



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10 HANFORD PROJECT OFFICE
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0055176

June 19, 2001

Certified Mail, Return Receipt Requested

Wade Ballard, Assistant Manager
Planning & Integration
U.S. Department of Energy
Richland Operations Office
P.O. Box 550, MS A5-12
Richland, WA 99352

RECEIVED
JUN 20 2001
EDMC

Re: Tri-Party Agreement (TPA) Change Number M-16-01-03 Dated June 5, 2001 to Delay Due Date of Milestone M-16-03E; Schedule for Milestone M-16-03F

Dear Mr. Ballard:

Enclosed is the subject Change Control Form which the U.S. Environmental Protection Agency (EPA) has disapproved. The request is being disapproved because good cause for a two-year delay to this milestone has not been demonstrated. The Department of Energy (DOE) may dispute this decision in accordance with Articles XVI and XL, which apply to matters where EPA is the lead regulatory agency. Article XVI provides for a 30-day informal dispute resolution period. Please note that EPA is the lead regulatory agency for 300 FF-1. Washington State Department of Ecology (Ecology) approval of changes to the M-16-03 interim milestones is not required.

EPA is aware that the initiation of the 300 Area Uranium Leach/Kd Bench Scale Study has been delayed. Your change request indicates that DOE intends to complete the study by July 2002, but it does not provide any justification for that date nor any documentation of the steps DOE has taken and will take to minimize delay. In addition, more specific documentation regarding the implementation plan and a specific completion date for the Uranium Leach/Kd Study would be required before EPA could consider approving a TPA Change Control Form extending the due date for the milestone.

There are also some discrepancies in the information DOE has provided regarding the length of time that will be required to perform the actual remediation activity. In TPA Change Number M-16-00-03, dated August 1, 2000, which established the current due date of September 30, 2001, DOE stated that, "once approval to proceed is provided, it will take approximately six months to finalize a design, mobilize a subcontractor, and perform backfill/regrading." The M-16-01-03 change package submitted on June 7, 2001, indicates that it will now take 14 months to complete that work (July 2002 to September 2003). No explanation or justification has been provided in this Change Control Form for the change.

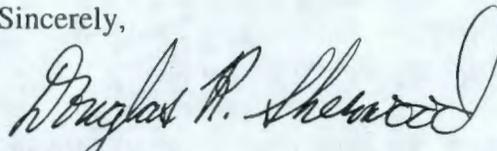
Section 120(e)(3) and paragraph 61 of the TPA require DOE to complete remedial action as expeditiously as possible. DOE has not demonstrated that good cause exists for a two-year extension. The Change Control Form is therefore disapproved.

Finally, we would like to address the absence of a schedule for Milestone M-16-03F. It is imperative that EPA and DOE move quickly to establish a milestone completion date for the excavation, verification, and backfilling of the 618-4 burial ground. As you know, there is no current deadline in the TPA for completing that work. The M-16-03F completion date is "to be determined" (TBD). Continued storage of excavated drums, contaminated soil, and contaminated debris in the partially excavated burial ground pit is no longer acceptable due to safety and groundwater protection concerns. In addition, groundwater contamination that may be resulting from the estimated 1200 drums that remain buried in the unlined, uncapped, and partially excavated burial ground is another reason that the cleanup of the burial ground be completed as quickly as possible. When EPA initially directed DOE to suspend excavation in the 618-4 burial ground (April 30, 1998 memo) and approved Tri-Party Agreement Change Number M-16-98-05 (February 1, 1999) which created a separate milestone for the 618-4 burial ground (M-16-03F), it was not anticipated that it would take this long to determine a path forward for completing the cleanup of the waste site. Three years have passed, and it is time to restart excavation and complete waste removal.

We do recognize that we may be unable to establish a milestone date for waste treatment at this time, but that is not cause to further delay establishing a milestone completion date for excavation of the waste, verification sampling, and backfilling of the burial ground. Excavated drums that require further treatment prior to their final disposal should be stored outside the area of contamination, preferably outside the 300 Area altogether. This would permit the verification and backfilling of the burial ground in a time frame that is compatible with the verification and backfilling of the remaining 300-FF-1 waste sites contained in the scope of this milestone. We will be contacting your staff in the next few days to schedule a meeting to discuss how best to proceed on this matter and would like to meet within the next 30 days and move quickly to finalize a TPA Change Control Form for this milestone as well.

Please contact me at (509) 376-9529 or Mike Goldstein at (509) 376-4919 if you have any questions about this letter.

Sincerely,



Douglas R. Sherwood
Hanford Project Manager

Enclosure: Disapproved Tri-Party Agreement Change Control Form

cc: R. McLeod, DOE
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J. Price, Ecology
T. Martin, HAB

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Administrative Record, 300-FF-1