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Mr. Dan L. Duncan
Hanford RCRA Permit Coordinator
U.S. Environmental Protection Agency
Region 10
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Seattle, Washington 98101

Mr. David B. Jansen, P.E.
Hanford Project Manager
State of Washington
Department of Ecology
P.O. Box 47600
Olympia, Washington 98504-7600

Dear Messrs. Duncan and Jansen:

TRANSMITTAL OF FORMAL COMMENTS ON THE DRAFT HANFORD FACILITY WASTE WATER PILOT PLANT DANGEROUS WASTE RESEARCH, DEVELOPMENT, AND DEMONSTRATION PERMIT

Enclosed please find comments on the draft Hanford Facility Waste Water Pilot Plant Research, Development, and Demonstration (RD&D) Permit.

We appreciate your willingness to work with us during your preparation of this draft RD&D permit. The cooperation that was demonstrated is representative of the type of relationship we would like to continue to foster with your organizations.

Should you have any questions, please contact Mr. C. E. Clark of the U.S. Department of Energy, Richland Operations Office on 376-9333 or Mr. R. C. Bowman of Westinghouse Hanford Company on 376-4876.

Sincerely,

James E. Rasmussen
for James D. Bauer, Program Manager
Office of Environmental Assurance,
Permits, and Policy
DOE Richland Operations Office

EAP:CEC



R. E. Lerch
R. E. Lerch, Deputy Director
Restoration and Remediation
Westinghouse Hanford Company

Enclosure

cc w/encl:
S. Lijek, MACTC
D. Sherwood, EPA

cc w/o encl:
R. Bowman, WHC
S. Price, WHC

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DRAFT PERMIT

- 1. Heading: TITLE PAGE
Text Location: Page 1
Comment/Action: In the "ISSUED TO" section, insert "(Owner/Operator)" after "U.S. Department of Energy".

Justification: This change will provide consistency with the current approach used in the Draft Hanford Facility RCRA Permit.

- 2. Heading: INTRODUCTION
Text Location: Page 3, paragraph 1, line 14
Comment/Action: Change "(owner and operator)" to "(Owner/Operator)." Capitalize "Co-operator."

Justification: This change will provide internal consistency within the Research, Development and Demonstration (RD&D) permit.

- 3. Heading: INTRODUCTION
Text Location: Pages 4 and 5
Comment/Action: In the Introduction, regarding the discussion of "Permit Challenge Procedures and Stays," delete the following words:

"Until and unless the State of Washington becomes authorized, pursuant to Section 3006 of RCRA, to administer RCRA research, development and demonstration permits, any challenge or appeal by the Westinghouse Hanford Company to the Pollution Control Hearings Board of this Permit under state law shall not stay the applicability or effective date of any condition of this Permit under RCRA and applicable federal law. In the event a decision of the Department is challenged by the Department of Energy-Richland Operations Office under the FFAO and by a contractor under WAC 173-303-845, the Department shall stay the decision as it pertains to the contractor pending resolution of the matter with the Department of Energy-Richland Operations Office under the FFAO. Such stay constitutes a "stay by the issuing agency" within the meaning of RCW 43.21B.320(1). Such stay shall remain in effect until resolution of the Department of Energy-Richland Field Office challenge under the FFAO."

Substitute the following words:

"In the event a decision of the Department is challenged by the Department of Energy under the FFAO and/or by Westinghouse Hanford Company under WAC 173-303-845, the Department shall stay the decision as it pertains to the Permittees pending the resolution of the matter. Such a stay constitutes a "stay by the issuing agency" within the meaning of RCW 43.21B.320(1). In the event of a challenge by any Permittee, as specified above, the

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decision of the Department shall be stayed as to all Permittees pending resolution of the challenge under the applicable procedure referenced above."

Justification: The procedures for challenges and stays in the Draft RD&D Permit are overly cumbersome and create situations wherein challenged permit conditions would be stayed as to one Permittee, but not the other. As the Permittees are managing the same facility and the same waste, the procedures make no practical sense.

