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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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December 14, 2001

Mr. James E. Rasmussen
United States Department of Energy
Office of River Protection
P.O. Box 450, MSIN: H6-60
Richland, Washington 99352

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Dear Mr. Rasmussen:

Reference 1: Letter to Michael A. Wilson, Washington State Department of Ecology, from James E. Rasmussen, United States Department of Energy, "Request for Concurrence for Revision to Silver Working Group List Noncompliant Condition Number 27, Waste in Tank Secondary Containment Systems Catch Tanks 241-A-350, 241-A-417, 241-AZ-151, and 241-AX-152," dated October 16, 2001, 01-EMD-027

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Reference 2: Letter to James E. Rasmussen, United States Department of Energy, from Melinda J. Brown, Washington State Department of Ecology, Re: Letter to Michael Wilson from James E. Rasmussen, "Action Items for A-350 Lift Station, AZ-151 Catch Tank, and AX-152 Catch Tank," dated November 16, 2001

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The Washington State Department of Ecology (Ecology) has reviewed the request in Reference 1 above. This letter serves as notification that Ecology does not agree to a change in the criteria that govern required pumping levels for catch tanks 241-A-350, 241-AZ-151, and 241-A-417. The condition of catch tanks 241-AZ-151 and 241-A-350 remains of great concern to Ecology; therefore, an increase in the action levels from 70 percent to 80 percent is not acceptable.

On November 16, 2001, Ecology sent a letter to the United States Department of Energy's (USDOE's) Office of River Protection (ORP) that contained seven action items for the 241-A-350 Lift Station and catch tanks 241-AZ-151 and 241-AX-152 (Reference 2). Ecology will consider revisiting the issue of action levels only after ORP completes action items 1 and 2 and provides Ecology with a schedule for completion of action items 3 through 7.

Per Table C.1 East and West Area Miscellaneous Underground Storage Tanks and Special Surveillance Facilities in HNF-EP-182, Rev. 161, the weight time factor measurement devices in tank 241-A-417 were removed from service in June 2001. Entries in Table C.1 indicate that the

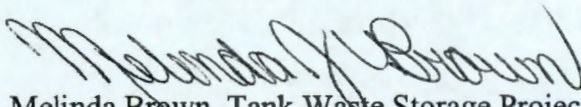
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catch tank remains in active status, but that the readings taken using a zip cord are suspect. Ecology does not deem suspect readings to be adequate assurance that tank 241-A-417 has not leaked; therefore, Ecology does not agree that the action levels in the tank may be raised from 70 percent to 80 percent.

Keeping tank 241-A-417 in active status does not comply with the Actions Required for closure of Silver List Item 27. Those actions included a requirement to remove all pumpable liquid from the tank when Project W-030 was completed. The USDOE also agreed to isolate, stabilize, and transfer the tank to the Inactive Miscellaneous Tanks List. Tank 241-A-417 removal from service did not occur when Project W-030 was completed. According to the USDOE, removal from service has been further delayed by the need to isolate catch tank 241-AX-152. Ecology requires free liquids in the tank to be removed as soon as technically practicable to lessen the risk of release to the environment. Failure to empty catch tank 241-A-417 per the agreement for Silver List Item 27 places the USDOE in jeopardy of Ecology enforcement for a violation of Washington State's Dangerous Waste Regulations. Per those regulations, the owner/operator of a treatment, storage, and disposal facility is required to empty liquids from secondary containment within 24 hours, or in as timely a manner as is possible, to prevent harm to human health and the environment. Within 30 days of receipt of this letter, ORP must present the schedule to pump and isolate the 241-A-417 catch tank to Ecology.

If you have any questions regarding this matter, please feel free to contact me at (509) 736-3027.

Sincerely,


Melinda Brown, Tank Waste Storage Project Manager
Nuclear Waste Program

MB:sb

cc: Dave Bartus, EPA
Doug Sherwood, EPA
Ellen Mattlin, USDOE
Ellery Savage, BNI
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Administrative Record: Silver List Item 27