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ENVIRONMENTAL PROTECTION AGENCY
REGION 10 SEATTLE WA 98101



P.01 TO: T. Fitzgibbon NO. OF PAGES: 12
OFFICE: Dept of Energy PHONE NO: 509-376-7280
CITY: Richland WA STATE: WA

FROM: C. Findley
OFFICE: High Waste PHONE NO: 1506
CITY: Seattle STATE: WA

*pls call him to tell him this
on the way.*

CONFIRMATION NO:

FTS 399-1580 OR COMMERCIAL 442-1580

TYPES OF MACHINES AND PHONE NUMBERS:

RAPICOM 3300 (High Speed)

Phone Number: 399-4672

DEX 4100 (3 or 6 minutes)

Phone Number: 399-0295

FEB. 06 '86 12:00 EPA SEATTLE REGION X

DOC 1

275, DE 86-132,

DE 86-133

(References)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 10
1200 Sixth Avenue
Seattle, Washington 98101

STATE OF WASHINGTON DEPARTMENT OF ECOLOGY

OLYMPIA, WASHINGTON 98504
MAIL STOP PV-11

State of Washington, Department of
Ecology and United States Environmental
Protection Agency,

vs.

United States Department of Energy,
Richland Operations Office
WA7890008967

) NOTICE OF LEGAL PROCEEDINGS,
) NOTICE OF OPPORTUNITY FOR
) HEARING; AND NOTICE OF
) OPPORTUNITY FOR SETTLEMENT
) MEETING

) IN REFERENCE TO THE FOLLOWING
) ACTIONS:

) EPA NO. 1085-10-07-3008
) ECOLOGY NOS. DE 86-132
) DE 86-133

THE REGIONAL ADMINISTRATOR EPA REGION 10 AND THE DIRECTOR DEPARTMENT OF
ECOLOGY TO: USDOE Richland Operations Office

YOU ARE HEREBY GIVEN NOTICE AS FOLLOWS:

1. Administrative proceedings have been commenced against you (pursuant to the "Consolidated Rules of Practice" (40 C.F.R. Part 22) and chapters 43.21A and 70.105 of the Revised Code of Washington (RCW)). A Regulatory Order is hereby issued to you by the U.S. Environmental Protection Agency ("EPA") and the state of Washington, Department of Ecology ("Ecology"). A penalty is hereby issued to you by Ecology pursuant to RCW 70.105.080.

2. You are hereby NOTIFIED of, and served with, the ATTACHED TRUE COPIES of documents filed in these proceedings. One explains claims for civil penalties demanded from you by Ecology, and the other contains governmental commands of EPA and Ecology which must be obeyed by you.

3. The signed originals of the attached documents are filed with the EPA Regional Hearing Clerk, in Room 413, Park Place Bldg., 1200 Sixth Avenue, Seattle, King County, Washington, 98101, Phone No. (206) 442-1141.

APPEAL PROCEDURES

4. The attached penalty (DE 86-132) is imposed by Ecology only. The attached order (EPA No. 1085-10-07-3008, Ecology No. DE 86-133) is imposed by Ecology and EPA jointly. Therefore, the penalty is appealable only through the applicable state appeal procedures, i.e. to the Washington State Pollution Control Hearings Board. An appeal of Ecology's penalty should be entitled "Request for Review or Appeal," should address the requirements noted within WAC 270-08-075, and should be filed with the

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Pollution Control Hearings Board, Mail Stop PY-21, Olympia, Washington, 98504. The order may be appealed through the state appeal procedure and/or the applicable federal appeal procedure.

5. If you choose to pursue an appeal of either the penalty or the order through the state appeal procedure, you must file appeals therefrom within 30 days of receipt of the penalty or order with the Pollution Control Hearings Board. The penalty herein described is due and payable by you within thirty (30) days of your receipt of this Notice. If, however, for any reason, you believe that the violation herein described did not occur or that you have an explanation as to why it occurred, or any other fact which you believe the department should consider with regard to this penalty, and desire to submit an "APPLICATION FOR RELIEF FROM PENALTY," you should set forth these facts on the enclosed form and return it to the department within fifteen (15) days. This form must be signed under oath before a notary public or any other person authorized to take oaths.

