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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
3100 Port of Benton Blvd • Richland, WA 99352 • (509) 372-7950

September 9, 2004

Ms. Jamie Granger
Regulatory Compliance Manager
Pacific EcoSolutions, LLC
2025 Battelle Boulevard
Richland, Washington 99352

RECEIVED
OCT 25 2004
EDMC

Dear Ms. Granger:

Re: Letter #2004-LTR-0735, Request for Storage Extension of TSCA/RCRA Regulated Mixed Wastes and a Variance from Permit Condition II.F.5.f. (which requires the treatment of waste and shipment off-site, if necessary, within 365 days of receipt of generation)

This letter is in response to Pacific EcoSolutions, LLC's (PEcoS) above referenced letter to the Washington State Department of Ecology (Ecology) and the United States Environmental Protection Agency (EPA), dated August 9, 2004. EPA is responding to this letter separately.

PEcoS's letter requests an extension of the 365 day deadline for the treatment of waste and shipment off-site for final disposal (if necessary) that is contained in condition II.F.5.f. of PEcoS's Permit WAR 00010355 for the Storage and Treatment of Mixed Waste and Mixed Toxic Substances Control Act (TSCA) Regulated Polychlorinated Biphenol Wastes. The volumes of Resource Conservation and Recovery Act (RCRA) Legacy Mixed Waste subject to PEcoS's request were set forth in the most recent Legacy Waste Roll-Up Schedule dated July 1, 2004, attached to Letter #2004-LTR-0754, dated June 28, 2004. A copy of this roll-up schedule is attached hereto as Attachment 1.

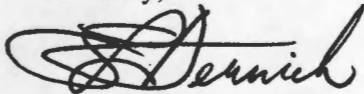
EPA and Ecology granted a one-year extension for storage of TSCA/RCRA regulated mixed waste, via a joint EPA/Ecology letter dated September 12, 2003. That extension will expire on September 12, 2004. PEcoS has requested that Ecology grant a further one-year extension until September 12, 2005, in order to complete negotiations and removal of the referenced RCRA waste. Ecology has reviewed the extension request and will grant an extension until March 12, 2005. This extension is for six months rather than the one year requested. If PEcoS later requests a further extension, Ecology will determine whether that request is appropriate by taking into consideration the factors that exist at the time of the request.

Ms. Granger
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As a condition of this extension, PEcoS must continue to provide Ecology with a quarterly update of the Legacy Waste Roll-up Schedule of mixed waste stored on site that tracks the volume and status of the waste. This extension applies only to the waste volumes specifically identified in Attachment 1 to this letter. Ecology expects PEcoS compliance with the 365-day deadline in permit condition II.F.5.f. with respect to all other volumes of mixed waste not specifically identified in the attachment to this letter.

If you have any questions or concerns about this letter, please feel free to contact me at (509) 372-7896 or email: sder461@ecy.wa.gov

Sincerely,



Sterling L. Derrick
Nuclear Waste Program

Attachment

cc: Joseph Shorin III, AG
Earl Fordham, DOH
Catherine Massimino, EPA
Ken Niles, ODOE
Administrative Record

(ATTACHMENT 1)

Central Files _____

File Name: _____

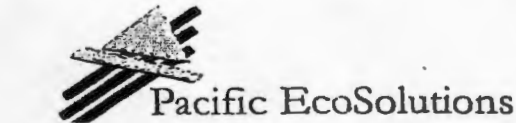
Cross Reference: _____

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JUN 30 2004

Department of Ecology
NWP - Richland

**COPY FOR YOUR
INFORMATION**



✓ Sterling Derrick
Washington State Department of Ecology
3100 Port of Benton Blvd.
Richland, WA 99352

June 28, 2004
2004-LTR-0724

Catherine Massimino
United States Environmental Protection Agency
Region 10
1200 West Sixth Avenue WCM-127
Seattle, WA 98101

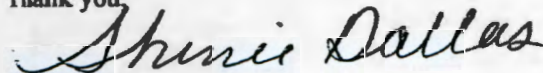
Re: Quarter 3 (Q-3) 2004 Legacy Waste Review for Mixed Waste Facility

Dear Mr. Sterling and Ms. Massimino,

Pacific EcoSolutions LLC (PEcoS) is submitting a timely 2004 Quarter-3 Legacy Waste Removal Review for your information, set forth as a condition to the transfer of Permit WAR000010355. Also included is the on-going shipment log. As agreed upon in the March 22, 2004 regulator/PEcoS conference call, PEcoS will continue with its efforts to negotiate contract terms and waste removal obligations with remaining legacy waste customers. Progress will be updated in planned monthly conference calls as well as continued quarterly roll-up reports.

