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HeartOfAmericaNorthwest
"Advancing our region's quality of life."

Feb. 21, 1992

RECEIVED
FEB 26 1992
DEPARTMENT OF ECOLOGY

TO: Chuck Clarke,
Narda Pierce
Washington Dept. of Ecology
PO Box 47600
Olympia, WA 98504-7600
Via FAX to 206-493-9495

From: Gerald Pollet

The following comments are submitted on behalf of Heart of America Northwest and Legal Advocates for Washington, public interest organizations representing 16,000 + concerned citizens whose interests in a healthful environment, public health and safety, and economic/fiscal responsibility of government agencies would all be adversely affected by the proposed Determinations of Nonsignificance (DNS) relating to the Hanford RCRA/Dangerous Waste Permit and failure to prepare an Environmental Impact Statement prior to authorizing construction of the $1.7 billion Hanford Waste Vitrification Plant.

We request that the Department of Ecology extend the comment period on the 2 relevant Determinations of Nonsignificance (for the RCRA permit and for the 183-H Solar Evaporator Basins closure) and for the Hanford Waste Vitrification Plant (HWVP) determination of significance as it relates to the decision to adopt outdated documents in lieu of preparation of an Environmental Impact Statement for the project and related projects. Specifically we request that comment periods on these decisions be extended to run concurrent with the integrally related comment periods on the Hanford RCRA/Dangerous Waste Permit itself.

We request that the Department of Ecology extend the comment period for the Hanford RCRA permit (Permit No. WA7890008967) by an additional 30 days to allow thorough review and comment. Thus, we request that the Hanford RCRA permit comment period and the comment period on the above mentioned SEPA determinations run concurrently to April 1, 1992.

These SEPA determinations are so integrally related to review of the related permit sections that public review would be frustrated if the comment periods did not run concurrently and if

they were not extended. It appears that many people assumed that the SEPA determination comment periods were so linked with the permit comment period. Our organization thanks Ecology staff, specifically Mary Getchell, for alerting the public last night that the comment period on the SEPA issues - discussed in length at the hearings on the RCRA permit - would expire today.

We formally request that all comments of the public relating to SEPA issues at the Feb. 20 Seattle hearing on the RCRA permit be entered into the record on the SEPA determinations. We hereby adopt the recorded testimony of all citizens at the Feb. 20 hearing relating to SEPA and EIS issues and ask that their comments be formally part of the SEPA record and responded to accordingly. The public at the hearing - many of whom were Heart of America Northwest members - could not discern the subtle differentiation between the two comment periods and have a reasonable expectation that their comments would be considered in the SEPA determinations as well as on the RCRA permit itself.

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The following comments on the SEPA determinations are submitted jointly on behalf of Heart of America Northwest and Legal Advocates for Washington. We request that the comments at the Feb. 20 ,1992 hearing on the underlying RCRA permits be part of the record on the related SEPA determinations, and specifically adopt the testimony of Gerald Pollet, David Allison, Mark Bloome and Sharon Bloome as representing the views of our two organizations as relates to the SEPA determinations.

I.
THERE IS A NEED FOR A SITEWIDE PROGRAMMATIC EIS CONSIDERING CUMULATIVE IMPACTS OF RELATED MASSIVE CONSTRUCTION PROJECTS AND PERMITS (STATE ACTION) ALONG WITH CONSIDERATION OF ALTERNATIVES PRIOR TO MAKING PIECEMEAL IRREVERSIBLE DECISIONS ON MULTIBILLION DOLLAR PROJECTS WHICH INCLUDE TURNING A SIGNIFICANT LAND AREA INTO AN ABOVE GROUND HIGH-LEVEL NUCLEAR WASTE DUMP:

For several years the public has been promised that there would be a sitewide EIS done by the permit applicants (USDOE, Westinghouse and PNL) which would be the basis for making decisions relating to the post clean-up/post closure future land uses at the 560 square mile Hanford Reservation.

