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Department of Energy

Richland Operations Office
P.O. Box 550
Richland, Washington 99352

MAR 01 1995

95-PCA-201

Mr. Mike Wilson, Manager
Nuclear Waste Program
State of Washington
Department of Ecology
P.O. Box 47600
Olympia, Washington 98504

Dear Mr. Wilson:

HANFORD FACILITY COMMENTS ON THE DRAFT MODIFICATION PACKAGE SUBMITTED FOR PUBLIC COMMENT ON JANUARY 17, 1995, RESOURCE CONSERVATION AND RECOVERY ACT (RCRA) PERMIT FOR THE TREATMENT, STORAGE, AND DISPOSAL OF DANGEROUS WASTE FOR THE HANFORD FACILITY

The U.S. Department of Energy, Richland Operations Office (RL), Westinghouse Hanford Company (WHC), Bechtel Hanford, Inc. (BHI), and Pacific Northwest Laboratory (PNL) jointly are submitting the "Hanford Facility Comments on the Proposed Modification of the Hanford Facility RCRA Permit for the Treatment, Storage, and Disposal of Dangerous Waste" (hereinafter termed the Comment Document). This Comment Document is a response to an Ecology request for comments initiated on January 17, 1995. 89751

The proposed modification will incorporate five closure plans into the Hanford Facility RCRA Permit. Adoption of the proposed modification generally is supported; however, there are a few specific areas that merit further consideration by Ecology. The Comment Document addresses those areas that could be enhanced by additional clarification or explanation.

Incorporation of these comments into the modification, as finally adopted, will enhance efforts to meet our collective objective of ensuring the most expeditious, efficient, and comprehensive reclamation of the Hanford Facility. We request incorporation of these comments in the spirit of continuing open communication with, and responsiveness to, your organization.



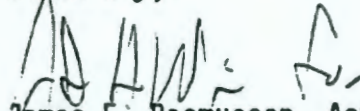
MAR 01 1995

Mr. Mike Wilson
95-PCA-201

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Should you have any questions regarding the contents of this letter or the enclosure, please contact Mr. C. E. Clark of RL on (509) 376-9333, Ms. S. M. Price of WHC on (509) 376-1653, Ms. L. A. Mihalik of BHI on (509) 375-9426, or Mr. H. T. Tilden II of PNL on (509) 376-0499.

Sincerely,

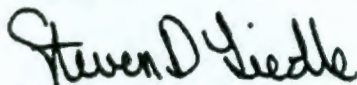


James E. Rasmussen, Acting Program Manager
Office of Environmental Assurance,
Permits, and Policy
Richland Operations Office

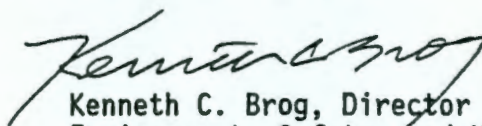
EAP:CEC



William T. Dixon, Director
Environmental Services
Westinghouse Hanford Company



Steven D. Liedle
Manager of Projects
Bechtel Hanford, Inc.



Kenneth C. Brog, Director
Environment, Safety, and Health
Pacific Northwest Laboratory

Enclosure:
Hanford Facility Comment Document

cc w/encl:

EDMC, WHC

C. Clarke, EPA
D. Duncan, EPA
G. Emison, EPA
M. Gearheard, EPA
M. Jaraysi, Ecology
R. Jim, YIN
D. Powaukee, NPT
D. Sherwood, EPA
R. Smith, EPA
J. Wilkinson, CTUIR
J. Witczak, Ecology

cc w/o encl:

J. Badden, BHI
W. Dixon, WHC
L. Mihalik, BHI
S. Price, WHC
H. Tilden, PNL

02/14/95

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HANFORD FACILITY COMMENTS
ON THE DRAFT MODIFICATION PACKAGE SUBMITTED FOR PUBLIC COMMENT ON
JANUARY 17, 1995, RESOURCE CONSERVATION AND RECOVERY ACT PERMIT FOR THE
TREATMENT, STORAGE, AND DISPOSAL OF DANGEROUS WASTE FOR THE HANFORD FACILITY

Condition: V.4.A. COMPLIANCE WITH APPROVED CLOSURE PLAN

Lines: 23, 33, 35, 37, and 46

Requested Action: Delete.

