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STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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November 30, 2016

16-NWP-203

Mr. Kevin W. Smith, Manager  
Office of River Protection  
United States Department of Energy  
PO Box 450, MSIN: H6-60  
Richland, Washington 99352

Mr. Doug S. Shoop, Manager  
Richland Operations Office  
United States Department of Energy  
PO Box 550, MSIN: A7-50  
Richland, Washington 99352

Re: Department of Ecology to Assume Asbestos Program from Benton Clean Air Agency

Dear Mr. Smith and Mr. Shoop:

The Benton Clean Air Agency (BCAA) informed the Department of Ecology (Ecology) on November 7, 2016, it was relinquishing asbestos regulatory responsibility at the Hanford Site (Letter enclosed). Ecology acknowledges this relinquishment and will assume responsibility and regulatory authority to ensure compliance with 40 CFR Part 61, Subpart M, National Emission Standard for Asbestos, at the Hanford Site, effective December 1, 2016.

To finalize the relinquishment of asbestos authority from BCAA, Ecology recommends that BCAA and the United States Department of Energy – Richland Operations Office discontinue the *Memorandum of Agreement Relating to Removal of Asbestos Materials and Demolitions on the Hanford Site* as it is currently written. Ecology is not a party to the Memorandum of Agreement, has no authority over the agreement, and is not bound by the agreement.

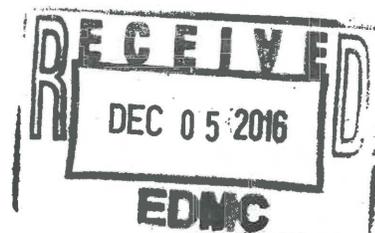
If you have any questions, please contact Philip Gent, Lead Air Engineer, at (509) 372-7983 or [philip.gent@ecy.wa.gov](mailto:philip.gent@ecy.wa.gov).

Sincerely,

Alexandra K. Smith  
Program Manager  
Nuclear Waste Program

lb/tkb  
Enclosure

cc: See page 2



Mr. Smith and Mr. Shoop  
November 30, 2016  
Page 2 of 2

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cc electronic w/enc:

- Dennis Faulk, EPA
- Rhonda Snoddy, EPA
- Dennis Bowser, USDOE-ORP
- Bryan Trimberger, USDOE-ORP
- Eric Faust, USDOE-RL
- Robin Priddy, BCAA
- Reed Kaldor, MSA
- Jon Perry, MSA
- Ken Niles, ODOE
- Lilyann Bauder, Ecology
- Philip Gent, Ecology
- Daniel Heuston, Ecology
- Ron Skinnarland, Ecology
- Environmental Portal
- Hanford Facility Operating Record
- USDOE-ORP Correspondence Control
- USDOE-RL Correspondence Control

cc w/enc:

- Steve Hudson, HAB
- Administrative Record
- NWP Central File

cc w/o enc:

- Rod Skeen, CTUIR
- Gabriel Bohnee, NPT
- Russell Jim, YN





## BENTON CLEAN AIR AGENCY

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Department of Ecology  
NWP - Richland

November 3, 2016

Central Files *Air Corr*  
File Name: \_\_\_\_\_  
Cross Reference: \_\_\_\_\_

Ms. Alex Smith  
Program Manager  
Department of Ecology Nuclear Waste Office  
3100 Port of Benton Blvd.  
Richland, WA 99354-1670

SUBJECT: Relinquishment of Role in Asbestos Program from the Benton Clean Air Agency to the Department of Ecology

Dear Ms. Smith,

Benton Clean Air Agency has been involved in the Asbestos program at the Hanford Site since 1994.

This relationship is initially described in a letter dated March 11, 1994:

"Ecology remains reluctant to assume preemptive responsibility in areas where local government is clearly qualified to accomplish such regulatory responsibilities and where it is more appropriate for Ecology to delegate such responsibility....In the case of asbestos and open burning regulations, I believe it is appropriate to delegate such authority to the BFCCAA. This delegation, therefor, extends to BFCCAA, the authority to ensure compliance with w 40 CFR 61, Asbestos, Handling, Notifications and Reporting. WAC 173-425, and applicable local regulations at the Hanford Site.

1. The BFCAA will continue to serve in the role that your agency currently has as the recipient of asbestos notification required under 40 CFR 61.145(b).
2. Ecology does not grant BFCCAA the authority to collect permit fees. The BFCCAA must decide for itself whether to collect such fees based on its regulatory authority."<sup>1</sup>

<sup>1</sup> Letter from Dru Butler, Program Manager, Nuclear Waste Program; March 11, 1994; Hanford Air Operating Permit No. 00-05-06, Statement of Basis, Attachment 3, Page 5.

More recently this relationship was clarified in a Memorandum of Agreement Relating to Removal of Asbestos Materials and Demolitions on the Hanford site signed on April 3, 2003. (enclosed)

During a recent Asbestos program review, we have determined that BCAA does not have the ability nor the legal standing to participate in the Asbestos program at Hanford:

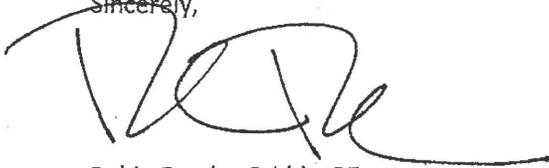
The Federal Register Vol. 67 No. 50: "Approval of the Clean Air Act Section 111 and 112 Delegation of Authority Updates to the Washington State Department of Ecology, Benton Clean Air Authority, Northwest Air Pollution Authority, Puget Sound Clean Air Agency, and Spokane County Air Pollution Control Authority" on page 11422, Table note 8 Subpart M delegation explicitly excludes BCAA from Hanford.

Based on the FR cited above, and an assessment of our program resources, we wish to discontinue the agreement described on the Memorandum of Agreement cited above.

I would like to meet in the near future to consider how best to accomplish this discontinuation.

Thank you very much for your assistance in this matter.

Sincerely,



Robin Bresley Priddy, PE  
Director  
Benton Clean Air Agency  
Kennewick, WA

Enclosures:

- Attachment 3, Statement of Basis, Hanford Site Air Operating Permit Renewal 2, Revision A.
- The Federal Register Vol. 67 No. 50, pages 11417-11424