It defies logic and the law to proceed with irreversible decisions that condemn a huge land area to becoming an above ground High-Level Nuclear Waste Dump for Grout Vaults, containing as much as 20 million curies of radioactivity, prior to conducting the long promised EIS.

It defies logic as well as legal requirements to permit the onset of construction of the Hanford Waste Vitrification Plant without considering the cumulative environmental impacts and alternatives from the necessary steps prior to vitrifiying

Hanford tank wastes and the waste streams generated from integrally related design choices; i.e., grout.

The HWVP can not function without a pretreatment plant of some nature.

SEPA requires that the cumulative and related environmental impacts of programmatically related projects be considered prior to proceeding with any single project.

The options currently being considered for pretreatment by Westinghouse and USDOE each carry a price tag of over $2 Billion. That represents a major resource diverted from other clean-up activities at Hanford - without any assessment in an EIS of realistic alternatives, including known lower cost alternatives which would result in far less radioactivity and fewer hazardous wastes being separated and buried in grout vaults at Hanford.

The State of Washington's own position as presented to the U.S. Nuclear Regulatory Commission and U.S. EPA has been that the radioactive materials which USDOE proposes to send to grout vaults should be subject to the same regulation and oversight as High-Level Nuclear Wastes. In fact, there is no legal basis for differentiating any fraction of the Hanford tank High-Level Nuclear Wastes which will be diverted to grout from those portions that will be sent to the HWVP. As long as the State and USDOE recognize that there is a need for a sitewide EIS which considers future land uses for Hanford, it is inconsistent to proceed with any decisions that will irreversibly turn a major land area into an above ground High-Level Nuclear Waste Dump via grout vaults.

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II.
ADOPTION OF OLD, OUTDATED USDOE DOCUMENTS AND USDOE DOCUMENTS FROM OTHER SITES/STATES TO MEET THE ACKNOWLEDGED SEPA DETERMINATION THAT AN EIS IS REQUIRED PRIOR TO CONSTRUCTION OR PERMITTING OF THE HANFORD WASTE VITRIFICATION PLANT (HWVP), IS INADEQUATE TO MEET THE REQUIREMENTS OF SEPA OR NEPA:

The Department of Ecology acknowledges that the project is likely to have a significant adverse impact on the environment and that an EIS is required. Furthermore, Ecology acknowledges that an EIS must address all related projects, facilities, cumulative emissions and cumulative costs.

A. Adoption of the Savannah River Plant EA ("SRP-EA") is fundamentally flawed and does not meet SEPA obligations for environmental review and public participation:

It is acknowledged that a full Environmental Impact Statement is required for the Hanford HWVP. As a matter of law, that obligation can not be met by adoption of a far less comprehensive Environmental Assessment (EA), which is the functional equivalent to the Washington State SEPA environmental checklist.

The SRP-EA was not subjected to public review and comment by the affected public in the States of Washington and Oregon. Members of our organizations specifically have had no opportunity to review the adequacy of the USDOE determination not to do a full EIS for a plant in South Carolina. Furthermore, no members of the affected public in the State of Washington has had an opportunity to comment or participate in the shortcircuited NEPA process for the SRP plant. We have had no notice that an EA for that plant in South Carolina would be used to meet environmental review and alternative considerations for Hanford High-Level Nuclear Wastes. We have had no opportunity to comment on the EA. We have had no opprtunity to challenge the decision that an EA was adequate instead of an EIS for USDOE's programmatic decision relative to its choice of technology for high-level nuclear waste vitrification plants. Because of that lack of notice and opportunity for public participation and review, as well as the fundamental flaw in accepting an environmental assessment document in lieu of a full EIS, the Washington Dept. of Ecology can not adopt the SRP-EA as meeting SEPA requirements.