PEcoS intends to comply with the directive and waste extension requirements of resolution or shipment of legacy waste offsite within 365 days or September 15, 2004 as applicable. PEcoS may choose to further negotiate legacy waste removal extensions dates with the regulating agencies should the need arise. PEcoS appreciates the Department's efforts in this manner. Should you have any further questions regarding this matter, please contact me at (509) 375-7022 or sdallas@pecosllc.com.

Thank you,



Sherrie Dallas
PEcoS Regulatory Compliance Manager

Cc: Dave Dalton (PEcoS), Curt Cannon (PEcoS), Sandy Muller (PEcoS), Bob Ferguson (PEcoS), Regulatory File
Fred Jamison (WDOE), Sean Murphy (WDOH)

Mixed Waste Legacy Status

LEGACY WASTE ON SITE NOVEMBER 22, 2002
net lbs. of pre-2002 legacy waste left on site

		489,706	Committed
12/31/02		441,041	485,000
01/31/03		426,055	435,000
02/28/03		409,685	385,000
03/31/03		388,685	320,000
04/30/03		388,685	250,000
05/31/03		388,685	0
06/30/03		385,420	0
07/31/03		383,580	0
08/31/03		383,490	0
09/30/03		355,096	0
10/31/03		346,743	0
11/30/03		346,423	0
12/31/03		345,781	0
01/31/04		344,981	0
02/29/04		337,820	0
03/31/04		337,589	0
04/30/04		337,525	0
05/31/04		337,525	0
06/30/04		337,420	0

REPORT DATE: 06/30/04

LEGACY WASTE SHIPPED OFF SITE					
Date Shipped	ATG Shipment Number	Original ATG Receipt Number	Generator	Net lbs. shipped	Destination
12/04/02	MWS02-045	MWR00-100	RG&E Ginna	300	M&EC Permafix
12/04/02	MWS02-046	MWR00-037	RG&E Ginna	1,510	Gainesville Permafix
12/11/02	MWS02-049	MWR00-176	BWXT	7,285	Envirocare
12/18/02	MWS02-052	MWR01-038	Yankee Atomic	20,280	Envirocare
		MWR01-039	Yankee Atomic	19,290	Envirocare
01/07/03	MWS03-001	MWR01-132,156,157	Bechtel Jacobs	6,394	Permafix of Florida
01/08/03	MWS03-002	MWR01-132,156,157	Bechtel Jacobs	4,058	M&EC Permafix
01/08/03	MWS03-003	MWR01-132,156,157	Bechtel Jacobs	1,844	DSSI / ETPP
01/13/03	MWS03-005	MWR01-122	Duratek	2,690	Waste Control Specialists
02/05/03	MWS03-009	MWR00-113,115	Lawrence Livermore	13,445	Envirocare
02/11/03	MWS03-013	MWR00-059,088,121, MWR01-027,112	Brookhaven Nat. Labs	2,925	Brookhaven Nat. Labs
03/04/03	MWS03-017	MWR00-156 / MWR01-020	DOE-Fluor Hanford	21,000	DOE Hanford burial
06/03/03	MWS03-043	MWR00-121/MWR01-027 MWR01-063,112	Brookhaven Nat. Labs	1,060	M&EC Permafix
06/06/03	MWS03-046	MWR01-141	Bechtel Nevada	2,065	Bechtel Nevada
06/11/03	LLS03-067	MWR01-023	PSNS-RASP	80	US Ecology
		MWR01-089	PSNS-NNPP	60	
07/17/03	MWS03-060	MWR01-091	Bettis Atomic	1,324	DOE Hanford burial
		MWR01-102	KAPW	516	
08/14/03	MWS03-063	MWR01-112	Brookhaven Nat. Labs.	90	Envirocare
09/04/03	MWS03-072	MWR00-049, 075, 097	Los Alamos Nat. Labs.	25,775	M&EC Permafix
	MWS03-073	MWR01-016, 030			Gainesville Permafix
09/17/03	MWS03-076	MWR00-088,128,129 MWR01-014,026,034 MWR01-049,050,112	BNL, Boehringer, LBNL Minn. DOH, NW Univ. Perry NPP	2,184	DSSI / ETPP
09/17/03	MWS03-077	MWR00-121 MWR01-043,050,062	BNL, Perry NPP, Sigma, Smith Kline Beech.	410	M&EC Permafix
09/17/03	MWS03-078	MWR01-033	University of Penn.	25	University of Penn.
10/20/03	MWS03-082	MWR00-114	Lawrence Livermore Labs	1,295	Lawrence Livermore Labs
10/23/03	MWS03-081	MWR00-088,166 MWR01-028,029,043 MWR01-044,049,063,098	Brookhaven Nat. Labs.	7,058	Brookhaven Nat. Labs.
11/18/03	MWS03-085	MWR01-104	Moravek Biochemicals	320	Moravek Biochemicals
12/29/03	MWS03-099	MWR01-035	DOE-Fluor	642	222 S Labs. - Hanford
01/02/04	MWS04-003	MWR01-025	DOE-Fluor	555	DOE-Fluor

