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Department of Energy  
Richland Operations Office  
P.O. Box 550  
Richland, Washington 99352

06-AMCP-0233

JUL 7 2006

Ms. Jane Hedges, Program Manager  
Nuclear Waste Program  
State of Washington  
Department of Ecology  
3100 Port of Benton Boulevard  
Richland, Washington 99352

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EDMC

Dear Ms. Hedges:

RESPONSE TO COMPLETION OF TRI-PARTY AGREEMENT INTERIM MILESTONES  
M-020-39: SUBMIT 216-S-10 POND AND DITCH CLOSURE/POSTCLOSURE PLAN AND  
M-015-39C: SUBMIT FEASIBILITY STUDY AND PROPOSED PLAN FOR THE 200-CS-1  
CHEMICAL SEWER GROUP OPERABLE UNIT

The purpose of this letter is to respond to Ecology's letter from J. B. Price, dated April 26, 2006. The letter proposed a change to the pre-established regulatory path forward for the 200-CS-1 Chemical Sewer Group Operable Unit stating that a CERCLA Record of Decision (ROD) was not needed. Instead Ecology intends to prepare draft permit modifications for four RCRA Treatment, Storage and Disposal Units and "integrate RCRA corrective action for the fifth waste site (the 216-S-11 Pond) within the closure for the 216-S-10 ditch and Pond TSD." 69601

The U.S. Department of Energy, Richland Operations Office (RL) does not agree with the Ecology proposal as stated. It conflicts with previous approvals granted on May 17, 1999, by both Ecology and the U.S. Environmental Protection Agency, of the regulatory framework that was designed to effectively integrate RCRA and CERCLA requirements. The details are described in the 200 Area Remedial Investigation/Feasibility Study Implementation Plan, DOE/RL-98-28, Revision 0, which continues to serve as a primary document under the Tri-Party Agreement. In addition, RL is concerned about the need to preserve the flexibility that exists in managing disposal of remediation-generated wastes authorized by a CERCLA ROD. Also, as you know, CERCLA provides a comprehensive risk assessment and remedy selection process that assesses both hazardous and radioactive contaminants. Even though for this operable unit the non-radioactive contaminants drive the remedy selection, it is important to demonstrate through CERCLA that the radioactive contaminants pose minimal risk to human health and the environment.

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The development and implementation of the existing CERCLA/RCRA regulatory framework for waste sites on the Central Plateau (CP) has served the Tri-Party agencies well over the past several years. From RL's perspective it has been both efficient and effective and should continue to be the preferred process even as we move into the remedial action decision making phase that will ultimately result in the execution of CP remediation.

If you have any questions, please contact me, or your staff may contact Matt McCormick, Assistant Manager for the Central Plateau, on (509) 373-9971.

Sincerely,



Keith A. Klein  
Manager

AMCP:BLF

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J. B. Price, Ecology  
M. E. Todd-Robertson, FHI  
Administrative Record, H6-08  
Environmental Portal