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HeartOfAmericaNorthwest
 "Advancing our region's quality of life."

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RCRA PERMITS SECTION

COMMENTS OF HEART OF AMERICA NORTHWEST,
 HEART OF AMERICA NORTHWEST RESEACH CENTER
 ON
 DRAFT
 TREATMENT, STORAGE AND DISPOSAL PERMIT
 FOR DANGEROUS AND HAZARDOUS WASTES
 AT THE HANFORD NUCLEAR RESERVATION
 PURSUANT TO R.C.W. 70.105 AND
 THE FEDERAL RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)

COMMENTS SUBMITTED TO WASHINGTON DEPT. OF ECOLOGY &
 U.S. ENVIRONMENTAL PROTECTION AGENCY REGION 10
 PERMIT NO. WA7890008967

COMMENTS OF HEART OF AMERICA NORTHWEST MEMBERS AND STAFF AT PUBLIC HEARINGS AND PUBLIC MEETINGS INCORPORATED: COMMENTS ON THE PUBLIC INVOLVEMENT PROCESS.

Heart of America Northwest represents 16,000 household and individual members who are concerned about public safety, health and protection of the environment from releases and threatened releases of hazardous and dangerous wastes, including radioactive mixed hazardous wastes, from facilities and waste dumps at the Hanford Nuclear Reservation. Our organization believes that Hanford, which is acknowledged to be the most contaminated land area in the hemisphere, represents the single greatest threat to the economic resource base of the region and single greatest threat to public health and safety known to exist at any United States industrial facility.

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In light of the seriousness of the threat and the complexity of the issues involved in this permit, acknowledged by Ecology to be the largest and most complex permit ever issued under RCRA in the United States, we have encouraged our members to be involved and comment on this draft permit. The attached "Citizens' Guide" prepared by us to assist the public in understanding the process and identifying key issues, is hereby submitted for the record. We request that each key issue and comment in the Citizens' Guide be considered a formal comment and responded to by the Dept. of Ecology and U.S.EPA accordingly.

The comments of our members and the public at the Tri-Party Agreement quarterly meeting in Vancouver Washington should be entered into the record and responded to as if given at a public hearing. We ask that each comment at that meeting be separately tabulated and noted in the response documents along with all comments given at public hearings on the permit. We ask that the same treatment be given to all comments at the White Salmon public meeting and the informal Vancouver public meeting on the permit, and the comments of Heart of America Northwest board members and staff at the Seattle hearing. [These comments are supplementary to those formal oral comments offered in detail by our organization at those hearings.]

Given the significance of this permit, it was imperative that the Department of Ecology and USEPA take every step possible to inform and involve the public in the comment process. Sadly, this was not done. No summary and guide to the permit process was mailed to interested citizens or provided by the parties at the hearings. This process called for hearings in numerous areas of the State and in Portland Oregon to receive comments. Instead, 24 hours notice was given for a public meeting in Vancouver, WA.. We ask that the USEPA and Dept. of Ecology respond to public requests that hearings (not meetings) be held in Portland, OR in any future processes of this nature, and please explain why, if EPA was involved, such a hearing was not held in the downstream population center of Portland. We appreciate the response of Ecology staff to the request of Columbia River United and our organization for a hearing in White Salmon. However, public meetings without recording equipment and short notice do not replace hearings with proper notice and respect for the comments offered by citizens. Further, we feel that the citizens who spoke out at the Tri-Party Quarterly meeting in Vancouver and demanded an opportunity to comment on this



issue of vital significance to citizens of Southwest Washington and the Portland area were never afforded a proper opportunity to be involved in and comment on this permit. The Department of Ecology and EPA must explain whether they had sufficient funds from the permit applicants to conduct an appropriate process for public involvement. If funds were not the limiting factor, why did you not plan for more hearings, workshops, mailings and an adequate comment period?

We also request that our comments on the SEPA determination that no further Environmental Impact Statement is necessary for the decision to permit the Hanford Waste Vitrification Plant and the Declaration of Nonsignificance for this permit (DNS) be formally incorporated into the record for this permit. Not only do we object to the substance of those decisions, but we object to the poor process by which the public was not informed adequately about the meaning, substance or separate timing of the SEPA decisions. We thank the Ecology staff who brought the timing of the SEPA decision to our attention while we lament the fact that the general public was uninformed during the hearing process that the decision to not do an EIS on a \$1.2 Billion project with necessary multi-billion dollar ancillary projects had already been made. As we have stated in those incorporated comments, we believe that this decision violates SEPA and NEPA.

