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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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INITIAL RESPONSIVENESS SUMMARY AND REVISED FACT SHEET

DRAFT PERMIT FOR THE TREATMENT, STORAGE

AND DISPOSAL OF DANGEROUS WASTE

AT THE HANFORD FACILITY

FEBRUARY 2, 1994



Introduction

This Responsiveness Summary (Summary) is a result of both written comments and verbal testimony on the initial *Draft Permit for the Treatment, Storage and Disposal of Dangerous Waste* (Permit) which was available for public comment from January 15, 1992, to March 16, 1992. The Permit will set conditions for the management of dangerous waste at the U.S. Department of Energy's Hanford Facility. The Summary consists of this Introduction, a Cross Reference Table, the Response to Comments, and a copy of all public comments received on the draft Permit. The Summary is intended to address all the comments received and show how those comments were evaluated. This Summary provides detailed justification and regulatory interpretation for nearly all the Permit Conditions. Any Condition not identified in this document has been sufficiently justified in the Fact Sheet which accompanied the initial Draft Permit. Therefore, this Summary, coupled with the initial Fact Sheet, is also considered the revised Fact Sheet for the second Draft Permit.

The Washington State Department of Ecology (Department) received written comments from more than 60 individuals and organizations. The Department also received comments from three public hearings and two public meetings. In total, more than 650 individual comments were received. Based upon the significance of changes to the Permit resulting from these comments, regulatory changes, and evolving site conditions, the Department is providing a second draft of this Permit for public review. New comments received will be addressed in a separate Responsiveness Summary.



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The second draft of this Permit will be comprised of two separate permits. The Department will issue the *Dangerous Waste Portion of the Resource Conservation and Recovery Act Permit for the Treatment, Storage, and Disposal of Dangerous Waste* while the U.S. Environmental Protection Agency (Agency) will issue the *Hazardous and Solid Waste Amendments Portion of the Resource Conservation and Recovery Act Permit for the Treatment, Storage and Disposal of Hazardous Waste* (HSWA Permit). The Agency's portion of the Permit will address the requirements originally set forth in Part IV of the initial Draft Permit. Therefore, all public comments related to Part IV will be responded to by the Agency in a separate responsiveness summary.

The Department appreciates the input received from the Commenters. The comments were of considerable help in assisting the Department make the Permit clear and more effective in meeting the requirements of the regulations.

The Department received numerous comments from the Permittees. It is important for the Permittees to recognize that they are the regulated entity. Although negotiations have played, and will continue to play, an important role in beginning to bring the Hanford Facility into compliance with the regulations, the Department must maintain and exercise its regulatory authorities as is done with other regulated entities. In short, permits are based upon the regulations and information submitted by the prospective Permittees and while input from the Permittees is factored into the Permit, the Department must set the final permit conditions.

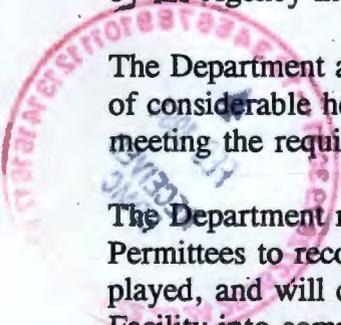
Many of the issues raised by the Permittees are valid concerns and the changes to the Permit based upon these comments reflect the Department's willingness to consider and incorporate, where appropriate, the Permittees' concerns. In this respect, the Permittees receive the same treatment as other Commenters.

The Department intends to treat the Hanford Facility in a manner which is consistent with other entities in Washington State and similar facilities around the country. The Permittees must recognize however, that the Hanford Facility is considerably more complex than a typical commercial treatment, storage, and disposal facility and therefore, the final regulatory requirements placed upon the facility will reflect this complexity.

Due to the number of comments received, the Summary has been prepared in the following manner:

- 1) All comments received were logged and given a number, generally based upon the order in which they were received.
- 2) The comments received were categorized as either:

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- a) General Comments addressing the permitting process, permitting strategy, and concepts used for this Permit, or
 - b) Condition-Specific comments addressing particular sections of the Permit.
- 3) Based upon the above categorization, the Department summarized the comments into an overview statement. However, each response is referenced so that the reader is able to refer to the original written or verbal comment.
 - 4) The Department response follows the summarized comment. This response sets forth the basis for leaving the Permit condition as originally written or modifying the condition. Any resulting change to the Permit is noted.

The numbering system for responding to the comments is based upon the two types of comments received. The General Comments are numbered 1 through 108. The Condition-Specific comments are numbered according to the Permit condition which they address and follow the general comments. The Department also included a Cross Reference Table which correlates the Summary numbering system to the public comments received. This will make it easier to directly link a particular comment to the associated response.

The Department has also made some format and editorial changes to the Permit (i.e., ensuring all numbering is consistent throughout the Permit, addition/deletion of commas, periods, etc.). These changes are made throughout the Permit and are not specifically identified in the following comments. The Department considers these changes as administrative in nature and no further reference to them is made. Acronyms used in this document are defined in the second draft Permit on pages 12 and 13.

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Cross Reference Table

The following lists are provided as a cross reference to enable the reader to determine the location of the Department's response to individual comments. The column of numbers on the left indicates the number which was assigned to each of the Commenters' concerns. (The actual language of the comment can be found in the document titled "Public Comments Received on the Initial Draft Permit for the Treatment, Storage, and Disposal of Dangerous Waste".) These numbers can be matched with the numbers on the right to determine where in the Responsiveness Summary these comments were addressed. The Agency has prepared responses to comments on Part IV of the initial draft Permit. Any comments addressing Part IV are marked with a "*" as a note to check the Agency's response to these comments.

The Responsiveness Summary has two parts: General Comments and Condition-Specific Comments. The General Comments are addressed in the first part of the Responsiveness Summary and are numbered 1 through 108. The Condition-Specific Comments follow the General Comments in the Responsiveness Summary and can be found in the alpha-numeric order of the Permit Conditions.

As an example, comment 2.4 below is addressed in 4 different places in the Responsiveness Summary. General Comments 6, 7, and 8, as well as the Condition-Specific response to Permit Condition II.N.1., all address the concern raised in comment 2.4.

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10.0 Ms. Cyndy deBruler

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12.0 Oregon State Department of Energy

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14.0 Washington State Department of Transportation

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15.0 Perkins Coie (on behalf of US Ecology)

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21.0 Ms. Ana R. Sherwood

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22.0 Hanford Education Action League (HEAL)

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28.1	*, I.E.15.
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29.1	I.A.
29.2	I.E.15.

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31.0 Perkins Coie (on behalf of US Ecology)

31.1	*
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32.0 U.S. Environmental Protection Agency

32.1 Title Page
32.2 Authority Table
32.3 I.A.1.a.
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32.10 II. T.
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Response to Comments

GENERAL COMMENTS

1) Comment (1.1):

A comment was received that a final permit should not be issued until the United States Department of Energy (USDOE) meets all minority hiring requirements as well as better utilizing black universities for research on new technologies.

Department Response:

Although the Department agrees that minority hiring should be encouraged, this is outside the scope of the Permit.

Permit Change:

No change required.

2) Comment (1.2, 1.3, 18.0, 22.7):

Comments were received that stated the permit should be evaluated and meet certain requirements prior to being issued. Specifically, the level of regulatory oversight, proper coordination with the Hanford Federal Facility Agreement and Consent Order (FFACO), efficient management, allowances for cost effective solutions and consistency with other permits which have been issued should be included.

Department Response:

The Department issues permits which meet the requirements set forth in the empowering statutes and regulations. Site specific considerations are addressed in each permit that the Department issues as each site is different. In writing permits in this manner, the Department believes that human health and the environment will be best served. Further, compliance with the requirements set forth in the Permit will help ensure efficient management of the facility.

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The Department also agrees that the Permit must be integrated with the FFACO. The Department believes the Permit and the Agreement should and do in fact compliment each other. The Agreement is an important first step in bringing the Hanford Facility into compliance with environmental regulations as well as remediating past practices. This Permit is the next step to ensuring the facility will be operated in compliance with the appropriate regulations now and into the future.

The second draft of this permit has been based on the Department's analysis of these factors.

Permit Change:

No general permit changes required. However, individual Conditions have been modified to reflect the Department's analysis. These changes are documented in the Condition-Specific responses.

3) Comment (1.4, 3.12, 7.3, 8.1, 8.2, 13.3, 16.2, 23.1):

Many Commenters felt that the Permit should specifically limit any future production activities at the Hanford Facility. In general, Commenters felt that further production activities which would create more waste should not be allowed until the past activities were remediated.

Department Response:

Prohibiting future production activities at the Hanford Facility is not within the regulatory authority of the Department. The Department of Energy and their contractors determine future site use with respect to production. The Department's role is to ensure that all waste produced from any future activities will be handled in accordance with the appropriate regulations. As such, this Permit will play an important role in regulating future activities at Hanford. Any dangerous wastes produced from future site activities will be managed in accordance with the requirements of this Permit.

Permit Change:

No change required.

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4) Comment (1.2, 1.3, 1.5, 1.6, 2.2, 3.13, 10.6, 13.5, 22.1, 22.2):

Numerous comments were received on the Department's ability and willingness to enforce the terms of the Permit. Many Commenters were concerned that because the Department receives funds to conduct regulatory oversight at Hanford from the Department of Energy, the Department may not be willing to fully enforce the terms of the Permit. Similarly, Commenters were concerned that the Permit is so complex that the Department may not have the resources or capabilities to enforce the Permit.

Other comments expressed concern that the Department may over regulate the activities at Hanford through the Permit. Specifically, concern over "micro-managing" activities was raised as an issue which may inhibit efficient work at the Hanford Facility.

Department Response:

The Department has every intent of enforcing this Permit in a manner which is consistent with the Department policies on enforcement. The Department has historically received funding for regulatory oversight of dangerous waste activities through a grant from the Department of Energy. However, the grant is now replaced by a fee system authorized by the Mixed Waste Management Fees Rule (Chapter 173-328 WAC). This should reduce the perception that a grant from the Permittees can influence the Department's enforcement strategy.

With respect to the concerns of over regulation or "micro-managing" activities at Hanford, the Department believes this is an inaccurate perception. The Permit, when site specific issues are considered, is consistent with permits from around the state and country. It is important to recognize that no other facility in the United States is more complex than the Hanford Facility. Due to the scope of the Hanford Facility, the application of the same provision of the regulations at a typical commercial facility does not have the same logistical or financial impacts as it does at the Hanford Facility. This does not make the requirement any less applicable. The Department believes that the perception of over regulation comes from the issues associated with the size and complexity of the facility and not from over regulation at the facility.

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Finally, should any entity not believe the Department is enforcing the Permit appropriately, the citizen suit provisions of the Federal Resource Conservation and Recovery Act allow citizens to enforce the provisions of this Permit directly. Similarly, any entity which believes that the Department is applying the Permit in a manner which is not within the powers given the Department through the enabling legislation may appeal any decision to the appropriate tribunal or court.

Permit Change:

No change required.

5) Comment (1.6):

One comment received asked for a clarification of the "strict federal and state requirements" that were identified in the public comment notices. Further, this Commenter asked who set these standards.

Department Response:

The requirements which are specified in the Permit are either legislatively mandated through the Washington State Legislature or required through the promulgation of regulations by the Washington State Department of Ecology as well as the Federal statutes and regulations. Often these requirements will reflect standards from sources other than the regulations such as compliance with Maximum Contaminant Levels (MCLs) from the Clean Water Act. Similarly, the Permit requires compliance with standards such as the groundwater well drilling standards of Chapter 173-160 WAC. In short, these standards are set through a variety of regulatory mechanisms.

Permit Change:

No change required.

6) Comment (1.2, 1.3, 2.4, 25.22):

Comments were received on the inclusion of the Westinghouse Hanford Company (WHC) and Pacific Northwest Laboratory (PNL) as Permittees. Most comments reflected the concern that WHC and PNL

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were being held as responsible and liable parties in this Permit but do not have any control of the decisions which are made regarding compliance with the terms of the Permit.

Another Commenter thought that all of the defense contractors should have some liability in the site just as commercial firms have liability in Superfund sites which they may have used.

Department Response:

WHC and PNL have been named Permittees under this Permit because they fit the definition of an "operator" under WAC 173-303-040. Because WHC and PNL are responsible for operations at discrete areas of the Hanford Facility, the Permit specifies that each will be required to comply only with Permit conditions relating to units and areas under that company's control.

Contrary to statements made by some of the Commenters, the contracts between WHC and DOE and PNL and DOE demonstrate that WHC and PNL do have control over decisions regarding compliance with the terms of the Permit. The contracts give WHC and PNL broad authority at the Hanford Facility. Both contracts state, for example, that the contractor is to "manage, operate, and maintain" the facilities of DOE. WHC's contract with DOE specifically requires that its work be carried out in an "environmentally sound manner." In addition, both WHC and PNL signed the application for this Permit, indicating their status as "co-operators."

The Department does not believe that all of the defense contractors at the Hanford Facility should be named Permittees, as suggested by one Commenter. The RCRA and Chapter 70.105 RCW (Hazardous Waste Management Act) impose liability differently than do CERCLA and Chapter 70.105B RCW (Model Toxics Control Act). Under RCRA and Chapter 70.105 RCW, only persons responsible for the support operation of a facility can be held liable as operators. At Hanford, only WHC and PNL meet that requirement.

Permit Change:

No change required.

7)

Comment (2.4, 7.2):

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Several Commenters stated that the Permit should require more research and development activities with respect to environmental clean-up and alternative technologies. Similarly, these Commenters suggested that Energy should investigate alternative waste treatment and disposal technologies.

Department Response:

The Department has encouraged and will continue to encourage Energy, WHC and PNL to investigate alternative techniques for waste management and environmental restoration. These activities, however, are outside the scope of this Permit.

Permit Change:

No change required.

8) Comment (2.4, 2.5, 3.3, 7.1, 13.3, 13.4, 26.24):

There were many comments which cited the government's credibility in dealing with environmental and health issues. Many individuals felt that this Permit is just another in a long line of bureaucratic ploys to allow Energy, WHC and PNL to continue business as usual. There were several comments received that indicated the Department would not be able to effect compliance at Hanford and that ultimately, Energy, WHC, and PNL would be able to get whatever they wanted with respect to permit conditions.

Department Response:

The terms of this Permit, and any modifications to this Permit will be opened to the public. The information contained in the Permit can therefore be assessed by the public to determine if environmental and health issues are being dealt with in a credible fashion. It is through these types of activities that the public will be able to become knowledgeable about the details of waste management operations at the Hanford Facility.

The U.S. Congress recently passed the Federal Facility Compliance Act (FFCA). This legislation waived sovereign immunity for the Federal government with respect to hazardous waste laws. With this legislative

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change, the Department is now able to have the same enforcement tools at Hanford as used with the private sector thus allowing the State to effectively enforce the Permit. This new tool will more adequately allow the Permit to effect compliance at the Hanford Facility.

Permit Change:

No change required.

9) Comment (3.1, 13.3, 13.4):

Comments were received which stated that the Native Americans, specifically the Yakima Indian Nation, should be given the responsibility for permitting and enforcing environmental regulations at Hanford as opposed to the State of Washington. Another Commenter questioned who will monitor and enforce the Permit.

Department Response:

The current regulatory structure requires that the State of Washington Department of Ecology be the primary agency responsible for overseeing waste management (for mixed and hazardous wastes) and environmental remediation at the Hanford Facility. The EPA also has enforcement responsibility at the Hanford Facility. However, the Department continues to encourage the Native American's participation in this process.

Permit Change:

No change required.

10) Comment (3.6, 7.3, 9.0):

Several comments were received that stated the Permit should not be issued at all. These Commenters felt that the Department should not give Energy, WHC and PNL permits to pollute. Several Commenters felt that the Permit should not be issued until the State is given more authority to regulate the activities at Hanford.

Department Response:

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The Department has the required authority to regulate hazardous waste. As part of that authority, the Department is to grant permits to entities which submit applications in accordance with the Dangerous Waste Regulations provided the information is adequate and the facility is operated or will, for new units, be operated in accordance with the requirements of the Dangerous Waste Regulations as set forth in a permit. The Department has determined, for those activities covered in this Permit, that the Hanford Facility meets the requirements necessary to be issued a final permit. Therefore, a permit is being issued.

Permit Change:

No change required.

11) Comment (3.7, 3.17, 5.0):

Comments were received with respect to the Nuclear Waste Advisory Council. Specifically, the Commenters felt that the Nuclear Waste Advisory Council could be used more effectively by the Department in conducting public outreach and education. Further, the Council should be given a broader role in assisting the Department in addressing the many policy issues related to nuclear waste at Hanford.

Department Response:

Although outside the scope of the Permit, the Department fully intends to use the services of the Nuclear Waste Advisory Council. The Council has and will continue to provide an excellent forum for addressing the many technical and policy questions related to Hanford.

Permit Change:

No change required.

12) Comment (3.10, 20.2, 20.3):

One Commenter felt that the activities associated with the Chemical Waste Management, Inc. proposed incinerator should be included in the Hanford Facility Permit. Another Commenter felt the Chemical Waste Management, Inc. incinerator and the Lind, Washington incinerator should not be permitted.

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Department Response:

The Chemical Waste Management, Inc. proposed incinerator and the Lind, Washington proposed incinerator are outside the scope of the Hanford Facility Permit. The Department of Energy, as the landowner of the parcel of property which is proposed for the Chemical Waste Management, Inc. incinerator, will be involved with any Permitting of the unit. However, these activities will be addressed separately from this Permit. Both of these incinerators will be required to receive a permit prior to construction and operation. These permits will be separate from this Hanford Facility Permit. At this time, neither the Chemical Waste Management, Inc. incinerator nor the incinerator outside Lind, WA are being evaluated for permitting by Ecology.

Permit Change:

No change required.

13)

Comment (3.17):

This Commenter was concerned about the decommissioning and decontamination of existing facilities as well as the new units being built at the facility.

Department Response:

Any unit at the Hanford Facility which treated, stored or disposed of dangerous waste after the regulations came into effect will be closed in accordance with the Dangerous Waste Regulations. This will include any new unit which is permitted at the Hanford Facility. The closure requirements will specify the level to which the unit is cleaned and what, if any, future monitoring will be required at the unit to assess the performance of any required containment and detection systems.

All of these closure plans will be added into the Permit through future modifications. Those units which are not subject to the closure requirements of the dangerous waste regulations will be addressed through the past practice provisions of the Hanford FFACO.

Permit Change:

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No change required.

- 14) Comment (2.5, 3.8, 3.14, 3.19, 5.0, 24.10, 26.18):

The Permit for the Hanford Waste Vitrification Plant (HWVP) should not be issued until the design has been completed and reviewed by the public. A cost estimate for the proposed vitrification facilities should also be prepared and made available for public review.

Department Response:

The mission for the HWVP has changed since comments were received in 1992. The present mission will include vitrification of single shell tank waste. The total tank waste treatment and disposal issue has been incorporated into an integrated Tank Waste Remediation System (TWRS) Program and new FFACO milestones have been negotiated with respect to high level waste treatment. The new vitrification facility design will be reviewed, and approval will be required, before construction and operation. However, this will not occur until after the turn of the century. Therefore, the HWVP is no longer included in this Permit. However, it will be incorporated into this Permit at a future date and presented for public review.

Permit Change:

The HWVP has been deleted from this Permit.

- 15) Comment (2.5, 3.8, 3.14, 5.0, 22.15, 23.2, 24.10, 26.17, 26.18):

The Hanford Waste Vitrification Plant (HWVP) technology is unproven, the design is not yet completed, therefore the Permit for construction of the HWVP should not be issued at this time. Since the waste feed to the HWVP requires pretreatment, shouldn't the pretreatment facilities be designed, constructed and permitted before the HWVP is allowed to be constructed? Where will the final product, the glass filled canisters, be stored if no national repository is available? What is the double-shell tank system and how does it relate to HWVP?

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The HWVP is no longer part of this Permit (see the Department's response above).

Permit Change:

The HWVP has been deleted from this Permit. -

16) Comment (5.0):

Commenters believed that pretreatment technology is not ready developed to feed the HWVP Plant. The Commenter was also concerned about regulations under the Clean Air Act.

Department Response:

The HWVP is no longer part of this Permit (see the Department's response above). However, the following discussion is provided for information.

There are many existing technologies that can be used to pretreat the tank waste at the Hanford site for feeding Hanford Waste Vitrification Facility (HWVP), but they might not be cost effective to handle the tank waste. Therefore, USDOE has been trying to develop better technologies which could save billions of dollars. At this moment it is fair to say that some technologies are ready to use, and others are in various stages of development for future use. The recently renegotiated FFACO adopts a minimum pretreatment strategy which is designed to employ those technologies most readily available.

The Department agrees with the Commenters that air emissions need to be further addressed in the Permit. Permit language regarding air emissions control has been added to Condition II.W.

Permit Change:

Condition II.W.3. has been added and the HWVP has been deleted from this Permit.

17) Comment: (2.1, 2.6, 4.0, 26.17, 26.20):

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Many Commenters were concerned about potential health risks from air emissions at Hanford. Specifically, Commenters were concerned about risks to unborn children, and other individuals due to the radiation exposure. In 1959, the public didn't know the radiation risk because nobody had any monitoring separate from USDOE's. Commenters also questioned whether the State has separate monitoring capabilities and what confidence does the state have with respect to those measurements. Finally, one Commenter wanted a comparison of the radiation releases from the Hanford's Grout facility with that from the Three Mile Island accident.

Department Response:

There are several sources of radiation around us. To many Spokane residents today, the radiation from radon gas and X-rays pose a much higher risk than the radiation released from Hanford. Living downwind from the Hanford site in 1959 may have posed a radiation risk, but that risk has been significantly reduced if not virtually eliminated.

In the past, Hanford operations were not controlled by any State regulations. Therefore, all air emissions released from the Hanford site were under USDOE's control. Today, approximately 100 monitoring stations (on-site and off-site) have been installed by the Washington State Department of Health at different distances and directions for radiation emission monitoring in compliance with the requirements of Federal and State regulations. Current technologies give us enough confidence to monitor radiation.

The radiation through air emissions from the Grout facility will be cumulatively more than that released from the Three Mile Island accident, but the radiation will be at a much lower level over a longer period of time. The accident at Three Mile Island may have caused the public an acute exposure of radiation. But, the residents near the Hanford site would receive only a long term exposure of very low radiation, if any. The Hanford site is a very large area which has more time to disperse air emissions before they reach the public. Furthermore, the Grout Facility is no longer planned for operations.

Finally, air emission standards, just like drinking water standards, are getting stricter. There were almost no air emission standards and air pollution control requirements before 1970. The most important air

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pollution bill in the 1970's and 1980's was the Clean Air Act of 1970. The EPA was created to set the national ambient air quality standards, national emission standards for hazardous air pollutants, and automobile emission standards. Since then, more standards and regulations have been set by EPA and state environmental agencies for air pollution control. Control technologies are continuing to improve with time, therefore, EPA and state environmental agencies can require stricter control today than ten years ago. On November 15, 1990, the Clean Air Act Amendments of 1990 were signed into law. As a result of the amendments, more stringent air emissions control standards will be set. We will be able to use the maximum achievable control technology (MACT) for some air emission pollutants soon.

Permit Change:

As stated in the previous response, a requirement to comply with applicable air regulations has been added in revised Condition II.W.3.

18) Comment (2.5):

What is DOE's plan for energy conservation? Does anybody care?

Department Response:

The Department believes everybody should care about energy conservation. The Department of Energy uses Best Available Control Technology (BACT) analysis to select air emission control equipment and systems, an evaluation of both economic and environmental impact analyses, and the energy impact analysis. Therefore, energy conservation is considered in a BACT determination. SEPA also requires the consideration of energy conservation.

Permit Change:

No change required.

19) Comment (26.17):

Does Energy know enough about the chemistry of Hanford's liquid high-level nuclear wastes to design a process that will not cause an explosion of the wastes?

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Department Response:

The UE&C Catalytic Inc. Technical Document GCC-PL-009, Revision 0 is not a permit but a document describing the Environmental Protection Plan which will be implemented during the construction of the HWVP project. This document is not a permit for either radioactive or hazardous waste incinerators at Hanford. See the response to general comment 14.

Permit Change:

No change required.

22)

Comment (3.2, 3.11, 4.0, 5.0, 26.20, 30.4, 30.5):

A number of Commenters raised questions and concerns about the Department of Energy's Grout Treatment Facility. Some Commenters are concerned that the Grout Treatment Facility will be operated under interim status before a final dangerous waste permit is issued. Some Commenters are also concerned that the Grout Facility will allow above ground disposal of high level nuclear waste with uncontrolled amounts of radioactivity. One Commenter questioned grout technology given the limited information and laboratory support for tank wastes.

Department Response:

Although the Department appreciates and has noted concerns regarding the Grout Treatment Facility, this unit is not part of the current permit. In addition, recent changes to the FFACO have eliminated the use of Grout, with exception of emergency situations, as a treatment and disposal activity for tank waste. The Grout Program will therefore not become an operating facility. The Department is in the process of determining how to close, from a regulatory standpoint, the unused Grout facility.

Permit Change:

No change required.

23)

Comment (24.1, 24.4):

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One Commenter requested that whenever "independent" consultants are required by this Permit that the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) be given the first opportunity to provide this service.

Department Response:

Conditions which specify independent consultants are typically based upon regulatory requirements. Although the Department must ensure the consultant is independent, the Department cannot specify or endorse a particular consultant. However, the Department encourages the CTUIR to pursue an independent oversight function at the Hanford Facility and welcomes their input in reviewing dangerous waste activities.

Permit Change:

No change required.

24)

Comment (24.9):

One Commenter questioned the characterization of the waste managed at the 183-H Solar Evaporation Basins as "low-level, nontransuranic radioactive waste" and how independent verification can be sought. The Commenter also questioned the plans to prevent exacerbating the chromium plume in the ground water beneath these basins.

Department Response:

High level radioactive waste is radioactive material resulting from the reprocessing of spent nuclear fuel. Transuranic waste is contaminated with alpha-emitting transuranic radionuclides with half-lives greater than 20 years and concentrations greater than 100 nanocuries per gram without regard to source or form. Transuranic radionuclides have atomic numbers greater than 92, that is, greater than uranium. Since the basins only accepted waste from the 300 Area fuel fabrication facilities and no radionuclides with atomic numbers greater than 92 have been detected, no high level or transuranic waste is expected to be present. This is supported by radiation and radionuclide assessments. The basins discontinued receipt of waste in 1985 and all wastes have since been removed. Therefore, there is no remaining opportunity to

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independently verify the waste streams received at this unit. However, the closure plan does include the Department of Energy's internal shipping papers used when transporting waste to the basins as well as the results of their sampling activities at the basins. These documents can and have been reviewed to verify the characterization of basin waste.

There is always a possibility that closure activities may influence groundwater contamination beneath the basins. The frequency of sampling in the basins' ground water wells is increased during closure activities to assess such influences. In addition, any boreholes for sampling have been immediately grouted to prevent providing a pathway for contaminant migration. The final cover to be placed over the basin site, if necessary, will prevent infiltration from driving contaminants to the groundwater.

Permit Change:

No change required.

25)

Comment (3.4):

There are concerns about whether the current laboratory program is adequate. For example, there is information available that there is a major backlog of samples currently waiting to be analyzed. The suggestion was made to strengthen the language in the Permit regarding waste analysis.

Department Response:

The Facility Wide requirements for waste analysis under the Permit are located in Conditions I.E.10., II.D., and II.E. of the Permit. Part III of the Permit contains additional requirements for the individual units.

The current requirements in the Permit are designed to meet the intent and letter of waste designation pursuant to WAC 173-303-070 of the Dangerous Waste Regulations for the portions of the Hanford Facility which are being permitted. There are also quality assurance/quality control (QA/QC) requirements applicable to the sampling and analysis of wastes to ensure that the data does meet the protocols set forth by the Department and EPA (see Condition II.E. as well as the unit-

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specific QA/QC requirements). All of these requirements are enforceable and may carry substantial penalties for violations.

Permit Change:

No change required.

26) Comment (1.4, 2.7, 3.15, 3.18, 4.0, 5.0, 19.2, 22.4, 26.14):

Public hearings need to be advertised more to involve more people.

Department Response:

According to WAC 173-303-840(3)(e)(ii), advertising is achieved "For major permits, by publication of notice in a daily or weekly local newspaper within the area affected by the facility."

The following is a breakdown of the advertising conducted to inform the public about the initial Draft Permit public comment period, public hearings and public meetings.

Vancouver Columbian--1/14-15/92; 2/27/92; 3/8/92
Spokesman Review/Chronicle--1/14-15/92; 2/16/92; 2/19/92
The Seattle Times--1/14-15/92; 2/20/92
The Seattle Post-Intelligencer--1/14-15/92; 2/19/92; 2/20/92
Tri-City Herald--1/15/92; 2/5/92; 2/17-18/92
The Enterprise--3/4/92
KONA-AM--1/14-15/92

Public involvement requirements are specified in WAC 173-303-840.

Permit Change:

No change required.

27) Comment (1.6, 3.11, 3.12, 3.15, 3.16, 3.22, 3.23, 4.0, 5.0, 10.1, 10.2, 13.0, 19.2, 22.4, 22.5, 26.2, 26.14):

Several Commenters requested public hearings in the Vancouver, Washington; Portland, Oregon; Astoria, Oregon; and Olympia,

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Washington areas. Commenters believed the Department should make tape recordings at all hearings and public meetings.

Department Response:

According to WAC 173-303-840(5)(a), "The Department also may hold a public hearing at its discretion, whenever, for instance, such a hearing might clarify one or more issues involved in the Permit decision."

The Department held public hearings in:

March 18, 1992--Pasco, Washington
March 19, 1992--Spokane, Washington
March 20, 1992--Seattle, Washington

To specifically address Vancouver-Portland area verbal public comment opportunities regarding the Permit, the Department conducted three public meetings in the Vancouver-Portland area.

Hanford Cleanup Agreement Quarterly Public Meeting--February 6, Vancouver

Hanford Facility Wide Draft Permit Public Meeting--February 27, Vancouver

Hanford Facility Wide Draft Permit Public Meeting--March 10, White Salmon

In addition, the Department requested written comments during the 60 day public comment period.

According to WAC 173-303-840 (5)(c), "A tape recording or written transcript of the hearing shall be made available to the public." The Department tape recorded and transcribed all public comments received at the three public hearings. According to WAC 173-303-840, the Department is not required to record or transcribe public meetings.

Public involvement requirements are specified in WAC 173-303-840.
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Department Response:

According to the Hanford Federal Facility Agreement and Consent Order, "Information will be readily available to the public to ensure meaningful participation. One mechanism for accomplishing this goal is the establishment of public information repositories..." The Hanford Tri-Party Agreement Community Relations Plan states that the Resource Conservation and Recovery Act (Dangerous Waste) Permits are scheduled to be located in the information repositories to include all attachments. The USDOE is responsible for ensuring that the information is placed in the repositories; the USDOE has contracted WHC to fulfill this responsibility.

In response to public concerns with mismanagement of the repositories, the Department is soliciting information from each of the four repositories. The Department plans to determine solutions to enable the repositories to be more functional and valuable to the public. To make the Hanford cleanup information in the repositories accessible and beneficial, the Department plans to implement the necessary changes in the maintenance of the repositories.

Permit Change:

No change required.

30) Comment (2.2, 2.7, 3.11, 3.12, 3.16, 3.23, 4.0, 19.2, 22.4, 22.5, 26.2, 26.14):

Some Commenters requested the Department conduct workshops prior to conducting public hearings.

Department Response:

WAC 173-303-840 does not require the Department to conduct public workshops prior to conducting public hearings regarding a draft permit.

However, in 1991, the Department elected to conduct a series of public workshops regarding the Hanford Facility Wide Draft Permit. The public workshops were conducted to both educate the public about the Permit and to solicit public comment.

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Permit Change:

No change required.

31) Comment (2.5, 13.6):

Some Commenters requested that permit documents be available to the public on diskettes.

Department Response:

The idea to make documents available on diskette to the public would be an innovative method of providing an additional mode of public access. This would provide the public with greater access to documents. The Department plans to explore the feasibility of this idea.

Permit Change:

No change required.

32) Comment (2.5):

This Commenter suggested that a better use of cleanup money would be to serve lunch at the Permit public hearings.

Department Response:

It is against Department policy and practice to serve food at public hearings.

Permit Change:

No change required.

33) Comment (3.5, 3.11, 3.16, 22.4, 22.5, 26.2):

Some Commenters stated that the Department and the Agency are asking the public to comment on complex, incomprehensible documents.

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Department Response:

The Permit is a regulatory document for oversight of the management of dangerous waste. The management of dangerous waste is a technical task. Furthermore, the Permit must be written in a legally defensible manner. These requirements occasionally run contrary to providing easily readable documents.

The Department is continually attempting to translate the technical language of Hanford cleanup documents into more comprehensible terms. During the public hearings and public meetings conducted on the Permit, the Department presented an overview discussion of the Permit--both verbal and written. The overview discussed the Permit in more comprehensible terms.

In response to the use of acronyms and uncommon terms in the Permit, the Department has prepared lists of acronyms and definitions for the Hanford Facility Wide Permit.

Also, during the next several years the Department will strive to produce an executive summary for each modification package. The executive summary will aspire to discuss the draft modifications in more comprehensible terms for the general public.

Permit Change:

A list of acronyms has been added to the Permit.

- 34) Comment (3.15, 3.16, 3.17, 3.18, 3.22, 3.23, 5.0, 10.2, 22.4, 22.5, 26.2, 26.14):

The Department needs to involve the public with the Hanford Federal Facility Wide Draft Permit. Also, add all the names collected at Permit public meetings and hearings to the Tri-Party Agreement mailing list.

