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Department of Energy
Richland Operations Office
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Ms. Julie M. Atwood
Assistant Program Manager
State of Washington
Department of Ecology
7601 West Clearwater, Suite 102
Kennewick, Washington 99336

Dear Ms. Atwood:

RESPONSE TO VOLUNTARY COMPLIANCE LETTER CONCERNING COMPLIANCE INSPECTION PERTAINING TO THE HANFORD FEDERAL AGREEMENT AND CONSENT ORDER MILESTONES M-21, M-22, AND M-23

This letter is in response to the April 14, 1994, voluntary compliance letter issued by the State of Washington Department of Ecology (Ecology) to the U.S. Department of Energy, Richland Operations Office (RL) and Westinghouse Hanford Company (WHC) following Ecology's inspections of February 7 and 8, 1994. The stated purpose of this inspection was to assess completion of Milestones 21, 22, and 23 of the Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement). In this letter, Ecology identified a list of violations with Washington Administrative Code 173-303 requirements and requested completion of five corrective actions. However, the letter did not identify any deficiencies with completion of Tri-Party Agreement Milestones 21, 22, or 23. -35810

Additionally, Ecology has expressed concerns regarding management practices at Resource Conservation and Recovery Act (RCRA) treatment, storage, and disposal (TSD) units which are currently under interim status.

Application of conservative interpretations of interim status requirements for many inactive, interim status TSD units poses unique challenges and difficulties. The question remains as to the appropriate interim status requirements that apply to inactive, interim status TSD units and the proper method to document these requirements. RL believes that the answer to this question must take into account whether the interim status TSD unit is still managing dangerous waste as well as other physical characteristics of the TSD unit. In discussions with Ecology staff, RL understands that Ecology intends to use this and similar inspections as vehicles to assist RL in determining appropriate management practices concerning inactive, interim status TSD units. RL desires to continue this discussion and reach a consensus with Ecology on this matter.

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The enclosed responses are provided in reply to the five corrective actions identified in the subject letter. Should you have any questions regarding this transmittal, please contact me or Mr. Alex E. Teimouri of my staff on 376-6222.

Sincerely,

Steven H. Wisness, Acting Program Manager
Office of Environmental Assurance,
Permits, and Policy

EAP:AET

Enclosure

cc w/encl:
B. J. Dixon, ICF KH
D. L. Duncan, EPA
B. G. Erlandson, WHC
[redacted]
A. Huckaby, Ecology
H. T. Tilden, PNL
R. C. Wilson, Ecology
S. R. Weil, BHI

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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 # 1: During the May 3, 1994, meeting Ecology questioned the adequacy of documentation for selection of analytical parameters and test methods in the 222-S and B Plant WAPs. For example, it was not clearly indicated in the WAPs the rationale for excluding some analytes listed in a particular analytical method. To resolve this issue, RL intends to modify current interim status WAPs for 222-S and B Plant by June 13, 1994, to ensure the WAPs properly address requirements of WAC 173-303-300(5)(a) and (b).

The 222-S and B Plant modified WAPs will be made available to Ecology upon request. RL welcomes the opportunity to continue discussions concerning the method selection process used to meet data quality objectives. In the near future, RL expects to engage in such discussions with Ecology, including the technical and safety issues associated with sampling and analysis of Hanford's unique mixed wastes, and mechanisms for deviation from EPA standard analytical procedures.

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 # 2: 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 because a walkdown of the 219-S Waste Handling Facility operating procedures necessitated a complete revision of the operating procedures. This will also allow time to thoroughly train plant personnel on the newly revised procedures.

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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 # 3: RL discussed the current approach for the 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). The 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.

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."

Given the above circumstances, RL believes that installation of a natural or artificial barrier around the 100-D Ponds is neither required nor 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."

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RESPONSE #4: RL transmitted a letter to Ecology concerning the RL's RCRA contingency planning program on March 28, 1994. In this letter, Ecology was informed that units 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.

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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, overfill alarms for Tanks 102 and 101 must be set based on the highest reading observed."

RESPONSE # 5: Laboratory personnel were following established procedures and applying additional administrative controls to tank operations during the February compliance inspection. RL and WHC believe that wastes in Tanks 101, 102 and 103 of the 219-S Waste Handling Unit are being safely managed in compliance with WAC 173-303-640(5)(b). Normal operating practices to ensure the tank system is safely operated include taking tank level readings once per 8 hour shift, forwarding the tank level readings to the on-duty shift manager, having the cognizant engineer review the tank levels daily, and reviewing the tank levels at the daily Shift turnover meeting. In addition, alarms based on level sensing devices for each tank are set at levels consistent with WHC procedures. The alarms provide additional assurance of adequate warning of levels approaching the capacity of the tank.

The 219-S Waste Handling Unit has no safety limit requirements. The unit is operated in accordance with Operating Specification Document, OSD-S-186-0004. The "specification limits" in the OSD are working limits, not safety limits. When the working limits are approached, the facility management is notified. The tanks can be operated safely above the working limits when additional administrative controls are put in place.

CORRESPONDENCE DISTRIBUTION COVERSHEET

Author	Addressee	Correspondence No.
S. H. Wisness, RL (E. M. Greager, WHC)	J. M. Atwood, Ecology	Incoming: 9403661 Xref:9402780B R1

Subject: RESPONSE TO VOLUNTARY COMPLIANCE LETTER CONCERNING COMPLIANCE INSPECTION PERTAINING TO THE HANFORD FEDERAL AGREEMENT AND CONSENT ORDER MILESTONES M-21, M-22, AND M-23

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