



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10

1200 Sixth Avenue
Seattle, WA 98101

23 JAN 2007

Reply To
Attn Of: OCE-164

Keith Klein, Manager
United States Department of Energy, Richland Operations Office
P.O. Box 550, MSIN A7-50
Richland, WA 99352

Re: Approval of the Toxic Substances Control Act (TSCA) Risk-based Disposal Approval (RBDA) Application for Storage of Two Water Tower Tanks Pending Disposal

Dear Mr. Kline:

This letter constitutes approval under the authority of 40 Code of Federal Regulations (CFR) 761.62(c) for storage of two 50,000 gallon water tower tanks, regulated as polychlorinated biphenyl (PCB) bulk product waste, until a final method of disposal can be identified and made available, subject to conditions established below. The rationale of the United States Environmental Protection Agency (EPA) for establishing each of these conditions is contained in the Statement of Basis appearing as an enclosure to this letter. This written decision for a risk-based method for storage of PCB bulk product waste is based on the United States Department of Energy, Richland Operations Office (DOE-RL) application for a risk-based disposal approval November 13, 2006. In granting this approval, EPA finds that the proposed storage of bulk PCB product wastes, subject to the conditions below, will not pose an unreasonable risk of injury to health or the environment. DOE-RL shall ensure that activities conducted pursuant to this approval are in full compliance with conditions of the approval. The conditions of this approval are enforceable under TSCA and implementing regulations 40 CFR Part 761.62(c). Any actions by DOE-RL which violate the terms and conditions of this letter may result in administrative, civil, or criminal enforcement by EPA in accordance with Section 16 of TSCA, 15 USC § 2615.

Conditions

1. DOE-RL may store tanks 2901 S and 2902 B in the immediate vicinity of their original towers according to the storage activities described in the first paragraph of the section entitled "Planned Storage/Management Activities" in the risk-based disposal application dated November 13, 2006 for a period not to exceed one year from the date of this approval. DOE-RL shall ensure that this storage location remains subject to existing or equivalent security and access controls.
2. DOE-RL may request a one-year extension to the storage period provided for in Condition 1 through a written request according to Condition 6 no later than thirty (30) days prior to the end of the one-year storage period. This request must document the options for final decontamination, disposal and/or recycling of the tanks that have been evaluated by DOE-RL and the results of such evaluations as justification for the requested schedule extension. Annual extensions may be requested for a total storage period not to exceed four years from the original date of this approval

3. At such time as either of the tanks subject to this approval are removed from their current storage location, DOE-RL shall document that the condition of the tank(s) does not materially differ from that described in the RBDA with respect to the actual or potential release of PCBs from the interior of the tank in a manner that could pose an unreasonable risk of injury to health or the environment. This documentation shall reasonably consider, by visual or other means, evidence of such releases in the form of paint chips or corrosion debris on the ground surface in the immediate vicinity of the tanks. DOE-RL shall provide copies of this documentation according to Condition 6 no later than thirty (30) days after removal from storage pursuant to this approval. Based on this documentation, EPA may direct DOE-RL to take such actions it finds necessary with respect to such actual or potential releases to ensure the effects of approved storage activities do not pose an unreasonable risk of injury to health or the environment.
4. Nothing in this approval relieves DOE-RL of any obligation to comply with other rules and regulations applicable to the activities subject to this approval.
5. If anytime before during or after storage of PCB bulk product waste pursuant to this approval, DOE-RL possesses or is otherwise made aware of any data or information (including but not limited to site conditions that differ from those presented in the application) that activities approved herein may pose an unreasonable risk of injury to health or the environment, DOE-RL must report such data, via facsimile or e-mail to EPA according to Condition 6 within five working days, and in writing to the Regional Administrator within 30 calendar days, of first possessing or being made aware of that data. DOE-RL shall also report new or different information related to a condition or any element of the approved storage activities if the information is relevant to this approval. EPA may direct DOE-RL to cease any or all of the storage activities subject to this approval, or take such other actions it finds necessary, to ensure the approved storage activities do not pose an unreasonable risk of injury to health or the environment. DOE-RL shall follow such direction until written approval is obtained from EPA that finds the condition(s) requiring such direction no longer poses an unreasonable risk of injury to health or the environment. EPA reserves the right to modify or revoke this approval based on information provided pursuant to this condition, or any other information available to EPA that provides a basis to conclude that activities covered by this approval pose an unreasonable risk of injury to health or the environment.
6. Submissions required by this approval shall be provided to EPA and Ecology as follows:

EPA: Michael A. Bussell
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w/copies to Dave Bartus
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Ecology: Jane Hedges, Nuclear Waste Program Manager
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E-mail: jhed@ecy.wa.gov
Hanford campus mail stop: HO-57

Should you have any questions or comments, please contact Dave Bartus at (206) 553-2804, or Bartus.dave@epa.gov.

Sincerely,



Michael A. Bussell, Director
Office of Compliance and Enforcement

Enclosure

cc: Jane Hedges, Washington State Department of Ecology
Andrea Prignano, Fluor Hanford

Enclosure 1

Statement of Basis

As noted in the application supporting this risk-based disposal approval (RBDA), the United States Department of Energy (DOE-RL) is attempting to secure recycling and/or disposal capacity for two water tanks formerly used at the Hanford site. Unlike most wastes associated with site cleanup, these tanks are not radioactively contaminated – on-site disposal is not possible, since existing on-site disposal capacity is limited to radioactively-contaminated wastes. DOE-RL therefore sought to recycle the tanks as scrap metal, but has been unable to do so after becoming aware that paint in the interior of the tanks contains polychlorinated biphenyls (PCBs) at levels such that the tanks are regulated as PCB bulk product waste under the Toxic Substances Control Act (TSCA). With this finding, DOE-RL has found that identifying a final disposition pathway is both more complicated and more time consuming. Since continued storage is regulated under TSCA, and TSCA-compliant on-site storage that could accept the tanks is not available, DOE-RL is seeking a risk-based approval for compliant storage of the two tanks while it continues final disposition efforts.

EPA concurs that the proposed method of storage outlined in the RBDA application does not pose an unreasonable risk of injury to health or the environment as required by 40 Code of Federal Regulations (CFR) 761.62(c). As documented in the RBDA application, PCB-containing paint is located in the interior of the tank, so that exposure to the paint is precluded by the tank structure itself. Since openings in the tank have closures, potential receptors are prevented from entering the tank, and mobile PCBs in the form of paint chips that might eventually be found are effectively contained. The tanks are currently located within the security perimeter of the Hanford site, so any potential human receptors would need authorization to access the site, and be subject to either training or escort requirements that reasonably preclude any unintentional access to the tanks that might result in exposure to or release of PCBs from the tanks. Since PCBs are in paint, and there are no mechanical or chemical forces at work in the interior of the tank, exposure or transport via an air pathway will not occur. Although the tanks are not watertight, any PCBs that might leach out of the paint would have long since done so since the tanks were used to store water in the first place. Based on this consideration of possible transport routes and receptor exposures, EPA concludes that storage of the tanks as bulk PCB product waste does not pose an unreasonable risk of injury to health or the environment.

To ensure that EPA's analysis remains supportable during storage under this approval, EPA is establishing a number of conditions. These conditions, and EPA's rationale for establishing them, are outlined below.

1. DOE-RL may store tanks 2901 S and 2902 B in the immediate vicinity of their original towers according to the storage activities described in the first paragraph of the section entitled "Planned Storage/Management Activities" in the risk-based disposal application dated November 13, 2006 for a period not to exceed one year from the date of this approval. DOE-RL shall ensure that this storage location remains subject to existing or equivalent security and access controls.

This condition ensures that the tanks remain in their documented location, have closures sufficiently secure to prevent unintended access, are marked to identify risks, and are subject to site security. By ensuring these circumstances will not change, EPA is assured that its analysis of potential risks from the proposed storage bulk PCB product waste will remain valid during the approved storage period.