Department Response:

According to WAC 173-303-840(3)(e)(i) through WAC 173-303-840(3)(e)(ix), the Department is required to provide public notice and

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involvement. A public notice must be mailed to individuals on the interested parties' mailing list.

The regulations further require the Department to advertise the Permit public comment period in a daily or weekly newspaper within the area affected by the facility. The regulations also require the Department to advertise the Permit public comment period via a local radio broadcast. Finally, the Department must inform the public of the Permit public comment period via other reasonable methods, including news releases.

The Department exceeded the regulatory requirements to inform the public of the public comment period. The Department distributed a public notice to the 4,000 individuals and organizations on the Hanford Tri-Party Agreement mailing list. The Department advertised the public comment period, public hearings, and public meetings several times in four regional newspapers and one weekly paper. Also, the Department broadcasted the public comment period for the Permit. In addition, the Department distributed numerous news releases and media advisories regarding the Permit public comment period. The Department participated in several media interviews regarding the Permit. The Department published an article discussing the Permit in the *Hanford Update*, a quarterly newsletter distributed to the Hanford Tri-Party Agreement mailing list.

Following public meetings or hearings, which the Department participates in--either the Department-only Hanford meetings or Hanford Tri-Party Agreement meetings--individuals' names on sign-in sheets are added to the Hanford Tri-Party Agreement *Hanford Update* mailing list.

Permit Change:

No change required.

35) Comment (3.15):

Washington State students should be taught a curriculum about the ecology and physics of Hanford.

Department Response:

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The Department has a new and aggressive involvement in environmental education. At this juncture however, mandating a curriculum about ecology and physics of Hanford in the Washington State school system is not directed by the Department.

Public education curriculum is not intended to be addressed in the Hanford Facility Wide Draft Permit.

Permit Change:

No change required.

36) Comment (3.15, 3.17, 3.23, 16.1, 26.14, 26.15):

The Department needs more funding to conduct public involvement activities.

Department Response:

When the Hanford Tri-Party Agreement was signed in 1989, it was determined that USDOE would provide funding to the Department, in order for the Department to fulfill their responsibilities directed in the Agreement. These responsibilities are included in public involvement activities. According to the Agreement, the Department and Agency, in several areas, will take the lead role in determining public involvement activities, with assistance from USDOE upon request.

At the time the initial Draft Permit was issued the Department was funded for (and staffed with) 1.5 full time employees to conduct Hanford Tri-Party Agreement public involvement activities (the Draft Permit is considered a Hanford Tri-Party Agreement activity).

For Fiscal Year 1992 few hard costs (other than staff and equipment, i.e., computers, etc.) were earmarked for public involvement activities.

Public involvement funding is not intended to be addressed in the Hanford Facility Wide Draft Permit.

Permit Change:

No change required.

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37) Comment (3.17):

The Nuclear Waste Advisory Council (NWAC) is the only forum for nuclear waste issues. The NWAC needs funding.

Department Response:

Among other forums, NWAC is an excellent forum for nuclear waste issues. NWAC is funded by the Washington State general fund and the state's grant from USDOE. Also, see the response to comment 3.7.

NWAC is not intended to be addressed in the Hanford Facility Permit.

Permit Change:

No change required.

38) Comment (3.21, 16.1):

The Department staff is sincere in their efforts to incorporate the public's concerns and comments into Hanford cleanup activities. The Department staff members were given a difficult task. The public needs to reinforce the respect they have for the work that the Department is trying to do.

Department Response:

Hanford was self-regulating for nearly 50 years. The Department is a new player in regulating Hanford wastes. It is an immense task. Many sincere, hard working individuals at the Department endeavor to involve the public in Hanford cleanup. The Department staff strives to improve public comment opportunities and ensure that the State's responses to public comments are more meaningful.

The public involvement work, of which the Department participates, is nationally recognized as progressive.

The Department appreciates the public acknowledgement regarding their public involvement endeavors.

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public requestors, are notified regarding the final permit decision and they will receive a copy of the Response to Comments.

The public is also informed about Hanford cleanup by public meetings, newsletters, news releases, or other media stories.

Permit Change:

No change required.

41) Comment (23.3):

One Commenter suggested the Department conduct public meetings in public meeting rooms.

Department Response:

The Department conducted public workshops, hearings, and meetings on the Permit in both public and private meeting rooms. The public turnout varies from community to community. The goal of the Department is to conduct a public workshop, meeting, or hearing in a location that is accessible to the public and can accommodate the seating capacity of the audience. The Department always attempts to conduct public meetings in public meeting locations. Although the cost for meeting rooms may be higher in hotels, they are sometimes selected because of access to the public. Often the community knows the location of the hotel rather than a community center, and audio/visual room setup accommodations are available.

Permit Change:

No change required.

42) Comment (1.6, 3.4, 4.0, 5.0):

These Commenters are concerned about the millions of gallons of untreated wastewater being discharged into contaminated cribs on the Hanford Facility.

Department Response:

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Liquid discharges at Hanford are not covered by this Permit at this time. The discharges have been included into the FFACO under Milestone M-17-00. The liquid discharges have also been addressed through the issuance of a liquid effluent consent order that specifies additional requirements and time frames for ceasing discharge or permitting liquid effluents. Ongoing liquid discharges will be regulated under the Water Quality permitting program.

Permit Change:

No change required.

43) Comment (3.10):

This Commenter is concerned with the lack of emphasis on the State of Washington's waste management priorities.

Department Response:

The Department agrees that the Permit does not emphasize the waste management priorities outlined by Chapter 70.105 RCW. However, these priorities are assessed when considering any waste management proposal by the Permittees.

Permit Change:

No change required.

44) Comment (1.2, 1.3, 25.1, 25.11):

Comments were received which suggested the Permit Conditions be based upon a very narrow reading of the Dangerous Waste Regulations and well founded in the regulations. Of particular concern is the apparent over reliance on the omnibus provisions of the regulations to support Permit Conditions.

Department Response:

The Department agrees with the Commenters' contention that the Permit Conditions must be well founded in the regulations. The Department has based the Permit on the regulations. It is also the

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Department's prerogative to make interpretive decisions based upon the regulations on how the regulations are applied to a specific facility. These interpretive case-by-case decisions are necessary in order to ensure the peculiarities of any given facility are addressed appropriately.

With respect to the use of the omnibus provisions, the regulations allow for the Department to apply these provisions when, in the Department's view, they are necessary to protect human health and the environment.

The Department has re-evaluated Conditions supported by omnibus provisions and have either altered these Conditions or provided discussion in this Responsiveness Summary to support their necessity.

Permit Change:

No general Permit changes required. However, individual Conditions have been modified to reflect the Department's analysis. These changes are documented in the Condition-Specific responses.

45) Comment (1.2, 1.3, 25.2, 25.7):

Some Commenters were concerned that the Permit not exhibit an inappropriate level of regulatory control (i.e. "micro-management").

Department Response:

The Department has taken great care to ensure that the Permit not be unduly restrictive. The Department believes this concern arises out of the fact the Commenters are not intimately familiar with how regulations are applied at non-Energy facilities. The Permit conditions are intended to regulate the Facility in accordance with the appropriate State regulations. The Hanford Facility is an extremely large and complex facility and therefore, application of the regulations presents some logistical and implementation problems that other facilities may not have. This fact does not mean that the conditions should not be applied to the Hanford Facility. Although permits always address site specific concerns, the Department will not make wholesale changes in how it applies the regulations to a facility because implementing that provision of the regulations is more difficult at a larger facility.

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Permit Change:

No change required.

46) Comment (1.2, 1.3, 25.3):

The Commenters were concerned that the Permit be consistent with other dangerous waste permits issued in the State of Washington.

Department Response:

The Department strives to ensure the regulations are applied consistently across the State. This does not mean each and every permit will look alike. To the contrary, permits, while addressing similar issues, often appear considerably different due to the site specific issues at any particular facility. This does not demonstrate that the regulations are being applied inconsistently at each site.

Permit Change:

No change required.

47) Comment (1.2, 1.3, 2.2, 13.7, 25.4, 25.6, 25.24, 25.66, 25.251, 25.398):

The Commenters expect the Permit to be consistent with the terms of the FFACO. Further, as the FFACO is an enforceable document agreed to by the Department, the EPA and Energy, any conflict between the terms of the FFACO and the Permit must be resolved in favor of the FFACO.

Department Response:

While the Department agrees that the Permit and the FFACO should be integrated, the Department disagrees with the Commenters assertion that the FFACO should be the overriding document. The FFACO, while an enforceable document, was never envisioned to have the specificity and detailed regulatory requirements found in permits. The FFACO was and continues to be the guiding document to bring Energy to the point where a permit decision can be made for the Hanford Facility. The FFACO then defers to the Permit to specify the regulatory requirements to be placed on the Hanford Facility. In fact,

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the FFACO contemplates this hierarchy of requirements. Article XLIX specifically states that for "... any judicial challenge ... Where the law governing this agreement has been amended or clarified, any provision of the agreement which is inconsistent with such amendment or clarification shall be modified to conform to such change or clarification." It logically follows that the Permit, which has been written under a revised Chapter 173-303 WAC from the version in effect at the time of the signing of the FFACO, and which, through the Conditions clarifies how the regulations will be specifically applied at the Hanford Facility, should be the document deferred to in the resolution of conflicts between the Permit and the FFACO. However, the Department believes that the Permit and FFACO should be as consistent as possible.

Permit Change:

Condition I.A.4. is changed to state "This Permit is intended to be consistent with the conditions of the FFACO, as amended."

48) Comment (1.2, 1.3, 25.5):

The Commenters believe that the Permit should be written in such a manner which minimizes the impact on management efficiency and promotes cost effectiveness.

Department Response:

The Department has written the Permit with respect to the regulations in effect at the time of the issuance of the Permit. Proper waste management promotes management efficiency and cost effectiveness. This Permit sets the standards for proper waste management and therefore will help ensure management efficiency and cost effectiveness. For instance, this Permit has Facility Wide provisions which, for the first time in many years, provide for consistent requirements across the Facility. It is the intent of the Department to continue to strive for consistent application of the provisions of Chapter 173-303 WAC across the Facility and thereby assist the Permittees in becoming more efficient and effective in their waste management capabilities.

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No change required.

49) Comment (25.8):

The Commenters question the Department's ability to issue a permit using the "umbrella" permitting concept. Of particular concern to the Commenters is the apparent lack of regulatory authority for issuing a permit which addresses Facility Wide issues. In addition, the Commenters believe this approach is inconsistent with the terms of the FFACO.

Department Response:

Although the "umbrella" permitting approach has been developed for addressing the site specific issues at the Hanford Facility, including integration with the FFACO, the individual component requirements of the Facility Wide conditions are well founded in regulation and are consistent with how these provisions have been applied at other permitted facilities.

The Action Plan of the FFACO (Section 6.2) specifies that Hanford is a single Facility with respect to the State and Federal hazardous waste statutes and regulations. Further, this provision states that the Hanford Permit will be issued for less than the entire facility. The citation authorizing this is 40 CFR 270.1 (c)(4). It should be noted that this is a Federal requirement and has no equivalent counterpart in Chapter 173-303 WAC. The Federal citation is considered less stringent than the original provisions of RCRA and therefore is not a provision that authorized states must adopt. If the less stringent provision is not adopted by authorized states, it is not effective in these states. This is the situation in Washington State. However, through the FFACO, the Department agreed that the Permit would be issued for less than the entire facility but the Permit would grow into a single permit. This Permit would address all the regulated waste management activities at the Hanford Facility.

The draft Permit meets all of these requirements. First, it is intended to permit less than the entire facility, i.e., it does not currently address all of the waste management activities at the Hanford Facility. Second, it will ensure that the Facility will eventually receive one comprehensive permit as all of those activities not addressed in this

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Permit will ultimately be added to this Permit through the Permit modification procedures specified in the Permit.

This permitting approach is consistent with the provisions of the regulations which address general facility standards. In particular, those provisions are, but are not limited to, WAC 173-303-310 which specifies the security requirements for the facility, WAC 173-303-320 which specifies the "...owner or operator shall inspect his facility..." and WAC 173-303-330 which requires "...provide a program of... training for facility personnel."

This permitting approach is also consistent with other permits issued in Washington State as well as in other states in this Region. The Permits for Chemical Processors, Inc. - No. WAD000812909; Texaco Refining and Marketing - No. WAD009275082; Shell Oil Company - No. WAD009275082; Chem-Security Systems, Inc. - No. ORD089452353; and, Envirosafe Services of Idaho, Inc. - No. IDD073114654, all address Facility Wide requirements for provisions such as facility training, facility inspections and facility contingency plans.

As has been specified in numerous documents (including certified permit applications) and correspondence (including Notice of Deficiencies) between the Department and the Permittees, the Permittees have recognized that these Facility Wide plans were submitted in part to meet the provisions of the unit specific permit applications and closure plans. In other words, without the inclusion of these documents, the individual units currently contained in the Permit would not have complete applications and could not be permitted.

Finally, the inclusion of these plans in the Permit as it is currently written will help the Permittees gain efficiencies in permit and closure plan preparation and implementation as these documents have already been reviewed and approved. It will now be a simple matter for the Permittees in permit preparation and implementation to refer to one set of approved documents as opposed to readdressing these individually for each unit undergoing permitting or closure.

Nonetheless, the Department has re-evaluated the need for "Facility Wide Plans". Based on this re-evaluation, the Department has, in some instances, eliminated the requirement for the Permittees to have a "plan" and instead listed "Facility Wide Requirements". This decision

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should alleviate the costs of maintaining additional plans, but still provide facility wide standards and protection of human health and the environment. Also, see the Responses to Comments 25.17 and 25.18.

Permit Change:

The original Attachments 7, 8, and 9 have been deleted. Requirements for Facility Wide plans have been deleted from Conditions II.B., II.C., II.D., II.E., and II.J. See Permit changes for Comments 25.17 and 25.18.

50) Comment (2.2):

A Commenter questions the adequacy of laboratory and process controls including QA/QC at the on-site laboratories.

Department Response:

The Department realizes that laboratory and process controls at the Hanford laboratories in the past, have not followed established EPA protocols for QA/QC and other laboratory processes.

The Permit has been written requiring that Hanford laboratories follow established EPA protocols regarding QA/QC. These requirements are the most stringent ever imposed on Hanford to date.

Permit Change:

No change required.

51) Comment (2.5):

There was a question raised about recordkeeping. The Commenter stated that there wasn't any "useful" recordkeeping at the site in the last 20-30 years.

Department Response:

The FFACO has required Hanford to implement a system of recordkeeping. Records on storage, treatment, disposal, and most all operations conducted at Hanford are required to follow Department

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standards as set forth in WAC 173-303-380. These requirements are implemented to ensure that all operations are documented and are made readily available for inspections by Department personnel.

Permit change:

No change required.

52)

Comment (22.11):

A question was raised on the adequacy of the laboratory process controls at Hanford. The questioner wanted to know who imposes quality control procedures, and if the construction of the laboratory has been halted, does that stop cleanup processes.

Department Response:

Process controls and QA/QC at the Hanford site are governed by SW-846, or the Control Laboratory Procedures (CLP) produced by the EPA. Hanford is required to follow these protocols, but whether they do or not is unknown until data is sent back to the regulators for review. Once data is received, it can be determined if the appropriate standards are followed. If the laboratory did not follow procedures, a reanalysis is done.

With respect to laboratory processes, the EPA periodically conducts laboratory audits and assesses the situation at the laboratory. The last audit conducted by EPA at a laboratory contracted by the Permittees, did not come up with favorable results. In the event that the Department and the EPA believe that data will not be properly analyzed, the Department can request that samples be sent to another SW-846 or CLP laboratory. This statement also answers the question as to whether operations will be halted as a result of a new laboratories not being completed. The laboratory at Hanford is not the only laboratory that can handle radioactive and hazardous waste samples. There are numerous other laboratories which must also follow standard protocols, and these are sometimes utilized. Some are better than others. If samples are shipped to these laboratories, then the U.S. Department of Transportation procedures for shipping and handling must be followed.

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Permit Change:

No change required.

53) Comment (22.13):

What is the definition of risk?

Department Response:

The EPA definition of risk regarding QA/QC is as follows: "The probability or likelihood an adverse effect will occur."

Permit Change:

No change required.

54) Comment (22.14):

What is the definition of "periodic assessments"?

Department Response:

The type of assessment referred to in the Permit is more likened to a "performance audit", which is defined as, "An audit in which quantitative data are independently obtained for comparison with routinely obtained data in a measurement system to evaluate the proficiency of an analyst or laboratory."

Permit Change:

No change required.

55) Comment (25.16):

Commenters suggest that some permit conditions could bring design and construction projects to a standstill. The example given was the process of the Department approving Engineer Change Notices (ECNs). It is suggested that this approval process is "micro-management" and is unjustified. It was also suggested that a more moderate approach to

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normal Department oversight of construction projects may be warranted.

Department Response:

It is the Department's intent to review all changes in approved designs or construction to determine whether a permit modification is required. This determination may be made early in the ECN process and would not effect timely completion of the design or construction. It is not the Department's intent to manage either the design or construction of any project. Early involvement of the Department will insure that delays will not occur and that the project, when completed, will meet the appropriate regulations and will be permitted to operate.

Permit Change:

The Permit wording has been modified to clarify the Department's intent and requirements. See the response to comment 25.235.

- 56) Comment (3.4, 3.5, 3.10, 3.16, 3.19, 4.0, 5.0, 19.1, 20.3, 26.3, 26.4, 26.5, 26.6, 26.16, 28.2):

The Department should prepare a site-wide EIS discussing all options for cleanup of Hanford including the practicality of the project. The SEPA documentation including adoption of the Hanford Defense Waste EIS, is inadequate. The EIS should be prepared prior to issuance of the Permit. The decision to adopt an addendum violates SEPA and NEPA.

Department Response:

As lead agency on the Permit, the Department is required under the State Environmental Policy Act (SEPA) to evaluate the environmental impacts associated with the proposed permit. SEPA is intended to ensure that environmental values are considered (in addition to technical and economic considerations) by State and local government officials when making decisions.

The Department determined that the issuing of the Hanford Facility Wide Permit would have no significant adverse environmental impacts and that an environmental impact statement was not required. In

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making this determination, Ecology recognized (as discussed in the SEPA checklist) that individual regulated units within the permit would be subject to additional SEPA review for each.

Accompanying the Hanford Facility Wide Permit SEPA Determination of Nonsignificance (DNS) were two SEPA determinations on individual regulated units. The HWVP Determination of Significance (DS) made use of existing NEPA documents in accordance with WAC 197-11-610 in lieu of the Department preparing an additional EIS. Since that determination, however, the HWVP is no longer part of the Facility Wide Permit. The 183-H Solar Evaporation Basin Closure Plan was issued a DNS.

Subsequently, the Department has issued several additional SEPA determinations on individual regulated units included in the Facility Wide Permit. As additional regulated units are permitted, the Department will make additional SEPA determinations on each unit.

Permit Change:

No change required.

57) Comment (4.0, 5.0, 26.5, 26.19):

The Department should consider alternative technologies to vitrification for cleanup of high-level radioactive waste.

Department Response:

The HWVP is no longer part of this Permit (see the Department's response in General Comment 14). However, the following discussion is provided for information.

Chapters 2 and 4, and Appendix B of the SRP-EA describes alternatives to vitrification for treatment of high-level radioactive waste at the SRP in Aiken, South Carolina. In the addendum, a September 1990 "Evaluation and Selection of Borosilicate Glass as the Waste Form for the Hanford High-Level Radioactive Waste," provides additional information on alternative technologies for treatment of high-level radioactive waste. This report shows that among candidate waste forms, "borosilicate glass was the most well developed and viable waste

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form for defense wastes." The report also explains that, although Hanford high-level wastes have a different chemical and radiological composition than wastes at Savannah River, or the West Valley Demonstration Project, borosilicate glass can more "readily accommodate fluctuations in waste composition" than other candidate waste forms.

The Department determined that differences between American and European vitrification technology were not environmentally significant. The use of multiple or metal melters is more a question of operational efficiency and longevity, and does not indicate more favorable environmental impacts.

Finally, vitrification has been selected by the EPA as the Best Demonstrated Available Technology (BDAT) for treatment of high-level radioactive mixed wastes which are banned from land disposal by 40 CFR 268.

Permit Change:

The vitrification plant has been deleted from the Permit.

58) Comment (3.16, 14.0):

One Commenter stated that the SEPA Determination of Nonsignificance for the 183-H Basins is inadequate because the determination does not address the groundwater issue.

The Washington Department of Transportation commented that the threshold determination for the vitrification plant and 183-H Basins was adequate and no further comment was necessary.

Department Response:

Closure of the 183-H Basins was determined by the Department to have no significant adverse environmental impact. Groundwater is not in the scope of the closure permit. Instead it will be addressed in a separate postclosure permit if required for this unit. The postclosure permit would require a separate SEPA determination

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No change required.

59) Comment (4.0, 5.0, 19.3, 28.2):

The Commenters felt that site preparation, grout, pretreatment, and explosive tanks are not addressed in the SEPA documentation.

Department Response:

Site preparation is addressed in the SEPA documentation on the vitrification permit. However, the Vitrification Plant is no longer part of this draft Permit. Grout, pretreatment, and explosive tanks are not addressed in the Permit, at this time, but may be included through future permit modifications. SEPA determinations will be made at the time the Department considers these modifications.

Permit Change:

No change required.

60) Comment (5.0):

Does the Department determine whether a project will have significant impact? What is the definition of "determination of nonsignificance" and "determination of significance?"

Department Response:

The Department is the responsible official under the State Environmental Policy Act (SEPA) for making a threshold determination regarding the environmental impact of the Permit. The determination is made based on evaluation of the proposal, assisted by a review of the environmental checklist, in accordance with WAC 197-11-330.

The definition of "Determination of Nonsignificance (DNS)" is: "the written decision by the responsible official that a proposal is not likely to have a significant adverse environmental impact and will not require an environmental impact statement."

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The definition of "Determination of Significance (DS) is: "the written decision by the responsible official that a proposal is likely to have a significant adverse environmental impact, and will require an EIS."

Permit Change:

No change required.

61) Comment (26.21):

This Commenter is concerned about the closure permit for the 183-H Solar Evaporation Basins being issued a Determination of Nonsignificance under the State Environmental Policy Act (SEPA). The Commenter is also concerned about whether EPA and the Department will require removal of contaminants to background levels or allow DOE to cap the contaminants in place with woven geotextiles.

Department Response:

The Permit identifies three closure options for the 183-H Solar Evaporator in Condition II.K. The Permittees will propose and the Department will approve the choice of options based upon analytical results from concrete and soil sampling.

One option is a clean closure which requires DOE to remove all contaminants to the levels established in the Dangerous Waste Regulations. Another option is a landfill closure which isolates any remaining contamination with a multi-layer barrier and requires a monitoring program. Some of the layers in this barrier, such as clay and geomembranes, are designed to be impervious to rainfall infiltration. The woven geotextile layer is designed to protect the drainage system from clogging with soils. The drainage system will then shed water away from any remaining wastes. The other option provides a closure strategy that falls between the clean closure and landfill closure options.

The Department has found that closure of the 183-H Basins in accordance with any of the three options above will pose no significant adverse environmental impact. Therefore, the Department has made a Determination of Nonsignificance under SEPA.

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Permit Change:

No change required.

62) Comment (26.22):

The 616 Nonradioactive Dangerous Waste Storage Facility (616 NRDWSF) is a storage building for dangerous wastes which are to be shipped off-site for treatment or disposal. Chapter 173-303 WAC has strict standards for construction of new storage facilities.

Department Response:

The above statements require no response.

Permit Change:

No change required.

63) Comment (1.5, 2.5, 24.5):

The records kept in the past by Federal agencies have been lost or destroyed over the years, and no records are available to help assess possible damage to public health.

No mention was made of the location of the records to be kept by the Permittee, or the availability of the records to the public.

Department Response:

Recordkeeping is clearly outlined by the State Dangerous Waste Regulations. These records must be maintained until ten (10) years after the postclosure period of the facility. The standard postclosure period lasts 30 years, however, the Department may extend the postclosure period for longer periods of time dependent on the site specific conditions. Any violations of these recordkeeping requirements are violations of the Permit.

Conditions I.E.8., I.E.10., I.H. and II.I. deal specifically with recordkeeping and reporting. These sections describe in detail the information to be gathered and reported by the Permittees.

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Records are typically kept at the unit, although other locations may be agreed to by the Department. Access to these records by the public can be arranged by making a request to the DOE. Some of the records contained in these files may be protected by law and a Freedom of Information Act request may need to be submitted.

Permit Change:

No change required.

64) Comment (3.4, 4.0):

The Department of Energy and their primary contractors should pay the cost of the EPA and Department oversight activities through a fee, and not through a grant process. The Department and EPA should "beef up" the on-site inspection program. Inspection of off-site laboratories is not addressed in this Permit.

The Department and EPA must continue to do unannounced inspections at the Hanford Facility.

Department Response:

The Department has adopted regulations for charging mixed waste facilities, such as the Department of Energy's Hanford Facility, a fee. This fee will fund the Department's oversight of the facility. The fee will remove the Department from the grant process for RCRA and dangerous waste activities.

The inspection team for the Department is currently expanding their staff as the emphasis at Hanford moves from permitting to compliance activities. These staff members are stationed in the Kennewick Office. In addition to this group, EPA has their own inspection team which works in conjunction with the Department.

The Department does occasionally inspect off-site laboratories. This is done by representatives from the Department and EPA's laboratory. However, the primary means for controlling data quality is through extensive quality assurance and quality control (QA/QC) protocols which must be followed when samples are submitted to laboratories for analysis. Violations of these QA/QC protocols may cause an

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invalidation of the data results. In this way the Department is able to maintain control over the data submitted pursuant to the Permit.

The inspection requirements specified in the Permit are for the Permittees at the Hanford Facility. These requirements are intended to ensure the safe operation of the Facility and to detect potential problems that could harm human health and/or the environment. These requirements in no way replace the oversight compliance inspections carried out by the Department or the EPA.

The Department's compliance inspection team, located in the Hanford Project Kennewick Office, is able to respond to emergency events at the Hanford Facility (e.g., a spill or release), and will continue to do unannounced inspections of the facility to assess compliance with state and federal environmental laws.

Permit Change:

No change required.

65)

Comment (3.11):

This Commenter was concerned about training the people who transport the (dangerous) waste?

Department Response:

The State of Washington Dangerous Waste Regulations do not typically require off-site transporters of hazardous/dangerous waste to have any specific training. However, the transporters must comply with applicable Federal and State Department of Transportation regulations. Transporters within the Hanford Facility (i.e., on-site) are generally trained more extensively than required, since they often work at a generation unit or a treatment, storage, or disposal unit (TSD). Therefore, transportation between Hanford generators and TSD's is often performed by people more knowledgeable about their shipments than their counterparts from off-site.

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66) Comment (12.6):

Three emergency plans are in place for the Hanford Facility, and this duplicity could lead to confusion in an emergency. There should be only one plan for the facility.

Department Response:

The three emergency plans were developed by each of the three Permittees. Since issuance of the initial draft Permit, the Permittees have submitted a single contingency plan. This new plan has been incorporated into the second draft Permit.

Permit Change:

The three emergency plans have been replaced with one contingency plan, as found in the second draft Permit's Attachment 4.

67) Comment (5.0, 12.7, 13.3, 13.4):

Commenters stated that the Department must continue to do unannounced inspections at the Hanford Facility.

Department Response:

The inspection plan provided in the Permit is required for the Permittees. This plan is intended to ensure the safe operation of the facility and to detect potential problems that could harm human health or the environment. This plan in no way replaces the oversight compliance inspections carried out by the Department. The Department continues to increase the number of inspection staff located in the Hanford Project's Kennewick office. This group is able to respond to emergency events at the Hanford Facility (e.g. a spill or release) and continue to do unannounced inspections of the facility to assess compliance with State and Federal environmental laws.

Permit Change:

No change required.

68) Comment (26.12, 26.13):

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The Commenter believes the contaminated liquid discharges at the Hanford Facility should be reduced and recycled to the extent possible. Any diluting of liquid discharges should be prohibited. This should be accomplished in two years.

Department Response:

The Department agrees that the liquid discharges should be reduced and recycled to the extent possible. The Department also agrees that dilution of contaminated effluent with uncontaminated effluent is not allowed (see WAC 173-303-150). The liquid discharges at the Hanford Facility are generally not subject to Dangerous Waste permitting at this time. However, sampling and analysis plans for these streams have been required to be developed to meet both State Waste Water Discharge and RCRA requirements.

If these discharges are subject to Dangerous Waste permitting, then a condition(s) along the lines of the comments may be appropriate. If the discharges are not regulated by Chapter 173-303 WAC, they are subject to the Clean Water Act or the Water Pollution Control Act. These are currently outside the scope of this Permit.

Water quality permitting utilizes concepts known as Best Available Technology (BAT) and All Known, Available, and Reasonable Technology (AKART). When the Department or Agency review permit applications for NPDES, or state waste discharge permits, source reduction, closed-loop recycling, and segregation of uncontaminated contributors is routinely required. The liquids Consent Order has permitting schedules of compliance which USDOE will be required to meet.

Permit Change:

No change required.

69)

Comment (25.13):

The Commenters object to the inclusion of language in the Permit which either regulates certain issues with respect to radionuclides as well as permit language which alters language in Permit applications to

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leave open the possibility of further regulating radionuclides under the State Dangerous Waste Regulations.

Department Response:

The Commenters argue that because the Federal Resource Conservation and Recovery Act (RCRA) excludes source, special nuclear and by-product material from the definition of solid waste, the State has no legal basis for potentially regulating these materials. The Federal Act, however, also provides that states may have more stringent and broader authorities than that of the Federal system. This is the case in Washington State.

The Department has a long history of regulating materials that are either exempted from regulation by the Federal regulations or exempted from the definition of solid waste in RCRA. For example, the Federal statute exempts from the RCRA definition of solid wastes "... solid or dissolved material in domestic sewage ... or industrial discharges which are point sources subject to permits under section 402 of the Federal Water Pollution Control Act ..." Both of these wastes are defined in the State dangerous waste regulations as solid wastes but are excluded, at least to a certain degree, from regulation by WAC 173-303-071 (see also WAC 173-303-016). It is of particular interest to this matter that neither Chapter 70.105 RCW nor Chapter 173-303 WAC specifically exempt source, special nuclear or by-product material from regulation. Further, radioactive waste materials clearly fall into other categories defining solid wastes for purposes of regulation in Chapter 173-303 WAC (refer to WAC 173-303-016 for the definition of solid wastes). Although the Department does not agree with the Commenters, direct references to the regulation of radionuclides have been deleted from the Permit. However, nothing in the Permit reduces the Department's authority over radionuclides. In the future, the Department may exercise its authority over radionuclides.

Permit Change:

References to radionuclides in Condition I.E.15. have been deleted.

70)

Comment (25.9):

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The Commenters contend that it does not make good financial or regulatory sense to have small RCRA "islands" cleaned up to a different set of standards within a CERCLA unit due to a lack of RCRA/CERCLA integration. They propose that the development of cleanup standards for all areas should be controlled by the FFACO and that the Permit should not establish inconsistent criteria.

Department Response:

The Department agrees with the Commenters regarding adjacent or overlapping cleanups to different standards. Condition II.K. establishes those standards by combining Dangerous Waste Regulations and MTCA requirements for closure and soil and groundwater cleanup. The Department does this in the spirit of RCRA/CERCLA integration. However, it should be noted that the Department, as well as the Permittees, are constrained by the applicable regulatory requirements. It is not clear what the Commenters mean by, "The FFACO should control the development of standards..." The cleanup is, in general, already governed by the FFACO.

Permit Change:

Condition II.K. has been rewritten. Please see Condition II.K. in the second Draft Permit.

71)

Comment (25.21):

One Commenter requests that Chapter 2 of the Permit regarding the 183-H Solar Evaporation Basins Closure Plan be deleted from the table of contents and elsewhere in the Permit because there is no legal basis or rationale for including an interim status closure plan in a final status permit. The Commenter states that the FFACO provides for closing this unit under interim status and that WAC 173-303-805(7)(b)(iv) authorizes this closure under interim status.

Department Response:

The Department disagrees with the Commenter that WAC 173-303-805(7)(b)(iv) authorizes closure of this unit under interim status. The Department interprets this regulation to mean that if a facility has interim status, and a unit on that facility has a closure plan approved by

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the Department, then changes may be made at that unit in accordance with the approved closure plan without being construed as "reconstruction". Prior to the effective date of this Permit, portions of the Hanford Facility have interim status but the 183-H Basins do not have an approved closure plan. After the effective date of this Permit, the 183-H Basins will have an approved closure plan, but portions of the Hanford facility will no longer have interim status. In either case, this regulation is not applicable to the 183-H Basins. Even if it was, this regulation does not perpetually "authorize" interim status closure. This regulation simply allows interim status facilities to close individual units without the closure activity being construed as reconstruction which is disallowed under interim status.

The Department also disagrees with the Commenter that the FFACO provides for closing the 183-H Basins under interim status. The FFACO states in Section 5.3 of the Action Plan that "All TSD units that undergo closure, irrespective of permit status, shall be closed pursuant to the authorized State Dangerous Waste Program in accordance with 173-303-610 WAC". The Department is therefore including the 183-H Solar Evaporation Basins Closure Plan in the Permit as required in WAC 173-303-610. Specifically, WAC 173-303-610(3)(a) states "The [closure] plan must be submitted with the Permit application, in accordance with WAC 173-303-806(4), and approved by the Department as part of the Permit issuance procedures under WAC 173-303-840. The approved closure plan will become a condition of any permit."