Upon receipt of an "APPLICATION FOR RELIEF FROM PENALTY," the department will consider the same and will either reduce the penalty, remit the penalty, or allow it to remain as originally stated. You will be duly notified by the department of its action. If you apply to Ecology for relief from the penalty pursuant to 70.105.080(2) then the 30 day time period within which you must appeal begins to run on the day you receive the Department's disposition of your application for relief.

In regards to the attached order, you should note that any person who fails to take corrective action as specified in a compliance order is liable for a civil penalty of not more than ten thousand dollars for each day of continued noncompliance. In addition, the department may suspend or revoke any permits and/or certificates issued under the provisions of this chapter to a person who fails to comply with an order directed against him.

Any order shall become final unless, no later than thirty (30) days after the order is served, the person or persons named in the order request a public hearing. The request shall be delivered either by registered mail or personally to the department. Upon receiving a request for a hearing, the department shall promptly conduct a public hearing to consider testimony and new information regarding the order. The department may, at its discretion, either modify the order or maintain it unchanged. The order shall become effective immediately after the department reaches a final decision, unless the department modifies the order to specify another compliance date.

Any appeal filed with the Pollution Control Hearings Board must comply with all procedural and substantive requirements of the

6. If you choose to appeal the order utilizing the federal procedure you must file an "ANSWER" with the EPA Region (address above) within 30 days of receipt of the order

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Any such "ANSWER" you file must: (1) request a hearing to review the Order or such a hearing on the Order is deemed waived; (2) contain clear and direct statements of what specified portions, if any, of the determinations in the Order are materially incorrect and prejudicial; (3) contain a definite statement of each ground in law or in fact for vacating and setting aside all or any portion of the Order; and (4) contain a concise statement of all directions set out in the Order which you genuinely contend are arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.

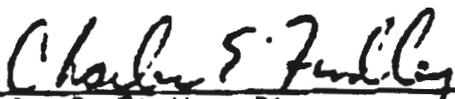
7. If you file a late written response to the Regulatory Order, or if you omit entirely filing any written response to the Regulatory Order, you are subject to being precluded from obtaining adjudicative review regarding said Order.

8. AN INFORMAL SETTLEMENT MEETING can be held at your request at EPA's offices in Seattle, Washington. You may discuss there: (A) Whether any violations alleged in the Regulatory Order truly occurred and (B) The lawfulness of the Regulatory Order.

9. In order to arrange an informal settlement meeting, you must contact Mr. Kenneth D. Faigner, Chief, EPA Region 10, Waste Management Branch, M/S 533, 1200 Sixth Avenue, Seattle, Washington, 98101 at (206) 442-2782 not later than thirty (30) calendar days from receipt hereof.

10. If either EPA or Ecology deems it appropriate to settle all or any portion of their respective claims against USDOE, such settlement shall not be binding upon the other complaining entity. Hence, a settlement agreement between EPA and USDOE shall have no effect on USDOE's obligation to comply with Ecology's demands and likewise a settlement agreement between Ecology and USDOE shall have no effect on USDOE's obligation to comply with EPA's demands.

ISSUED AT SEATTLE, WASHINGTON, this 5th day of Feb, 1986.


Charles E. Findley, Director
Hazardous Waste Division, EPA


Marc A. Norton, Deputy Director
Office of Operations and Enforcement
Washington Department of Ecology

STATE OF WASHINGTON DEPARTMENT OF ECOLOGY
OLYMPIA, WASHINGTON

IN THE MATTER OF THE ASSESSMENT OF)
PENALTY AGAINST THE UNITED STATES)
DEPARTMENT OF ENERGY, RICHLAND)
OPERATIONS OFFICE)

NOTICE OF PENALTY
INCURRED AND DUE
No. DE 86-132

To: United States Department of Energy
Richland Operations Office
Post Office Box 550
Richland, Washington 99352

Notice is hereby given that you have incurred, and there is now due from you, a penalty in the amount of \$49,000 under the provisions of RCW 70.105.080.

