

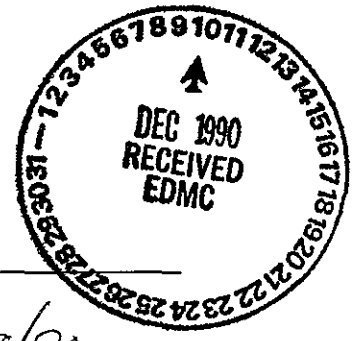
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0012012 ¹⁶

November 27, 1990
Final

Meeting Minutes Transmittal/Approval
Unit Managers Meeting: Grout Treatment Facility

Meeting Held October 24, 1990
Federal Building, Room 176
Richland, Washington



Appvl. *Clifford E. Clark* Date: 11/28/90
Clifford E. Clark, Environmental Policy and Permitting, DOE-RL

Appvl. Not Present Date: _____
Daniel L. Duncan, EPA Region X Unit Manager

Appvl. *Jeff Voogd* Date: 11-28-90
Jeff Voogd, Unit Manager, Contractor Representative, WHC

Appvl. *S.M. Price* Date: 11-28-90
Susan M. Price, RCRA Permitting, Contractor Representative, WHC

Appvl. *Joseph Witczak* Date: 11/28/90
Joseph Witczak, Unit Manager, Washington State Department of Ecology

PURPOSE:

Meeting Minutes are attached. Note: These minutes summarize discussions from the September 18 meeting. Minutes are comprised of the following:

- Attachment 1 - Summary of Discussion and Commitments
- Attachment 2 - Attendance List
- Attachment 3 - Agenda
- Attachment 4 - Action Items List with Status
- Attachment 5 - September Monthly Status Report
- Attachment 6 - ECNs B-714-50, 53, 54, and 56
- Attachment 7 - KEH Letter of 5-20-90 on Acceleration of GTF Construction Schedule
- Attachment 8 - Presentation on Grout Quality Verification
- Attachment 9 - Grout NOD Status Table, WHC/DOE
- Attachment 10 - WAC Regulations and RCW Status on disposal of EHW at Hanford

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Distribution:

J.D. Bauer WHC (B3-14)
R.M. Carosino DOE-RL (A4-52)
C.E. Clark DOE-RL (A6-95)
M.L. Cline WHC (R1-48)
M. Dev DOE-RL (A6-80)
L.P. Diediker WHC (T1-30)
D.L. Duncan EPA (HW-074)
C.J. Geier WHC(H4-57)
D.W. Hendrickson WHC (R1-48)
J.S. Hill WHC (H4-57)
R.D. Izatt DOE-RL (A6-95)
C. Johnson SWEC (A4-35)
D.A. Jones WHC (H4-16)
K.S. McCullough WHC (N1-83)
H.E. McGuire WHC (B2-35)
T.M. Michelena Ecology
L.L. Powers WHC (B2-35)
S.M. Price WHC (H4-57)
H. Rantala Ecology
J.E. Van Beek WHC (R3-27)
T.B. Veneziano WHC (B2-35)
J.A. Voogd WHC (R4-03)
J.L. Waite WHC (B2-35)
J.J. Witczak Ecology
G.D. Wright WHC (R3-09)

cc: J. Badden WHC (B2-19)
S. Briggs WHC (R3-27)
A. Lassila DOE (A5-18)
T. Staehr WHC (R3-27)

ADMINISTRATIVE RECORD (Grout Treatment Facility, TD-2-1)
[Care of Susan Wray, WHC (H4-22C)]

Nuclear And Mixed Waste Library, WDOE, MS PV-11

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Attachment #1

Grout Treatment Facility
Unit Managers Meeting

Federal Building, Room 176
Richland, Washington
October 24, 1990

Summary of Discussion and Commitments

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The meeting began with a brief discussion by WHC of Engineering Change Notices (ECN) 50, 53, 54, and 56 (Attachment 6). ECNs 50 and 54 are minor piping modifications, ECN 53 addresses minor electrical modifications, and ECN 56 addresses the specification for the geotextile which is placed between the vault slab and the drainage gravel. The geotextile specification changes included deletion of the puncture strength specification and a decrease in the hole size of the fabric. The changes were made in the specification rather than delay construction while attempting to obtain material meeting the original specification.

Ecology inquired as to the status of vault construction. WHC said that most of the vertical rebar has been placed in Vault 102, the slab has been poured at Vault 103 and is presently curing, and the HDPE liner has been installed in Vault 104. Construction remains five-and-a-half months behind schedule.

The next topic was a discussion of NOD responses. Ecology was concerned about concrete designs that called for sharp edges and thin layers. These are difficult to achieve in the field due to the size of the aggregate in the concrete.