The inclusion of interim status closure plans into final status permits is consistent with other permits. In addition, the Department believes that the permitting process and implementation of the Permit is more efficient if all units are addressed in one document.

Permit Change:

No change required.

72)

Comment (25.28):

The Commenters suggest that the appeal procedures set up by the Permit are unnecessarily complicated due to the fact that USDOE-RL, WHC and PNL are all Permittees. The Commenters suggest that the

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appeal procedures could be simplified by removing WHC and PNL from being Permittees.

Department Response:

The Department recognizes that there are parallel appeal procedures set up through the Permit. Further, the Department agrees that this is due to the fact that WHC and PNL are Permittees and that they are not subject to the Dispute Resolution process established in the FFACO which USDOE-RL can use for appealing the Permit or appealing enforcement actions based upon violations of the Permit. The Department recognized this during the drafting of the Permit and recognized that this dual process was necessary in order to protect the rights of all of the Permittees.

Permit Change:

The Introduction to the permit has been modified to more clearly explain the appeal process and remain consistent with changes to the FFACO.

73)

Comment (25.29):

The Commenters requested explicit language be placed in the Permit which specifies the Dispute Resolution process to be used in the event that an enforcement action is taken for violations of either EPA- or EPA/Department-enforced conditions.

Department Response:

The FFACO has been modified such that Permit appeals will follow standard appeal procedures outlined in Chapter 70.105 RCW. This will reduce redundant appeal procedures.

In addition, some of the Commenters' concerns will be alleviated with the decision to issue the Facility Wide Permit in two separate portions. The Department will enforce requirements in the Dangerous Waste portion of the Permit and the Agency will enforce requirements in the HSWA portion of the Permit.

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The Introduction to the Dangerous Waste portion of the Permit has been rewritten to clarify how the Permit will be enforced.

74) Comment (12.3, 26.8):

The Commenters believe that:

- a) Vadose zone characterization is needed at Hanford.
- b) A Facility Wide groundwater and vadose zone monitoring program should be established.
- c) Leak detection under the Single Shell Tanks is needed.

Department Response:

The Department agrees with the Commenters. The solution to vadose zone remediation is twofold. First, vadose zone characterization has to be completed. This can be accomplished through the application of geophysical logging, i.e., logging all new wells before the permanent casing is installed, and analyzing soil samples obtained from drilling new wells for chemical and physical properties. Second, upon obtaining new data, a vadose zone monitoring network should be developed.

Leak detection under the Single Shell Tanks is a more difficult issue. Activities at the Single Shell Tanks should include radioactive plume tracing, updating present plume outlines and the installation of wells for a vadose zone monitoring surrounding the tanks.

Despite the recommendation of a Geophysical Panel (an interagency committee, representing USGS, the Department, and EPA) that new technology should be applied at the Hanford Facility, no progress has been made by the Permittees to resolve the vadose zone issue.

The Department is presently working on developing final criteria for requirements regarding vadose zone monitoring. Facility Wide groundwater monitoring requirements are specified in Condition II.F.

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See the revised Condition II.F.

75) Comment (12.4):

The Commenter discussed the well abandonment plan at the Hanford Facility. The Commenter postulates the need for a long range plan for well abandonment.

Department Response:

The Department agrees. The Department regards the well abandonment and remediation plan as a priority issue at the Hanford Facility. Each dangerous waste unit should have an inventory of existing wells. Some remediation work has been done at these units, but it is a minimal effort with respect to the magnitude of the problem. Wells that are not suitable for any use should be abandoned according to Chapter 173-160 WAC. The Permit requires the Permittees to comply with these requirements in Condition II.F.

Permit Change:

See the revised Condition II.F.

76) Comment (20.4):

This Commenter is concerned about the overall well drilling program at the Hanford Facility.

Department Response:

Wells are currently drilled according to Chapter 173-160 WAC, to help ensure that contamination is not introduced to the groundwater. In addition, Chapter 173-303 WAC requires well drilling for each facility for the purpose of monitoring to detect releases of contaminants from regulated units. The FFACO, Milestone M-24, specifies the timetable for drilling and monitoring program.

Permit Change:

See the revised Condition II.F.

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77) Comment (24.4):

This Commenter discussed concerns regarding the contamination of the Columbia River from the groundwater at Hanford. Further, the Commenter wanted to be allowed to independently assess groundwater monitoring activities.

Department Response:

The Department encourages the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) to pursue an independent oversight function at the Hanford Facility and welcomes their input in reviewing dangerous waste activities. However, the inclusion of the CTUIR is outside the scope of this Permit and the regulations governing it.

Permit Change:

No change required.

78) Comment (24.7):

The Confederated Tribes of the Umatilla Indian Reservation (CTUIR) would like to have a representative accompany the inspection teams during the site-wide inspections.

Department Response:

The inclusion of tribal members on these inspections is outside the scope of this Permit and the regulations governing it. However, the CTUIR can pursue this activity directly with the DOE, and seek to obtain access to areas of interest to the tribes.

Permit change:

No change required.

79) Comment (25.395):

The Commenters believe an additional Permit Condition should be added to the Permit to allow for extensions to the schedule of compliance.

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Department Response:

The Department believes the Permit is used as a mechanism to require compliance with approved schedules not as a vehicle to provide extensions. If extensions are warranted, the Permit may be modified or the Department can use its enforcement discretion.

Permit Change:

No change required.

80) Comment (25.14):

The Commenters contend that waste moved on-site should not have to meet the same requirements imposed for shipping waste from off-site for the following reasons:

- 1) This would require additional sampling and analysis of the waste, which is unjustified and not required in the regulations. These sampling requirements would place an additional burden on analytical laboratories and take away from their ability to support cleanup activities.
- 2) The requirement for an on-site tracking system that is already in place on the Hanford Facility has no regulatory basis and would cause additional administrative costs that are unwarranted and provide no improvement in safety.

The Commenters contend there is no valid administrative, technical, or regulatory reason for imposing this type of requirement. The Commenters recognize that all wastes moved, on-site or off-site, need to be properly managed. The Commenters state that there is an effective waste management and inventory control system in place for all waste shipped and received by TSD units. They state that the Department has not established the need for regulatory oversight in this regard.

Department Response:

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In regard to reason (1), it is not clear to the Department why the cost of sampling and analysis should be greater. All wastes should be designated to the same degree of certainty (i.e., quality assurance/quality control) regardless of whether they are to remain on-site or be shipped to an off-site TSD facility. If the Permittees are using less stringent QA/QC for designation of wastes that are handled "cradle-to-grave" at the Hanford Facility, they should realize that they will certainly encounter more corrective action cleanups in the future due to mismanagement of their wastes. In summary, the regulatory requirements for waste designation are the same whether or not the wastes remain on-site or shipped off-site so there should be no additional cost or resource impacts.

In regard to reason 2, the complexity and geographical layout of the Hanford Facility necessitate the imposition of this requirement. The only additional requirement which would be imposed by this Condition will be the reporting of unmanifested wastes shipped on-site. However, to reduce additional costs by the Permittees, Condition II.Q. has been revised to more accurately reflect the current tracking system and to limit its application to the geographic areas at the Facility which require additional requirements for the protection of health and proper waste management.

Permit Change:

See the revised Condition II.Q.

81)

Comment (2.2):

This Commenter questions the adequacy of laboratory and process controls including QA/QC at the on-site laboratories.

Department Response:

The Department realizes that laboratory and process controls at the Hanford labs in the past, have not always followed established EPA protocols for QA/QC and other laboratory processes.

The Permit has been written requiring that Hanford labs follow established EPA protocols regarding QA/QC. The FFACO also requires that the Permittees follow established EPA methods. These

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requirements will help ensure the adequacy of data produced at Hanford.

Permit Change:

No change required.

82) Comment (26.9):

The Commenter believes that because the cleanup at Hanford is not a normal one, the operating records at the facility should be kept for a period of 10 years after all units at Hanford are certified as closed.

Department Response:

The Department agrees with the Commenters. Permit Condition II.I. states that the operating record shall be maintained for 10 years after postclosure or corrective action is complete and certified.

Permit Change:

No change required.

83) Comment (3.4):

The Commenter notes that approximately 200 million gallons of wastewater are being emptied into the 300 Area Process Trenches annually. The USDOE should reuse or recycle water to reduce this amount.

Department Response:

The USDOE has an ongoing program of flow reduction, flow elimination and recycling in the 300 Area. Discharges have been reduced from 685 million gallons per year in 1991 to 200 million gallons per year at present. This continuing program is planned to further reduce discharges to 100 million gallons per year by May 1993. These reductions, past and future, have been in large, diluting flows. Simultaneously, all identifiable point sources of concentrated waste have been eliminated from the waste stream. A program for sewer clean out is proposed to safely dispose of residual contamination in the

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sewers. A contract for design and construction of a treatment plant for this waste stream has been awarded. However, this discharge is not subject to this Permit. The discharge will be addressed through the water quality permit process.

Permit Change:

No change required.

84) Comment (3.22):

Waste streams should not be diluted prior to acceptance, testing, or treatment.

Department Response:

This has been the standard policy of the Department for several years and is embodied in WAC 173-303-150. Energy has been informed of this policy and the regulations in numerous meetings. The Nuclear and Mixed Waste Management Program will continue to enforce this policy and the regulations.

Permit Change:

No change required.

85) Comment (5.0):

These Commenters want to know what is the relationship between the Department of Ecology and the Department of Health?

Department Response:

RCW 70.105.240 gives the Department of Ecology sole authority over hazardous waste sites. In practice, the Department of Health is frequently consulted on matters related to radiation protection. A formal Memorandum of Agreement has been established to clarify the relationship between these two Departments of State government. The relationship between the various arms of State government is not a part of this Permit.

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Permit Change:

No change required.

86) Comment (5.0):

The Commenters ask the Department to give a clear simple statement of how much Columbia River water is drawn for the Hanford Facility daily and how much is discharged daily. How much is used to dilute waste water below threshold level?

Department Response:

The United States Government does not report their water usage to the State of Washington thus, no state record exists of water consumption at the site. Water discharged directly to the river is permitted by and reported to the EPA. The EPA discharge permits, which includes some well water, allow an average of 465 million gallons per day to be discharged to the Columbia River. The largest single permitted discharge, the raw water return line, is permitted to discharge 454 million gallons per day. Actual water use at the site varies with the seasons. Waste streams discharged to the soil are a state concern, and are blends of polluted and unpolluted water. The amounts of these streams and the degree of their pollution are currently being determined. The Department has recently rejected plans submitted for discharge projects because dilution was included as treatment. The State permits for the discharge of wastewater to the soil issued by the Department will include limits on discharge quantities and will forbid dilution wherever possible.

Permit Change:

No change required.

87) Comment (5.0):

Commenters questioned why USDOE/WHC are not required to treat water before returning it to the river?

Department Response:

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Water discharged to the river is required to be treated before discharge. A treatment plant for the discharge at the 300 area is currently under construction. Discharges directly to the river are permitted by EPA and are outside the scope of this Permit.

Permit Change:

No change required.

88)

Comment (5.0):

The Commenters asked what is the temperature of the water going back to the river. The amount and temperature should be included in the EIS.

Department Response:

The permitted water temperature of the largest EPA permitted return flow to the river is 77 degrees fahrenheit. This is for a previously permitted discharge. Any environmental documentation regarding this discharge (i.e. SEPA) is outside the scope of this Permit.

Permit Change:

No change required.

89)

Comment (5.0):

The Commenters felt the Department should monitor the Columbia River.

Department Response:

The Department of Health is responsible for monitoring the Columbia for adverse health effects. Future requirements of this Permit may require river monitoring for postclosure or remedial investigations.

Permit Change:

No change required.

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No change required.

92) Comment (10.5)

Whose opinion is used in determining the allowable limits of low-level radioactive releases?

Department Response:

The limits set for concentrations of hazardous substances are arrived at by the Department and the EPA by attempting to determine what is the consensus of the scientific community. This determination will inevitably require professional judgement on the part of the regulatory agencies. In general, regulatory standards are based on information gathered from numerous scientific investigations. There is a conservatism built into these standards by including a safety factor.

Permit change:

No change required.

93) Comment (10.7):

Why are we allowing the continued dumping of untreated waste to the soil?

Department Response:

The Department negotiated a Consent Order controlling the discharge of untreated wastewater through the use of compliance schedules. The Consent Order was signed December 23, 1991. Until signature of this document, USDOE did not recognize the authority of Washington State to regulate these discharges. The consent order will require permitted discharges to meet all State and Federal water quality standards. This is currently outside the scope of this Permit.

Permit Change:

No change required.

94) Comment (10.8):

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Why are we allowing the dumping of more liquid waste that will push highly radioactive waste into the Columbia River?

Department Response:

The current efforts are designed to reduce the discharges in the 200 Areas thus slowing ground water movement to the Columbia River. New treated effluent disposal sites are being sited in uncontaminated areas. This issue will be addressed through the State Waste Discharge program and not in this Permit.

Permit Change:

No change required.

95)

Comment (13.1, 13.2):

The Permit should address the details and definitions of allowable limits of contaminants released in the disposal process.

Department Response:

Liquid discharges are currently not subject to the Permit. This issue will be addressed through the State Waste Discharge program and not in this Permit.

Permit Change:

No change required.

96)

Comment (26.13):

Recyclable discharges at the Hanford site should cease within two years and should be separated from combined sewers, trenches and cribs.

Department Response:

See the responses to comments 10.7 and 10.8.

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No change required.

97) Comment (30.1):

Design requirements should require that best available technology be used to remove all contaminants that do not occur naturally in the environment. Natural background should be the level of contaminants in the soil surrounding a waste site before 1943. Dilution of waste streams should be prohibited. All "man induced processes and events" for the next 100,000 years should be predicted and prohibited. Design goals should take into consideration Yakima Indian Nation religious values.

Department Response:

Closure standards will be written to achieve removal of contaminants from the area around Dangerous Waste Units to levels attainable by all known, available, and reasonable technology in accordance with applicable laws and regulations. It is difficult, given the almost universal contamination at the site to determine what background was before 1943. Dilution of waste streams prior to testing and treatment is against the policy and regulations of the Department and will be enforced. The duration of the Permit is 10 years. Cultural impacts are addressed through the SEPA/NEPA process and other public involvement opportunities.

Permit Change:

No change required.

98) Comment: (25.183, 30.2)

Chapter 173-303 WAC requires that all dangerous waste disposal units be sited more than 500 feet away from a fault. Faults should be identified and this rule enforced.

Department Response:

The FFACO was signed before the siting requirements quoted were adopted. The signing of this agreement constituted acceptance of the

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site for all existing dangerous waste units in the FFACO. Sites added in the future will be required to meet the siting criteria.

Permit Change:

No change required.

99) **Comment (12.5):**

The scope of requirements for the Facility Wide Waste Analysis Plan should be broadened to ensure that the right expertise at adequate staffing levels will be available for the types and quantities of analyses needed for compliance.

Department Response:

The Department agrees with the Commenter. Staffing expertise are addressed through permit-required training and QA/QC plans. Funding issues are outside the scope of the Permit.

Permit Change:

No change required.

100) **Comment (12.8):**

It would be helpful for a list of acronyms to be provided.

Department Response:

The Department agrees, a list of acronyms is included in the Permit.

Permit Change:

A list of acronyms is added to the Permit.

101) **Comment (22.8):**

The Commenters want to know the effect the Facility Wide Waste Analysis Plan (FWWAP) will have on the Hanford Federal Facility Agreement and Consent Order (FFACO)?

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Department Response:

A FWWAP is no longer required by the Permit. However, the Permit now contains general requirements for any waste analysis conducted which is subject to the Permit. In addition, each dangerous waste unit must have a written waste analysis plan. The general waste analysis requirements nor the unit waste analysis plans should effect the FFACO.

Permit Change:

See the revised Condition II.D.

102)

Comment (24.8):

This comment addresses two concerns. The first concern is whether the 616 Nonradioactive Dangerous Waste Storage Facility (616 NRDWSF) will adequately protect the groundwater and surrounding environment in the event of a catastrophic accident. Second, the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) are concerned that adequate protection of their natural resources may not be available in the event of a catastrophic accident involving a shipment from the 616 NRDWSF across their lands given that the CTUIR lack first responder equipment and personnel.

Department Response:

In response to the first concern, the 616 NRDWSF was designed and constructed in accordance with applicable statutes, regulations, and codes which protect human health and the environment. The 616 NRDWSF is also operated within the bounds of the design specifications (e.g., the storage capacity of the various cells is not exceeded). These requirements are intended to ensure that the potential for environmental impacts in the event of an accident are minimized. In the event that a catastrophic accident occurs at the 616 NRDWSF, the Permittees have the capability to mitigate any potential impact to their lands through first responder actions as well as future environmental cleanup actions.

If a catastrophic accident involving a shipment from the 616 NRDWSF occurred on the CTUIR lands, it would be outside the scope of this

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Permit. However, all shipments from 616 NRDWSF must be done in accordance with the applicable portions of the State and Federal Department of Transportation regulations.

Permit Change:

No change required.

103)

Comment (17.19):

The Department of Health continues to offer their support to the Department for issues involving radionuclides. The Department of Health would like to be an advisor to the Department in permitting activities as they may relate to radiation issues.

Department Response:

The Department appreciates the support of the Department of Health in issues related to Hanford. The staff of the respective organizations continue to work together to ensure that radioactive and hazardous wastes are properly regulated. The Department will continue to work with Health on these issues. The Department believes that the State must present a consistent regulatory scheme to the Permittees. Further, this scheme must ensure compliance with all applicable state regulations regardless of the implementing agency. However, agreements and coordination between the two State agencies are outside the scope of this Permit.

Permit Change:

No change required.

104)

Comment (12.1):

This Commenter is concerned with the funding for activities conducted pursuant to this Permit. The Commenter also believes that the Department of Energy should provide their Activity Data Sheets (ADS) to the State for review and response.

Department Response:

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The Department shares the concerns of the Commenter. Gaining the appropriate funding is a necessity for the Permittees to comply with the terms of the Permit. The Department believes that the Permittees are required, pursuant to Section 6001 of RCRA, to ask Congress for the necessary funding to comply with the terms of the Permit. Only if the President asks for the money, and Congress specifically denies funding can the Permittees be excused from compliance with the terms of this Permit. The Department believes this provision in RCRA gives added support for obtaining the funds necessary to meet the terms of this Permit. In addition, the Department is aggressively pursuing timely review of the ADS documents.

The renegotiated FFACO will allow the earliest possible review of ADS documents. In addition, monthly financial data will be available to the regulators and the public thus allowing more effective oversight of funding/spending patterns at Hanford.

Permit Change:

No change required.

105)

Comment (12.2):

This Commenter is concerned that EPA has not given the Department Federal authorization for issuing Subpart X permits in accordance with RCRA.

Department Response:

The Department already has State permitting authority for miscellaneous units which is equivalent to Subpart X in the Federal system. It should be noted, however, that the HWVP was the only Subpart X unit in the Permit and has been removed from this version of the Permit . (See the response for General Comment 14.)

Permit Change:

The vitrification plant has been deleted from the Permit.

106)

Comment (12.9, 12.10, 12.11):

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The Commenters suggested several changes to the Permit which would make the Permit easier to read.

Department Response:

The Department thanks the Commenters for the suggestions. The Department is evaluating a number of items which may make the Permit more user friendly. These modifications are intended to be included in the first modification to the Permit.

Permit Change:

No change required.

107)

Comment (22.9):

This Commenter questioned how land use planning will be integrated into the activities required by the Permit.

Department Response:

The Future Site Use Working Group has established land use planning recommendations. In addition, the Permit, through closure decisions and post-closure requirements, will dictate future land uses. Because of this interdependence, decision makers will have to be cognizant of the potential for future land uses prior to making any final Permit decisions. Until land use decisions are finalized, the Department is taking a conservative approach on unit closure strategies. In other words, the existing units closure activities do not commit to any future uses.

Permit Change:

Revised Condition II.K.5. requires the Permittees to consider future land use in establishing cleanup levels.

108)

Comment (3.4):

The Department has not taken any action regarding releases from tank(s) of high-level waste.

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Department Response:

Compliance inspections by the Department have led to significant discoveries regarding tank farm monitoring equipment and the inadequacy of spill/release detection systems at the tank farms. Ecology is currently negotiating with the USDOE in order to provide improved monitoring and leak response capabilities at the tank farms. Progress to date has included the emergency pumping of tank 241-T-101 and 241-BX-111, and the cessation of water additions to tank 241-C-105. The Department will continue to make the tank farm releases a high-priority compliance issue and will target problems that may contribute to, or delay the response to a tank leak.

Permit Change:

No change required.

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CONDITION-SPECIFIC COMMENTS

Title Page Comment (25.12, 25.19, 32.1):

The Commenters object to naming Westinghouse Hanford Company and Pacific Northwest Laboratory as Permittees. Instead, the Commenters request that the Permit be issued only to the U.S. Department of Energy.

Department Response:

The Department disagrees with the Commenters' position. The issuance of this Permit to WHC and PNL does not violate any term of the FFACO. Article II of the FFACO designates Energy as responsible under the FFACO, but does not preclude the issuance of the Permit to other individuals or corporations. In addition, it is consistent with the terms of the contracts issued to WHC and PNL as well as being consistent with permits issued to other Department of Energy facilities.

The specific terms of the contracts issued to both WHC and PNL (contract conditions I-78 and I-58, respectively) require WHC and PNL to "...procure all necessary permits or licenses..." Further, the Permit applications are signed and certified by the Department of Energy, WHC and/or PNL.

There have been at least two instances of permits being issued to both the Department of Energy and the contractors. Specifically, the Permit issued by the State of Colorado to the Department of Energy at the Rocky Flats Plant is issued to:

United States Department of Energy and its Prime Operating Contractor

The Permit issued by the State of New Mexico to the Department of Energy at the Los Alamos National Laboratory is issued to:

U.S. Department of Energy
University of California Regents

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Further, the Permit issued in New Mexico for activities at the Department of Energy, Sandia Facility is similarly issued.

Finally, in the response to Department of Energy comments on the Permit issued for activities at the Rocky Flats Plant, the Department of Energy requested that the draft permit language be changed to read:

"... a State RCRA Permit is issued to the United States Department of Energy and EG&G Rocky Flats (jointly, the Permittee..."

It is apparent that the Department of Energy as well as Department of Energy contractors have recognized the authorities of States to issue permits to the U.S. Department of Energy and the appropriate contractors for management of hazardous waste activities. However, the Department has agree to list WHC and PNL as "co-operators" since they jointly share some of the operator responsibilities.

Permit Change:

The Title Page and Introduction have been changed to indicate that WHC and PNL are "co-operators".

Title Page Comment (25.20):

The Commenters believe that the Permit should be issued for the full period allowed by the regulations, that being 10 years.

Department Response:

The Permit duration will be extended to the maximum period of 10 years. However, due to the complexity of this Permit, and consistent with the FFACO, the Department will conduct a complete review of the Permit after five years and make any necessary modifications at that time.

Permit Change:

The term of the Permit will be for a period of 10 years.

Introduction Comment (25.23):

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The Commenters believe the word "Permittees" in the Introduction should be changed to Permittee meaning the Department of Energy and not WHC and PNL.

Department Response:

See the response to comment 25.12

Permit Change:

No change required.

Introduction Comment (25.31):

The Commenters suggested alternate language in the Introduction to replace the words "umbrella permit."

Department Response:

The Department agrees.

Permit Change:

Use of the term "umbrella permit" is deleted.

Introduction Comment (25.25):

The Commenters suggest rewriting the paragraph in the Introduction to the Permit that specifies which regulations the Permittees must comply with. Specifically, the Commenters propose that language be added to the paragraph indicating that not all regulations are legally applicable to the activities of DOE.

Department Response:

The paragraph in question is consistent with WAC 173-303-806(3), which addresses applicable regulations for final facility permits. A statement will be added which clarifies the applicability of conditions to units undergoing closure.

Permit Change:

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See the revised introduction to the Permit.

Introduction Comment (25.26):

The Commenters request that the public comment period be restarted after February 7, 1992, the date on which the Soil Cleanup/Remediation at the Hanford Facility, referenced in the Permit was signed.

Department Response:

The Department's Nuclear and Mixed Waste Management Program's policy entitled Soil Cleanup/Remediation at the Hanford Site was sent to DOE on January 10, 1992, along with a request for comments on the policy. No substantive changes were made in the policy between January 10 and February 7. Furthermore, WAC 173-303-840 does not require that all documents mentioned in a permit be placed in the administrative record. However, since the draft Permit is being issued for public comment again in 1994 and the policy is no longer cited in the Permit, the Commenters' concerns should be satisfied.

Permit Change:

References to the policy discussed above are deleted from the Permit.

Introduction Comment (25.27, 32.11):

The Commenters suggest a language change in the Introduction to make the Introduction consistent with other language in the Permit regarding which regulatory agency will enforce specific conditions of the Permit.

Department Response:

The paragraph in the Introduction of the Permit has been rewritten to clarify that the Department will issue and enforce all provisions of the Dangerous Waste Permit. The EPA will issue and enforce all provisions of the HSWA Permit. These two permits will comprise the Facility Wide Permit. In addition, see the response to comment 25.29.

Permit Change:

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The Introduction of the Permit has been modified to clarify the regulatory agency enforcement authorities.

Introduction Comment (25.32):

The Commenter believes a large portion of the text in the Introduction of the Permit should be rewritten and proposes wording.

Department Response:

All the points presented in this comment are addressed by the Department's response to the Commenters' specific comments on Part IV of the Permit. Although the Department disagrees with the language proposed by the Commenters, the Department agrees the Introduction needs revision.

Permit Change:

See the revised Introduction to the Permit.

*Authority
Table*

Comment (25.33):

The Commenters suggest changes to Table 1 of the Draft Permit to clarify the enforcing regulatory agency for each condition. Of specific concern were the jointly enforced conditions of Part IV of the Permit.

Department Response:

The Department is now issuing and enforcing a Dangerous Waste permit. The EPA is issuing and enforcing a HSWA permit. Therefore, Table 1 is no longer necessary. The Introduction and Part IV of the Permit will be rewritten to reflect this.

Permit Change:

Table 1 has been deleted. The Introduction and Part IV Conditions have been modified to reflect the above discussion.

*Authority
Table*

Comment (25.11, 32.2):

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The Commenters were concerned with the clarity and accuracy of the "Permit Condition Authority" portion of the Draft Permit.

Department Response:

The Department agrees this portion could have been made more readable. As the Permit will now be issued as two permits, this Table is no longer needed and will be deleted. See the previous comment and Department response.

Permit Change:

The Permit Condition Authority Table is deleted.

Definitions Comment (17.2):

This Commenter is concerned with the lack of clarification regarding the definition of dangerous waste, specifically concerning protection of human health to the radioactive portion of mixed waste.

Department Response:

Dangerous waste is a solid waste that fails, for whatever reason, one or more of the characteristics, listing descriptions, or criteria contained in Chapter 173-303 WAC.

Permit Change:

No change required.

Definitions Comment (25.44):

The Commenter believes that the definition of "best efforts" needs to be deleted as it is inconsistent with the language found in Paragraph 106 of the FFACO as referenced by Condition IV.B.2.

Department Response:

The Dangerous Waste Permit no longer specifies corrective action conditions. Therefore, the definition of "best efforts" and Condition

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IV.B.2. will be deleted. Corrective action will now be addressed by the EPA's HSWA Permit.

Permit Change:

The definition of "best efforts" and Condition IV.B.2. have been deleted from the Dangerous Waste Permit.

Definitions Comment (25.46, 25.51):

The Commenter believes that the definition of "dangerous waste" in the definition section of the Permit should be modified and that a definition of "mixed waste" should be added.

Department Response:

The Department disagrees. There is no basis for either of these modifications. If a solid waste fails the designation procedure specified in WAC 173-303-070 for any of the characteristics, listing descriptions, or criteria, it is a dangerous waste. The definition of "mixed waste" is that found in Chapter 173-303 WAC.

Permit Change:

No change required.

Definitions Comment (25.48):

The Commenter believes that the definition of "facility" in the Permit should be modified.

Department Response:

The Department agrees and will modify the definition to be more consistent with the Dangerous Waste Regulations.

Permit Change:

See the revised definition of "facility".

Definitions Comment (17.3, 25.54):

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The Commenter believes that the definition of "release" should be modified.

Department Response:

The Department has deleted the definition of "release" from the Dangerous Waste portion of the Permit because corrective action and the definition of "release" are now addressed in the Agency's HSWA Permit.

Permit Change:

Delete the definition of "release" in the definition section of the Permit.

Definitions Comment (22.10):

What constitutes an "independent registered professional engineer?"

Department Response:

An "independent registered professional engineer", for purposes of this Permit, is an individual who meets the definition of "independent" and "registered professional engineer" in the Permit. See the response to comment 25.50 which modified the definition of "independent" in the Permit.

Permit Change:

See the revised definition of "independent".

Definitions Comment (25.43):

The Commenters propose the following:

- 1) deletion of the words "any of" in lines 7 and 13, "(a) through (j)" in line 8, and "(a) through (l)" in lines 13 and 14 of the Draft Permit and

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- 2) Addition of the words Administrator, Agency, Dangerous Waste, Department, Director, Facility, and Permit in lines 08 and 13 through 14.

They contend that this revision should be made on the grounds that only the definitions for the words in (2), above, should supersede the definitions of the FFACO or the regulations. The Commenters state, "The FFACO is a binding agreement among the DOE-RL, the Department, and the Agency. As such, the FFACO must prevail over any directly conflicting language in the Permit that is sought to be imposed by one party."

Department Response:

The Department does not agree with the Commenters proposed hierarchy for definitions. The Permit, when issued, will be a binding document between the regulatory authority and the regulated party. The hierarchy of definitions is designed to enable the Department to fulfill its mandate of enforcing the applicable environmental regulations at Hanford. However, the language is modified to note that the Permit is intended to be consistent with the FFACO.

The Department did determine that there remained an ambiguity in the hierarchy of definitions in the Draft Permit.

Permit Change:

See the revised introductory explanation to the Definition section of the Permit.

Definitions Comment (25.45):

The Commenters propose deletion of the definition for "Contractors" based on the assertion that this definition serves no purpose in a permit issued to the owner/operator, USDOE - Hanford Facility.

Department Response:

The definition of "contractors" is necessary; the Westinghouse Hanford Company and Pacific Northwest Laboratory are operators of the

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Hanford Facility. See, also, the response to comments 25.12 and 25.19.

Permit Change:

No change required.

Definitions Comment (25.47):

The Commenters propose deletion of the definition of "Days" based on the assertion that the definition in Article V of the FFACO should take precedence.

Department Response:

The definitions in the FFACO and the Draft Permit are essentially identical. The FFACO allows for submittal of certain items that would fall due on a weekend or a Federal or State holiday to be due on the following business day. This is the intent for the Permit.

Permit Change:

No change required.

Definitions Comment (25.52):

The Commenters propose deletion of the term "Permittees" and substitution with the following:

"The term 'Permittee' means the U.S. Department of Energy-Hanford Facility".

Comments 25.19, 25.22, and 25.59, are referenced justifying this proposal.

Department Response:

See the responses for comments 25.19, 25.22, and 25.59.

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No change required.

Definitions Comment (25.55):

The Commenters propose deletion of the definition for "Reasonable Times" based on the assertion that Article XXXVII, paragraph 105, of the FFACO specifies that EPA and Department representatives shall have authority to enter the Hanford Facility at all reasonable times. The Commenters state, "This FFACO provision must be read to give some logical meaning to the term 'reasonable'. Because treatment or storage is always taking place at some TSD unit at the Hanford Facility, the Draft Permit definition essentially defines reasonable times as all times. This is inconsistent with and exceeds any notion of what would actually constitute reasonable times." The Commenters further assert that if a clarification of "reasonable times" is needed, it should be done within the FFACO because it is inappropriate to define a term used in the context of the FFACO.

Department Response:

The Department disagrees with the Commenters' assertion that this definition is not necessary because it is in the FFACO; it is not defined in the FFACO. Allowance for entry at all reasonable times is a regulatory authority based on Chapter 70.105.130 RCW, and Chapter 173-303 WAC. The Commenters objection to the specific definition of the term "reasonable times" also seems irrational. The Department is mandated to enforce the Dangerous Waste Regulations and as such, must be allowed entry whenever activities are ongoing at regulated units. By the Commenters admission, these activities take place around the clock thereby necessitating the Department to have around the clock access to the Facility. Finally, the Department also disagrees with the Commenters' assertion that the FFACO is the appropriate context for defining this term. The FFACO is meant to be a part of the process of bringing the Hanford Facility into compliance with the regulations; the Permit is a further, more explicit, step in this process.

Permit Change:

No change required.

Definitions Comment (25.49):

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One Commenter questioned the need for the definition of "fenced security area(s)" listed in the definition section of the Permit.

Department Response:

The Department defined "fenced security areas" to support the language of Conditions II.U. and II.V. Based upon this comment, the Department has determined that since there is limited use of this phrase, it will be deleted. In addition, Conditions II.U. and II.V. will be modified to make evident which locations the Department is addressing in these Conditions.

Permit Change:

The term and definition of "fenced security areas" in the definition section of the Permit are deleted. The term "fenced security areas" in revised Condition II.U.2. is replaced with "the fences enclosing the 200 East, 200 West, 300, 400, 100N, and 100K Areas". The term "exit or enter a fenced security area" in Condition II.V. is replaced with "pass beneath a fence enclosing the 200 East, 200 West, 300, 400, 100N, and 100K Areas".

