



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

3100 Port of Benton Blvd • Richland, WA 99354 • (509) 372-7950

April 29, 2010

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United States Department of Energy
Richland Operations Office
P.O. Box 550, MSIN: A7-50
Richland, Washington 99352

Ms. Shirley J. Olinger, Manager
United States Department of Energy
Office of River Protection
P.O. Box 450, MSIN: H6-60
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Washington Closure Hanford, LLC
2620 Fermi Avenue, MSIN: H4-24
Richland, Washington 99354

Mr. Frank A. Figueroa, President
Mission Support Alliance, LLC
2490 Garlick Boulevard, MSIN: H5-20
Richland, Washington 99354

Mr. Frank Russo, Project Director
Bechtel National, Inc.
2435 Stevens Center Place, MSIN: H4-02
Richland, Washington 99354

Mr. Michael H. Schlender
Associate Laboratory Director, Operational Systems
Pacific Northwest National Laboratory
P.O. Box 999, MSIN: K1-46
Richland, Washington 99352

Mr. John G. Lehew, President
CH2M HILL Plateau Remediation Company
P.O. Box 1600, MSIN: H7-30
Richland, Washington 99352

Re: United States Department of Energy (USDOE) Letter 10-AMCP-0109, dated March 23, 2010,
*Corrective Action Class 3 Permit Modification Request to the Hanford Facility RCRA Permit
in Support of the Central Plateau Clean Up Strategy*

Dear Ladies and Gentlemen:

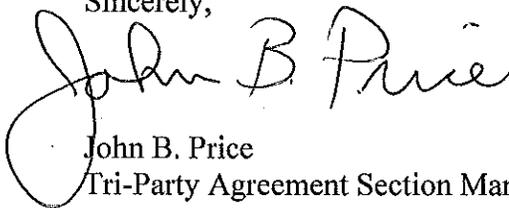
The Department of Ecology (Ecology) reviewed the referenced proposed Class 3 permit modification. Ecology decided to modify the permit and prepared a draft permit (enclosure). We prepared the draft permit by revising the proposed Class 3 permit modification submitted by USDOE.



Mr. David A Brockman et al.
April 29, 2010
Page 2

If you have questions please contact me at 509-372-7921 or Ron Skinnarland at 509-372-7924.

Sincerely,



John B. Price
Tri-Party Agreement Section Manager
Nuclear Waste Program

dbm
Enclosure

cc w/enc:

Tony McKarns, USDOE
Stephen R. Weil, USDOE
Steve Dahlgran, CHPRC
Stuart Harris, CTUIR
Gabriel Bohnee, NPT
Lela Buck, Wanapum
Russell Jim, YN

Susan Leckband, HAB
Ken Niles, ODOE
Administrative Record
Environmental Portal, LMSI
Hanford Facility Operating Record
USDOE-ORP Correspondence Control
USDOE-RL Correspondence Control

Public Comment Period

Nuclear Waste Program **May 2010**

Coordinating decision processes for old disposal sites

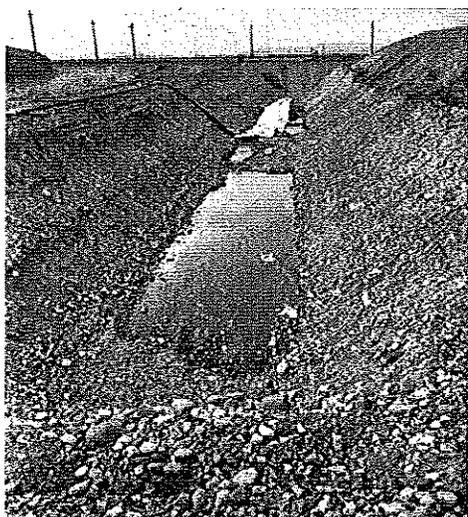
The Department of Ecology invites you to comment on proposed changes to Hanford's dangerous waste permit that align with proposed changes to Hanford's Tri-Party Agreement.

