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STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

7601 W. Clearwater Suite 102 • Kennewick, Washington 99336 • (509) 546-2990

October 20, 1992

Mr. Dennis Faulk  
United States Environmental Protection Agency  
712 Swift Boulevard, Suite 5  
Richland, WA 99352

Dear Mr. Faulk:

Re: Riverland ERA Project Plan Comments

22131

I have conducted a review of the Riverland Project Plan which intends to complete various sampling activities at 100-IU-1 in late October 1992.

In reviewing your comments, I agree with those submitted, but wish to add the following:

1. Section 4.0, page 1-5, first paragraph, states Level IV & V requirements for verification and validation. I think the proper levels are Level III & IV, please clarify.
2. Section 3.4, page 1-2 and Section 5.0, page 1-6 contradict one another pertaining to the number of samples, please clarify.

Ecology previously sent these comments to Bob Stewart and Paul Valcich on October 19, 1992, as you requested, by cc:mail.

Ecology also may take split soil samples, and this request should provide ample notice to perform that task.

If you have any questions or comments, please call me at (509) 546-4313. Thank you.

Sincerely,

Jack W. Donnelly  
Operable Unit Manager

JD:mf

cc: Darci Teel, Ecology  
Wayne Johnson, WHC  
Administrative Record (Riverland Rail Wash Pit ERA)



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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.

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.

## 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

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Subject: RIVERLAND ERA PROJECT PLAN COMMENTS

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