



1246851
(0067747H)

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

3100 Port of Benton Blvd • Richland, WA 99354 • (509) 372-7950
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

November 7, 2017

17-NWP-161

Mr. Brian T. Vance, Manager
Office of River Protection
United States Department of Energy
PO Box 450, MSIN: H6-60
Richland, Washington 99352

Mr. Mark A. Lindholm, President
Washington River and Protection Solutions, LLC
PO Box 850, MSIN: H3-21
Richland, Washington 99352

Re: Enforcement Discretion Regarding the Double-Shell Tank (DST) System and 204-AR Waste Unloading Station (WUS) Emergency Use Only – Secondary Containment Components and Non-Compliant Deferred Use Components, RCRA Site ID: WA7890008967

Reference: See page 3

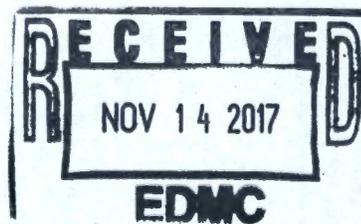
Dear Mr. Vance and Mr. Lindholm:

The Department of Ecology (Ecology) has reviewed the operational assumptions and enforcement discretion that Ecology previously committed to regarding the Emergency Use Only – Secondary Containment Components (Emergency Use Components) and the Non-Compliant Deferred Use Components (Deferred Use Components) present in the DST System and 204-AR WUS.

Ecology finds that the previous agreements relating to enforcement discretion exercised for both the Emergency Use Components and the Deferred Use Components were intended to be limited in both time and scope. Due to the excessive amount of time required to return to compliance and the continued expansion of the scope of the agreement, Ecology has determined that the basis for exercising enforcement discretion on this matter is no longer valid.

Ecology requires United States Department of Energy – Office of River Protection (USDOE-ORP) and Washington River Protection Solutions (WRPS) to revise the application closure plan to include all USDOE-ORP identified Emergency Use Components and Deferred Use Components scheduled for closure.

Also, Ecology requires USDOE-ORP and WRPS to complete the integrity assessments for all other Emergency Use Components and Deferred Use Components to determine if they are compliant or unfit for use. For all unfit for use components, USDOE-ORP must provide a schedule to repair these components or include these components in the closure plan.



Background

On July 26, 2002, Ecology first received a request from the USDOE-ORP for agreement on key operational assumptions related to the Emergency Use Components and the Deferred Use Components (Reference 1).

In letter dated January 14, 2003 (Reference 2), Ecology accepted the operational assumptions and agreed to exercise enforcement discretion as requested, contingent upon USDOE-ORP meeting five independent conditions. These conditions included:

- Submission of an Integrity Assessment Report certifying the integrity of the DST System by March 31, 2006 (pursuant to Milestone M-48-14).
- Ecology's issuance of the Part B Permit Application for the DST System in 2006.
- Discontinued use of the components after 2005 in the absence of a variance from secondary containment requirements.

On April 18, 2005, Ecology received a request for agreement with USDOE-ORP's proposed amendments to the list of Deferred Use Components (Reference 3). In letter dated April 29, 2005 (Reference 4), Ecology accepted the proposed amendments to the list of Deferred Use Components, contingent upon USDOE-ORP meeting five additional independent conditions. These conditions included:

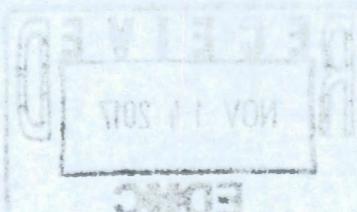
- Ecology's review and approval of all Emergency Pumping Guides that would require the use of Emergency Use Components and Deferred Use Components.
- The completion of all work to stabilize, isolate, and monitor the Deferred Use Components by June 30, 2006 (pursuant to Milestone M-48-07).

Conclusion

Ecology has determined that some of the conditions we based our agreement on have not been met. For example, liquid was detected in non-compliant Deferred Use Components (References 5, 6, 7, and 8).

The majority of the Emergency Use Components and the Deferred Use Components have not been assessed and certified by an Independent Qualified Registered Professional Engineer for integrity in nearly 20 years as seen in the 1997, 1999, 2006, or 2016 Integrity Assessment Reports.

Our agreement to exercise enforcement discretion for the Emergency Use Components and Deferred Use Components was intended to support the removal of waste from a DST as identified in the *Double-Shell Tank Emergency Pumping Guide*, HNF-3484, Revision 10. However, when DST 241-AY-102 leaked in 2012, USDOE-ORP stated that the *Double-Shell Tank Emergency Pumping Guide* could not be used due to the location of the leak in DST 241-AY-102 (Reference 9).



