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AUG 18 1988

Mr. Marc A. Horton, Deputy Director
Office of Operations and Enforcement
State of Washington
Department of Ecology
Mail Stop PV-11
Olympia, Washington 98504

Dear Mr. Horton:

HANFORD WASTE VITRIFICATION PLANT

Thank you for your response to our April 1, 1988, letter, "Request for Concurrence on the Hanford Waste Vitrification Plant (HWVP) Permitting Strategy."

Subsequent to our request for your concurrence to our HWVP permitting strategy, we received guidance from U.S. Environmental Protection Agency (EPA) Region X clarifying the definition of "existing facility" as given in 40 CFR 270.2. The EPA Region X has stated that it would "consider federal budget commitments to be analogous to 'contractual obligations' for interim status purposes." Based upon this guidance, we believe the HWVP meets the requirements of an "existing facility" qualifying for interim status.

In your letter of May 5, 1988, you requested supportive data to justify construction of HWVP under interim status. The citations provided in your letter (173-303-805(7)(e) WAC and 173-303-805(7)(c) WAC) both deal with justification for facility expansion under interim status. Since the HWVP meets the definitions of an existing facility, neither citation is applicable. For this reason, we are providing you with the required data explaining the applicability of the "existing facility" definition (Attachment 1).

In your letter, you also expressed a need for assurance that the requirements of the State Environmental Policy Act (SEPA) had been met prior to initiation of project construction. The environmental impacts of the HWVP were covered in the Hanford Defense Waste-Environmental Impact Statement (HDW-EIS). Therefore, the SEPA requirements have been satisfied. A "roadmap" to the HWVP coverage in the HDW-EIS is provided in Attachment 2.

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We have every intent of complying with all applicable federal and state hazardous waste requirements as they apply to the construction and operation of the HWVP. In turn, we anticipate working with you to actively pursue the Resource Conservation and Recovery Act/Dangerous Waste permit necessary for this project.

We would be happy to arrange a meeting at your convenience to discuss HWVP permitting. Please contact Ms. Linda L. Powers on (509) 376-6204 or Ms. Margo J. Anthony on (509) 376-8375 to schedule a suitable date and location.

Sincerely,

E A Brachen

for R. D. Izatt, Director
Environmental Restoration
Richland Operations Office

R E Lerch

R. E. Lerch, Manager
Environmental Division
Westinghouse Hanford Company

Enclosures

cc w/encl:
P. Day, EPA
R. E. Lerch, WHC
R. F. Stanley, Ecology

Attachment I

The Hanford Waste Vitrification Plant (HWVP) is considered to be an "existing mixed waste treatment facility" in accordance with the definition given in 40 CFR 270.2. This determination is based upon guidance provided by Kenneth D. Feigner, U.S. Environmental Protection Agency (EPA) Region X. In a letter to Ron D. Izatt, dated April 1988, Mr. Feigner stated:

> "...submittal of a Part A permit application before May 23, 1988, and compliance with interim status standards will qualify existing radioactive mixed waste units for interim status. This includes units that are planned or under construction as long as they meet the definition of "existing facility" given in 40 CFR 270.2. The EPA would consider federal budget commitments to be analogous to 'contractual obligations' for interim status purposes."

A Part A Form 3 was submitted for HWVP on May 20, 1988, in accordance with the RCRA interim status permitting requirements. Westinghouse Hanford Company and Department of Energy - Richland Operations Office (DOE-RL) are also aggressively pursuing the development of a Part B Permit Application for HWVP. The Part B is planned to be submitted to Washington Department of Ecology in July 1989.

The U. S. Department of Energy - Headquarters validated* the HWVP project in September 1987. Public Law 100-180, December 4, 1987, provided authorization for "defense waste... management: Project 88-D-173, Hanford Waste Vitrification plant, Richland, Washington, $7,500,000." Even prior to that, however, federal funds were allocated for the HWVP. In fact, since 1983 more than $37 million have been spent on HWVP activities. Another $14 million was authorized in FY 1988, and by FY 1993, the annual expenditures will have reached nearly $250 million.

*Project validation consists of detailed, in-depth review and assessment of Engineering Studies (ES), Functional Design Criteria (FDC) documents and Conceptual Design Reports (CDR) which support the project proposals in terms of need, justification, and scope. Validation occurs at least three years after the initial identification of the project need. This allows time for project design data to be properly accumulated in support of the proposed construction activities. The project proposal is "validated" by DOE-HQ after review and approval of the supporting documentation, and satisfaction of the DOE-HQ staff that the project can, in fact, be completed within the annual budget profiles and task schedules detailed in the CDR.

