

**Department of Energy**

Richland Field Office

P.O. Box 550

Richland, Washington 99352

FEB 26 1993

93-RPB-131

Mr. David B. Jansen, P.E.
Hanford Project Manager
State of Washington
Department of Ecology
P.O. Box 47600
Olympia, Washington 98504-7600

Dear Mr. Jansen:

PROPOSED MODIFICATION OF CONSENT ORDER NO. DE 91NM-177

Enclosed is a proposed modification for the State of Washington Department of Ecology (Ecology) Consent Order No. DE 91NM-177, submitted in accordance with Section 1.V, Page 3, of the Consent Order. The modification deletes the milestone requiring start of construction of the new Decontamination Laundry Facility (DLF) by February 1993 and requires Ecology and the U.S. Department of Energy, Richland Field Office (RL) to complete negotiations by July 15, 1993, for deletion or modification of the new DLF milestones that remain in the Ecology Consent Order. The modification is necessary since RL has a contract in place for offsite laundry services. Personnel from RL and the Westinghouse Hanford Company discussed the proposed modification with personnel from the Kennewick Ecology office and the language of the modification was agreed to on February 12, 1993.

Section 1.IV of the Ecology Consent Order states, "Ecology intends to maintain consistency with Milestone M-17-00 in the HFFACO [Hanford Federal Facility Agreement and Consent Order] in implementing this Consent Order." HFFACO Change Request Number M-17-91-05A deleted interim milestones M-17-35, M-17-35A, M-17-35B, M-17-35C, and M-17-35D in the HFFACO due to privatization of the new DLF project. The enclosed modification to the Ecology Consent Order will maintain consistency with the HFFACO. The original form is being provided to Mr. D. Nylander of the Kennewick Ecology Office. RL requests that Ecology approve the proposed modification to the Ecology Consent Order and forward a copy of the modification to RL once it has been signed.



FEB 26 1993

Mr. David B. Jansen
93-RPB-131

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Should you have any questions, please contact me or Mr. R. N. Krekel of my staff on (509) 376-4264.

Sincerely,


James D. Bauer, Program Manager
Office of Environmental Assurance,
Permits, and Policy

EAP:RNK

Enclosure:
Modification of Consent
Order No. DE 91NM-177

cc w/encl:
B. Austin, WHC
P. Day, EPA
G. Jackson, WHC
D. Nylander, Ecology
R. Oldham, WHC
M. Selby, Ecology
R. Yanochko, WHC

**BRIEFING MEMORANDUM FOR THE
PROPOSED MODIFICATION OF CONSENT ORDER NO. DE 91NM-177 TO MAINTAIN
CONSISTENCY WITH THE MODIFICATION TO INTERIM MILESTONE M-17-35 IN THE
HANFORD FEDERAL FACILITY AGREEMENT AND CONSENT ORDER**

BACKGROUND

- On January 10, 1992, the U.S. Department of Energy, Richland Field Office (RL), provided the State of Washington Department of Ecology (Ecology) notification of RL's plans to seek offsite commercial decontamination laundry services.
- Westinghouse Hanford Company (WHC) signed a contract August 5, 1992, which requires the offsite commercial source to start up laundry services no later than August 5, 1993. Groundbreaking for an offsite commercial Decontamination Laundry Facility (DLF) began on December 15, 1992.
- On May 27, 1992, RL submitted a letter to Ecology requesting that Consent Order No. DE 91NM-177 (216 Consent Order) and Milestone M-17-00 of the Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement) be modified to delete the interim milestones and restrictions related to the new DLF.
- In the Tri-Party Agreement Change Request Number M-17-91-05A (signed August 31, 1992), interim milestones M-17-35, M-17-35A, M-17-35B, M-17-35C, and M-17-35D were deleted.
- RL received a letter from Ecology, dated November 16, 1992, that contained a proposed modification to the 216 Consent Order that would delete milestones relating to the new DLF. However, in the manner in which the Ecology modification was written, it would still require construction of the new DLF to begin by February 1993. This was not consistent with the modification to Interim Milestone M-17-35 in the Tri-Party Agreement.
- RL replied to Ecology on January 6, 1993, with a counter proposal that did not require construction of a new DLF and was consistent with the modification to Interim Milestone M-17-35.