ACTION ITEM: Ecology representative will review the concrete form drawings on site. Action: S. Briggs.

NODs 302 and 323

NOD 302 is the disposition of out-of-specification concrete. The decision to remove or retain out-of-specification concrete must pass through DOE, WHC, and KEH. Ecology would like to be in this decision chain. WHC indicated that they are via the NCR process, but Ecology finds this to be untimely. An agreement was reached that WHC will provide Ecology with draft NCRs on out-of-specification concrete as it is discovered. This procedure will also be included in the QA plan portion of the permit application. Ecology inquired as to whether the American Concrete Institute (ACI) guidance on specifications and acceptance were being followed.

ACTION ITEM: WHC will determine where ACI guidance is referenced in the QA plan and present findings at the next UMM.
Action: S. Briggs.

Grout Quality Verification

The next topic was a presentation on grout quality verification methods by Mr. G. Williamson of WHC (Attachment 8). The presentation reviewed alternative methods of sampling the in-place grout mixture to determine its compressive strength, uniformity of solidification, and WAC 173-303 designation.

WHC has tested and evaluated three systems of obtaining physical samples of the grout: Bottle-on-string, twin tube sampler, and coring. In addition, the nondestructive method of crosshole sonic logging (CSL) was performed inside of vertical-cased tubes which are placed within the grout. The bottle on string, twin tube, and nondestructive CSL testing were performed on phosphate/sulfate waste (PSW) grout. Coring of the PSW vault will be conducted in the future. WHC recommended using the bottle-on-string and CSL on future work and that coring be used for questionable zones. The PSW grout would be sampled and tested by both methods to establish the correlations. Ecology's questions were centered on the variability (error of range) of CSL tests, the establishment of acceptance criteria for the CSL results, and the representativeness of the physical sample.

Ecology requested that the first DST waste grout vault be cored and core tests correlated with the methods recommended by WHC. The objection to this is the high initial expense of the equipment required to retrieve the cores, the cost of handling and analyses, and the radiation exposure that field workers would receive while obtaining core samples. The discussion of the presentation centered on potential future verification testing wherein physical sampling would be conducted at the same point in time to eliminate variations due to change induced by curing of the grout. Ecology's position was that they would review the test information developed but they still favor coring the first DST waste grout vault. Ecology felt that equipment for obtaining cores would have to be available as a back up in any event because WHC has already encountered a questionable zone in the PSW vault. Ecology is certain that more questionable zones will occur in the future vaults and would prefer to have the equipment and technology available before any problems arise. Ecology also mentioned that the contingency plan would be more credible if a method is currently available to assess any problems encountered.

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LCC 11/28/90

DOE's position is that other GTF activities have a higher priority at this time and should receive the limited funds available. Procurement of coring equipment should be delayed until the need has materialized.

ACTION ITEM: Ecology will review and respond to the testing evaluation information presented at this meeting.
Action: J. Witeczak

TANK INTEGRITY ASSESSMENT

Ecology stated the plan for tank integrity assessment must be incorporated into the permit to avoid permit issuance delays. WHC has and is obtaining estimates for the performance of this work and doesn't see any problem providing the plan by March of 1991.

ACTION ITEM: WHC will provide status of the Tank Integrity Plan development at the November 28 meeting. Action: J. Voogd.

LDRs

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DOE stated that a draft site wide plan addressing LDR mixed waste is currently being reviewed. A portion of this plan addresses the GTF and, in essence, any LDR waste will be returned to the DST and will not be incorporated into grout. Ecology mentioned that they are awaiting the test results on 106-AN as is EPA (Mr. Sherwood). DOE wants to obtain a status update on this issue from EPA. A copy of the meeting minutes will be sent to Mr. Duncan of EPA.

KEH CONSTRUCTION ACCELERATION LETTER

This letter was distributed at the meeting (Attachment #7) and was previously sent by facsimile to the agency personnel.

ECOLOGY'S NOD STATUS TABLE

Ecology distributed an updated status on outstanding NODs (Attachment 9).

NOD #25

Pretreatment: Draft permit language regarding handling residual liquids under landfill regulations is not acceptable. A statement is required to the effect that liquids will not be present.

ACTION ITEM: Ecology will draft language addressing draft permit language regarding residual liquids under landfill regulations (NOD #25) for review at the November 28 UMM. Action: J. Witczak.

NOD #17

Check sheet on waste composition: The information to be contained in the check sheet was discussed. WHC stated that the information would be the waste characteristics, the dry materials characteristics, and the properties of the grout mix. The weights of the ingredients used will be provided.