CUMULATIVE ENVIRONMENTAL, HEALTH AND SAFETY IMPACTS OF THE RELATED PROGRAMMATIC DECISIONS INCORPORATED INTO THIS DRAFT PERMIT HAVE NOT BEEN TAKEN INTO ACCOUNT AS REQUIRED BY SEPA. ALTERNATIVES HAVE NOT BEEN DETAILED IN AN ENVIRONMENTAL IMPACT STATEMENT AND IRREVERSIBLE COMMITMENTS ARE BEING MADE ON MASSIVE PROJECTS OF AN UNPRECEDENTED SCALE WITHOUT PERFORMING A PROGRAMMATIC OR SITEWIDE EIS.

The decision to permit the construction of the Hanford Waste Vitrification Plant (HWVP) can not be legally considered in isolation from the related programmatic decisions and the cumulative impacts of those decisions.

No NEPA or SEPA EIS with full public participation has considered alternatives for the future of the Hanford site. Yet, the HWVP decision is based upon related programmatic decisions to allow a large area of the Hanford Nuclear Reservation to be permanently turned into an High-Level Nuclear Waste Dump for

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approximately 20 million curies of "grout". The USDOE's prior EIS in 1987, based upon 1985 or earlier data, never considered the consequences of this irreversible decision for this quantity of radiation. Further, the EIS of 1987 was predicated upon a smaller HWVP with lower emissions (the smaller plant was expected to emit 11 curies of radiation per year, compared to the Three Mile Island emissions of 15 to 25 curies) and there is no current environmental analysis of the emissions from the proposed plant, nor of the cumulative impact of emissions from the total program including a pretreatment plant that has yet to even have a preliminary design.

Documents proposed to be adopted by Ecology for SEPA-purposes regarding the HWVP have not been subjected to ANY outside public review and comment, nor has there been any meaningful public opportunity to comment on the scope of necessary environmental review. SEE comments above regarding lack of public notice.

The "Additional Information" provided WA Dept. of Ecology by USDOE to avoid a SEPA EIS calculated that 26.88 tons pe year of Oxides of Nitrogen; 1.4 tons/year of Oxides of Sulphur; 26.6 tons/year of Oxides of Carbon; and, .014 tons/year of Flourine would be released by the HWVP during normal operation. Absolutely no environmental impact assessment has been done on these large emissions. No consideration has been given to the total cumulative emissions from the program as required by SEPA and NEPA. No environmental impact analysis has been done for air emissions in the event of a credible set of accidental releases. Support documents for even these calculations have not been provided for public review as would be the case if an EIS was prepared.

USDOE has informed Ecology that EPA "has promulgated vitrification as the treatment standard... for the high-level fraction of the mixed waste...". Ecology has stated on the record that the HDW-EIS "did not evaluate the environmental impacts associated with alternative DST waste treatment facilities....No comparison of environmental impacts from operation of various high-level waste treatment facilities has been conducted." (I.e., glass, crytalline ceramic, supercalcine and alternative vitrification technologies and designs.)

This constitutes an admission by the State that an EIS is required prior to permitting HWVP in order for alternatives and their impacts to be considered.

USDOE's sole response was to state that EPA had promulgated vitrification as the BDAT (Best Demonstrated Available Technology). This response did not even address the issue of alternative vitrification technologies. Further, SEPA and NEPA require consideration of the environmental impacts of these alternative technologies and alternative forms of vitrification technology even if there is a BDAT promulgated.

The program of vitrification includes the related decision on grout and pretreatment. Vitrification is one step in a process. Within a few months, Ecology is expected to issue another RCRA permit for the related grout facilities, with immense permanent environmental impacts. That permit decision will be rendered years after the public was promised a site wide EIS. The permit will be issued long before the public is involved in reviewing alternatives and impacts of programmatic decisions in a site wide EIS. These major irreversible decisions should come after - not before - an EIS is completed.

We request that we be informed of your decision on the SEPA determination and hereby inform you that we intend to appeal the determination to adopt existing environmental documents in lieu of an environmental impact statement if these defects are not cured through a public process considering alternatives and cumulative and programmatic impacts.

SPILL NOTIFICATION:

The permit should require immediate notification followed by written notification within 24 hours of all releases to the environment of any dangerous waste, hazardous substance or other unpermitted release.

Hanford's record of reporting releases is abysmal. A recent review of Ecology records of reported releases and a partial review of the record of inspections shows a pattern of blatant disregard for the laws requiring notification of releases.

Ecology has yet to be notified of the releases from High-Level Nuclear Waste Tank 105-A of over a half a million gallons of the most deadly substances known. Our records review shows Ecology

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has not been notified of other tank releases, vault and pipe releases, landfill releases, etc.. Recent records review by our staff indicates Ecology was not notified of releases from: Catch Tank 241-A-302-B on 2-7-89;

Tank A-102 in 1989;

Tank 241-AX-102;

Tank 241-SX-104;

Tank Farm Ammonia releases to Crib 216-A-37-1 and to air. Ecology has not even been properly notified of air emission releases of hazardous wastes (probably ammonia) in the Tank Farms which have caused the hospitalization of Hanford employees on several occasions, including two events in 1989 and more recent events.

