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Department of Energy

Richland Field Office

P.O. Box 550

Richland, Washington 99352

9207488

NOV 05 1992

92-RPB-230

Mr. H. W. Baney, Chief
Chemical Regulation Branch
Office of Toxic Substances TS-798
U.S. Environmental Protection Agency
401 M Street, Southwest
Washington, D.C. 20460



Dear Mr. Baney:

REVISED NOTIFICATION OF POLYCHLORINATED BIPHENYL ACTIVITY

The enclosed revision of the Notification of Polychlorinated Biphenyl (PCB) Activity, which adds "permitted disposer" as a PCB activity, was requested by the U.S. Environmental Protection Agency (EPA) Region 10. This was requested to address the disposal of Submarine Reactor Compartments in Low-Level Burial Grounds 218-E-12B Trench 94. Although EPA has not granted the U.S. Department of Energy, Richland Field Office (RL) approval to dispose of PCB waste in Trench 94 to date, a Compliance Agreement exists between RL and EPA Region 10 which provides the conditions under which the waste will be stored prior to the receipt of such EPA approval. In addition, a "Request for Interim Approval to Operate 218-E-12B Trench 94 as a Chemical Waste Landfill for Disposal of Polychlorinated Biphenyl Wastes in Submarine Reactor Compartments" (DOE-RL-90-12, Revision 1, February 28, 1992) has been submitted for consideration by the EPA.

For background, the current notification identifies the type of PCB activity for the Hanford Site as "generator with onsite storage facility." The final rule for "Notification and Manifesting for PCB Waste Activities," published in the Federal Register on December 21, 1989, (Volume 54, Number 244, pages 52716 to 52756), required submittal of the Notification of PCB Activity by April 4, 1990. The current notification was submitted on April 4, 1990, to satisfy the requirements of 40 Code of Federal Regulations (CFR) 761.205 (c)(2)(i), which applies to generators storing PCB Waste subject to the storage requirements of 40 CFR 761.65 (b).

In addition to the necessity to add "permitted disposer" to the notification, the 224-T Transuranic Waste Storage and Assay Facility (TRUSAF) located in the 200 West Area, and the 350-D Building located in the 300 Area, need to be included as PCB storage locations at the Hanford Facility. The 224-T TRUSAF was identified as a potential PCB storage location during preparation of the 224-T TRUSAF Dangerous Waste Permit Application that was submitted to the State of Washington Department of Ecology and the EPA on June 30, 1992. The 350-D Building is a new PCB storage location that provides greater operational flexibility in the storage and accumulation of light ballasts.

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Mr. H. W. Baney
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The following locations within the Hanford Site are used to store PCBs:

LOCATION	ACTIVITY
616 Nonradioactive Dangerous Waste Storage Facility	PCB and hazardous waste storage
305-B Building	PCB and hazardous waste storage
Hanford Central Waste Complex	PCB and hazardous waste storage
Low-Level Burial Grounds 218-E-12B Trench 94	PCB and dangerous waste storage, and proposed chemical waste landfill
212-P Building	PCB storage
224-T TRUSAF	PCB and hazardous waste storage
350-D Building	PCB storage

All but two of these locations are also subject to Resource Conservation and Recovery Act regulations and fall under the single EPA/State Identification Number, which has been assigned to the Hanford Site. RL has therefore elected to use this identification number on the enclosed notification form in accordance with 40 CFR 761.202 (a).

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

Sincerely,

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

RPB:RNK

Enclosure:

cc w/encl:
R. C. Bowman, WHC
T. D. Chikalla, PNL
P. T. Day, EPA
D. G. Hay, WHC
W. M. Hedgebeth, EPA
G. W. Jackson, WHC
R. E. Lerch, WHC
M. M. McCarthy, WHC
F. J. Orsag, WHC
H. T. Tilden, PNL

RECEIVED
R. C. BOWMAN

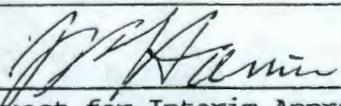
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ACTION _____
COPIES _____
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ENCLOSURE