I. JURISDICTION

- A. Administrative jurisdiction to issue this Complaint exists under Chapter 70.105 RCW.
- B. The issuing official is the delegated representative of the Washington Department of Ecology ("Ecology").
- C. This penalty is directed to and imposed upon the United States Department of Energy, Richland Operations Office ("USDOE"), an administrative subdivision of the federal government.
- D. Pursuant to RCRA Section 3006, 42 U.S.C. §6926, Ecology is authorized to manage the federal hazardous waste program in the state of Washington in lieu of EPA (with the exception of certain provisions not pertinent hereto). Such management includes the assessment of civil penalties under the authority of the state program.
- E. On the basis of information received by the director, much of which is set forth below, Ecology determines that the USDOE, a "person" within the meaning of RCW 70.105.010 has violated (and/or is in violation of) one or more provisions of Chapter 70.105 RCW and the regulations promulgated thereunder.

II. ALLEGATIONS COMMON TO ALL CLAIMS

- A. On or about August 16, 1980, USDOE submitted a Notice of Hazardous Waste Activity pursuant to Section 3010 of RCRA, identifying USDOE as a generator, transporter and owner and operator of a Treatment, Storage and/or Disposal Facility ("TSEF"). On or about November 1980, USDOE submitted Part A of its permit application qualifying for interim status pursuant to Section 3005 of RCRA. USDOE's Part A was modified by USDOE on May 20, 1985 (and at four (4) other times not pertinent herein) and submitted to Ecology and EPA on or about June 3, 1985.

*Withdrawn
per USDOE direction*

PENALTY

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B. During the period June 11 through 14, 1985 both EPA and Ecology conducted an inspection of USDOE's facility located at the Hanford Site, Benton County, Richland, Washington. Said inspection by Ecology and EPA was performed to determine the extent to which USDOE was complying with applicable state and federal requirements (i.e., WAC 173-303 and the applicable provisions of 40 C.F.R. Parts 262, 263, and 265).

C. During the June 1985 Ecology and EPA inspection of USDOE's facility, a number of documents were requested of USDOE pertaining to USDOE's dangerous (and hazardous) waste activities. On or about September 30, and October 16, 1985 Ecology and EPA received USDOE's partial responses to said Information Request and said agencies have not yet completed their review and evaluation of the documents. As a result, the observations contained herein are not a comprehensive evaluation of USDOE's compliance with applicable requirements for the management of dangerous wastes (and hazardous waste). Further enforcement action may ensue upon completion of the review and evaluation of USDOE's complete submittal or any other new information obtained by Ecology and/or EPA.

D. On or about August 19, 1985, Ecology and EPA received from USDOE a document entitled, "Department of Energy - Richland Operations, Hanford Site Dangerous Waste Implementation Plan" ("Implementation Plan"). Said document purports to examine USDOE's compliance with Ecology's regulations as of June 1, 1985.

E. USDOE has had a continuing obligation to comply with the federal hazardous waste management program as administered by EPA and as more recently administered by Ecology under its Dangerous Waste Management Program (post-August 1983).

F. On or about May 3, 1984 Ecology issued an Order against USDOE (Order No. DE 84-267) ordering USDOE to take immediate action to ensure full compliance with state dangerous waste regulations (i.e., WAC 173-303).

G. On or about December 26, 1984, Ecology issued an Order against USDOE (Order No. DE 84-720) ordering USDOE, inter alia, to submit to Ecology for review and approval a site-wide dangerous waste ground water monitoring Outline and Proposal which would clearly detail the USDOE's plans for compliance with interim status standards pursuant to 40 C.F.R. Part 265, Subpart F. Further, USDOE was to achieve compliance with 40 C.F.R. Part 265, Subpart F by August 1, 1985.

FIRST CLAIM

H. On at least two (2) occasions (i.e., January 17, and April 22, 1983) dangerous (and hazardous) wastes were disposed of into the 183-R Solar Evaporation Basins. Said basins were used as evaporation tanks by USDOE, qualifying them as treatment tanks regulated pursuant to WAC 173-303-141. However, USDOE did not include these tanks in its June 3, 1985 or prior Part A Application submittals and therefore, had operated this unit without interim status in violation of WAC 173-303 (and RCRA §3005).