NOD #228

Aisle Space: DOE response to this NOD was the use of the National Fire Protection Association Life Safety Code due to the lack of a written policy by Ecology. DOE would require a written policy from Ecology on aisle space and the technical rationale for the policy before altering the response.

NOD #268

Grout Chemistry: Ecology is awaiting the information on grout chemistry prior to developing further language on this topic. (See Action Item 7-26-90:8a)

NODs #38 & 266

Radionuclide Regulation: DOE has no flexibility in this issue unless Congress changes the law.

NOD #135

Congressional Funding: DOE will not go beyond the language contained in the TPA regarding this issue.

NOD #297

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Herbicide Compatibility: Ecology's concern is that agricultural chemicals applied to land surface after closure of a vault will be evaluated for compatibility with the upper drainage liner. Permit language (post-closure section) will be added stating that such an evaluation will be made prior to application.

AIR PERMIT STATUS

Ecology mailed a letter to DOE on October 19 which contained their comments on the air permit. The primary comments address the use of condensers, tritium emissions, vent stack height, and exit velocity and electrical cost estimates for the condensers. DOE objects to the use of condensers as it will generate additional waste. Ecology responded that a technical justification for not using condensers is required. Once this is in hand, the public comment process can begin.

DOE raised concerns regarding the point at which the air standard applies, at the site boundary or within the facility boundaries. WHC is concerned that resolution of this issue is required to avoid impacting the schedule for procurement of air treatment equipment. Ecology stated that although DOH addressed air quality at the site boundary, Ecology is authorized through the general performance standards, WAC 173.303.283, to address impacts to personnel within the site boundary.

LANDFILLS AND EXTREMELY HAZARDOUS WASTE

WHC pointed out that current regulations do not allow landfill disposal of extremely hazardous waste. Book designation of the waste and its waste form is extremely hazardous. Ecology has stated they will not recognize simulant testing for designation of the waste. Ecology suggested references that would allow landfill disposal of extremely hazardous waste.

ACTION ITEM: WHC will determine regulations which exempt the Hanford Federal Facility regarding disposal of extremely hazardous waste. Action: S. Hill, Completed.

References for this: WAC 173-300-303-700 and RCW 70.105.050.

ACTION ITEM TABLE

Action items were reviewed and updated. The update is included as Attachment #9

The next GTF meeting is tentatively scheduled for November 28, 1990 in Richland, Washington.

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Attachment 2

Grout Treatment Facility
Unit Managers Meeting
October 24, 1990

Attendance List

<u>NAME</u>	<u>ORGANIZATION</u>	<u>PHONE #</u>
G. Anderson	Ecology	(206) 438-7558
R. Brown	DOE-RL	(509) 376-7391
J. Conner	WHC	(509) 373-1072
S. Briggs	WHC	(509) 373-2991
C. Clark	DOE-RL	(509) 376-9333
D. Geiger	DOE-RL	(509) 376-6856
S. Hill	WHC	(509) 376-1674
C. Johnson	SWEC	(509) 376-7829
J. King	SWEC	(509) 376-9709
T. Michelena	Ecology	(206) 438-7016
S. Price	WHC	(509) 376-1653
H. Rantala	WDOE	(509) 373-5334
J. Schaffer	WHC	(509) 373-5322
J. Voogd	WHC	(509) 373-5624
G. Williamson	WHC	(509) 373-3973
J. Witczak	Ecology	(206) 438-7557

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Attachment 3

AGENDA - GROUT TREATMENT FACILITY UNIT MANAGER'S MEETING

DATE: October 24, 1990

TIME: 11:00 - 2:00

PLACE: Federal Building, Room 176, Richland, Washington

Sign-Off Outstanding Meeting Minutes (if available)

Discuss Engineering Change Notices (DOE-RL/WHC)

Review of PSW Grout Quality Verification Data and
Applicability to DST Quality Verification (DOE-RL/WHC)

Discussion on Land Disposal Restrictions (DOE-RL/WHC)

Tank Integrity Assessment Status (DOE-RL/WHC)

Present Kaiser Accelerated Schedule Letter (DOE-RL/WHC)

Status on NOD Response Table (Ecology)

Status on Air Permit Application (Ecology)

Assign/Discuss Action Items (DOE-RL/WHC, Ecology, EPA)

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Attachment 4

Grout Treatment Facility Unit Managers Meeting

Commitments/Agreements Status (Status date: 10/24/90)

ACTION ITEM

COMMITMENTS/AGREEMENTS STATUS LIST

7-26-90:1 A check will be done on the status of releasing the Kaiser report on cost estimates and probability of catching up to construction schedules. (9/18/90) Should be complete by next meeting. Action: Cliff Clark

CLOSED

7-23-90:3 A copy of the TPA change request will be sent to Dan Duncan with the EPA. Action: Cliff Clark.