Definitions Comment (25.50):

Change the definition of the term "independent" to mean "an individual who is not employed by the Permittee". Also, add a sentence which states: "Multiple certifications by the same engineer will not nullify the engineers independent status."

Department Response:

In order to better define the term independent, the suggested phrase "an individual who is not employed by the Permittees" will be added to the definition. In addition, the other suggested clarification ("Multiple certifications...") will be added. An engineer's independent status will be determined by whether the definition of independent is successfully met. In the apparent absence of a regulatory definition of "independent", the Department has defined its intent in the Permit. A part of the intent is to reduce the perception of a conflict of interest to a reasonable level.

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Permit Change:

The definition of "independent" has been rewritten. Please see this definition in the second Draft Permit.

Definitions Comment (25.53):

It is suggested that the definition of a registered engineer be deleted because it is unrealistic. It also suggested that the term is not defined in Chapter 173-303 WAC and nothing in Chapter 173-303 WAC indicates that it is limited to a person registered or licensed in the State of Washington, and that the registered engineer requirement does not apply to a federal enclave.

Department Response:

As agreed to in the FFACO, the Permittees will comply with all applicable State regulations. Where required in Chapter 173-303 WAC and other applicable regulations, a registered engineer means an individual certified or registered to practice engineering in the State of Washington. As required in Chapter 18.43 RCW, it is unlawful for any person to practice or offer to practice engineering unless such a person has been duly registered under provisions of the above referenced Chapter 18.43 RCW.

Permit Change:

No change required.

Definitions Comment (25.56):

The definition for "unsound" was regarded as unreasonable and incomplete and also in conflict with the "Policy on Remediation of Existing Wells and Acceptance Criteria for RCRA and CERCLA" (June 1990), in Draft Permit Attachment 11. Some wells that were drilled in accordance with Chapter 173-160 WAC may be deemed unsound. The comment refers to draft Condition II.F.2.f.

Department Response:

According to WAC 173-160-145:

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"Any well which is unusable, or whose use has been permanently discontinued, or which is in such disrepair that its continued use is impractical or is an environmental, safety or public health hazard shall be abandoned."

Specifically, even if a well has been constructed according to Chapter 173-160 WAC it might not be acceptable for use and shall be abandoned. WAC 173-160-500 describes the abandonment process of resource protection wells. However, the term "unsound" is deleted from the Definitions as it is no longer used in the Permit.

Permit Change:

The term "unsound" is deleted from the Definitions.

Attachments Comment (22.14):

Attachment 9, Appendix 2C, Quality Assurance and Quality Control Program for the Hanford Facility, Page 2C-5, section 2C5.3.1.1, states that if contractors don't develop and implement QA programs during design and construction they can demonstrate that the unit complies before use. Demonstrating that a unit complies after it has been built is backward. What is the course of action if a unit is built and is then determined to be in non-compliance?

Department Response:

This section of Attachment 9 does not clearly define when a QA program is required and when a post manufacturing test is acceptable. It is accepted engineering practice for units manufactured off site to be purchased and accepted on the basis of a standard engineering specification certified to by the manufacturer and optionally tested in accordance with a QA plan. It is further accepted engineering practice to accept those items manufactured on site that do not comply to every detail of the QA plan if in the judgement of the regulatory authority the flaw is not significant and a performance test is met. In the worst case, complete demolition and removal of the flawed item might be required of the Permittees.

Permit Change:

No change required.

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Attachments Comment (25.40):

One Commenter requests that Attachments 16, 17, 18, 19, and 20, all regarding the 183-H Solar Evaporation Basins Closure Plan, be deleted from the list of attachments because there is no legal basis or rationale for including an interim status closure plan in a final status permit.

Department Response:

See the response regarding comment 25.21.

Permit Change:

No change required.

Attachments Comment (25.17, 32.8):

The Commenters believe that the incorporation into the Permit of documents that address site-wide activities presents the following problems:

- Some of the documents include elements that are not regulated by Chapter 173-303 WAC, pursuant to RCRA.
- Some of the documents were intended to be informational, and not for use in the Hanford Facility Part B permit application.
- The inclusion of some documents has resulted in an overly stringent permit.
- All of the documents referenced are subject to permit modification procedures, which are overly cumbersome and will, therefore, limit the Permittees ability to respond to necessary changes in facility functions in a timely manner.

Department Response:

The Department does not agree, in entirety, with these comments for a number of reasons. First and foremost of these is the fact that the

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DOE entered into negotiations with EPA and the Department on or about February 11, 1991 for the purpose of developing a "site-wide" permit that would address the common elements required at all TSD's, as well as those elements that were peculiar to the Hanford Facility. The Hanford Facility meets the definition of a hazardous waste management facility as defined by WAC 173-303-040 and 40 CFR 270.2. As such, this facility must comply with the permitting requirements of WAC 173-303-800 and 40 CFR 270. These sections require the submittal of information regarding the operation of the facility. WAC 173-303-806 contains the list of documents that must be submitted in order for the Department to make a permit decision. The majority of the attachments to the Permit are directly required by WAC 173-303-806 for either the Hanford Facility or one of the TSD units included in Part III or V of the revised Permit.

The DOE also contends that the inclusion of these documents has resulted in an overly stringent permit. A comparison of the Permits and the Permit applications, referenced by DOE in their comments (Texaco, Shell, Chemical Processors, Inc., etc.), shows that in fact the DOE's submittals have met minimum requirements. The following is a list, by permit, of the portions of the Part B permit applications incorporated by reference into the respective permits. These sections were incorporated in their entirety to address specific Part B requirements:

Texaco (WAD009276197)-Facility Description, Waste Analysis Plan, Security Program, General Inspection Procedures, Personnel Training, Contingency Plan. In addition, the soil sampling procedures and lysimeter sampling procedures were included from appendices to specific chapters.

Shell (EPA/State ID # WAD009275082)- Facility Description, Security Procedures, Contingency Plan and emergency procedures.

Chemical Processors, Inc.- Facility Description and General Provisions (including appendices), Part A dangerous Waste Permit Application, Waste Analysis Plan (including appendices), Security Procedures and Equipment, Inspection Schedule (including appendices), Personnel Training Plan (including appendices), Contingency Plan (including appendices), Closure Plan (including appendices), Preparedness and Prevention Measures.

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These plans are modified as necessary by permit conditions in the respective permits. The Department followed this same approach in the initial draft Hanford Facility Permit. However, in an effort to reduce administrative costs to the Permittees, yet still provide for equivalent protection of human health and the environment, the Department has replaced the requirement for some of the Facility Wide plans with Facility Wide requirements.

See also the response to the following comment.

Permit Change:

Any changes to the inclusion of documents within the Permit will be addressed in the specific Permit condition sections.

Attachments Comment (25.18, 32.8):

The Commenters contend that the submittal of Facility Wide documents is not required. Permitting activities should be limited to the format laid out in the FFACO, and should only address TSD units on a unit-specific basis. 40 CFR 270.1(c)(4) does not provide a regulatory authority for this "umbrella" permitting approach. The inclusion of Facility Wide documents has resulted in a permit that goes beyond the Department's regulatory authority.

Department Response:

The Hanford site meets the definition of a hazardous waste management facility as defined by WAC 173-303-040 and 40 CFR 270.2. As such this facility is required to apply for and obtain a permit. The regulatory requirements for this Permit are contained in WAC 173-303-800 and -806. In addition to addressing the specific requirements of each treatment, storage, or disposal unit within the facility, USDOE must comply with the general facility standards outlined in WAC 173-303-800.

The Department has determined the submittal of the Facility Wide documents can be required to address the large scope of activities at the Hanford Facility. For example: emergencies that may occur at locations other than the TSD units or during transportation must be addressed; facility employees must meet minimum training

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requirements contained in WAC 173-303-330, the facility must meet the security criteria from WAC 173-303-310; etc. These Facility Wide documents have been submitted by Permittees (refer to the letter and attachments from E. Bracken/R. Lerch to P. Day and T. Nord, 10/3/91, regarding the Hanford Facility Dangerous Waste Permit Application) for the purpose of meeting the general facility standards.

The Commenters contend that this process is resulting in a permit approach that is too broad in nature. However, a review of the Permits, and the included permit application sections of the Permits, referenced by the Commenters' (Chemical Processors Inc. -Georgetown Facility, Texaco, etc.), shows that many of the elements argued as "overbroad" have been included in these permits. For example, a review of the Texaco training plan and contingency plan shows that these plans apply to the entire facility, not just to specific TSD units.

See also the response to comments 25.8 and 25.17.

Permit Change:

Any changes to the Facility Wide sections of the Permit will be addressed in the specific permit condition responses.

Attachments Comment (17.1, 25.34):

The Commenters objected to the inclusion of the attachments to the Permit as enforceable conditions. Specifically, the Commenters stated that the inclusion of entire attachments was too broad and beyond the Department's regulatory authority.

Department Response:

The Department agrees, in part, with the Commenters. In some cases, the Department has specifically included entire documents as enforceable conditions. In other cases, the Department has identified specific portions of submitted documents which are enforceable.

However, the Department disagrees that the Permit is beyond the Department's authority. The information submitted in the Permit applications is required for the application to be considered complete. It is not the intent that when any line in the Permit changes that it

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require a Class 3 permit modification. Many changes to these documents would only require a Class 1 modification (i.e. descriptive information) pursuant to WAC 173-303-830. Further, as the regulations specify the inclusion of the informational documentation, and the modification procedures to the Permit (not permit application) specifically address the procedures to be followed to change informational requirements, the Department believes that regulatory authority exists for including entire documents and information in the Permit.

Permit Change:

Each chapter within Parts III and V of the revised Permit indicate the enforceable portions of individual permit applications and closure plans.

Attachments Comment (25.35):

The Commenters state that Attachment 3 should be deleted from the Permit. If WHC is retained as a Permittee, the Commenters suggest that the attachment should be limited to those units for which WHC has day-to-day management responsibility.

Department Response:

The Department agrees Attachment 3 should be deleted. WHC's role as a co-operator is addressed in revised Condition I.A.2.

Permit Change:

The original Attachment 3 has been deleted and Condition I.A.2. has been modified.

Attachments Comment (25.36):

The Commenters state that Attachment 4 should be deleted from the Permit.

Department Response:

The Department agrees. PNL's rule as a co-operator is addressed in Condition I.A.2.

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Permit Change:

The original Attachment 4 has been deleted and Condition I.A.2. has been modified.

Attachments Comment (25.37):

The Commenters state that Attachments 6,7,8,9 and 12 should be deleted.

Department Response:

The Department disagrees that the original Attachment 6, the Facility Wide Contingency Plan, should be deleted. However, the Facility Wide Contingency Plan has been modified by the Permittees and is included in the second draft permit as Attachment 4. The Department has agreed to delete the original Attachments 7, 8, 9, and 12, but has replaced these with Facility Wide requirements. See the responses to comments 25.8 and 25.17.

Permit Change:

See Permit changes noted for comments 25.8 and 25.17.

Attachments Comment (25.38):

Attachment 10, Purgewater Management Plan, should not be included in the Permit because there is no regulatory basis for its inclusion. Any modification to the plan will be addressed by the mechanism provided in the Federal Facility Agreement and Consent Order.

Department Response:

The statement is incorrect. The Purgewater Management Plan (Attachment 5 in the second draft Permit) cites the regulatory basis for including such a plan in the Permit. See page 10, Section 3.5, "Permitting Strategy" of the Purgewater Management Plan.

Section 3.5.1 of the FFACO states that "DOE-RL, Ecology and EPA also agree that requirements contained in the strategy will be included in the Hanford Site RCRA Permit issued by Ecology."

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Permit Change:

No change required.

Attachments Comment (25.39):

The Commenters describe Attachment 11, "Policy on Remediation of Existing Wells and Acceptance Criteria for RCRA and CERCLA, June 1990", as "too nonspecific...and should not be included in the Permit." According to this comment, the policy will cause duplicate wells to be constructed for CERCLA and RCRA. The remediation activities will not meet data quality objectives.

Department Response:

The remediation criteria for RCRA and CERCLA wells are based on regulations that have to be implemented in the State of Washington. Wells that are constructed for the purpose of monitoring should be in compliance with Chapter 173-160 WAC. Any well that is a potential point of groundwater contamination; or, can cause intermixing of waters of different aquifers, shall be abandoned.

The detailed requirements regarding well construction are stated in WAC 173-160-550. Those criteria are included in Attachments 6 and 7 of the second draft Permit. Permit applications for each TSD unit also list the applicable requirements. Furthermore, language has been added to Condition II.F. which removes duplication of efforts.

Permit Change:

No change required.

Attachments Comment (25.42):

The Commenters requested that Attachment 23 be deleted from the Permit as these were internal management organizations and should not be subject to the Permit.

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The Department agrees. However, the Department believes that the organizational descriptions in that attachment present information supporting the Permit and the remaining attachments. The Permit applications which have been included use these organizations to help describe enforceable activities which take place at the Facility. The availability of this information is necessary to assist the regulatory agencies and any other persons not familiar with the Hanford management structure in understanding the Permit.

Permit Change:

The original Attachment 23 has been deleted.

Attachments Comment (25.41):

The Commenter asked the Department to delete Attachment 22, UE&C-Catalytic Inc., Environmental Protection Plan, Hanford Waste Vitrification Project (GCC-PL-009), from the Permit because there is no regulatory basis for its inclusion.

Department Response:

Construction activities on the HWVP must be conducted in accordance with the requirements of Chapter 173-303 WAC, Chapter 173-200 WAC and Chapter 173-201 WAC. This plan was submitted by the Permittees as their construction plan to meet the appropriate regulations. The plan was reviewed and included as an attachment to the Permit. The plan was developed by the Permittees to demonstrate their compliance with the regulations. If the Permittees wish to change their construction plan, the new plan may require a permit modification before it can be implemented. Until the modification is effected, the Permittee must follow the original plan as approved. However, the HWVP is no longer part of this draft Permit. Therefore, the attachment will be deleted.

Permit Change:

The original Attachment 22 has been deleted.

I.A.) Comment (29.1):

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The Commenter is uncertain if the Washington Public Power Supply System (Supply System), is subject to the Permit due to lease agreements held with the Hanford Facility owner for property on the Hanford Facility.

Department Response:

Ordinarily, the leaseholder would be subject to the terms of this Permit as an operator of the Hanford Facility. But in this case, the Department has decided to permit the Supply System separately from the Hanford Facility because the Supply Systems requires its own dangerous waste permit. The Supply System is subject to all the same hazardous waste laws and regulations as the Hanford Facility.

Permit Change:

No change required.

I.A.1.a.) Comment (25.30, 25.57, 32.3, 32.9):

The Commenters have proposed new language to clarify the effect of the Permit and to ensure that the Permit does not conflict with the FFACO.

Department Response:

The Department, while not accepting the language provided by the Commenters, does agree that Condition I.A.1.a. could be modified to clarify the intent of the Permit. While it is not the intention of the Department to write permit conditions which are in conflict with the FFACO, the Department has clarified, in the second draft Permit, that the Permit is intended to be consistent with the FFACO.

Permit Change:

Condition I.A.1.a. and the Introduction to the Permit have been changed to clarify the inclusion of interim status units and units undergoing closure.

I.A.1.b.) Comment (25.58):

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The Commenter believes Condition I.A.1.b. should be modified to exclude the USDOE-Bonneville Power Administration (BPA) Midway Substation and include the Supply System.

Department Response:

The reference to BPA has been deleted because any corrective action on that property will be addressed in the Agency's HSWA Permit. The Department will clarify the language in Condition I.A.1.b.

Also, see the response to comment 29.1.

Permit Change:

See the revised Condition I.A.1.b. and the HSWA Permit.

I.A.2.)

Comment (25.59):

The Commenters stated that Condition I.A.2. (including the referenced attachments) should be deleted.

Department Response:

The Department has modified Condition I.A.2. to clarify the role of each of the Permittees. Also, see the response to comment 25.12.

Permit Change:

See the revised Condition I.A.2.

I.A.3.)

Comment (25.60):

The Commenters suggested adding a statement which excludes units undergoing interim status closure from this Permit.

Department Response:

The Department disagrees. See response to comment 25.21.

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No change required.

I.A.4.) Comment (25.61):

The Commenters suggested alternate language for this Condition. Furthermore, the Commenters suggested changes to the original Attachment 5 to the Permit which is referenced in this Condition.

Department Response:

Although incorporation of interim milestones from the FFACO is not explicitly called for in Chapter 173-303 WAC, the regulations do allow for inclusion of schedules into a permit (WAC 173-303-810(14)(e)). The Department's intention by including these milestones is to integrate, to the greatest extent possible, the Permit and the FFACO.

The Department will not incorporate the suggested language as it conflicts with the basic principles of the Permit. In addition, the Attachment will not be modified as incorporation of the Interim Milestones in no way effects the FFACO and makes clear the regulatory structure to which these units are and will be subjected. However, the Department has modified Condition I.A.4. to reflect the relationship of the Permit and FFACO.

Permit Change:

See the revised Condition I.A.4.

I.C.1.) Comment (25.62):

The Commenters suggested the addition of a sentence in this Condition which specifies the Dispute Resolution Process must be used prior to modification, revocation, reissuance or termination of the Permit.

Department Response:

The Commenters are in error in the reading of the provisions of this Condition and its relationship to the FFACO. The Department has agreed that the Dispute Resolution Process will be utilized for violations of the Permit by the Department of Energy. The modification, revocation, reissuance and termination of the Permit are

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regulatory requirements and not necessarily the result of an enforcement action. In the normal course of the permitting process, these activities take place. However, the Department agrees that any revocation of the Permit which is the result of an enforcement action against Energy, would be subject to the Dispute Resolution Process of the FFACO.

Permit Change:

No change required.

I.C.3.a.) Comment (25.63, 32.4)

The Commenters believe that the modification procedures were more restrictive than the regulations. Of specific concern was the provision in the Condition which stated that all Class I Permit modifications which do not require prior approval shall be performed as Class 3 modification. The Commenters request that the Condition require compliance with the WAC 173-303-830(4).

Department Response:

The Condition already addresses WAC 173-303-830(4) by virtue of referencing previous provisions of the Permit, therefore, the Commenters concerns are addressed.

Permit Change:

No change required.

I.C.3.b.) Comment (25.64, 25.65):
& I.C.3.c.

The Commenters believe that the phrase "past practice" should replace the phrase "corrective action".

Department Response:

The Department agrees.

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The terms "past practice" are changed to "corrective action".

I.D.2.) Comment (25.66, 32.5):

One Commenter requested that Condition I.D.2. be modified to delete the last half of the provision. Another Commenter requested that language be added addressing the FFACO.

Department Response:

The Department disagrees with the comment. This language is boilerplate permit language and appears in all the permits issued in Washington State, including those permits which have been jointly signed by the State and EPA.

Also, see the response to comment 25.66.

Permit Change:

No change required.

I.E.1.) Comment (25.67):

The Commenters request an editorial change to the language of this Condition.

Department Response:

The present language of the Permit and the requested change have the same meaning.

Permit Change:

No change required.

I.E.1.) Comment (25.68):

The Commenters state that Condition I.E.1. is inconsistent with the terms of the FFACO, and request that a paragraph be added to the Permit referencing certain provisions of the FFACO.

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Department Response:

Contrary to the Commenters' assertion, Condition I.E.1. does not "erroneously assume" that the Department has authority to regulate radioactive source, special nuclear, and byproduct material. Condition I.E.1. is a standard permit condition, and is silent on the Department's authority with respect to these substances. The Department does not believe it is necessary to add the section proposed by the Commenters because the Permit already states in Condition I.A.4. that it is intended to be consistent with the conditions of the FFACO, as amended.

Permit Change:

No change required.

I.E.1.)

Comment (25.69):

The Commenters state that Condition I.E.1. is inconsistent with the terms of the FFACO, and request that a paragraph be added to the Permit referencing certain provisions of the FFACO.

Department Response:

The Permit already states that it is intended to be consistent with the conditions of the FFACO, as amended. Condition I.E.1. is not inconsistent with the FFACO. It merely states that Permit noncompliance constitutes grounds for enforcement action, permit termination, modification or revocation and reissuance of the Permit, and/or denial of a permit renewal application. It does not state that the Department will pursue those remedies without first following the notification and Dispute Resolution Process set forth in the FFACO. The new language proposed by the Commenters is unnecessary.

Permit Change:

No change required.

I.E.2.)

Comment (25.70):

The Commenters request that language be added to Condition I.E.2. stating that compliance with the terms of the Permit constitutes

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compliance with the portions of the regulations on which the Permit conditions are based, as provided in Federal regulations.

Department Response:

Because the Permit is based on State law, it would not be appropriate to include in it conditions based on Federal law. Nothing in Chapter 173-303 WAC states that compliance with the provisions of a final status permit constitutes compliance with the portions of the regulations upon which the Permit is based.

Permit Change:

No change required.

I.E.3.)

Comment (32.6):

The Commenter requests that Condition I.E.3. be modified to specifically require that any new permit application submitted pursuant to this Condition be submitted at least 180 calendar days prior to the expiration date of the Permit.

Department Response:

The Commenter's concern has been addressed in the Permit by virtue of the reference to WAC 173-303-806(6) which specifically cites the 180 day requirement.

Permit Change:

No change required.

I.E.3.)

Comment (25.71):

The Commenters suggest deleting language in Condition I.E.3. that states the Permittees have a duty to reapply for a permit if they are required to initiate or continue postclosure care.

Department Response:

The Department agrees.

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Permit Change:

See the revised Condition I.E.3.

I.E.6.)

Comment (24.2):

The Commenter was concerned with a lack of definition for "reasonable" for this Condition.

Department Response:

This Condition is a boilerplate Condition which repeats the language found in all permits.

Permit Change:

No change required.

I.E.7.)

Comment (25.72):

The Commenters suggest adding language in Condition I.E.7. recognizing that DOE may raise unavailability of appropriated funds as a defense to an enforcement action based on the failure to properly operate and maintain the facility.

Department Response:

Paragraph 143 of the FFACO states that DOE may raise the lack of funds as a defense. It also states that the Department disagrees that lack of appropriations or funding is a valid defense. Since DOE and the Department have agreed that it is "premature at this time to raise and adjudicate the existence of such a defense," the Department believes that it would not be appropriate to include the Permit language suggested by the Commenters. Whether this language appears in the Permit or not, the Department cannot prevent DOE from raising the Anti-Deficiency Act as a defense in any enforcement action taken under the terms of the Permit.

Permit Change:

No change required.

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I.E.8.) Comment (25.73, 32.7):

The Commenters requests that the confidentiality statement from the FFACO be incorporated into this section and that the word "immediately" be removed from the sentence. There was also a comment received concerning the definition of "reasonable time."

Department Response:

For the Department's response to the coordination between the FFACO and the Permit, see response to comments 25.4, 25.6, and 25.7. Section 3007 of RCRA and WAC 173-303-810(15) are the regulatory requirements that address confidentiality and Privacy Act issues. The Department is bound to comply with appropriate laws when the Permittees follow the proper process for designating protected records.

The Department agrees to substitute the term "within a reasonable time" for "immediately" in this Condition. The Department does not believe there is a problem in the usage or the definition of "reasonable time". Since the requirements specified in this Condition are based upon requests to the Department, the Department would specify in their response what the required "reasonable" time frame is for the Permittees to provide such information. Therefore, there is no need to clarify what a "reasonable" amount of time is since it will be specified in the response.

Permit Change:

The word "immediately" is replaced with "within a reasonable time" in Condition I.E.8.

I.E.9.) Comment (5.0, 25.74):

The Commenters' request the inclusion of Sections XXXVII and XLV of the FFACO. They also request that the word "identification" be replaced with the words "upon the presentation of credentials, and other documents as may be required by law."

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Another Commenter stated that there should be no limitations placed on access required by the regulators, and that if Energy balked, the Department should conduct a public hearing.

Department Response:

The Department agrees to modify the Permit language to be more consistent with WAC 173-303-810(10). However, the Department is granted clear access authority by Chapter 70.105 RCW. The Department has also agreed to comply with some of the basic site access requirements and radiation protection training at Hanford, provided that it does not interfere with the Department's compliance activities on-site. WAC 173-303-810(15) is the regulatory citation that deals with confidentiality and Privacy Act issues. The Department is bound to comply with appropriate laws when the Permittees follow the proper process for designating protected records.

For the Department response to the coordination between the FFACO and the Permit, see the responses to comments 25.4, 25.6, and 25.7.

Permit Change:

The term "identification" has been replaced with "credentials".

I.E.9.)

Comment (17.4):

The Department should, in the Permit, recognize the security requirements of Hanford.

Department Response:

The Permit contains the information necessary for the Department to assess the compliance of the owner/operator with the Dangerous Waste Regulations, Chapter 173-303 WAC. It also contains specific Conditions added by the Department that further the protection of human health and the environment. This Permit, then, is the legal description of how the owner/operator will comply with Chapter 173-303 WAC and Chapter 70.105 RCW. It is not intended to be fully descriptive of all the details regarding the Department's activities on the Hanford site.

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The Department has recognized the peculiar security requirements of the Hanford Facility. In consideration of this, the Department has followed DOE guidelines regarding the issuance of security badges, dosimetry, and other access requirements at Hanford. However, the Department believes that these activities lie outside the scope of the Permit, and therefore have not included any information on this subject.

Finally, this Condition reflects the requirement for the Department to provide identification prior to access. There are no similar requirements in Chapter 173-303 WAC to provide other documents prior to entry as appear in 40 CFR 270.30(i).

Permit change:

No change required.

I.E.9.a.) Comment (25.75):

The Commenters state that the language change in this Condition has unnecessarily expanded the scope of the requirements and deviated from intent of Chapter 173-303 WAC.

Department Response:

The language changes in this Condition do not expand the entry authorities of the Department beyond those specified in Chapter 70.105 RCW or Chapter 173-303 WAC. This change was made to more directly reflect the terminology used at the Hanford Facility to identify areas where regulated waste management activities occur. The key word in this section is "regulated". The Department clearly has the authority to enter areas of a facility where regulated activities occur. However, the Department has modified this Condition to be more reflective of the wording in WAC 173-303-810(10).

Permit Change:

See the revised Condition I.E.9.a.

I.E.9.c.) Comment (25.76):

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or monitor under RCRA Subtitle C and Chapter 173-303 WAC. They propose revision of this Condition by:

- 1) Replacing the first sentence with "Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity."
- 2) Replace the words in line 19 "those specified in", with the words "in accordance with", and
- 3) Replace the words in the lines 21-22 "shall be as specified in Test Methods for Evaluating Solid Waste: Physical/Chemical Methods SW-846, as amended" with the words "shall be consistent with the procedures for selecting analytical methods".

Their proposed language for (1) duplicates the language of WAC 173-303-810(11)(b).

To support the revisions proposed in (2) and (3), the Commenters argue that, "Expressly specifying the use of methods in WAC 173-303-110 and SW-846 unjustifiably imposes requirements not specified in the regulations, which state that these methods 'may be used'." They are concerned that the methods specified may require them to violate AEA radiological protection requirements for their employees and public. They are also concerned that flexibility may be limited and that therefore advances in analytical technology and radiological protection might not be efficiently implemented. The Commenters cite the decision in the Matter of: Hoescht Celanese Corporation RCRA Permit, No. SCD 097631691, RCRA Appeal No. 87-13, EPA, February 28, 1989. This decision states in part, "The Region might well have valid reasons to require use of SW-846, but if so an explanation is necessary."

Department Response:

In regard to proposal (1), the language of the first sentence of Condition I.E.10.a. as it stands merely clarifies that of WAC 173-303-810(11)(b); it does not expand the requirements beyond the intent of the regulation. It is not necessary for permit language to blindly parrot the word of the regulation. Although it is not the case here, in some instances it may be necessary to use the Permit language to clarify a

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regulatory requirement. The decision in the Matter of: Velsicol Chemical Corporation, No. TND-061-314-803, RCRA Appeal No. 83-6, EPA, September 14, 1984, supports this. However, the Department will modify the first sentence of this Condition to more closely reflect the wording of WAC 173-303-810(11)(b).

In regard to Proposal (2), the Department agrees.

In regard to proposal (3), the suggested language is inconsistent with the Dangerous Waste Regulations. It is correct that WAC 173-303-110(1) states, "This section describes the testing methods which may be used in the process of designating a dangerous waste." However, WAC 173-303-110(4) states, "Substantial changes to the testing methods described above shall be made only after the Department has provided adequate opportunity for public review and comment on the proposed changes." Clearly, in order to comply with Dangerous Waste Regulations requirements for testing, the test procedures cited in WAC 173-303-110(3) must be used. The Permittees should note that WAC 173-303-110(4) and -110(5) do provide for modification of a particular test method or substitution by an equivalent test method, but that approval by the Department is necessary. The lead time required for implementation of a modified or equivalent test method will be dependent on the regulatory mandated requirements for review and comment based on whether the change is relatively minor (such as the use of Teflon beakers rather than glass), substantial (substitution of a non-chlorofluorocarbon solvent in place of a Freon), or a completely different, but equivalent, method. These modifications would typically be specified elsewhere in the Permit rather than in Condition I.E.10.

Because additional test procedures besides SW-846 are given in this regulation, the language of the Condition will be revised.

Permit Change:

See the revised Condition I.E.10.a.

I.E.10.b.) Comment (25.79):

The Commenters stated that the Permit fails to reflect the requirements of the Department's Dangerous Waste Regulations, and appears to

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enlarge recordkeeping duties of the Permittee beyond that specified in the regulations.

Department Response:

The Department agrees to modify this Condition to be more reflective of the language in WAC 173-303-810(11)(c). However, WAC 173-303-810(11) states that the period to maintain information may be extended by request of the Department at any time. This period has been extended per the response to comment I.E.10.c. The Department will also clarify the location of where such records may be maintained.

Permit Change:

See the revised Condition I.E.10.b.

I.E.10.c.) Comment (25.80):

The Commenters assert that extending the record holding requirement from three (3) years to ten (10) years unduly enlarges the recordkeeping duties of the Permittees beyond that specified in the regulations.

Department Response:

The Department expanded the recordkeeping requirement from three (3) to ten (10) years to ensure consistency between the Permit and the FFACO. Article XXXVI RETENTION OF RECORDS of the FFACO requires that each party to the FFACO "shall preserve for a minimum of ten (10) years after termination of this Agreement all of the records in its or its contractors possession related to sampling, analysis, investigations, and monitoring conducted in accordance with this Agreement." This change in the recordkeeping requirements reflects this.

Permit Change:

No change required.

I.E.10.d.) Comment (25.81):

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The Commenters' assert that the Department has unduly extended the record retention time frame during enforcement actions.

Department Response:

The Department has the authority to extend the record retention period during any enforcement action. This authority is granted by WAC 173-303-380(3)(b) and WAC 173-303-810(11). However, the Department, in an effort to make all record retention periods coincide with the FFACO, Article XXXVI, is extending the record retention period to ten (10) years beyond the end of any enforcement action.

Permit Change:

Change Condition I.E.10.d. to state that the records retention period is "automatically extended during the course of any unresolved enforcement action regarding this facility to ten (10) years beyond the conclusion of the enforcement action."

I.E.10.e.) Comment (25.82):

The Commenters assert that the language change in Condition I.E.10.e. does not reflect the Chapter 173-303 WAC regulations.

Department Response:

The Department agrees to modify this Condition to more closely reflect the language in WAC 173-303-810(11)(d). One deviation from this language is the requirement to specify the affiliation of the individual who performed the sampling or analysis. This change was made to more accurately document the person who is involved in the sampling and analysis activities at the Hanford Facility. With over 16,000 employees, and a variety of contractors doing work on-site, it is very difficult to track an individual by name alone. This Condition will make it possible for regulatory agencies to track sampling and analysis activities on-site, which is the intent of this Condition.

Permit Change:

See the revised Condition I.E.10.e.

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I.E.11.) Comment (25.83):

It was suggested that Conditions I.E.11. and I.E.12. be deleted and replaced with the wording contained in WAC 173-303-810(14)(a).

Department Response:

In this Condition, the Permittees are required to inform the Department of any planned changes as soon as possible. This language reflects the requirements of WAC 173-303-810(14).

Permit Change:

No change required.

I.E.12.) Comment (25.84):

It was suggested that Condition I.E.12. be deleted and the wording in WAC 173-303-810(14) be incorporated into Condition I.E.11. as discussed in comment 25.83.

Department Response:

In order to more clearly reflect the requirements of WAC 173-303-810(14)(a), the Department agrees to modify this Condition. Deviations from the exact wording of the regulation are necessary to accommodate the size and complexity of the Facility.

Permit Change:

See the revised Condition I.E.12.

I.E.12.a.) Comment (23.85):

The Commenters suggested that Condition I.E.12.a. be eliminated.

Department Response:

See the response to comment 25.84.

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See the Permit change for comment 25.84

I.E.12.b.) Comment (25.86):

It was suggested that Condition I.E.12.b. be deleted from the Permit because it is arbitrary.

Department Response:

The Department agrees.

Permit Change:

Condition I.E.12.b. is deleted.

I.E.13.) Comment (25.87):

The Commenters believe this standard condition should be modified to reflect the exact wording of WAC 173-303-810(14)(b).

Department Response:

The Department disagrees. This is a standard condition found in State of Washington Dangerous Waste Permits. The requirement for a 30-day notice simply clarifies the term "advance notice". This clarification will make it easier for the Permittees to comply with the Condition as well as for the Department to enforce the Condition. Thirty days will provide the Department with some lead time to assist the Permittees in avoiding noncompliance. The Department understands that sometimes a 30-day notice will be impossible to achieve. Therefore, the second paragraph of this Condition provides relief for such instances.

Permit Change:

No change required.

I.E.14.) Comment (25.88):

The Commenters believe this Condition should be modified to reflect the exact language in WAC 173-303-810(14)(c).

