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STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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March 8, 2005

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Mr. Keith A. Klein, Manager  
Richland Operations Office  
United States Department of Energy  
P.O. Box 550, MSIN: A7-50  
Richland, Washington 99352

Dear Mr. Klein:

Re: Request for Procedural Closure of 303-M Uranium Oxide Facility (T-3-2) submitted in letter from K. Klein (USDOE) to M. Wilson (Ecology), dated January 5, 2005

The Washington State Department of Ecology (Ecology) has considered the United States Department of Energy's (USDOE) second request to withdraw the Resource Conservation and Recovery Act (RCRA) Part A, Form 3, Permit Application for the 303-M Oxide Facility (303-M), in accordance with the Procedural Closure process outlined in Section 6.3.3 of the Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement).

The first request for withdrawal of the 303-M Oxide Facility Part A Permit Application was submitted to Ecology in a letter, dated August 31, 1992. Ecology denied that request. The USDOE responded by invoking dispute resolution per the Tri-Party Agreement (TPA). As part of the resolution process, USDOE submitted a TPA Issue Analysis Worksheet (Worksheet) in which the USDOE proposed to conduct final disposition of 303-M as part of, and during, the 618-1 Burial Ground remediation process under the Comprehensive Environmental Response, Compensation, and Liability Act. The Worksheet incorporated the substantive portions of the Washington State Dangerous Waste Regulations as Applicable or Relevant and Appropriate Requirements into the agreement. The Worksheet also states that "Ecology agrees the 303-M is not required to comply with dangerous waste interim status requirements." The advantages as stated in the Worksheet are that "the proposed resolution allows disposition of the 303-M to substantive RCRA standards without undue expenditure of taxpayer resources and duplication of the administrative processes, which includes costs for cleanup of the 303-M and the 618-1 Burial Grounds". The agreement to implement this resolution was documented November 15, 1993.

The agreement, described above, reflects the cumulative efforts of our agencies to accomplish the ultimate goal of remediation of contaminated sites in a cost effective and environmentally protective manner. Our agencies demonstrated great cooperation and professionalism to allow a



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cost effective and environmentally protective remediation to occur at the 303-M Facility. Ecology's goal for the ultimate removal and disposition of the facility has not changed and we stand by the agreement in place.

Section 6.3.3 of the TPA, Procedural Closure, does not apply to 303-M because this facility did treat and store waste. Procedural closure is used for those treatment, storage, and disposal (TSD) units which were classified as being TSD units but were never actually used to treat, store, or dispose of hazardous mixed waste.

Ecology will retain the 303-M Oxide Facility RCRA Part A, Form 3, until it is satisfied that an appropriate disposition of the unit has occurred. Ecology will inspect the site upon removal to slab on grade and disposition of the 303-M Facility. If Ecology is satisfied the building has been removed, USDOE will be directed to submit the Part A, Form 3, stamped "closed". Ecology would then terminate interim status. This will allow disposition of the 303-M to the substantive standards without undue expenditure of taxpayer resources and duplication of the administrative processes, including the cost of cleanup.

If you have any questions regarding this correspondence, please call Jeanne Wallace at (509) 372-7931.

Sincerely,



Rick Bond  
Transition Project Manager  
Nuclear Waste Program

JW:nc

cc: Nick Ceto, EPA  
Jim Bauer, BHI  
Scott Feaster, BHI  
Jim Golden, BHI  
Roger Landon, BHI  
Thomas Logan, BHI  
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Todd Martin, HAB  
Ken Niles, ODOE  
Administrative Record: T-3-2  
Environmental Portal