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**Department of Energy**

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

95-PCA-344

JUN 9 1995

Mr. Randall F. Smith  
U. S. Environmental Protection Agency  
Region 10  
1200 Sixth Avenue  
Seattle, Washington 98101

Mr. Dan Silver  
State of Washington  
Department of Ecology  
P.O. Box 47600  
Olympia, Washington 98504-7600

Dear Messrs. Smith and Silver:

**RESOLUTION OF DISPUTE REGARDING COMPLETION OF HANFORD FEDERAL FACILITY AGREEMENT AND CONSENT ORDER MILESTONES M-17-00A, M-17-14, AND M-17-29**

- References:
- (1) Letter, K. Thompson, RL, to R. Smith, EPA, and D. Silver, Ecology, "Dispute Resolution - Hanford Federal Facility Agreement and Consent Order Change Control Form M-17-95-03," #95-PCA-331, dated May 24, 1995. ✓
  - (2) Letter, J. Wagoner, RL, to C. Clarke, EPA, and M. Riveland, Ecology, "Change Request M-17-95-02: Revise M-17-00A to Allow for Temporary Storage Pending Implementation of BAT/AKART, and Change Request M-17-95-03: Revise Interim Milestones M-17-14 and M-17-29 to Allow Delayed Operation of 200 Area Effluent Treatment Facility (ETF)," #95-PCA-260, dated April 3, 1995. 41010
  - (3) Letter, M. Riveland, Ecology, to J. Wagoner, RL, and C. Clarke, EPA, same subject, dated March 20, 1995. ✓
  - (4) Letter, J. Wagoner, RL, to C. Clarke, EPA, and M. Riveland, Ecology, same subject, #95-LEP-016, dated March 13, 1995. 40595



The subject Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement) Milestone M-17 dispute was initiated on April 3, 1995, (Reference 2) by the U.S. Department of Energy, Richland Operations Office (RL), in response to the disapproval of Tri-Party Agreement Change Control Forms M-17-95-02 and M-17-95-03 (Reference 3) by the State of Washington Department of Ecology (Ecology) and the U.S. Environmental Protection Agency (EPA). A dispute under Ecology Consent Order No. DE 91NM-177 was initiated at the same time in response to Ecology disapproval of a corresponding Consent Order Modification. These Tri-Party Agreement Change Control Forms and Consent Order Modification were originally submitted to EPA and Ecology on March 13, 1995 (Reference 4). 40735 40736

Messrs. Smith and Silver  
95-PCA-344

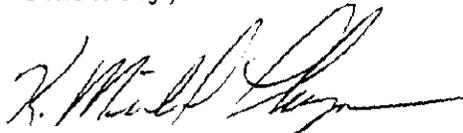
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As a result of numerous dispute resolution efforts by the Parties, the M-17 and Consent Order disputes were formally resolved during a management retreat in Olympia, Washington, during the week of May 22, 1995. On May 25, 1995, RL agreed to withdraw its dispute regarding interim milestones M-17-14 and M-17-29 (Change Control Form M-17-95-03) and its dispute regarding a corresponding milestone in Section 3, Table 1 of the Consent Order in exchange for regulatory agency agreement to approve a change to the descriptive wording of major milestone M-17-00A (Change Control Form M-17-95-02), upon consideration and disposition of public comments. Therefore, please disregard the request to take this dispute before the Dispute Resolution Committee (DRC) and the accompanying written Statement of Dispute which were previously submitted (Reference 1).

RL acknowledges that Tri-Party Agreement interim milestones M-17-14 and M-17-29, and the corresponding milestone in Section 3, Table 1 of the Consent Order, associated with operation of the 200 Area Effluent Treatment Facility (ETF), will be missed. However, major milestone M-17-00A will be satisfied to meet the scheduled June 30, 1995, due date, as a result of the agreed upon change and due to the fact that the 242-A Evaporator Process Condensate waste water is currently being discharged to the Liquid Effluent Retention Facility for passive treatment and interim storage pending startup of the ETF. The exact date for startup and operation of the ETF to satisfy Tri-Party Agreement interim milestones M-17-14 and M-17-29 and the corresponding Consent Order Milestone is being developed as part of the rebaselining of this effort, in light of the significant construction delays that have been encountered. The most current schedule and ETF startup status have been and will continue to be provided to EPA and Ecology via monthly Unit and Project Manager meetings.

If you have any questions regarding this issue, please feel free to call me on (509) 376-6798 or Mr. Thomas K. Teynor, Director, Waste Programs Division on (509) 372-1786.

Sincerely,



K. Michael Thompson  
Acting Hanford Project Manager

EAP:RNK

cc: L. Arnold, WHC  
C. Clarke, EPA  
A. DiLiberto, WHC  
S. Godfrey, WHC  
G. Jackson, WHC  
M. Riveland, Ecology  
M. Selby, Ecology  
D. Sherwood, EPA  
R. Stanley, Ecology

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Author	Addressee	Correspondence No.
K. M. Thompson, RL	R. F. Smith, EPA D. Silver, Ecology	Incoming: 9503045

Subject: RESOLUTION OF DISPUTE REGARDING COMPLETION OF HANFORD FEDERAL FACILITY AGREEMENT AND CONSENT ORDER MILESTONES M-17-00A, M-17-14, AND M-17-29

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