The adoption of the SRP-EA is proposed by Ecology to be based upon the assertion that "These wastes (SRP) are similar to the tank wastes at Hanford." This assertion is factually incorrect. SRP's tank wastes are now acknowledged to have fundamental safety related differences in terms of chemical and radioactive makeup of the wastes.

SRP's wastes - simply put - are far more stable and do not have explosive chemicals added to them. At SRP, complex organic chemicals with unknown degradation byproducts were not added to the waste tanks. At Hanford, there are many tanks as to which USDOE acknowledges that it is simply not possible to know the chemical makeup of the tanks. Thus, it is not defensible to base a SEPA determination on the assertion that "These wastes are similar to tank wastes at Hanford."

B. Adoption of a 5 Year Old EIS, based on 7 to 10 year old data, and in which the USDOE failed to address significant major safety information and alternatives that are now known can not meet the obligation of USDOE to prepare an EIS covering all cureent safety information, all related projects, and cumulative impacts:

The HDW-EIS is fundamentally flawed.

In fact, if USDOE currently asserts that information in the HDW-EIS is being submitted for purposes of Washignton State SEPA requirements, the Washington Dept. of Ecology should be requesting that the Attorney General consider criminal enforcement action against USDOE for knowingly submitting false information.

The HDW-EIS has been entirely discredited for its fundamental reliance on its characterization of Hanford Tank Wastes as not having explosive potential.

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At the time of finalization, it is probable that USDOE knew that the statements in the HDW-EIS were incorrect and that an on-going coverup existed of the explosive potential of Hanford tank wastes.

The nature of the tank wastes is the fundamental question in assessing the risks and alternatives for treating those wastes.

For example, the adopted documents, including the July 1991 report prepared by USDOE, do not address the very real risks of potentially catastrophic explosion during the processing of Hanford Tank Wastes based on what we are currently learning about the tank wastes' compositions. SEPA requries that all related projects be considered in one EIS. The proposed SEPA determination and new document are based upon the legally flawed position that only the design basis accident for HWVP need be considered in this SEPA process.

Because wastes can not get from the tanks to HWVP by wishful thinking alone, it is legally required that a new EIS consider the potential accidents - including potential catastrophic risk of explosion - from removing tank wastes from tanks, piping tank wastes to a pretreatment facility, pretreating tank wastes, piping tank wastes to HWVP.

It is incredible to find that the July 1991 documentation submitted to Ecology still relies upon a PNL postulation from 1986, prior to USDOE's acknowledgement of the potential for ferrocyanide, organic complexant or hydrogen gas explosion in the storage or treatment of tank wastes!!! Further review of these documents reveal that the PNL data for their 1986 document was generated in 1983 or earlier!!!

.[We also note that the design basis accident is based upon early data for HWVP, when the glass production rate was expected to be just 30 to 45% of the current design expectation. Obviously, this work must be redone.]

The HDW-EIS can not be relied upon because it foresaw the reliance upon Hanford's "B-Plant" for pre-treatment of tank wastes prior to vitrification.

It has since been determined that B-Plant can not meet regulatory standards and that an entirely new pretreatment scheme must be devised.

Prior to making irreversible permit decisions and related decsions to turn much of Hanford into a waste dump, Ecology must insist that the applicant proceed with a programmatic EIS covering all pretreatment, grouting and vitrification options.

Westinghouse has suggested 3 pretreatment options to USDOE, all of which have pricetags of over $2 Billion. That represents an irreversible commitment of clean-up resources.

Pretreatment is a critical interrelated project for HWVP and ther has been no SEPA required consideration of cumulative, interrelated impacts or consideration of alternatives.

The HDW-EIS was written at a time when USDOE failed to acknowledge the full extent of radioactive and hazardous wastes

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which USDOE intends to send to grout vaults as part of the HWVP program and for which USDOE has applied for a RCRA permit, that is closely interrelated to the RCRA umbrella permit and HWVP RCRA permit.