In the recent TPA negotiations, the Department of Energy-Richland Operations Office (DOE-RL), the Agency, and the Department (Parties) agreed to Cost and Management Efficiency Initiatives. In Commitment 6 (Regulatory Reform), the Parties agreed that many inefficiencies in Hanford operations are driven by overly conservative interpretations of environmental regulations, and functional redundancies and procedural duplication in implementation of those regulations.

It was concluded that these conditions result in management and operating practices that reinforce protectionism, discourage good management practices, and delay cleanup progress. In order to eliminate these inefficiencies, the Parties expressly agreed, inter alia, to "implement the actions agreed to in the joint assessment of the pending RCRA permit."

4. **Heading:** LIST OF ATTACHMENTS
Text Location: Page 6, paragraph 1
Comment/Action: Change word "documents" to "documentation."

Justification: The Attachment excerpts are for the most part portions of a document. Therefore, the word "documentation" is considered to be more appropriate.

5. **Heading:** LIST OF ATTACHMENTS
Text Location: Pages 6 through 11
Comment/Action: On page 6, delete the first paragraph. Substitute the following text:

"The Permittees' Waste Water Pilot Plant Research, Development and Demonstration Permit Application is attached in its entirety. However, only those Excerpts from the permit application listed below are incorporated into the Permit. Also information included in the Excerpts which is referred to as illustrative or for information purposes is not incorporated into this Permit. The Department and the Agency have, as deemed necessary, modified specific language in the Excerpts. These modifications are described in the Permit conditions (Parts I. through V.), and thereby supersede the language of the original Excerpt. These incorporated Excerpts are enforceable conditions of this Permit, as modified by the specific Permit condition."

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On pages 6 through 11, change titles for "Attachments 1 through 11", to "Excerpts 1 through 11". Consistent with this comment, change the use of the word "Attachment" to "Excerpt" throughout the entire document.

Justification: Because portions of the attachments to the Draft RD&D Permit have been removed, the resultant text lacks the flow and continuity of the original permit application. Inclusion of the entire permit application for "Information Only" would serve to provide this continuity. The change will provide consistency with the current approach used in the Draft Hanford Facility RCRA Permit.

6. **Heading:** DEFINITIONS
Text Location: Page 12
Comment/Action: Add the following definition of mixed waste:

"Mixed Waste" is waste containing hazardous or dangerous components, regulated under the Resource Conservation and Recovery Act and the Washington State Hazardous Waste Management Act, respectively; and containing radioactive components regulated under the Atomic Energy Act of 1954, as amended.

Justification: The term is used in Attachment 1 which is incorporated, in its entirety, by reference into the Draft RD&D Permit. The term is also used in the Fact Sheet and defined there (parenthetically) inaccurately in two instances on page 3. The definition proposed is consistent with the definition in Article V., Paragraph 21.s. of the FFACO.

7. **Heading:** I.E.2.
Text Location: Page 15
Comment/Action: Delete last sentence and substitute:

"The Westinghouse Hanford Company is identified as a Permittee for any and all activities subject to the conditions of this Permit where its agents, employees or subcontractors have operational and/or management responsibilities and control."

Justification: The language in the Draft RD&D Permit is so broad that it fails in its purpose to distinguish the responsibilities of the DOE-RL and the Westinghouse Hanford Company. The draft condition could be read to inaccurately portray the Westinghouse Hanford Company as having total operational responsibility for the RD&D Activity. In addition, the draft condition purports to hold the Westinghouse Hanford Company responsible for other unspecified activities beyond the operation of the RD&D Activity.

In 40 CFR 260.10 and WAC 173-303-040, "operator" is defined as the person responsible for the overall operation of a facility. The Westinghouse Hanford Company is not responsible for the overall operation of the RD&D Activity. The DOE-RL, the Agency, and the Department have previously agreed in the FFACO that DOE-RL owns and

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operates the Hanford Facility. The definition of "Permittees" in the Draft RD&D Permit (page 13, subparagraph 1) recognizes this fact. The Westinghouse Hanford Company has more limited and specific roles under its contract with the DOE-RL and may not be identified as responsible for all activities at the RD&D Activity.