Releases to "containment" at Hanford must be considered releases to the environment unless a facility or unit has obtained a TSD permit which identifies the area where a release occurs as having been engineered and certified as meeting the standards for containment in WAC chapter 173-303.

Most Hanford vaults, transfer lines, facility floors, etc. are very old, often are contaminated already, often have a history of failure.... Simply put, when floors of facilities are considered "sponge like" and the soil beneath facilities is contaminated from past spills, it is not acceptable to allow USDOe to self designate spills insuch areas as spills to containment.

Further, spills to containment should be required to be reported if the total spill exceeds 100 pounds and any dangerous waste is POSSIBLY present.

This permit's conditions should go further than the general regulations for spill notification for regulated industries. Other regulated industries in the State should not suffer stricter than necessary reporting rules for spills to containment just because Westinghouse Hanford Co. and USDOE have an abominable record.

GROUNDWATER MONITORING:

It should be stated directly and acknowledged in the permit that USDOE is not in compliance with groundwater monitoring requirements for interim status facilities, thus, all such

facilities lacking such certification are no longer in compliance with interim status requirements.

The permit should then proceed to specify steps for groundwater monitoring compliance as conditions for the general facility wide permit and state the specific steps that will be taken in the review of individual facility permits to assure compliance before the permit will be issued.

The permit should specify that lateral wells beneath tanks and basins and such other facilities as appropriate will be required for leak detection. Reliance upon testing for Ruthenium in wells near High-level Nuclear Waste tanks must be replaced with monitoring for an array of both short and long half-life radionuclides. SEE United States General Accounting Office Report, July 1990 on Hanford Single Shell Tank Leaks. [GAO noted that testing for Ruthenium was designed to show that nothing would appear in the wells, as one would not expect to find significant migration or survival of a short half life element.]

OPERATING RECORD:

Hanford is not a normal industrial facility, nor is its clean-up a normal one. Given the fact that remedial action under the Tri-Party Agreement and future legal regimes is likely to be ongoing for five decades at the site, and, given that a lack of operating records could cause cost escalations or even exposures to clean-up personnel, it is necessary that SECTION II.I be amended to require retention of records until ten years after all units at Hanford are certified as closed and as having corrective actions completed. All similar sections of the permit should use this as the standard for records retention.

OUR STATE IS NOT A DUMP SITE. HANFORD MUST NOT BE PERMITTED TO ACCEPT ANY OFFSITE GENERATED WASTE UNLESS ALL HANFORD FACILITIES ARE CERTIFIED AS HAVING CORRECTIVE ACTIONS COMPLETED AND CLOSED:

Section II.N (Receipt of Dangerous Wastes Generated Offsite) of the draft permit is not acceptable to the people of the State of Washington.

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It is not acceptable to state that this is a standard condition for normal TSD facilities. Hanford is not a normal TSD facility. USDOE has turned Hanford into the nation's most contaminated area and the facility with the largest number of waste sites violating RCRA. It will be decades before we dig up and legally and safely store buried wastes at Hanford, significant quantities of which USDOE brought from other sites or nations, including fuel rods and contaminated dead animal carcasses. Limited resources and facilities to store wastes already at Hanford justify a flat out prohibition on acceptance of any further wastes until all wastes at Hanford are stored, treated or disposed of in accord with the law. Ecology has authority to impose this condition, given USDOE's lack of compliance with RCRA.

The public has repeatedly voted to bar receipt of offsite wastes at Hanford.

The Governor has stated he would not agree to offsite wastes being brought to Hanford.

The permit must reflect this policy.

USDOE is actively seeking to "store" the dangerous mixed wastes accumulated at other USDOE facilities. "Temporary storage" of these wastes at INEL from Rocky Flats has exceeded 20 years. This has greatly exasperated the lack of legal storage capacity at the facility for facility generated wastes and wastes that are being removed from the soils. Hanford would face an even more desperate compliance problem if we do not bar offsite generated wastes at this time. Ecology has the legal authority to bar these wastes so long as USDOE is out of compliance at the site.

The permit language in Section II.N should read as follows:

The permittees shall not accept any dangerous wastes generated offsite at any unit or facility at the Hanford Site until all units and facilities at the site are certified as having completed corrective actions and are certified as closed and all units are in compliance with the conditions of this permit and compliance with RCW 70.105 as currently or hereafter amended, and WAC chapter 173-303.

