

FY2008 Performance Partnership Agreement HWTR Mid-Year Exceptions Report

Following are details of any anticipated delays in completion of FY2008 PPA commitments. Since about four months remain in the FY2008 fiscal year, these anticipated delays are tentative; the end-of-year report will give a definitive explanation of which commitments have been completed on schedule and which, if any, have been delayed.

HEADQUARTERS TSD PERMITS TEAM

February 15, 2008

Philip Services Tacoma – We assisted SWRO on one permit modification request, one compliance inspection and provided input on the resulting compliance report. We also conducted two construction inspections of the new stabilization building and associated stabilization tanks.

Philip Services Kent - We assisted NWRO on two permit modification requests and on two compliance reports. We also provided review comments to Ecology's Solid waste Program and King County on Philip's moderate risk operations plan. We provided Philip with a list of major changes needed in their permit renewal application (application due February 2008). We also provided support for an informational site visit looking at their wastewater treatment system.

Emerald Services, Inc - We assisted SWRO with review of several submittals required by a stipulated order issued to the facility by Ecology and one permit modification request. We received Emerald's application for permit renewal and issued a completeness review on the application. We began a collaborative process with Emerald to complete their permit application. We mailed notice that we received this application to the public and public officials on August 20, 2007.

US Navy, Keyport – We public noticed the draft dangerous waste management permit for this facility. As of December 31, 2007, the public comment period was still open. We assisted NWRO on one compliance inspection and provided input on the resulting compliance report.

Bonneville Power Administration (BPA) Ross Complex – As of December 31, 2008, we have not assisted SWRO on any permit modification or compliance inspections. We provided review comments on one compliance inspection report.

Univar Kent – We have not public noticed permit light for this facility.

Boeing Everett – We went out for public comment on December 20, 2007 with a proposed modified agreed order for two interim cleanup actions. The public comment period ended January 21, 2008. Dean Yasuda, Nancy Farman

Reflex recycling - We have done no public involvement for this facility yet this year.

Boeing Renton – We went out for public comment on a proposed amendment to our Agreed Order on November 2, 2007. Boeing intends to sell a portion of their Renton Plant and this amendment will change Boeing’s property boundary and remove an area of concern Byung Maeng, Nancy Farman.

Philip Services Georgetown (Art Brass Plating) – Went out for public comment on November 7 with Notice of Agreed Order and Scope of Work for a remedial investigation. Comment period ended December 11, 2007 Ed Jones, Nancy Farman.

Philip Services Georgetown (Capital Industries) – Went out for public comment on December 7, 2007; ended January 10, 2008. Proposed Remedial Investigation – with Agreed Order. Ed Jones, Nancy Farman.

CENTRAL REGIONAL OFFICE

CRO HWTR Midyear Exceptions Report

Compliance Inspections

CRO is working to meet our PPA commitments for compliance by the end of FY08. One lead inspector was not field capable for several months, but is completing inspections again.

TSD Inspections

Commitment = 1
 Completed = 0

LQG CEIs

Commitment = 5
 Completed = 1

State Priority Inspections (SPIs)

Commitment = 30
 Completed = 9

New Notifier Visits

Commitment = 0
 Completed = 4

Other State Site Visits

Commitment = 0
 Completed = 58 (42 mercury + 14 complaints + 1 dental + 1 hospital)

Total State Discretionary Facility Site Visits

Commitment = 30

Completed = 73

All inspection commitments are expected to be met by the end of the fiscal year.

Permitting

Yakima Training Center – Closure of the permitted units has been completed. Active cleanup of (unpermitted) sites is drawing to a close and the Army and Ecology intend to develop a RCRA corrective action only permit (permit lite).

Bay Zinc Co. Inc.* –The facility had intended to pursue a permit lite to meet RCRA post closure requirements for long term groundwater monitoring. However, due to recent metals market volatility, Kronos now intends pursue a full permit renewal. They are not currently handling any hazardous material subject to RCRA, but they want to retain the ability to do so in the future.

*Bay Zinc changed ownership and has been renamed Kronos Micronutrients. The new owners are longtime Bay Zinc employees and the son of former owner.