Mr. Vance and Mr. Lindholm
November 7, 2017
Page 3 of 4

17-NWP-161
Double Shell Tank System
RCRA Site ID: WA7890008967

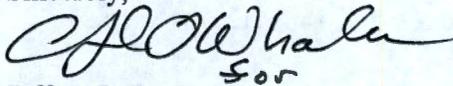
USDOE-ORP submitted a draft DST System Part B permit application (draft application) on July 6, 2017 (Reference 10). In a meeting on August 2, 2017, USDOE-ORP confirmed (Reference 11) the draft application as a replacement of the previous permit application (Reference 12).

As discussed with USDOE-ORP on June 29, 2017, Ecology expects a schedule for conducting integrity assessments or a schedule for closure of Emergency Use Components and Deferred Use Components that would be included in the DST System Part B permit application. The closure schedules and detailed closure activities must be incorporated into the DST System Part B permit application closure plans on or before September 29, 2018 (close of federal fiscal year).

In addition, Ecology requested, but did not receive a revised *Double-Shell Tank Emergency Pumping Guide* in the Part B application material. An approved *Double-Shell Tank Emergency Pumping Guide* must be included in the Part B application material on or before September 29, 2018.

If you have questions regarding this letter, please contact me at jeff.lyon@ecy.wa.gov or (509) 372-7914.

Sincerely,



Jeffery L. Lyon,
Tank Systems Operating and Closure Project Manager
Nuclear Waste Program

kjw/aa

cc: See page 4

References:

1. Letter 02-OMD-046, dated July 24, 2002, "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" 0057768
2. Letter dated January 14, 2003, "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" 0058565
3. Letter 05-TPD-045, dated April 15, 2005, "Request for Amendment of the Double-Shell Tank Deferred Use Components"
4. Letter dated April 29, 2005, "Response to the Request for Amendment of the Double-Shell Tank (DST) Deferred Use Components" 1222641
5. Environmental Operational Activities Notification, dated October 3, 2012, TOC-ENV-NOT: 2012-0100, "Draining Deferred Use Transfer Line SN-264"

6. Environmental Notification Form, dated September 19, 2013, Notification No: TOC-ENV-NOT-2013-0071
7. Letter 13-NWP-117, dated November 13, 2013, "The Department of Ecology's (Ecology) Response to Notification TOC-ENV-NOT-2013-0071, Regarding Liquid Found in Non-Resource Conservation and Recovery Act (RCRA)-Compliant, Deferred Use, Transfer Line SN-264 from Connector R14 of the 241-AW-B Valve Pit to Valve V-208 in the 241-AW-04A Pump Pit of the Double Shell Tank (DST) System" 1222223
8. Letter 13-TF-0130, dated December 13, 2013, "Response to the Washington State Department of Ecology Letter 13-NWP-117, Regarding Draining of Liquid from Deferred Use Transfer Lines SN-264 and SN-274 in AW Tank Farm" 1222538
9. Letter 13-TF-0049, dated June 4, 2013, "Submittal of the 241-AY-102 Pumping Plan" 1220793
10. Letter 17-ECD-0042, dated July 6, 2017, "Submittal of Draft Revision 2 of the Hanford Facility Dangerous Waste Part B Permit Application for the Double-Shell Tank System [S-2-3]" 1245246
11. Letter 17-ECD-0021, dated April 17, 2017, "Response to Modification and Upgrades to the Double-Shell Tank System" 1243818
12. Letter 07-ESQ-066, dated May 9, 2007, "Submittal of Revision 1B of the Hanford Facility Dangerous Waste Part B Permit Application for the Double-Shell Tank (DST) System"

cc electronic:

Dave Bartus, EPA	Edward Holbrook, Ecology
Laura Buelow, EPA	Steven Lowe, Ecology
Reggie Eakins, USDOE	Jeff Lyon, Ecology
Lori Huffman, USDOE	John Price, Ecology
Jeremy Johnson, USDOE	Alexandra Smith, Ecology
Glyn Trenchard, USDOE	Nancy Ware, Ecology
Jon Perry, MSA	Cheryl Whalen, Ecology
Jessica Joyner, WRPS	Kristi Wold, Ecology
Neil Davis, WRPS	WRPS Correspondence Control
Rob Gregory, WRPS	Environmental Portal
Ken Niles, ODOE	Hanford Facility Operating Record
Rose Ferri, YN	MSA Correspondence Control
Carolyn Cress, AGO	USDOE-ORP Correspondence Control
Koalani Kaulukukui-Barbee, AGO	WRPS Correspondence Control
Suzanne Dahl, Ecology	

cc: Matt Johnson, CTUIR
Jack Bell, NPT
Rose Longoria, YN
Susan Leckband, HAB
Administrative Record
NWP Central File
Compliance Index 16.554