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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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September 22, 1999

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

Mr. William D. Adair
Fluor Daniel Hanford Company
P.O. Box 1000
Richland, WA 99352

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Dear Messrs. Rasmussen and Adair:

Re: RCRA Requirements for Immobilization of Mixed Waste at the Plutonium Finishing Plant Treatment Unit

References: (1) Letter, James Rasmussen, USDOE, to Michael Wilson, Ecology, "Interim Status Requirements for the Plutonium Finishing Plant (PFP) Treatment and Storage Units (TS-2-8)," 98-TPD-044, dated June 3, 1998. 52781

(2) Letter, James Rasmussen, USDOE, and William Adair, FDH, to Michael Wilson, Ecology, "Hanford Facility Dangerous Waste Part A Permit Application, Form 3, (Part A, Form 3) for the Plutonium Finishing Plant (PFP) Treatment Unit, Revision 0 (WA7890008967) (TSD: T-2-9)," 99-EAP-096, dated December 23, 1998.

This letter is in response to the two letters cited above as well as recent inquiries by the U.S. Department of Energy (USDOE) as to permitting requirements for the proposed cementation process for treating mixed waste in the Plutonium Finishing Plant (PFP) Treatment Unit.

The Washington State Department of Ecology (Ecology) received a Part A permit application, Form 3, in December 1998, for the PFP Treatment Unit. In meetings and in phone conversations with USDOE, Ecology has been informed that the proposed treatment process is very small in scale and not expected to exceed six months in duration. Further, Ecology understands that USDOE intends to meet RCRA closure

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standards upon completion of the treatment activity. Ecology's research of this issue results in the following regulatory direction.

As you know, the Hanford Site operates under both final status and interim status permits for managing dangerous waste at Hanford. This dual status creates confusion at times in deciphering which regulatory pathway to follow. The Hanford Site operates under the final status RCRA Dangerous Waste Permit (WA7890008967) issued by Ecology in 1994. Many individual Treatment, Storage, and/or Disposal (TSD) units have been incorporated into the final status Permit. Many more individual TSD units have not yet been incorporated into the final status Permit and, therefore, for most unit-specific provisions, continue to operate under interim status. According to the Permit, USDOE must maintain interim status for the TSD units that are operating or closing under interim status until the units are incorporated into the Permit or until interim status is terminated (Condition I.A.1.). An enforceable schedule exists for incorporating specific additional TSD units into the Permit via the Permit Modification Schedule, Attachment 27.

Since the PFP Treatment Unit qualified for interim status as an allowed change during interim status and since it has not yet been incorporated as a final status unit in the Permit, the PFP Treatment Unit may operate under interim status so long as compliance with interim status standards is maintained and provided Ecology does not terminate interim status under WAC 173-303-805(8). As you know, opportunities for changes under interim status are limited. Ecology believes that adding the PFP Treatment Unit as a change under interim status is allowed, and is not subject to the reconstruction ban at WAC 173-303-805(7)(b), because the Unit will be used to conduct treatment that is necessary, in part, to comply with corrective action requirements. (See WAC 173-303-805(7)(b)(v).) Interim status requirements are detailed in the Washington State Dangerous Waste Regulations, WAC 173-303-400, and, by reference, in the Federal RCRA Regulations, 40 CFR Part 265.

On June 3, 1998, USDOE submitted a White Paper entitled, "Establishing Interim Status Standards for the Plutonium Finishing Plant Cementation Unit Glovebox" (see Reference 1 above). Ecology will review this White Paper and provide comments within a few weeks. Please note that compliance with interim status standards includes compliance with the standards under 40 CFR Part 265, Subpart G, which require a written closure plan be in place during interim status operations, and establish that the plan must be provided to Ecology on request. Ecology hereby requests a copy of the written closure plan be provided for the PFP Treatment Unit prior to initiating treatment operations.

To maintain interim status, among other things, owners/operators are generally required to submit a Part B Permit application within six months of Ecology's request to submit such an application or in accordance with deadlines established in the Federal RCRA Statute. (See WAC 173-303-805(5), WAC 173-303-805(8) and RCRA Section 3005(c).)

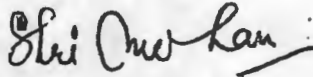
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As discussed above, Ecology has been informed that the proposed treatment process is very small in scale, not expected to exceed six months in duration, and that, on completion of the treatment process, the cementation unit will be closed in accordance with applicable RCRA closure standards. Based on this information, Ecology has determined that, at this time, it is not necessary to request a Part B permit application for the PFP Treatment Unit and the Unit may operate and close under interim status.

As noted above, Ecology is now requesting a copy of the written closure plan for the PFP Treatment Unit. If closure of the PFP Treatment Unit has not begun prior to December 31, 2000, submittal of a final facility permit application pursuant to WAC 173-303-806 may be required. Also, Hanford's RCRA Dangerous Waste Permit, Attachment 27, must be updated to include the schedule for incorporating the PFP Treatment Unit closure.

Further discussions between Ecology and USDOE will be needed to detail these requirements. If you have any questions, please contact me at (509) 736-5704.

Sincerely,



Shri Mohan
Project Manger, Transition
Nuclear Waste Program

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