What are the changes?

The proposed changes to the permit relate to actions for cleanup of old disposal sites with both radioactive and chemical contamination. The changes are in Part 4 of the Introduction and the II.Y General Conditions. The II.Y conditions bring the Corrective Action parts of the Tri-Party Agreement into the permit.

What will the changes do?

The proposed permit changes reflect proposed changes to the Tri-Party Agreement. They will coordinate how cleanup decisions will be made for "past practice" sites within Hanford that are designated for cleanup under RCRA corrective action authority. All of these sites are in Hanford's central plateau. They include cribs, ponds, ditches, and trenches where wastes were disposed of at Hanford before the disposal was regulated under RCRA.



Liquid Waste Disposal Trench in 1954.

Cleanup decisions for these sites will be both a Cleanup Action Decision (issued under Ecology's state RCRA corrective action authority) and a Record of Decision (issued under CERCLA), called CAD/ROD. The benefit of this change is that the decisions will apply to the cleanup of both radioactive and chemical contamination.

DATES AND LOCATIONS

Public Comment Period

May 3 – June 18, 2010

To review the permit and supporting documents, visit:

Department of Ecology
Nuclear Waste Program
3100 Port of Benton Blvd
Richland WA 99354
(Call 509-372-7920 for appointment)

or

www.ecy.wa.gov/programs/nwp/commentperiods.htm

or

the Hanford Information Repositories listed on the third page.

Contact information:

About the proposed change

John Price

john.price@ecy.wa.gov

To request a public hearing

Madeleine Brown

madeleine.brown@ecy.wa.gov

Permittee:

U. S. Department of Energy
Richland Operations Office

P.O. Box 500

Richland WA 99352

TERMS TO KNOW

Corrective Action

An interim or final action taken under RCRA to resolve a release of hazardous waste to the environment at a permitted hazardous waste facility.

Past Practice Sites

A soil site where contaminated liquids or solid wastes were disposed of, except for sites that are regulated treatment, storage, or disposal units.

RCRA

The Resource Conservation and Recovery Act (RCRA) is a federal law that regulates how hazardous (chemical) waste is managed. Facilities such as Hanford that treat, store or dispose of hazardous waste have to get an operating permit under RCRA. Many states, including Washington, have equivalent state-law hazardous waste programs that are "authorized" under RCRA to regulate in place of the federal law. For simplicity, we are still calling this "RCRA" regulation.

Tri-Party Agreement

The Hanford Federal Facility Agreement and Consent Order. First signed in 1989, this landmark agreement defines roles and sets cleanup schedules that will bring the U.S. Department of Energy's Hanford Site into compliance with key federal environmental laws.

Tri-Party Agencies

The agencies that signed and are bound by the Tri-Party Agreement. They are the U.S. Environmental Protection Agency, the Washington State Department of Ecology, and the U.S. Department of Energy.

corrective action decision, based on Washington's standards for corrective action. By law, the EPA must make the final remedy decision under CERCLA. After the decisions, Ecology will remain the lead agency overseeing remedy implementation under both authorities.

Background

One of the long-standing issues in the Tri-Party Agreement is coordinating cleanup of releases under RCRA and CERCLA. Typically, both laws apply to areas with environmental releases at Hanford. But there is one big distinction between these laws: RCRA does not cover cleanup of radioactive materials, and CERCLA does.

To avoid duplication, Ecology and the U.S. Environmental Protection Agency (EPA) have for years divided up Hanford's "past practice" sites under the Tri-Party Agreement. Ecology has the lead for some areas (called "RCRA Past Practice Units" "RPPs") under RCRA corrective action authority. Typically, RPPs are areas of soil contamination closely related to past hazardous waste management activity. The EPA usually has the lead for some areas (called "CERCLA Past Practice Units" or "CPPs") under CERCLA.

The U.S. Department of Energy (USDOE) has previously agreed under the Tri-Party Agreement to address all contamination in one cleanup action regardless of which authority was being used. Since RCRA does not cover the cleanup of radioactive materials, legal questions have been raised about whether, and how, RCRA should address radioactive materials.

