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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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August 6, 1993

Mr. Jim Rasmussen
U.S. Department of Energy
P.O. Box 550
Richland, WA 99352

Mr. George Jackson
Westinghouse Hanford Company
P.O. Box 1970
Richland, WA 99352

Dear Messrs. Rasmussen and Jackson:

Re: Site-Wide Permit

It was useful to meet with you on July 23, to discuss the status of the facility wide permit. I believe this permit will set a national example, and will be useful to all of those involved in the cleanup of Hanford.

Since our meeting, I have met with my staff, and have agreed on a plan to move aggressively forward with permit issuance (see attached schedule). The September 15, 1993, permit issuance date was chosen primarily to allow public involvement on the permit before we begin the intensive public involvement process on the Tri-Party Agreement (TPA) negotiations. We share your concerns about the schedules expediency, yet if we delay until after the TPA renegotiation comment period, we would probably not issue the permit until well after the holidays. (In which case, we would be reissuing the permit for public comment two years after the first version was issued). It is my feeling that we have already waited too long in providing a timely response to the public and the Department of Energy (DOE).

My staff has briefed me on the outstanding permit issues. They have made a number of changes to the permit based upon the negotiations held with your staff during summer and early fall of 1992. Since that time my office has been working with the Environmental Protection Agency (EPA) to resolve other issues associated with the permit. I believe these changes will alleviate many of your concerns and are significant enough to warrant a formal review by not only your offices, but the general public as well.

Although I have directed my staff to proceed with their efforts to support the September 15, permit issuance date, this schedule may be subject to modification. I am aware that some issues concerning the permit will not be resolved prior to issuance (such as the permitting strategy and regulation of radionuclides), and would not consider these issues as reasons to extend the permit issuance date. However, if it appears in the best interest of the State and DOE to expand the pre-issuance review, I am prepared to do so. I have asked my staff to maintain a level of communication with your offices which supports mutual agreement on permit conditions, while also supporting the permit issuance schedule. As you are aware, we have

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Messrs. Rasmussen and Jackson
August 5, 1993
Page 2

9305719

provided your staff with draft permit language on July 29, regarding the 15 issues which you brought to my attention and a meeting between our staff is scheduled for August 5.

I would like our staff to spend some time discussing the five criteria which were used to assess the first issuance of this draft permit. Although, these criteria make good sense, they cannot always be practically applied. We can, however, use them as goals.

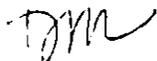
Two specific issues have been brought to my attention as potential stumbling blocks in getting this permit issued in a timely way. These issues are; the certification of transmitted documents, and the potential for precedents set by individual unit conditions.

It is my understanding that your certification process can take over two weeks. Although information submitted as part of a permit application, closure plan, etc. must be certified as "true, accurate, and complete", Ecology certainly will not take enforcement actions for accidental omissions, misrepresentations and inconsistencies. Enforcement actions are appropriate in cases that an owner/operator knowingly attempted to evade regulation or submitted obviously sub-professional work. With this in mind, I would hope that your certification process could be re-evaluated and streamlined.

As far as precedent setting determinations, it will never be our intent to follow poor precedent or duplicate errors. Furthermore, even sound decisions made at one unit may not be applicable at other units. Therefore, we encourage our unit managers to make decisions at their units without fear of setting a precedent for the remainder of Hanford. Without placing this authority with our unit managers, we will only waste valuable time and effort as projects stall while waiting for consensus. In this light, I hope you can provide similar instruction and latitude to your own staff, so that we can focus on near-term progress and results.

I hope we can meet prior to September 15, to discuss progress on drafting a workable permit. Joe Witczak will be the lead permit writer. Dave Jansen is available as my management representative to discuss scheduling and other permit condition issues. If you have any questions, please call Mr. Jansen at (206) 438-7021 or Mr. Witczak at (206) 438-7557. I look forward to meeting with you both in September.

Sincerely,



Dru Butler
Program Manager
Nuclear & Mixed Waste Management

DB:jw
Enclosure

cc: Mike Gearheard, EPA
Harold Tilden, PNL/RL

FACILITY WIDE PERMIT ISSUANCE SCHEDULE
July 29, 1993

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Brief Dru on Facility Wide Permit (Dave, Roger, Toby, Joe W., Dru's office, 2:30-3:30)	Jul 26, 93
Draft permit available for staff review (TA/SI, PI, Kennewick, and EPA staff, AAG, select sections to USDOE staff)	Jul 28, 93
Resp. summ. available for staff review	Aug 11, 93
Draft permit available for management review (Dru, EPA management, complete permit to USDOE)	Aug 18, 93
Draft resp. summ. available for management review	Aug 25, 93
Start of public comment period	Sep 15, 93
Public comment period ends	Nov 15, 93
Resp. summ. completed & permit issued	Jan 17, 94
Permit effective	Feb 16, 94

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Author

Addressee

Correspondence No.

D. Butler, Ecology

J. E. Rasmussen, RL
G. W. Jackson, WHC

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Subject: SITE-WIDE PERMIT

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