



Department of Energy

Richland Field Office

P.O. Box 550

Richland, Washington 99352

93-RPS-311

AUG 30 1993

Mr. Roger F. Stanley, Director
Tri-Party Agreement Implementation
State of Washington
Department of Ecology
P.O. Box 47600
Olympia, Washington 98504-7600

Dear Mr. Stanley:

SUBMITTAL OF 303-M OXIDE FACILITY TRI-PARTY AGREEMENT ISSUE ANALYSIS WORKSHEET
POSITION PAPER (M-20-30)

Enclosed is the "Tri-Party Agreement Issue Analysis Worksheet" position paper on the 303-M Oxide Facility dangerous waste documentation submittal requirement. This position paper is being submitted as part of the issue resolution process described in the Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement). Currently, negotiations on this issue are being handled by the unit managers.

The U.S. Department of Energy, Richland Operations Office (RL) previously requested that the 303-M Oxide Facility Part A permit application be withdrawn, thus releasing it from any requirement for the submittal of a Part B permit application or an Interim Status Closure Plan. The State of Washington Department of Ecology (Ecology) denied the request for withdrawal of the Part A permit application. RL initiated this issue resolution process in response to Ecology's denial. Under this proposal, final disposition of the 303-M Oxide Facility would be deferred to the Comprehensive Environmental Response Compensation Liability Act (CERCLA) process with Resource Conservation and Recovery Act requirements used as an applicable relevant and/or appropriate requirement. The 303-M Oxide Facility is located within the 300-FF-2 Operable Unit, which is identified within the Tri-Party Agreement to be addressed under CERCLA past practice authority. It is also proposed that Ecology recognize that the 303-M Oxide Facility is not required to comply with dangerous waste interim status requirements. RL bases this proposal on the fact that the 303-M Oxide Facility did not treat, store, or dispose of mixed waste after the State of Washington received authority to regulate mixed waste. In addition, the 303-M Oxide Facility has been cleaned out and does not currently pose a threat to human health and the environment.



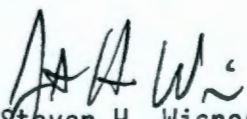
Mr. Roger F. Stanley
93-RPS-311

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Should you have any questions regarding this transmittal, please contact Mr. R. N. Krekel, RL, on (509) 376-4264 or Mr. F. A. Ruck III, Westinghouse Hanford Company, on (509) 376-9876.

Sincerely,


Steven H. Wisness
Hanford Project Manager

Enclosure:
303-M Oxide Facility Tri-Party
Agreement Issue Analysis
Worksheet Position Paper

cc w/encl:
Administrative Records, H6-08
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G. Hofer, EPA
D. Sherwood, EPA
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D. Nylander, Ecology
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J. Remaize, WHC
J. Steffen, WHC
D. Watson, WHC

cc w/o encl:
S. Price, WHC
F. Ruck, WHC



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Tri-Party Agreement Issue Analysis Worksheet.

Issue Advocate: R. N. Krekel Date: August 3, 1993

Disputing parties: U.S. Department of Energy, Richland Operations Office (RL)
and State of Washington, Department of Ecology (Ecology).

ISSUE DESCRIPTION:

Under the Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement) Interim Milestone M-20-30, RL is required to submit a Part B permit application for the 303-M Oxide Facility (303-M) to Ecology.

The Part A permit application for this unit was submitted in anticipation of using the 303-M to support future fuel manufacturing and depleted uranium projectile fabrication activities. However, the 303-M ceased all operations on February 11, 1987, and RL has no plans to resume operations at this unit.

RL asserts that the 303-M did not treat, store, or dispose of mixed waste after November 23, 1987, the date the State of Washington received authorization to regulate mixed waste under Subtitle C of the Resource Conservation and Recovery Act (RCRA). (Until July 26, 1987, state law specifically excluded wastes that were also radioactive from the regulated universe of waste covered by the Revised Code of Washington 70.105. The statute was amended, effective July 26, 1987, in order to allow the State of Washington to apply for authorization from the U.S. Environmental Protection Agency for its program to cover the hazardous component of radioactive mixed waste.) Therefore, RL believes it appropriate to withdraw the Part A permit application. This action will release RL from all further regulatory permitting and closure requirements under RCRA for the 303-M.

Ecology asserts that it had authority since January 1983 to regulate the dangerous waste portion of the mixed waste managed at the 303-M. Because Ecology believes that the unit continued to manage regulated dangerous waste after that time, Ecology believes the unit would be required to obtain a permit to operate or undergo RCRA closure.

BACKGROUND:

The 303-M was constructed in 1982 and early 1983. It is located in the north central portion of the 300 Area on the Hanford Facility. The 303-M is located directly above a solid waste burial site, the 618-1 Burial Ground.

The 303-M calcined the saw fines and lathe turnings of slightly enriched uranium and Zircaloy-2 to eliminate their pyrophoric nature. The pyrophoric nature of the Zircaloy-2 and the radioactive component would classify the fines as mixed regulated waste, if they had been processed after the effective date of the application of regulations to mixed waste.