Justification: This condition, which applies to the Simulated High-Level Waste Slurry Treatment and Storage (SHLWS T/S) Unit, includes incorporation of references. References were not included in unit-specific chapters in the Permit nor are references proposed in the unit-specific chapters for the four other units being incorporated in the Permit during this modification.

Inclusion of references in the Permit will necessitate a permit modification whenever the reference document is modified or changed. Previous negotiations on the issue of inclusion of permit application and closure plan references as permit conditions, resulted in the exclusion of references.

The documents referenced in the permit conditions already are included in the Permit administrative record.

Condition: V.4.B.c.

Lines: 15, 16, and 17

Comment: The requirement to continue addressing units as dangerous waste management units after certification of final closure is without regulatory basis.

Requested Action: Delete the final sentence of the condition. Alternatively, replace the final sentence of the condition with the following language:

If the Department determines that closure has not been performed in accordance with the approved closure plan, the Permittees will be notified in writing within sixty (60) days.

Justification: The Permittees are entitled to a presumption the site is clean given Ecology's prior approval of the plan and the independent evaluation of the cleanup as it occurs. The WAC 173-303 provides for dangerous waste management requirements based on active management. The WAC 173-303-040 defines "active life" as "the period from the initial receipt of dangerous waste until the department receives certification of final closure." The active life of a TSD unit is discontinued at the time Ecology receives certification. There is no regulatory provision that requires the TSD owner/operator to continue managing the closed area as though it were still an active TSD unit beyond certification of closure. Ecology retains authority to dispute the closure, if closure has not been accomplished pursuant to the approved closure plan, but there is no authority to require continued management of the closed TSD unit as a dangerous waste management unit beyond what is mandated in the regulations.

Condition: V.4.B.d.
Lines: 19 and 20

Requested Action: Delete and replace with the following text:

The Permittees shall complete closure activities within the time frame specified in the approved closure plan.

Justification: By approving the closure plan, Ecology has approved the closure schedule in Revision 6A of the closure plan. Ecology has included Section 6.1 of the approved closure plan as an enforceable provision, which includes the closure schedule for the SHLWS T/S unit.

Condition: V.4.B.e.
Lines: 22, 23, 24, 25, 26, and 27
Comment: The proposed permit condition is beyond the scope of the Permit and is unnecessary because the management of solid waste is adequately regulated under current requirements.

Requested Action: Delete and replace with the following text:

Any remaining solid waste at the unit, generated during soil sampling and decontamination activities, shall be designated according to the analytical results of these activities and managed accordingly. The department shall be informed in writing of the final disposition of the waste.

Justification: The container is not marked as hazardous waste because the designation of the solid waste has not been determined. The new text specifies the activities that generated the waste and more clearly defines the basis that will be used to designate waste as dangerous or non-dangerous solid waste. The proposed language would artificially raise the closure cost due to the increased cost of managing the container as dangerous waste when analytical results may show it non-dangerous.

Condition: V.5.B.e.
Lines: 36, 37, 38, and 39
Comment: The requirement to continue addressing units as dangerous waste management units after certification of final closure is without regulatory basis.

Requested Action: Delete the final sentence of the condition. Alternatively, replace the final sentence of the condition with the following language:

If the Department determines that closure has not been performed in accordance with the approved closure plan, the Permittees will be notified in writing within sixty (60) days.

Justification: Refer to Condition V.4.B.c., Justification.

Condition: V.6.B.e.
Lines: 36, 37, 38, and 39
Comment: The requirement to continue addressing units as dangerous waste management units after certification of final closure is without regulatory basis.

Requested Action: Delete the final sentence of the condition. Alternatively, replace the final sentence of the condition with the following language:

If the Department determines that closure has not been performed in accordance with the approved closure plan, the Permittees will be notified in writing within sixty (60) days.

Justification: Refer to Condition V.4.B.c., Justification

Condition: V.7.B.c.

Lines: 44, 45, and 46

Comment: The requirement to continue addressing units as dangerous waste management units after certification of final closure is without regulatory basis.

Requested Action: Delete the final sentence of the condition. Alternatively, replace the final sentence of the condition with the following language:

If the Department determines that closure has not been performed in accordance with the approved closure plan, the Permittees will be notified in writing within sixty (60) days.

Justification: Refer to Condition V.4.B.c., Justification

Condition: V.8.A.

