
Statement of Basis



U.S. ENVIRONMENTAL PROTECTION AGENCY REGION 10

October 1999

Draft Hazardous Waste Permit Modifications

United States Department of Energy- Hanford Federal Facility
Richland Operations Office
EPA/Ecology ID No. WA7 8900 8967

This Statement of Basis, developed in consultation with the Washington State Department of Ecology (Ecology), explains the permit modification that EPA proposes to issue to the Department of Energy. EPA proposes to transfer administrative responsibility for RCRA corrective action through a coordinated action by which Ecology will add state corrective action permit conditions, and EPA will remove existing federal conditions. The EPA and Ecology components of this transfer are separate permit modification actions.

This document also describes proposed changes to transfer the administrative responsibility for managing wastes regulated under the Toxicity Characteristic rule from EPA to Ecology authority, and propose changes that will add emission control requirements necessary to comply with regulations applicable to organic air emissions.

Copies of material supporting each of these proposals are available for review at the locations listed on page 6 of this document.

This proposed permit modification affects only the EPA portion of the Hanford Federal Facility permit. EPA has drafted this Statement of Basis in coordination with a companion permit modification prepared and issued separately by the Washington State Department of Ecology pertaining to the state portion of the Hanford Federal Facility permit. EPA and Ecology are conducting joint public notice and comment on these two companion permit modifications.

Public Comment Opportunity

You are encouraged to comment on this proposed RCRA permit modification. **The deadline for comments is December 20, 1999.** Comments should be submitted in writing no later than December 20 to:

Dave Bartus, U.S. EPA Region 10
1200 6th Ave., MS WCM-127
Seattle, WA 98101
E-mail: bartus.dave@epa.gov

Comments should include all reasonably available references, factual grounds and supporting material. Comments concerning the companion Ecology permit modification should be submitted directly to the Washington State Department of Ecology as indicated in the corresponding Ecology permit modification fact sheet.

Public Hearing

Tuesday, November 9, 1999
Washington State Department of Ecology
1315 W. 4th Ave., Kennewick, Washington
7:00 pm

For further information regarding the hearing call Ecology at (800) 321-2008. For special accommodation needs, please contact Lori Guertin, at (509) 736-3007 (voice) or (360) 407-6006 (TDD).

EPA will consider all written comments received during the public comment period, comments received during the public hearing, the requirements of the hazardous waste regulations, and EPA permitting policies.

When EPA makes a final decision regarding the proposed modification, notice will be given to the Department of Energy and each person who has submitted written comments or requested notice of the final decision. The final decision shall become effective no sooner than the sixty (60) days after notice is provided unless a review is requested pursuant to 40 C.F.R. §124.19. Further, a final EPA decision on this corrective action transfer proposal will not be made until after the effective date of the corresponding Ecology modifications.

Background

EPA and Ecology issued Hazardous and Solid Waste Amendments (HSWA) and Dangerous Waste components, respectively, of the Hanford Federal Facility permit in August 1994. Together, these components constitute the RCRA permit for the Hanford Federal Facility. The RCRA permit was issued according to the federal Resource Conservation and Recovery Act, the Washington State Hazardous Waste Management Act, and respective implementing regulations.

The EPA component of the permit outlines requirements for corrective action, waste minimization, land disposal restrictions, and management of toxicity characteristic wastes, provisions for which Washington State had not yet received final authorization at the time the Dangerous Waste portion of the Hanford Federal Facility permit was initially issued. The state portion of the permit outlines standard and general facility conditions, as well as unit-specific conditions for the operation, closure, and post-closure of individual mixed or dangerous waste treatment, storage, and/or disposal units at Hanford.

Corrective Action

After the initial Hanford permit was issued, Ecology received final EPA authorization for the HSWA corrective action program (See 59 Federal Register[FR] 55322, November 4, 1994). This final authorization action, however, did not result in automatic transfer of the EPA HSWA permit to authorized state authority. Today's proposed action, in conjunction with the proposed Ecology action, is intended to accomplish this transfer of authority. These two actions will result in Ecology establishing permit conditions in the state portion of the Hanford permit corresponding to those now in effect under EPA HSWA authority, and removal of the existing EPA conditions.

Toxicity Characteristic Wastes

The EPA and Ecology hazardous waste program regulate certain wastes according to whether or not they exhibit certain hazardous waste characteristics. One of these characteristics is the toxicity characteristic, which was promulgated as part of the federal program on March 29, 1990 (See 55 FR 11798) as the Toxicity Characteristic (TC) rule.

Because the TC rule was in effect at the time the original HSWA portion of the Hanford Federal Facility permit was issued, but Ecology had not yet received final authorization for it, EPA included permit conditions in the HSWA component of the Hanford Federal Facility authorizing management of TC wastes. Subsequent to the effective date of EPA's component of the Hanford permit, Ecology received final authorization for the TC rule (See 61 FR 7736). As a result, EPA is proposing to transfer authority to regulate TC wastes to Ecology by deleting the corresponding permit conditions in the HSWA permit.

Since Ecology already regulates TC wastes through incorporation of Part A permit applications (which in turn identify each TC waste code to be managed at each regulated TSD unit), no corresponding Ecology permit modifications are necessary to effect this transfer.