2. DOE-RL may request a one-year extension to the storage period provided for in Condition 1 through a written request according to Condition 6 no later than thirty (30) days prior to the end of the one-year storage period. This request must document the options for final decontamination, disposal and/or recycling of the tanks that have been evaluated by DOE-RL and the results of such evaluations as justification for the requested schedule extension. Annual extensions may be requested for a total storage period not to exceed four years from the original date of this approval

EPA has not conducted any analysis of how risks from the approved storage might change with time, but has no reason to believe that storage for at least a period of time consistent with DOE-RL's efforts to secure final decontamination, recycling or disposal capacity would pose any unreasonable risk. Nevertheless, EPA is establishing a time limit that attempts to balance timely disposal with reasonable flexibility for DOE-RL to complete its efforts.

3. At such time as either of the tanks subject to this approval are removed from their current storage location, DOE-RL shall document that the condition of the tank(s) does not materially differ from that described in the RBDA with respect to the actual or potential release of PCBs from the interior of the tank in a manner that could pose an unreasonable risk of injury to health or the environment. This documentation shall reasonably consider, by visual or other means, evidence of such releases in the form of paint chips or corrosion debris on the ground surface in the immediate vicinity of the tanks. DOE-RL shall provide copies of this documentation according to Condition 6 no later than thirty (30) days after removal from storage pursuant to this approval. Based on this documentation, EPA may direct DOE-RL to take such actions it finds necessary with respect to such actual or potential releases to ensure the effects of approved storage activities do not pose an unreasonable risk of injury to health or the environment.

EPA does not expect that there will be any release of PCBs from the tanks during the approved storage. Nevertheless, EPA is establishing this condition to ensure there is a reasonable evaluation of this presumption at the end of the approved storage period. EPA does not believe an exhaustive characterization effort involving sampling is necessary – if PCBs were to be released from the tank, they most likely would be in the form of paint chips or corrosion debris which could easily be identified through visual means. EPA does not feel it necessary to establish a response plan at this time, given that the tanks and the interior paint are documented to be in good condition at the present time, and are not likely to deteriorate significantly within the maximum time allowed for storage.

4. Nothing in this approval relieves DOE-RL of any obligation to comply with other rules and regulations applicable to the activities subject to this approval.

This condition establishes that this approval under TSCA does not relieve DOE-RL of any other obligation that it may have with respect to the approved activities.

5. If anytime before during or after storage of PCB bulk product waste pursuant to this approval, DOE-RL possesses or is otherwise made aware of any data or information (including but not limited to site conditions that differ from those presented in the application that activities approved herein may pose an unreasonable risk of injury to health or the environment, DOE-RL must report such data, via facsimile or e-mail to EPA according to Condition 6 within five working days, and in writing to the Regional Administrator within 30 calendar days, of first possessing or being made aware of that data. DOE-RL shall also report new or different

information related to a condition or any element of the approved storage activities if the information is relevant to this approval. EPA may direct DOE-RL to cease any or all of the storage activities subject to this approval, or take such other actions it finds necessary, to ensure the approved storage activities do not pose an unreasonable risk of injury to health or the environment. DOE-RL shall follow such direction until written approval is obtained from EPA that finds the condition(s) requiring such direction no longer pose an unreasonable risk of injury to health or the environment. EPA reserves the right to modify or revoke this approval based on information provided pursuant to this condition, or any other information available to EPA that provides a basis to conclude that activities covered by this approval pose an unreasonable risk of injury to health or the environment.

This condition ensures that if any information not available to EPA at the time this approval is issued becomes known, it will be made available to EPA for purposes of ensuring that activities subject to this approval continue to pose no unreasonable risk of injury to health or the environment. This condition also ensures EPA's ability make changes to the storage activities, including withdrawing approval for storage, as necessary to ensure no unreasonable risk of injury to health or the environment.

6. Submissions required by this approval shall be provided to EPA and Ecology as follows:

EPA: Michael A. Bussell
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