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Meeting Minutes Transmittal

325/3100 HAZARDOUS WASTE TREATMENT UNIT
Unit Managers Meeting
337 Building, Mt. St. Helens Room
Richland, Washington

March 29, 1994
1:00 p.m. to 3:00 p.m.

The undersigned indicate by their signatures that these meeting minutes reflect the actual occurrences of the above dated Unit Managers Meeting.

Clifford E. Clark Date: 9/7/94
Clifford E. Clark, Unit Manager, RL

Not Present Date: _____
Daniel L. Duncan, RCRA Program Manager, EPA Region 10

Jeanne J. Wallace Date: 5/5/94
Jeanne J. Wallace, Unit Manager, Washington State Department of Ecology

325/3100 Hazardous Waste Treatment Unit, PNL Concurrence

Kathleen A. Poston Date: 5/5/94
Kathleen A. Poston, Contractor Representative, PNL

Purpose: Discuss Permitting Process

- Meeting Minutes are attached. The minutes are comprised of the following:
- Attachment 1 - Agenda
 - Attachment 2 - Summary of Discussion and Commitments/Agreements
 - Attachment 3 - Attendance List
 - Attachment 4 - Action Items
 - Attachment 5 - Ecology Memo



325/3100 HAZARDOUS WASTE TREATMENT UNIT

Attachment 1

**325/3100 HAZARDOUS WASTE TREATMENT UNIT
Unit Managers Meeting
337 Building, Mt. St. Helens Room
Richland, Washington**

**March 29, 1994
1:00 p.m. to 3:00 p.m.**

Agenda

1. Approval of Past Unit Managers Meeting Minutes (Ecology/RL/PNL)
2. 325 HWTU Start-up Schedule (RL/PNL)
3. Status of RL/PNL 325 Consolidation Proposal (Ecology/RL/PNL)
4. NOI Process for 325 SAL Tank Storage Capacity (Ecology/RL/PNL)
5. Funding of 325 HWTU Units (Ecology/RL/PNL)
 - Part B Preparation Funding
 - Operational Funding
6. General Discussion (Ecology/RL/PNL)
7. New Action Items (Ecology/RL/PNL)
6. Next Unit Managers Meeting (Ecology/RL/PNL)
 - Proposed May 5, 1994 date
 - Proposed topics

Attachment 2

325/3100 HAZARDOUS WASTE TREATMENT UNIT
Unit Managers Meeting
337 building, Mt. St. Helens Room
Richland, Washington

March 29, 1994
1:00 p.m. to 3:00 p.m.

Summary of Discussion and Commitments/Agreements

1. Approval of Past Unit Managers Meeting Minutes

- The February 22, 1994 Unit Manager Meeting minutes were approved and signed.

2. 325 HWTU Start-up Schedule

- Ms. K. Poston (PNL) stated that the remaining items on the start-up checklist include completing the review for technical procedures, and final inspections by the oversight groups. PNL sent out several memorandums requesting results by April 22, 1994 of the final review and inspections. Ms. Poston noted that the Operational Readiness Review Board has the prerogative to decide whether the start-up checklist has been completed satisfactorily. A start-up date has not been determined.

3. Status of RL/PNL 325 Consolidation Proposal

Mr. H. Tilden (PNL) stated that the 325 consolidation proposal is in RL in concurrence. Mr. Tilden noted a change in the draft proposal reflecting the timing of filing the notice of intent (NOI) with regard to adding tank storage capacity for the shielded analytical laboratory (SAL). The original draft proposed filing the NOI first and then merging 325 HWTU and the SAL. The concurrence draft has been modified to reflect filing the NOI and merging the two units at the same time.

4. NOI Process for 325 SAL Tank Storage Capacity

Ms. J. Wallace (Ecology) stated that she sent a memorandum to Mr. J. Witczak (Ecology) requesting guidance regarding the NOI process. Ms. Wallace indicated that Mr. S. McKinney (Ecology) reviewed the memo, and he advised modifying the Part A and then splitting the 325 and 3100 units through an administrative closure of the 3100 unit. Ms. Wallace stated that Mr. McKinney also advised an equivalency demonstration. Ms. Wallace added that a State Environmental Policy Act (SEPA) checklist would probably be required. Mr. Tilden noted that a milestone change will be required for the administrative withdrawal of the 3100 unit. Mr. C. Clark (RL) related the opinion of the WHC legal office that an NOI must be submitted for capacity expansions, unless other

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8. Next Unit Managers Meeting

- **Proposed May 5, 1994 Date**

The next Unit Managers Meeting was scheduled for May 5, 1994.

- **Proposed Topics**

The RL/PNL 325 consolidation proposal letter will be included on the agenda for the next Unit Managers Meeting.