		United States Environmental Protection Agency Washington, DC 20460		Form Approved OMB No. 2070-0112 Approval expires 12-31-92	
Notification of PCB Activity					
No information on this form may be claimed as TSCA CBI.					
Return To: Chemical Regulation Branch Office of Toxic Substances TS-798 U.S. Environmental Protection Agency 401 M St., SW Washington, DC 20460			For Official Use Only TSCA PCB ID Number U.S. Department of Energy Richland, Washington 99352		
I. Name of Facility U.S. Department of Energy Hanford Site		Name of Owner of Facility		II. EPA Identification Number (if already assigned under RCRA) WA 7890008967	
III. Facility Mailing Address (Street or PO Box, City, State, & ZIP Code) P.O. Box 550 Richland, Washington 99352			IV. Location of Facility (No. & Street, City, State, & ZIP Code) Hanford Site Benton County Richland, Washington 99352		
V. Installation Contact (Name and Title) J. D. Wagoner Manager Telephone Number (Area Code and Number) (509) 376-7395			VI. Type of PCB Activity (Mark 'X' in appropriate box. See instructions.) <input checked="" type="checkbox"/> A. Generator with onsite storage facility <input type="checkbox"/> B. Storer (Commercial) <input type="checkbox"/> C. Transporter <input checked="" type="checkbox"/> D. Permitted Disposer (1)		
VII. Certification Under civil and criminal penalties of law for the making or submission of false or fraudulent statements or representations (18 U.S.C. 1001 and 15 U.S.C. 2615), I certify that the information contained in or accompanying this document is true, accurate, and complete. As to the identified section(s) of this document for which I cannot personally verify truth and accuracy, I certify as the company official having supervisory responsibility for the persons who, acting under my direct instructions, made the verification that this information is true, accurate, and complete.					
Signature 		Name and Official Title (Type or print) J. D. Wagoner, Manager		Date Signed 11-4-92	
I "Request for Interim Approval to Operate 218-E-12B Trench 94 as a Chemical Waste Landfill for Disposal of Polychlorinated Biphenyl Wastes in Submarine Reactor Compartments" (DOE-RL-90-12, Revision 1, February 28, 1992) has been submitted. Trench 94 is operated under a Compliance Agreement between the U.S. Department of Energy, Richland Field Office and the U.S. Environmental Protection Agency Region 10, March 1990 (Attached).					
Paperwork Reduction Act Notice The public reporting burden for this collection of information is estimated to average 1.5 hours per response. This estimate includes time for reviewing instructions, searching existing data sources, gathering and maintaining the needed data, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information to the Chief, Information Policy Branch (PM-223), US Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, marked ATTENTION: Desk Officer for EPA.					

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COMPLIANCE AGREEMENT
BETWEEN
UNITED STATES DEPARTMENT OF ENERGY
RICHLAND OPERATIONS OFFICE
RICHLAND, WASHINGTON
AND
THE ENVIRONMENTAL PROTECTION AGENCY
REGION 10, SEATTLE, WASHINGTON

I.

AUTHORITY

1. Region 10 of the United States Environmental Protection Agency (EPA) and the United States Department of Energy, Richland Operations Office (DOE-RL), are parties to this agreement which is entered into under the authority of Executive Order (E.O.) 12088, October 13, 1978 (43 Federal Register 47707). It is being entered into to bring burial ground 218-E-12B, Trench 94, located on the Hanford site managed by the DOE-RL, Richland, Washington, into compliance with the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2601 et seq., and the PCB (polychlorinated biphenyl) Regulations promulgated thereunder; and, is consistent with E.O. 12088 and Agency policy which favor interagency settlement over more formal enforcement action. Nothing in this agreement shall be construed to require a violation of the Anti-Deficiency Act, 31 U.S.C. § 1341. Trench 94 is that area set aside for disposal of submarine reactor compartments in the 200 East Area 218-E-12B burial ground. It is more specifically depicted in Hanford Engineering drawing "Dry Waste Burial Ground 218-E-12B Naval Disposal," H-2-33276 Rev. 0, sheet 6 of 6, which is contained in the Low Level Burial Grounds Dangerous Waste Permit Application (DOE/RL 88-20).

II.

PURPOSE

2. EPA and DOE-RL are entering into this agreement to clarify each Agency's responsibilities and commitments for conducting actions required and/or authorized by TSCA, 15 U.S.C. § 2601 et seq., the PCB Regulations at 40 C.F.R. Part 761, and applicable portions of E.O. 12088.

3. It is the goal of this Compliance Plan and Schedule to have the DOE-RL bring conditions at Trench 94 into full compliance with Section 15 of TSCA, 15 U.S.C. § 2614. Full compliance with Section 15 would be attained by EPA's granting of approval pursuant to TSCA to the DOE-RL to operate a chemical waste landfill at Trench 94 for the sole purpose of landfilling submarine reactor compartments containing PCB-contaminated components. The compartments, which have a low level of radioactivity, were and will continue to be removed from obsolete submarines decommissioned by the U.S. Department of the Navy. The primary purpose of this agreement is to identify the time-frames by which DOE-RL will submit applications for interim and full approval to operate a TSCA chemical waste landfill, and the

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conditions, in the interim, under which DOE-RL will store submarine reactor compartments prior to receipt of such EPA TSCA approval.

III.

