



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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January 14, 2003

Mr. James E. Rasmussen
Office of River Protection
United States Department of Energy
P.O. Box 560, MSIN: H6-60
Richland, Washington 99352

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EDMC

Dear Mr. Rasmussen:

Re: Letter 02-OMD-046 to M. Wilson from J. Rasmussen, "Response to the State of Washington Department of Ecology (Ecology) Letter Regarding the Exercising of Enforcement Discretion against Secondary Containment for Transfer Lines SN-277 through SN-280 and LIQW-702", dated July 24, 2002

The United States Department of Energy (USDOE), Office of River Protection (ORP), has requested Ecology concurrence with Project E-525 assumptions and compensatory measures (per reference). The reference outlines four assumptions with compensatory measures. Responses to the assumptions are as follows:

Assumption 1: Ecology agrees with the proposed conditions of use as an option to physical modifications to the transfer lines and secondary containment systems listed in Attachment 1 of the referenced letter.

Assumption 2: Ecology agrees with the proposed condition for the use of the emergency pump-out lines as they are part of secondary containment.

Assumption 3: Ecology agrees with the proposed management of the deferred-use components, as described in the referenced letter.

Assumption 4: Ecology agrees with the proposed management of the drains as they are part of the Double Shell Tank (DST) secondary containment system.

Ecology's long term agreement to exercise enforcement discretion for these tank systems will be contingent upon:

1. Submittal of an adequate, detailed, and complete DST Part B Permit Application for meeting the requirements of Washington Administrative Code (WAC) 173-303-640 Tank Systems. This will include acceptable conditions for response to releases and pressure

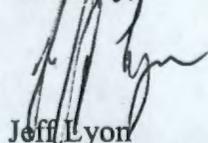
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test failures. It will also include an acceptable plan addressing the proposed criteria for the integrity assessment of the tank system with a schedule.

2. Ecology's issuance of the Part B Permit for the DST System in the year 2006.
3. An Integrity Assessment Report submitted on March 31, 2006, in accordance with Tri-Party Agreement (TPA) milestone M-48-14 certifying the structural integrity and suitability of these systems to handle dangerous waste. If such certification is not given, the requirements of WAC 173-303-640(7) will apply, regardless of whether a variance has been granted pursuant to WAC 173-303-640 (4) (g).
4. Submittal of a request for variance from secondary containment by March 1, 2003, in accordance with 40 Code of Federal Regulations (CFR) 265.
5. Discontinued use of the lines after 2005, unless the USDOE submits a petition for variance from secondary containment pursuant to WAC 173-303-640 (4) (g) by March 1, 2003, which is ultimately approved by Ecology.

Ecology would like to meet and discuss USDOE's plan for development of the integrity assessment plan, the variance request, and criteria and specifications used for construction of the M-43-00 up-grades, by February 1, 2003. If you have any questions or concerns regarding this letter, please feel free to contact me at (509) 736-3098, or Brenda Jentzen at (509) 736-5707.

Sincerely,



Jeff Lyon
Tank Waste Storage Project Manager
Nuclear Waste Program

sdb

cc: Catherine Louie, USDOE-ORP
Mike Royack, USDOE- ORP
Dennis Rewinkel, CHG
William Dixon, CHG
Woody Russell, CHG
Steve Schaus, CHG
Kathleen Tollefson, CHG

Rick Gay, CTUIR
Pat Sobotta, NPT
Russell Jim, YN
Ken Niles, OOE
Administrative Record: M-32, M-43, and
TWRS DST System