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SECOND CLAIM

I. USDOE was observed by Ecology personnel, during the June 1985 compliance inspection, to accumulate dangerous waste on-site in at least four (4) nondesignated TSDF's (i.e., J.A. Jones Staging Area (3000 area), Hanford Environmental Health Foundation (HEHF) Research Lab., Westinghouse Corporation 340 Staging area and Pacific Northwest Laboratory (PNL) 332 Staging Area) for greater than 90 days in violation of WAC 173-303-200 (and 40 C.F.R. §262.34).

Rockwell

THIRD CLAIM

J. Based on documents available to Ecology during the June 1985 compliance inspection, USDOE had not developed facility closure and post-closure plans adequate to meet the requirements of WAC 173-303-400, in violation of said requirements which incorporate by reference 40 C.F.R. Part 265, Subpart G. Specific facility plans reviewed covered the Non-radioactive Dangerous Waste landfill, the Nonradioactive Dangerous Waste Storage facility (2727-S), the 221-T Test facility, the 3718-F Alkali Metal Treatment facility and the 105-DR Large Sodium Fire facility.

Closure plans submitted in May

Begin action feedback provide

FOURTH CLAIM

K. USDOE has not installed a ground water monitoring well system capable of immediately detecting the release of hazardous waste or hazardous waste constituents from the Dangerous Waste Landfill and does not have a written demonstration, pursuant to the requirements of 40 C.F.R. §265.90(c). These failures constitute violation(s) of WAC 173-303-400(3) (which in this instance incorporates by reference 40 C.F.R. Part 265, Subpart F). Further, USDOE's July 1985 Request For Waiver does not adequately address the requirements of 40 C.F.R. §265.90(c). Specifically, USDOE's request for waiver failed to demonstrate a low potential for hazardous waste or hazardous waste constituents to migrate from the facility via the uppermost aquifer to surface water. In fact, ground water beneath the Dangerous Waste landfill migrates directly to the Columbia River and therefore USDOE cannot meet the necessary requirements for a waiver and is not in compliance with 40 C.F.R. §265.90(b).

provide date of last waste burial May 14, 1985

review reqmts pt. okay pt

FIFTH CLAIM

L. USDOE has failed to install, operate and maintain a ground water monitoring system in compliance with 40 C.F.R. §265.90(d) at it's 183-H Solar Evaporation Basins. Nor has USDOE installed, operated or maintained a ground water monitoring system in compliance with 40 C.F.R. §265.91 at these land disposal units. Such failure is in violation of the requirements of WAC 173-303-400(3) which incorporate by reference 40 C.F.R., Part 265, Subpart F.

III. NOTICE OF PENALTY INCURRED AND DUE

Accordingly, for such number of separate and distinct violations involved in the conduct alleged herein, you have incurred, and there is

PENALTY

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now due from you, a penalty in the amount of \$49,000.00 under the provisions of RCW 70.105.080. This penalty is due and payable by you within thirty (30) days of your receipt of this notice.

Any appeal of this penalty shall be brought as per the terms of the attached Notice of Proceedings which is hereby incorporated by reference in its entirety into this document.

DATED at Olympia, Washington FEB 05 1986



Marc A. Horton, Deputy Director
Office of Operations and Enforcement,
Washington Department of Ecology

PENALTY

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DOC B

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
EPA REGION 10, SEATTLE, WASHINGTON
1200 SIXTH AVENUE, SUITE 1200

STATE OF WASHINGTON DEPARTMENT OF ECOLOGY
OLYMPIA, WASHINGTON 98504
MAIL STOP PV-11

State of Washington, Department of
Ecology and United States Environmental
Protection Agency,)

EPA No. 1085-10-07-3008
Ecology No. DE 86-133

REGULATORY ORDER

v.)