SCOPE

4. This agreement is entered into by the parties to assure compliance with the federal PCB Regulations, promulgated under Section 6 of TSCA, 15 U.S.C. § 2605, at DOE-RL's Trench 94.

5. This agreement is not and shall not be construed to be a vehicle to relieve the DOE-RL, or its contractors, of any legal obligations under TSCA which are in addition to or different from matters covered in this agreement. Neither does the agreement relieve DOE-RL of the responsibility to comply with any other environmental laws or regulations.

6. The disposal of submarine reactor compartments which contain small amounts of PCB-contaminated materials, such as electrical cable and thermal insulation, is regulated by the TSCA PCB Regulations at 40 C.F.R. § 761.60. The materials regulated

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for disposal under TSCA in Trench 94 shall be limited to those which are allowed to be disposed of in a chemical waste landfill as described in 40 C.F.R. § 761.75. The storage of such compartments, prior to disposal, is regulated by the TSCA PCB Regulations at 40 C.F.R. § 761.65. EPA recognizes that noncompliance with the storage requirements will exist prior to disposal of the compartments because of the inability of the DOE-RL to meet the requirements of PCB storage for disposal facilities pursuant to 40 C.F.R. § 761.65(b). EPA additionally recognizes that the submarine reactor compartments presently in Trench 94, and additional compartments which are to be shipped there during the term of this agreement, may be stored for more than one year prior to interim approval of Trench 94 as a TSCA chemical waste landfill. It is EPA's assessment that the most effective environmental controls can be implemented at DOE-RL's Trench 94 and EPA, therefore, has determined that the shipment of additional submarine reactor compartments from the Puget Sound Naval Shipyard and the subsequent storage of those units in Trench 94 is appropriate and consistent with achievement of environmental protection and compliance, provided that all of the terms of this agreement are complied with by DOE-RL.

7. This agreement contains a "plan," as described in section 1-601 of E.O. 12088, to achieve and maintain compliance with the PCB Regulations at 40 C.F.R. Part 761. This plan is described

and entered into by the signatories under the presumption and expectation that approval applications submitted for Trench 94 by DOE-RL to EPA and the State of Washington Department of Ecology will support final approval of a Low Level Burial Grounds Dangerous Waste Permit and interim and final approval of a TSCA chemical waste landfill permit for that site.

IV.

COMPLIANCE PLAN AND SCHEDULE

8. DOE-RL agrees to perform the following activities and to adhere to dates and timeframes specified below:

- a. No later than two weeks after the effective date of this agreement, the DOE-RL will have submitted an application for interim approval of a chemical waste landfill located at Trench 94, pursuant to the TSCA PCB Regulations at 40 C.F.R. § 761.75. The application will serve as an "initial report" under 40 C.F.R. § 761.75(c)(2). The application will request interim approval for the landfill for a period not to exceed five (5) years. All required

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items as identified in 40 C.F.R. § 761.75, including any waivers that are requested, will be addressed for the period covered by the interim approval application. In addition, the TSCA application will address plans for a proposed closure and post-closure of Trench 94 in compliance with WAC (Washington Administrative Code) Chapter 173-303 requirements.

- b. Prior to accepting any additional submarine reactor compartment shipment from the U.S. Department of the Navy, Puget Sound Naval Shipyard, DOE-RL will notify EPA, in writing, of such anticipated acceptance. Normally, such notification should occur at least two weeks prior to acceptance. No additional submarine compartment will be accepted by DOE-RL for storage in Trench 94 without DOE-RL having received confirmation from the U.S. Department of the Navy that all PCB-contaminated felt sound damping material has been removed from the compartment. Within two weeks of having accepted any additional submarine reactor compartment, DOE-RL will notify EPA of such acceptance.

- c. Within 180 days of issuance of the final permit by the State of Washington Department of Ecology for its

Low Level Burial Grounds Dangerous Waste Permit application, DOE-RL will submit an additional application to EPA Region 10 for approval to operate a chemical waste landfill at Trench 94 pursuant to the TSCA PCB Regulations at 40 C.F.R. § 761.75. The application will address the long-term disposal of the submarine reactor compartments at a chemical waste landfill located at Trench 94. The application will be limited in scope to the disposal of the submarine reactor compartments and will specify that no other TSCA regulated wastes besides those already contained within the compartments as internal parts of those compartments are proposed to be disposed of in Trench 94.

9. EPA agrees to review DOE-RL's applications for interim and final approval in a timely manner. EPA intends to apply the following principles when reviewing the TSCA interim and final approval requests:

a. To the degree that requirements for the TSCA chemical waste landfill are identical to (or less stringent than) those of WAC Chapter 173-303 (equivalent to or more stringent than 40 C.F.R. Parts 264 and 270 for the final approval) and have been addressed in the Low Level

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Burial Grounds Dangerous Waste Permit application to the State of Washington Department of Ecology for Trench 94 for the final approval, or in DOE-RL plans and procedures for operation of Trench 94 as a state dangerous waste landfill under WAC 173-303-400 (equivalent to or more stringent than 40 C.F.R. Part 265 for the interim approval), documentation of compliance with state requirements will be sufficient to show compliance with these requirements.