Subpart AA/BB

EPA promulgated rules imposing organic air emissions control requirements on hazardous waste treatment, storage and disposal facilities with certain process vents, as well as control requirements for organic emissions from equipment leaks. (See 55 FR 25494, June 23, 1990.) These rules are promulgated under HSWA authority, and are currently in effect under both EPA and Ecology authority in Washington State, although Ecology has not yet received final authorization to implement the State rules in lieu of the federal program. The rules require that permit conditions be included in each facilities operating permit at such time as new units are incorporated into the permit, or the permit is reopened or renewed. (See 62 FR 64636.) EPA is proposing to add Subpart AA/BB permit conditions that will generally cover the Hanford federal facility. These conditions require compliance with Subparts AA and BB by reference.

Subpart CC

EPA promulgated a series of rules imposing organic air emissions control requirements on hazardous waste treatment facilities managing waste in tanks, containers and surface impoundments beginning in December, 1994. (See 59 FR 62896, December 6, 1994, 61 FR 59932, November 25, 1996, and 64 FR 3382, January 21, 1999). These rules are promulgated under HSWA authority, and are currently in effect under EPA authority in Washington State. The rules require that permit conditions be included in each facility's operating permit at such time as new units are

incorporated into the permit, or the permit is reopened or renewed (see 62 FR 64636). EPA is proposing to add Subpart CC permit conditions to units being added to the Ecology portion of the Hanford Federal Facility permit, as well as to units already in the permit prior to the effective date of the Subpart CC rule.

The proposed permit conditions generally incorporate by reference the Subpart CC rules, except for the requirement that the Permittee explicitly document and claim any exclusion from the Subpart CC rule available pursuant to 40 CFR §264.1080(b).

Due to the wide variety of wastes managed by the Permittee, EPA has proposed an additional provision to require the Permittee to properly identify wastes eligible for exclusion from regulation under Subpart CC. To ensure the variety of wastes are properly managed and appropriately controlled, EPA believes that it is essential for the Permittee to properly identify which wastes are mixed wastes (for example) and thus eligible for an exclusion, and those wastes which do not qualify for an exclusion and must comply with the remaining requirements of Subpart CC. This recordkeeping requirement is being proposed pursuant to the "omnibus" authority of 40 CFR §270.32(b)(2). Omnibus authority requires that EPA include such terms and conditions in the permit as necessary to protect human health and the environment, beyond the specific requirements of Subpart CC.

Since the PUREX tunnels exclusively store mixed waste, EPA is not requiring the Permittee to document that these mixed wastes meet the Subpart exclusion for mixed waste under 40 CFR §264.1080(b)(6). See Attachment 28, Chapters 3 and 4 of the Ecology Dangerous Waste portion of the Hanford Federal Facility permit concerning waste stored in the PUREX tunnels. However, the Permittee must seek a permit modification to add appropriate Subpart CC requirements if the PUREX tunnels are ever used to manage

non-mixed wastes (thus making this exclusion is no longer applicable.)

Purpose of the Permitting Modification Process

The purpose of the permit modification process is to alter the specific administrative and operational requirements under which the Department of Energy must operate to comply with the hazardous waste management requirements promulgated under RCRA. In proposing modified permit conditions, EPA is reopening only those permit conditions to be modified. All other conditions remain in effect for the duration of the unmodified permit.

Similarly, Ecology authorization for the Toxicity Characteristic rule and promulgation of the subpart CC rule provide a basis for the agency initiated permit modifications under 40 CFR §270.41(a) (3).

Procedures for Reaching a Final Decision

EPA's proposed modification to the HSWA component of the Hanford Federal Facility permit is considered an Agency-initiated permit modification. EPA may initiate an agency-initiated modification when the standards or regulations on which the permit was based have been changed by statute, through promulgation of new or amended standards or regulations, or by judicial decision after the permit was issued. See 40 CFR §270.41(a) (3). EPA interprets Ecology's adoption of corrective action regulations and final authorization of the Washington State Department of Ecology for corrective action authority as sufficient grounds for an agency-initiated permit modification under this regulatory provision.

Contents of the Permit Modification

Corrective Action

EPA is proposing to remove the following definitions and conditions from the existing HSWA component of the Hanford Federal Facility Permit:

Definitions, as follows:

- a. "Action Level"
- d. "Corrective Action Management Unit (CAMU)"
- k. "Lessee"
- m. "Raw Data"
- n. "RCRA Past Practice Units"
- p. "Release"
- q. "Remediation Waste"
- r. "Solid Waste Management Unit (SWMU)"
- s. "Temporary Unit(s)"

Condition I.C.3

Part III, *Corrective Action*

Attachment A, *RFI Work Plan Requirements*

Attachment B, *Sampling and Analysis and Data Management Program Requirements*

Attachment C, *Scope of Work for Corrective Measure Study*

Attachment D, *Scope of Work for the Corrective Measure Implementation*

Attachment E, *Interim Measures Requirements*

Attachment G, *Corrective Action Requirements for RCRA Past Practice Units*

Each of these definitions, conditions or attachments apply only to corrective action authorities, which are being transferred to state authority.

