



Focus

Settlement of the Appeal of Modifications to the Corrective Action Section of the Hanford Facility RCRA Permit

Background

The Washington State Department of Ecology (Ecology) issued a dangerous-waste permit for the Hanford Facility in August 1994. The permit was issued under provisions of the federal Resource Conservation and Recovery Act (RCRA) and the state's own dangerous-waste regulations. The permit outlines standard and general facility conditions as well as unit-specific conditions for the operation, closure, and post-closure of individual mixed-waste or dangerous-waste treatment, storage, and/or disposal units at Hanford.

Among other things, owners and operators of dangerous-waste treatment, storage or disposal facilities are required to clean up pollution releases at their facilities, including releases that have migrated beyond the facility boundary, as necessary to protect human health and the environment. At the federal level, these cleanup requirements are commonly referred to as "corrective actions" and generally flow from federal statutory requirements in RCRA sections 3004(u), 3004(v) and 3005(c)(3). Like most other requirements of RCRA, responsibility for overseeing the implementation of the corrective actions is intended to be passed from the U.S. Environmental Protection Agency (EPA) to authorized states.

When issued in 1994, the permit contained two portions. Ecology issued the portion setting requirements for operating the facility and most standards for treating, storing and disposing dangerous waste. EPA Region 10 issued the portion setting requirements for corrective action under the Hazardous and Solid Waste Amendments (HSWA) to RCRA and for other HSWA requirements for which Ecology was not yet authorized. After the permit was issued in 1994, Ecology became authorized for corrective-action requirements. On March 28, 2000, the permit was modified to transfer corrective-action conditions from the federal to the state portion of the permit. However, the U.S. Department of Energy (USDOE) appealed the modification to the Washington State Pollution Control Hearings Board (PCHB).

Settlement of the Appeal of Modifications to the Hanford Facility RCRA Permit

On December 8, 2000, USDOE and Ecology settled the appeal by stipulating, in general terms, that USDOE may defer to a future date its right of litigation on whether Ecology can impose corrective-action obligations on the following:

- Property subleased to US Ecology, Inc;
- CERCLA (Superfund) Past Practice Units identified under the Hanford Federal Facility Agreement Consent Order (Tri-Party Agreement);
- Radionuclides regulated under the Atomic Energy Act.

Ecology and EPA are conducting a combined public comment process on the modifications to the corrective-action conditions

Along with Ecology's action to modify the state portion of the Hanford Federal Facility Permit to include the corrective-action conditions, EPA proposed modifying the HSWA component of the permit to remove the existing federal corrective-action conditions. Both sets of modifications were delayed pending resolution of USDOE's appeal of the state's permit conditions.

Therefore, now that Ecology and USDOE have reached a settlement, Ecology is requesting public comment on the plan to include the modified corrective-action conditions in the state's portion of the permit.

Additionally, EPA is requesting comment on its proposal to remove the existing corrective-action conditions from the federal portion of the permit. Procedures for commenting on the outstanding federal permit modification are described in the EPA fact sheet attached to this Focus sheet.

Although Ecology and EPA are administratively processing separate permit modifications, the agencies are coordinating the timing of the two actions so that both modifications will take effect on the same day, subject to public notice and comment on both proposals. Thus, there will be no lapse in corrective-action requirements at Hanford, and the permittee will not be subject to two sets of conditions (i.e., one set in the federal portion of the permit and another in the state's portion).

How can you get involved?

The public-comment period for modifying the Hanford Facility RCRA Permit will be reopened for 30 days, beginning March 7, 2001, and ending April 6, 2001. Only those conditions modified by the Stipulation and Agreed Order of Dismissal will be subject to comment. All comments received during the public-comment period will be considered and responded to before final decisions are made on the proposed conditions. Comments should be sent to:

Laura Ruud
Department of Ecology
Nuclear Waste Program
1315 W. 4th Ave.
Kennewick, WA 99336-6018
lrus461@ecy.wa.gov
(509) 736-5715

To request a public hearing, please contact Laura Ruud in writing at the above address.

Copies of the Dangerous Waste RCRA Permit for the Hanford Facility and the order are available for review at the public information repositories listed below. The order is also available on the nuclear waste page of Ecology's Web site, at <http://www.ecy.wa.gov/programs/nwp/op.html#ca>. For additional information, please call the Hanford Cleanup Hotline toll-free at 800-321-2008.

HANFORD PUBLIC INFORMATION REPOSITORIES

Portland

Portland State University
Branford Price Millar Library
934 S.W. Harrison and Park
Portland, OR 97207
(503) 725-3690
Attn: Michael Bowman/Jocelyn Kramer
E-mail: bowman@lib.pdx.edu

Richland

Public Reading Room
2770 University Dr.
Consolidated Information Center, Rm. 101L
Richland, WA 99352
(509) 372-7443
Attn: Terri Traub
E-mail: reading_room@pnl.gov

Spokane

Gonzaga University
Foley Center
E. 502 Boone
Spokane, WA 99258
(509) 323-3839
Attn: Connie Scarppelli
E-mail: carter@its.gonzaga.edu

Seattle

University of Washington Suzzallo Library
Government Publication Division
Seattle, WA 98195
(206) 543-4664
Attn: Eleanor Chase
E-mail: echase@u.washington.edu
Public Service: (206) 543-1937

If you have special accommodation needs, please contact Tim Hill, Department of Ecology, Nuclear Waste Program, at (509) 736-3026 (voice), (509) 736-3039 (TDD) or tihi461@ecy.wa.gov.