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04/30/04		337,525	0
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06/30/04		337,420	0

REPORT DATE: 06/30/04

LEGACY WASTE SHIPPED OFF SITE					
Date Shipped	ATG Shipment Number	Original ATG Receipt Number	Generator	Net lbs. shipped	Destination
		MWR02-034	Brunswick, Yankee Atomic Portsmouth NSY		
02/25/04	MWS04-014	MWR01-012,035,123	DOE-Fluor	340	222 S Labs. - Hanford
03/24/04	MWS04-020	MWR00-175	DOE-Fluor	31	222 S Labs. - Hanford
04/29/04	MWS04-027	MWR00-175	DOE-Fluor	64	222 S Labs. - Hanford
06/09/04	MWS04-038	MWR00-175, MWR01-012	DOE-Fluor	105	222 S Labs. - Hanford
Totals				152,286	

PecoS Legacy Waste Review
07/01/04

Generator	Broker	Treatment Applied	NW (lbs.) as of 11/15/03	Total NW (lbs.) shipped off-site	NW (lbs.) Remaining on 04/01/04	Disposition	Status	Comments
BHNL	BHNL	Return & STABL	34,615	7,058	27,557	Return	Pending	Treated, awaiting final LDR results - contract in place
L Brunswick	CP&L Brunswick	MACRO	615	615	0	Envirocare	N/A	All Waste Shipped Off-Site
avy Ports.	FH	STABL	80	80	0	Envirocare	N/A	All Waste Shipped Off-Site
PECO	Exelon	STABL	1,345	1,345	0	Envirocare	N/A	All Waste Shipped Off-Site
Yankee Atomic	YA	STABL	3,995	3995	0	Envirocare	N/A	All Waste Shipped Off-Site
Yankee Atomic	YA	N/A	650		650	Return	Pending	PCB waste. Yankee Atomic evaluating option to ship directly to Envirocare.
AMP INC	AES		30		30	Transfer to LL		
Dupont	Philo	N/A	9	9	0	Envirocare	N/A	All Waste Shipped Off-Sight
Dupont	Philo	N/A	17,048		17,048	Return	Pending	Evaluation on transfer to Permafix
FH	DOE	Analysis Only	43,763	1,640	42,123	Hanford	Pending	Continuing negotiations with FH to perform sampling and analysis activities on this waste to confirm LDR compliance.
FH	DOE	STABL	575		575	Hanford		
FH	DOE	REPACKAGE	103,389	*169	103,220	Return	Pending	Awaiting Statement of Work from FH requesting a proposal to repackage and return high activity samples. Should receive response by 10/24.
LLNL	DOE	N/A	2,870	1,295	1,575	Return	Pending	MSO drums, currently sampled for LDR compliance contract in progress/anticipated return date 6/2004
Oravek Bio	Philo	N/A	320	320	0	Return	Pending	Evaluation on transfer to Permafix
Paragon	Philo	STABL	4,685		4,685	Envirocare	Pending	Waste is treated and LDR compliant. Waiting for disposal contract with Envirocare to obtain shipping approval.