Toxicity Characteristic

EPA is proposing to remove the following conditions from the existing permit relating to management of Toxicity Characteristic wastes:

Condition IV

Condition V

Subpart CC Air Emissions Controls

EPA is proposing to add the following conditions to the permit:

Part VI. Unit-Specific Conditions for Subpart CC Air Emissions Standards for Tanks, Surface Impoundments and Containers.

VI.A The Permittee shall comply with requirements of 40 Code of Federal Register (CFR) 264.1080 requirements in accordance with HSWA Permit Condition VI.A.2 for the following units identified in Part III of the Ecology portion of the Hanford Federal Facility Permit:

VI.A.1.a 616 Nonradioactive Dangerous Waste Storage Facility

VI.A.1.b 305-B Storage Facility

VI.A.1.c Liquid Effluent Retention Facility and 200-Area Effluent Treatment Facility

VI.A.1.c 242-A Evaporator

VI.A.1.d 325 Hazardous Waste Treatment Units

VI.A.1.e Waste Receiving and Processing (WRAP) Facility

VI.A.1.f Central Waste Complex (CWC)

VI.A.2 The Permittee shall comply with the requirements of 40 CFR Part 264 Subpart CC for all tank, container, and surface impoundment waste management units identified in Permit Condition VI.A.1.a through f, unless one of the exclusions enumerated in 40 CFR 264.1080(b) is claimed.

VI.A.2.a For any exclusion claimed under 40 CFR 264.1080(b) other than 264.1080(b)(7), the Permittee shall place in the facility operating record documentation that supports the claimed exemption. This documentation shall be updated on an annual basis, no later than the anniversary date of this permit condition. For tank or surface impoundment waste management units, documentation shall apply to each waste management unit. For container storage units, documentation shall apply to individual containers. Initial documentation required under this condition shall be placed in the operating record within sixty (60) days after the effective date of this permit condition.

VI.A.2.b For any exemption claimed under 264.1080(b)(7), the Permittee shall comply with 264.1089(j).

VI.B The Permittee shall not manage non-mixed hazardous wastes (i.e., hazardous wastes with no radioactive component regulated under the Atomic Energy Act and/or the Nuclear Waste Policy Act) in the PUREX Storage Tunnels prior to receiving a final Class III permit modification to incorporate the PUREX Storage Tunnels into HSWA Permit Condition VI.A.



Statutory Authorities

This document is being issued in accordance with the requirements of 40 CFR Section 124.8. As stated earlier, the purpose of the permit modification process is to alter the specific administrative and operational requirements under which the Permittee must operate to comply with the hazardous waste management requirements promulgated under RCRA as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA), and regulations adopted thereunder by EPA in 40 CFR Parts 124 and 260 to 270. The regulatory requirements for an Agency-initiated permit modification are provided under 40 CFR Section 270.41 and 40 CFR Part 124. Section 7004(b) of RCRA and 40 CFR 124.5 require that EPA prepare draft permit conditions, and that the public be given forty-five (45) days to comment. In addition, EPA must provide public notice of a public hearing at least thirty (30) days before the hearing.

Availability of Documents for Public Review

The administrative record which supports the HSWA permit and this modification, including all data submitted by the Department of Energy and the fact sheet, may be reviewed between the hours of 8:30 am and 4:30 pm, Monday through Friday at the following locations:

U.S. EPA Region 10

Office of Waste & and Chemicals Mgmt.
MS WCM-127
1200 6th Avenue
Seattle, Washington 98101

Contact: Dave Bartus
(206) 553-2804 or toll-free at 1-800-424-4372
E-mail: bartus.dave@epa.gov

Lockheed Martin Services Incorporated

2440 Stevens Center
Mail Stop H6-08
Richland, WA 99352

Contact: Debra A. Isom
(509) 376-2530
E-Mail: Debra_A_Debbi_Isom@rl.gov

Any person desiring further information, copies, or portions of the administrative record, or an appointment to review the record should contact either of the individuals listed above.

HANFORD PUBLIC INFORMATION REPOSITORIES

In addition, copies of the HSWA permit, an index of the HSWA permit administrative record and fact sheets for the permit and this proposed modification are available for public review at the following public information repositories:

Portland-Portland State University

Branford Price Millar Library
934 SW Harrison and Park
Portland, Oregon 97207
(503) 725-3690
Attn: Michael Bowman/Jocelyn Kramer
Email: bowman@lib.pdx.edu

Spokane-Gonzaga University

East 502 Boone
Spokane, WA 99258
(509) 323-3839
Attn: Connie Scarppelli
Email: carter@its.gonzaga.edu

Richland-Public Reading Room

2770 University Drive
Consolidated Information Ctr, Rm. 101L
Richland, Washington 99352
(509) 372-7443
Attention: Terri Traub
Email: reading_room@pnl.gov

Seattle-University of Washington Suzallo Library

Government Publication Division
Seattle, Washington 98195
(206) 543-4664
Attention: Eleanor Chase
Email: echase@u.washington.edu
Public Service: (206) 543-1937

Internet Access

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