UNDERGROUND PIPES:

This section (II.U) must be retained in the final permit and strengthened. It is vitally important that the mapping begin on an expedited schedule.

The mapping requirement must be strengthened to include:

a) When each pipe was constructed or when any subsequent reconfiguration or construction or, rerouting occurred;

b) What legal authorization was required and received for all construction, rerouting or other significant action for each identified pipe since the application of RCRA to USDOE facilities by the United States Congress and the application of RCW 70.105 to Hanford facilities.

c) Identify all relevant engineering analyses, safety analyses and known process reports for each pipe identified.

d) Identify all sources known for each pipe and all past and present connections or discharges or releases.

Each Subsection of Section II. should incorporate the above items. It is dangerously insufficient to only have USDOE identify the current destination and flow for these pipes as opposed to identifying what they may have carried in the past or where they may still have interconnections that USDOE no longer believes exist.

WASHINGTON'S WASTE MANAGEMENT PRIORITIES (RCW 70.105) MUST BE SPECIFICALLY RECOGNIZED IN THE PERMIT ISSUED UNDER RCW 70.105 AND THE REDUCTION OF WASTE STREAMS MUST BE SPECIFICALLY ADDRESSED ALONG WITH THE PRIORITIES FOR TREATMENT AND RECYCLING OF WASTES.

There should be a general permit condition covering the requirements for reducing and recycling liquid waste streams.

USDOE, Westinghouse and Battelle should be barred from diluting with any other process stream any process or facility waste stream with dangerous wastes or the potential for dangerous wastes to enter. Such nondangerous waste streams should be required to be recycled on an expedited timeline not to exceed two years.

It is well established that the discharge of even nondangerous waste streams into Hanford soils has raised the water table so significantly as to create a groundwater pathway for contaminants to reach the Columbia River. This is true for units near the River (i.e., the 300 Area process Trenches) and for areas far from the River (i.e., the 200 Areas).

SEE 1987 USDOE "Environmental Survey of the Hanford Site" (Ecology has this document on file): "The continued discharges of large quantities of process waste water to this unit (even though it is said to no longer contain HW or RMW) will probably force hazardous/radiocative constituents into the Columbia River at a significant rate." RE: 300 Area, same statement at 4-28 for 200 Area discharges.

Thus, it is imperative that all recycable discharges cease within two years at all units on the Hanford Reservation. This should be accomplishable given that USDOE has had funds appropriated for treatment and to cease discharges for several years, although these funds have apparently been spent on other pet projects.

All recyclable discharges must be separated from combined sewers, trenches and cribs. Section I.E.10.a should require sampling at the process stream head, prior to dilution or discharge into any common sewer.

PUBLIC PARTICIPATION and CHARGING PERMITTEES FOR COSTS:

The Draft Permit is woefully inadequate in protecting and encouraging the public's right to participate in critical decisions.

The draft simply says that the parties will use Tri-Party Agreement processes (FFACO), SEC. I.C.3.b.

We propose that there be a commitment in the permit to hold a comment period with public hearings on any major modification of a facility permit or umbrella permit. Upon the petition of any one individual or organization, a hearing should be held in the geographic region of the petitioner.

Additional permits; i.e., the Grout Facility Permit, must be subjected to full public review through workshops, mailings and a set of public hearings in the interested geographic regions. Affected regions must include Portland, Oregon - which is served by Region 10 of the EPA, which is a party to this permit. This is a national as well as state permit and hearings and public involvement activities must occur in affected regions even if they cross state lines, as in the case of the Columbia Gorge and Portland. The permittees must provide the regulators will full funding as a cost of permit activities for conducting all these activities, including those in Oregon.

Quarterly meetings under the TPA may provide a forum for discussion of permit applications and modifications, However, they do not equal the necessary public hearings on key actions, i.e., past practice unit closure permits, facility permits, major modifications to the permits.

Quarterly meetings are a misnomer in the first place. they are held quarterly only in the Tri-Cities. They are held only once ever year and a half in each of the other interested/affected regions of the state and region. There is a need for a separate process for key decisions, as well as a need for the State Dept, of Ecology to publish and mail updates and citizen fact sheets on major violations of RCRA found a the site, major proposed modifications, etc.. It iws not acceptable to delegate this public educational writing and mailing to the permittee under the Tri-party Agreement.

Washington Dept. of Ecology, should as a condition of this permit, utilize its current legislative authority in RCW 70.105 to charge "Mixed Waste Service Charges" and Permit Fees to fully cover the costs of all permit public involvement activities, hearings, public participation and technical assistance grants and a public records system for public access.

Ecology should not wait for general regulations to charge these permit fees and service charges. The authority exists to charge them as a condition of the permit.

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