

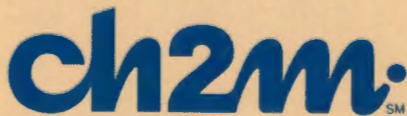
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CHPRC-03583
Revision 0

ECOLOGY COMMENTS FOR M-091 PROJECT MANAGEMENT PLAN HNF-19169, REVISION 20

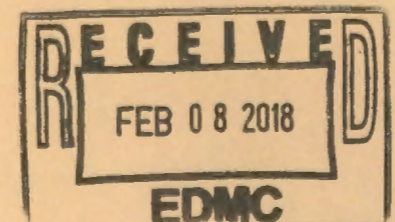
Prepared for the U.S. Department of Energy
Assistant Secretary for Environmental Management

Contractor for the U.S. Department of Energy
under Contract DE-AC06-08RL14788



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Richland, Washington 99352

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R. J. Bannister
CH2M HILL Plateau Remediation Company

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ch2m.
P.O. Box 1600
Richland, Washington 99352

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 PROPOSED RESPONSES TO ECOLOGY'S COMMENTS ON HNF-19169, REVISION 20

Item	Pg. #	Ecology Comment on Rev. 19	DOE Response	Ecology Comment on Rev. 20	Open/ Closed	Proposed DOE Response
1	1-1 3 rd para	The FFCRA doesn't authorize DOE to store prohibited mixed waste under RCRA. Rather, it recognizes that DOE is not in compliance with the LDR storage prohibition and establishes a framework (i.e. required inventories of mixed and mixed waste treatment capacities and enforceable plans and schedules for treatment and disposal of this waste) under which DOE is progressing towards full compliance. This is different that "authorization" to store waste under RCRA.	The language used in Rev. 19 has not changed from Rev. 18, which was approved by Ecology on October 10, 2016 (ref. Ecology letter 16-NWP-173). There is no change in the regulatory framework that would necessitate a modification to the text. No change to the language used in Revision 19.	Ecology disagrees with the response. M-091-03 requires DOE to submit a revised project management plan (PMP) each year for Ecology review and approval. Ecology has the right of review each year, including any prior language that has been carried over to the new report. Ecology suggests the following changes: "The Federal Facility Compliance of 1992 authorizes <u>establishes a framework within which</u> DOE may <u>to</u> -store mixed radioactive and hazardous waste....."	Open	Ecology's suggested change to the text would have been accepted, but agreement to revert to Revision 17 language for the introduction to the "Project Overview" section rendered this comment moot. Revision 21 incorporates Revision 17 language for the introduction to the "Project Overview" section.
2	Pg. 1-1, Section 1, 6 th Para.	Under RCRA, if there was an intent to dispose of mixed waste prior to 1987, an action is considered disposal. Determining intent is a fairly complex issue requiring significant legal involvement, as demonstrated by current discussions on IS-1 units. That said, this was not the intent for TRU waste buried after 1970, as discussed earlier in the paragraph, where in 1970 the AEC made a decision that any new burials of TRU waste would be only as an intermediate step awaiting creation of a permanent deep repository, and termed that waste "Retrievably Stored Waste".	The language used in Rev. 19 has not changed from Rev. 18, which was approved by Ecology on October 10, 2016 (ref. Ecology letter 16-NWP-173). This text reflected Ecology's agreement (with the AG Office's involvement) that pre-1987 wastes are not subject to RCRA until actively managed. This agreement was reached after extensive negotiation in the 200-IS-1 dispute. No change to the language used in Revision 19.	Ecology disagrees with the response. M-091-03 requires DOE to submit a revised project management plan (PMP) each year for Ecology review and approval. Ecology has the right of review each year, including any prior language that has been carried over to the new report. As noted in the comment and basis, "disposal" under RCRA requires intent to dispose of waste permanently. The PMP text is contradictory when it says in the same paragraph that there was no intent to dispose of the TRU waste permanently, but that "interim burial" constituted disposal for RCRA purposes. The M-091 milestone series was negotiated based on the underlying assumption that TRUM and MLLW had not been disposed of permanently, rather, they were in storage and therefore are RCRA wastes. For that reason, M-091 explicitly defines "MLLW" as "LLW that is subject to RCRA or 70.105 RCW" and TRUM Waste" as "TRU waste that is subject to RCRA or 70.105 RCW." Ecology suggests the following changes: " These interim burials constituted "disposal" as that term was later defined in RCRA, and are therefore not "storage" for purposes of RCRA. "	Open	Agreement to revert to Revision 17 language for the introduction to the "Project Overview" section rendered this comment moot. Revision 21 incorporates Revision 17 language for the introduction to the "Project Overview" section.
3	Pg. 1-2, Section 1, 1 st Para.	This is a true statement with respect to LLW or TRU waste without a dangerous waste component. This is not accurate for TRUM and MLLW, which have a dangerous waste component. With respect to the dangerous component of retrievably stored MLLW or TRUM waste, retrieval occurs under the authority of the HWMA.	The language used in Rev. 19 has not changed from Rev. 18, which was approved by Ecology on October 10, 2016 (ref. Ecology letter 16-NWP-173). This text reflected Ecology's agreement (with the AG Office's involvement) that pre-1987 wastes are not subject to RCRA until actively managed. This agreement was reached after extensive negotiation in the 200-IS-1 dispute. No change to the language used in Revision 19.	Ecology disagrees with the response. M-091-03 requires DOE to submit a revised project management plan (PMP) each year for Ecology review and approval. Ecology has the right of review each year, including any prior language that has been carried over to the new report. As noted in the comment and basis, retrievably stored TRUM and MLLW became subject to the HWMA in August 1987, as they have not been disposed under RCRA. With respect to the response that pre-1987 wastes are not subject to RCRA until actively managed, because the TRUM and MLLW in question do not pass the "disposal" test, the question of active management is not relevant. Also, other sections of the PMP recognize the M-091 milestone series addresses the retrieval of MLLW and TRUM waste, contradicting the position that TRUM and MLLW are not subject to RCRA until they are placed into	Open	Agreement to revert to Revision 17 language for the introduction to the "Project Overview" section rendered this comment moot. Revision 21 incorporates Revision 17 language for the introduction to the "Project Overview" section.