United States Department of Energy,
Richland Operations Office.
WA7890008967)

I. JURISDICTION

A. Administrative jurisdiction to issue this Complaint exists under 42 U.S.C. §6928 and Chapter 70.105 RCW.

B. The issuing officials are the delegated representatives of the United States Environmental Protection Agency ("EPA") and Washington Department of Ecology ("Ecology").

C. This order is issued to the United States Department of Energy, Richland Operations Office ("USDOE"), an administrative subdivision of the federal government.

D. Pursuant to RCRA Section 3008(a), 42 U.S.C. §6928(a), EPA is authorized to take enforcement action regarding activities (within states granted authority to manage hazardous wastes under RCRA §3006, 42 U.S.C. §6926) which constitute violations of any requirement of any applicable federally approved state program. As the state of Washington received such authorization in August, 1983, noncompliance with the requirements imposed by the approved Washington program, constitutes a violation of both state and federal requirements.

E. EPA has notified the state of Washington of this action as required under RCRA §3008(a)(2), 42 U.S.C. §6928(a)(2). Ecology is herein joining with EPA to initiate this enforcement action pertaining to any of the violations cited in this Order.

F. On the basis of information received by the Director, much of which is set forth below, Ecology determines that the USDOE, a "person" within the meaning of RCW 70.105.010 has violated (and/or is in violation of) one or more provisions of Chapter 70.105 RCW and the regulations promulgated thereunder.

REGULATORY ORDER

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G. On the basis of information received by the Regional Administrator, much of which is set forth below, EPA hereby determines that the USDOE, a "person" within the meaning of 42 U.S.C. §6903(15) has violated (and/or is in violation of) one or more requirements of RCRA Subtitle C, 42 U.S.C. Chapter 82, Subchapter III and the regulations promulgated thereunder.

II. FINDINGS OF FACT

A. On or about August 14, 1980, USDOE submitted a Notice of Hazardous Waste Activity pursuant to Section 3010 of RCRA, identifying USDOE as a generator, transporter and owner and operator of a Treatment, Storage and/or Disposal Facility ("TSDF"). On or about November 18, 1980, USDOE submitted Part A of its permit application qualifying for interim status pursuant to Section 3005 of RCRA. USDOE's Part A was modified by USDOE on May 30, 1985 (and at four (4) other times not pertinent herein) and submitted to Ecology and EPA on or about June 3, 1985.

B. During the period June 11 through 14, 1985 both EPA and Ecology conducted an inspection of USDOE's facility located at the Hanford Site, Benton County, Richland, Washington. Said inspection by Ecology and EPA was performed to determine the extent to which USDOE was complying with applicable state and federal requirements (i.e., WAC 173-303 and the applicable provisions of 40 C.F.R. Parts 262, 263, and 265).

C. During the June, 1985 Ecology and EPA inspection of USDOE's facility, a number of documents were requested of USDOE pertaining to its dangerous (and hazardous) waste activities. On or about September 30, and October 16, 1985 Ecology and EPA received USDOE's partial responses to said Information Request and said agencies have not yet completed their review and evaluation of the documents. As a result, the observations contained herein are not a comprehensive evaluation of USDOE's compliance with applicable requirements for the management of dangerous wastes (and hazardous wastes). Further enforcement action may ensue upon completion of the review and evaluation of USDOE's complete submittal or any other new information obtained by Ecology and/or EPA.

D. On or about August 19, 1985, Ecology and EPA received from USDOE a document entitled, "Department of Energy - Richland Operations, Hanford Site Dangerous Waste Implementation Plan" ("Implementation Plan"). Said document purports to examine USDOE's compliance with Ecology's regulations as of June 1, 1985.

E. USDOE has had a continuing obligation to comply with the federal hazardous waste management program as administered by EPA and as more recently administered by Ecology under its Dangerous Waste Management Program (post-August, 1983).

F. On or about May 3, 1984 Ecology issued an Order against USDOE (Order No. DE 84-267) ordering USDOE to take immediate action to ensure full compliance with state dangerous waste regulations (i.e., WAC 173-303).

