans (detailing actions to be taken and agreed upon schedules) shall be appended to the action plan (in whole or in part) as developed and shall be enforceable under the provisions of the agreement.

General description of the preamble:

The preamble is envisioned as establishing the legal and policy framework for specific actions to be incorporated within the agreement and subsequently acted upon. The following topics are among those which will be incorporated within the preamble:

- \* Parties
- \* Jurisdiction (including USDOE authority under the AEA)
- \* Respective roles of Ecology and the USEPA
- \* Respective roles of USDOE and its contractors
- \* EPA and Ecology legal determinations
- \* Definitions
- \* Purpose

- \* Determination of facts
- \* Scope of the agreement
- \* Explanation of action and work plans
- \* Major environmental milestone commitments
- \* Reporting requirements
- \* Project managers/coordinators
- \* Submittal and approval of documents
- \* Resolution of disputes
- \* Quality assurance
- \* Retention of records
- \* Access to facilities
- \* Abatement of danger
- \* Amendment of the agreement
- \* Public participation and NEPA compliance
- \* Other applicable laws
- \* Confidential information
- \* Enforcement
- \* Stipulated penalties
- \* Termination
- \* Effective date
- \* Key regulatory determinations
- \* Funding of regulatory agencies
- \* Impact on USDOE funding cycle
- \* Authorized signature authorities

### General description of the Action Plan:

The action plan is envisioned as a separate document, to be attached to and referenced within the preamble, and to be enforceable under its provisions. The action plan shall serve the following functions:

1. It establishes the overall plan for hazardous waste management and corrective action on the Hanford site (under the federal RCRA and CERCLA programs and under parallel state statutes).
2. It establishes a system for setting priorities among these activities, and for establishing schedules and deadlines for individual activities. The initial action plan is envisioned as including priorities, schedules, and deadlines to be completed in the first two years of the agreement. It will also establish an annual process for updating those priorities and schedules, and for adding a new years commitments. Final Approval authority for permitting, compliance, and corrective actions shall lie with Ecology and/or the USEPA as provided by statutory authority.
3. The RCRA section of the Action Plan should delineate those permit related actions and processes necessary for compliance with RCRA and state dangerous waste management programs. Activities to be addressed under this section of the plan will include Part B submittal schedules, permitting of operating or planned units, closure of existing units, closure plan submittal and approval, post closure permitting, and RCRA corrective action. The RCRA section of the plan may also include other actions to be taken by Energy and/or its contractor(s) under RCRA and state dangerous waste rules. The Action Plan should be specific about division of responsibility between Ecology and the USEPA.
4. The CERCLA section of the Action Plan should include the overall plan for breaking the Hanford site down into areas appropriate for separate investigation and decision on remedy ("Operable Units" in Superfund terminology). There should be a plan for remedial investigations and feasibility studies at these units, including specific schedules for those to be initiated in the first two years. The plan should include the process for selecting and implementing remedial action at each unit, and should address both CERCLA requirements and those under the states' Toxic's Control Act. The plan should delineate the respective responsibilities of The EPA and Ecology as regulators.
5. The plan should address the integration of RCRA and CERCLA work. The plan should assure the following:
  - (a) Technical work needed for both programs (e.g. groundwater characterization) will be performed to meet the requirements of both programs.

- (b) Decisions under one program will be consistent with the other.
  - (c) Requirements established under one program can be incorporated into the other program's formal decisions. For example, a CERCLA remedy and schedule can be incorporated into a RCRA permit, fulfilling the RCRA 3004(u) requirements.
6. The plan should explain how the community relations and public participation requirements of federal and state law will be met by the three agencies.
  7. The plan should be specific about any other relevant requirements (e.g. CERCLA administrative record requirements) for this work.