OPEN

7-26-90:5 A report to the UMM on confirmation of solidification of the vault material through testing of Tube in Tube v.s. actual testing. Either completion or status report for next meeting. Action: Jeff Voogd.

CLOSED

7-26-90:7 A check will be run to see if a blanket clearance or a method to expedite clearance for documents. The procedure used for HWVP will be investigate and its applicability to Grout determined. Action: WHC/DOE.

OPEN

7-26-90:8a WHC will prepare a presentation for Ecology discussing Liquid Collection Tanks process and its anticipated operational use. The presentation will cover topics such as batch or continuous operation, sampling, mixing with feed, etc. Action: J. Voogd.

OPEN

7-26-90:8b Ecology, after reviewing information from the above item will render a decision on LCT recycle. Action: J. Witczak.

OPEN

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7-26-90:9 WHC will report to the UMM the results of the TK-106 AN chemical waste analysis when it has been completed. Action: Jeff Voogd.

OPEN

7-26-90:10 EPA will request from Headquarters a copy of a treatability variance application. Action: Dan Duncan.

CLOSED

8-30-90:1 Joe Witczak will formulate the Ecology policy and provide written guidance on handling the PSD permit issues. This will involve checking with the Dept. of Health and Jerry Leitch of EPA's Air Division to determine specifically which agency will be handling which issues. (9/18/90) When Ecology has received more information a letter will be written providing procedural guidance.

CLOSED

9-18-90:2 DOE will provide a copy of treatability guidance document received from EPA to Ecology and to WHC. Action: Cliff Clark.

CLOSED

9-18-90:3 WHC will provide updated Blueelines by the next UMM. Action: Steve Briggs.

OPEN

9-18-90:4 WHC will estimate the concentration of nitrite in grout waste, provide information on chemical reactions that are likely to occur in the grout matrix, and estimate metal concentrations. WHC will make a presentation at the next UMM. Action: Jeff Voogd.

OPEN

10-24-90:1 Ecology representative will review the concrete form drawings on site. Action: S. Briggs.

OPEN

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10-24-90:2 WHC will determine where ACI guidance is referenced in the QA plan and present findings at the next UMM. Action: S. Briggs.

OPEN

10-24-90:3 Ecology will review and respond to the testing evaluation information presented at this meeting. Action: J. Witczak.

OPEN

10-24-90:4 WHC will provide status of the Tank Integrity Plan development at the November 28 meeting. Action: J. Voogd.

OPEN

10-24-90:5 Ecology will draft language addressing permit language regarding residual liquids under landfill regulations (NOD #25) for review at the November 28 UMM. Action: J. Witczak.

OPEN

10-24-90:6 WHC will determine regulations which exempt the Hanford site regarding disposal of extremely hazardous waste. Action: S. Hill.

CLOSED

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Grout MOD

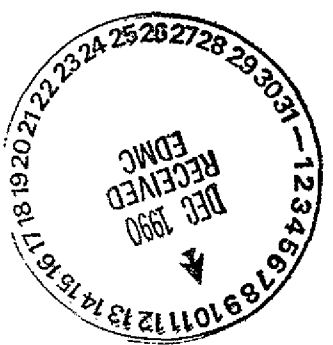
J. WITCZAK, WDDOE

Attachment #9 STATUS

TABLE

10/24/90

ISSUE	COMMENT #S	ECOLOGICAL LEAD	USE/DOE LEAD
1. PIPE SIGNS	6, 8, 189, 227	*	*
2. GROUT VERIFICATION	9, 26, 27	*	*
3. CHECKSHEET	17	*	
4. RETREATMENT PLAN	25	*	
5. ARBITRAGE CALCOMETRY	29, 142, 143	*	*
6. SLUDGE SAMPLING	36	*	
7. RADIONUCLIDE REGULATION	38, 206	*	
8. LOT RECYCLE	56, 60, 251, 295	*	*
9. TANK INTEGRITY	59	*	
10. 9090 TESTING	68	*	
11. HYDRASTATIC TESTING	69, 242	*	
12. CONFSSIONAL FUNDING	135	*	
13. PERMIT MODIFICATIONS	207	*	
14. AISLE SPACE	228	*	
15. LEAK NOTIFICATION	233	*	
16. ALR	246, 247	*	
17. SUMP SAMPLING	250	*	
18. UNITS OF WASTE	263	*	
19. DILUTION	264, 265, 266	*	
20. GROUT CHEMISTRY	268	*	
21. MATERIAL BALANCES	269, 276	*	*
22. MATERIAL FLOW DIAGRAM	270	*	
23. HEATS OF HYDRATION	273	*	
24. TEMP. MODELING	274	*	
25. AIR FILTRATION	277, 278	*	
26. AIR EMISSIONS	288	*	
27. HERBICIDES COMPATIBILITY	297	*	
28. COST ESTIMATES	298, 301	*	
29. CONCRETE DEFECTS	302	*	
30. FEATHER DGE	323	*	
31. SOIL MODELING	324	*	
	49	27	4