The substitute language would hold the Westinghouse Hanford Company responsible for all activities within its span of control which are subject to the scope of the permit. Together with the first sentence of Condition I.E.2, the substitute language more accurately distinguishes the responsibilities of the permittees.

In the recent TPA negotiations, the DOE-RL, the Agency, and the Department (Parties) agreed to Cost and Management Efficiency Initiatives. In Commitment 6 (Regulatory Reform), the Parties agreed that many inefficiencies in Hanford operations are driven by overly conservative interpretations of environmental regulations, and functional redundancies and procedural duplication in implementation of those regulations.

It was concluded that these conditions result in management and operating practices that reinforce protectionism, discourage good management practices, and delay cleanup progress. In order to eliminate these inefficiencies, the Parties expressly agreed, inter alia, to "implement the actions agreed to in the joint assessment of the pending RCRA permit."

The Draft RD&D Permit language reflects the very sort of overly conservative interpretation that is addressed in the Cost and Management Efficiency Initiatives. The substitute language proposed by the commentors is exactly the language on which the Parties and the Westinghouse Hanford Company have reached accord for the Hanford Facility RCRA Permit. In as much as the "responsibility of permittees" issue is essentially the same, it only makes sense to use the same language in the RD&D permit.

8. **Heading:** II.C.2.
Text Location: Page 23
Comment/Action: The exact meaning of the term "test" as used in this draft condition needs to be defined. Add the following definition on page 13:

"A test is defined as a series of operations having a stated overall purpose employed to resolve uncertainties. A test is described by a plan which details a series of steps, procedures, or analyses required to obtain the overall purpose."

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Justification: This Draft RD&D Permit condition requires 30-day prior notification of details for each test to be performed. Without additional definition, "test" could be construed to be each analytical procedure undertaken, and as such, be overly restrictive to the RD&D operations.

9. **Heading:** II.L.
Text Location: Page 29
Comment/Action: In the first line of this draft condition, change the word "manage" to "receive."

Justification: Relative to the anticipated laboratory and analytical procedures to be used in the 1706-KE Laboratory, this draft condition is overly restrictive to laboratory operations (i.e., waste generation and storage). The laboratory may generate ignitable or reactive waste in the course of testing waste water.

10. **Heading:** IV.C.2.a.
Text Location: Page 36
Comment/Action: In the last sentence of this draft condition, change "WAC 172-" to read "WAC 173-."

Justification: This change is needed to provide the correct regulatory citation.

11. **Heading:** IV.C.5.
Text Location: Page 37
Comment/Action: Rewrite this draft condition to state that the visual inspection may be performed using remote video and/or photographic equipment.

Justification: This change is needed to address an ALARA concern.

12. **Heading:** IV.D.2.a.ii.
Text Location: Page 38
Comment/Action: In line 11 of this draft condition, add "'Alarm set point and response" add' between the words "subheading" and "immediately."

Justification: This change is needed for clarification purposes.

13. **Heading:** IV.D.2.c.
Text Location: Page 38
Comment/Action: This draft condition directs changes to be made to Figure F4-2. This condition also needs to direct that the same changes be made to Attachment 4, Appendix 4C.

Justification: Attachment 4, Appendix 4C, is an identical but larger version of Figure F4-2. This change is needed to ensure consistency.

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14. Heading: IV.D.2.c.xi.
Text Location: Page 39
Comment/Action: In line 3 of the draft condition, change "catch basin" to "containment berm".

Justification: The intent is to label the containment (inflatable) berm as LL-CB-1 (See Table 4-4, Page T4-4.1, Line 22). This change is needed to meet this intent.

15. Heading: IV.D.7.
Text Location: Page 40
Comment/Action: In line 8 of this draft condition, change "IV.C.1" to "IV.C.2.a."

Justification: This change is needed to cite the proper reference.

16. Heading: V.D.2.g.
Text Location: Page 45
Comment/Action: In line 5 of this draft condition, delete the word "primary".

Justification: There is only one charcoal unit at the LERF, not a primary and secondary.

