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P.O. Box 47600 • Olympia, Washington 98504-7600
(360) 407-6000 • TDD Only (Hearing Impaired) (360) 407-6006

January 28, 2000

Mr. James E. Rasmussen
Office of Site Services
U.S. Department of Energy
P.O. Box 550, MSIN: A5-15
Richland, Washington 99352

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EDMC

Dear Mr. Rasmussen:

SUBJECT: Resource Conservation and Recovery Act of 1976 (RCRA) Requirements for Immobilization of Mixed Waste at the Plutonium Finishing Plant (PFP) Treatment Unit

References: (1) Letter, S. Mohan, Ecology, to J. Rasmussen, USDOE, and W. Adair, FDH, "RCRA Requirements for Immobilization of Mixed Waste at the Plutonium Finishing Treatment Plant," dated September 22, 1999.

(2) Letter, J. Rasmussen, USDOE, to M. Wilson, Ecology, "Interim Status Compliance at the Plutonium Finishing Plant (PFP) Treatment Unit (T-2-8)," dated January 13, 2000.

This letter is to clarify the permitting requirements for the proposed cementation process for treating dangerous or mixed waste at the Plutonium Finishing Plant (PFP) Treatment Unit and to specifically address issues raised in the U.S. Department of Energy's (USDOE) letter of January 13, 2000, (Reference 2).

As stated in the Washington State Department of Ecology's (Ecology) September 22, 1999, letter to USDOE (Reference 1), Ecology received a Part A Permit Application, Form 3, in December 1998 for the PFP Treatment Unit. In the September 22, 1999, letter Ecology approved expansion of interim status to accommodate the PFP Treatment Unit based on the understanding that the treatment proposed at PFP is necessary to comply with corrective action requirements [See WAC 173-303-805(7)(b)(v)]. Therefore, USDOE may go forward with treatment of dangerous or mixed waste in the PFP Treatment Unit as described in the December 1998 Part A, Form 3, provided USDOE complies with all applicable interim status regulations and so long as Ecology

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does not terminate interim status under WAC 173-303-805(8). Please note that owners/operators of facilities operating under interim status may not treat, store, or dispose of dangerous or mixed waste not specified in their Part A Permit Application; may not employ processes not specified in their Part A Permit Application; and may not exceed the design capacities specified in their Part A Permit Application. Changes during interim status, including changes to add new wastes, add new treatment processes, and increase capacity, may be allowed in accordance with WAC 173-303-805(7).

At the time of Ecology's letter, USDOE had informed Ecology that the proposed treatment process at the PFP Treatment Unit was very small in scale and not expected to exceed six months in duration. Further, Ecology understood that USDOE intended to meet RCRA closure requirements promptly upon completion of the treatment activity. Because of these understandings, Ecology decided in September 1999 that it was not necessary to request a Part B Permit Application for the PFP Treatment Unit and that the Unit could safely and appropriately operate and close under interim status. To support interim status closure, Ecology's letter requested a copy of the written closure plan for the PFP Treatment Unit. Because Ecology understands that circumstances at Hanford can change quickly, the letter also cautioned that if closure of the PFP Treatment Unit has not begun prior to December 31, 2000, submittal of a Final Facility Permit Application might be required.

Since September 1999, Ecology has been informed that USDOE now plans to treat dangerous or mixed wastes using the PFP Treatment Unit for several years, and that USDOE plans to use the PFP Treatment Unit to treat waste other than the sand, slag, and crucible (SSC) waste originally identified for the short-term treatment process. As a result of these changes in the scope and duration of the planned treatment in the PFP Treatment Unit, Ecology no longer believes it is appropriate to allow the PFP Treatment Unit to operate and close exclusively under interim status. **Therefore, in accordance with WAC 173-303-805 (5)(i), Ecology hereby requests that, no later than October 31, 2000, USDOE submit a Final Facility Permit Application for the PFP Treatment Unit.** The requirements for Final Facility Permit Applications are described in WAC 173-303-806. Ecology also understands that USDOE still plans to begin dangerous or mixed waste treatment in the PFP Treatment Unit under interim status, in accordance with WAC 173-303-400. **Ecology requests that, no later than April 1, 2000, USDOE submit the following documents related to compliance with interim status regulations at the PFP Treatment Unit:**

- Land Disposal Restriction (LDR) (40 CFR 268.7) documents as detailed in the "Treatment Facility Paperwork Requirements Table" for each dangerous or mixed waste treated at the PFP Treatment Unit. See WAC 173-303-400(3)(a)(i).