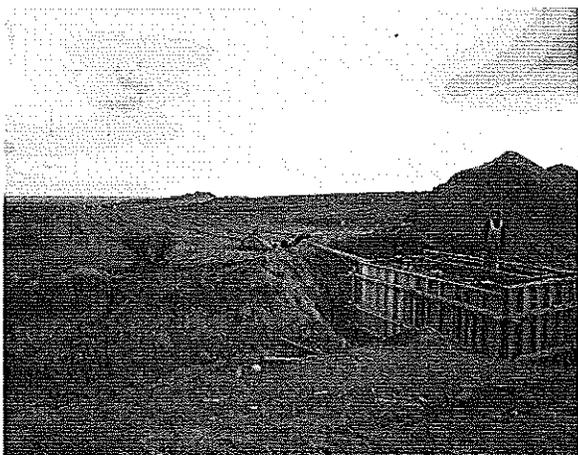
Under the CAD/ROD approach, the TPA agencies will add a CERCLA decision alongside the RCRA corrective action decision at RPPs. The RPPs will be renamed as "RCRA-CERCLA Past Practice Units," or "R-CPPs."

Ecology and EPA will coordinate their decisions. Ecology will be the lead agency overseeing cleanup investigation and remedy development under both authorities. Ecology will make the final RCRA

Specific permit changes

In October 1999, EPA proposed changes to Hanford's RCRA permit. The proposed change was to transfer corrective action authority under RCRA from EPA to Ecology. At the same time, Ecology proposed changes to the state's portion of the Hanford RCRA permit to include new state corrective action permit conditions. In 2000, Ecology and USDOE settled an appeal, and Ecology put the final conditions into place.

For the most part, these conditions incorporated work requirements and schedules in the Tri-Party Agreement for CPPs and RPPs. But since the Tri-Party Agreement has not addressed how decisions should be made for final cleanup of RPPs, Ecology has made those decisions through a permit modification process.



Construction of a liquid waste disposal crib, one of the old disposal sites now needing cleanup.

The two key proposed permit changes line up with Tri-Party Agreement proposed changes to implement the CAD/ROD approach. First, RPPs will be renamed as R-CPPs. Second, the permit will incorporate all Tri-Party Agreement requirements and schedules for R-CPPs. Ecology will no longer use permit modifications for corrective action decisions.

These changes will ensure the cleanup of these sites addresses all hazardous substances using the authorities of both Ecology and EPA. The timing of the changes supports the changes to the Tri-Party Agreement also in public comment now.

HANFORD PUBLIC INFORMATION REPOSITORIES

Portland

Portland State University
Branford Price Millar Library
1875 SW Park Ave
Attn: Claudia Weston 503-725-4542
Map: <http://www.pdx.edu/map.html>

Spokane

Gonzaga University
Foley Center
502 E. Boone Ave
Attn: Linda Pierce 509-323-3834
Map: <http://tinyurl.com/2c6bpm>

Richland

U.S. Department of Energy Reading Room
Consolidated Information Center, Room 101-L
2770 University Dr
Attn: Janice Parthree 509-372-7443
Map: <http://tinyurl.com/2axam2>

Seattle

Suzzallo Library
Government Publications Division
Attn: David Maack 206-543-4664
Map: <http://tinyurl.com/m8ebj>

Special accommodations: If you need this publication in an alternative format, call the Nuclear Waste Program at 509-372-7950. Persons with hearing loss, call 711 for Washington Relay Service. Persons with a speech disability, call 877-833-6341.



DEPARTMENT OF
ECOLOGY
State of Washington

3100 Port of Benton Boulevard
Richland, WA 99354

Tell us what you think!

Public Comment Period

May 3 – June 18, 2010

On changes to Hanford's Dangerous Waste Permit
to align decision processes for old disposal sites.