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Department Response:

The Department disagrees. This is a standard condition found in State of Washington Dangerous Waste Permits. The cited regulation provides the Department with the authority to require modification or revocation and reissuance of the Permit to facilitate transfer of the Permit. The language in the Condition exercises this Department authority. Given the magnitude of dangerous waste activities at the Facility, any new owner or operator must be aware of the regulatory requirements imposed on the Facility. A simple written notification to a new owner or operator provides assurance to the Department that the new owner/operator will be cognizant of their dangerous waste responsibilities.

Permit Change:

No change required.

I.E.15.) Comment (17.6, 25.89, 26.7, 28.1, 29.2):

One Commenter suggested that Condition I.E.15. be rewritten to limit when a release must be reported to the Department. This Commenter felt that the Department had overstepped its regulatory authority particularly with the requiring of releases of radionuclides to be subject to this provision.

Another Commenter requested that the Permit require immediate notification of all releases at the Hanford Facility followed by a written report within 24 hours.

A third comment noted that quantities of radioactivity are not measured in pints or pounds.

A fourth comment noted that the Permit did not address reporting requirements and agreements between other State agencies and the Department.

Department Response:

The Department has revised this Condition to more accurately reflect the wording of WAC 173-303-145. One exception is defining

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"immediate" for purposes of this Permit. This exception provides clarification to the requirement for the same reasons discussed in the response to comment 25.87. The Department does not believe that a written report should be submitted for all releases but rather on a case-by-case basis as determined by the Department after a verbal report has been given. In addition, the inclusion of all releases into the operating record which is required by WAC 173-303-145 will suffice for written reporting unless otherwise specified by the Department.

The Department disagrees with the Commenters position that because a regulation is undergoing a revision, the Department should adopt less stringent requirements than specified in the regulations. Whenever the Department amends the Dangerous Waste Regulations, the Department will re-evaluate permit conditions.

One Commenter questioned the ability for the Department to require reporting of radionuclide releases through the WAC 173-303-145. The Commenters reading of the regulation is not correct. In fact, WAC 173-303-040 does reference the EPA spill table by virtue of the reference to WAC 173-303-101 which specifically references the spill table to determine toxicity of a substance. Hence, the EPA spill table constituents are considered hazardous substances per WAC 173-303-040. However, the Department has deleted specific references to radioactive substances as discussed in the response to comment 25.13.

The concern for the proper measurement of radioactivity is eliminated since the revised Condition no longer discusses pints and pounds of substances.

The Department, by having language "if necessary" in Condition I.E.15.e., recognizes the Commenters concerns about mandating clean-ups. The language provides the necessary flexibility in managing environmental releases.

Finally, with respect to other State agency requirements or agreements, the Department, through this Permit, does not intend to supersede any other State requirements regarding release notification. The Permit reflects only the Department's requirements as set forth in WAC 173-303-145.

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See the revised Condition I.E.15.

I.E.15.a.) Comment (17.5, 17.16):

One Commenter questioned the coordination between the Department and the Department of Health (Health) and the Department of Community Development (DCD).

Department Response:

Where there is an overlap in regulatory authority, coordination between the Departments of Ecology, Health and DCD will continue to be pursued. These coordination efforts lie outside the scope of this Permit, and therefore are not included in the text of the Permit.

Also, see the response to comment 17.9.

Permit Change:

No change required.

I.E.15.c.) Comment (17.7):

The Commenter believes the Department should acknowledge the authority of the Department of Health and the Department of Community Development in Condition I.E.15.c.

Department Response:

The Department of Ecology and the Department of Health have established a memorandum of understanding detailing the scope of authority at the Hanford site. The inclusion of the Department of Health and Department of Community Development authorities in this section is beyond the scope of the Permit.

Also, see the response to comment 17.9.

Permit Change:

No change required.

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I.E.16.) Comment (25.90):

The Commenter requests deletion of this Condition. The Commenter claims there is no regulatory basis for this Condition.

Department Response:

WAC 173-303-810(14)(f) clearly defines the conditions included in this section. The Department is hereby using its authority to require the submittal of a written report pursuant to this section of Chapter 173-303 WAC. However, the Department has modified this Condition to more closely reflect the language of WAC 173-303-810(14)(f) and has limited the need for a written report to those instances where health or the environment may be endangered. The Department believes it is reasonable to require a written report summarizing a noncompliance with the Permit which endangers health or the environment to provide an opportunity to assess management procedures and Conditions which may have caused such an incident.

Permit Change:

See the revised Condition I.E.16.

I.E.17.) Comment (3.4):

One Commenter requested that this Condition be deleted as it appears to allow waste to be transported from off-site for treatment or disposal at Hanford.

Department Response:

This Condition sets standards for the receipt of off-site waste. Please refer to the comments and responses related to Condition II.N.1. for further discussion of this issue.

Permit Change:

No change required.

I.E.17.a.) Comment (25.91):

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The Commenters propose that the Department:

- 1) Revise Condition I.E.17.a. by replacing it with the following language:

Upon discovering a significant discrepancy, the owner or operator must attempt to reconcile the discrepancy with the waste generating unit or transporter. If the discrepancy is not resolved within 15 days after receiving the waste, the owner or operator must immediately submit to the Department a letter describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue.

- 2) The definition for when manifest discrepancies are significant be added to the Permit.

For proposal (1), the Commenters are concerned that the Draft Permit condition fails to reflect the Dangerous Waste Regulations and enlarges the duties related to manifest discrepancy reporting. They state, "The use of the exact language of the regulation reduces the likelihood of misinterpretation and disagreement over any differences between the Permit and the regulation." They also express concerns regarding regulation of facilities that do not accept waste from off-site sources.

For proposal (2), the Commenters maintain that inclusion of a definition for "significant discrepancy" will make the Permit more complete.

Department Response:

In regard to proposal (1), it is not necessary nor even desirable to always restate the regulations. However, the Department agrees that some of the proposed language will clarify the Condition. The words "15 days of discovery" will not be amended as this allows the Permittees sufficient time to attempt to reconcile the discrepancy whereas there may not be sufficient time to do so under the proposed language if the date of discovery is after the date of receipt. Finally, the Commenters' concerns over shipments to facilities that do not accept waste from off-site sources is not applicable for this Condition as it applies only to shipments from off-site.

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In regard to proposal (2), the Department agrees and the definition stated below will be added to the List of Definitions.

Permit Change:

Revise Condition I.E.17.a. to read:

For dangerous waste received from outside the Facility, whenever a significant discrepancy in a manifest is discovered, the Permittees shall attempt to reconcile the discrepancy. If not reconciled within 15 days of discovery, the Permittees shall submit a letter report in accordance with WAC 173-303-370(4), including a copy of the applicable manifest or shipping paper to the Department.

Add to the Definitions section:

The term "**significant discrepancy**" in regard to a manifest or shipping paper means a discrepancy in between the quantity or type of dangerous waste designated on the manifest or shipping paper and the quantity or type of dangerous waste a TSD unit actually receives. A significant discrepancy in quantity is a variation greater than ten (10) percent for bulk quantities (e.g., tanker trucks, railroad tank cars, etc.), or any variation in piece count for nonbulk quantities (i.e., any missing container or package would be a significant discrepancy). A significant discrepancy in type is a an obvious physical or chemical difference which can be discovered by inspection or waste analysis (e.g., waste solvent substituted for waste acid).

I.E.17.b.) Comment (25.92):

The Commenters propose deletion of Condition I.E.17.b. because WAC 173-303-370 applies to owners and operators that receive wastes from off-site sources and this Condition applies to on-site generated waste.

Department Response:

This requirement will be revised to allow for certain non-manifested shipments between units at the Hanford Facility if they are specifically listed within Part III or V of the Permit.

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In regards to the Commenters contention that on-site generated waste should not be subject to WAC 173-303-370, the Hanford Facility clearly does not fit into the normal description of a single facility, as it relates to transportation due to the dispersed location of the TSD Units. Pursuant to WAC 173-303-040, the definition for "On-site" is as follows:

"On-site" means the same, geographically contiguous, or bordering property. Travel between two properties divided by a right of way, and owned, operated, or controlled by the same person shall be considered on-site travel if: The travel crosses the right of way at a perpendicular intersection; or, the right of way is controlled by the property owner and is inaccessible to the public.

In particular, many of the units which generate waste are not accessible by non-public right of ways and further, many are not located on contiguous property (this is despite the fact that in order to receive one EPA ID number, the property(ies) should all have been contiguous). However, because of the displaced proximity of the units the Department believes this Condition is warranted. This Condition will require the Permittees to meet the intent, if not the letter, of the Dangerous Waste Regulations for the reasons noted above.

Permit Change:

See the revised Condition I.E.17.b.

I.E.18.) Comment (25.93):

The Commenters contend that only off-site waste should be subject to Condition I.E.18., Unmanifested Waste Report, for essentially the same reasons stated in comment 25.92.

Department Response:

See the response to comment 25.92. This Condition will be revised similarly to Condition I.E.17.b.

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See the revised Condition I.E.18.

I.E.19.) Comment (17.8):

The Commenters believe the language in this section is confusing.

Department Response:

The Department agrees.

Permit Change:

See the revised Condition I.E.19.

I.E.19.) Comment (25.94):

One Commenter requested the Department delete Condition I.E.19. because there is no regulatory basis for the condition.

Department Response:

The Department has revised this Condition to more closely reflect WAC 173-303-810(14)(g).

Permit Change:

See the revised Condition I.E.19.

I.E.21.) Comment (17.9):

This Commenter believes that the Department of Community Development (DCD) should be added to this list for notification.

Department Response:

While the Department recognizes the authority of DCD in reporting and emergency management issues at Hanford, it is outside the scope of this Permit to require the Permittees to send reports, in general, to DCD. The Department will continue to work with Health and DCD in order to ensure that all State agencies are properly represented with respect to notification and emergency management issues.

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Permit Change:

No change required.

I.F.) Comment (25.95):

The Commenter requests that the words "and certified" be deleted so as to more accurately reflect the language of WAC 173-303-810(12). The Commenters believe that the language as written might be construed as adding a requirement to certify documents not required under RCRA Subtitle C or Chapter 173-303 WAC.

Department Response:

The Condition, as written, does not imply that documents which are not required by RCRA Subtitle C will be certified. The Condition clearly states that documents shall be signed and certified in accordance with WAC 173-303-810(12) and (13).

Permit Change:

No change required.

I.G.) Comment (25.96):

The Commenters suggest the inclusion of Article XLV of the FFACO into the Permit Condition.

Department Response:

For the Department's response to coordination of the FFACO and the Permit see the response to comments 25.4, 25.6, and 25.7. As the Department stated earlier, Section 3007 of RCRA, and WAC 173-303-810(15) are the regulations under which the Department operates in regard to protected records. These sections require the regulators to comply with appropriate laws regarding protected records when the Permittee has made a proper claim of confidentiality or protected status for the information in question.

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No change required.

I.H.) Comment (25.97):

The Commenters believe Condition I.H. should be rewritten to reflect the strict requirements.

Department Response:

The Department disagrees with the Commenters' rationale to change this draft condition. However, the Department does believe the Condition should be simplified.

Permit Change:

Condition I.H. will be replaced with the following:

"The Permittees shall maintain at the Facility, or some other location approved by the Department, the following documents and amendments, revisions, and modifications to these documents:

1. This Permit and all attachments;
2. The dangerous waste Part B permit applications, postclosure permit applications and closure plans; and
3. The Facility Operating Record.

These documents shall be maintained for ten (10) years after postclosure care or corrective action for the Facility, whichever is later, has been completed and certified as complete."

II.A.) Comment (25.98):

The Commenters contend that: the umbrella permitting approach has no regulatory authority; the inclusion of documents that were intended to be only informational in nature is beyond the scope of the requirements and is inconsistent with other permits issued in the State. They request continued negotiations with the Department and EPA to draft new

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Permit Conditions; and that facility wide plans are not necessary because there is no regulatory authority for them.

Department Response:

The Department met with the DOE and their principal contractors at least ten times throughout 1991 in order to specifically negotiate the contents of their initial Part B permit application (refer to the letter from E. Lerch/R. Izatt to T. Nord/P. Day, dated 10/3/91, regarding the Hanford Facility Dangerous Waste Permit Application). Some of these issues were not resolved during the course of the meetings. In order to support the start of construction date for the HWVP, the Department accepted the Permit application, and modified the text accordingly with Permit Conditions where necessary. As stated in the Department's introduction to this Responsiveness Summary; "It is important for the Permittees to recognize that they are the regulated entity. Although negotiations have played and will continue to play an important role in bringing the Hanford Facility into compliance with the regulations, the Department must maintain and exercise its regulatory authorities as is done with other regulated entities. In short, permits are based upon the regulations and information submitted by the prospective Permittees and while input from the Permittees is factored into the Permit, the Department must set the final permit conditions." For the discussion of inclusion of documents, Facility Wide plans, and the "umbrella" permitting approach, see the response to comments 25.8, 25.17, and 25.18.

In regard to the submittal of a revised contingency plan, see the response to comment 12.6.

Permit Change:

Condition II.A. has been rewritten to incorporate the Permittees' revised contingency plan.

II.A.1.) Comment (25.99):

The Commenters contend that the contingency plan does not need to be directly referenced in the Permit, and that by incorporating it directly into the Permit it is now limited to the modification procedures contained in WAC 173-303-830. Further, the modification procedures

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in WAC 173-303-830 are in conflict with the requirement of WAC 173-303-350(5).

Department Response:

The contingency plan is an enforceable part of the Permit, and this Condition makes that clear. Consistent with other State permits, the Permittees are required to adhere to their contingency plans in response to an emergency. As stated in the list of attachments for the Texaco (WAD009276197), Shell (WAD009275082) and Chemical Processors, Inc. (WAD000812909) permits; "These incorporated attachments are enforceable conditions of this Permit, as modified by the specific permit condition."

The Hanford Facility contingency plan was created to address the emergency response to transportation related incidents and dangerous waste emergencies not necessarily occurring inside the boundaries of a TSD. The language in the plan was intentionally broad enough to allow a great deal of flexibility. The sections which are restrictive are those defining reporting requirements, and areas of responsibility. These sections must be clearly outlined by the plan. This plan was submitted by DOE/WHC after extensive negotiations and discussions of its content and intentions. This plan is intended to interface with final and interim status units at the Hanford Facility.

In regard to the modification process, while WAC 173-303-830 does require a class 2 permit modification process, and WAC 173-303-350(5) requires immediate amendment, the Department has the authority to grant a 180 day temporary authorization for the contingency plan, thus allowing the Permittees to go through the modification process without holding up the necessary changes to the contingency plans.

Also, see the response to comments 12.6 and 25.98.

Permit Change:

Condition II.A. has been rewritten to incorporate the Permittees' revised contingency plan.

II.A.2.) Comment (25.100):

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The Commenters contend that this modification is unnecessary and is an inappropriate level of control.

Department Response:

This Permit Condition has been changed. During the initial public comment period, the Permittees submitted a revised contingency plan which included the information and Conditions in the original Draft Permit Condition II.A.2. (including Conditions II.A.2.a. through II.A.2.n.). Therefore, the original Permit Conditions have been deleted.

Permit Change:

The initial Condition II.A.2. (including initial Conditions II.A.2.a. through II.A.2.n.) have been deleted.

II.A.2.a.) Comment (25.101):

The Commenters contend that the Department exercises an inordinate level of control over this section of the emergency planning, and that the referencing of unit-specific contingency plans is inappropriate.

Department Response:

This Condition has been deleted. See the response to comment 25.100.

Permit Change:

This Condition has been deleted.

II.A.2.b.) Comment (25.102):

The Commenters state that this Condition requires that the contingency plan be implemented for any damaged waste received at any TSD unit, and that such a requirement is inconsistent with the regulations.

Department Response:

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This Condition has been deleted. See the response to comment 25.100.

Permit Change:

This Condition has been deleted.

II.A.2.c.) Comment (25.103):

The Commenters state that this condition limits their response abilities during an emergency to a specific set of procedures, which is not indicated by the regulations, and goes beyond the scope of the regulations. The Commenters assert that; "Nowhere in WAC 173-303 is it required that a specific set of emergency procedures be submitted or that specific procedures must become part of the Permit or attachments."

Department Response:

This Condition has been deleted. See the response to comment 25.100.

Permit Change:

This Condition has been deleted.

II.A.2.d.) Comment (25.104):

DOE states that the definition of an emergency event is arbitrary, and that it is inconsistent with other permits and the regulations.

Department Response:

This Condition has been deleted. See the response to comment 25.100.

Permit Change:

This Condition has been deleted.

II.A.2.e.) Comment (25.105):

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The Commenters ask that this Condition be deleted because it undermines the Permittees' flexibility and is excessive regulatory control.

Department Response:

This Condition has been deleted. See the response to comment 25.100.

Permit Change:

This Condition has been deleted.

II.A.2.f.) Comment (25.106):

The Commenters state that this Condition makes the procedures in the plan mandatory, and that this is not appropriate.

Department Response:

This Condition has been deleted. See the response to comment 25.100.

Permit Change:

This Condition has been deleted.

II.A.2.g.) Comment (25.107):

The Commenters state that a fire alarm is not an isolation measure, as the other elements in this section are, and that activation of a fire alarm in this section of the plan could cause more harm than good.

Department Response:

This Condition has been deleted. See the response to comment 25.100.

Permit Change:

This Condition has been deleted.

II.A.2.i.) Comment (25.108):

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The Commenters ask that this Condition be deleted and refers to their comment for Condition II.A.1.

Department Response:

This Condition is deleted. See the response to comment 25.100.

Permit Change:

This Condition is deleted.

II.A.2.j.) **Comment (25.109):**

The Commenters believe that this Condition should be deleted and that incorporation of entire chapters of these documents (emergency plans) is an inappropriate level of regulation. They refer to their comments regarding Condition II.A.1.

Department Response:

This Condition is deleted. See the response to comment 25.100.

Permit Change:

This Condition is deleted.

II.A.2.k.) **Comment (25.110):**

The Commenters again assert that inclusion of entire chapters of the emergency plans is inappropriate. They refer to their comments regarding Condition II.A.2.j.

Department Response:

This Condition is deleted. See the response to comment 25.100.

Permit Change:

This Condition is deleted.

II.A.2.l.) **Comment (17.10, 24.3, 25.111):**

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The Commenters state that this section does not accurately reflect the regulations and that it is inflexible and does not allow for change to occur in regard to which specific contractor group at the Hanford Facility shall report under WAC 173-303-360(2)(d) and (e). Other Commenters requested that they be notified in the event of an emergency on the Hanford site.

Department Response:

The Permittees must comply with the reporting requirements under this Permit, as well as any existing memorandum of understanding between USDOE and other state and local entities. Reporting of events to out-of-state entities is beyond the scope of this Permit. However, the CTUIR could enter into an agreement with the Permittees to facilitate reporting coordination with the emergency planning efforts of the State of Oregon, in conjunction with the State of Washington, which may help meet the tribes notification needs. See the response to comment 25.100.

Permit Change:

This Condition is deleted.

II.A.2.m. Comment (25.112):

The Commenters state that this condition does not apply to interim status units at the Hanford Facility. They refer to their comments regarding Condition II.A.2.1.

Department Response:

This Permit condition applies to TSD units identified in Parts III or V of the Permit, and to any incident which requires implementation of the Hanford Facility Wide Contingency Plan. See the responses to comments 25.8 and 25.100.

Permit Change:

This Condition is deleted.

II.B.) Comment (17.11, 25.113)

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The Commenters comment that the Facility Wide Preparedness and Prevention Plan should be deleted from the Permit, since WAC 173-303-340 does not require a plan. They further their argument that there is no regulatory basis for this Facility Wide requirement.

Department Response:

For the response to the Facility Wide requirements issues, see the responses to comments 25.18 and 25.114.

Permit Change:

See the revised Condition II.B., including Conditions II.B.1. through II.B.4.

II.B.1.-
II.B.2.)

Comment (25.114):

The Commenters state that the Facility Wide Preparedness and Prevention Plan should be deleted from the Permit, since WAC 173-303-340 does not require a plan. They further their argument that there is no regulatory basis for this facility wide requirement. They request that these Permit modifications be deleted.

Department Response:

The Department agrees to delete the requirement for the Permittees to maintain a Facility Wide Preparedness and Prevention Plan. However, the Department has replaced the need for such a plan with Facility Wide preparedness and prevention requirements. See the response to comment 25.113.

Permit Change:

See the revised Condition II.B., including Conditions II.B.1. through II.B.4.

II.C.) Comment (25.115):

The Commenters state that the entire Facility Wide Training Plan should be deleted. They also reference the comments on Condition II.A.

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Department Response:

The Department agrees to delete the requirement for the Permittees to maintain a Facility Wide Training Plan. However, the Department has replaced the need for such a plan with facility Wide training requirements. See the responses to comments 25.98, 25.99, and 25.18.

Permit Change:

See the revised Condition II.C., including Conditions II.C.1. through II.C.4.

II.C.2.a.) Comment (25.116):

The Commenters state that this Condition should be deleted and that there is no need to change the language regarding reasonable times, or the Privacy Act issues.

Department Response:

See the responses to comments 25.74, 25.75, 25.76, 25.77, and 25.115.

Permit Change:

See the revised Condition II.C., including Conditions II.C.1. through II.C.4.

II.C.2.b.) Comment (25.396):

The Commenters ask that the words "and the Privacy Act of 1974" be added to the end of this section.

Department Response:

See the response to the previous comment.

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See the revised Condition II.C., including Conditions II.C.1. through II.C.4.

II.C.2.c.) Comment (25.117):

The Commenters state that regulators are required to comply with appropriate site safety and radiation training.

Department Response:

The Department agrees that there are specific laws and regulations regarding training for work in hazardous waste operations areas. The Department is responsible for the training of its employees, and ensuring that they have the proper training to carry out their job duties. Access to radiation areas is also a concern on the Hanford Facility, and the Department currently complies with the radiation worker training requirements by having its employees take the course at the Hanford Facility prior to allowing these employees to work in radiation areas. However, the Department again states that this Permit is the legal document that dictates how the owner/operator will comply with the laws and regulations governing dangerous waste management activities on the site, and does not dictate how the regulators will comply with various regulations. See also the responses to comments 25.74, 25.75, 25.76, 25.77, and 25.115.

Nonetheless, the Department has determined it is not necessary to include the above statements in the Permit.

Permit Change:

See the revised Condition II.C., including Conditions II.C.1. through II.C.4.

II.D.) Comment (25.118):

The Commenters request deletion of Condition II.D. and all its subparts. They reference comment 25.98 on Condition II.A.

Department Response:

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The Department agrees to delete the requirement for the Permittees to maintain a Facility Wide Waste Analysis Plan. However, the Department has replaced the need for such a plan with Facility Wide waste analysis requirements. Refer to the response to comment 25.18.

Permit Change:

See the revised Condition II.D., including Conditions II.D.1. through II.D.4.

II.D.1.-
II.D.4)

Comment (25.119):

The Permittees request that Conditions II.D.1. through II.D.4. be deleted. They have three concerns regarding these Conditions:

- 1) There is no specific regulatory requirement for a separate Facility Wide waste analysis plan. The Permittees contend that a Facility Wide waste analysis plan is not necessary because each TSD unit has a unit-specific waste analysis plan that meets all of the regulatory requirements stipulated in WAC 173-303-300. They state that because the regulations require permits for TSD waste management activities, there is no need for a separate Facility Wide Waste Analysis Plan.
- 2) It is unprecedented that if a document is not written to the Department's expectations in the second revision it becomes a noncompliance issue. The Permittees contend that this requirement will be counterproductive to management efficiency. They request that only the Permittees' failure to respond to the reasons given for the first rejection be grounds for a Permit violation. They contend that the Department has provided no criteria on which decisions regarding the acceptability of the Waste Analysis Plan would be based in the Draft Permit or Fact Sheet. The Permittees are concerned that a Facility Wide Waste Analysis Plan would be subject to arbitrary decision making by the Department.
- 3) No reasonable explanation is given for why unit-specific waste analysis plans will be used only for "back up" in the interim period before the units are incorporated into the Permit. The Permittees contend that a compilation of the unit-specific waste

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analysis plans will meet the requirements of a Facility Wide waste analysis plan.

Department Response:

See the response to comment 25.118.

Permit Change:

See the revised Condition II.D., including Conditions II.D.1. through II.D.4.

II.D.1.) Comment (17.12):

If the draft Facility Wide Waste Analysis Plan (FWWAP) includes a radioactive component, the Department of Health should also be included for review and approval to ensure compatibility with radiation and public health goals.

Department Response:

A FFWAP will no longer be required in this Condition. Therefore, this plan cannot be reviewed by Health. However, the Department will continue to pursue support from Health regarding radiation issues.

Permit Change:

No change required.

II.D.1.) Comment (25.120):

The Commenters suggest alternate language for Condition II.D.1. which will substitute a compilation of the unit specific waste analysis plans for a Facility Wide waste analysis plan developed for the Hanford Facility as a whole. The basis for this suggestion is essentially the same as that put forth in comment 25.119.

Department Response:

See the response to comment 25.118.

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Permit Change:

See the revised Condition II.D., including Conditions II.D.1. through II.D.4.

II.D.2.) Comment (25.121):

The Commenters suggest alternate language for Condition II.D.2.

Department Response:

See the response to comment 25.118.

Permit Change:

See the revised Condition II.D., including Conditions II.D.1. through II.D.4.

II.D.3.) Comment (25.122):

The Commenters suggest the following language replace Condition II.D.3.:

Upon approval or modification and approval by the Director, the unit-specific plan(s) shall be incorporated into this Permit following the class 1 permit modification procedures as specified in WAC 173-303-830.

Following Class 1 permit modification procedures is suggested based on WAC 173-303-830.

Department Response:

See the response to comment 25.118.

Permit Change:

See the revised Condition II.D., including Conditions II.D.1. through II.D.4.

II.D.4.) Comment (25.123):

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The Commenters state that it is unclear what Condition II.D.4. is intended to accomplish.

Department Response:

See the response to comment 25.118.

Permit Change:

See the revised Condition II.D., including Conditions II.D.1. through II.D.4.

II.E.) Comment (25.124):

The Commenters request that the Department delete this Condition and all its subparts in their entirety. The Commenters believe that the Department has taken a management tool provided as an example of the DOE-RL's commitment to QA and converted it to a costly and inefficient permit document. In addition the Commenters believe there is no regulatory basis to require a QA/QC plan as a permit condition or attachment.

Department Response:

The Department agrees to delete the requirement for the Permittees to maintain a facility Wide QA/QC Plan. However, the Department has replaced the need for such a plan with Facility Wide QA/QC requirements. See the response to comment 25.18.

Permit Change:

See the revised Condition II.E., including Conditions II.E.1. through II.E.5.

II.E.1.) Comment (25.125):

The Commenters request that the Department delete the parenthetical and phrase; "(ATTACHMENT 9), except as modified below" on page 29, lines 22-24 because the Commenters believe that the Department is attempting to overly control operations at the Hanford Facility.

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Department Response:

See the response to comment 25.124.

Permit Change:

See the revised Condition II.E., including Conditions II.E.1. through II.E.5.

II.E.2.) Comment (25.126, 30.4):

The Commenters request that the Department delete the descriptive statement which is on page 29, lines 26-27. The Commenters believes that Draft Permit Condition II.E., including modifications is without a regulatory basis and goes beyond the level of regulatory control

Department Response:

See the response to comment 25.124.

Permit Change:

See the revised Condition II.E., including Conditions II.E.1. through II.E.5.

II.E.2.a) Comment (25.127):

The Commenters request that the Department delete this Condition. The word "sample" should be left in the definition of "item." This Condition is subjective and without regulatory basis.

Department Response:

See the response to comment 25.124.

Permit Change:

See the revised Condition II.E., including Conditions II.E.1. through II.E.5.

II.E.2.b.) Comment (25.128):

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The Commenters request the Department delete this Condition and not change the definition of "quality".

Department Response:

See the response to comment 25.124.

Permit Change:

See the revised Condition II.E., including Conditions II.E.1. through II.E.5.

II.E.2.c.) Comment (25.129):

The Commenters request that the Department delete this Condition and not change the definition of "Quality Assurance".

Department Response:

See the response to comment 25.124.

Permit Change:

See the revised Condition II.E., including Conditions II.E.1. through II.E.5.

II.E.2.d.) Comment (25.130):

The Commenters request that the Department delete this condition, and not change the definition of "Quality Control". While the proposed definition has merit, the definition in the plan is also acceptable.

Department Response:

See the response to comment 25.124.

Permit Change:

See the revised Condition II.E., including Conditions II.E.1. through II.E.5.

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II.E.2.e.) Comment (25.131):

This Condition is too subjective and infers that QA/QC does not start until samples are collected. It is too prescriptive in that it does not address other QA issues. There is no requirement that a Permittee's QA program be designed to collect data to be used in "enforcement decisions."

Department Response:

See the response to comment 25.124.

Permit Change:

See the revised Condition II.E., including Conditions II.E.1. through II.E.5.

II.E.2.f.) Comment (25.132):

The Commenters request that the Department delete this condition because it is too subjective and without regulatory basis. Not all activities have to follow prescribed methodologies.

Department Response:

See the response to comment 25.124.

Permit Change:

See the revised Condition II.E., including Conditions II.E.1. through II.E.5.

II.E.2.g.) Comment (25.133):

The QA/QC program is organizational, while SOPs are operational. The use of these SOPs are too specific. "Standard of Quality" is inappropriate. the Commenters request that the Department delete the Condition since it is not consistent with the bullet.

Department Response:

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Department Response:

See the response to comment 25.124.

Permit Change:

See the revised Condition II.E., including Conditions II.E.1. through II.E.5.

II.E.2.k.) Comment (25.137):

The Commenters request that the Department delete this Condition. They refer to their comment regarding Condition II.E.2.j.

Department Response:

See the response to comment 25.124.

Permit Change:

See the revised Condition II.E., including Conditions II.E.1. through II.E.5.

II.E.2.1.) Comment (25.138):

The Commenters request that the Department delete this condition. The existing language is sufficient. It is a valid presumption that by complying with applicable requirements, sound analytical measurements will be carried out.

Department Response:

See the response to comment 25.124.

Permit Change:

See the revised Condition II.E., including Conditions II.E.1. through II.E.5.

II.E.2.m.) Comment (25.139):

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It would be impractical to try to add many QA/QC requirements in this Permit. The language assumes that SOPs can be generated quickly. Undefined terms are used such as, "useability" and "evidentiary situations".

Department Response:

See the response to comment 25.124.

Permit Change:

See the revised Condition II.E., including Conditions II.E.1. through II.E.5.

II.E.2.n.) Comment (25.140):
II.E.2.o.,
II.E.2.p.

The Commenters suggest a change to correct a typographical error.

Department Response:

See the response to comment 25.124.

Permit Change:

See the revised Condition II.E., including Conditions II.E.1. through II.E.5.

II.E.2.n.) Comment (25.141):

This is an editorial comment that does not change the meaning or intent of the clause. The Commenters request that the Department delete this condition.

Department Response:

See the response to comment 25.124.

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See the revised Condition II.E., including Conditions II.E.1. through II.E.5.

II.E.2.o.) Comment (25.142):

The Commenters request that the Department delete this condition. They refer to thier comments on Condition II.E.2.1

Department Response:

See the response to comment 25.124.

Permit Change:

See the revised Condition II.E., including Conditions II.E.1. through II.E.5.

II.E.2.p.) Comment (25.143):

The Condition will unreasonably narrow the focus of assessment. The draft permit limits QA/QC to data. The Commenters would consider adding the Condition as a second sentence to the bullet.

Department Response:

See the response to comment 25.124.

Permit Change:

See the revised Condition II.E., including Conditions II.E.1. through II.E.5.

II.E.2.q.) Comment (25.144):

This change is subjective and does not consider the scope and intent of the plan. The change would preclude other than sample collection and analyses.

Department Response:

See the response to comment 25.124.

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Permit Change:

See the revised Condition II.E., including Conditions II.E.1. through II.E.5.

II.E.2.r.) Comment (25.145, 25.146):

The FFACO already provides requirements for DQOs. The original language is more generic. To require Department approval for all sampling events is too costly and time consuming.

Department Response:

See the response to comment 25.124.

Permit Change:

See the revised Condition II.E., including Conditions II.E.1. through II.E.5.

II.E.2.s.) Comment (25.147):

Not all presample activities are covered by a QAPP. The comment is editorial in nature.

Department Response:

See the response to comment 25.124.

Permit Change:

See the revised Condition II.E., including Conditions II.E.1. through II.E.5.

II.E.2.t.) Comment (25.148):

Most SW-846 procedures do not specify a detection limit. The draft Permit is too limiting and is contrary to the intent of this plan section.

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See the response to comment 25.124.

Permit Change:

See the revised Condition II.E., including Conditions II.E.1. through II.E.5.

II.E.2.u.) Comment (25.149):

Quality Assurance needs to be applied in a graded approach to be cost effective and to ensure all DQOs are met. Not all data need to be legally defensible. CLP packages are not necessary in day to day sampling. CLP package turnaround times are 3-6 months.

Department Response:

See the response to comment 25.124.

Permit Change:

See the revised Condition II.E., including Conditions II.E.1. through II.E.5.

II.E.2.v.) Comment (25.150):

The Commenters request that the Department delete this Condition. They refer to their comments on Condition II.E.2.u.

Department Response:

See the response to comment 25.124.

Permit Change:

See the revised Condition II.E., including Conditions II.E.1. through II.E.5.

II.E.2.w.) Comment (25.151):

The Commenters request that the Department delete this Condition. In addition, delete the entire sentence by plan amendment. Many

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activities that require environmental sampling are not covered by this sentence.

