

START

0038144



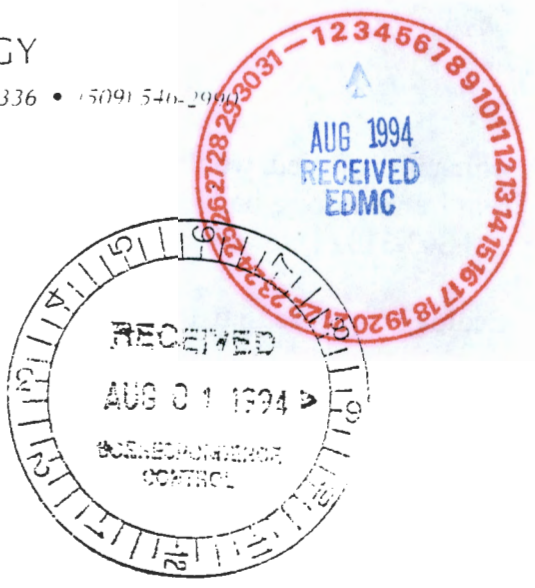
9404949

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

7001 W. Clearwater, Suite 102 • Kennewick, Washington 99336 • (509) 546-2000

July 26, 1994

Mr. Steven Wisness, Acting Program Manager
Office of Environmental Assurance, Permits, and Policy
U.S. Department of Energy
P. O. Box 550
Richland, WA 99352



Dear Mr. Wisness:

Re: Response to Department of Energy letter "Response to Voluntary Compliance Letter . . . Milestones M-21, M-22, M-23," transmitted May 18, 1994

The Washington State Department of Ecology (Ecology) conducted an inspection of selected facilities on the Hanford Site on February 7 and 8, 1994, to assess completion of Hanford Federal Facility Agreement and Consent Order (TPA) Milestones 21, 22, and 23. Findings from this inspection resulted in five corrective actions to be undertaken by the U. S. Department of Energy-Richland Operations (USDOE). These corrective actions were identified in the voluntary compliance letter transmitted by Ecology to USDOE on April 14, 1994.

Of the five corrective actions identified, items one, two, four, and five have been completed. The cooperation of USDOE and Westinghouse Hanford Company (WHC) staff working with Ecology to accomplish the timely conclusion of these items is appreciated.

USDOE has questioned the necessity for completion of item three, construct a barrier around 100-D-Ponds, and recommends that this matter be resolved at the 100-D-Pond Unit Managers' meetings. Ecology agrees that the Unit Managers' meetings would be the appropriate format for discussing the security requirements of 100-D-Ponds, and this issue has been reviewed at the last two meetings held June 16 and July 14, 1994.

At these meetings, Ecology has emphasized that the requirement for a barrier around 100-D-Ponds is dependent upon the hazard posed by contamination within the active portion of this facility as defined by Washington Administrative Code (WAC) Chapter 173-303-040. Should USDOE/WHC demonstrate that contamination does not exist in 100-D-Ponds,

9404949

START

Mr. Steven Wisness
July 26, 1994
Page 2

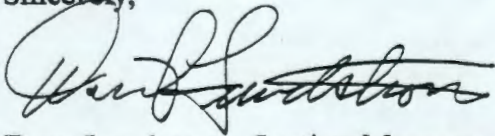
which if disturbed, would result in violations of chapter 173-303 of the WAC, then the requirement for a barrier around 100-D-Ponds could be waived in accordance with WAC 173-303-310 (1).

Ecology believes that 100-D-Ponds Phase II sampling, currently under development through the data quality objectives process, could provide data on which to determine barrier requirements for 100-D-Ponds. If this data can be collected, analyzed, and independently validated in a timely manner, Ecology would consider deferring the compliance date of October 10, 1994, for construction of a barrier around 100-D-Ponds to a time coincident with the receipt of sampling and analytical results from the Phase II sampling campaign.

The specific concerns listed in your letter of May 18, 1994, related to construction of a barrier around 100-D-Ponds are addressed in the attached enclosure.

Should you have any questions regarding this letter or the attached enclosures, please call Robert Wilson of my staff (509) 736-3031.