Statement of Basis

For Modification of the Hanford Facility Resource Conservation and Recovery Act (RCRA) Permit (WA7890008967), Introduction and II.Y Conditions

Introduction

Permittee

United States Department of Energy
(Owner/Operator)
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

The Washington State Department of Ecology has prepared this Statement of Basis to explain proposed changes to the Hanford Facility permit to align it with proposed changes to the Hanford Federal Facility Agreement and Consent Order, or Tri-Party Agreement. The changes are in part 4 of the Introduction and in the II.Y General Conditions.

This Statement of Basis follows Washington Administrative Code (WAC) 173-303-840(2)(f)(iv). Its purpose is to briefly describe the basis and reasons for the draft permit conditions and to describe the decision process.

1.0 Hanford Facility Permit Background

Ecology issued the permit for the Hanford Facility in 1994. The permit sets forth standard and general facility conditions, and unit-specific conditions for the operation, closure, and post closure of units that treat, store, or dispose of mixed and dangerous waste at Hanford.

Ecology modifies the permit periodically to

- incorporate final status conditions for newly incorporated units.
- reflect formal modifications.
- improve grammar, consistency, and presentation.
- retire unit groups that have achieved clean closure from the permit.

The types of changes Ecology can make to a dangerous waste permit are listed in WAC 173-303-830.

The Washington State Hazardous Waste Management Act (Chapter 70.105 Revised Code of Washington) and regulations in Chapter 173-303 of the WAC regulate the management of dangerous waste in Washington. In accordance with WAC 173-303-800,

facilities that treat, store, or dispose of dangerous waste must obtain a permit for these activities.

2.0 Procedures for reaching a final decision

The process to change the permit is in WAC 173-303-840 (10). Ecology is holding a 45-day public comment period for proposed permit modifications to the permit. The comment period begins on May 3 and ends June 18, 2010.

The process for public notice and involvement for this permit change is in WAC 173-303-840(3). Comments must be postmarked, hand-delivered, or received by e-mail or fax no later than close of business on Friday, June 18, 2010. Since it's faster, less expensive, and uses fewer resources, Ecology encourages commenters to submit their comments via email. Direct all comments to:

John Price
Department of Ecology
3100 Port of Benton Blvd.
Richland, WA 99354
E-mail: john.price461@ecy.wa.gov
Fax 509-372-7934

Ecology does not plan to hold a public hearing, but if strong public interest arises, we will reconsider. To request a hearing contact Madeleine Brown at mabr461@ecy.wa.gov or at the address above.

Ecology will consider all comments it gets during the public comment period, and will respond to them in a written summary before making a final decision. We will then make a final permit decision, which will become effective 30 days after we notify the permittees and all who commented. If our decision includes substantial changes to the permit because of public comment, we will hold a new public comment period.

All commenters and the permittees will receive a copy of the Responsiveness Summary and a notification of the final permit decision. The final permit decision may be appealed within 30 days after Ecology issues the final permit decision notice.

2.1 Permit Appeal Process

You have a right to appeal this permit. To appeal this you must:

- File your appeal with the Pollution Control Hearings Board within 30 days of the "date of receipt" of this document. Filing means actual receipt by the Board during regular office hours
- Serve your appeal on the Department of Ecology within 30 days of the "date of receipt" of this document. Service may be accomplished by any of the procedures identified in WAC 371-08-305(10). "Date of receipt" is defined at RCW 43.21B.001(2).

Be sure to do the following:

- Include a copy of (1) the permit you are appealing and (2) the application for the permit.
- Serve and file your appeal in paper form; electronic copies are not accepted.