Department Response:

See the response to comment 25.124.

Permit Change:

See the revised Condition II.E., including Conditions II.E.1. through II.E.5.

II.E.2.x.) Comment (25.152):

The Commenters request that the Department delete this Condition. Adding "on-site" to this section is not required by law. This Condition circumvents regulatory authority and forces unnecessary and costly burdens on Hanford Facility operations.

Department Response:

See the response to comment 25.124.

Permit Change:

See the revised Condition II.E., including Conditions II.E.1. through II.E.5.

II.E.2.y.) Comment (25.153):

The Commenters request that the Department delete this Condition. They refer to their comments on Condition II.E.

Department Response:

See the response to comment 25.124.

Permit Change:

See the revised Condition II.E., including Conditions II.E.1. through II.E.5.

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II.E.2.z.) Comment (25.154):

The term "disposition" typically is used in problem resolution and completion of an activity. The commenters request that the Department delete this condition.

Department Response:

See the response to comment 25.124.

Permit Change:

See the revised Condition II.E., including Conditions II.E.1. through II.E.5.

II.E.2.aa.) Comment (25.155):

The Commenters request that the Department delete this Condition. The terminology is commonly used in nonconformances. The change is subjective.

Department Response:

See the response to comment 25.124.

Permit Change:

See the revised Condition II.E., including Conditions II.E.1. through II.E.5.

II.E.2.bb.) Comment (25.156):

The Commenters request that the Department delete this Condition. Do not replace "dispositioned" with "the original permit or contract". Many of the changes necessitated by a nonconformance will not be addressed in an original permit or contract. Latitude must be left to "disposition" as would be appropriate.

Department Response:

See the response to comment 25.124.

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Permit Change:

See the revised Condition II.E., including Conditions II.E.1. through II.E.5.

II.E.2.cc.) Comment (25.157):

The word validated should be left in the Condition. There may be times when it will be necessary to validate data and conversely times where validation is not necessary.

Department Response:

See the response to comment 25.124.

Permit Change:

See the revised Condition II.E., including Conditions II.E.1. through II.E.5.

II.E.2.dd.) Comment (25.158):

This section identifies controls for useability of computer generated records. The CLP format reporting requirements identify a format for reporting.

Department Response:

See the response to comment 25.124.

Permit Change:

See the revised Condition II.E., including Conditions II.E.1. through II.E.5.

II.E.2.ee.) Comment (25.159):

The Commenters request that the Department delete this Condition. However, the change is appropriate, provided it can be done solely by amending the plan. A change of this nature is subjective and without regulatory authority.

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Department Response:

See the response to comment 25.124.

Permit Change:

See the revised Condition II.E., including Conditions II.E.1. through II.E.5.

II.E.2.ff.) Comment (25.160):

The proposed language is without regulatory basis and exceeds the level of regulatory control necessary to determine compliance. When and what projects require a level of QA to be legally defensible is a Permittee's management prerogative.

Department Response:

See the response to comment 25.124.

Permit Change:

See the revised Condition II.E., including Conditions II.E.1. through II.E.5.

II.E.2.gg.) Comment (25.161):

It is arguable that "methods" lacks anything substantive to the plan.

Department Response:

See the response to comment 25.124.

Permit Change:

See the revised Condition II.E., including Conditions II.E.1. through II.E.5.

II.E.2.hh.) Comment (25.172)
-II.E.2.mm.

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The Commenters believe the reference to 2C5.3.2.3 should read 2C5.3.2.5. This change reflects a typographic error.

Department Response:

See the response to comment 25.124.

Permit Change:

See the revised Condition II.E., including Conditions II.E.1. through II.E.5.

II.E.2.hh.) Comment (25.162):

Department or Agency protocols are not required or available for all projects or activities covered by this plan. To require the change here is without regulatory authority.

Department Response:

See the response to comment 25.124.

Permit Change:

See the revised Condition II.E., including Conditions II.E.1. through II.E.5.

II.E.2.ii.) Comment (25.163):

The change is too specific for this section of the plan. It is inappropriate to add a specific citation to a statement intended to cover multiple requirements.

Department Response:

See the response to comment 25.124.

Permit Change:

See the revised Condition II.E., including Conditions II.E.1. through II.E.5.

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II.E.2.jj.) Comment (25.164):

This draft Permit Condition shifts the focus of the plan from an overall QA\QC plan to a data collection QA/QC plan.

Department Response:

See the response to comment 25.124.

Permit Change:

See the revised Condition II.E., including Conditions II.E.1. through II.E.5.

II.E.2.kk.) Comment (25.165):

Not all data need be legally defensible. The draft Permit is ambiguous because it is not known what legally defensible means. It implies a costly intensive program.

Department Response:

See the response to comment 25.124.

Permit Change:

See the revised Condition II.E., including Conditions II.E.1. through II.E.5.

II.E.2.ll.) Comment (25.166):

The original language is purposely generic. Quality assurance "project plan" should not be specified.

Department Response:

See the response to comment 25.124.

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See the revised Condition II.E., including Conditions II.E.1. through II.E.5.

II.E.2.mm.) Comment (25.167):

The Commenters refer to their comment for draft Condition II.E.2.ll.

Department Response:

See the response to comment 25.124.

Permit Change:

See the revised Condition II.E., including Conditions II.E.1. through II.E.5.

II.E.2.nn.) Comment (25.173):

The Commenters believe the change reference to 2C5.3.2.3 should read 2C5.2.7. This change corrects a typographical error.

Department Response:

See the response to comment 25.124.

Permit Change:

See the revised Condition II.E., including Conditions II.E.1. through II.E.5.

II.E.2.nn.) Comment (25.168, 25.173):

The Commenters refer to their comment for draft Permit Condition II.E.2.j.

Department Response:

See the response to comment 25.124.

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See the revised Condition II.E., including Conditions II.E.1. through II.E.5.

II.E.2.oo.) Comment (25.169):

A change of this nature is subjective and without regulatory basis. Permit conditions should not be used to make such changes to internal Permittee guidance documents.

Department Response:

See the response to comment 25.124.

Permit Change:

See the revised Condition II.E., including Conditions II.E.1. through II.E.5.

II.E.2.pp.) Comment (25.170):

The Commenters stated that this Condition is erroneous because it requires, without regulatory authority, the application of CLP & SW-846 protocols to all instrument calibration. However, the intent is valid, and a change is appropriate provided it can be done by solely amending the plan.

Department Response:

See the response to comment 25.124.

Permit Change:

See the revised Condition II.E., including Conditions II.E.1. through II.E.5.

II.E.2.qq.) Comment (25.171):

The Commenters stated that this Condition is without basis in regulation. Frequency is determined as stated in the document, by specific protocol or DQOs.

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Department Response:

See the response to comment 25.124.

Permit Change:

See the revised Condition II.E., including Conditions II.E.1. through II.E.5.

II.F.) Comment (25.174, 30.3):

The Commenters state that none of the TSD units require groundwater monitoring at this time. They also suggest that there are no groundwater monitoring requirements in the regulations for a Facility Wide Program. In addition, the Commenters include a statement:

"The conditions in the section II.F of the Draft Permit arbitrarily establish conditions for:

purgewater management; vadose zone monitoring;
groundwater monitoring wells construction;
remediation and abandonment."

Department Response:

Regulations such as WAC 173-303-645 and Chapter 173-160 WAC cannot be ignored. The requirements included in these regulations are the basis for some of the requirements in Condition II.F. The Permit does include the 183-H Solar Evaporation Basins unit which requires ground water monitoring.

WAC 173-303-645(3) explicitly refers to "facility permit." In this particular case, Hanford is a facility where discharges into the ground occurred. Consequently ground water monitoring shall be required.

The Permit is meant to be a framework (based on a solid foundation of State laws) which shall be enhanced and supplemented by work plans, policies and other necessary documents.

The Department agrees with the spirit of the comment regarding ground water monitoring since it is based on the regulations. However there

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Department Response:

Vadose zone monitoring may be required by the Department. The Department intends to include a detailed plan for vadose zone monitoring in a future modification of the Permit. The Dangerous Waste Regulations provide for protection of the environment. Early contamination detection at some units will necessitate vadose zone monitoring. With more than 200 feet to groundwater in some locations at Hanford, coupled with the close proximity of some TSD units, detection of contamination in the vadose zone will be the only way to determine the origin of contamination and provide adequate warning to respond to releases before they become a problem.

Permit Change:

No change required.

II.F.2.a.) Comment (17.13, 25.177):

One Commenter states that there is no regulatory basis for well inspections or for a well remediation and abandonment plan. Another Commenter requested that the Department of Health review this plan.

Department Response:

WAC 173-303-645 requires compliance with Chapter 173-160 WAC. Chapter 173-160 WAC requires the proper abandonment and well remediation. These requirements will remain in the Permit. The Permittees have submitted the "Hanford Well Remediation and Decommissioning Plan". This plan has been incorporated into this Condition. The Department of Health will be requested to review any portion of the plan addressing radioactivity.

Permit Change:

The "Hanford Well Remediation and Decommissioning Plan" has been incorporated as Attachment 6 to the Permit. Also, see the revised Condition II.F.2.a.

II.F.2.b.) Comment (25.178):

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The Commenter proposes new text regarding well remediation and abandonment.

Department Response:

The process for remediation and abandonment are addressed in Condition II.F.2.a. See the response regarding that Condition. The revised Condition addresses scheduling for the assessment of wells.

Permit Change:

See the revised Condition II.F.2.b.

II.F.2.c.) Comment (25.179):

The Commenters agree to comply with Chapter 173-160 WAC; however if the well is not an immediate threat to human health or environment it should not be abandoned.

Department Response:

The Department regards wells that are unused and in a state of disrepair as potential conduits for contamination to the groundwater. Therefore, such wells must be abandoned. This requirement is now specified in revised Condition II.F.2.d. Revised Condition II.F.2.c. addresses the requirements of initial Condition II.F.2.d.

Permit Change:

See revised Conditions II.F.2.c. and II.F.2.d.

II.F.2.d.) Comment (25.401):

The Commenters suggest reducing the notification requirements for well remediation or abandonment to three days (72) hours.

Department Response:

The Department agrees. The notification period will be changed to 72 hours.

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Permit Change:

"Five working days" is changed to "72 hours". The original Condition II.F. 2.d. is now found in revised Condition II.F.2.c.

II.F.2.e.) Comment (25.402):

The Commenters suggest modifying this Condition to state that wells subject to Chapter 173-160 WAC will be abandoned in accordance with that regulation.

Department response:

The original Condition II.F.2.e. has been incorporated into revised Conditions II.F.2.a. and II.F.2.d. See the responses regarding these Conditions.

Permit Change:

The original Condition II.F.2.e. has been deleted.

II.F.2.f.) Comment (25.180):

The Commenters state that the term "unsound" is undefined in regulation.

Department Response:

The Department agrees. The term "unsound" will be changed to "unusable" which is defined in Chapter 173-160 WAC. However, the original Condition II.F.2.f. has been deleted. The change in terminology can be found in revised Condition II.F.2.a.

Permit Change:

The original Condition II.F.2.f. has been deleted. See revised Condition II.F.2.a.

II.F.3.a.) Comment (25.181, 25.402):
& II.F.2.e.

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The Commenters believe Permit Conditions stating that vadose zone wells are subject to Chapter 173-160 WAC construction and abandonment needs to be modified.

Department Response:

The Department believes that Chapter 173-160 WAC does address vadose zone monitoring wells. See November 6, 1992 letter to Mr. Steven H. Wisness (USDOE) from Mr. Charles S. Cline (Department). Also, see the response to comment 25.176.

Permit Change:

No change required.

II.F.3.b.) Comment (25.182):

The Commenter believes the Condition should be deleted because it references a policy document which cannot be effectively applied and will cause duplicative wells to be constructed.

Department Response:

The Department believes that this policy, coupled with the "Hanford Well Remediation and Decommissioning Plan" and Chapter 173-160 WAC, will be effective tools for evaluating well suitability. The Department has added language in Condition II.F. to reduce the duplication of ground water and vadose zone monitoring activities.

Permit Change:

See the revised Condition II.F., including Conditions II.F.1. through II.F.3.

II.H.) Comment (25.184):

One Commenter requests that this Condition be deleted and replaced with language stating the Federal government is exempt from cost estimate requirements.

Department Response:

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See the response to comment 25.185 below.

Permit Change:

No change required.

II.H.1.) Comment (25.185):

One Commenter requests that the language of Condition II.H.1 regarding closure cost estimates be modified to specify that the Permittees are exempt from the requirements of WAC 173-303-620 (Financial Requirements). The Commenter also requests that the format of these estimates should be that used by the Department of Energy in environmental restoration projects and that these estimates only be provided for TSD units included in the Permit at the time the estimates are compiled. The Commenter also states that there is no regulatory basis for requiring the cost estimates from the Department of Energy nor its contractors. The Commenter states that the Department has inaccurately interpreted agreements made with the Department of Energy during verbal negotiations on the draft Permit.

Department Response:

The Department agrees that Federal governments are specifically exempt from the financial assurance requirements in WAC 173-303-620. The Department sees no benefit in stating this fact in the Permit. However, the Department has removed the references to WAC 173-303-620. This reference was used to provide a format acceptable to the Department. The Department is not as concerned with the format by which the cost estimates are provided, but instead, in the level of detail provided. The Department is not familiar with the format that the Commenter specifies and therefore can neither endorse nor dismiss this format. The Commenter does not indicate if the Department of Energy's format is or is not consistent with the requirements in WAC 173-303-620(3) as referenced in draft Condition II.H.1.a. Should the Department of Energy already have a method in place to track costs which provides sufficient data for the Department's needs but does not meet the exact requirements of WAC 173-303-620, the Department will accept such a format.

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The Department disagrees with the Commenter that the requirements of WAC 173-303-620 are not applicable to their contractors. WAC 173-303-620(1)(b) specifically states that although State and Federal government are exempt, "operators of facilities who are under contract with the state or federal government must meet the requirements of this section." However, in an effort to keep the cost estimates consistent for all units, and the fact that the Department of Energy, as owner, is also liable for the contractors' units, the Department is allowing all cost estimates to be submitted in the same format.

The Department believes that the Condition accurately reflects the agreements made with the Department of Energy.

Revised Conditions II.H.1. and II.H.2. are consistent with the Commenters' statement that these costs need only be provided after a unit is included in the Facility Wide Permit. The unit-specific Conditions will specify which year the annual cost estimate report must first be provided to allow adequate time for the first report preparation.

Permit Change:

See the revised Conditions II.H., II.H.1., and II.H.2.

II.H.1.a.) Comment (25.186):

One Commenter requested that Condition II.H.1.a. regarding the requirements for closure cost estimates be deleted because WAC 173-303-620 (Financial Requirements) does not apply to the Federal government, the Condition does not reflect an appropriate level of regulatory control, and the conditions of WAC 173-303-620 were not agreed to by the Department of Energy.

Department Response:

See the response to comment 25.185.

Permit Change:

See the revised Condition II.H.1.

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II.H.1.b.) Comment (25.187):

One Commenter requested that Condition II.H.1.b. regarding which units are subject to the closure cost reporting requirements be deleted because there is no regulatory basis to require this condition.

Department Response:

See the response to comment 25.185.

Permit Change:

See the revised Condition II.H.1.

II.H.1.c.) Comment (25.188):

One Commenter requested that Condition II.H.1.c. regarding unit and Facility Wide closure cost estimates be deleted because there is no regulatory basis for this requirement, it is impractical to submit unsubstantiated cost projections based upon unreasonable guesses, and the Department of Energy did not agree to submit all of these cost estimates.

Department Response:

See the response to comment 25.185. Furthermore, cost estimates are compiled by all other owners/operators of TSD facilities. The Department recognizes that estimates can only be based upon information available at the time the estimates are prepared and involve a certain amount of speculation.

Permit Change:

See the revised Condition II.H.1.

II.H.2.) Comment (25.189):

One Commenter requested that Condition II.H.2. regarding the submittal of post-closure cost estimates be deleted because the Federal government is exempt from these reporting requirements, the Department of Energy did not agree to this requirement, there is no

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regulatory basis for this requirement, and the Department of Energy's contractors are not subject to these requirements.

Department Response:

The Department's response regarding comment 25.185 concerning cost estimates also applies to postclosure cost estimates.

Permit Change:

See the revised Condition II.H.2.

II.H.2.a.) Comment (25.190):

One Commenter requested that Condition II.H.2.a. regarding the requirements for postclosure cost estimates be deleted because the Department of Energy did not agree to this requirement, WAC 173-303-620 (Financial Requirements) does not apply to the Federal government, and this condition reflects an inappropriate level of regulatory control.

Department Response:

The Department's response regarding comment 25.185 concerning cost estimates also applies to postclosure cost estimates.

Permit Change:

See the revised Condition II.H.2.

II.H.2.b.) Comment (25.191):

One Commenter requested that Condition II.H.2.b. regarding which units are subject to the postclosure cost estimates be deleted because there is no regulatory basis.

Department Response:

The Department's response regarding comment 25.185 concerning cost estimates also applies to postclosure cost estimates.

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Permit Change:

See the revised Condition II.H.2.

II.H.2.c.) Comment (25.192):

One Commenter requested that Condition II.H.2.c. regarding unit and Facility Wide postclosure cost estimates be deleted because the Department of Energy did not agree to this requirement, there is no regulatory basis for the requirement, and it is impractical to submit unsubstantiated cost projections based upon unreasonable guesses.

Department Response:

The Department's response regarding comment 25.185 concerning cost estimates also applies to postclosure cost estimates. Furthermore, cost estimates are compiled by all other owners and operators of TSD facilities. The Department recognizes that estimates can only be based upon information available at the time the estimates are prepared and involve a certain amount of speculation.

Permit Change:

See the revised Condition II.H.2.

II.I.1.) Comment (17.14):

Radiation monitoring should include the Department of Health's monitoring activities.

Department Response:

The Hanford Facility Permit contains the information necessary for the Department to assess the compliance of the owner/operator with the Dangerous Waste Regulations, Chapter 173-303 WAC. It also contains specific conditions added by the Department that further the protection of human health and the environment. This Permit, then, is the legal description of how the owner/operator will comply with Chapter 173-303 WAC and Chapter 70.105 RCW.

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The monitoring records required to be kept by this section specifically refer to those records that the owner/operator has gathered during the operation of the Hanford Facility. Monitoring records collected by the Department of Health during regulatory activities are not specifically required to be kept by the Permittees.

Permit change:

No change required.

II.I.1.)

Comment (25.193):

The Commenters request the Department rewrite this Condition to reflect the recordkeeping requirements as found in WAC 173-303-380. The facility recordkeeping requirements are inconsistent with the requirements in WAC 173-303-380. As indicated in the referenced federal register, the EPA never intended for the operating record to be kept in one location at the facility. The requirement to maintain the operating record for the TSD facility "until 10 years after postclosure or corrective action is complete and certified whichever is later", is excessive. Attempts to transcribe information to a facility wide operating record under a 48 hour deadline eventually would result in an unnecessary administrative burden.

Department Response:

There are several unit operating records at the Hanford Facility, but there is one "Facility Wide Operating Record". This "Facility Wide Operating Record" is what is referred to in this section, and documentation of this record has been previously agreed to by the Permittee. The operating record is consistent with the letter of the law. Keeping the operating record for 10 years or after certified closure whichever is longer is not unreasonable. WAC 173-303-810 states that, "This period may be extended by the request of the Department at any time."

The Department agrees to extend the time for entering information into the operating record to 7 working days.

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The term "48 hours" is changed to "seven (7) working days". See the revised Condition II.I.

II.I.1.a.) Comment (25.194):

The Commenters request the Department rewrite the Condition to reflect the requirement in WAC 173-303-380. The regulations do not extend mapping requirements to generator activities.

Department Response:

WAC 173-303-806(4)(a)(xviii), WAC 173-303-806(4)(a)(xx)(C), and WAC 173-303-806(4)(a)(XX)(B) specify mapping requirements which include waste generators. WAC 173-303-390 states that the owner or operator shall submit any other reports required by the Department.

Permit Change:

No change required.

II.I.1.b.) Comment (25.195):

This Condition as written goes beyond the authority of WAC 173-303-380. To expect records and results beyond what is required to confirm knowledge about waste constitutes an inappropriate level of regulatory control.

Department Response:

WAC 173-303-810 specifies requirements for records and results of all monitoring information. WAC 173-303-390 also applies here.

Permit Change:

No change required.

II.I.1.c.) Comment (25.196):

The Condition as written does not reflect any requirement found in WAC 173-303-380. Unusual occurrence reports and off-normal

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occurrence reports are internal documents and extend beyond what is necessary to comply with regulatory requirements.

Department Response:

WAC 173-303-390 states that, "In addition, the owner or operator shall submit any other reports required by the Department. These reports will be submitted by this regulation.

Permit Change:

No change required.

II.I.1.d.) **Comment (25.197):**

The Commenters request the Department delete this Condition. The waste analysis plan is required to be kept at the facility; placement in the operating record is redundant.

Department Response:

A Facility Wide Waste Analysis Plan is no longer required by the Permit. Therefore, this Condition will be deleted.

Permit Change:

The original Condition II.I.1.d. is deleted.

II.I.1.e.) **Comment (25.198):**

The Commenters request that the Department delete this Condition. WAC 173-303-380(1)(b) calls for cross-references to specific manifest document numbers, if the waste was accompanied by a manifest, not actual manifests or reports associated with unmanifested shipments.

Department Response:

WAC 173-303-370 states, "retain at the facility a copy of each shipping paper and manifest for at least 3 years." WAC 173-303-390 states that additional reports are to be provided to the Department upon request.

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However, the Department agrees to limit the requirement to "off-site" manifests.

Permit Change:

See the revised Condition II.I.1.d.

II.I.1.f.) Comment (25.199):

There is no requirement to keep this plan in the operating record. WAC 173-303-350(4) contains requirements for maintenance of the contingency plan.

Department Response:

Since this operating record is a Facility Wide operating record, the Facility Wide Contingency Plan shall be in placed the operating record.

Permit Change:

This requirement is renumbered as Condition II.I.1.e.

II.I.1.g.) Comment (25.200):

There is no requirement to keep training records in the operating record. Maintaining this information will result in unnecessary increased costs.

Department Response:

These requirements are consistent with other State dangerous waste final status permits. WAC 173-303-390 states that the owner or operator shall submit any other reports required by the Department. Training records shall be kept in the operating record. However, since a Facility Wide Training Plan is no longer required by this Permit, the requirement for placement of this plan into the Facility Wide Operating Record will be deleted.

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See the revised Condition II.I.1.f.

II.I.1.h.) Comment (25.201):

The only requirement for information related to preparedness and prevention to be in the operating record is limited to situations where State or local authorities have declined to enter into agreements.

Department Response:

WAC 173-303-340(4)(c) states that the owner or operator shall agree to make the following arrangements-agreements with State emergency response teams, emergency response contractors, and equipment suppliers. Part d states that, "where more than one party might respond to an emergency, agreements designating primary emergency authority and agreements with any others to provide support to the primary emergency authority." These shall be contained in the operating record. These requirements are consistent with other State permits.

Permit Change:

This Condition is renumbered as Condition II.I.1.g.

II.I.1.i.) Comment (25.202):

There is no regulatory authority to require reporting of releases of radioactive substances under this Permit. The appropriate requirement is addressed in the Draft Permit Condition II.I.1.c

Department Response:

See the response to comment 25.13 regarding the inclusion of radioactive substances.

Permit Change:

This Condition is renumbered as Condition II.I.1.h. The term "(including releases of radioactive substances)" is deleted.

II.I.1.j.) Comment (25.203):

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It has been agreed to provide projections of anticipated costs for closure of final status TSD units on an annual basis. There is no regulatory basis for extending requirements to include interim measure and final corrective measure cost estimates and financial assurance documents.

Department Response:

Chapter 70.105 RCW may require a generator to furnish additional reports. WAC 173-303-380 (g) states that the following information shall be recorded and kept in the operating record, "all closure and postclosure cost estimates required for the facility." However, the Department agrees to delete the requirement for financial assurance and corrective action documents to be placed in the Facility Wide Operating Record.

Permit Change:

See the revised Condition II.I.1.i.

II.I.1.k.) Comment (25.204):

This Condition is enforceable only by the EPA, because Washington State has not yet been delegated HSWA authority.

Department Response:

The Department agrees to delete this Condition.

Permit Change:

The original Condition II.I.1.k. is deleted.

II.I.1.l.) Comment (25.205):

There is no requirement in WAC 173-303-380 to place this information in the operating record.

Department Response:

The Department agrees to delete this Condition.

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Permit Change:

The original Condition II.I.1.1. is deleted.

II.I.1.m.) Comment (25.206):

The requirement in WAC 173-303-380(1)(d) is explicitly limited to summary reports and details of all incidents that require implementing the contingency plan.

Department Response:

Most fires and explosions will require implementation of the contingency plan. WAC 173-303-390 states that the Department may require other records and reports. WAC 173-303-145(2)(ii) and WAC 173-303-145(2)(d) apply and require reporting in the operating record. This Condition shall remain.

Permit Change:

This Condition is renumbered as Condition II.I.1.j.

II.I.1.n.) Comment (25.207):

There is no requirement in WAC 173-303-380 to include this information in the operating record; its inclusion would do nothing to protect health and the environment.

Department Response:

The operating record is for the "Facility Wide Permit", so it is reasonable to require Facility Wide operation maintenance records and reports. These documents shall be required by WAC 173-303-390.

Permit Change:

This Condition is renumbered as Condition II.I.1.k.

II.I.1.o.) Comment (25.208):

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There is no requirement in WAC 173-303-380 to include this information in the operating record. This Condition constitutes an inappropriate level of regulatory control.

Department Response:

WAC 173-303-380 (2)(d) states that the dates and methods of management for each dangerous waste received or managed (treated, recycled, stored or disposed of) shall be recorded. WAC 173-303-390 will be implemented to require that this be recorded in the operating record.

Permit Change:

This Condition is renumbered as Condition II.I.1.1.

II.I.1.p.) Comment (25.209):

This Condition should be deleted because annual reports are not required to be kept in the operating record.

Department Response:

This operating record is for the entire Hanford Facility. Therefore, is reasonable to require Facility Wide annual reports to be placed in it.

Permit Change:

This Condition is renumbered as Condition II.I.1.m.

II.I.1.q.) Comment (25.210):

This Condition should be changed to more accurately reflect the requirements of WAC 173-303-380(1)(f).

Department Response:

WAC 173-303-680 contains requirements for reporting the monitoring, testing, analytical data, inspections as well as any additional requirements needed to protect human health and the environment as

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specified in the Permit. WAC 173-303-390 shall apply as will WAC 173-303-810.

Permit Change:

This Condition is renumbered as Condition II.I.1.n.

II.I.1.r.) Comment (25.211):

This Condition does not fit in the listing of what must be kept in the operating record.

Department Response:

The operating record is to contain monitoring, testing and analytical data according to WAC 173-303-810(d). The analytical data should contain the requested information as stated in the Permit. Refer to the response for comments made on Condition II.I.1.q. However, some minor changes have been made to this Condition.

Permit Change:

See the revised Condition II.I.1.o.

II.I.1.s.) Comment (25.212)

There is no requirement in WAC 173-303-380 to keep such information in the operating record. All information is provided in the Administrative Record.

Department Response:

Not all corrective action information is maintained in the Administrative Record. The information requested must be readily available for inspection, and directing someone to the Administrative Record, precludes this requirement.

Permit Change:

This Condition is renumbered as Condition II.I.1.p.

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II.I.1.t.) Comment (25.213):

There is no requirement for this Condition. It is unclear what actions might be expected. The Permittees would be unable to comply with this Condition because it is too vague.

Department Response:

WAC 173-303-380 and 390 indicate what kinds of reports are required to be provided. This Condition is consistent with other State permits.

Permit Change:

This Condition is renumbered as Condition II.I.q.

II.I.1.u.) Comment (25.214):

There is no requirement to keep other environmental permits in the operating record.

Department Response:

The Department agrees to delete this Condition.

Permit Change:

The original Condition II.I.1.n. is deleted.

II.I.1.v.) Comment (25.215):

There is no requirement for this Condition in WAC 173-303-380. Deed notifications will be handled in accordance with WAC 173-303-610(10).

Department Response:

Previous permits reference where the deed is stored. This Condition shall be incorporated by reference.

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The term "to be included by reference" is inserted after the word "notification" in this Condition. This Condition is renumbered as Condition II.I.1.r.

II.I.1.w.) Comment (25.216):

There is no requirement to keep closure plans with the operating record.

Department Response:

The Permit no longer requires a Facility Wide Closure Plan. Therefore, this Condition will be deleted.

Permit Change:

The original Condition II.I.1.w. is deleted.

II.I.1.x.) Comment (25.217):

Maintenance and general inspection records are to be kept for only 5 years. Maintaining these records beyond that time is an inappropriate level of regulatory control.

Department Response:

The Department has determined that this Condition is redundant with original Condition II.I.1.y. Therefore, this Condition will be deleted.

Permit Change:

The original Condition II.I.1.x. is deleted.

II.I.1.y.) Comment (25.218):

The Commenter suggests deletion of this Condition. The comment on draft Permit Condition II.I.1.x. addresses all requirements concerning inspection.

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See the response to comment 25.217.

Permit Change:

This Condition is renumbered as Condition II.I.1.s.

II.I.1.z.) Comment (25.219):

There is no blanket requirement such as this. The regulator will receive and have access to reports required by this Permit in accordance with the regulations.

Department Response:

The Department may require additional information and reports as necessary pursuant to WAC 173-303-390.

Permit Change:

This Condition is renumbered as Condition II.I.1.t.

II.I.2.) Comment (25.220):

Maintaining copies of these in the operating record duplicates what is already done. The inclusion of this in the operating record is out of context.

Department Response:

This is not duplicative, the one report shall satisfy both requirements. However, since this portion of the Permit is not enforced by the Agency, references to the Federal regulations will be deleted.

Permit Change:

See the revised Condition II.I.2.

II.I.3.) Comment (25.221):

The Commenter recommends this condition be deleted because it is redundant to Condition I.E.22.

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Department Response:

The Department agrees with the Commenter.

Permit Change:

Condition II.I.3. is deleted.

II.J.1.) Comment (25.222):

One Commenter requested that Condition II.J.1. regarding a Facility Wide Closure Plan be deleted along with all the subparts to this Condition because there is no regulatory basis, it is precluded by 42 U.S.C. 9620(a)(4)2, it is a wasteful use of resources with no added benefit to human health and the environment, and it is vague, ambiguous, and unenforceable.

Department Response:

The requirement for a Facility Wide Closure Plan is based upon WAC 173-303-610 (Closure and Postclosure). Specifically, WAC 173-303-610(3)(a)(i) and (ii) state that the owner/operator of a dangerous waste management facility must have a closure plan with "a description of how each dangerous waste management unit at the facility will be closed in accordance with subsection (2) of this section" and "a description of how final closure of the facility will be conducted in accordance with subsection (2) of this section". Clearly the regulations are requiring individual unit closure plans as well as one coordinated Facility Wide Closure Plan. Therefore, the Department believes there is adequate authority to require a Facility Wide Closure Plan. The Facility Wide Closure Plan will coordinate the closure of individual dangerous waste management units and ensure that dangerous waste management areas which are not directly associated with a dangerous waste management unit (e.g. groundwater monitoring or remediation wells, dangerous waste generation points, and less-than-90-day storage areas) are appropriately abandoned. The Department disagrees with the Commenter that this effort is a waste of resources.

The Department also disagrees with the Commenter that 42 U.S.C 9620(a)(4)2 precludes a dangerous waste requirement for a Facility Wide Closure Plan. This citation addresses the Comprehensive,

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See the responses to comments 25.222 and 25.21.

Permit Change:

See the Permit change regarding comment 25.222.

II.J.1.a.2.) Comment (25.225):

One Commenter requested that Condition II.J.1.a.2. regarding a Facility Wide Closure Plan be deleted because there is no regulatory basis, it is precluded by 42 U.S.C. 9620(a)(4)2, it is a wasteful use of resources with no added benefit to human health and the environment, and it is vague, ambiguous, and unenforceable. The Commenter also thought that this condition is meaningless because all closure activities are based upon WAC 173-303-610 (Closure and Post-closure).

Department Response:

See the response to comment 25.222.

Permit Change:

See the Permit change regarding comment 25.222.

II.J.1.a.3.) Comment (25.226):

One Commenter requested that Condition II.J.1.a.3. regarding a Facility Wide Closure Plan be deleted along with all the subparts to this condition because there is no regulatory basis, it is precluded by 42 U.S.C. 9620(a)(4)2, it is a wasteful use of resources with no added benefit to human health and the environment, and it is vague, ambiguous, and unenforceable.

Department Response:

See the response to comment 25.222.

Permit Change:

See the Permit change regarding comment 25.222.

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II.J.1.b.) Comment (25.227):

One Commenter requested that Condition II.J.1.b. regarding a Facility Wide Closure Plan be deleted because there is no regulatory basis, it is precluded by 42 U.S.C. 9620(a)(4)2, it is a wasteful use of resources with no added benefit to human health and the environment, and it is vague, ambiguous, and unenforceable.

Department Response:

See the response to comment 25.222.

Permit Change:

See the Permit change regarding comment 25.222.

II.J.1.c.) Comment (25.228):

One Commenter requested that Condition II.J.1.c. regarding a Facility Wide Closure Plan be deleted because there is no regulatory basis, it is precluded by 42 U.S.C. 9620(a)(4)2, it is a wasteful use of resources with no added benefit to human health and the environment, and it is vague, ambiguous, and unenforceable.

Department Response:

See the response to comment 25.222.

