



P.O. Box 1970 Richland, WA 99352

October 22, 1992

9257941D

Mr. J. D. Bauer, Acting Program Manager
Office of Environmental Assurance,
Permits, and Policy
U.S. Department of Energy
Richland Field Office
Richland, Washington 99352

Dear Mr. Bauer:

HANFORD FACILITY DANGEROUS WASTE PERMIT APPLICATION

Submitted with this letter, and in accordance with Washington Administrative Code 173-303-810(14)(h), are text updates for the "Hanford Facility Dangerous Waste Permit Application (Document DOE/RL-91-28, Revision 0). This submittal represents the collective efforts of a Task Force headed by Westinghouse Hanford Company (WHC) and comprised of legal and regulatory representatives from the U.S. Department of Energy, Richland Field Office (RL), U.S. Department of Energy-Headquarters, WHC, and Pacific Northwest Laboratory (PNL). The text updates are consistent with the "Hanford Site Comments on the Draft Permit for the Treatment, Storage, and Disposal of Dangerous Waste for the Hanford Facility" submitted to the State of Washington Department of Ecology (Ecology) and the U.S. Environmental Protection Agency (EPA) on March 16, 1992. A summary of, and rationale for, these text updates are contained in the enclosed transmittal letter. Revision 1 of Document DOE/RL-91-28, incorporating these text updates, will be completed on or before December 31, 1992.

Certification of the text updates by PNL and RL is requested so that the updates may be transmitted to Ecology and the EPA on or before October 30, 1992. If you have further questions regarding the contents of this enclosure, please contact Ms. S. M. Price or my staff on 376-1653.

Very truly yours,

G.W. Jackson, Manager
Regulatory Support
Restoration and Remediation

Enclosure

RL - C. E. Clark
P. O. Puthoff (w/o enclosures)
R. P. Saget

PNL - T. D. Chikalla
W. R. Wiley



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Enclosure

9220 6618146

Enclosure 1 also contains a certified tabulation of other text changes that are required to make Document DOE/RL-91-28 current as of September 15, 1992. Revision 1 of Document DOE/RL-91-28, incorporating these text changes, will be provided in the near future.

In addition, we are updating the 616 Nonradioactive Dangerous Waste Storage Facility Part B (Document DOE/RL-89-03, Rev. 2) with a certified copy of a "Description of Procedures" (Enclosure 2). The statement certifying the contents of Enclosures 1 and 2 is provided in Enclosure 3.

Further discussion of the rationale for these actions is provided below.

In Section 6.2, the Federal Facility Agreement and Consent Order (FFACO) addresses the agreement of the parties regarding the treatment, storage, and disposal (TSD) permitting process for the Hanford Facility as follows:

The Hanford Site has been assigned a single identification number for use in the State Dangerous Waste Program/RCRA [Resource Conservation and Recovery Act] permitting activity. Accordingly, the Hanford Site is considered to be a single RCRA facility, although there are numerous unrelated units spread over large geographic areas on the Site.

Since all of the TSD groups/units cannot be permitted simultaneously, Ecology and the EPA will issue the initial permit for less than the entire facility. This permit will eventually grow into a single permit for the entire Hanford Site. The Federal authority to issue a permit at a facility in this manner is found in 40 CFR [Code of Federal Regulations] 270.1(c)(4). Any units that are not included in the initial permit will normally be incorporated through a permit modification.

It is the intent of the FFACO that the initial Hanford Facility Permit be issued for one or more individual TSD units for which the application is complete, while all other TSD units would continue to be regulated under Interim Status requirements. Activities and areas outside of TSD units would not be subject to coverage. In satisfaction of FFACO Milestone M-20, Part B permit application documentation has been submitted for several Hanford TSD units. Document DOE/RL-91-28 as now defined in this letter, along with one or more final, certified TSD unit Part B permit application documents, constitute a complete Dangerous Waste Permit Application meeting all requirements of the FFACO, 40 CFR 270.1(c)(4), and WAC 173-303-806. Examples of final, certified TSD unit Part B documentation submitted to Ecology and EPA include Document DOE/RL-89-03, Rev. 2, for the 616 Nonradioactive Dangerous Waste Storage Facility (as now defined in this letter), and Document DOE/RL-90-01, Rev. 1, for the 305-B Storage Unit.

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The Draft Hanford Facility Permit issued for public comment on January 16, 1992, inappropriately applied some Final Status permit conditions to units, activities, and entire areas of the Hanford Facility that should not be subject to regulations governing Final Status TSD operations. In addition, portions of Document DOE/RL-91-28, as previously submitted, were used in the Draft Hanford Facility Permit in a manner inconsistent with the intent of the applicants as expressed in Section 1.1 of Document DOE/RL-91-28. Such usage was also inconsistent with the Washington State Dangerous Waste Regulations, the FFACO, and other permits issued within EPA Region 10. The specifics of these concerns are well documented in the "Hanford Site Comments on the Draft Permit for the Treatment, Storage, and Disposal of Dangerous Waste for the Hanford Facility" submitted to Ecology and EPA on March 16, 1992.

Recent discussions with the staff at Ecology would indicate that Ecology intends to reissue a draft permit for public comment using the same basic approach as that taken in the January 1992 draft. We believe that this approach is not consistent with the FFACO since it would result in a permit that inappropriately covers aspects of the entire facility in the initial permit. We also believe that Ecology's approach is inconsistent with 40 CFR 270.1(c)(4) (applicable through the FFACO) and with the Washington State Dangerous Waste Regulations.

For the reasons stated above, we are withdrawing those portions of Document DOE/RL-91-28 that could be construed to be inconsistent with a "step-wise" or "building block" permitting approach. The contents of Document DOE/RL-91-28, as now defined in this letter, are intended to apply only to those TSD units that have Final Status under the Hanford Facility Permit. Our approach is consistent with concerns and positions expressed in correspondence transmitted to Ecology and EPA over the past two years, specifically on August 28, 1990, September 18, 1991, October 3, 1991, and March 12, 1992.

Ms. Rasmussen and Mr. Olson
93-RPB-004

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RL, WHC, and PNL remain fully supportive of the timely issuance of a permit that is consistent with the regulatory provisions and the agreement of the parties to the FFACO, and will work with you in achieving that goal. Should you have further questions regarding the contents of this letter or the enclosures, please contact Mr. J. D. Bauer of RL on (509) 376-5441, Mr. H. E. McGuire of WHC on (509) 376-1400, or Dr. T. D. Chikalla of PNL on (509) 376-2239.

Sincerely,

EAP:CEC

John D. Wagoner
Manager


T. M. Anderson, President
Westinghouse Hanford Company

W. R. Wiley, Director
Pacific Northwest Laboratory

Enclosures:

1. Tabulation of Text Changes for Document DOE/RL-91-28, Rev. 0
2. Description of Procedures for Document DOE/RL-89-03, Rev. 2
3. Certification Statement for Enclosures 1 and 2

cc w/o encls:

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J. Lytle, EM-30
J. Tseng, EM-36
R. Whitfield, EM-40
R. Berube, EH-20
J. Boda, EM-322
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J. Schumann, EM-5
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cc w/encls:

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0020-061616

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X R. Mackey 21 Oct 92

X R. Dunker for 10/21/92