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Department of Energy

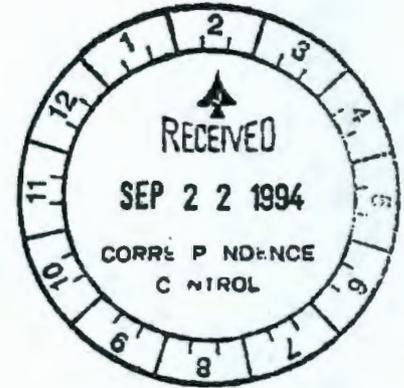
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

SEP 17 1994

94-TPA-139

Mr. Douglas R. Sherwood
Hanford Project Manager
U.S. Environmental Protection Agency
712 Swift Boulevard, Suite 5
Richland, Washington 99352

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



Dear Messrs. Sherwood and Stanley:

HANFORD FEDERAL FACILITY AGREEMENT CONSENT ORDER INTERIM MILESTONE M-17-09;
CHANGE CONTROL FORM M-17-94-02

This letter transmits Change Control Form M-17-94-02 requesting modifications to Hanford Federal Facility Agreement and Consent Order Interim Milestone M-17-09. "Initiate Full Scale Hot Operations of the '300 Area Treated Effluent Disposal Facility' (Project L-045H) and submit Design Documentation to the EPA and Ecology As A Primary Document."

If you have any questions, please contact Mr. Jay Augustenborg on (509) 372-1407.

Sincerely,

Robert G. Holt
Robert G. Holt
Acting Hanford Project Manager

Enclosure

cc w/o encl:
L. D. Arnold, WHC



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Enclosure

Change Number M-17-94-02	Federal Facility Agreement and Consent Order Change Control Form <small>Do not use blue ink. Type or print using black ink.</small>	Date 9/12/94																								
Originator S. D. Godfrey		Phone (509) 372-0501																								
Class of Change <input type="checkbox"/> I - Sponsors <input checked="" type="checkbox"/> II - Project Manager <input type="checkbox"/> III - Unit Manager																										
Change Title Delay Startup of 300 Area Treated Effluent Disposal Facility (TEDF) to 6/30/95 (TPA Milestone M-17-09) Due to Legal and Regulatory Issues																										
Description/Justification of Change <p>The parties agree that significant legal and regulatory issues, associated with startup of the 300 Area Treated Effluent Disposal Facility (TEDF), are preventing the December 31, 1994 scheduled completion of Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement) Milestone M-17-09. This change extends the scheduled completion of Milestone M-17-09 to June 30, 1995.</p> <p>The principal areas of concern are related to obtaining 1) a National Pollutant Discharge Elimination System (NPDES) Permit that can be complied with using the existing best available technology (BAT) facility design, and 2) a Land Lease for operating the 300 Area outfall piping. These concerns and the justification for approval of this change request are fully described below.</p> <p style="text-align: right;">(Continued on next page)</p>																										
Impact of Change <p>The immediate impact of this change is to delay startup of the 300 Area TEDF from December 31, 1994 to June 30, 1995. This delay will allow for the resolution of significant legal and regulatory issues associated with facility operation. During this time, liquid effluents from 300 Area process wastewater will continue to be discharged into the 300 Area Process Trenches.</p>																										
Affected Documents <p>Hanford Federal Facility Agreement and Consent Order, Forth Amendment, January 1994, Appendix D (Table D, page D-28, and Action Plan Work Schedule, page 8 of 40)</p>																										
Approvals <table border="0"> <tr> <td><u>Robert S. Hoet</u></td> <td><u>9/12/94</u></td> <td><input type="checkbox"/> Approved</td> <td><input type="checkbox"/> Disapproved</td> </tr> <tr> <td><small>DOE</small></td> <td><small>Date</small></td> <td></td> <td></td> </tr> <tr> <td>_____</td> <td>_____</td> <td><input type="checkbox"/> Approved</td> <td><input type="checkbox"/> Disapproved</td> </tr> <tr> <td><small>EPA</small></td> <td><small>Date</small></td> <td></td> <td></td> </tr> <tr> <td>_____</td> <td>_____</td> <td><input type="checkbox"/> Approved</td> <td><input type="checkbox"/> Disapproved</td> </tr> <tr> <td><small>Ecology</small></td> <td><small>Date</small></td> <td></td> <td></td> </tr> </table>		<u>Robert S. Hoet</u>	<u>9/12/94</u>	<input type="checkbox"/> Approved	<input type="checkbox"/> Disapproved	<small>DOE</small>	<small>Date</small>			_____	_____	<input type="checkbox"/> Approved	<input type="checkbox"/> Disapproved	<small>EPA</small>	<small>Date</small>			_____	_____	<input type="checkbox"/> Approved	<input type="checkbox"/> Disapproved	<small>Ecology</small>	<small>Date</small>			
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Description/Justification of Change (continued)