Permit Change:

See the Permit change regarding comment 25.222.

II.J.1.d.) Comment (25.229):

One Commenter requested that Condition II.J.1.d. regarding a Facility Wide Closure Plan be deleted because there is no regulatory basis, it is precluded by 42 U.S.C. 9620(a)(4)2, it is a wasteful use of resources with no added benefit to human health and the environment, and it is vague, ambiguous, and unenforceable.

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See the response to comment 25.222.

Permit Change:

See the Permit change regarding comment 25.222.

II.J.1.e.) Comment (25.230):

One Commenter requested that Condition II.J.1.e. regarding a Facility Wide Closure Plan be deleted because there is no regulatory basis, it is precluded by 42 U.S.C. 9620(a)(4)2, it is a wasteful use of resources with no added benefit to human health and the environment, and it is vague, ambiguous, and unenforceable. The Commenter also stated that any part of the Hanford Facility which is not covered under a unit specific closure plan will be closed as a past practice unit and is not subject to Chapter 173-303 WAC.

Department Response:

See the response to comment 25.222.

Permit Change:

See the Permit change regarding comment 25.222.

II.J.1.f.) Comment (25.231):

One Commenter requested that Condition II.J.1.f. regarding a Facility Wide Closure Plan be deleted because there is no regulatory basis, it is precluded by 42 U.S.C. 9620(a)(4)2, it is a wasteful use of resources with no added benefit to human health and the environment, and it is vague, ambiguous, and unenforceable.

Department Response:

See the response to comment 25.222.

Permit Change:

See the Permit change regarding comment 25.222.

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II.J.1.g.) Comment (25.232):

One Commenter requested that Condition II.J.1.g. regarding a Facility Wide Closure Plan be deleted because there is no regulatory basis, it is precluded by 42 U.S.C. 9620(a)(4)2, it is a wasteful use of resources with no added benefit to human health and the environment, and it is vague, ambiguous, and unenforceable.

Department Response:

See the response to comment 25.222.

Permit Change:

See the Permit change regarding comment 25.222.

II.J.1.h.) Comment (25.403):

One Commenter requested that Condition II.J.1.h. regarding a Facility Wide Closure Plan be deleted because there is no regulatory basis, it is precluded by 42 U.S.C. 9620(a)(4)2, it is a wasteful use of resources with no added benefit to human health and the environment, and it is vague, ambiguous, and unenforceable.

Department Response:

See the response to comment 25.222.

Permit Change:

See the Permit change regarding comment 25.222.

II.K.) Comment (25.233):

The Permittees request that Condition II.K. be deleted for the following reasons:

- 1) A policy is not a regulatory requirement under Chapter 173-303 WAC. Therefore, it is inappropriate use a policy as the basis for a permit condition.

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- 2) The Department's Solid and Hazardous Waste Program is intending to evaluate WAC 173-303-610, TSD Closure Requirements, during this regulatory revisions cycle. Revisions to the regulations might be contrary to the subject policy.
- 3) Numerical cleanup standards should not be included as Permit Conditions because they are based on factors that are constantly changing as is evidenced by the IRIS database.
- 4) The approach or methods used to develop the numerical cleanup standards chosen in the policy are below MTCA soil cleanup standards, which already are conservative and were adopted after a comprehensive rule adoption process. The Department provides no consistent or technically defensible basis for defining the concentration levels in the policy. It is recommended that the Department should strive to develop a single, scientifically-based, and consistently applied approach to establishing cleanup standards.

Department Response:

The Department's Hazardous Waste Program has modified WAC 173-303-610(2), Closure performance standard. These changes are reflected in the revised Condition II.K. and are intended to provide integration between RCRA and CERCLA to reduce duplication of efforts and conflicting standards. These revised Conditions reflect the intent and substance of the referenced policy. Therefore, it is no longer necessary to incorporate the policy itself into the Permit.

Permit Change:

See the revised Condition II.K., including Conditions II.K.1. through II.K.7.

II.L.1.) Comment (25.234):

This provision asserts arbitrary authority over hazardous substances under Chapter 173-303 WAC that are adequately covered by other regulations.

Department Response:

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This Condition correctly reflects the requirements of Chapter 173-303 WAC, specifically WAC 173-303-340.

Permit Change:

No change required.

II.L.3.a.) Comment (25.235):

It was suggested that Condition II.L.3.a be deleted from the Permit because it is unreasonable and interferes with the Permittees' ability to design and construct or modify units. It is claimed that this is an unprecedented regulatory requirement, is not authorized in the regulations, and will result in management inefficiency and poor uses of resources.

Department Response:

The Department clearly has the authority to review and approve the Permit application as well as other reports including engineering reports, plans, and specifications as allowed in WAC 173-303-390 and WAC 173-303-800. Changes to the design, plans or specifications require that the Permit be modified as set forth in WAC 173-303-830. As-built drawings will be included in the final permit modification and will replace all drawings previously submitted and later changed. Reviewing the Permit and approving permit modifications in no way affects the Permittees' ability to design or construct a project. The Permittees submit their designs, plans and specifications as part of a permit application, if the Permittees chose to change the items they have submitted in the Permit application, a permit modification may be required. The Permittees are responsible for their designs, plans and specifications. The Permittees should inform the Department as soon as possible when a change is required, the Department will determine whether a permit modification is required and inform the Permittees. This procedure will not unnecessarily impact construction schedules, in fact it will help insure that facilities constructed are in compliance with the appropriate regulations so that a final permit may be issued. The Permit will be modified to clarify the procedures of this Condition.

Also, original Condition II.L.2. will be deleted because it is redundant with Condition I.E.7.

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Permit Change:

Delete the original Conditions II.L.3., II.L.3.a., II.L.3.b., II.L.3.c., and II.L.3.d. Replace these Conditions with revised Conditions II.L.2., II.L.2.a., II.L.2.b., II.L.2.c., and II.L.2.d.

In addition, a definition for "critical systems" has been added to the Definition section of the Permit.

II.L.3.b.) Comment (25.236):

See comment 25.235.

Department Response:

See the response to comment 25.235.

Permit Change:

See the Permit change for comment 25.235.

II.L.3.c.) Comment (25.237):

See comment 25.235.

Department Response:

See the response to comment 25.235.

Permit Change:

See the Permit change to comment 25.235.

II.L.3.d.) Comment (25.238):

See comment 25.235.

Department Response:

See the response to comment 25.235.

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Permit Change:

See the Permit change to comment 25.235.

II.M.) Comment (25.239):

The Commenters state that the Permit Condition appears to require fencing on a unit-by-unit basis, and that this is not necessarily what the fact sheet says.

Department Response:

The Permit Condition requires that the Hanford Facility comply with the security requirements of WAC 173-303-310(2). It also requires that each TSD unit comply with the same regulation. WAC 173-303-310(2) requires that each unit have either a 24 hour surveillance system which continuously monitors and controls entry onto the active portion of the facility or an artificial or natural barrier, or a combination of both, which completely surrounds the active portion of the facility, with a means to control access through gates or other entrances to the active portion of the facility at all times. However, the Permit will be modified to indicate that security requirements may be met on a unit-by-unit basis.

Permit Change:

See the revised Condition II.M.

II.N.1.) Comment (2.4, 16.2, 23.1, 24.6, 25.240, 26.10, 26.23)

There were many concerns raised with respect to the receipt of off-site waste. Many Commenters believe that the off-site waste and receipt of waste from a foreign source provisions of the Permit will allow Hanford to become the nation's, if not the world's, repository for nuclear waste. Many Commenters requested that the Department completely prohibit the receipt of off-site generated wastes. Other Commenters requested that the Department limit the Hanford Facility to receiving only the types of waste currently received at the facility (i.e., Submarine Reactor Compartments). One Commenter requested the draft Condition be changed to be consistent with the regulations.

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Department Response:

This Permit does contemplate the receipt of off-site wastes at the Hanford Facility. The regulations clearly allow for such activities to occur given certain requirements. The Permit, in its current form reflects the requirements specified in the regulations.

Although the receipt of off-site waste, or receipt of waste from a foreign source is allowable under the current regulations and, in all likelihood, Energy will continue to receive waste from other than that generated at Hanford, the Department agrees that this waste should not be given a blanket acceptance but rather be determined on a unit by unit basis. None of the five units included in this Permit are allowed to receive off-site waste.

Permit Change:

See the revised Condition II.N.1.

II.N.2.) Comment (25.241)

The Commenters are concerned that the Department has exceeded its regulatory authority by apparently requiring the notice to generator provisions from on-site generators as well as off-site generators.

Department Response:

The Department has no intention of requiring the notice to generator provisions to on-site generators. This is why this provision is located under a major heading of "Receipt of Dangerous Wastes Generated Off-Site" (emphasis added). However, the Department will modify this Condition to more accurately reflect the language of the Dangerous Waste Regulations.

Permit Change:

See the revised Condition II.N.2.

II.O.) Comment (25.242):

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The Commenters ask that this entire section be deleted along with all reference to it.

Department Response:

Although the Department does not agree to delete this entire Condition, the Department does agree to eliminate the requirement for the Permittees to maintain a Facility Wide Inspection Plan. See the response to comment 25.18.

Permit Change:

See the revised Condition II.O., including Conditions II.O.1. through II.O.3.

II.O.) Comment (25.397):

The Commenters state that there is no authorization for the requirements of this Condition in WAC 173-303-320. They also claim that this Condition is inconsistent with other permits issued in the State. They reference their comments on II.O.1, II.D.2.a, and II.O.2.b.

Department Response:

This section has been added through the authority of WAC 173-303-283, Performance Standards. This section authorizes the Department to create more stringent standards than those spelled out in WAC 173-303-280, -290 through -400, and -600 through -670. This section spells out the criteria upon which the Department should base the decision. The DOE site fails many of the criteria listed in this section, and it is upon that basis that the Department has determined to use more stringent standards upon the Hanford Facility. See also the response to comments regarding Conditions II.O.1., II.D.2.a., and II.O.2.b. Also, see the response to comment 25.397.

Permit Change:

See the revised Condition II.O., including Conditions II.O.1. through II.O.3.

II.O.1.) Comment (25.243):

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The Commenters state that the requirements of WAC 173-303-320 are accurately addressed in the submitted permit application chapter. There is no regulatory basis for this Condition.

Department Response:

See the response to comment 25.397. The regulatory authority for this Condition is based upon WAC 173-303-283.

Permit Change:

See the revised Condition II.O., including Conditions II.O.1. through II.O.3.

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II.O.2.) **Comment (25.244):**

The Commenters state that there is no regulatory basis for this Condition.

Department Response:

See the response to comments 25.397, 25.242, and 25.243.

Permit Change:

See the revised Condition II.O., including Conditions II.O.1. through II.O.3.

II.O.2.a.) **Comment (5.0, 25.245):**

The Commenters state that there is no regulatory basis for this Condition. There is no requirement to inspect the areas that this Condition addresses. One Commenter stated that aerial monitoring should be conducted, possible using satellites, and that samples should be taken from the river during inspections. There were also comments received that the river should be inspected once a month and that any less would be ridiculous.

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Refer to the Department's response to comments 25.397 and 25.242. The Department points out that there have been many instances over the years of activities taking place outside of known regulated areas on the Hanford Facility which should have been regulated activities. The continued operations upon the Hanford site create a variety of waste streams, some of which are regulated by Dangerous Waste Regulations. There is a potential for these waste streams to be created outside the normal areas of generation, transport, or treatment, storage, or disposal. There is also the potential, given the large number of operations and employees on the Hanford Facility, and the public access areas on the Facility, for illegal, unknown, and unauthorized dangerous waste activities to take place in the considerable open space of the Hanford Facility. There are known instances of regulated materials being dumped into the uncontrolled areas of the Hanford Facility in the past. In addition, there are currently known releases to the groundwater and the Columbia River adjacent to the Hanford Facility. For these reasons, the Department has determined that in order to comply with the performance standards as found in WAC 173-303-283, it is necessary for the DOE and their contractors to expand the inspections to include these areas and the criteria contained in this Condition. Due to considerable public concern over the releases to the Columbia River, and the large population impacted by the flow of the river, the inspection of the river will be increased to 2 times yearly. However, the Department does not believe that aerial monitoring would be practical, or provide meaningful data. River sampling is currently performed by several organizations, including PNL, the Washington State Department of Health and the United States Geological Survey. Reports are available by contacting these organizations.

Permit Change:

See the revised Condition II.O., including Conditions II.O.1. through II.O.3.

II.O.2.b.) Comment (5.0, 17.15, 25.246):

The Commenters state that there is no regulatory basis for this Condition. One Commenter also questioned the inspection criteria listed in Condition II.O.2.b. The Facility Wide Inspection Plan should either include parameters for radionuclide inspections or should specifically exclude radionuclides from the inspections.

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Department Response:

The Department believes the inspection criteria listed in this section is sufficient to meet the requirements of Chapter 173-303 WAC in seeking to prevent harm to human health and the environment. Also see the response to comment 25.245. The area to be inspected under the Facility Wide Inspection Plan is the entire Hanford Site. Clearly this area is vastly too large to carry on any kind of hand held radiation monitoring. However, the Department has not specifically excluded radioactivity from the inspection criteria, because in many areas of the facility it is a matter of personnel protection and safety to monitor for radioactivity. The DOE also has specific mandates that require it to monitor for radioactivity in certain situations. Therefore, the Department is not excluding DOE from monitoring for radioactivity during the facility wide inspection.

Permit Change:

See the revised Condition II.O., including Conditions II.O.1. through II.O.3.

II.O.2.c.) Comment (17.16, 25.247):

The Commenters state that there is no regulatory authority for this Condition, and that it is impractical and restrictive to the Permittees. One Commenter asked that "authorized representative" be defined, and state that Department of Health should accompany inspections at radioactive sites.

Department Response:

See the response to comments 17.5 and 25.397. "Authorized representatives" in this context refers to those employees (to include consultants) of the Department who have been duly authorized by policies and procedures to represent the Director. Coordination efforts between the Department of Health and the Department of Ecology will continue to be pursued, but lie outside the scope of this Permit.

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The language has been changed to state "representatives of the Department" in the revised Conditions II.O.1. through II.O.3.

II.P.) Comment (25.248):

The Commenters propose rewriting Condition II.P. to reflect WAC 173-303-370(1), "The requirements of this section apply to owners and operators who receive dangerous waste from off-site sources." They argue that shipments are over DOE-owned roads that are closed to public access or subject to closure at DOE's direction. They contend that transfers at the Hanford Facility clearly occur in a manner consistent with the meaning of the term "on-site". They reference their comments on Conditions I.E.17.b. and III.1.B.g.

Department Response:

The Commenters contention that their on-site generated waste should not be subject to WAC 173-303-370 would be acceptable, except however, the geographical layout of the Hanford Facility clearly does not accommodate the definition of on-site. Pursuant to WAC 173-303-040, the definition for "On-site" is as follows:

"On-site" means the same, geographically contiguous, or bordering property. Travel between two properties divided by a right of way, and owned, operated, or controlled by the same person shall be considered on-site travel if: The travel crosses the right of way at a perpendicular intersection; or, the right of way is controlled by the property owner and is inaccessible to the public.

In particular, many of the units which generate waste or are TSD units are not accessible by non-public right of ways and further, many are not located on the same piece of contiguous property (this is despite the fact that in order to receive one EPA ID number, the property(s) should all have been contiguous). See the response to comment 25.92.

The Department agrees to clarify this Condition.

Permit Change:

See the revised Conditions II.P.1. and II.P.2.

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II.Q.) Comment (25.249):

The Commenters propose deletion of Condition II.Q. and its subparts. They contend that there is no regulatory basis for this Condition. WAC 173-303-180 is applicable to generators who offer waste for transport off-site and WAC 173-303-370 is applicable to dangerous waste facilities which receive waste from off-site. They state that the Permittees meet all of the substantive requirements of 49 CFR Parts 100-177. They reference their justifications for Condition II.P. and their comments on Conditions I.E.17.b. and III.1.B.g.

Department Response:

See the responses to comments 25.14 and 25.248.

Permit Change:

See the revised Conditions II.Q.1. and II.Q.2.

II.R.3.) Comment (25.250):

The Commenters request that the Department modify this Condition to be consistent with WAC 173-303-830 provisions for approval or denial of class 1 permit modifications that require Departmental approval.

Department Response:

The Condition referred to is already consistent with Chapter 173-303 WAC. The use of inferior material should be penalized. The Hanford site record of the use of inferior material (i.e. carbon steel in single shell tanks, wall coatings in PUREX process canyons, etc.) justifies the inclusion of this provision. The suggested language proposes to present the Department with an accomplished installation of a substitute material, increasing the difficulty of rejection. The criteria for substitution are included in the regulation as interpreted by the best professional judgement of the Department. No part of this requirement places an onerous burden on the Permittee, since competent professional design will always specify the best material for the purpose intended.

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No change required.

II.T.) Comment (25.252, 32.10):

The Commenter believes that Condition II.T. is unclear and that it refers to a CERCLA authority which should not be used in this Permit.

Department Response:

The Department agrees that this Condition needs to be clarified and that the reference to CERCLA authorities should be deleted.

Permit Change:

See the revised Condition II.T.

II.U.) Comment (22.12):

One Commenter questioned the level of quality assurance expected in the underground pipe maps to be submitted per Condition II.U., as well as who will determine and enforce the quality assurance. The Commenter also questions why information regarding the suspected condition of the pipes will not be submitted.

Department Response:

The Department expects that some of the information required by this Condition will be compiled by transcribing information from existing drawings, some of which are over 40 years old, to the new maps. Therefore, the quality of the new maps are dependent, in part, upon the quality control used to produce the original drawings as well as the quality control used to maintain the original drawings as pipes were replaced, moved, abandoned, etc. However, there are a number of other methods by which underground pipe locations can be determined (i.e. survey, excavation, infra-red, etc.) Therefore, the type of quality assurance/quality control cannot be specified at this time. None the less, the Department agrees with the Commenter in questioning the quality of these drawings. In fact, this questioning is what prompted the Department to include this Condition. Therefore, the Department is expanding this Condition to require a description of the quality assurance/quality control which the Department of Energy has used in

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compiling this information. These new maps are required to provide the baseline locational information for assessing the complex underground dangerous waste transfer activities at the Hanford Reservation. The intent was not to provide the comprehensive information, such as the suspected condition of the pipes, needed to conduct cleanup activities and compliance assessments. This detailed information will be submitted through Part B applications and closure plans.

Permit Change:

The following requirement has been added to revised Conditions II.U.2., II.U.3., and II.U.4.: "These maps shall be accompanied by a description of the quality assurance/quality control used to compile the maps."

II.U.) Comment (3.22, 26.11):

Some Commenters requested that Condition II.U. of the draft Permit regarding the mapping of underground dangerous waste pipes be expanded to require the identification of when the pipes were installed, reconfigured, and/or replaced, the legal authorization for laying the pipes, the notifications given to the State of Washington that the pipes would be installed, the engineering analyses, safety analyses, and process reports supporting the installation of the pipes, the sources and connections to the pipes, the discharges from the pipes, and a statement as to whether the pipes replaced other pipes, vaults or cribs. One Commenter also believes that each of these items should be required for each unit identified in Part III of the Permit. The current Permit condition requires the Department of Energy to identify the surveyed location, origin, destination, size, depth, and construction material of these pipes and identify the location of the associated diversion boxes.

Department Response:

The primary reason for requiring the mapping of underground pipes is to comply with regulations regarding the identification of dangerous waste activities. The information required in Condition II.U. of the draft Permit, as well as the information requested by the Commenter, are typically required to be provided with a unit's Part B permit application or closure plan. However, some of the Permit applications

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and closure plans which include underground dangerous waste pipes will not be submitted until the year 2003 or later. The Department has determined that a certain amount of information regarding these pipes is critical in overall environmental assessment and safety and must be available prior to these future submittals. Therefore, Condition II.U. of the draft permit was written to accelerate the process of compiling this information.

The information required in Condition II.U. of the draft permit is necessary to locate and assess potential environmental problems associated with these pipes. The Department agrees with the Commenter that the identification of underground pipes should also include the age of the pipes since the information would be useful in assessing potential environmental problems. However, the Department disagrees with the Commenter that information such as authorization, notification, engineering analysis, as well as the reason for replacing or adding pipes be required through this particular Permit Condition. Although the Department agrees that the additional information is desirable, the Department does not believe it is an immediate priority requiring accelerated actions.

Permit Change:

A requirement to provide the documented age, if available, otherwise an estimate of the age of the pipe, has been added to revised Conditions II.U.2. and II.U.4.

II.U.) Comment (17.17):

One Commenter stated that if the requirements of Condition II.U regarding the mapping of underground pipes apply to radioactive lines, this should be explicitly stated in the Permit. The Commenter goes on to state that the Washington State Department of Health should be included for information distribution if radioactive lines are included. The draft Permit Condition requires underground pipes subject to the provisions of Washington State's Dangerous Waste Regulation (Chapter 173-303 WAC) to be mapped and submitted to the Department.

Department Response:

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Underground pipes which transfer strictly radioactive materials (no dangerous/hazardous component) are not required to be mapped. However, wastes which contain both a radioactive component and a dangerous/hazardous component (referred to as "mixed waste") are subject to these regulations as explicitly stated in RCW 70.105.109 and subject to Conditions of the Permit as explicitly stated in definition "c" of the revised permit. Therefore, the Department does not believe it is necessary to explicitly state the inclusion of mixed waste pipes in any one Permit Condition.

The Department does not believe that the Department of Health's role in regulating radioactive pipelines and the radioactive component of mixed waste pipelines should be addressed in this Permit. However, the Department welcomes the Department of Health's input in all Department of Energy submittals.

Permit Change:

No change required.

II.U.) Comment (21.0):

One Commenter stated that Condition II.U. of the draft Permit regarding the mapping of underground pipes is without regulatory basis and is not a responsible expenditure of tax dollars. The Commenter goes on to state that this requirement is redundant since the mapping information already exists and will be submitted through individual units' Part B applications and remediation efforts.

Department Response:

The regulatory basis for requiring the mapping of underground pipes is found in WAC 173-303-806(4)(a)(xviii)(L) which states that a map must be provided which "clearly" shows the "location of operational units within the TSD facility site, where dangerous waste is (or will be) treated, stored, or disposed..." and WAC 173-303-806(4)(c)(iv) which states that "a diagram of piping, instrumentation, and process flow for each tank system" must be provided. Therefore, the Department has sufficient regulatory authority to impose Condition II.U.

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Although the Commenter is correct in that piping diagrams will be submitted with individual unit Part B dangerous waste applications (some will also be submitted with dangerous waste closure plans), some of these submittals will not be received by the Department until the year 2003 or later. Furthermore, the Department does not believe that the piece-by-piece pipe diagrams that will be supplied over the next ten years will provide a clear representation of the complex underground dangerous waste transfer system at the Hanford Facility. The Department has determined that the locational information supplied through this Condition is critical in overall environmental assessment and safety and must therefore be available prior to these future submittals.

The Department does not believe Condition II.U. to be redundant. As the Commenter has stated, the information required here will be provided in future submittals regardless of this Condition. This Condition only accelerates and coordinates the locational information to be supplied for underground pipes for the reasons stated in the preceding paragraphs. These same diagrams can be used in the future submittals. Providing the precise location of dangerous waste activities is an elemental piece of information in dangerous waste management. Therefore, the Department does not believe the production and submittal of these maps to be an irresponsible or unnecessary financial requirement. However, the Department has made some changes within this Condition to allow coordination of this activity with other regulatory efforts and to provide further clarification of the requirements.

Permit Change:

See the revised Condition II.U., including Conditions II.U.1. through II.U.4.

II.U.) Comment (25.253):

One Commenter requested that Condition II.U. regarding the mapping of underground piping be deleted because there is no specific regulatory requirement for this Condition, the information required by the condition is already available in records maintained at the site, these maps will be submitted with future documents such as Part B applications and remedial action work plans, there is insufficient time

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to produce these maps, there is no added benefit to human health and the environment, and the costs are too high and will remove funds from other, more productive, cleanup and waste management activities.

Department Response:

See the responses to comments 21.0 and 25.15.

Permit Change:

See the revised Condition II.U., including Conditions II.U.1. through II.U.4.

II.U.1.) Comment (25.15):

One Commenter stated that Permit Conditions requiring the mapping and marking of underground dangerous waste pipelines should not be imposed because the excavation permit procedures employed by the Department of Energy should satisfy the Department's concerns regarding protection of human health, safety, and the environment related to this issue. The Commenter also stated that there is an insufficient amount of time allotted to complete this activity and that the cost would be exorbitant with no improvement in safety.

Department Response:

The Department is requiring the mapping of underground pipes for both safety concerns and regulatory compliance. The regulatory basis for requiring the mapping of underground pipes is found in WAC 173-303-806(4)(a)(xviii)(L) which states that a map must be provided which "clearly" shows the "location of operational units within the TSD facility site, where dangerous waste is (or will be) treated, stored, or disposed..." and WAC 173-303-806(4)(c)(iv) which states that "a diagram of piping, instrumentation, and process flow for each tank system" must be provided.

Department representatives have witnessed an excavation that was controlled by the Department of Energy's excavation permit process with unsatisfactory results. A number of underground pipes were exposed during the excavation which were unidentifiable on the maps available to the responsible officials at the site. In another instance, a

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pipe leading to a dangerous waste trench could only be identified as the "mystery pipe". Again, the pipe could not be identified by the responsible officials at the site. The Department therefore believes that the Department of Energy has not maintained adequate records on underground dangerous waste pipelines nor can the Department of Energy adequately ensure protection of human health and the environment.

The Department is requiring the mapping of underground pipelines located outside of fenced, security areas (i.e., 200 East, 200 West, 300 Area, 400 Area, 100N Area, and 100K Area) for safety considerations. There are individuals, including regulatory inspectors, who conduct business at the site that are not informed of underground waste activities. A marking system for underground dangerous waste pipelines would provide some assurance to these individuals that they are not inadvertently near a potentially dangerous area. As other Commenters have noted, if the pipes are not identified through this condition, they would be submitted with individual unit Part B dangerous waste applications and dangerous waste closure plans. However, some of these submittals will not be received by the Department until the year 2003 or later. Furthermore, the Department does not believe that the piece-by-piece pipe diagrams that will be supplied over the next ten years will provide a clear representation of the complex underground dangerous waste transfer system at the Hanford Reservation. Therefore, the Department has determined that the locational information supplied through this condition is critical in overall environmental assessment and safety and must be available prior to these future submittals. The costs incurred to complete this task now will be saved in the future. Therefore, although the cost may be "exorbitant", it will be a necessary expenditure.

The Department has reassessed the requirements imposed by Conditions II.U. and II.V. and the complexity of the underground dangerous waste pipe systems and concurs with the Commenter that an insufficient amount of time has been provided to complete these tasks. Therefore, additional time will be added to the completion dates for revised Conditions II.U.1., II.U.2., II.U.3. and II.U.4.

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See the revised Condition II.U., including Conditions II.U.1. through II.U.4.

II.U.1.) Comment (25.254):

One Commenter requested that Condition II.U.1. regarding the mapping of underground pipelines be deleted because there is no specific regulatory requirement for this Condition, the information required by the Condition is already available in records maintained at the site, these maps will be submitted with future documents such as Part B applications and remedial action work plans, there is insufficient time to produce these maps, there is no added benefit to human health and the environment, and the costs are too high and will remove funds from other, more productive, cleanup and waste management activities.

Department Response:

See the response to comments 21.0 and 25.15.

Permit Change:

See the revised Condition II.U., including Conditions II.U.1. through II.U.4.

II.U.2.) Comment (25.255):

One Commenter requested that Condition II.U.2. regarding the mapping of underground pipelines be deleted because there is no specific regulatory requirement for this Condition, the information required by the Condition is already available in records maintained at the site, these maps will be submitted with future documents such as Part B applications and remedial action work plans, there is insufficient time to produce these maps, there is no added benefit to human health and the environment, and the costs are too high and will remove funds from other, more productive, cleanup and waste management activities.

Department Response:

See the response to comments 21.0 and 25.15.

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See the revised Condition II.U., including Conditions II.U.1. through II.U.4.

II.U.3.) Comment (25.256):

One Commenter requested that Condition II.U.3. regarding the mapping of underground pipelines be deleted because there is no specific regulatory requirement for this Condition, the information required by the Condition is already available in records maintained at the site, these maps will be submitted with future documents such as Part B applications and remedial action work plans, there is insufficient time to produce these maps, there is no added benefit to human health and the environment, and the costs are too high and will remove funds from other, more productive, cleanup and waste management activities.

Department Response:

See the response to comments 21.0 and 25.15.

Permit Change:

See the revised Condition II.U., including Conditions II.U.1. through II.U.4.

II.V.) Comment (25.257):

One Commenter requested that Condition II.V. regarding the mapping of underground piping be deleted because there are no regulatory requirements to enforce this Condition, the Hanford Facility already has a system in place to address this issue, the signs required by this Condition will provide no added benefit to human health and the environment and present additional problems at the Hanford Facility, there are no established standards for marking underground dangerous waste pipelines, the time allowed to complete the task is insufficient, and it is too costly.

Department Response:

The Department has agreed to extend the time required to mark certain underground pipelines. the Department has also clarified some of the

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language in this Condition. See the response to comments 21.0 and 25.15.

Permit Change:

See the revised Condition II.V.

II.W.1.) Comment (22.13, 25.258)

One Commenter is concerned with the lack of specificity in Condition II.W.1. and requests that Condition II.W.1. be modified to reflect the exact language of WAC 173-303-800(5) because the draft language is beyond the Department's regulatory authority and is ambiguous. Another Commenter requested a definition of "information necessary".

Department Response:

The Department has enhanced the exact wording of WAC 173-303-800(5) to prevent the acquisition of other permits from delaying compliance with this Permit. The Department believes that the 60-day submittal time is, in most cases, reasonable. However, the Department does agree to clarify the Condition to allow a case-by-case determination be made as to when information must be submitted. The information required to be placed in the operating record will support any such extension request. The Department believes that defining the term "best efforts" removes the ambiguity of the condition. "Other permits" are those permits which are not dangerous waste permits but are required to be obtained under Federal, State, or local laws and regulations as a prerequisite to conducting the work required by this Permit. This Condition is to preclude the Commenters from using as an excuse for noncompliance with this Permit, their inability to obtain a permit under another regulatory program due solely to their omission to submit the proper information in the necessary time frames to secure the required permits. "Information necessary" includes data, such as tank waste characterization, which must be available to prepare a permit application. The regulatory entity responsible for issuing the permit would make this determination.

Permit Change:

See revised Condition II.W.1.

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II.W.2.) Comment (25.259):

One Commenter requests that Condition II.W.2. be deleted because there is no regulatory basis for this Condition.

Department Response:

This Condition protects the authorities of other Departments/agencies should a permit be included as an attachment to this Permit.

Permit Change:

No change required.

II.X.1.) Comment (25.260, 25.261):

The Commenter believes that Condition II.X.1. should be deleted because it does not consider the inability of the USDOE-RL to secure adequate funding as a defense against Department claims that "best efforts" have not been achieved. They also request that the last paragraph of Condition II.X.1. be deleted because there is no regulatory authority for this Condition.

Department Response:

The Department disagrees with the Commenter and believes this Condition is reasonable. Dangerous waste permits routinely define "best efforts" and do not leave a concept as objective as this open to repeated negotiations. See the response to comment 25.260.

Permit Change:

No change required.

II.X.2.) Comment (25.262):

One Commenter suggested switching the order of Conditions II.X.2. and II.X.1. to emphasize the precedence of the FFACO.

Department Response:

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The Department disagrees that this re-ordering will provide for a more clear Permit.

Permit Change:

No change required.

III.1.A.) Comment (25.263):

The Commenters would like Permit Conditions which name specific sections of the 616 NRDWSF Part B Permit Application rather than a blanket adoption of it in its entirety. Their justification covers a number of issues:

- 1) The permitting approach is outside the scope of the Department's regulatory authority, the Federal authority, and the conditions of the FFACO.
- 2) The Commenters clarify that they are not objecting to inclusion of sections of documents submitted to support unit-specific permit applications. They cite the examples of documents prepared specifically for inclusion as permit conditions or for unit-specific, permit-related compliance requirements, such as the unit-specific waste analysis plans and contingency plans. However, they state that the Department has included documents not intended for inclusion resulting in a Draft Permit that contains provisions that are far more detailed and stringent than the specific regulations the material intended to address. A number of Part B permits are referenced by the Commenters. These permits were issued without incorporating the entire Part B permit application.
- 3) The Commenters make a blanket objection to inclusion of site-wide documents such as the Hanford Facility Contingency Plan, et.al. They state these documents were submitted despite their belief that the argument requiring the submittals were of questionable merit and not well-founded in the regulations. The submittals were made because of a sincere commitment by the DOE-RL to initiate site preparation for the HWVP on schedule. The Commenters state that the Department has chosen to go beyond what had previously been discussed and has attempted to

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impose numerous conditions that would be very difficult and expensive to comply with, the Commenters are not in agreement with this and insist that the Permit be founded solely on the authorities contained in the regulations.

- 4) The Commenters request that they be allowed to meet with the Department and the EPA to write the Permit Conditions and to identify the specific information to be incorporated into the Permit.

Department Response:

In regard to (1), see the response for comment 25.8.

In regard to (2), the Department agrees. Each of the five units incorporated into the second draft Permit have a list of enforceable sections from the permit application or closure plan specified in Part III or V of this Permit.

In regards to (3), see the responses for comments 25.8, 25.17, and 25.18.

In regards to (4), the Commenters have been working with the Department on the development of lists of applicable sections discussed in the response to (2) of this Comment.