(ii) Carbon monoxide (CO) must be monitored on a continuous basis at a point in the incinerator downstream of the combustion zone and prior to release to the atmosphere; and

(iii) As required by the department, sampling and analysis of the waste and exhaust emissions must be conducted to verify that the operating requirements established in the permit achieve the performance standards of subsection (4) of this section.

(b) The incinerator and associated equipment (pumps, valves, conveyors, pipes, etc.) must be completely inspected at least daily for leaks, spills, fugitive emissions, and signs of tampering. All emergency waste feed cutoff controls and system alarms must be tested at least weekly to verify proper operation, unless the owner or operator demonstrates to the department that weekly inspections will unduly restrict or upset operations and that less frequent inspection will be adequate. At a minimum, emergency cutoff and alarm systems must be tested at least monthly.

(c) This monitoring and inspection data must be recorded and the records must be placed in the operating log required by WAC 173-303-380(1).

(8) Closure. At closure the owner or operator must remove all dangerous waste and dangerous waste residues (including, but not limited to, ash, scrubber waters, and scrubber sludges) from the incinerator site. Remaining equipment, bases, liners, soil, and debris containing or contaminated with dangerous waste or waste residues must be decontaminated or removed. [Statutory Authority: Chapter 70.105 RCW, 86-12-057 (Order DE-85-10), § 173-303-670, filed 6/3/86; 84-09-088 (Order DE 83-36), § 173-303-670, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260, 82-05-023 (Order DE 81-33), § 173-303-670, filed 2/10/82.]

WAC 173-303-700 Requirements for the Washington state extremely hazardous waste management facility at Hanford. (1) Purpose and applicability. The purpose of this section is to set forth the requirements for the Washington EHW management (EHWM) facility located at Hanford, Washington. It is the only facility within the state that is allowed under law to dispose of EHW (RCW 70.105.050).

(2) Waste acceptance at Hanford.

(a) The state operator shall accept EHW for treatment, storage, or disposal when:

(i) The waste has been specified in the state operator's permit as not requiring prior approval from the department and the state operator sends a copy of each written request for disposal of waste at the EHWM facility to the department, not later than one week after receiving the request; or

(ii) If the waste has not been specified in the state operator's permit, then the department provides written approval that the waste may be accepted at the EHWM facility. Notices of approval or disapproval shall be provided as soon as possible, but not later than 15 days, after the state operator has notified the department.

Written approval from the department is not required in emergencies, as specified; and

(iii) The generator has obtained prior written approval for waste acceptance from the state operator;

(iv) The waste is accompanied by a manifest specified in the generator requirements of WAC 173-303-180, Manifest; and

(v) Waste containers meet the labeling and container condition requirements of WAC 173-303-190.

(b) The state operator may accept DW, as defined in this regulation, for storage, treatment, or disposal when:

(i) All the conditions of EHW acceptance, (a) of this subsection, are met;

(ii) The generator and/or operator shows that no other permitted TSD facility in the state will handle such DW. The generator and/or operator shall refer to:

(A) County or municipal ordinances or solid waste permits forbidding DW disposal at nearby sites;

(B) The EHWM site being the shortest economical haul distance where other remotely located, DW sites may be available; and

(C) Specific rejection or disapproval, in writing, by nearby DW site operators, public or private; and

(iii) The EHWM facility is designed to handle such a request or can be modified to the extent necessary to adequately dispose of the waste.

(c) The state operator, after consulting with the department, may refuse to accept any waste that does not meet the requirements of the acceptance procedures of this subsection until the facts are ascertained, including but not limited to:

(i) The requirement that samples of waste be taken and analyzed; or

(ii) The condition of the containers by physical inspection of the delivery load.

(d) The state operator may accept dangerous waste under emergency conditions if:

(i) An emergency and potential threat to the public health and safety exists;

(ii) the state operator notifies the department as soon as possible;

(iii) The state operator stores the waste upon delivery until the full manifest has been received and approved by the department; and

(iv) The generator is fully apprised that the waste remains his liability until approved under (d)(iii) of this subsection.