PecoS Legacy Waste Review
07/01/04

Radian	Philo	N/A	2		2	Return	Pending	Evaluation on transfer to Permafrix
WEC	Philo	STABL	965	965	0	Envirocare	N/A	All Waste Shipped Off-Site
Byron	Exelon	N/A	7,227		7,227	Return	Pending	No known comments
LBNL	DOE	STABL	782		782	Return	Pending	Waste is treated and LDR compliant. Waiting for Envirocare shipping approval. 4/30/04 anticipated shipment date
NSP/ICN/NCSU	NSP/ICN/NCSU	N/A	9,255		9,225	Return	Pending	No known comments
Nycomed	Chase Environ	STAB:	3,110		3,110	Envirocare	Pending	No known comments
Nycomed	Chase Environ	N/A	300		300	Envirocare	Pending	No known comments
Safety Kleen	Safety Kleen	N/A	3,110	N/A	N/A	Demo Test	Pending	PCB's purchased for use in the GV demo test.
WVDP	DOE	STABL	3,272	12	3,260	Envirocare	Pending	No known comments
Allergan	Thomas Gray	N/A	21		21	Return	Pending	No known comments
BARC West	ECS	N/A	9		9	Return	Pending	No known comments
Bristol Myers	ECS	N/A	120		120	Return	Pending	No known comments
CE Nuclear	Radiac	MACRO	2,565		2,565	Envirocare	Pending	No known comments
ILDA	ECS	N/A	15		15	Return	Pending	No known comments
NIH	ECS	N/A	5,936		5,936	Return	Pending	No known comments
NIST	ECS	MACRO	3,198		3,198	Envirocare	Pending	No known comments
NSSI	NSSI	N/A	9,583		9,583	Return	Pending	No known comments
Ott College	ECS	N/A	70		70	Return	Pending	No known comments
Pfizer	Radiac	STABL	15		15	Return	Pending	No known comments
Polaroid	Radiac	STABL	10		10	Envirocare	Pending	No known comments
Prince UNV.	ECS	N/A	11		11	Return	Pending	No known comments
PSU	ECS	N/A	273		273	Return	Pending	No known comments

PecoS Legacy Waste Review
07/01/04

SUNY	Radiac	N/A	5		5	Return	Pending	No known comments
U of VA	ECS	N/A	611		611	Return	Pending	No known comments
ATG	ATG	Analysis Only	30,191		30,191	Envirocare	Pending	Contract in place – Envirocare imposed “Hold” on all incoming shipments
ATG	ATG	Analysis Only	5,725		5,725	Envirocare	Pending	Contract in place – Envirocare imposed “Hold” on all incoming shipments
ATG	ATG	MACRO	37,394		37,394	Envirocare	Pending	Contract in place – Envirocare imposed “Hold” on all incoming shipments
ATG	ATG	STABL	13,570		13,570	Envirocare	Pending	Contract in place – Envirocare imposed “Hold” on all incoming shipments
ATG	ATG	STABL	3,741		3,741	Envirocare	Pending	Contract in place – Envirocare imposed “Hold” on all incoming shipments
nd Totals			355,075	*169	334,281	<i>← Number represents total excluding demonstration test material</i>		
ning Totals			355,075	17,503	337,572	<i>← Number represents totals including demonstration test material</i>		

- Total Weight Remaining reflects a <1% Variance Due to Addition of Over-Packs and/or other Packaging Material.
- Quarterly Report Reflects Reduction in Weight via amount of MWF Legacy Waste Shipped Off-site During Preceding Quarter.
- *Reflects Waste Shipped in Preceding Quarter – Does Not Reflect Over All Weight Reduction.