Closure

NONE

Corrective Action

Yakima Training Center – Over the past 12 years, Ecology has focused on an aggressive voluntary cleanup approach at this large facility, and active remediation is nearing completion for the entire facility. Ecology is pleased to report these cleanups have culminated in submission of a Draft RCRA Corrective Action Completion Report. The report details cleanup and closure status for each of the 115 potentially contaminated areas identified in the 1995 RCRA facility assessment. In addition, eight other recently identified sites were reviewed and investigated in 2007, and results are pending. Further, the Land Use Management Plan outlining long term monitoring and land use restrictions was finalized. After the RCRA Corrective Action Completion Report is finalized and results of recent site investigations are received, the corrective action only permit (permit lite) will be developed.

Kronos Micronutrients (formerly Bay Zinc Co. Inc.) –All active cleanup and institutional controls for contaminated site soil are now complete, including a final Site Management Plan. The agreed order for cleanup is still in effect to assure long term groundwater monitoring continues. The groundwater treatment system was shut down in December 2007, but will remain available in the event contaminant concentrations rebound.

Formal Enforcement Actions During FY2008

No formal enforcement actions have occurred this fiscal year in CRO.

EASTERN REGIONAL OFFICE

February 14, 2008

TO: Elliot Zimmerman

FROM: Lisa Brown

SUBJECT: ERO FY2008 Performance Partnership Agreement Mid-Year Review/Exceptions Report

ERO is currently on track with meeting our FY2008 commitments.

Inspections

ERO has an LQG CEI inspection commitment for FY2008 of 5 inspections and by mid-year have completed 7 LQG inspections.

ERO has a State Discretionary Site Visits/State Priority Inspections commitment for FY2008 of 12 inspections and by mid-year have completed 22 discretionary visits which includes: 14 at notified sites (6 MQG/CEIs, 1 SQG/CEI, 1 XQG/CEI, 3 CAVs, 1 CDI and 2 FUIs); 2 at non-notified sites; and 6 complaints.

ERO has an Increased Generator Contact Visit commitment for FY2008 of 60 visits. By mid-year ERO has completed 11 IGC visits.

Permitting, Closures and Corrective Action

ERO currently has no TSD facilities/permits. ERO has no closure or corrective action work planned for TSD facilities and has no staff available to conduct these activities.

Formal Enforcement During FY2008

United Agri Products: A Notice of Penalty #4191 in the amount of \$30,000 issued April 6, 2007 was appealed. Settlement discussions resulted in a settlement agreement executed in October 2007.

NORTHWEST REGIONAL OFFICE

Compliance Unit Commitments

TSD Inspections

Commitment = 2
 Completed = 0

PSC-Kent Q4
 NUWES-Keyport Q4

LQG CEI's

Commitment = 50
 Completed = 30

State Priority Inspections (SPI's) (defined as MQG's, CESQG's, DAR, NN)

Commitment = 80
 Completed = 25

Delinquent Annual Reporter (DAR) site visits

Commitment =
 Completed = 69

New Notifier site visits

Commitment =
 Completed = 4

Total NWRO site visits

Commitment = 130
 Completed = 128

Work accomplished thus far is proceeding at a rate exceeding targets for LQG's and State Priority Inspections (including MQG's, delinquent annual reporters, and new notifiers. Significant work remains for TSDF's and new notifier site visits in FY2008.

Formal Enforcement Work during FY2008

1) Magnum Trailer et al, Ferndale, WA (WAH000027708)

On November 15, 2005 an Administrative Order was issued to Magnum Trailers Company, the successor company Magnum 2005 run by the owner's son, and the property owner, Perry Pallet Company. A Penalty in the amount of \$56,000 was issued simultaneously to Magnum Trailers Company and the successor company, as well as both owners as individuals. The penalty was for dangerous waste violations including: failure to designate waste; spills of dangerous waste to the environment; illegal disposal of dangerous waste to the air and soil; and accumulation of dangerous waste for more 180 days. Don Piccolo, former owner of Magnum Trailer Company, appealed the penalty by representing all of the plaintiffs *pro se*. The Order with its requirements to clean up the property was not appealed. The PCHB upheld the penalty in its entirety. This PCHB decision was subsequently upheld following appeal to Whatcom County Superior Court on March 2, 2007. Payment of the \$56,000 penalty has been under negotiation with Dan Piccolo, owner of Magnum Trailers' successor Magnum 2005. Piccolo has tentatively agreed to paying \$29,000 of the penalty over a five-year period as well as manufacturing and donating product (trailers) with value greater than the remainder of the penalty to local NGO's.

