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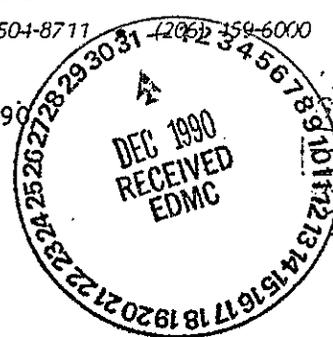
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STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

Mail Stop PV-11 • Olympia, Washington 98504-8711

December 11, 1990



Mr. Steve Wisness  
U. S. Department of Energy  
P. O. Box 550  
Richland, Washington 99352

Re: 200 E Liquid Effluent Treatment Facility and Treatment Permit and Applicability of Chapter 173-216 WAC

Dear Mr. Wisness:

Recent discussions between Ecology, USDOE and Westinghouse staff have dealt with two issues of significance. The first deals with the submittal of permit applications for the LERF basins and the associated treatment complex as identified in the March 1990 Notice of Intent. It is our understanding that both applications will be submitted in June 1991 in accordance with M-20-47. Thus, we expect copies of the Part B applications for both facilities by this date.

The second issue deals with state discharge permits for liquid discharges to the ground. As you know, there are numerous facilities on the reservation that dispose of waste water by this method. It is the State of Washington's position that state waste discharge permits are required for these discharges. This is authorized by Chapter 173-216 WAC.

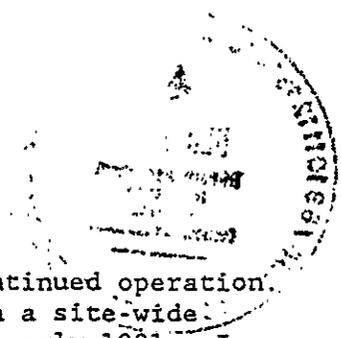
It is my understanding that USDOE has asked for an opinion by the Department of Justice regarding the state's authority in this matter. It is further my understanding that the Department of Justice has not been timely in their response to the USDOE request.

Ecology has deferred this issue since early 1990 to allow USDOE time for deliberation and to get the final opinion from the Justice Department. However, we cannot wait forever. I am, therefore, officially notifying you that Ecology will not work on any receiving site selection criteria for the 200 East Area LERF Treatment System until the Department of Justice has issued a position on this issue. Furthermore, the state will not issue state water quality permits out of comity.

The Part B application for this facility is to be submitted to Ecology in June 1991. Ecology will continue to work on the technical aspects of the LERF Treatment Facility with USDOE and contractor staff until that time. If this issue is not resolved in a manner suitable to the state by this date, the application must include alternative methods for the disposition of the treated effluent in order for Ecology to proceed with permit application review and, if warranted, permit issuance.

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Other facilities on the reservation need this permit for continued operation. A meeting will need to be arranged to discuss this matter on a site-wide basis. I propose that we attempt to set up this meeting in early 1991. In the meantime, could you please provide me with the name of USDOE's lead person on this issue.

If you have any questions, comments or both please contact Paul Stasch of my staff at (206) 459-6725.

Sincerely,

Timothy L. Nord  
Hanford Project Manager

- cc: Roger Stanley  
Jay Manning  
Toby Michelena  
Paul Stasch  
Paul Day, EPA  
Dale Mckinney, WHC  
Russ Brown, WHC  
~~Tim Veneziano~~, AR

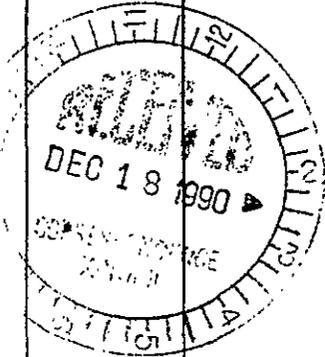
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<b>Subject</b> 200 E Liquid Effluent Treatment Facility and Treatment Permit and Applicability of Chapter 173-216 WAC		

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