



0065906

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

June 16, 2005

Ms. Lori Huffman, Acting Director
Regulatory Compliance and Analysis Division
United States Department of Energy
P.O. Box 550, MSIN: A5-15
Richland, Washington 99352

RECEIVED
AUG 01 2005
EDMC

Dear Ms. Huffman:

Re: Contained-In Determination Request for 111 Drums of Laboratory Debris

References:

1. Letter, J. Hebdon, USDOE to J. Hedges, Ecology, "Contained-In Determination Request for Radioactive Debris from Pacific Northwest National Laboratory (PNNL) Activities" 03-RCA-0279, dated July 1, 2003
2. Letter, J. Hedges, Ecology, to J. Hebdon, USDOE, Request for Additional Analytical Data for o-Cresol Using a Minimum Detection Limit Below 5,600ug/Kg, dated October 7, 2003
3. Letter, T. Eaton, Ecology, to All Hazardous Waste Staff, Ecology, Contained-in Policy, dated February 19, 1993

The Washington State Department of Ecology (Ecology) received and reviewed the above referenced request. The information was evaluated to determine if the 111 drums of laboratory debris waste should be managed as listed dangerous waste in accordance with the exclusion promulgated in Washington Administrative Code (WAC) Chapter 173-303-071(3)(qq). To qualify for this exclusion, Ecology, using the criteria established in the Contained-In Policy, must determine the debris is no longer contaminated with hazardous waste.

Based on the information provided in the United States Department of Energy's (USDOE) July 1, 2003, request, Ecology was unable to determine if the 111 drums of laboratory debris could qualify for an exclusion under WAC 173-303-071(3)(qq). Ecology met with representatives from the Pacific Northwest National Laboratory (PNNL) and USDOE to request additional information. The enclosed Table 1, listing analytical results, reporting limits (RL), and minimum detection levels (MDL) for each hazardous substance, was provided.

Based on the information received, the laboratory waste designated with the following waste codes:

- F001 – 1,1,1-trichloroethane, carbon tetrachloride
- F002 – methylene chloride
- F003 – acetone, methyl isobutyl ketone
- F004 – o-Cresol, p-Cresol, m-Cresol
- F005 – methyl ethyl ketone

Ms. Lori Huffman
June 16, 2005
Page 2

Ecology understands the listed waste designation is based on the *derived from rule* and was assigned to the debris after laboratory analysis of tank waste samples.

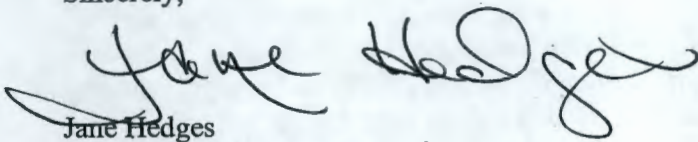
Ecology understands that the data contained in Table 1 are representative of the contamination in the 111 drums of laboratory debris resulting from laboratory operations at PNNL facilities between 1995 and 2001. It is Ecology's understanding that the laboratory debris waste does not designate as dangerous waste under federal characteristics (WAC 173-303-090) or state-only criteria (WAC 173-303-100). However, Ecology understands that the waste is also low-level radioactive waste and must be managed accordingly.

Using Ecology's current "contained-in" policy as the criteria for implementing WAC 173-303-071(qq)(ii), Ecology may determine that contaminated debris is no longer contaminated with hazardous waste when the hazardous constituents in the media fall below site-specific, risk-based action levels established using the Model Toxic Cleanup Act (MTCA) standard Method B and the media does not exhibit a characteristic. Based on the data referenced above, Ecology has determined that the concentrations of listed dangerous waste constituents in the laboratory waste do not warrant management of the material as a dangerous waste. Therefore, Ecology will not require disposal of this laboratory waste as a listed waste at a Resource Conservation and Recovery Act (RCRA) permitted dangerous waste treatment, storage, and disposal facility.

Please note that this determination, under WAC 173-303-071(qq)(ii), is specific for the 111 drums of laboratory waste debris for which data were submitted and reviewed, and only removes the listed waste designation. It does not apply to any other laboratory waste, does not set precedent for other situations, and does not apply to Land Disposal Restriction compliance. In addition, issuance of this contained-in determination does not limit Ecology's discretion with respect to actions for the characterization or closure of the low-level burial grounds.

If you have any questions regarding the "contained-in" policy or this determination, please contact Brenda Becker-Khaleel at (509) 372-7882.

Sincerely,



Jane Hedges
Cleanup Section Manager
Nuclear Waste Program

BBK:lkd
Enclosure

cc: Jack Boller, EPA
Nick Ceto, EPA
Theresa Aldridge, USDOE
Ellen Dagan, USDOE
Harold Tilden, PNNL
Roby Enge, PNNL

Stuart Harris, CTUIR
Gabriel Bohnee, NPT
Russell Jim, YN
Todd Martin, HAB
Ken Niles, ODOE
Administrative Record
Environmental Portal