Lines: 18 through 30

Requested Action: Delete and replace with the following:

Part A	Part A Permit Application, Form 3
Section 2.3	Security
Section 5.1	Interim-Status Period Groundwater Monitoring
Chapter 6.0	Closure Performance Standards
Chapter 7.0	Closure Activities
Chapter 8.0	Postclosure

Justification: (1) Do not add Section 1.2 "Closure Strategy". This information is a duplication of detailed information already provided in Chapters 6.0 and 7.0.

(2) Replace Chapter 2.0 "Facility Description and Location Information" with Chapter 2.0, Section 2.3 "Security". Most of Chapter 2.0 is background information. The "Security" section is the only section that lists enforceable activities.

(3) Replace Chapter 5.0 "Groundwater Monitoring" with Chapter 5.0, Section 5.1 "Interim-Status Period Groundwater Monitoring". The remainder of Chapter 5.0 describes the regional setting (including climate, geology, and hydrology information).

(4) Addition of Chapter 8.0 "Postclosure". Describes action to be taken if clean closure cannot be achieved as it states that if clean closure cannot be achieved, the closure plan will be revised. Chapter 8.0 describes enforceable activities.

Condition: V.8.B.d.
Lines: 4, 5, and 6
Comment: The requirement to continue addressing units as dangerous waste management units after certification of final closure is without regulatory basis.

Requested Action: Delete the final sentence of the condition. Alternatively, replace the final sentence of the condition with the following language:

If the Department determines that closure has not been performed in accordance with the approved closure plan, the Permittees will be notified in writing within sixty (60) days.

Justification: Refer to Condition V.4.B.c., Justification.

COMMENTS TO STATEMENT OF BASIS (FOCUS SHEET)

Condition: Ecology's Statement of Basis (Focus Sheet):
 Hanford's Hazardous Waste Permit Modification
Comment: The Focus Sheet does not adequately address the Fact Sheet/Statement of Basis requirements of WAC 173-303-840(2)(f). Ecology has decided to prepare a Statement of Basis in lieu of a Fact Sheet for this modification. The WAC 173-303-840(2)(f)(iv) requires that the statement of basis describe "the derivation of the conditions of the draft permit and the reasons for them." For example, Ecology is requiring the Permittees to continue managing units as dangerous waste management units after closure in accordance with an approved closure plan. There is no regulatory basis for such a requirement.

Requested Action: Provide a statement of basis that meets the requirement of WAC 173-303-840(2)(f)(iv). In addition, eliminate conditions for which there is no legal authority. Ecology should return to their practice of submitting a formal Statement of Basis.

Justification: The WAC 173-303-840 imposes procedural requirements upon Ecology for the decision making process. Ecology must comply with these requirements, including the requirement to provide a basis for proposed permit conditions.

Condition: Ecology's Statement of Basis (Focus Sheet):
 Hanford's Hazardous Waste Permit Modification
Comment: In the discussion of Chapter 4 for the Simulated High Level Waste Slurry Treatment and Storage (SHLWS T/S) Unit, Ecology erroneously identified the SHLWS as mixed waste. The use of this term in connection with SHLWS is incorrect and conflicts with WAC 173-303-040.

Requested Action: Retract the statement from the Statement of Basis (Focus Sheet) that states that the SHLWS was mixed waste.

Justification: The WAC 173-303-040 defines mixed waste as, a dangerous, extremely hazardous, or acutely hazardous waste that contains both a nonradioactive hazardous component and, as defined by 10 CFR 20.3, source, special nuclear, or by-product material subject to the Atomic Energy Act of

1954 (42 U.S.C. 2011 et seq.) (emphasis added). The SHLWS did not contain source, special nuclear, or by-product material and hence cannot be categorized as mixed waste.

Condition: Ecology's Statement of Basis (Focus Sheet):

Hanford's Hazardous Waste Permit Modification

Comment: In the discussion of Chapter 4 for the SHLWS T/S Unit, Ecology erroneously identified the unit as "a small open area of 9622 square yards." The statement incorrectly identifies the SHLWS T/S unit that is to be addressed by the closure plan.

Requested Action: Delete the line in the SHLWS T/S portion of the focus sheet that states, "Located in the 3000 Area in Richland, this unit is a small open area of 9622 square yards." Alternatively, replace it with the following language:

Located in the 3000 Area of North Richland, this unit consists of three small open areas of approximately 755 square yards.

Justification: The focus sheet inappropriately identifies the fenced 1234 yard as the area to be addressed by the closure plan. The closure plan actually addresses the closure of the three areas, identified in the current Part A Permit Application, Form 3 for the unit, within the 1234 yard.