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cc Izatt 3-16  
G Bracken  
E Bracken  
R Freeberg  
Gerton

0007802

United States Government

Department of Energy  
Richland Operations Office

## memorandum

DATE:  
REPLY TO:  
ATTN OF: OCC:RMC  
SUBJECT: EPA DENIAL OF LINER-LEACHATE COLLECTION SYSTEM REQUIREMENTS

TO: M. Shupe, Chief  
Hanford Environmental Management Branch

On March 3, 1988, I was provided with a copy of a letter dated February 18, 1988, from Charles Findley, Environmental Protection Agency (EPA), to H. E. McGuire, Westinghouse Hanford Company (WHC) purporting to be a formal denial of the Department of Energy's (DOE) request for waiver of liner/leachate collection systems at the Dangerous Waste Landfill and the Low Level Waste Burial Grounds.

Please be aware that official regulatory agency actions on permit requests are generally subject to various appeal rights by the regulated party. However, those appeal rights may be lost if timely action to appeal is not taken.

Therefore, it is incumbent upon your organization and the WHC counterpart organization to immediately bring such regulatory determinations to the attention of DOE and WHC counsel, and to make an immediate assessment of whether you wish to appeal the decision rendered such that appropriate action can be taken to appeal any such decision.

A programmatic review of this February 18, 1988, letter and determination whether any appeal is desired should be made by your office and WHC no later than March 11, 1988. As you may recall, it was the position of the Waste Management Division (WMD) at the time the variances were submitted, that liner systems were inconsistent with appropriate disposal practices for radioactive mixed waste. I am not certain if that continues to be your position. To the extent that such a position is factually supported, an inconsistency argument may exist.



DOE

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M. Shupe

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It is not the intent of this letter to express any view on the desirability of an appeal. Rather, my intent is to assure that such regulatory determinations are promptly considered and determinations made such that no appeal rights are lost.

  
Robert M. Carosino, Attorney  
Office of the Chief Counsel

cc: M. Tiernan, EQA  
H. McGuire, WHC  
K. Hoewing, WHC

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