The property owner and the new company owner have been complying with the Order and working cooperatively with Ecology to achieve the required compliance. Hazardous waste accumulated on the property has been properly disposed and a consultant has assessed the extent of contamination of the soils and groundwater. Shortage of enforcement-experienced staff for follow-up has delayed the completion of settlement negotiations.

2) Argent Chemicals, Inc., Redmond, WA (WAD988468211)

An Administrative Order (2768) and \$180,000 penalty (2769) were issued to Argent Chemicals on February 28, 2006. The Order was not appealed to the PCHB in a timely manner; the penalty, however, was. The eleven violations cited included: illegal disposal of hazardous waste; improper management of chemical incompatibles; failure to designate waste; failure to develop a training plan; failure to maintain personnel training records; plus several violations of container management requirements. Argent's "Application for Relief of Penalty" did contain new information which resulted in Ecology reducing the penalty to \$170,000.

Argent's counsel proposed an inadequate settlement offer that failed to meet Ecology's settlement guidelines for breadth and depth of compensation in the fall of 2006. An initial PCHB hearing scheduled for mid-December was delayed at the request of Argent. A subsequent July, 2007 date was rescheduled at the request of Argent. The hearing is currently scheduled for April, 2008. Summary judgments have upheld nine of the eleven violations cited thus far.

Argent had initially been providing regular submittals as required per the administrative order. However, draft plans – training and contingency – were inadequate and final versions have yet to be received by Ecology. A review of materials required, received, and outstanding will be conducted for follow-up and in preparation for the PCHB hearing in FY08.

3) Philip Services Corporation, Kent, WA (WAD991281767)

A \$76,000 penalty (#4415) was issued to Philip Services on May 20, 2007. The eight violations cited included: General Waste Management (for improper designation, improper assignment of waste codes, inaccurate manifesting, absence of an accurate waste profile); processing of DW with >500 ppm VOC in a permitted unit; failure to notify Ecology of permit exceedance in stabilization tanks; failure to follow waste analysis plan procedures; and failure to meet LDR's. These violations all resulted from PSC's mismanagement of waste received from Belco Forest Products of Tacoma, Washington.

PSC's "Application for Relief of Penalty" did not provide any new information; therefore, the penalty amount has not changed. Ecology's "Notice of Determination" went out to PSC in mid-February. PSC has until mid-March, 2008 to appeal the penalty to this PCHB.

Technical Unit Commitments

Elliott, the RAFT exceptions for the Mid-year FY08 PPA are highlighted in yellow below.

FY2008 PERMITS, CLOSURE, AND CORRECTIVE ACTION								
Facility #	Facility Name	REGION	TARGET RCRIS MILESTONE for FY2008	Total Hours	EPA HOURS	EPA FUNDING	STATE HOURS	COMMENTS
last update: WE January 25, 2008								
III. Permitting and Closures								
A. TSD Operating Permits: Active "Part B", Part "A", and Permit Modifications Work (application review, NODs, appeal negotiations, etc.)								
WAD 000 812 917	BEI - Terminal 91	NWRO	CA permit/order development in-place-of RCRA Permit	150.00			150.00	Galen to work with AAG to negotiate AO and Framework permit with POS
WAD 067548966	Univar - Kent (formerly - Vopak; VW&R)	NWRO	Part B Corrective Action AO/Permit	100.00			100.00	Galen work with Permits team CA Permit development
WAD991281767	BEI - Kent	NWRO	Permit modifications for Operational facility	40.00			40.00	Galen - upcoming permit modifications
WAD991281767	Philip Services - Kent	NWRO	Support HQ on RCRA Permit Renewal	149.00			149.00	Robin - On Track
WAD 00081 2909	PSC/BEI - Georgetown	NWRO	CA permit/order development in-place-of RCRA Permit	150.00			150.00	Ed to work with AAG to negotiate AO and Framework permit with PSC
TOTAL HOURS		NWRO		589.00	0.00		589.00	

