



Department of Energy

Richland Operations Office
P.O. Box 550
Richland, Washington 99352

JUN 3 1991

0014409

91-EAB-120

Mr. Steve Hunter, Assistant Director
Central Programs and Enforcement Division
Washington State Department of Ecology
Mail Stop PV-11
Olympia, Washington 98504-8711

Mr. Terry Husseman, Assistant Director
Waste Management Division
Washington State Department of Ecology
Mail Stop PV-11
Olympia, Washington 98504-8711



Dear Messrs. Hunter and Husseman:

WITHDRAWAL OF PREVENTION OF SIGNIFICANT DETERIORATION PERMIT APPLICATIONS

Reference: Letter, L. E. Little, DOE-RL, to T. Husseman, Ecology, and E. Slagle, DOH, "Regulation of Radioactive Air Emissions," dated April 26, 1991.

The Clean Air Act (CAA) Amendments of 1990 call for significant changes to the regulation of stationary sources of air pollutants. Title III of the 1990 Amendments specifically excludes hazardous air pollutants, including radionuclides, from provisions of the Prevention of Significant Deterioration (PSD) program. A recent U.S. Environmental Protection Agency (EPA) memorandum from Mr. John S. Seitz, Director of the Office of Air Quality Planning and Standards, provides interim guidance for implementing CAA PSD requirements. This EPA memorandum calls upon states to implement their New Source Review programs in a manner consistent with provisions of the 1990 Amendments.

On April 26, 1991, the U.S. Department of Energy, Richland Operations Office (DOE-RL) provided to your office a letter (reference) concerning dual state regulation of radioactive air emissions under the State of Washington Department of Ecology (Ecology) PSD program (Washington Administrative Code [WAC] 173-400-141) and State of Washington Department of Health (DOH) regulations, "Radiation Protection - Air Emissions" (WAC 246-247). As stated in that letter, the CAA Amendments of 1990 removed the statutory authority for PSD review of all air toxics, including radionuclides, in states enforcing PSD requirements under delegation from EPA. DOE-RL maintains that the provisions of the PSD program do not apply to radionuclides or other hazardous air pollutants emitted from sources presently undergoing PSD review in the State of Washington, where authority for PSD review is based solely on federal delegation.

JUN 3 1991

The recent EPA memorandum states, "For federal PSD permit applications now under review by either an EPA Regional Office or a delegated State, PSD permit requirements do not apply to the pollutants exempted by Title III." In light of the 1990 Amendments, EPA guidance, and recent communications with Ecology Air Programs management, DOE-RL hereby withdraws the following PSD permit applications:

- o Prevention of Significant Deterioration Permit Application for the Fueled Clad Fabrication System, the Radioisotope Power Systems Facility, and the Fuel Assembly Area (DOE/RL-89-20), dated September 28, 1989
- o Prevention of Significant Deterioration Application for Approval of Modification - Grout Treatment Facility, dated February 15, 1990
- o Hanford Waste Vitrification Plant Clean Air Act Permit Application (DOE/RL-89-26), dated April 27, 1990
- o Prevention of Significant Deterioration Application for Approval to Construct - SP-100 Ground Engineering System Test Site (DOE/RL-90-14), dated June 26, 1990.

Withdrawal of these permit applications will in no way impact the health or welfare of the public or the environment. The release of radioactive emissions to the atmosphere from the Hanford Site will continue to be regulated by the requirements of the "National Emission Standards for Hazardous Air Pollutants" (40 Code of Federal Regulations 61) and the DOH regulation, "Radiation Protection - Air Emissions" (WAC 246-247).

The DOE-RL would like to resolve this issue as quickly as possible. The continued preparation and negotiation of PSD reviews and applications that are being triggered only by air toxics (i.e., radionuclides) is an unnecessary expenditure of scarce resources for both of our agencies. If you disagree with our withdrawal request, please provide written notification of your position that states the statutory and regulatory basis for continued PSD applicability to emissions of hazardous air pollutants exempted by Title III of the CAA Amendments of 1990.

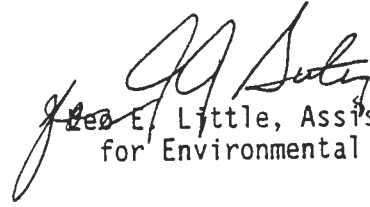
Messrs. Hunter and Husseman

-3-

JUN 3 1991

If you have any questions or comments regarding this letter, please contact Mr. S. D. Stites of my staff on (509) 376-8566.

Sincerely,



Joe E. Little, Assistant Manager
for Environmental Management

ERD:SDS

- cc: J. P. Cooke, APCA
- A. W. Conklin, DOH
- P. T. Day, EPA
- J. Leitch, EPA
- G. L. O'Neal, EPA
- R. F. Stanley, Ecology
- J. M. Willenberg, Ecology
- J. R. Williams, Ecology
- R. E. Lerch, WHC

CORRESPONDENCE DISTRIBUTION COVERSHEET

Author	Addressee	Correspondence No.
J. M. Ring, 376-8162	E. A. Bracken, DOE-RL	Incoming:9102461 Reference:9153593
Subject: WITHDRAWAL OF PREVENTION OF SIGNIFICANT DETERIORATION PERMIT APPLICATIONS		

INTERNAL DISTRIBUTION

Approval	Date	Name	Location	w/att
		Correspondence Control	A3-01	
		J. A. Bates	B2-19	
		R. J. Bliss	B3-15	
		L. E. Borneman	H4-57	
		G. D. Carpenter	B2-16	
		L. P. Diediker	T1-30	
		C. K. DiSibio	B3-03	
		C. J. Geier	B2-19	
		R. J. Landon	B2-19	
		R. E. Lerch (Assignee)	B2-35	
		J. J. Luke	H4-57	
		S. M. Price	H4-57	
		J. M. Ring	H4-57	
		T. B. Veneziano	B2-35	
		B. D. Williamson	B3-15	
		EDMC	H4-22	
		JMR/FILE/LB	H4-57	