Sincerely,



Dave Lundstrom, Section Manager
Nuclear Waste Program

DL:RW:mf
Enclosure

cc: Glen Goldberg, USDOE
Nancy Werdel, USDOE
Eric Greagor, WHC
Fred Ruck, WHC
Dan Duncan, EPA
Doug Sherwood, EPA
Bill Cox, Bechtel
100-D-Ponds Administrative Record, H6-08

9413288.0765

ENCLOSURE

- 1) In the May 18, 1994, response letter, USDOE expressed confusion with Ecology's reference to the Dangerous Waste Regulations of the Washington Administrative Code (WAC) 173-303 for inspection findings. The inspection, conducted February 7 and 8, 1994, was designed to assess completion of Milestone 21, 22, and 23 of the Hanford Facility Agreement and Consent Order (TPA). Milestone 23 represents the completion of Milestones 21 and 22 and states that USDOE/WHC will, "Complete interim status corrective actions." To be specific, Milestone 23 corrective actions are to meet the interim status requirements of the Resource Conservation and Recovery Act (RCRA) as administered through the Washington Administrative Code (WAC) 173-303.

It is in this context of the WAC, therefore, that deficiencies with completion of Milestones 21, 22, and 23 are referenced.

- 2) USDOE lists three considerations to be evaluated in requiring the barrier around 100-D-Ponds. These considerations and the responses to them are listed below.

- A. Consideration: Previous correspondence from Ecology concerning security on the Hanford Site.

Response: The referenced correspondence is composed of three letters concerning security compliance at B-Ponds, 216-S-10 Pond, and 216-A-29 Ditch. These letters, dated May 11, 1989, June 20, 1989, and August 28, 1989, respectively, contain identical language describing the erection of single strand barriers, such as the barrier currently existing at 100-D-Ponds, as a ". . . temporary safety measure." These letters go on to say that, "The installation of a permanent security system will be addressed in the compliance action schedules (Milestone M-22-00)"

A permanent replacement for this "temporary safety measure" has not been installed at 100-D-Ponds.

- B. Consideration: Previous Notice of Deficiency (NOD) resolutions at B-Ponds.

Response: Although similarities exist between some hazardous waste units regarding geological setting, general type of contamination, and other factors, the security requirements for each unit depend on its unique characteristics as defined in Washington Administrative Code (WAC) 173-303-310 (1)(a) and (b).

NOD resolutions at other units are not directly applicable to 100-D-Ponds.

C. Consideration: 100-D-Ponds will not receive discharges after June 1994.

Response: Phase I sampling data indicates the presence of contamination in 100-D-Ponds. Existing contamination beyond that from discharges to 100-D-Ponds could result in conditions within the "active portion," (see WAC 173-303-040) of the facility, which would require a barrier per WAC 173-303-310 requirements.

Cessation of discharges to 100-D-Ponds are not the sole requirements for meeting WAC 173-303-310 (1)(a) and (b) requirements.

- 3) USDOE cites General Facility Condition II.M of the "draft" Hanford Facility Permit as the reference for satisfactorily meeting the Hanford Site security requirements for 24-hour surveillance at 100-D-Ponds, including compliance with WAC 173-303-310 (2)(b).

Condition II.M requires compliance with WAC 173-303-310 and allows for compliance determinations on a "unit-by-unit basis." Furthermore, 100-D-Ponds is outside of the 100 area fence line, and a review of the inspection log book for 100-D-Ponds during the inspection revealed a monthly inspection schedule and that the barrier was down through two consecutive monthly inspections in 1993. Entry to 100-D-Ponds is not restricted and 100-D-Ponds do not meet 24-hour surveillance requirements of WAC 173-303-310(2)(b).

- 4) USDOE refers to discussions with Ecology in January 1993 regarding "security transition activities" during which barrier deficiencies at 100-D-Ponds were not mentioned.

Ecology has obtained sample data since that time sufficient to indicate contamination exists at 100-D-Ponds. Also, no recent inspections had been performed on 100-D-Ponds to assess overall compliance to WAC or TPA requirements until the February 7 and 8, 1994, inspection, which resulted in finding the current barrier deficient.

As knowledge is gained on a particular hazardous waste site, regulatory requirements must be adjusted as appropriate to protect human health and the environment within the framework of the WAC and/or TPA. General discussions regarding requirements at many hazardous waste sites are broad guidelines that are not intended to exempt individual installations found to be noncompliant as assessed on a case by case basis.

9413288.0767

RESPONSES TO THE FIVE CORRECTIVE ACTIONS CONTAINED IN THE
STATE OF WASHINGTON DEPARTMENT OF ECOLOGY'S APRIL 14, 1994 LETTER

CORRECTIVE ACTION #1

"Within sixty days of receipt of this letter, USDOE and WHC must incorporate the analytical protocols as actually performed at 222-S Laboratories and at B Plant into the WAP for each facility. These protocols must describe the analysis performed at each facility for each analyte, deviations per analyte from analytical protocols delineated in EPA SW-846 PB88-2339223 Part 4 and WAC 173-303-110, and rationale for such deviations. Equivalency to EPA standard analytical procedures as approved by Ecology must be described in each WAP accompanied by the rationale for establishing equivalency in lieu of standard procedures. A copy of the WAP shall be provided to Ecology for review and approval."