B. TSD: Site-Specific Closures							
WAD 067548966 Univar-Kent (formerly - Vopak; VW&R)	NWRO	CL370-CL380; closure certification received. Verified, and accepted as complete.	40.00			40.00	Certify clean closure standard have been met - Galen
JH Baxter-Arlington	NWRO		20.00			20.00	DDY-Closure Report Review, Comment and Approval
Northwest EnviroService	NWRO	CL360	75.00			75.00	Byung Maeng has agreed to be the contact for this facility with EPA
Oeser Company	NWRO	CL360	75.00			75.00	Byung Maeng has agreed to be the contact for this facility with EPA
HWFI Closures	NWRO	CL310-CL360 Variable based on specific facility.	300.00			300.00	Emerald Recycling and Safety Clean Anacortes; Hallmark Refining; Ecolights NW; [The level of hours and work specifics are highly variable and dependent on the timing of closure plan submittals by facilities] Approximately 60 hours per RAFT staff. Note: The cleanup activities at the Basin Oil facility far exceeds the 60 hours allocated to this site by several hundred hours.
TOTAL HOURS	NWRO		510.00	0.00		510.00	
IV. CORRECTIVE ACTION							
A. TSD: Site-Specific Corrective Action Work.							
WAD076655182 BSB Diversified	NWRO	CA 350, CMI Approved	375.00			375.00	DHF - All progress is a direct function of ECY's ability to mediate BSB & Hexcel differences
WAD045256971 Hexcel Corp. Structures	NWRO	CA 330, CMI Implementation Begun	375.00			375.00	DHF - All progress is a direct function of ECY's ability to mediate BSB & Hexcel differences

WAD009256819	Boeing Plant 2	NWRO	CA270 CMS Workplan Review and Modification	50.00			50.00	Hideo
WAD 09230 0250 Washougal	PSC/BEI -	NWRO	CA190/200, RI Report received and approved.	150.00			150.00	Ed's support for SWRO-lead site
WAD 00081 2909 Georgetown	PSC/BEI -	NWRO	CA400, Date for Remedy Selection.	850.00			850.00	Ed
WAD 000 812 917	BEI - Terminal 91	NWRO	CA 195/200 RFI progress reports; receive and approve draft FS report; CA260 CMS draft workplan submittal	360.00			360.00	Galen: Draft FS will not be submitted until August 2008, so not completed in fy08. 100 hours move to VCP because the new AO permit has not been finalized yet, but will be by the end of fy 2008
WAD 000 812 917	BEI - Terminal 91	NWRO	CA 195/200 RFI Progress report received +RFI approved - Under the Voluntary Cleanup Program (VCP)	100.00			100.00	Galen: originally based on VCP being incorporated into the new permit, but this has been delayed so total hours changed to reflect this.
WAD 067548966 (formerly - Vopak; VW&R)	Univar-Kent	NWRO	Receive and review reports under VCP process - CA195, conversion to Agreed Order over the year.	40.00			40.00	Galen to back-up Greg Caron the project manager
WAD991281767	BEI - Kent	NWRO	CA 200, RFI Approved	365.00			365.00	Robin - On Track
WAD941337130	Boeing Auburn	NWRO	CA 225, IN, Further RFI Investigation Necessary	405.00			405.00	Robin - On Track
WAD 009278706	GE Aviation	NWRO	Complete IA Mitigation and GW & Indoor Air CA180 - RFI	250.00			250.00	DDY
WAD041585464	Boeing Everett	NWRO	CA190 Finalize and Approve Upland and Powder Mill Gulch TCE GW RFI	150.00			150.00	DDY
WAD041585464	Boeing Everett	NWRO	CA180/195 Monitor and Complete Interim Actions for TCE GW Remediation	250.00			250.00	DDY
WAD041585464	Boeing Everett	NWRO	CA190 Sediment and Uplands RFI final-reviewed, revised and finalized	150.00			150.00	DDY