Permit Change:

See the revised Condition III.A.1.

III.1.B.a.) Comment (25.264):

The Commenters propose deletion of Condition III.1.B.a.

Department Response:

The portion of the permit application that this Condition effected is no longer enforceable. Therefore, the Condition has been deleted.

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The original Condition III.1.B.a. is deleted.

III.1.B.b.) Comment (25.265):

The Commenters propose deletion of Condition III.1.B.b.

Department Response:

See the response to comment 25.264.

Permit Change:

The original Condition III.1.B.b. is deleted.

III.1.B.c.) Comment (25.266):

The Commenters propose deletion of Condition III.1.B.c.

Department Response:

See the response to comment 25.264.

Permit Change:

The original Condition III.1.B.c. is deleted.

III.1.B.d.) Comment (25.267):

The Commenters propose deletion of Condition III.1.B.d.

Department Response:

See the response to comment 25.264.

Permit Change:

The original Condition III.1.B.d. is deleted.

III.1.B.e.) Comment (25.268):

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The Commenters propose that Condition III.1.B.e. be modified from "monthly" to "quarterly" reporting. This proposal is justified on the basis that monthly reporting of Class I permit changes is too resource intensive. They question both their management efficiency and the value of monthly reporting.

Department Response:

See the response to comment 25.264.

Permit Change:

The original Condition III.1.B.e. is deleted.

III.1.B.f.) Comment (25.269):

The Commenters propose that Condition III.1.B.f. be modified to be in accordance with a quarterly reporting schedule.

Department Response:

See the response to comment 25.264.

Permit Change:

The original Condition III.1.B.f. is deleted.

III.1.B.g) Comment (25.270):

The Commenters propose deletion of Condition III.1.B.g. based on their contention that manifesting is not required for waste transfers.

Department Response:

See the response to comment 25.248.

Permit Change:

This Condition is renumbered as Condition III.1.B.a.

III.1.B.h.) Comment (25.271):

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The Commenters propose revision to reflect actions identified for Conditions I.E.16. through I.E.20.

Department Response:

This Condition has been revised to reference Conditions I. E.15. through I.E.22. As this is a direct reference, the Department does not see reason to "reflect actions identified by these conditions".

Permit Change:

See revised Condition III.1.B.b.

III.1.B.i.) Comment (25.272):

The Commenters propose deletion of original Condition III.1.B.i. based on their contention that manifesting is not required for waste transfers.

Department Response:

See the response to comment 25.248.

Permit Change:

This Condition has been renumbered as Condition III.1.B.c.

III.1.B.j.) Comment (25.273):

The Commenters propose deletion of Condition III.1.B.j. based on the contention that making the descriptions of generating unit and Solid Waste Engineering duties with regard to waste designation Permit Conditions is micromanaging that represents a level of regulatory control beyond that required to ensure compliance.

Department Response:

This Condition is based on the need to adequately manage the generated waste. Because many concessions were allowed in verification of waste designation based on the management of wastes generated by the Hanford Facility operations prior to arrival at the TSD, this Condition is necessary.

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Permit Change:

This Condition has been renumbered as Condition III.1.B.d.

III.1.B.1.) Comment (25.274):

The Commenters propose deletion of Condition III.1.B.1. based on their contention that the Department has no authority to specify how waste designations are reviewed. They state that this level of regulatory control goes beyond that required to ensure compliance.

Department Response:

Pursuant to WAC 173-303-800(8) the Permit, "... shall contain terms and conditions as the Department determines necessary to protect human health and the environment." The Department determined that the unit-specific waste analysis plan for the 616 NRDWSF submitted pursuant to WAC 173-303-806(4)(a)(iii) was not adequate for a final status Part B Permit. Accordingly, using the authority cited above, additional requirements will be imposed in the form of this Condition and others as necessary. However, this particular Condition has been deleted and the requirement placed in revised Condition III.1.B.f.

Permit Change:

See revised Condition III.1.B.f.

III.1.B.m.) Comment (25.275):

The Commenters propose revision of Condition III.1.B.m. to read:

Petitions to add a testing or analytical method shall be in accordance with WAC 173-303-910(2).

The Commenters contend that there is a difference between use of an alternate test method and the addition of a testing method to WAC 173-303-110. They cite WAC 173-303-110(2)(a) in support of their contention; this regulation pertains to sampling, not analytical methods. Their argument pertains to sampling, also. They state that there is no regulatory authority to use guidance documents as Permit Conditions.

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Department Response:

It is difficult to address their concerns as it is not clear what the bases for their contention is. See the response to comment 25.78 regarding the topics of both sampling and analysis in relation to WAC 173-303-110.

Permit Change:

This Condition is renumbered as Condition III.1.B.g.

III.1.B.n.) **Comment (25.276):**

The Commenters propose:

- 1) Condition III.1.B.n. be revised to read, "as soon as reasonably possible after the effective date," rather than, "shall be used immediately upon the effective date." The contend that immediate implementation is not always practically possible or appropriate.
- 2) Delete this sentence from the Condition, "To ensure analytical quality control, all analyses must fulfill, at a minimum, the quality procedures specified in SW-846 Volume II."
- 3) They object to inclusion of analytical quality assurance requirements and state that they should be driven by the data quality objectives for the sample, not predetermined by what is contained in SW-846. They reference the FFACO Action Plan, Section 6.5.

Department Response:

In regard to proposal (1), any new method will be well publicized long before it is effective. The Commenters should be able to remain in compliance with the regulations with regard to their analytical capabilities if they are operating their laboratories efficiently and with regard to regulatory revisions.

In regard to proposal (2), the FFACO Action Plan, Section 6.5, specifically states that the data quality objectives shall be stated in the

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RCRA permit and that based on the data quality objectives, the DOE shall comply with EPA guidance documents for QA/QC and sampling and analysis activities. The SW-846 is referenced as one of these guidance documents.

In regard to (3), pursuant to WAC 173-303-800(8) the Permit, "... shall contain terms and conditions as the Department determines necessary to protect human health and the environment." The Department determined that the unit-specific waste analysis plan for the 616 NRDWSF submitted pursuant to WAC 173-303-806(4)(a)(iii) was not adequate for a final status Part B Permit. In addition, the FFACO Action Plan, Section 6.5, specifically states that the data quality objectives shall be stated in the RCRA permit and that based on the data quality objectives, the DOE shall comply with EPA guidance documents for QA/QC and sampling and analysis activities. The SW-846 is referenced as one of these guidance documents.

Permit Change:

This Condition is renumbered as Condition III.1.B.h.

III.1.B.o.) Comment (25.277):

The Commenters propose deletion of Condition III.1.B.o. because of the additional resource burden that not allowing sampling by the generator staff would cause. They state that the Department is confusing 'sampling for designation' with 'sampling for verification.'

Department Response:

This particular Condition has been deleted as the requirements regarding this issue are found in revised Condition III.1.B.f.

Permit Change:

The original Condition III.1.B.o. is deleted. See revised Condition III.1.B.f.

III.1.B.r.) Comment (25.278):

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The Commenters propose deletion of Condition III.1.B.r. on the basis that core or chip sampling of a contaminated secondary containment structure may destroy the integrity of the secondary containment system.

Department Response:

As core or chip sampling will not always be required, the Department agrees to delete this Condition. However, this does not preclude the Department from requiring chip or core samples as it deems necessary.

Permit Change:

The original Condition III.1.B.r. is deleted.

III.1.B.t.) **Comment (25.279):**

The Commenters propose deletion of Condition III.1.B.t. based on their contention that analytical quality control requirements should be driven by the data quality objectives for the sample, not predetermined. They reference the FFACO Action Plan, Section 6.5, and their comments to draft Permit Condition I.E.10.a.

Department Response:

Pursuant to WAC 173-303-800(8) the Permit, "... shall contain terms and conditions as the Department determines necessary to protect human health and the environment." The Department determined that the unit-specific waste analysis plan for the 616 NRDWSF submitted pursuant to WAC 173-303-806(4)(a)(iii) was not adequate for a final status Part B Permit. Accordingly, using the authority cited above, this Condition will be imposed. In addition, the FFACO Action Plan, Section 6.5, specifically states that the data quality objectives shall be stated in the RCRA permit and that based on the data quality objectives, the DOE shall comply with EPA guidance documents for QA/QC and sampling and analysis activities. The SW-846 is referenced as one of these guidance documents.

Permit Change:

No change required.

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III.1.B.v.) Comment (25.280):

The Commenters propose deletion of Condition III.1.B.v. because:

- 1) The Department's regulatory control is extended beyond that required to ensure compliance and beyond the authority provided in the regulations. Analytical verification is limited to facilities receiving off-site wastes under WAC 173-303-300(3). On-site waste may be managed using "generator knowledge" under WAC 173-303-300(2).
- 2) The Commenters contend that this will unduly decrease management efficiency and increase cost. They argue that full analysis for verification of the incoming waste (approximately 100 containers) will cost several hundred thousand dollars per year. They also state that verification analyses by the off-site TSDs which receive waste from 616 NRDWSF show a discrepancy rate of less than approximately 0.2 percent. They assert that this requirement will have a disproportionate effect on research and development operations. And finally, that fixing the level of monitoring at an arbitrary level is inconsistent with ALARA policy for worker exposure to hazardous materials.

Department Response:

In regard to assertion (1), pursuant to WAC 173-303-800(8) the Permit, "... shall contain terms and conditions as the Department determines necessary to protect human health and the environment." The Department determined that the unit-specific waste analysis plan for the 616 NRDWSF submitted pursuant to WAC 173-303-806(4)(a)(iii) was not adequate for a final status Part B Permit and that verification of waste designation must be performed in order to properly manage their wastes.

In regard to assertion (2), first, it is not clear why the Commenters are assuming that verification of waste designation requires full designation of the waste material. This assumption obviously inflates the estimated cost for implementing this requirement beyond what the actual cost for implementation would be. It is not clear what other "conservative" assumptions have been made to estimate the implementation cost at

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several hundred thousand dollars. It is not clear what the Commenters intention is in stating that their off-site TSDs receiving waste have found a 0.2 percent discrepancy rate. This information is unsupported (despite repeated requests by the Department for information and documentation relating to verification of designation during the Department's review of the Part B application). Also, there is no consequence for a generating unit from having a container of waste fall in this 0.2 percent of waste containers with waste verification data in discrepancy with the designation. It is not clear why the Commenters believe that a disproportionate amount of the burden would fall on the research and development groups; the Condition leaves considerable leeway for choosing what containers will be subject to the requirement. And finally, the Commenters are concerned with violation of their ALARA policy; we assume this comment pertains to mixed waste (adequate protective equipment will isolate workers from hazardous waste exposures if the waste is being managed properly). The 616 NRDWSF does not accept mixed or radioactive wastes, therefore this concern is unfounded.

Nonetheless, the Department has modified this Condition to clarify when verification must occur.

Permit Change:

See the revised Condition III.1.B.n.

III.1.B.w.) Comment (25.281):

The Commenters propose deletion of Condition III.1.B.w. because it is not in exact concurrence with WAC 173-303-300(4)(a).

Department Response:

This Condition will be revised to more accurately reflect WAC 173-303-300 and other Dangerous Waste Regulations requirements.

Permit Change:

See revised Condition III.1.B.o.

III.1.B.x.) Comment (25.282):

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The Commenters propose deletion of Condition III.1.B.x. The justification references the comments for draft Permit Conditions found in II.D.

Department Response:

The requirements of this Condition have been revised to provide clarification. See the response to comment 25.119.

Permit Change:

See the revised Condition III.1.B.p.

III.1.B.z.) **Comment (25.283):**

The Commenters propose deletion of Condition III.1.B.z. based on their contention that this overly restricts their operating control at the 616 NRDWSF and that this unit may be the best place to store wastes generated off-site.

Department Response:

This condition was written based on the Commenters' assertion that the 616 NRDWSF did not accept wastes from off-site. The Draft Permit has been crafted with this self-imposed restriction in mind.

Permit Change:

This Condition is renumbered as Condition III.1.B.r.

III.1.B.aa.) **Comment (25.284):**

The Commenters propose modification of Condition III.1.B.aa. so that only incidents requiring implementation of the emergency plan be recorded in the operating record. They contend that this is beyond the appropriate level of regulatory control and is outside the scope of WAC 173-303-300(d).

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This Condition is being required pursuant to WAC 173-303-380(e). It is intended that records of spills that do not require implementation of the emergency plan are recorded in the operating record along with the fact that the BED has determined that the implementation of the emergency plan was not necessary.

Permit Change:

This Condition is renumbered as Condition III.1.B.s.

III.1.B.bb.) Comment (25.285):

The Commenters propose deletion of Condition III.1.B.bb. based on the contention that this requirement is not stated explicitly in the regulations.

Department Response:

Pursuant to WAC 173-303-800(8) the Permit, "... shall contain terms and conditions as the Department determines necessary to protect human health and the environment." The Department determined that this requirement is necessary for adequately tracking follow-up activities to spills based on the historical record of the Commenters. The Condition will be revised to address the Commenters concerns regarding releases that cannot be contained, mitigated, or cleaned up.

Permit Change:

See the revised Condition III.1.B.t.

III.1.B.cc.) Comment (25.286):

The Commenters propose modification of Condition III.1.B.cc. to read: "The Permittee shall properly package, label, mark, and store the waste."

Department Response:

The Condition will be modified.

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See the revised Condition III.B.1.u.

III.1.B. ee.) Comment (25.287):

The Commenters propose deletion of Condition III.1.B. ee. because the information in the Permit application is sufficient to address spill reporting and meets the regulatory requirements.

Department Response:

The Condition will be modified to apply to verification of spill cleanup efforts.

Permit Change:

See the revised Condition III.1.B.w.

III.1.B. ff.) Comment (25.288):

The Commenters propose deletion of Condition III.1.B. ff. because they have a separate list and an individual storage area for their emergency equipment.

Department Response:

The Condition will be modified.

Permit Change:

See the revised Condition III.1.B.x.

III.1.B. gg.) Comment (25.289):

The Commenters propose deletion of Condition III.1.B. gg. They contend that the inclusion of the site-wide emergency plans are beyond the scope of the Department's authority and outside the intent of the FFACO

Department Response:

See the responses to comments 25.8, 25.17, 15.18.

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Permit Change:

The original Condition III.1.B.gg. is deleted.

III.1.B.hh.) Comment (25.290):

The Commenters propose deletion of Condition III.1.B.hh. because training records fall within the DOE's "systems of records" as required by the Privacy Act.

Department Response:

See the response to comment 25.96.

Permit Change:

This Condition is renumbered as Condition III.1.B.y.

III.1.B.ii.) Comment (25.291):

The Commenters propose deletion of Condition III.1.B.ii. because it will cause more confusion than it will allay.

Department Response:

The Condition will be revised.

Permit Change:

See the revised Condition III.1.B.z.

III.1.B.kk.) Comment (25.292):

The Commenters propose deletion of Condition III.1.B.kk. based on:

- 1) Only the constituents documented to have spilled should be tested at closure.
- 2) Requiring the type of test methods or a QA/QC data validation program is exceeding the scope of the Department's regulatory authority.

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Department Response:

In regard to contention (1), this is reasonable, the Condition will be modified.

In regard to contention (2), the FFACO Action Plan, Section 6.5, specifically states that the data quality objectives shall be stated in the RCRA permit and that based on the data quality objectives, the DOE shall comply with EPA guidance documents for QA/QC and sampling and analysis activities. The SW-846 is referenced as one of these guidance documents.

Permit Change:

See the revised Condition III.1.B.bb.

III.1.B.ll.) Comment (25.293):

The Commenters propose deletion of Condition III.1.B.ll. because this order of notification is necessary for the Permittees to safely and efficiently manage the 616 NRDWSF.

Department Response:

The Condition will be modified to remove the confusing aspect of when this notification will occur rather than simply deleting it.

Permit Change:

See the revised Condition III.1.B.cc.

III.1.B.nn.) Comment (25.294):

The Commenters propose deletion of Condition III.1.B.nn. because training records fall within the DOE's "systems of records" as required by the Privacy Act.

Department Response:

This is essentially identical to comment 25.396, see the response to this comments.

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Permit Change:

This Condition is renumbered as Condition III.1.B.cc.

III.1.B.oo.) Comment (25.295):

The Commenters propose deletion of Condition III.1.B.oo. because it is overly restrictive as to where on the Hanford Facility records will be physically kept.

Department Response:

See the responses to comments 1.5, 2.5, and 24.5.

Permit Change:

This Condition is renumbered as Condition III.1.B.ff.

III.1.B.pp.) Comment (25.296):

The Commenters propose deletion of Condition III.1.B.pp. because the topographical map legend was correct; Wind Class 1 is defined as between one and three miles per hour.

Department Response:

The Condition will be deleted.

Permit Change:

The original Condition III.1.B.pp. is deleted.

III.1.B.rr.) Comment (25.297):

The Commenters propose modification of Condition III.1.B.rr. by inserting the following before "[n]o part of,":

These procedure descriptions will be modified per WAC 173-303-830, if necessary, before implementation at the 616 NRDWSF. Changes to the Description of Procedures can be reported to the Department as Class I changes.

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The Commenters also propose replacement of the procedure descriptions included in the Draft Permit as Attachment 15 with those in the Commenters Attachment X. The procedures in Attachment X are current as of the January 1992 time frame, unlike those in Appendix 15. Also, a number of the draft procedures cover aspects of waste management not applicable to the 616 NRDWSF because these activities are not performed there.

Department Response:

The procedure descriptions submitted as Attachment X to their comments will not be adopted as part of the Permit. A general overview of the procedures shows that these will not substitute for the procedures and procedure descriptions originally submitted, i.e., they do not appear to cover the required topics at all or in insufficient detail.

Permit Change:

This Condition is renumbered as Condition III.1.B.hh.

III.2.A.) Comment (25.298):

One Commenter requested that Condition III.2.A. regarding the 183-H Solar Evaporation Basins Closure Plan be deleted because an interim status closure plan should not be included in a final status permit. The Commenter contends that there is no basis of authority, no regulation, no requirement, and no reason or explanation which justifies the inclusion of any condition regarding this unit closure in the Permit.

Department Response:

See the response to comment 25.2i.

Permit Change:

Due to reordering the Conditions of the Permit, the 183-H Solar Evaporation Basins Chapter is now located in Part V (Chapter 1) of the Permit.

III.2.B.a.) Comment (25.299):

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One Commenter requested that Condition III.2.B.a. regarding the 183-H Solar Evaporation Basins Closure Plan be deleted because an interim status closure plan should not be included in a final status permit. The Commenter contends that there is no basis of authority, no regulation, no requirement, and no reason or explanation which justifies the inclusion of any condition regarding this unit closure in the Permit. The Commenter also requested that the phrase "and guidance documents" be deleted from this condition.

Department Response:

See the response to comment 25.21.

The inclusion of the term "guidance documents" in this part of the closure plan was not meant to establish that all guidance in all guidance documents would become a permit condition. Instead, this term was added because the closure plan currently references a number of guidance documents in the text which may become obsolete when the activity addressed by the referenced document is performed. The Department agrees that this intent is not apparent as written in the original draft permit. The Department will therefore modify this condition to eliminate the language referencing guidance documents. However, the Department will assess new guidance documents as part of their oversight of closure activities.

Permit Change:

See the revised Condition V.1.B.a.

III.2.B.b.) Comment (25.300):

One Commenter requested that Condition III.2.B.b. regarding the 183-H Solar Evaporation Basins Closure Plan be deleted because an interim status closure plan should not be included in a final status permit. The Commenter contends that there is no basis of authority, no regulation, no requirement, and no reason or explanation which justifies the inclusion of any condition regarding this unit closure in the Permit.

Department Response:

See the response to comment 25.21.

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Permit Change:

This Condition is renumbered as Condition V.1.B.b.

III.2.B.c.) Comment (25.301):

One Commenter requested that Condition III.2.B.c. regarding the 183-H Solar Evaporation Basins Closure Plan be deleted because an interim status closure plan should not be included in a final status permit. The Commenter contends that there is no basis of authority, no regulation, no requirement, and no reason or explanation which justifies the inclusion of any condition regarding this unit closure in the Permit.

Department Response:

See the response to comment 25.21.

Permit Change:

This Condition is renumbered as Condition V.1.B.c.

III.2.B.d.) Comment (25.302):

One Commenter requested that Condition III.2.B.d. regarding the 183-H Solar Evaporation Basins Closure Plan be deleted because an interim status closure plan should not be included in a final status permit. The Commenter contends that there is no basis of authority, no regulation, no requirement, and no reason or explanation which justifies the inclusion of any condition regarding this unit closure in the Permit. In addition, the Commenter noted that the correct phone number for the Department of Energy Environmental Restoration Manager is (509) 376-7277.

Department Response:

See the response to comment 25.21.

Permit Change:

The phone number in Condition V.1.B.d. is changed to read (509) 376-7277.

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III.2.B.e.) Comment (25.303):

One Commenter requested that Condition III.2.B.e regarding the 183-H Solar Evaporation Basins Closure Plan be deleted because an interim status closure plan should not be included in a final status permit. The Commenter contends that there is no basis of authority, no regulation, no requirement, and no reason or explanation which justifies the inclusion of any condition regarding this unit closure in the Permit. The Commenter also stated that Unusual Occurrence Reports (UOR) and Off Normal Reports (ONR) should not be provided to the Department as a permit condition because there is no regulatory requirement and are therefore outside the scope of regulatory authority.

Department Response:

See the response to comment 25.21. In addition, the Department is requiring the submittal of UOR's and ONR's through WAC 173-303-390 (Facility Reporting). The Department believes that the information contained in these reports will sometimes provide valuable information for regulatory compliance assessment. Since the only activity occurring at this unit is closure, each UOR and ONR needs the Department's assessment.

Permit Change:

This Condition is renumbered as Condition V.1.B.e.

III.2.B.f.) Comment (25.304):

One Commenter requested that Condition III.2.B.f. regarding the 183-H Solar Evaporation Basins Closure Plan be deleted because an interim status closure plan should not be included in a final status permit. The Commenter contends that there is no basis of authority, no regulation, no requirement, and no reason or explanation which justifies the inclusion of any condition regarding this unit closure in the Permit. The Commenter also stated that the reference to Condition II.J.1. regarding closure cost estimates is inappropriate because the Department of Energy did not agree to the closure cost requirements as specified in the Permit.

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Department Response:

See the response to comments 25.21 and 25.185. Also, the Department has noted a typographical error in this condition. The reference to Condition II.J.1. should actually be a reference to Condition II.H.1. This typographical error will be corrected.

Permit Change:

The reference to Condition II.J.1 within Condition V.1.B.f. is changed to Condition II.H.1.

III.2.B.g.) Comment (25.305):

One Commenter requested that Condition III.2.B.g. regarding the 183-H Solar Evaporation Basins Closure Plan be deleted because an interim status closure plan should not be included in a final status permit. The Commenter contends that there is no basis of authority, no regulation, no requirement, and no reason or explanation which justifies the inclusion of any condition regarding this unit closure in the Permit. The Commenter also requests that the language of this Condition be edited to reflect the exact language of WAC 173-303-610(3)(c)(i).

Department Response:

See the response to comment 25.21. The Department recognizes that the language of this Condition does not accurately reflect the wording of WAC 173-303-610(3)(c)(i) regarding notification of closure. This requirement was written for units which have approved closure plans prior to beginning closure activities. Therefore, it was necessary to modify the text to reflect the fact that closure of this unit has already begun.

Permit Change:

This Condition is renumbered as Condition V.1.B.g.

III.2.B.h.) Comment (25.306):

One Commenter requested that Condition III.2.B.h. regarding the 183-H Solar Evaporation Basins Closure Plan be deleted because an interim

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status closure plan should not be included in a final status permit. The Commenter contends that there is no basis of authority, no regulation, no requirement, and no reason or explanation which justifies the inclusion of any Condition regarding this unit closure in the Permit.

Department Response:

See the response to comment 25.21.

Permit Change:

This Condition is renumbered as Condition V.1.B.h.

III.2.B.i.) Comment (25.307):

One Commenter requested that Condition III.2.B.i regarding the 183-H Solar Evaporation Basins Closure Plan be deleted because an interim status closure plan should not be included in a final status permit. The Commenter contends that there is no basis of authority, no regulation, no requirement, and no reason or explanation which justifies the inclusion of any Condition regarding this unit closure in the Permit.

Department Response:

See the response to comment 25.21.

Permit Change:

This Condition is renumbered as Condition V.1.B.i.

III.2.B.j.) Comment (25.308):

One Commenter requested that Condition III.2.B.j regarding the 183-H Solar Evaporation Basins Closure Plan be deleted because an interim status closure plan should not be included in a final status permit. The Commenter contends that there is no basis of authority, no regulation, no requirement, and no reason or explanation which justifies the inclusion of any condition regarding this unit closure in the Permit. The Commenter also states that the type of data validation, such as CLP or SW-846 should not be specified.

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Department Response:

The Department agrees that the type of data validation does not need to be specified here. QA/QC requirements are found in Condition II.E. and will be enforced.

The Department has changed the wording in the Permit so that the data requirement falls within the effective date of the Permit.

Permit Change:

See the revised Condition V.1.B.j.

III.2.B.k.) Comment (25.309):

One Commenter requested that Condition III.2.B.k. regarding the 183-H Solar Evaporation Basins Closure Plan be deleted because an interim status closure plan should not be included in a final status permit. The Commenter contends that there is no basis of authority, no regulation, no requirement, and no reason or explanation which justifies the inclusion of any condition regarding this unit closure in the Permit. The Commenter also states that the type of data validation, such as CLP or SW-846 should not be specified.

Department Response:

See the responses to comments 25.21 and 25.308.

Permit Change:

See the revised Condition V.1.B.k.

III.2.B.1.) Comment (25.310):

One Commenter requested that Condition III.2.B.1 regarding the 183-H Solar Evaporation Basins Closure Plan be deleted because an interim status closure plan should not be included in a final status permit. The Commenter contends that there is no basis of authority, no regulation, no requirement, and no reason or explanation which justifies the inclusion of any condition regarding this unit closure in the Permit.

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The Commenter also states that the type of data validation, such as CLP or SW-846 should not be specified.

Department Response:

See the response to comments 25.21 and 25.308.

Permit Change:

See the revised Condition V.1.B.1.

III.2.B.m.) Comment (25.311):

One Commenter requested that Condition III.2.B.m. regarding the 183-H Solar Evaporation Basins Closure Plan be deleted because an interim status closure plan should not be included in a final status permit. The Commenter contends that there is no basis of authority, no regulation, no requirement, and no reason or explanation which justifies the inclusion of any condition regarding this unit closure in the Permit. The Commenter also requests that the reference to the policy "Soil Cleanup/Remediation for Hanford" be deleted because a policy is not a regulatory requirement, the policy may have to change based upon new regulations and scientific data, and the policy is not based on well-founded scientific principles or evidence.

Department Response:

See the response to comments 25.21 and 25.233. In addition, the Department agrees that the use of the policy titled "Soil Cleanup/Remediation for Hanford" is not appropriate for the Permit in light of changes to the Dangerous Waste Regulations and the revised Condition II.K. Therefore, the Closure Option Table will be deleted.

Permit Change:

See the revised Condition V.1.B.m.

III.2.B.n.) Comment (25.312):

One Commenter requested that Condition III.2.B.n. regarding the 183-H Solar Evaporation Basins Closure Plan be deleted because an interim

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status closure plan should not be included in a final status permit. The Commenter contends that there is no basis of authority, no regulation, no requirement, and no reason or explanation which justifies the inclusion of any condition regarding this unit closure in the Permit.

Department Response:

See the response to comments 25.21 and 25.311.

Permit Change:

See the revised Condition V.1.B.m.

III.2.B.o.) Comment (25.313):

One Commenter requested that Condition III.2.B.o. regarding the 183-H Solar Evaporation Basins Closure Plan be deleted because an interim status closure plan should not be included in a final status permit. The Commenter contends that there is no basis of authority, no regulation, no requirement, and no reason or explanation which justifies the inclusion of any condition regarding this unit closure in the Permit. Also the Commenter believes the condition should be modified to reflect the wording of WAC 173-303-806(4)(h)(ii).

Department Response:

See the response to comments 25.21 and 25.311. In addition, the Department will determine the appropriate documents to be submitted to fulfill the requirements of WAC 173-303-806(4)(h)(ii) through this Permit Condition. The submittals required in this Condition are consistent with the documents typically prepared by the Department of Energy and other TSD owners/operators for dangerous waste construction projects and are therefore not viewed as an additional or unreasonable burden.

Permit Change:

This Condition is renumbered as Condition V.1.B.o.

III.2.B.p.) Comment (25.314):

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One Commenter requested that Condition III.2.B.p. regarding the 183-H Solar Evaporation Basins Closure Plan be deleted because an interim status closure plan should not be included in a final status permit. The Commenter contends that there is no basis of authority, no regulation, no requirement, and no reason or explanation which justifies the inclusion of any condition regarding this unit closure in the Permit. The Commenter also believes this condition should be deleted because there is no regulatory basis for implementing an internal Department document (i.e., the Department's Construction Inspection Policy) through a Permit Condition, the Condition results in overly managing the installation of a RCRA-compliant cover, and that this Condition does not provide added benefit to human health and the environment.

Department Response:

See the response to comment 25.21. In addition, the Department believes that the Construction Inspection Plan (CIP) is consistent with their authority to oversight dangerous waste activities. The CIP will not impose additional construction requirements. The CIP allows the Department to assess construction activities and quality assurance/quality control activities will be specified in the approved plans submitted per Condition V.1.B.o.

Permit Change:

This Condition is renumbered as Condition V.1.B.p.

III.2.B.q.) Comment (25.315):

One Commenter requested that Condition III.2.B.q. regarding the 183-H Solar Evaporation Basins Closure Plan be deleted because an interim status closure plan should not be included in a final status permit. The Commenter contends that there is no basis of authority, no regulation, no requirement, and no reason or explanation which justifies the inclusion of any condition regarding this unit closure in the Permit.

Department Response:

See the response to comment 25.21 and 25.311.

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This Condition is renumbered as Condition V.1.B.q.

III.2.B.r.) Comment (25.316):

One Commenter requested that Condition III.2.B.r. regarding the 183-H Solar Evaporation Basins Closure Plan be deleted because an interim status closure plan should not be included in a final status permit. The Commenter contends that there is no basis of authority, no regulation, no requirement, and no reason or explanation which justifies the inclusion of any condition regarding this unit closure in the Permit.

Department Response:

See the response to comment 25.21 and 25.311.

Permit Change:

This Condition is renumbered as Condition V.1.B.r.

III.2.B.s.) Comment (25.317):

One Commenter requested that Condition III.2.B.s. regarding the 183-H Solar Evaporation Basins Closure Plan be deleted because an interim status closure plan should not be included in a final status permit. The Commenter contends that there is no basis of authority, no regulation, no requirement, and no reason or explanation which justifies the inclusion of any condition regarding this unit closure in the Permit.

Department Response:

See the response to comment 25.21 and 25.311.

Permit Change:

This Condition is renumbered as V.1.B.s.

III.2.B.t.) Comment (25.318):

One Commenter requested that Condition III.2.B.t. regarding the 183-H Solar Evaporation Basins Closure Plan be deleted because an interim status closure plan should not be included in a final status permit. The

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Commenter contends that there is no basis of authority, no regulation, no requirement, and no reason or explanation which justifies the inclusion of any condition regarding this unit closure in the Permit.

Department Response:

See the response to comment 25.21 and 25.311.

Permit Change:

This Condition is renumbered as Condition V.1.B.t.

III.2.B.u.) Comment (25.319):

One Commenter requested that Condition III.2.B.u. regarding the 183-H Solar Evaporation Basins Closure Plan be deleted because an interim status closure plan should not be included in a final status permit. The Commenter contends that there is no basis of authority, no regulation, no requirement, and no reason or explanation which justifies the inclusion of any condition regarding this unit closure in the Permit. The Commenter also believes it would be more appropriate to allow 18 months, instead of 12 months, for submittal of a revised post-closure permit application because of the complexity of the application and because the application will be the first one submitted.

Department Response:

See the response regarding comment 25.21. In addition, WAC 173-303-610(8)(a) allows the Department to require the submittal of post-closure plans in 90 days (3 months) and WAC 173-303-806(2) allows the Department to require permit applications within 180 days (6 months). Therefore, the Department has already given an extension to that normally required. This fact, coupled with the fact that a post-closure permit application for this unit already exists and therefore only needs to be modified, leads the Department to disagree with extending the submittal period to 18 months.

Permit Change:

This Condition is renumbered as Condition V.1.B.u.

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III.2.B.v.) Comment (25.320):

One Commenter requested that Condition III.2.B.v. regarding the 183-H Solar Evaporation Basins Closure Plan be deleted because an interim status closure plan should not be included in a final status permit. The Commenter contends that there is no basis of authority, no regulation, no requirement, and no reason or explanation which justifies the inclusion of any condition regarding this unit closure in the Permit.

Department Response:

See the response to comment 25.21.

Permit Change:

This Condition is renumbered as Condition V.1.B.v.

III.3.) Comment (25.321, 25.322, 25.323, 25.324, 25.325, 25.326, 25.327, 25.328, 25.329, 25.330, 25.331, 25.332, 25.333, 25.334, 25.335, 25.336, 25.337, 25.338, 25.339, 25.340, 25.341, 25.400):

Some Commenters requested that the Department delete Chapter 3 of the Permit and allow Hanford Waste Vitrification Plant (HWVP) construction under interim status. Commenters also suggested numerous changes to individual conditions within the chapter for the HWVP.

Department Response:

The HWVP is no longer part of this Permit. See the response to comment 26.18.

Permit Change:

The HWVP has been deleted from the Permit.

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