RESPONSE: The State of Washington Department of Ecology (Ecology) has brought out three points in this corrective action that require specific response. First, the interim status waste analysis plans (WAPs) for B Plant and 222-S Laboratories must accurately reference the analytical procedures used for waste characterization described in the plan. The U.S. Department of Energy, Richland Operations Office (RL) intends to modify current interim status WAPs to describe the type of laboratory procedures used to characterize wastes. The WAPs for the 222-S Laboratories and B Plant will be modified by the requested date of June 13, 1994.

Secondly, Ecology maintains that RL must specifically call out deviations from SW-846 methods within the WAPs, and that data demonstrating equivalency to SW-846 must be submitted to Ecology for approval. Specific analytical methods referenced in Hanford facility WAPs satisfy data quality objectives for their specific application and this is consistent with paragraphs 6.5 and 7.8 of the Hanford Federal Facility Agreement and Consent Order. According to an Environmental Protection Agency (EPA) Federal Register notice (58 FR 46040) of August 31, 1993, SW-846 methods are only required in nine instances and are used as guidance in all other applications. None of the applications which are called out in the interim status WAPs require SW-846 methods explicitly. Therefore, internal procedures are appropriate and equivalency to SW-846 is unnecessary.

Westinghouse Hanford Company (WHC) has issued an internal white paper (WHC-SD-WM-LB-009, "Deviations from Approved EPA Methods at Hanford Site Laboratories") which describes the methodology and procedures Hanford Site laboratories intend to use in the future when deviating from regulatory-approved analytical procedures. For Resource Conservation and Recovery Act (RCRA) applications, "regulatory-approved methods" include SW-846 methods, where required by regulation, as well as non-SW-846 methods which are referenced in Part B permit WAPs. Ultimately the approaches described in this document will be superseded by similar language within the Hanford Analytical Services Quality Assurance Plan (HASQAP). Both documents are, or will be, available for regulatory review.

Finally, the Ecology letter indicates that the agency wishes to review and approve WAPs or elements of WAPs outside of the Hanford Federal Facility Agreement and Consent Order RCRA permitting process. The Washington Administrative Code (WAC) 173-303-300 describes the content of the WAP and analytical method selection. Hanford facility interim status WAPs should conform to these requirements and will be made available for review upon request. However, interim status WAPs are not subject to formal Ecology approval. Formal approval comes when the final Part B permit (containing the final status WAP) is issued by Ecology.

CORRECTIVE ACTION #2

"Within thirty days of receipt of this letter, RL and WHC must revise the tank transfer data log for documenting transfers from Tank 102 in the 219-S Facility to Tank Farms Double Shell Tank. This revision must clearly show total waste volume transferred including treatment and flushing solutions added to the waste. Also, the data transfer log must incorporate the date of transfer and signature of the person in charge of transfer operations. It must also reference the receiving facility's waste acceptance documents that specify waste treatment and volume criteria."

RESPONSE: RL and WHC will revise the tank transfer data log to include the requested information by June 1, 1994, rather than the May 14, 1994, date requested in the second corrective action. This extension is needed since the tank transfer logsheets contain a full calendar month of information and it would be more efficient to implement the new logsheets at the start of a month rather than in the middle of the month.

CORRECTIVE ACTION #3

"Within one hundred eighty days of receipt of this letter, RL and WHC must construct a barrier sufficient to control access to 100-D Ponds. This barrier must be constructed of materials approved by the Ecology Unit Manager for 100-D Ponds, Alisa Huckaby, and Bob Wilson, Ecology Compliance Group, and must provide a physical deterrence to entry into 100-D Ponds."

RESPONSE: RL discussed the current approach for Hanford facility security compliance with the Kennewick Ecology office in January 1993, as part of RL security transition activities. At the time, Ecology did not voice any concerns pertaining to this approach regarding compliance with WAC 173-303-310(2)(a) and (b). Hanford facility security complies with WAC 173-303-310 and the "draft" Hanford facility RCRA Permit language contained in General Facility Condition II.M. When requirements for a 24-hour surveillance system are met (i.e., -310[2][b]), WAC 173-303-310(2)(c), requirements for an artificial or natural barrier are not applicable.