17. Heading: V.D.2.h.
Text Location: Page 45
Comment/Action: It is unclear what this draft condition intends to convey:

- a. Pressure indicators are already numbered as stated on Figure 4-6 except there are 17 indicators rather than 16 as stated in the paragraph (17 is correct).
- b. Where the draft condition states, "add pressure switches RO-rsp-1 and RO-rsp-2," it cannot be determined what these are nor where they are to go on Figure 4-6; rsp is not a legend code; RO-rsp is not used elsewhere in the document. Other switches (HPS and LPS) are already on the figure and labeled.

Justification: This draft condition possibly refers to an entry which originated in a previous permit application draft, but which due to a later update of Figure 4-6 itself, should now be deleted. Clarify the intent of draft Condition V.D.2.h.

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ATTACHMENTS

18. **Heading:** ATTACHMENT 1
Text Location: Page 1-5, line 21
Comment/Action: Define the term "LERF" in the "Definitions" portion of the RD&D permit.

Justification: In the excerpted portions of the Waste Water Pilot Plant RD&D permit application, this acronym is not defined. A definition of this term would help clarify its usage in the excerpted portions of the permit application.

19. **Heading:** ATTACHMENT 1
Text Location: Page F1-4, Topographic Map (Drawing Number H-2-81570, Rev. 0)
Comment/Action: There is an inconsistency between Figure 1-4 and the LERF topographic map. The topographic map shows four retention basins while Figure 1-4 shows only three. Include permit language stating that the appropriate number of basins is three. Basin number 242AL41 will not be constructed.

Justification: The topographic map was accurate when the permit application was submitted; however, a subsequent decision was made to build only three basins. This change is needed to reflect more current information.

20. **Heading:** ATTACHMENT 4
Text Location: Page 4-9, line 39
Comment/Action: Include RD&D permit language to delete the word "maximum".

Justification: The mixing vessel for pH adjustment at the 1706-KE Building has two chambers designed to assure a minimum retention time of 10 minutes in each chamber. A longer retention time will not hurt the system.

21. **Heading:** ATTACHMENT 5
Text Location: Page 5-1, Section 5.1
Comment/Action: Include RD&D permit language to:

a. Remove "and is expected to remain so for the foreseeable future" from line 13.

b. Delete lines 19 through 23 and to insert the following text:

"Manned barricades (Yakima and Wye Barricades) are maintained around the clock at checkpoints on vehicular access roads leading to the central portion of the Hanford Site. All personnel

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accessing the Hanford Site areas must have a U.S. Department of Energy-issued security identification badge indicating the appropriate authorization. Personnel also might be subject to a random search of items carried into or out of the Hanford Site."

- c. Delete lines 25 through 32.

Justification: The security information was accurate when the permit application was submitted; however, changes have been made in security provisions since the submittal. The noted changes are needed in the RD&D permit to reflect more current information.

22. **Heading:** ATTACHMENT 8
Text Location: Attachment 8
Comment/Action: Include RD&D permit language to note that the Hanford on-site emergency response number, wherever mentioned in Attachment 8, is "911", not "811".

Justification: Since the permit application was submitted, the Hanford on-site emergency response number has been changed from "811" to "911". This change is needed to reflect more current information.

23. **Heading:** ATTACHMENT 10
Text Location: Page 8-1, line 46
Comment/Action: Include RD&D permit language to note that "operation of the waste water pilot plant is contingent upon operation of the 242-A Evaporator and availability of waste water for treatment."

Justification: The projected start date of 1992 for operating the waste water pilot plant is no longer accurate. This change is needed to reflect more current information.

24. **Heading:** ATTACHMENT 11
Text Location: Page 1-8, second paragraph, last sentence
Comment/Action: Include RD&D permit language to note that "operation of the waste water pilot plant is contingent upon operation of the 242-A Evaporator and availability of waste water for treatment."

Justification: The projected date of November to December 1992 for waste water availability is no longer accurate. This change is needed to reflect more current information.

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Subject: TRANSMITTAL OF FORMAL COMMENTS ON THE DRAFT HANFORD FACILITY WASTE WATER PILOT PLANT DANGEROUS WASTE RESEARCH, DEVELOPMENT, AND DEMONSTRATION PERMIT

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