WAD041585464	Boeing Everett	NWRO	CA250/260 Uplands CMS Imposed and Workplan Received Reviewed	100.00			100.00	DDY
WAD 093639946	Boeing DC	NWRO	CA 100 Oversee VCP	150.00			150.00	Byung
							0.00	
WAD009262171	Boeing Renton	NWRO	CA350 CMS Report approved	100.00			100.00	Byung: on track
WAD009262171	Boeing Renton	NWRO	CA 400 Remedy selection/CM Imposed	200.00			200.00	Byung: Revision of cleanup levels based on newly available toxicity information for chlorinated VOCs delays corrective measure process. Work to continue through FY09.
WAD009262171	Boeing Renton	NWRO	CA450 CM design approved	250.00			250.00	Byung: Revision of cleanup levels based on newly available toxicity information for Chlorinated VOCs delays corrective measure process. Work to continue through FY09.
WAD009282302	Rhone-Poulenc	NWRO	CA assistance to EPA	50.00			50.00	Byung
CA Policy, CAN, non-site specific CA/CL needs and GPRA EI work		NWRO		400.00			400.00	Byung(50), Ed, Hideo, Dean (150), Galen and Robin
RCRA Assistance to TCP		NWRO		170.00			170.00	Byung (50), Hideo, and Dean
DOCUMENT DEVELOPMENT, REVIEW, AND PUBLICATION (FOR THIS CATEGORY) (Includes Program documents intended for wide public dissemination and E-publications)				150.00			150.00	Ed: VI guidance
TOTAL HOURS		NWRO		5,440.00			5,440.00	

SOUTHWEST REGIONAL OFFICE

Inspections

TSD Inspections

Commitment = 5

Completed = 2

This commitment is on track to be completed by end of the fiscal year.

LQG CEI's

Commitment = 25

Completed = 12

This commitment is on track to be completed by end of the fiscal year.

State Priority Inspections (SPI's)

Commitment = 40

Completed = 43

This commitment is completed!

New Notifier Visits

Commitment = 20

Completed = 5

This commitment is on track to be completed by end of the fiscal year.

Increased Generator Contacts

Commitment = 20

Completed = 15

This commitment is on track to be completed by end of the fiscal year.

Other State Site Visits

Commitment = 20

Completed = 26

This commitment is completed!

Permit Modifications and Renewals

SWRO projected work on the Emerald and Philips Permits. We projected a Class 1 and a Class 2 permit mod for Philips Services but those have not come to us yet. We continue to work on the Emerald permit renewal. If substituted work is necessary, the Ft. Lewis MOU continues to take time, and has exceeded the workload estimate to date.

Closure Work

Petroleum Reclaiming Services Inc. (WAD980511729) Planned milestones: *Review and approve closure plan.* Due to the Port of Tacoma's proposed purchase of the property, comments on the closure plan that would address removal of all structures at the facility were sent to PRSI. The scope of the closure plan was revised to include a sampling and analysis plan (SAP) for soil sampling and groundwater monitoring. The SAP will include an assessment of existing monitoring wells, possible installation of new wells, and soil removal under containment areas. Ecology has commented and sent comments to PRSI on both the latest version of the closure plan and the first draft of the SAP. The scope of work on this site has far exceeded the plan, however Ecology believes that it will be completed on time.

POST-CLOSURE WORK

International Paper (WAD020745971): Planned milestones: Commitment: Review final version of post-closure plan for the Treated Wood Products (TWP) Area. Completed.

Corrective Action

Fort Lewis (WA9214053465) Planned milestones: *Review and provide comments on initial and revised drafts of the Remedial Investigation and Feasibility Study Work Plan, and issue approval of Feasibility Study Work Plan.* This work will not be completed in FY 2008 due to the delay of the RI. The final draft RI submittal is now scheduled for February and the draft FS Work Plan is not anticipated until June 30, 2008. Thus approval will not occur until FY 2009.

Substituted work includes resolving outstanding issues in the terrestrial ecological assessment for the Miller Hill and Skeet former ranges and reviewing and approving a work plan for field work and subsequent interpretation of results. Additional work includes reviewing, commenting upon and ultimately approving a finalized report of an interim action at a former fire training pit.