1. NPDES Permit Limits for 300 Area TEF

The 300 Area TEF was designed and constructed in parallel with the permitting process, using BAT for treatment of contaminants known to be contained in the 300 Area process wastewater streams. This BAT treatment selection was documented in an engineering study (WHC-SD-L045H-ER-002) and submitted to the regulators for concurrence. Since that time, the treatment facility has progressed through conceptual design, detailed design, construction, and testing, to the point that the facility is nearly operational.

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The BAT treatment process selected (co-precipitation with ultra violet/peroxide reduction and thiol functional group ion-exchange) was based on stream characterization data and limited bench scale treatability data. The NPDES permit application submitted to the U.S. Environmental Protection Agency (EPA) on July 3, 1992, included estimated treatment capabilities of the facility by providing estimated maximum and average daily values for the constituents of concern being discharged to the Columbia River. These estimated values, without consideration of factors to account for scale-up, statistical uncertainties, or the use of a single pH/ferric chloride level, were used by EPA as the sole basis for the final permit limit decisions that appear in the draft permit issued for public comment.

The limits proposed in the draft NPDES permit application have been reviewed in depth and have been determined to be too restrictive to be met on an ongoing basis. Several series of comments have been submitted to and discussed with EPA, the latest of which is in response to the public comment cycle put in DOE letter. The permit contains thirty-four end-of-pipe limits, including sixteen metals and ten organics. Two significant issues were identified concerning the actual end-of-pipe discharge limits: 1) additional bench scale treatability data indicates that the metal limits cannot be met consistently with the existing equipment in the facility and 2) some of the limits are below accepted commercial laboratory detection levels.

Additional concerns include: contamination found in process chemicals, excessive sampling costs due to specific analytical methods required by the permit, and whole effluent toxicity testing. Overall, the permit limits are extensive and will not allow for efficient and regulatory compliant operation of the facility.

Performance against the proposed NPDES permit limits could result in routine violations, possible fines, and negative publicity, all conditions deemed unacceptable by the parties. Extensive facility modification could be required to meet the proposed limits, as currently drafted.

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2. Land Lease for Use of 300 Area Outfall

A land lease from the Washington State Department of Natural Resources (DNR) is required for operation of the 300 Area TEDF and appears deadlocked in negotiations that have been ongoing for the past year. The DNR has been held as a potentially responsible party by EPA at another site, where they issued a land lease to allow the construction of an outfall. This experience has caused them to seek indemnification type language in the land lease for the 300 Area TEDF. The indemnification that the DNR requires is beyond the authority of DOE-RL to provide.

Permit type requirements have also been incorporated into the lease by DNR, including sediment monitoring, river monitoring, radionuclide monitoring, and fines for violations of these conditions. These requirements are an inappropriate exercise of regulatory control, as regulatory authority for this discharge is vested in other agencies.

SUMMARY

After months of negotiations and comments between the parties, it has become evident that resolution of the two issues detailed above may require further negotiations beyond the milestone due date of 12/31/94. Because of the positions taken by the agencies responsible for resolving these issues, the parties believe that the subject milestone is in jeopardy and agree to extend the completion date to allow for resolution of the legal and regulatory issues stated above. As a result, the completion date for Milestones M-17-09 will be changed to June 30, 1995 to allow efforts to continue toward a final resolution of these issues. There should be clear recognition that this milestone is being delayed until a mutually acceptable resolution is negotiated for each of the issues.

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CORRESPONDENCE DISTRIBUTION COVERSHEET

Author	Addressee	Correspondence No.
R. G. Holt	D. R. Sherwood R. F. Stanley	Incoming 9406015

Subject: HANFORD FEDERAL FACILITY AGREEMENT CONSENT ORDER INTERIM MILESTONE
M-17-09; CHANGE CONTROL FORM M-17-94-02

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