- b. EPA agrees that DOE-RL's interim and final approval requests for a chemical waste landfill need only address PCB wastes that will remain in place after the planned removal of PCB-contaminated felt from the reactor compartments currently in place.

- c. EPA agrees that groundwater monitoring requirements will be waived for the interim approval period of up to five (5) years if DOE-RL demonstrates that PCBs will not reach groundwater during this period. This may be based on a demonstration of submarine outer hull and closing plate integrity in conjunction with a DOE-RL commitment not to backfill reactor compartments during the interim approval period, so that submarine outer hull and closing plate integrity can be verified and maintained.

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10. All documentation required shall be sent to:

Charles Findley, Director
Hazardous Waste Division
U.S. Environmental Protection Agency
M/S HW-111
1200 Sixth Avenue
Seattle, Washington 98101

V.

CONFLICT RESOLUTION

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11. EPA and DOE-RL will each use a single point of contact for implementing this agreement and coordinating TSCA PCB compliance matters. The point of contact for EPA will be William Hedgebeth, Air and Toxics Division, telephone (206) 442-7369. The point of contact for DOE-RL will be Ronald Gerton, Waste Management Division, telephone (509) 376-1366. Either party may make a redesignation of its point of contact upon written notification to the other party.

12. At either EPA's or DOE-RL's request, the points of contact will meet or confer by telephone to discuss any questions or problems that arise.

13. DOE-RL shall notify the EPA contact person identified above at least 14 days prior to the required completion date in

all cases where DOE-RL will not or anticipates it will not meet a deadline in the Compliance Plan and Schedule section of this agreement.

14. Both parties to this agreement shall make reasonable efforts to informally resolve, at the project manager or immediate supervisor level, all anticipated noncompliance with, or violations of, this agreement. If resolution of the dispute cannot be achieved, it will be elevated to the signatories for resolution. If resolution of the dispute cannot be achieved at the signatory level, it will be elevated to the Administrator of the EPA or his designee and the Secretary of the Department of Energy or his designee for resolution. Finally, if necessary, the Director, Office of Management and Budget, shall be notified pursuant to Sections 1-602 and 1-603 of E.O. 12088. In this event, the Director, Office of Management and Budget, will consider such steps as necessary to resolve any conflicts and remedy any violations.

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VI.

ENFORCEMENT

15. While this agreement is in effect, and upon successful compliance by the DOE-RL with all the terms of this agreement, EPA shall not initiate enforcement action against DOE-RL or its contractors for violations of TSCA regulations involving matters which are the subject of this agreement. This does not preclude EPA enforcement actions for subsequent or other violations of TSCA regulations by either the DOE-RL or its contractor(s).

16. The provisions of this agreement shall constitute requirements which are enforceable against DOE pursuant to the citizen suit provision of TSCA Section 20, 15 U.S.C. § 2619.

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VII.

EXPIRATION

17. This agreement will expire when compliance is reached as mutually agreed between EPA and DOE-RL but in no case will the agreement remain in effect should DOE-RL receive approval to operate a TSCA chemical waste landfill in Trench 94, as described in 40 C.F.R. § 761.75(8)(c).

Randall F. Smith

3-27-90

DATE

for THOMAS P. DUNNE
Acting Regional Administrator
Environmental Protection Agency
Region 10

Michael Lawrence

3-26-90

DATE

MICHAEL LAWRENCE
Manager
U.S. Department of Energy
Richland Operations Office

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CORRESPONDENCE DISTRIBUTION COVERSHEET

Author

Addressee

Correspondence No.

J. D. Bauer, RL
(G. C. Evans, WHC)

H. W. Baney, EPA

Incoming: 9207488
XREF: 9256065D

Subject: REVISED NOTIFICATION OF POLYCHLORINATED BIPHENYL WASTE ACTIVITY

INTERNAL DISTRIBUTION

Approval	Date	Name	Location	w/att
		Correspondence Control	B3-01	X
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		H. R. Benzel	N3-13	
		R. C. Bowman	H4-57	
		H. C. Boynton	N3-11	
		B. J. Broomfield	N3-13	
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		C. J. Geier	B2-19	
		D. G. Hay	T3-21	
		D. A. Hoover	N3-13	
		G. W. Jackson, Assignee	H4-55	
		R. J. Landon	B2-19	
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		EDMC	H4-22	X
		GCE File/LB	H4-57	X

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