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Attachment 5

**325/3100 HAZARDOUS WASTE TREATMENT UNIT
Unit Managers Meeting
337 Building, Mt. St. Helens Room
Richland, Washington**

**March 29, 1994
1:00 p.m. to 3:00 p.m.**

ECOLOGY MEMO

913288.000

DEPARTMENT OF ECOLOGY

March 23, 1994

TO: Joe Witzak
Nuclear Waste Program

FROM: Jeanne Wallace *JW*
Nuclear Waste Program

SUBJECT: NOI Support for Part A Modification

Pacific Northwest Laboratories and the U.S. Department of Energy have proposed to modify a Part A/Form 3 Application for the 325/3100 Hazardous Waste Treatment Unit (HWTU) in order to delete the 3100 unit. The 3100 portion of the unit has not been constructed and is not expected to materialize due to loss of funding. The 325 HWTU manages contact-handle mixed waste. The 325/3100 HWTU Part B was submitted in April 1992. Review of the permit has been delayed pending the revision of the permit.

The Shielded Analytical Laboratory (SAL) which manages remote-handle mixed waste is preparing a Notice of Intent (NOI) to bring tank storage into it's Part A. A tank was physically part of the unit but was not used for storage. The tank has been upgraded to meet RCRA tank storage requirements. The Part B for this unit will be submitted in December 1994.

Both the 325 HWTU, and the SAL are existing interim status TSD's located in the 325 Building. In order to accelerate permit review and development, it has been proposed to consolidate the TSD units. It was recommended that incorporation of tank storage, deletion of the 3100 portion, and consolidation of the units should occur through one permit modification and NOI.

I have discussed this matter with Scott McKinney, who recommended I request an evaluation of the applicability of the NOI requirements to these actions.

If you have any questions, please call me at (509) 736-3019.

JJW:sl

cc: Moses Jaraysi
Scott McKinney

DEPARTMENT OF ECOLOGY

NMWMP - Hanford

March 7, 1994

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Kennewick

TO: Mike Gordon
Scott McKinney
Nuclear Waste Program

FROM: Joe Witzak, RATS Unit Manager *JW*
Nuclear Waste Program

SUBJECT: Need for Notice of Intent's (NOI) at Hanford

I agree there are regulatory and common sense reasons to follow through with your proposal to me (see attachment) regarding the need for NOI's at Hanford. However, I think the exemptions are limited to "cleanup" activities conducted under the Tri-Party Agreement (TPA). Therefore, a project like vitrification of tank wastes could obviously be exempted. An expansion of 616 may not qualify if the expansion is needed for "operational" reasons, instead of "cleanup" reasons. I am not sure how many activities undertaken at Hanford would not qualify as cleanup. Some definition to this aspect is necessary. Also, I think we need to determine what "... conducted under a consent decree, agreed under ..." means. Does the fact that a closure plan/permit application is required to be submitted per the TPA, constitute "conducted under" the TPA?

If my two concerns above are not easily addressed, we may only be able to make a determination on a case-by-case basis. Therefore, a "policy" may not be warranted. At this time, it may be best to send the U. S. Department of Energy a letter with our determination on the new double-shell tanks with a notification that we will consider other exemptions on a case-by-case basis. Share your memorandum with, and talk to Laurie Davis and Jeff Breckel regarding Public Involvement; John Grantham regarding regulatory streamlining; Tom Tebb regarding Kennewick input, and Tanya Barnett regarding legal interpretations. Get back to me with a final proposal, and we can pass it on to the "Management Team" for final disposition.

Good work! Thanks.

JW:dr
Attachment

cc: Joe Stohr, Ecology
Tom Tebb, Ecology ✓
Laurie Davies, Ecology

9413288.89

DEPARTMENT OF ECOLOGY

January 19, 1994

TO: Joe Witzak
Laurie Davies
Nuclear and Mixed Waste Management Program

FROM: Mike Gordon *MJ*
Scott McKinney *SM*
Nuclear and Mixed Waste Management Program

SUBJECT: Notice of Intent (NOI)

Dangerous waste facility construction and facility expansions at Hanford may be exempted from the Notice of Intent requirements in WAC 173-303-281, and siting criteria requirements of WAC 173-303-282.

Background

The Dangerous Waste regulations in WAC 173-303-281, require the owner/operator of a proposed dangerous waste management facility (or facility expansion) to submit notification to the Department, local communities, and the public. This Notice also demonstrates compliance with the siting criteria in WAC 173-303-282. The Notice itself is a significant document (200 pages for the Multi-Function Waste Tank Facility), and potentially sets in motion a significant public notice and hearing process.

Argument

These regulations should not be applied to activities which are covered by the Hanford Federal Facility Agreement and Consent Order for two reasons:

- The NOI is not required by our regulations, and
- the NOI does not meaningfully enhance our regulatory review or public involvement process.

