



Department of Energy
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JAN 13 1999

Ms. Laura J. Cusack
Project Management Section Manager
Nuclear Waste Program
State of Washington
Department of Ecology
1315 W. Fourth Avenue
Kennewick, Washington 99336-6018



Dear Ms. Cusack:

LETTER FROM THE STATE OF WASHINGTON DEPARTMENT OF ECOLOGY
(ECOLOGY) DATED DECEMBER 21, 1998, SUBJECT "MULBERRY BUSHES"

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In the subject letter, Ecology requested that the U.S. Department of Energy, Richland Operations Office (RL) cut down mulberry bushes growing on the 100-N Area shoreline, containerize the resultant debris, and move the containers within the fence line of the 1325-N treatment, storage, and disposal (TSD) unit. This action was requested based on unofficial sampling results purportedly showing that the mulberry bushes were contaminated with strontium-90 above soil cleanup standards.

The radioactive contamination associated with the mulberry bushes is a result of previous discharges into the 1325-N and 1301-N TSD units. This contamination travels from the TSD units into the groundwater (GW). Mulberry bushes in the shoreline site adjacent to the TSD units become contaminated as a result of uptake of the GW. Due to the previous discharges, waste associated with the radioactively contaminated plume is also designated as a state-only F003 dangerous waste.

On January 7, 1999, a meeting was held between Jack Donnelly (Ecology); Paul Pak and Tom Ferns (RL); and Roger Landon, Russ Wyer, and Barry Vedder (BHI) to clarify the regulatory basis allowing movement of the mulberry bush waste into the 1325-N TSD unit. Mr. Donnelly presented a copy of U.S. Environmental Protection Agency (EPA) guidance entitled "Use of the Area of Contamination (AOC) Concept During RCRA Cleanups," dated March 13, 1996. This guidance confirms that, under certain conditions, hazardous wastes may be moved within certain broad areas of contamination without triggering provisions of the Resource Conservation and Recovery Act, specifically placement and land disposal restrictions (LDR).

JAN 13 1999

Ms. Laura J. Cusack

-2-

During the meeting, it was determined that movement of this State-only designated waste would not trigger federal LDR and that the designation of the area from the TSD to the contaminated shoreline as a single continuous area of contamination would be consistent with the intent of the EPA guidance on use of AOC. Therefore, it was concluded that the contamination in the TSD units, GW, and mulberry bushes constitutes a single, contiguous area of contamination. As a consequence, movement of mulberry bushes from the shoreline site into the 1325-N TSD unit does not constitute generation or placement of a dangerous waste and requirements of WAC 173-303 (the "Dangerous Waste Regulations"), and are not triggered by this action.

It is the understanding of Ecology, RL, and Bechtel Hanford, Inc. that the mulberry bush wastes would be moved into the 1325-N TSD unit pending issuance of the 100-NR-1 Record of Decision (ROD). Following issuance of the ROD, the intent would be to dispose of the wastes in the Environmental Restoration and Disposal Facility as authorized in the ROD. Thus, the 1325-N TSD unit would not become the disposal facility for the mulberry bushes.

Consistent with this determination, the regulatory pathway for removal of the mulberry bushes from the shoreline site was confirmed, and removal of the mulberry bushes is expected to start no later than the third week of January 1999. Physical removal of the mulberry bushes and movement of the containerized waste into the 1325-N TSD unit is expected to be completed no later than February 12, 1999, unless unusually high water is encountered that prevents this work from occurring.

RL appreciates the efforts taken by Ecology to confirm the regulatory basis allowing this action. If you have any further questions concerning this letter or any aspect of the issue, please feel free to contact Arlene C. Tortoso at (509) 373-9631.

Sincerely,



Ronald E. Gerton, Director
Restoration Projects Support

RPS:REG

cc: M. C. Hughes, BHI
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