(3) Other applicable requirements. The EHWM facility at Hanford shall meet all other requirements of chapter 173-303 WAC, including specific requirements for storage, treatment, transfer and disposal of EHW, and siting, performance, and operation of facilities. The EHWM facility shall also meet the following requirements:

(a) The state operator shall not remove any dangerous waste from the facility without the department's approval;

(b) The state operator shall maintain facilities for telephone and radio contact with the Hanford Reservation security patrol, and include this information with the contingency plan required in WAC 173-303-350;

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(c) As a minimum, the state operator shall provide personnel having knowledge and background in the following areas:

- (i) Inspecting and checking manifests for completeness and accuracy;
- (ii) Applied chemistry as it relates to reactivity, explosiveness, and flammability; and
- (iii) Industrial hygiene and/or toxicology of industrial, commercial, and agricultural chemicals, and emergency procedures;

(d) The state operator shall ensure that new personnel have a complete physical examination and annual checkups thereafter. The physician should be alerted to the kinds of materials the employee has been handling, so that more specific analyses can be made. The medical records shall be made a part of the state operator's records as required in WAC 173-303-380(1); and

(e) The state operator shall submit copies of all fee schedules to the department for yearly review and approval. The state operator shall supply, and the department shall use, the following criteria to review such disposal fees:

- (i) Their relationship to other fees charged for similar services;
- (ii) Reasonable return on investment and profit for the operator; and
- (iii) The cost of administration, development, operation, maintenance, and perpetual management of the EHW facility, including administrative costs and perpetual management costs of the department.

(4) Department surveillance.

(a) In addition to the reports required under WAC 173-303-390, facility reports, the EHW facility operator shall report the following to the department:

- (i) Copies of all environmental sampling results during the previous quarter;
- (ii) Telephone and written accounts of any accidents or emergencies requiring action under WAC 173-303-360; and
- (iii) Complete financial reports during the previous year.

(b) The state operator shall admit the department's duly authorized representative to inspect the site at any reasonable hour of the day. Inspection may cover any of the following:

- (i) The site and facilities;
- (ii) The waste being delivered, stored, processed, or buried, including the taking of samples, a portion of each sample being given to the operator upon his request;
- (iii) The environment, by the drilling of test wells and obtaining of samples; and
- (iv) Any records, reports, information, or test results relating to the purpose of this regulation.

The inspection results will be written, filed with the department, and a copy made available to the state operator. [Statutory Authority: Chapter 70.105 RCW, 84-09-088 (Order DE 83-36), § 173-303-700, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260, 82-05-023 (Order DE 81-33), § 173-303-700, filed 2/10/82.]

WAC 173-303-800 Permit requirements for dangerous waste management facilities. (1) The purpose of WAC 173-303-800 through 173-303-840 is to establish the requirements for permits which will allow a dangerous waste facility to operate without endangering the public health and the environment.

(2) The owner/operator of a dangerous waste facility that transfers, treats, stores, or disposes (TSD) or recycles dangerous waste shall, when required by this chapter, obtain a permit covering the active life, closure period, ground water protection compliance period, and for any regulated unit (as defined in WAC 173-303-040(75)), and for any facility which at closure does not meet the removal or decontamination limits of WAC 173-303-610 (2)(b), post-closure care period in accordance with WAC 173-303-800 through 173-303-840.

(3) TSD facility permits will be granted only if the objectives of the siting and performance standards set forth in WAC 173-303-420 and 173-303-283 are met.

(4) Permits shall be issued according to the requirements of all applicable TSD facility standards.

(5) The owner/operator of a TSD facility is responsible for obtaining all other applicable federal, state, and local permits authorizing the development and operation of the TSD facility.

(6) The terms used in regard to permits which are not defined in WAC 173-303-040 shall have the same meanings as set forth in 40 CFR 270.2. [Statutory Authority: Chapter 70.105 RCW, 88-18-083 (Order 88-29), § 173-303-800, filed 9/6/88; 88-07-039 (Order 87-37), § 173-303-800, filed 3/11/88; 84-09-088 (Order DE 83-36), § 173-303-800, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260, 82-05-023 (Order DE 81-33), § 173-303-800, filed 2/10/82.]

WAC 173-303-801 Types of dangerous waste management facility permits. The following types of permits may be issued by the department to carry out the purpose of this regulation.

(1) Permits by rule:

- (a) Ocean disposal - See WAC 173-303-802(2);
- (b) Underground injection wells - See WAC 173-303-802(3);
- (c) Publicly owned treatment works - See WAC 173-303-802(4); and
- (d) Totally enclosed treatment facilities and elementary neutralization and wastewater treatment units - See WAC 173-303-802(5).

(2) Emergency permits - See WAC 173-303-804.

(3) Interim status permits - See WAC 173-303-805.