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				<p>RCRA-regulated storage. See for example Pg.2-1: "The M-091 Milestone series addresses the retrieval, treatment/processing, shipment, and disposal of MLLW and TRUM wastes". Accordingly, this comment also seeks to revise the PMP to be internally consistent.</p> <p>Ecology suggests the following changes: "When TRUM waste or MLLW is excavated under the authority of the AEA or CERCLA and placed into a RCRA-regulated storage facility, it becomes subject to regulation under the Federal Facility Compliance Act of 1992 and the requirement to comply with the M-091 milestones that drive retrieval, treatment and eventual shipment to WIPP."</p>		
4	Pg. 4-1, Section 4.1.2, 2 nd Para.	The text discusses the potential for shipping drums offsite for remediation. What is "remediation" and what criteria are used to determine remediation is necessary?	<p>Sentence has been modified to read: "If a drum is to be shipped offsite to be placed into a WIPP certifiable form, the drum contents will be characterized onsite before the drum is shipped offsite."</p> <p>See modified text in Revision 20.</p>	Thank you for the clarification. Revised text is accepted.	Closed	No response required. Revision 20 text was accepted by Ecology.
5	Pg. 6-1, Table 6-1;	Table 6-1 includes LLBG with a permitted container storage capacity of 10, 000m3. Section 6.4 states the mixed waste trenches (i.e. Trenches 31/34) provides for storage of various-sized containers of mixed waste. Please note the LLBG Trenches 31/34/94 portion of the SWOC permit application submitted in 2016 is currently under review, and Ecology has determined it is inappropriate to identify container storage within a landfill. Further, placing containers in landfills that do not meet LDR treatment standards is in violation of LDR requirements. While the current approved Part A for LLBG Trenches 31/34 (dated 9/22/2008) does include this storage, it will be removed prior to the LLBG unit group being incorporated into the Hanford Facility Dangerous Waste Permit.	<p>Section 6 has been rewritten to align with DOE/RL-2015-74, <i>Hanford Facility Dangerous Waste Part B Permit Application</i>.</p> <p>See Revision 20.</p>	Thank you for updating Table 6-1 and Section 6 to remove LLBG container storage capacity. Revised text is accepted.	Closed	No response required. Revision 20 text was accepted by Ecology.
6	Pg. 6-2, Section 6.1, 2 nd para.	<p>Building 2401-W is listed as having storage capacity, leaving the reader with the impression that it is currently being used for storage, and is available for future storage. This building is currently undergoing closure and cannot receive any additional waste. Per the 2014 Ecology Agreed Order and Stipulated Penalty No. DE 10156, Exhibit B, 2401-W is listed as a closing DWMU at CWC.</p> <p>In addition, the 2016 SWOC permit application lists the building as having "No waste", and currently undergoing closure [CWC-WRAP Part B. Pg. A-A-2]</p>	<p>Section 6 has been rewritten to align with DOE/RL-2015-74, <i>Hanford Facility Dangerous Waste Part B Permit Application</i>.</p> <p>See Revision 20.</p>	<p>Thank you for updating Table 6-1 and Section 6 to remove reference to 2401-W building and container storage capacity. Revised text is accepted.</p> <p>Please make the following change to the Table 6-1 proposed footnote language: "The storage capacity is based on the latest Hanford Facility Dangerous Waste Part B Permit Application. It is recognized that DOE and regulator agreements may change this in the future final storage capacities will be determined during the application review/approval process"</p> <p>A permit application is not an approval, and the footnote should reflect that.</p>	Open	Ecology's suggested change to the Table 6-1 footnote text is accepted. Document (Revision 21) has been revised accordingly.