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- Waste analysis plan (WAC 173-303-300), including the detailed chemical, physical, and/or biological analysis of the dangerous or mixed waste to be treated in the PFP Treatment Unit. See WAC 173-303-400(3)(a)(i).
- Inspection schedule (WAC 173-303-320) for any dangerous or mixed waste treated at the PFP Treatment Unit and for the PFP Treatment Unit itself. See WAC 173-303-400(3)(a)(i).
- Training plan (WAC 173-303-330), including the names of the employees filling each job related to dangerous or mixed waste treatment at the PFP Treatment Unit. See WAC 173-303-400(3)(a)(i).
- Contingency plan and emergency procedures (WAC 173-303-350) specific to the PFP Treatment Unit. See 173-303-400(3)(a)(i).
- Closure plan for the PFP Treatment Unit and, if necessary, a post-closure plan for the PFP Treatment Unit. See WAC 173-303-400(a), which incorporates by reference 40 CFR Part 265 Subpart G.

In order to be in compliance with interim status regulations, you are required, among other things, to have these documents in place when dangerous or mixed waste is first treated in the PFP Treatment Unit. Accordingly, Ecology has requested that you submit these documents before you plan to begin treatment in the PFP Treatment Unit. As you know, your failure to comply with applicable interim status requirements subjects you to enforcement by Ecology; continued and/or egregious non-compliance may result in termination of your interim status.

Ecology notes that our records do not show any interim status capacity for storage at PFP. As you know, if dangerous or mixed wastes are currently being stored at PFP you are at risk of enforcement for illegal storage. We strongly advise you, as soon as possible, to identify and work with us to resolve any issues associated with storage of wastes at PFP. Therefore, in addition to the Final Facility Permit Application and information on compliance with interim status regulations requested above, Ecology requests that USDOE identify, in writing the waste that will be treated in the PFP Treatment Unit; where the waste is currently stored; how the waste has been characterized and designated (i.e., sampling and analysis versus other documented process knowledge); the associated dangerous waste codes and applicable LDR treatment standards; and how the proposed PFP Treatment Unit process will result in compliance with applicable LDR treatment standards. Please provide the information no later than April 1, 2000.

Ecology recognizes that there has been considerable discord among Ecology, USDOE, and contractors regarding identification and designation of dangerous and mixed waste at PFP. We hope to resume discussions of these issues and their relationship to the overall regulatory future for PFP soon. The information we requested above is important to support meaningful discussions about improving environmental conditions at PFP.

Ecology emphasizes that we are interested in continuing to work with you to improve protection of human health and the environment from risks posed by PFP. However, generally, Ecology does not plan to support expansions under interim status to provide for treatment, storage or

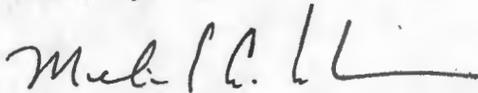
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disposal of dangerous or mixed wastes at units that do not comply with interim status requirements. If you believe that you are unable to comply with all applicable interim status regulations at the PFP Treatment Unit, or if you believe you will not be able to completely or properly identify the waste you plan to treat in the PFP Treatment Unit, or the LDR treatment standards associated with the waste, you should contact Ecology immediately so we can discuss the possibility of compliance schedules.

Finally, as committed to in our letter, a review of USDOE's White Paper entitled "Establishing Interim Status Standards for the Plutonium Finishing Plant Cementation Unit Glovebox" is being finalized and will be forwarded to USDOE in the very near future. This review will provide more detail on the interim status regulations applicable to the PFP Treatment Unit. In the meantime, we note that your White Paper contemplates operating the PFP Treatment Unit under interim status as a "miscellaneous unit." Current regulations do not identify interim status requirements for miscellaneous units. Therefore, Ecology is structuring our response to your White Paper around the tank, container and containment building requirements. We recognize that, given the technical difficulties associated with managing high level radioactive waste and concerns about worker safety, there may be some need to further discuss (which interim status regulations) are properly applied to the PFP Treatment Unit and we would be happy to have these discussions with you.

If you have any questions, please contact Shri Mohan at (509) 736-5704.

Sincerely,



Michael Wilson, Manager
Nuclear Waste Program

MW:LR:lkd

cc: Larry Romine, USDOE
Don Seaborg, USDOE
Andrea Hopkins, FDH
George Jackson, WSMS

Mr. James E. Rasmussen
U.S. Department of Energy
January 28, 2000

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

bcc: Elizabeth McManus, Ecology
Shri Mohan, Ecology
Steve Moore, Ecology
Laura Ruud, Ecology
Ron Skinnarland, Ecology
Roger Stanley, Ecology
Jeanne Wallace, Ecology
Oliver Wang, Ecology
Bob Wilson, Ecology
NWP Central File: PFP
NWP Reader File