

December 30, 1998

Ms. Greta Davis  
 Washington State Department of Ecology  
 1315 W. 4<sup>th</sup> Avenue  
 Kennewick, WA 99336-6018

RE: 2727-WA Sodium Reactor Experiment (SRE) Sodium Storage Building

Dear Ms. Davis:

Thank you for providing an opportunity to comment on the proposed procedural closure for the 2727-WA SRE Sodium Storage Building. The Focus Sheet for the proposed closure for the above referenced unit does not identify if the Washington State Department of Ecology performed a regulatory analysis of the applicability of dangerous waste Washington Administrative Code (WAC) requirements to the 2727-WA SRE Sodium. As a general comment, it is recommended that in the future, focus sheets identify and discuss Washington State Department of Ecology's regulatory analyses.

Washington State Department of Ecology's regulatory analysis of the definition of solid waste as it relates to the 2727-WA SRE sodium should consider the following elements of WAC 173-303-016(4):

- A material is a solid waste by virtue of being abandoned if the material is "accumulated, stored or treated (but not recycled) before or in lieu of being abandoned by being disposed of...". As the 2727-WA SRE sodium has reuse potential, it may not be considered "abandoned".
- Commercial chemical products are not solid wastes as long as they are not abandoned by being stored in lieu of disposal, regardless of time in storage (i.e., no speculative accumulation limits). As such, the 2727-WA SRE sodium as a commercial chemical product may be stored while awaiting reuse.
- Spent materials are solid wastes defined as "any material that has been used and as a result of contamination can no longer serve the purpose for which it was produced without reprocessing" (WAC 173-303-016 Table 1 and -040). The 2727-WA SRE sodium is contaminated, but **may** not require reprocessing for potential reuse.

Considering the above regulatory definitions, an analysis should conclude that the definition of a solid waste **may relate** to the 2727-WA SRE sodium **only** if the sodium is reused **without reprocessing**. Although it is recognized that there is a sodium plan, it should also be recognized that planning documents are easily modified. In addition, it is unlikely that the sodium plan is an enforceable document, (i.e., no Tri-Party Agreement [TPA] milestone exists which explicitly requires the 2727-WA SRE sodium to be reused without reprocessing). In addition, it should be acknowledged that even if a TPA



milestone existed which required the 2727-WA SRE sodium to be reused without reprocessing, it should be recognized that the TPA milestone can be easily modified. Therefore, it is recommended that the procedural closure not be processed and approved until such time that the 2727-WA SRE sodium is actually reused without reprocessing.

The Focus Sheet for the Proposed Procedural Closure for the 2727-WA SRE Storage Building does not identify that the sodium is no longer stored in the 2727-WA Sodium Storage Building but has been overpacked and is now stored in a unit designed to store reactive material. It should be acknowledged that the dangerous waste requirements associated with the sodium (as waste) could be substantially reduced as they are related to the 2727-WA Sodium Storage Building. Therefore, it is also recommended that a significant number of dangerous waste requirements associated with the 2727-WA Sodium Storage Building be either waived or substantially reduced. Similarly, it is recommended that the dangerous waste requirements associated with the 2727-WA Sodium, now stored elsewhere in the 200 West Area, be imposed on the sodium until such time as the sodium is reused without reprocessing.

Finally, it is recommended that upon reuse of the 2727-WA sodium without reprocessing, a procedural closure for the 2727-WA Sodium Storage Building be processed and approved by the Department of Ecology.

If you have any questions about the above comments and/or recommendations, I may be contacted at the address and/or telephone number provided below.

Sincerely,



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c: Doug Sherwood, EPA-RL  
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