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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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July 16, 2003

Mr. W. Wade Ballard
Assistant Manager for Planning and Integration
United States Department of Energy
P.O. Box 550
Richland, WA 99352

RECEIVED
JUL 29 2003
EDMC

Dear Mr. Ballard:

Re: Ecology's Review and Response to the USDOE's Calendar Year (CY) 2002 Land Disposal Restrictions (LDR) Report, submitted in accordance with M-26-01M

This correspondence is provided in response to your letter and report, dated April 29, 2003, directed to Mr. Nicholas Ceto, U.S. Environmental Protection Agency, and Mr. Michael Wilson, Washington State Department of Ecology (Ecology), regarding the submittal of the United States Department of Energy's (USDOE) CY 2002 LDR Report.

In accordance with Milestone M-26-01M, this report was submitted as a primary document which requires the lead agency to respond within 45 days. On June 10, 2003, Ecology extended the response period by one month. This letter satisfies Ecology's response to USDOE's submittal.

Ecology has approved the USDOE's CY2002 LDR Report as noted on the enclosed approval page. Several comments have arisen from this review, as noted on the attached page. However, Ecology suggests that these be resolved during the ongoing LDR project manager meetings.

If you would like to discuss Ecology's comments on the CY2002 LDR report, please contact me at (509) 736-5715 or Jeff Ayers at (509) 736-5717.

Sincerely,

Laura Ruud
Environmental Specialist
Nuclear Waste Program

Enclosure (1)

cc: (see next page)

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Mr. W. Wade Ballard

July 16, 2003

Page 2

cc/enc.: Dave Bartus, EPA
Joel Hebdon, USDOE
Mary Jarvis, USDOE
Greg Sinton, USDOE
Jim Rasmussen, USDOE
Woody Russell, USDOE
Donna Yasek, BHI
Pam Powell, CH2M Hill
Richard Gurske, FH
Anthony Miskho, FH
Harold Tilden, PNNL
Joseph Shorin, Attorney General's Office
Todd Martin, Hab
Rick Gay, CTUIR
Pat Sobotta, NPT
Russell Jim, YN
Ken Niles, OOE
Administrative Record

PRIMARY DOCUMENT STATEMENT

**CALENDAR YEAR 2002 HANFORD SITE MIXED WASTE LAND
DISPOSAL RESTRICTIONS REPORT**

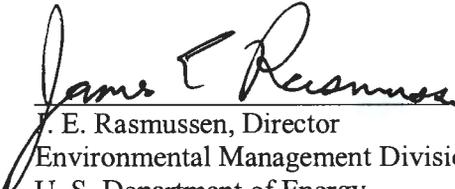
Approval of the U.S. Department of Energy's annual land disposal restriction report as a *Hanford Federal Facility Agreement and Consent Order* primary document shall be by written approval of U.S. Department of Energy and Washington State Department of Ecology Interagency Management Integration Team representatives.

This document has been prepared, submitted, revised, and approved as a primary document in response to the requirements of the *Hanford Federal Facility Agreement and Consent Order* milestone series M-26-01 and related *Resource Conservation and Recovery Act of 1976* land disposal restrictions and *Hanford Federal Facility Agreement and Consent Order* requirements. As such, this document serves as a binding and enforceable document under the *Hanford Federal Facility Agreement and Consent Order*.

Approved and issued this 16th day of July 2003.


W. W. Ballard, Assistant Manager
Planning and Integration
U.S. Department of Energy,
Richland Operations Office
DOE IAMIT Representative


M. A. Wilson, Program Manager
Nuclear Waste Program
State of Washington
Department of Ecology
Ecology IAMIT Representative


J. E. Rasmussen, Director
Environmental Management Division
U. S. Department of Energy,
Office of River Protection
ORP IAMIT Representative

Enclosure 1
Ecology's Comments on USDOE's CY2002 LDR Report
Milestone M-21-01M
To be resolved during ongoing LDR project manager meetings

Comment #1:

On Page 1-8, USDOE identified proposed changes to the ORP LDR assessment schedule, as described on tables 3-3 and 3-4. Ecology is working with ORP to develop an acceptable LDR assessment schedule, one that coordinates LDR assessments with priorities and ongoing activities in the Tank Farms. Agreement on the schedule will be documented via the LDR Project Manager Meeting minutes.

Comment #2:

On Table 2-2, and throughout the CY2002 LDR Report, USDOE references "proposed M-91" as satisfying the commitment to characterize and/or treat specific waste streams. The existing Administrative Order #03NWPKW-5494 addresses the schedule to characterize and/or treat these wastes. In addition, Ecology and USDOE are also negotiating TPA milestones to address these requirements. Note, Ecology and DOE are currently in litigation concerning portions of Administrative Order #03NWPKW-5494 and Ecology's March 10, 2003 M-91 Final Determination. Approval of the CY2002 LDR Report shall not be construed as a waiver or admission by Ecology with respect to any matter in litigation.

Comment #3:

The physical form of waste within the 618-4 DU/Oil Drums is reported as "other." USDOE will need to identify the physical form of these drums. This information will also need to be accurately reflected in the CY2003 LDR report.

Comment #4:

On several location-specific data sheets, the comment under 2.11.3 states, "To meet concentration based treatment standards applicable for the residues, sampling will be required after treatment if the residues are MLLW." USDOE will need to revise the comment under 2.11.3 to read, "To meet concentration based treatment standards applicable for the residues, sampling will be required after treatment." This information will also need to be accurately reflected in the CY2003 LDR report.

Comment #5

Several location-specific data sheets indicate that further characterization of the waste is not needed about the waste prior to storage, treatment, and/or disposal. Ecology has communicated with USDOE for the last six years regarding characterization requirements for waste, yet DOE and contractor staff recently suggested that the reporting and/or actual characterization requirements remain unclear. For purposes of the CY2002 LDR Report review, Ecology will assess compliance with characterization requirements by performing on-site inspections as well as ongoing discussions during project manager meetings.

Comment #6

Continuing discussions are needed to resolve issues surrounding waste in T Plant's Cell 11L. Ecology's unit manager for T Plant will be included in these conversations.