Attachment II

NATIONAL ENVIRONMENTAL POLICY ACT DOCUMENTATION

FOR THE

HANFORD WASTE VITRIFICATION PLANT

Completion of the Final Hanford Defense Waste - Environmental Impact Statement (HDW-EIS), satisfies the National Environmental Policy Act (NEPA) and the State Environmental Policy Act (SEPA) compliance requirements for the initiation of physical construction of the Hanford Waste Vitrification Plant (HWVP). The HDW-EIS was released in December 1987, and the resultant Record of Decision (ROD), was published April 14, 1988 (53 FR 12449). Chapter 197 of the Washington Administrative Code (WAC-197-11-610) addresses the use of NEPA documents: "(3) An agency may adopt a NEPA EIS as a substitute for preparing a SEPA EIS if (a) the requirements of 197-11-600 and 197-11-630 are met (in which case the procedures in Parts Three through Five of these rules for preparing an EIS shall not apply); and (b) The federal EIS is not found inadequate: (i) By a court; (ii) by the Council on Environmental Quality (CEQ) (or is at issue in a predecision referral to CEQ) under the NEPA regulations; or (iii) by the administrator of the United States Environmental Protection Agency under section 309 of the Clean Air Act, 42 U.S.C. 1857." A brief background of the Final HDW-EIS follows.

In accordance with the requirements of the National Environmental Policy Act (NEPA), as amended, and implementing regulations of the Council on Environmental Quality (CEQ) published in the Code of Federal Regulations as 40 CFR 1500, the Final Hanford Defense Waste-Environmental Impact Statement (HDW-EIS) was written early in the decision-making process for the disposal of Hanford defense high-level, transuranic and tank wastes.

The HDW-EIS was intended to be both a programmatic EIS (to support broad decisions with respect to the disposal strategies for the six classes of defense wastes) and an implementation EIS intended to provide project-specific environmental input for decisions on moving forward with certain disposal activities such as construction of the Hanford Waste Vitrification Plant (HWVP). In the Record of Decision (ROD) (issued on April 14, 1988 [53 FR 12449]), the decision to implement the Preferred Alternative (presented in the Final HDW-EIS) includes the design, construction, and operation of the HWVP.

The material presented in the Final HDW-EIS is sufficient for the requisite NEPA documentation for the HWVP. Material specific to the construction and operation of the HWVP was extracted from source documents (Rockwell 1985, 1987), summarized where appropriate, and used to form the basis for calculating estimates of impacts. These impacts are presented in the Final HDW-EIS, Appendix C. The impacts identified in Appendix C are aggregated with other impacts in the body of the Final HDW-EIS.

Because impacts of construction and operation are included with those of other aspects of implementing the disposal options, the relatively small impacts of the HWVP may not be recognized without reading Appendix C. In response to comments received on the draft HDW-EIS, the Final HDW-EIS

For the reference alternative, radiological consequences from routine operations are given in Section 5.4.2.1. It is noted that less than 10% of the occupational dose results from the HWVP, TGF and the WRAP combined. Radiological consequences from postulated accidents are given in Section 5.4.2.2. In parallel with the presentation for the geologic alternative, other impacts such as nonradiological pollutant emissions, resource commitments etc., including the HWVP, are given in Sections 5.4.2.3 et seq.

For the preferred alternative, radiological consequences from routine operations are given in Section 5.6.2.1. Again, the HWVP would contribute less than 10% of the occupational dose. Radiological consequences of accidents are given in Section 5.6.2.2. Other impacts such as nonradiological pollutant emissions, resource commitments etc., including those from HWVP, are given in Sections 5.6.2.3. et seq.

APPLICABLE REGULATIONS

Although individual facilities are not called out specifically, the applicable regulations cited in Chapter 6 would govern the construction, operation and decommissioning of HWVP as well as other aspects of waste disposal.

It is the DOE-RL's position that the Final HDW-EIS, written under NEPA, fulfills the requirements of SEPA for the HWVP.

References.

DOE 1987, Final Environmental Impact Statement, Disposal of Hanford Defense High-Level, Transuranic and Tank Wastes, DOE/EIS-0113, U.S. Department of Energy, Washington, D.C.

Rockwell 1985, Hanford Defense Waste Disposal Alternatives: Engineering Support Data for the Hanford Defense Waste - Environmental Impact Statement RHO-RE-ST-30P, December 1985.

Rockwell 1987, Engineering Support Data Update for the Hanford Defense Waste - Environmental Impact Statement, RHO-RE-ST-30 ADD P, February 1987.

PNL 1986, Potential Radiological Impacts of Upper-Bound Operational Accidents During Proposed Disposal Alternatives for Hanford Defense Waste, Mishima et al, PNL-5356, February 1986.

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