G. On or about December 26, 1984, Ecology issued an Order against USDOE (Order No. DE 84-720) ordering USDOE, inter alia, to submit to Ecology for review and approval a site-wide dangerous waste ground water monitoring Outline and Proposal which would clearly detail the USDOE's plans for compliance with interim status standards pursuant to 40 C.F.R. Part 265, Subpart F. Further, USDOE was to achieve compliance with 40 C.F.R. Part 265, Subpart F by August 1, 1985.

Carosino
H. On or about April 24, 1984, dangerous (and hazardous) wastes were transported from USDOE's facility to Chem-Security Systems, Inc., a commercial off-site TSD facility under manifest numbers 64091 through 64097, inclusively. For each manifest, USDOE's EPA i.d. number was used but the generator was listed as "Rockwell Hanford Operations." Based on information supplied by USDOE, it is the USDOE, not Rockwell Hanford Operations, who is the generator of the manifested wastes. USDOE did not enter its name and mailing address on the seven (7) manifests discussed above in violation of WAC 173-303-180 (and 40 C.F.R. 262.21). Further, an employee of Rockwell Hanford Operations signed each manifest discussed above as the generator of the wastes.

I. On at least two (2) occasions (i.e., January 17, and April 22, 1983) dangerous (and hazardous) wastes were disposed of into the 183-H Solar Evaporation Basins. Said basins were used as evaporation tanks by USDOE, qualifying them as treatment tanks regulated pursuant to WAC 173-303-141. However, USDOE did not include these tanks in its June 3, 1985 or prior Part A Application submittals and therefore, had operated this unit without interim status in violation of WAC 173-303 (and RCRA §3005).

J. USDOE was observed by Ecology and/or EPA personnel, during the June 1985 compliance inspection to accumulate dangerous waste on-site in at least four (4) nondesignated TSD facilities (i.e., J.A. Jones Staging Area (3000 area), Hanford Environmental Health Foundation (HEHF) Research Lab., Westinghouse Corporation 340 Staging area and Pacific Northwest Laboratory (PNL) 332 Staging Area) for greater than 90 days in violation of WAC 173-303-200 (and 40 C.F.R. §262.34).

K. Based on documents available to Ecology and/or EPA during the June 1985 compliance inspection, USDOE had not developed facility closure and post-closure plans adequate to meet the requirements of WAC 173-303-400, in violation of said requirements which incorporate by reference 40 C.F.R. Part 265, Subpart G. Specific facility plans reviewed covered the Nonradioactive Dangerous Waste landfill, the Nonradioactive Dangerous Waste Storage facility (2727-S), the 221-T Test facility, the 3718F Alkali Metal Treatment facility, and the 105-DR Large Sodium Fire facility.

L. USDOE has not installed a ground water monitoring well system capable of immediately detecting the release of hazardous waste or hazardous waste constituents from the Dangerous Waste Landfill and does not have a written demonstration, pursuant to the requirements of 40 C.F.R. §265.90(c). These failures constitute violation(s) of WAC 173-303-400(3) (which in this instance incorporates by reference 40 C.F.R. Part 265, Subpart F). Further, USDOE's July 1985 Request for Waiver does not adequately address the requirements of 40 C.F.R. §265.90(c). Specifically, USDOE's waiver demonstration failed to demonstrate a low

potential for hazardous waste or hazardous waste constituents to migrate from the facility via the uppermost aquifer to surface water. In fact, ground water beneath the Dangerous Waste landfill migrates directly to the Columbia River and therefore USDOE cannot meet the necessary requirements for a waiver and is not in compliance with 40 C.F.R. §265.90(b).

H. USDOE has failed to install, operate and maintain a ground water monitoring system in compliance with 40 C.F.R. §265.90(d) at its 183-H Solar Evaporation Basins. Nor has USDOE installed, operated or maintained a ground water monitoring system in compliance with 40 C.F.R. §265.91 at these land disposal units. Such failure is in violation of the requirements of WAC 173-303-400(3) which incorporate by reference 40 C.F.R., Part 265, Subpart F.

H.. USDOE has had a continuing obligation to comply with the federal hazardous waste management program as administered by EPA and the more recently authorized (August 1983) Ecology Dangerous Waste Management Program.

