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Department of Energy

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

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APR 03 1995

95-PCA-260

Mr. Chuck Clarke
Regional Administrator
U.S. Environmental Protection Agency
Region 10
1200 Sixth Avenue
Seattle, Washington 98101

Ms. Mary Riveland, Director
State of Washington
Department of Ecology
P.O. Box 47600
Olympia, Washington 98504-7600

Addressees:

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) 407-10213

Reference: Letter, M. Riveland to J. Wagoner and C. Clarke, "same subject," dated March 20, 1995. 407-10213

On March 27, 1995, the U. S. Department of Energy, Richland Operations Office (RL), the State of Washington Department of Ecology (Ecology), and the U. S. Environmental Protection Agency (EPA) failed to reach agreement on the subject formal Class I Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement) change control form M-17-95-02, Class II Tri-Party Agreement change control form M-17-95-03, and the corresponding Ecology Consent Order No. DE-91NM-177 Modification.

Pursuant to the Tri-Party Agreement, Article XL, EXTENSIONS, RL is notifying you of its objection to the disapproval by Ecology and EPA of Tri-Party Agreement change control form M-17-95-02, "Revise M-17-00A to Allow for Temporary Storage Pending Implementation of BAT/AKART," Tri-Party Agreement change control form 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)," and the corresponding Ecology Consent Order No. DE-91NM-177 Modification. RL hereby invokes its rights under Tri-Party Agreement Article VIII, RESOLUTION OF DISPUTES and Article VII, DISPUTE RESOLUTION of Consent Order DE-91NM-177.



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Regarding the disapproval of change control form M-17-95-02, Ecology cites the lack of opportunity for public comment as the reason for disapproval (reference). However, you should be well aware that the opportunity for public involvement on this change request has been initiated and is well under way. Discussions with the Public Involvement Officers from each of the parties and with the Hanford Advisory Board, Health, Safety, and Waste Management Committee have resulted in a determination that the level of public involvement warranted for this issue can be achieved via distribution of a Focus Sheet to the public. Therefore, RL will take the action to resolve the dispute regarding change control form M-17-95-02 by providing the opportunity for public comment as described above. Upon receipt and disposition of all public comments to the satisfaction of the parties, RL will resubmit this change request for your approval, as indicated by the referenced letter.

Regarding the disapproval of change control form M-17-95-03, Ecology cites the belief that it would be inappropriate to extend interim milestones M-17-14 and M-17-29, driving completion and operation of the 200 Area Effluent Treatment Facility (ETF), because it would send a message that we are doing so simply to maintain compliance and also to send a message that the ETF must be completed at the earliest possible date. RL concurs with the desire to start up the ETF at the earliest practical date; however, extenuating circumstances have caused a delay in construction completion of the ETF that is unrecoverable. Additionally, significant cost savings from combining the 242-A Evaporator and ETF operating staffs could be realized given the schedule extension requested. The requested extension has financial benefits and does not adversely affect the environment, the health and safety of the public or workers, other Tri-Party Agreement commitments, or regulatory compliance of the affected facilities. Therefore, RL continues to maintain its position as stated in change control form M-17-95-03, as good cause exists for allowing the requested extension.

Resolution of the dispute regarding change control form M-17-95-03 has been thoroughly exhausted at the Unit Manager level; therefore, your concurrence to immediately raise this dispute to the Project Manager level is requested. This would then allow the project managers 44 days for resolution prior to the Ecology Project Manager's final written decision. In addition, RL requests Ecology to utilize the dispute resolution process of the Tri-Party Agreement in lieu of the requirements of Consent Order No. DE-91NM-177, in order that the parties may avoid the redundancy of two separate appeal processes for the same issue. Concurrence on both of these deviations from normal protocol is requested immediately in order to proceed with a timely resolution of these disputes.

Unless otherwise notified, RL will arrange a meeting of the Project Managers to initiate dispute resolution efforts for change control form M-17-95-03 and the corresponding Ecology Consent Order DE-91NM-177 Modification.

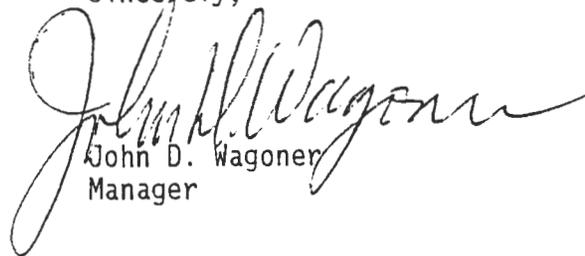
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If you have any questions regarding these issues, please contact Ms. Elizabeth M. Bowers of the Waste Programs Division on (509) 373-9276 or Mr. Steven H. Wisness of the Environmental Assurance, Permits, and Policy Division on (509) 376-6798.

Sincerely,



John D. Wagoner
Manager

cc: A. DiLiberto, WHC
S. Godfrey, WHC
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CORRESPONDENCE DISTRIBUTION COVERSHEET

Author	Addressee	Correspondence No.
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Subject: CHANGE REQUEST M-17-95-02: REVISE M-17-00A TO ALLOW FOR TRMPORARY 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)

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