(4) Final facility permits:

- (a) Final status TSD permits - See WAC 173-303-806;
- (b) Special waste permits - See WAC 173-303-806; and
- (c) Recycling permits - See WAC 173-303-806.
- (5) Trial burns for dangerous waste incinerator final facility permits - See WAC 173-303-807.
- (6) Demonstrations for dangerous waste land treatment final facility permits - See WAC 173-303-808.

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any commercial low-level radioactive waste facili-

70.105.030. List and information to be furnished by depositor of hazardous waste—Rules and regulations

nd Ex.Sess., ch. 101, § 1. Amended by Laws 1985, ch. 188, § 1; Laws 1989, ch. 376, § 1, eff. May 12, 1989.

(1) After the effective date of the regulations adopted by the department designating extremely hazardous wastes, any person planning to dispose of extremely hazardous waste as designated by the department shall provide the operator of the disposal site with a list setting forth the extremely hazardous wastes for disposal, the amount of such wastes, the general chemical and mineral composition of such waste listed by approximate maximum and minimum percentages, and the origin of any such waste. Such list, when appropriate, shall include information on antidotes, first aid, or safety measures to be taken in case of accidental contact with the particular extremely hazardous waste being disposed.

y Notes
ch. 376: "If its applica-
umstance is of the act or
sion to other s not affect-
§ 4.]
ch. 448: See § 70.105.005.

Standard for establishing an extreme-ly hazardous waste under statute [§ 70.105.010(6)], defining extremely hazardous waste as any dangerous waste which persists in hazardous form for several years or more at disposal site, which is highly toxic to man or wildlife, and which if disposed of would present extreme hazard to man or environment, is satisfied upon showing of either persistency and toxicity or quantity of dangerous waste. Wilson v. Key Tronic Corp. (1985) 40 Wash.App. 802, 701 P.2d 518.

(2) The department shall adopt and enforce all rules and regulations including the form and content of the list, necessary and appropriate to accomplish the purposes of subsection (1) of this section.

Enacted by Laws 1975-76, 2nd Ex.Sess., ch. 101, § 3.

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70.105.040. Disposal site or facility—Acquisition—Disposal fee schedule

and regulations—Adoption—Notice and hear-
onsultation with other agencies

notice and public hearing shall:

designating as extremely hazardous wastes subject
chapter those substances which exhibit characteris-
definition provided in RCW 70.105.010(6);

revise when appropriate, minimum standards and
of extremely hazardous wastes to protect against
and to the environment. Before adoption of such
ions, the department shall consult with appropriate
local governments and secure technical assistance
of agriculture, the department of social and health
ent of wildlife, the department of natural resources,
eries, the department of labor and industries, and the
nity development, through the director of fire protec-

(1) The department through the department of general administration, is authorized to acquire interests in real property from the federal government on the Hanford Reservation by gift, purchase, lease, or other means, to be used for the purpose of developing, operating, and maintaining an extremely hazardous waste disposal site or facility by the department, either directly or by agreement with public or private persons or entities: *Provided*, That lands acquired under this section shall not be inconsistent with a local comprehensive plan approved prior to January 1, 1976: *And provided further*, That no lands acquired under this section shall be subject to land use regulation by a local government.

(2) The department may establish an appropriate fee schedule for use of such disposal facilities to offset the cost of administration of this chapter and the cost of development, operation, maintenance, and perpetual management of the disposal site. If operated by a private entity, the disposal fee may be such as to provide a reasonable profit.

Enacted by Laws 1975-76, 2nd Ex.Sess., ch. 101, § 4.

6, 2nd Ex.Sess., ch. 101, § 2. Amended by Laws 1986, ch. 1986; Laws 1988, ch. 36, § 28.

70.105.050. Disposal at other than approved site prohibited—Disposal of radioactive wastes

utory Notes
1986, ch. 266: See § 38.52.005.
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of disposal exist

(1) No person shall dispose of designated extremely hazardous wastes at any disposal site in the state other than the disposal site established and approved for such purpose under provisions of this chapter, except when such wastes are going to a processing facility which will result in the waste being reclaimed, treated, detoxified, neutralized, or otherwise processed to remove its harmful properties or characteristics.

(2) Extremely hazardous wastes that contain radioactive components may be disposed at a radioactive waste disposal site that is (a) owned by the United States department of energy or a licensee of the nuclear regulatory commission and (b) permitted by the department and operated in compliance with the provisions of this chapter. However, prior to disposal, or as a part of disposal, all reasonable methods of treatment, detoxification, neutralization, or other waste management methodologies designed to

mitigate hazards associated with these wastes shall be employed, as required by applicable federal and state laws and regulations.