Reichhold, Inc/SSA Containers, Inc. (WAD0925895) Planned Milestones: *Review and provide comments on the draft FFS report, review and comment on the final FFS report, oversee FFS field work if any.* If FFS work is completed develop and review a draft CAP. The final milestone is expected before the end of the Fiscal Year.

Cascade Pole and Lumber Company (WAD008958357) Planned Milestones: *Review and comment on the development of the CAP and compliance monitoring system, and oversee field work.* Due to internal delays in completing the final RI/FS CPLC did not submit the final RI/FS until March, 2007. Therefore development of the CAP and a compliance monitoring system will not be initiated until FY 2009.

Substituted work consisted of development and review of hydraulic data and the implementation of pH pilot studies for reducing high pH in the ground water at the Pioneer Americas LLC/Occidental Chemical site.

Fuel Processors Inc. (WAD087462503) Planned Milestones: *Negotiate an agreed order, develop an RI work plan, oversee RI field activities and review and comment on final report, and develop and implement a FS.* Negotiations are nearly completed and Ecology is completing comments on the draft RI. A report on the RI field work is expected around June 2008. A FS, if needed, will not start until early FY 2009.

Pioneer Americas LLC/Occidental Chemical Inc. (WAD009252314) Planned Milestones: *Review and comment on hydraulic data evaluation process, and continue to provide oversight for chemical sampling and the pH pilot study.* The hydraulic data review has become more complex than anticipated resulting in additional review time. An accurate understanding of ground water flow dynamics is essential in developing a site conceptual model of the site and providing a basis for the numerical model. Field testing of FeSO₄ injected into the aquifer to reduce high pH ground water has shown varying results and has been expanded to accommodate additional field work.

International Paper (WAD020745971) Planned Milestones: *Negotiate draft cleanup action plan (CAP) for the Maintenance Facility Area (MFA). Negotiate draft agreed order attaching CAP for MFA and post-closure plan for TWP Area.* Prior to development of the CAP for the MFA, International Paper submitted an RI/FS report for the MFA. Therefore instead of the CAP staff has been working on a detailed review of the RI/FS report, especially the sections involving disproportionate cost analysis. Ecology expects to send comment on the RI/FS report to International Paper in March 2008. Therefore the CAP will not be completed this fiscal year.

Philip Services/BEI – Tacoma (WAD020257945) Planned Milestones: *Approve feasibility study work plan and oversee implementation.* Approval and implementation of the FS work plan is on hold until the Toxics Cleanup Program completes an agreed order involving the Taylor Way and Alexander Avenue Fill Area that underlies parts of the Tacoma Facility.

Philip Services/BEI – Washougal (WAD092300250) Planned Milestones: *Review data gaps work plan when submitted by Philip and negotiate agreed order attaching work plan for completion of the RI/FS.* Ecology staff and the Attorney General's Office are close to completing negotiations on the agreed order and permit for corrective action.

FORMAL ENFORCEMENT WORK DURING THE FIRST HALF FY2008

Electro Tech Metal Finishing: Penalty # 5116 for \$30,000 on September 12, 2007

INDUSTRIAL SECTION

Inspections

The Agrium and Kimberly Clark inspections were completed in FY '07. The Tenaska inspection was slipped due to other workload but was completed in first quarter FY '08. With the exception of Georgia Pacific West, the rest of the inspections have been completed or are on schedule as planned. Georgia Pacific West permanently closed in December 2007 and it was taken off of the workload plan. In addition, Evergreen Aluminum decided to shut down so a dangerous waste close-out inspection was conducted during the initial cleanup. The status of our TSD, LQG, and MQG/SQG inspections are as follows:

Columbia Gorge Aluminum – will be conducted in 4th quarter
Alcoa-Wenatchee - will be conducted in 4th quarter
Evergreen Aluminum – inspection completed 9/27/07

Agrium - inspection completed 6/12/07
Tenaska – inspection completed 8/30/07

Boise Cascade –Wallula - will be conducted in 4th quarter
Georgia Pacific West – permanently closed
Kimberly Clark – inspection completed 4/23/07
SONOCO – inspection completed 2/4/08

We continue to conduct inspections at the other aluminum and magnesium smelters that have closed and are in the midst of cleanup and demolition (Chinook Ventures and NW Alloys). These inspections check the progress of cleanups to ensure compliance with applicable closure plans or orders.

