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Department of Energy

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Richland Field Office

P.O. Box 550

Richland, Washington 99352

October 30, 1992

92-RPB-214

Mr. Paul T. Day
Hanford Project Manager
U.S. Environmental Protection Agency
Region 10
712 Swift Boulevard, Suite 5
Richland, Washington 99352

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



Dear Messrs. Day and Jansen:

HANFORD FEDERAL FACILITY AGREEMENT AND CONSENT ORDER MILESTONE CHANGE CONTROL FORM M-20-92-5

With the mission change at the Hanford Facility from production of nuclear fuels to environmental restoration, the U.S. Department of Energy, Richland Field Office (RL) has concluded that the 303-M Oxide Facility is not required for use as described in the current Hanford Facility Part A Permit Application. In addition, the 303-M Oxide Facility did not treat, store, or dispose of mixed waste after November 23, 1987, the date when the State of Washington was authorized to regulate mixed waste under Subtitle C of the Resource Conservation and Recovery Act (RCRA). As a result, the Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement) Interim Milestone M-20-30, which requires the completion of a Part B permit application, is no longer appropriate. Therefore, a request for the withdrawal of the Part A permit application (Enclosure 1) was previously submitted to the State of Washington Department of Ecology (Ecology).

Subsequent to the request for withdrawal of the Part A Permit application submitted by RL, Ecology denied approval for the withdrawal (Enclosure 2) incorrectly asserting that the State of Washington did have authority to regulate the waste managed at the 303-M Oxide Facility prior to the date that operations at the unit ceased. RL responded to the denial (Enclosure 3) and invoked its rights under Tri-Party Agreement Article VIII, Paragraph 29, RESOLUTION OF DISPUTES.

In conjunction with the request for withdrawal of the Part A permit application for the 303-M Oxide Facility, RL recommends that the current Interim Milestone M-20-30 requirement for submittal of a RCRA Part B permit application be deleted from the Tri-Party Agreement Work Plan. A Federal Facility Agreement and Consent Order Change Control Form reflecting this change is enclosed (Enclosure 4).

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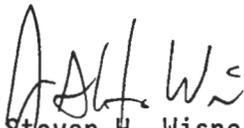
Messrs. Day and Jansen
92-RPB-214

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The original change Control Form is being delivered with this letter for Ecology to review and approve. On completion of their review and approval, Ecology is requested to forward the original Change Control Form to the U.S. Environmental Protection Agency (EPA) for their review and approval. On completion of their review, the EPA is requested to return the approved Change Control Form to RL.

Should you have any questions, please contact me on (509) 376-6798 or Mr. C. E. Clark of RL on (509) 376-9333.

Sincerely,


Steven H. Wisness,
Hanford Project Manager

Enclosure

cc:

H. L. Debban, WHC w/encl.
R. E. Lerch, WHC, w/encl.
H. E. McGuire, WHC, w/o encl.
D. C. Nylander, Ecology w/encl.
F. A. Ruck III, WHC, w/encl.
T. B. Veneziano, WHC, w/o encl.

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ENCLOSURE 1

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B

ENCLOSURE 2

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Enclosure 3

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Enclosure 4

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Subject: HANFORD FEDERAL FACILITY AGREEMENT AND CONSENT ORDER MILESTONE CHANGE CONTROL FORM M-20-92-5		

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