DISCUSSION

- During the negotiations between Ecology and RL over the wording for the DLF modification an unfair labor practice was filed with the National Labor Relations Board (NLRB) concerning RL's efforts to privatize certain activities at Hanford. Due to this filing, and the possible effects that it might have on the privatization of the DLF, the enclosed 216 Consent Order modification was proposed. This modification deletes the milestone due February 1993, and gives time to wait on a NLRB decision. The wording of the modification was agreed to by Ecology in a meeting with RL on February 12, 1993.

RECOMMENDATIONS

- The proposed modification is ready for RL signature.

Enclosure 2
9351347D

PROPOSED MODIFICATION

CONSENT ORDER DE 91NM-177

I. MODIFICATION

In accordance with Section 1.V, Page 3 of State of Washington Department of Ecology Consent Order DE 91NM-177, the parties agree to a modification which will revise a portion of the following section:

Section 4: 200 Area Treated Effluent Disposal Facility - Project W-049H, Table 2, 200E Laundry (new)

The start construction date of 2/93 shall be deleted.

The parties also agree to complete negotiations, by July 15, 1993, for deletion or modification of the remaining milestones for the new decontamination laundry facility as provided in Section 8: Interim Operating Restrictions and Impact Assessments, Table 6, New Decontamination Laundry Facility/B Pond System. The date for completion of negotiations may be extended if agreeable to both parties.

DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE COMPLIANCE BY)
United States Department of Energy)
with Chapter 90.48 RCW and the)
Rules and Regulations of the)
Department of Ecology)

SECOND MODIFICATION OF
CONSENT ORDER
No. DE 91NM-177

To: United States Department of Energy
Richland Field Office
P.O. Box 550
Richland, WA 99352

I. MODIFICATION

In accordance with Section 1.V, Page 3, of the above-referenced Consent Order, the parties agree to a modification which will revise a portion of the following section:

1. Revise section 4: 200 Area Treated Effluent Disposal Facility - Project W-049H, Table 2, 200E Laundry (new)

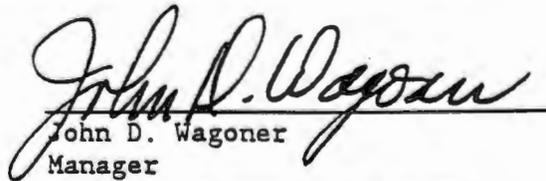
The start construction date of 2//93 shall be deleted.

2. The parties also agree to complete negotiations, by July 15, 1993, for deletion or modification of the remaining milestones for the new decontamination laundry facility as provided in Section 8: Interim Operating Restrictions and Impact Assessments, Table 6, New Decontamination Laundry Facility/B Pond System. The date for completion of negotiations may be extended if agreeable to both parties.

All other terms and conditions contained in the Consent Order remain in full force and effect.

Dated this _____ day of _____, _____, at
Kennewick, Washington.

Dave Nylander
Office Manager
Washington State Department of Ecology


John D. Wagoner
Manager

U. S. Department of Energy

CORRESPONDENCE DISTRIBUTION COVERSHEET

Author	Addressee	Correspondence No.
J. D. Bauer, RL (J. R. Rosser, WHC)	D. B. Jansen, DOH	Incoming:9300939 XRef:9351347D

Subject: PROPOSED MODIFICATION OF CONSENT ORDER NO. DE 91NM-177 DUE TO
PRIVATIZATION OF THE NEW DECONTAMINATION LAUNDRY FACILITY PROJECT

INTERNAL DISTRIBUTION

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