

JUL 0 8 1999

0051445

STAY OF PROCEEDINGS

FOR

DISPUTE RESOLUTION UNDER THE HANFORD FEDERAL FACILITY AGREEMENT AND CONSENT ORDER

AND

ECOLOGY ENFORCEMENT ACTIONS FOR HANFORD LAND DISPOSAL RESTRICTIONS (LDR) PLAN



- References:
1. Letter, L. E. Ruud, Ecology to G. H. Sanders, RL, "Completion of Hanford Federal Facility Agreement and Consent Order Tri-Party Agreement Milestone M-26-01I (99-EAP-263)," dated May 11, 1999.
 2. Letter, L. E. Ruud, Ecology to P. W. Kruger, RL, et al., "Notice of Correction Resulting from the 1998 Land Disposal Restrictions (LDR) Compliance Inspection at Hanford (TPA Milestone M-26-01H)," dated June 3, 1999.
 3. Letter, G. H. Sanders, RL, to M. A. Wilson, Ecology, "Notice of Correction Arising From the 1998 Land Disposal Restrictions (LDR) Compliance Inspection at Hanford (TPA Milestone M-26-01H)," dated June 10, 1999.

50704

50760

50766

On June 3, 1999, the State of Washington, Department of Ecology (Ecology) issued a Notice of Correction (NOC) following an inspection assessing compliance with the requirements called for under Tri-Party Agreement Milestone M-26-01H, specifically for the requirements of the Hanford LDR Plan. The Department of Energy (DOE) is of the opinion that the issues stated in the NOC should be dealt with under the provisions of the Hanford Federal Facility Agreement and Consent Order, also referred to as the Tri-Party Agreement (TPA). Consequently, on June 10, 1999, the DOE initiated the dispute resolution provisions of Article VIII regarding the NOC. Ecology is of the opinion that the TPA dispute resolution process is not an appropriate response to the compliance action.

Discussions between DOE and Ecology are ongoing at the Project Manager level. It is the intention of Ecology and DOE Project Managers to work collaboratively and in good faith in an attempt to resolve the issues raised in the referenced letters. This agreement in no way affects the rights under the Tri-Party Agreement and/or other regulatory rights of either Ecology or DOE. This agreement hereby extends, by 21 days, the following deadlines imposed by both the ongoing Agreement dispute resolution provisions and by provisions of the NOC dated June 3, 1999:

JUL 08 1999

- DOE's ongoing dispute at the Project Managers level. The deadline to elevate this dispute to the Inter Agency Management Integration Team is extended from July 10, 1999 to July 31, 1999.
- The requirement imposed by Agreement Action Plan Section 9.2.1 and Figure 9-1 requiring an updated document and preparation of a response letter within 45 days is extended to 66 days, from July 19, 1999 to August 9, 1999.
- The August 2, 1999 deadline for submittal of any necessary requests for additional time to complete the corrective measures identified in the June 3, 1999 NOC is extended to August 23, 1999,
- The September 3, 1999 deadline for completion and certification of the Corrective Measures specified in the June 3, 1999 NOC is extended to September 24, 1999.
- Ecology agrees not to issue any orders or penalties for violations described in its June 3, 1999 NOC prior to August 1, 1999.

The undersigned hereby mutually agree to abide by the terms stipulated in this Stay of Proceedings.

Agreed to this 8TH day of July 1999:

Jay Turner for Mike Wilson

Mike A. Wilson, Program Manager
Nuclear Waste Program,
State of Washington
Department of Ecology

P. M. Knollmeyer

7/2/99
P. M. Knollmeyer, Executive Manager
Inter-Agency Management Integration
Team
U.S. Department of Energy, Richland
Operations Office

cc: (See next page)

JUL 08 1999

cc: K. R. Fecht, BHI
J. R. Wilkinson, CTUIR
L. J. Cusak, Ecology
L. E. Ruud, Ecology
R. F. Stanley, Ecology
D. R. Sherwood, EPA
S. B. Cherry, FDH
J. S. Hertz, FDH
B. G. Erlandson, LMHC
P. Sobotta, NPT
M. L. Blazek, OOE
H. T. Tilden, PNNL
R. Jim, YIN
Administrative Record, H6-06