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7	Pg. 6-2, Section 6.1, 2 nd para.	<p>This paragraph refers to CWC storage outside of the storage buildings and outside storage areas. It is unclear which outside storage areas are being referred to. The language leaves the reader with the impression that all CWC outside storage areas are authorized for current and future storage. Per the 2013 EPA Consent Agreement and Final Order, Docket No.: RCRA-10-2013-0113, CWC Outside Storage Area A and Outside Storage Area B are identified as areas storing waste without a permit. The 2014 Ecology Agreed Order and Stipulated Penalty No. 10156, Exhibit B, list CWC Outside Storage Area A and Outside Storage Area B as closing DWMUs.</p> <p>In addition, the 2016 SWOC permit application lists the following outside storage areas as undergoing closure at CWC: Outside Storage Area A, Outside Storage Area B, D-10 Outside Storage Area, East Outside Storage Area [CWC-WRAP Part B Pg. A-A-ii]</p>	<p>Section 6 has been rewritten to align with DOE/RL-2015-74, <i>Hanford Facility Dangerous Waste Part B Permit Application</i>.</p> <p>See Revision 20.</p>	<p>Thank you for updating Table 6-1 and Section 6 to remove reference to CWC outside storage areas. Revised text is accepted.</p>	Closed	<p>No response required. Revision 20 text was accepted by Ecology.</p>
8	Pg. 6-2, Section 6.2	<p>The current language leaves the reader with the impression that all of these [other support structures and storage areas, or outdoor storage areas located within the boundaries of T-Plant] storage areas are authorized for current and future storage, which is not correct.</p>	<p>Section 6 has been rewritten to align with DOE/RL-2015-74, <i>Hanford Facility Dangerous Waste Part B Permit Application</i>.</p> <p>See Revision 20.</p>	<p>Thank you for updating Table 6-1 and Section 6.</p> <p>Ecology suggests the following additional text changes to address use of the terms "boundaries," "other support structures," and "outside storage areas," per the original comment:</p> <p>"T-Plant storage structures and areas use a variety of engineered and administrative controls to provide and maintain the appropriate segregation/separation of incompatible wastes. Storage of dangerous and/or mixed waste in various-sized containers could take place in the 221-T Canyon, 221-T Railroad Tunnel, 2706-T Building, 2706-TA Building, 214-T Storage Building, 2705-T Yard and 2706-T Asphalt Pad other support structures and storage areas, or outdoor storage areas located within the boundaries of T-Plant."</p>	Open	<p>The capacity in Table 6-1 was revised (in Rev 20) to reflect the total proposed storage capacity in the Part B permit application submitted in 2016 (DOE/RL-2015-74, Rev 0, December 2015). However, Ecology's proposed text does not include all of the DWMUs proposed in the Part B permit application, which would create inconsistency between the storage capacity and the list of DWMUs.</p> <p>To address Ecology's comment, DOE modified the text to: "T Plant storage structures and areas use a variety of engineered and administrative controls to provide and maintain the appropriate segregation/separation of incompatible wastes. Storage of dangerous and/or mixed waste in various-sized containers could take place in authorized Dangerous Waste Management Units located within the T-Plant Operating Group."</p> <p>Document (Revision 21) incorporates this change.</p>