According to WAC 173-303-281(2) and WAC 173-303-282(2)(b)(iii), requirements for NOI's and the siting criteria do not apply to:

"... persons at facilities conducting on-site cleanup of sites under the Comprehensive Environmental Response, Compensation and Liability Act,

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Ms. Laurie Davies
January 19, 1994
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Sections 3004(u), 3004(v), and 3008(h) of the Resource Conservation and Recovery Act, chapter 70.105 RCW, or chapter 70.105D RCW, provided the cleanup activities are being conducted under a consent decree, agreed order, or enforcement order, or is being conducted by the department or United States Environmental Protection Agency."

All foreseeable dangerous waste facility construction and expansions at Hanford will be conducted under the Tri-Party Agreement. This combined agreement and enforcement order cites as authority for its jurisdiction:

"the Comprehensive Environmental Response, Compensation, and Liability Act, . . . 3008(h), 3004(u) and (v) of the Resource Conservation and Recovery Act, . . . Ch. 70.105 RCW."

It seems clear that WAC 173-303-281 and 282, should not apply to any activities covered by the Tri-Party Agreement.

Beyond this regulatory argument against the NOI, the substantive requirements of WAC 173-303-281 and 282 could be met more efficiently through existing functions of the Nuclear and Mixed Waste Management Program. The NOI and siting criteria require the owner/operator to submit information about facility location, types of wastes to be managed, waste management equipment, SEPA checklist, a ten-year summary of compliance violations, justification of need, and a demonstration of compliance with the siting criteria.

The NOI process could be replaced with an "early warning system" whereby USDOE, Ecology, and EPA present projects early in the planning stage at the quarterly meetings or other established public forums. All information which would normally be contained in a NOI would be presented at this time. This would help to consolidate the bewildering proliferation of public notices and meetings.

Demonstration of compliance with the siting criteria could be a sensitive issue in some cases. For example, a storage or disposal facility along the River, or an incinerator anywhere on site would be sure to arouse public concern about the facility siting. It might be appropriate to conduct a more formal demonstration of compliance with the siting criteria in these cases.

By clarifying to USDOE that they need not submit a NOI and demonstration of compliance with the siting criteria, we would eliminate numerous redundant requirements in our regulations, while at the same time making the public participation

Mr. Joe Witczak
Ms. Laurie Davies
January 19, 1994
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more streamlined and efficient. In this age of regulatory reform, it is in our best interest to relieve regulated entities of useless administrative requirements when we are able, and the regulations allow.

Options

We have three general options:

- 1) Maintain the current practice of submitting NOI's for all hazardous waste facilities and expansions. No changes to our Program would be necessary.
- 2) Notify USDOE that we no longer require them to submit a NOI for any new hazardous waste facilities or expansions that are covered under the Tri-Party Agreement. We would need to establish a protocol within the Program for presenting and reviewing information on new or expanding facilities.
- 3) Notify USDOE that we no longer require them to submit a NOI for specific types of new or expanding facilities, or for specific locations at Hanford. We could require the Notice only for facilities outside the 200 Area plateau, or only for incinerators and landfills. We would need to establish a protocol within the Program for presenting and reviewing information on new or expanding facilities.

Recommendations

The NOI for the new double-shell tanks is a useless document. The Program should establish a policy which ensures that we receive the information in a NOI only when absolutely necessary, if ever. We recommend that the most direct and simple way to accomplish this would be to eliminate the NOI for all facilities covered by the Tri-Party Agreement (Option 2). If this meets with strong opposition within the Program or with the public we should pursue Option 3 and limit the requirement for a NOI to incinerators and landfills outside the 200 Areas plateau.

Our next step should be to draft a policy for the Attorney General's office review, and Dru's signature. Let us know how you would like to proceed.

MG:SK:dr

cc: Toby Michelena, Ecology

Distribution:

R. C. Bowman	WHC	H6-24
R. M. Carosino	RL	A4-52
C. E. Clark	RL	A5-15
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G. D. Hendricks	GSSC	B1-42
K. A. Poston	PNL	P8-01
S. M. Price	WHC	H6-23
H. T. Tilden II	PNL	P7-68
P. J. Turner	PNL	P7-34
J. J. Wallace	Ecology	B5-18

ADMINISTRATIVE RECORD: 325/3100 Hazardous Waste Treatment Unit, T-3-4
[Care of EPIC, WHC (H6-08)]

Washington State Department of Ecology Nuclear and Mixed Waste Hanford Files,
P.O. Box 47600, Olympia, Washington 98504-7600

Environmental Protection Agency Region 10, Seattle, Washington 98101, Mail
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Please send comments on distribution list to K. E. Knox (H6-24),
(509) 372-3596.

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