If Ecology wishes to pursue construction of artificial or natural barriers, Ecology should consider: (1) previous correspondence from Ecology concerning security compliance, (2) previous Notice of Deficiency (NOD) resolution of fencing the 216-B-3 Pond System (B-Pond), and (3) the 100-D Ponds will not receive a discharge after June 1994.

607-827-116
9113283-1769

The first consideration consists of three notices of violation Ecology transmitted to RL dated May 11, June 20, and August 28, in 1989. RL was directed to construct a single strand rope fence in the first two letters and a single strand chain fence in the third letter around three treatment, storage, and disposal (TSD) units. The TSD units identified in these letters were B-Pond, the 216-S-10 Pond and Ditch, and the 216-A-29 Ditch. The second consideration involves closure of an NOD which resulted in an agreement of "no-action" pertaining to artificial or natural barrier considerations at B-Pond. The third consideration results from modifying Consent Order Number DE 91NM-177 on December 15, 1993, to "cease discharges to 100-D Pond System by June 1994."

Based on the above discussion, RL believes that installation of a natural or artificial barrier around the 100-D Ponds is neither required or appropriate. Resolution of this issue should be achieved through discussion at the 100-D Ponds Unit Manager meetings.

CORRECTIVE ACTION #4

"Within thirty days of receipt of this letter, RL and WHC must incorporate descriptions of arrangements with emergency response organizations in the contingency plan for B Plant. The name and telephone number of the Emergency Coordinator and his alternates must be included in arrangements with emergency response organizations."

RESPONSE: RL transmitted a letter to Ecology on the RL and WHC RCRA contingency planning program on March 28, 1994. In this letter, Ecology was informed that facilities will now use a combination of the Hanford Facility Contingency Plan (DOE\RL-93-75) and unit-specific contingency plan documents to maintain compliance with Ecology contingency plan requirements. The Hanford Facility Contingency Plan documents arrangements with emergency response organizations. Unit-specific documents include the job title and work phone number of the Emergency Coordinator, while the proper name and home phone number of the Emergency Coordinator is maintained by the Occurrence Notification Center. These arrangements have been discussed with Ecology compliance inspectors and found to be acceptable. RL and WHC consider this item closed.

CORRECTIVE ACTION #5

"Within thirty days of receipt of this letter RL and WHC must ensure that wastes stored or treated in Tanks 101 and 102 in the 219-S Hazardous Waste Storage Area are managed in accordance with the Operating Safety Document, OSD-S-186-0004, Rev. A-1, or more recent revisions. Tank level sensing devices must be set to prevent operating these tanks beyond the safety limits set forth in the Operating Safety Document. For example, if a discrepancy exists between level sensing devices, overflow alarms for Tanks 102 and 101 must be set based on the highest reading observed."

9413288.0770

CORRESPONDENCE DISTRIBUTION COVERSHEET

Author	Addressee	Correspondence No.
D. L. Lundstrom, Ecology (E. M. Greager, WHC)	S. H. Wisness, RL	Incoming: 9404949 Xrefs: 9402780BRI 9403661 36595

Subject: RE: RESPONSE TO DEPARTMENT OF ENERGY LETTER "RESPONSE TO VOLUNTARY COMPLIANCE LETTER...MILESTONES M-21, M-22, M-23," TRANSMITTED
MAY 18, 1994

INTERNAL DISTRIBUTION

Approval	Date	Name	Location	w/att
		Correspondence Control	A3-01	X
		President's Office	B3-01	
		S. M. Belisle	H6-20	X
		G. D. Carpenter	H6-21	
		J. R. Cooper	H4-19	X
		N. E. Darling	H6-21	X
		L. P. Diediker	T1-30	X
		B. J. Dixon	G7-33	X
		W. T. Dixon, Assignee	H6-21	X
		R. H. Engelmann	H6-26	X
		B. G. Erlandson	H6-20	X
		E. M. Greager	H6-20	X
		D. L. Halgren	S6-70	X
		M. J. Hall	T6-07	X
		D. R. Herman	S2-12	X
		J. H. Kessner	H4-23	X
		R. J. Landon	H6-21	X
		J. J. Luke	H6-25	X
		P. J. Mackey	B3-15	
		H. E. McGuire, Sr. Staff	B3-63	
		A. G. Miskho	H6-20	X
		C. T. Narquis	T6-30	X
		S. M. Price	H6-23	X
		F. R. Ruck	H6-23	X
		L. T. St. Georges	H6-20	X
		W. E. Toebe	H6-22	X
		B. D. Williamson	B3-15	X
		EPIC	H6-08	X
		RCS File	H6-20	X



9403661-1772