Permits

I met with the four refineries in December 2007 to discuss our request for information regarding the routine monitoring and maintenance of their oily water sewers (OWSs). We are requesting this information as a follow up to the corrective action requirements in their RCRA permits. I also checked with several other states and EPA regions about how they are handling refinery oily water sewers under their jurisdiction. We hope to review and approve the refineries' monitoring and maintenance plans by September 2008.

We have not yet started work on the RCRA permit renewal for ConocoPhillips' long term container storage area because of other workload. We still hope to issue the permit renewal by September 2008.

In October 2007, Columbia Gorge Aluminum sent us a letter indicating that they do not intend to maintain interim status for their spent potliner containment building. We are

working with them to close the unit. After that we will likely terminate their interim status.

Closure/Post-closure

We have issued several orders to Evergreen Aluminum regarding the cleanup and demolition of their smelter operations. We have been monitoring the progress of this closure as well as cleanups and closures at several other aluminum/magnesium smelting facilities – CDC Mead, Chinook Ventures, Port of Tacoma (Kaiser-Tacoma), and NW Alloys.

We have not yet received modifications to Intalco's closure and post-closure plans regarding the capacity extension for their RCRA landfill.

Corrective Action

Lilyblad – The Cleanup Action Plan (CAP) was public noticed in July 2007. We extended the public comment period until mid-August per citizen request. We also received a request from the Department of Archaeology and Historical Preservation to do an archeological assessment on the site. We are drafting the response to public comments. We finalized the CAP in October and issued an enforcement order to Lilyblad to implement the CAP. Lilyblad failed to meet the requirements of the enforcement order; we are preparing to enforce the order. We have also reviewed and started an inventory of Lilyblad's financial records.

Emerald Kalama (Noveon) – We completed the draft Consent Decree (CD) with Goodrich and Emerald. We worked with Emerald to modify the RCRA permit to incorporate the CD into the corrective action section of the permit. The draft CD and permit modification are in public notice until February 22, 2008. We held a public hearing for the CD and permit modification on January 8, 2008. We hope to finalize and issue the CD in the next couple of months.

NUCLEAR WASTE PROGRAM

DEPARTMENT OF ECOLOGY NUCLEAR WASTE PROGRAM

DATE: February 2, 2007

TO: Elliott Zimmerman

FROM: Ron Skinnarland, NWP Waste Management Section Manager

SUBJECT: FY2008 PPA Mid-Year Report for Hanford RCRA Inspection Activity;
Reporting period July 1, 2007 through December 31, 2007.

The following is a status of the Nuclear Waste Compliance Team's progress in completing FY '08 PPA deliverables. RCRA Info is current for all Hanford dangerous waste inspections.

FY 2008 PPA INSPECTIONS

TSD Inspections

Central Waste Complex	CEI	Scheduled 3 rd quarter
222-S Laboratory Complex	CEI	Scheduled 4 th quarter

Generator Inspections (LQG)

Site-Wide Generator Sweep (Focus on waste designation)	CEI	Not yet completed
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NUCLEAR PROGRAM- PERMITS, CLOSURE AND CORRECTIVE ACTION

January 23, 2008

From: Greta Davis
To: Elliott Zimmermann
Subject: Nuclear Waste Program FY2007 Performance Partnership Agreement
Mid-Year Exceptions

RCRA Info:

Corrections, adjustments and updates to the data system are on-going. Application submittal information for re-issue of the Hanford Dangerous Waste Permit is currently being entered. Version 4 of RCRA Info has just been introduced and staff is currently learning the new software.

Permitting and Closures:

Changes/exceptions to the FY2008 planning sheets for permitting are as follows: Permitting for units postponed because of the Hanford Solid Waste EIS issue is currently being worked on for inclusion to the re-issue Permit.