III. CONCLUSIONS OF LAW

Considering the matters set forth above, USDOE has violated WAC 173-303 and has also violated RCRA Subtitle C, 42 U.S.C. Chapter 82, Subchapter III. Accordingly, the issuance of this Order is authorized by RCRA Section 3008(a), 42 U.S.C. §6928(a) and under state law by RCW 70.105.095.

IV. REGULATORY ORDER

Based on the foregoing determinations, it is hereby **COMMANDED AND DIRECTED AS FOLLOWS:**

A. Within 45 days of receipt of this Order, USDOE shall submit to Ecology and EPA a Compliance Plan detailing all planned USDOE actions designed to achieve compliance with 40 C.F.R. Part 265, Subpart F for each land disposal unit subject to ground water monitoring, including the Dangerous Waste Landfill. Further, for areas such as the 183-H Solar Evaporation Basins where a release of hazardous waste and/or hazardous waste constituents has occurred or is occurring from a hazardous waste unit, USDOE must develop, submit to both Ecology and EPA, and implement as soon as technically practicable an Assessment Monitoring Plan in accordance with the requirements of 40 C.F.R. §265.93(d)(3)-(5). Said plans shall call for the installation, sampling and analysis of monitoring wells so spaced vertically and horizontally as to determine the rate and extent of migration and the concentrations of hazardous waste and hazardous waste constituents in the ground water in accordance with 40 C.F.R. Part 265, Subpart F. Compliance with 40 C.F.R. Part 265, Subpart F at all above referenced units shall be achieved as soon as practicable but no later than 120 days of receipt of this order.

E. USDOE shall, immediately upon receipt of this Order, cease accepting dangerous waste in the Nearradioactive Dangerous Waste Landfill. This

prohibition shall continue in effect until compliance with 40 C.F.R. Part 265 Subpart F, as noted within paragraph A above, has been achieved and recognized by Ecology and EPA.

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C. Within 120 days of receipt of this order, USDOE shall submit to Ecology and EPA interim status facility closure and post closure plans meeting the requirements of WAC 173-303-400 which incorporates by reference 40 C.F.R. Part 265, Subpart G. Said plans shall cover the Nonradioactive Dangerous Waste landfill, the Nonradioactive Dangerous Waste Storage facilities (2727-S and 616), the 221-T Test facility, the 3718-T Alkali Metal Treatment facility, the 105-DR Large Sodium Fire facility and the 1983-H Solar Evaporation Basins.

*Rockwell
do DOE
by 3/1/86
check QA
aspects
Rockwell*

D. Immediately upon receipt of this Order, USDOE shall institute procedures to insure that on-site generator operations do not store wastes outside permitted storage areas for periods of time greater than 90 days. Within 30 days of receipt of this Order, USDOE shall submit a report to both Ecology and EPA describing those procedures and methods followed by USDOE to assure continued compliance with WAC 173-303-200 and 40 C.F.R. §262.34.

E. Immediately on receipt of this order, USDOE shall fully comply with the requirements of 40 C.F.R. Part 262, Subpart B (manifest requirements) and the applicable provisions of WAC 173-303-180 and within 30 days shall submit a report to both Ecology and EPA describing the procedures and methods being followed to assure continued compliance.

F. Any appeal of this order shall be brought as per the terms of the attached Notice of Proceedings which is hereby incorporated by reference in its entirety into this document.

All plans, reports, or other submissions required by this Order shall be submitted in duplicate to Mr. Kenneth D. Feigner, Chief, Waste Management Branch, M/S 533, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101 and to Mr. Richard A. Burkhalter, Supervisor, Industrial Section, Washington Department of Ecology, Mail Stop PV-11, Olympia, Washington 98504.

ISSUED at Seattle this 5th day of Feb, 1986.

Charles E. Findley
Charles E. Findley, Director
Hazardous Waste Division
Environmental Protection Agency

Marc A. Horton
Marc A. Horton, Deputy Director
Office of Operations and Enforcement
Washington Department of Ecology