USDOE now intends to send to grout 20 million curies of high-level nuclear wastes. Calling it a "low-level fraction" or some other name does not make it so.

The hazardous chemical components of grout waste streams are not understood at this time.

USDOE has no "recipe" for the grout at this time.

There is simply no scientific understanding of the interaction between the radioactive components of grout and the hazardous waste components, including what degradation products will be created in this waste stream. Thus, it is not possible to know anything except that we have a great range of uncertainty as to the environmental impacts of grouting wastes.

This conclusion should require the preparation of a programmatic sitewide EIS which considers alternatives to creating any grout, alternatives to grouting more than 1 to 2% of all radioactivity in the Hanford Tanks, alternatives to grouting all hazardous wastes streams and alternatives to grout which include vitrifying (and thus, changing the design and specifications for HWVP and pretreatment processes) significantly more waste - leaving less behind in hanford's soil as grout.

Grout has no known lifetime for holding in unknown waste products. We do know that the halflives of some radioactive components of grout will be hundreds of thousands of years. This entire program should be reviewed in a new programmatic EIS with full public participation.

C. The HDW-EIS and other documents proposed to be adopted in lieu of an EIS, have never reviewed alternative vitrification technologies and designs:

The SEPA determination for HWVP simply states that "USDOE's selection of vitrification technology for HWVP was based largely on decisions made for the Savannah River Defense Waste Processing Facility".

However, no Environmental Impact Statement was ever prepared to support that decision. As stated earlier, it is not possible to rely on an EA when an EIS is required.

The EA in question was released 10 years ago.

In the intervening decade, a French vitrification technology has not only been successfully tested but it has been built at production scale. USDOE rejected that technology out of hand more than a decade ago. Yet, USDOE's chosen technology has not even been subjected to a design scale construction and operation, much less a production scale operation. There exist considerable technical questions about the USDOE design versus the French multiple melter technology and design. There are also questions about the use of ceramic versus metal melters. The purpose of an

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EIS is to assess alternatives.

USDOE's intransigence in considering these alternatives and their prior refusal to do an EIS should not prejudice the State's decision. These multi-billion dollar decisions could jeopardize all of the clean-up of Hanford if made without review of alternatives and rational selection of the best alternative after reviewing costs and environmental impacts.

***We are seeking a sitewide, programmatic EIS for Hanford before the State issues permits which allow USDOE to irreversibly condemn us to making billion dollar mistakes and turning large areas into High-Level Nuclear Waste Dumps without public involvement in an EIS. Thank you.

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DON'T SAY IT --- *Write It!*

DATE: March 3, 1992

TO: J. D. Wagoner, MGR
J. P. Hamric, DMO
R. D. Izatt, EAP
C. E. Clark, TRB

FROM: John H. Anttonen, AMD
Telephone: 376-7591

cc: T. Y. Reavis, AMD

SUBJECT: HEART OF AMERICA NORTHWEST LETTER TO ECOLOGY

Attached is the subject letter regarding extension of due date for comments on the Hanford RCRA/Dangerous Waste Permit.

Please review and send any comments you may have back to Tracy by 1:00 p.m. on Friday, March 6, 1992.

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54-3000-101 (9/59) (EF) GEF014
DSI

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
Mail Stop PV-11 • Olympia, Washington 98504-8711 • (206) 459-6000

A Facsimile Transmission From

the

Nuclear and Mixed Waste Management Program

Mail Stop PV-11
Olympia, WA 98504

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DATE: February 27, 1992

TO: John Anttonen PHONE: (509) 376-7591

LOCATION: USDOE · RL FAX NO: (509) 376-4963

FROM: R STANLEY PHONE: 206 438 7020

MESSAGE:

JOHN: FYI, Please share with other RL mgt. I would Appreciate your analysis and comments

This FAX Consists of 8 Pages, Including Cover Sheet

Facsimile Number: (206) 459-6859

If Problems Arise, Please Call [redacted] at (206) 459-6444