Enacted by Laws 1975-76, 2nd Ex.Sess., ch. 101, § 5. Amended by Laws 1987, ch. 488, § 4.

Notes of Decisions

Statute [§ 70.105.050] prohibiting person, counties included, from disposing of extremely hazardous waste at any disposal site in state was properly made basis for cause of action against county since, though it argued that it operated

landfill but did not dispose of subject waste as contemplated by statute, evidence indicated that county employee and landfill supervisor, going beyond merely accepting waste, actually directed and developed methods for dumping waste. *Wilson v. Key Tronic Corp.* (1985) 40 Wash.App. 802, 701 P.2d 518.

70.105.060. Review of rules, regulations, criteria and fee schedules

All rules, regulations, criteria, and fee schedules adopted by the department to implement the provisions of this chapter shall be reviewed by the solid waste advisory committee for the purpose of recommending revisions, additions, or modifications thereto as provided for the review of solid waste regulations and standards pursuant to chapter 70.95 RCW.

Enacted by Laws 1975-76, 2nd Ex.Sess., ch. 101, § 6.

70.105.070. Criteria for receiving waste at disposal site

The department may elect to receive dangerous waste at the site provided under this chapter, provided

- (1) it is upon request of the owner, producer, or person having custody of the waste, and
- (2) upon the payment of a fee to cover disposal
- (3) it can be reasonably demonstrated that there is no other disposal sites in the state that will handle such dangerous waste, and
- (4) the site is designed to handle such a request or can be modified to the extent necessary to adequately dispose of the waste, or
- (5) if a demonstrable emergency and potential threat to the public health and safety exists.

Enacted by Laws 1975-76, 2nd Ex.Sess., ch. 101, § 7.

70.105.080. Violations—Civil penalties

(1) Every person who fails to comply with any provision of this chapter or of the rules adopted thereunder shall be subjected to a penalty in an amount of not more than ten thousand dollars per day for every such violation. Each and every such violation shall be a separate and distinct offense. In case of continuing violation, every day's continuance shall be a separate and distinct violation. Every person who, through an act of commission or omission, procures, aids, or abets in the violation shall be considered to have violated the provisions of this section and shall be subject to the penalty herein provided.

(2) The penalty provided for in this section shall be imposed pursuant to the procedures in RCW 43.21B.300.

Enacted by Laws 1975-76, 2nd Ex.Sess., ch. 101, § 8. Amended by Laws 1983, ch. 172, § 2; Laws 1987, ch. 109, § 12.

Historical and Statutory Notes
 Purpose—Short title—Construction—Rules—Severability—Captions—Laws 1987, ch. 109: See Historical Note following § 43.21B.001.

Severability—Historical Note
 Library Reference—Health and Environment—C.J.S. Health

70.015.085. Violations—Criminal penalties

Any person who knowingly transports, treats, stores, or exports a hazardous substance in violation of: (1) A class B felony if the person knows at the time constituting the violation places another person in death or serious bodily injury; or (2) a class C felony that the conduct constituting the violation places any person or any natural resources owned by the state or of its local governments in imminent danger of harm. In this section, "imminent danger" means that there is a high probability that harm will be experienced within a reasonable period of time and the danger cannot be eliminated. As used in this section, "imminent" means an awareness of facts, not awareness of law. Violation as provided under RCW 9A.20.021.

Enacted by Laws 1989, ch. 2, § 15, eff. March 1, 1989.

Historical and Statutory Notes
 Short title—Captions—Construction—Existing agreements—Effective date—Severability—See §§ 70.105D. respectively.

70.105.090. Violations—Gross misdemeanor

In addition to the penalties imposed pursuant to this chapter, any person who violates any provisions of this chapter, or any person who knowingly in conducting any violation of any provisions of this chapter, shall be guilty of a gross misdemeanor. Upon conviction thereof shall be punished by a fine not more than ten thousand dollars nor more than ten thousand dollars in the county jail for not more than one year. Each and every such violation shall be a separate and distinct offense. In case of continuing violation, every day's continuance shall be a separate and distinct offense.

Enacted by Laws 1975-76, 2nd Ex.Sess., ch. 101, § 9. Amended by Laws 1984, ch. 237, § 1.

Historical and Statutory Notes
 Severability—Laws 1983, ch. 172: See Historical Note following § 70.105.097.

C.J.S. Health and Environment—seq.

Library References
 Health and Environment—§37.

70.105.095. Violations—Orders—Penalty for noncompliance

(1) Whenever on the basis on any information that a person has violated or is about to violate any provision of this chapter, the department may issue an order requiring the person to comply immediately or within a specified period of time. The order may be delivered by registered mail or personally to the person if the order is directed.