The following units will be included in the re-issue of the Hanford Facility Dangerous Waste RCRA Permit (which is now planned for summer of 2008):

- **Part III Operating Units:** 325 HWTU's, PUREX Storage Tunnels, WTP, IDF, LERF/ETF, 242-A Evaporator, 400 Area WMU, CWC, WRAP, DST/204-AR, WESF, 222-S, T Plant, and 331-C Storage Unit.
- **Part IV Corrective Action Units:** 100-NR-1 Corrective Action Area, 100-NR-2 Corrective Action Area
- **Part V Closure Units:** 1325-N Liquid Waste Disposal Facility, 1301-N Liquid Waste Disposal Facility, 1324-N Surface Impoundment and 1324-NA Percolation Pond, SST, 207-A S. Retention Basin, 216-A-29 Ditch, 216-A-37-1 Crib, 216-A-36B Crib, 216-S-10 Pond & Ditch, Hexone, NRDWL, 216-B-63 Trench, 216-B-3 Main Pond, B Plant, PUREX Plant, 216-A-10 Crib, and 1706-KE.
- **Part VI Post-Closure Units:** 300 Area Process Trenches, 183-H Solar Evaporation Basins

Ecology is currently working to finalize the Standard and General Conditions in the Hanford Facility Dangerous Waste RCRA Permit.

The following units have been closed and will be retired in Revision 8C and will not be included in the new Permit, Revision 9.

- **305-B Storage Facility, Plutonium Finishing Plant Treatment Unit Glovebox HA-20 MB, 241-Z Treatment and Storage Tank System, 105-DR Large Sodium Fire Facility, 303-M Oxide Facility, 300 Area Waste Acid Treatment System, 305-B Storage Facility, and 224-T TRUSAF.**

The following Hanford units are currently in the permit development process and final status conditions will be added to the Hanford Facility RCRA Dangerous Waste Permit as they are completed:

Operating units

- **Canister Storage Bldg., LLBG-1**

Closure units

- **600 Area Purgewater Modu-Tanks, LLBG-2, and GTF.**

Non-Hanford Facilities:

- **Perma-Fix Northwest Richland:** Previously identified as PEcoS: The treatability study has been completed. Permit renewal for Perma-Fix is currently under development.
- **Energy Northwest Columbia Generating Station:** A certified closure plan for the Columbia Generating Station mixed waste storage area (MWSA) has been reviewed and tentatively approved by Ecology. Public notice and comment procedures begin on January 22, and ends on February 20, 2008. Final Ecology approval of the closure plan will include consideration of all comments received during the public comment period.
- **AREVA NP Inc. previously Framatome ANP:** Currently working on notices of deficiencies in their application. A revised application is due January 31, 2008.
- **PSNS:** Class 1 Permit modifications have been submitted and are currently being incorporated into the Permit.

Cc: Suzanne Dahl
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NUCLEAR WASTE PROGRAM COMPLIANCE/ENFORCEMENT ACTIONS IN FY2008

- Inspections at the Energy Northwest Columbia Generating Station (CGS) and associated WNP-1 facility resulted in violations being issued for personnel training, solid waste identification, hazardous waste designation, container labeling, recordkeeping, receiving unmanifested hazardous waste, waste analysis, and spill reporting at CGS and violations at WNP-1 for failure to maintain exemption requirements for small quantity generator (abandoned wastes, undesignated wastes, unlabeled hazardous wastes, and unreported spills discovered). A \$120,000 penalty was issued to CGS and an Administrative Order was issued to both facilities. To date, CGS has submitted an Application for Relief from the penalty and inspectors are working with the facilities to meet the requirements of the Order.
- An inspection of the circumstances surrounding a mixed waste spill at Hanford tank farms resulted in a \$500,000 Tri-Party Agreement (TPA) penalty being issued for failure to provide required backflow prevention equipment that would have prevented the spill and for failure to provide complete IQRPE review of the tank system equipment. TPA dispute resolution is in progress.
- Two other inspections were completed or nearing completion in FY08. A generator inspection was completed at the 2727-WA 90-day area. A nearly completed TSD inspection at the T-Plant facility has revealed deficiencies in waste designation.