The 303-M ceased operations on February 11, 1987. It was cleaned out a week later, removing all uranium and excess material from floor trenches, tanks, equipment and sumps in accordance with United Nuclear Corporation Nuclear Industries' Procedure D-424. No material was left in place.

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In addition, 303-M was placed on final standby status. To achieve final standby status, activities included, but were not limited to, the following: the building utilities were disconnected; the floors, walls, trenches and equipment were decontaminated; and a cover was placed on the outside High Efficiency Particulate Air (HEPA) filter exhaust stack.

The 618-1 Burial Ground is located in the 300-FF-2 Operable Unit, and will be remediated under the Conservation Environmental Resource Compensation Liability Act (CERCLA). The CERCLA remedial actions taken will directly affect the 303-M. It is expected that the building will be decontaminated and decommissioned by RL and disposed of in accordance with the substantive portions of RCRA since RCRA would be an Applicable Relevant and Appropriate Requirement (ARAR) under the CERCLA activities. The current condition of the 303-M and the CERCLA remedial and cleanup actions of Burial Ground 618-1 negate the need for taking the RCRA administrative actions of writing and submitting a 303-M Oxide Facility RCRA Closure Plan. The 300-FF-2 Operable Unit Work Plan would incorporate all the substantive standards of RCRA as applicable ARARs for closure and disposal of the building during cleanup.

ALTERNATIVES CONSIDERED:

RL would be required to submit: 1) a Tri-Party Agreement Change Request Form requesting a change from submitting a Part B Permit Application to a RCRA Closure Plan, and 2) a RCRA Closure Plan.

DISADVANTAGES: Because the 303-M does not pose any threat to human health or the environment and because it has been cleaned out, closed, and placed in final standby status by RL, no immediate or expedited action is required that could justify the double remediation and expenditure of cleanup funds. Requiring a RCRA closure plan and subsequent RCRA remediation activity in addition to the CERCLA remedial activity already slated for an operable unit site in which the 303-M is located is a duplication of remedial effort, resources, and time, and an imprudent expenditure of taxpayer resources.

Little or no progress towards the cleanup of Hanford is demonstrated by this alternative since the final remediation of the 303-M area would have to be scheduled for RCRA closure as well as wait for decontamination and removal under CERCLA.

ADVANTAGES: Satisfy the current administrative requirement of the Tri-Party Agreement by submitting a RCRA closure plan.

PROPOSED SOLUTION:

The proposed solution is to conduct final disposition of 303-M as part of, and during, the 618-1 Burial Ground remediation process under CERCLA in which the substantive portions of the Washington State Dangerous Waste Regulations among other things would apply as ARARs. RL will cleanup to the substantive standards of RCRA and the Washington State Dangerous Waste Regulations at the 303-M site as determined under the CERCLA Work Plan for the 300-FF-2 Operable Unit. RL would not be required to submit a Part B permit application or a RCRA Closure Plan for the 303-M to Ecology since these requirements are administrative in nature. This proposal requires RL to include remediation of the 303-M with the 618-1 Burial Ground in the final remediation strategy and work plan for the 300-FF-2 Operable Unit.

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Ecology retains the 303-M Oxide Facility RCRA Part A Permit Application, Form 3, until it is satisfied that an appropriate disposition of the unit will or has occurred under the CERCLA remediation, at which time it permits the withdrawal of the application. Since 303-M is no longer operational, no hazardous waste exists there and the unit is not a threat to human health or the environment. Ecology agrees the unit is not required to comply with dangerous waste interim status requirements at the 303-M. Such requirements include, but would not be limited to, the following:

- o General Waste Analysis, WAC 173-303-300
- o Security, WAC 173-303-310 (*)
- o General Inspection, WAC 173-303-320
- o Personal Training, WAC 173-303-330
- o Preparedness and Prevention, WAC 173-303-340
- o Contingency Plan and Emergency Procedure, WAC 173-303-350 (*)
- o Emergencies, WAC 173-303-360 (*)
- o Manifests (not applicable to on-site shipments), WAC 173-303-370
- o Facility Recordkeeping, WAC 173-303-380
- o Facility Reporting, WAC 173-303-390
- o Other General Requirements, WAC 173-303-395

However, due to DOE orders and Westinghouse Hanford policies, the interim requirements noted (*) above are satisfied.

Although not discussed as part of this issue resolution, all parties reserve all their rights and defenses available under law regarding the mixed waste authorization issue underlying this dispute.

DISADVANTAGES: The Tri-Party Agreement Interim milestone for submittal of a Part B permit application will be postponed and eventually canceled, along with the withdrawal of the Part A permit application.

ADVANTAGES: 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 Ground sites.

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PROJECT MANAGERS		DATE
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Washington State Department of Ecology		
U.S. Department of Energy-Richland Operations		
U.S. Environmental Protection Agency		

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Author

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(D. M. Korematsu-Olund, WHC)

Addressee

R. F. Stanley, Ecology

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Subject: SUBMITTAL OF THE 303-M OXIDE FACILITY TRI-PARTY AGREEMENT ISSUE
ANALYSIS WORKSHEET POSITION PAPER (M-20-30)

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