1. To file your appeal with the Pollution Control Hearings Board

Mail appeal to:

The Pollution Control Hearings Board
PO Box 40903
Olympia, WA 98504-0903

OR

Deliver your appeal in person to:

The Pollution Control Hearings Board
4224 – 6th Ave SE Rowe Six, Bldg 2
Lacey, WA 98503

2. To serve your appeal on the Department of Ecology

Mail appeal to:

The Department of Ecology
Appeals Coordinator
P.O. Box 47608
Olympia, WA 98504-7608

OR

Deliver your appeal in person to:

The Department of Ecology
Appeals Coordinator
300 Desmond Dr SE
Lacey, WA 98503

3. And send a copy of your appeal to:

John Price
Department of Ecology
Nuclear Waste Program
3100 Port of Benton Blvd
Richland, WA 99354
Email (preferred): john.price461@ecy.wa.gov

*For additional information visit the Environmental Hearings Office Website:
<http://www.eho.wa.gov>*

2.2 Permit review

Copies of the permit for the Hanford Facility, including the proposed permit modifications, are available for review at the Hanford Public Information Repositories listed below. They are also in Ecology's Nuclear Waste Program office. To view them phone 509.372.7920.

For more information, call the Hanford Cleanup Information line toll-free at 800-321-2008.

HANFORD PUBLIC INFORMATION REPOSITORIES

Portland
Portland State University
Branford Price Millar Library
Attn: Claudia Weston
503.725.4542
1875 SW Park Ave.
Portland, OR

Richland
DOE Public Reading Room
Washington State University, Tri-Cities
Consolidated Information Center, Room 101-L
Attn: Janice Parthree
509.372.7443
2770 University Drive
Richland, WA

Spokane
Gonzaga University
Foley Center
Attn: Linda Pierce
509.323.3834
East 502 Boone
Spokane, WA

Seattle
University of Washington Government
Suzzallo Library
Publications Division,
Attn: David Maack 206.543.4664
Seattle, WA

This Statement of Basis is also available on line at
<http://www.ecy.wa.gov/programs/nwp/>.

If you need this publication in an alternate format, please call the Nuclear Waste Program at 509-372-7950. Persons with a hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.

3.0 Proposed modifications:

The existing II.Y Permit condition was established to incorporate requirements and schedules of Tri-Party Agreement work into the Permit. The Tri-Party Agreement (TPA) agencies (Ecology, the U.S. Department of Energy, and the U.S. Environmental Protection Agency) have changed the TPA term for work conducted under the State Hazardous Waste Management Act (HWMA) authority, from Resource Conservation and Recovery Act (RCRA) Past Practice (RPP) to RCRA- Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) Past Practice (R-CPP). This draft permit modification makes the same change in condition II.Y, to maintain consistency between terminology in the Permit and the Tri-Party Agreement.

The existing II.Y condition anticipates that Ecology would add corrective actions for R-CPP units (groups of contaminated soil sites) to the Permit through future Permit modifications. The existing II.Y condition accepted TPA work as satisfying corrective

action requirements until such time as a Permit modification would be completed. The Proposed Permit modification to II.Y drops the requirement for Ecology to issue a Permit modification for corrective actions. Instead, Ecology would issue a proposed Corrective Action Decision for public review and comment. Ecology would issue a final Corrective Action Decision after changing the proposed Decision as necessary to respond to public comments. Ecology retains the right to issue a Permit modification for corrective actions, if the Permittee is not in compliance with requirements and schedules related to investigation and cleanup of R-CPP units developed and approved under the TPA.

3.1 History

This draft permit modification of condition II.Y is derived from the fact that requirements for investigation and response to releases of hazardous substances at Hanford are included in three laws: RCRA, CERCLA and HWMA. The Tri-Party Agreement (Ecology Docket Number 89-54) distributes work between the CERCLA and HWMA cleanup authorities. The existing II.Y condition was established to incorporate requirements and schedules of Tri-Party Agreement work into the permit, for both CERCLA and HWMA authority.

3.2 Permit Contents

Referenced chapters and their enforceable sections are incorporated by reference.

3.3 Unique Conditions

The Tri-Party Agreement agencies set concurrent public comment periods for making these proposed changes to the Permit and the Tri-Party Agreement. If public comments lead the agencies to modify the proposed changes to either document, the agencies can make consistent changes to the other.

Hanford Facility RCRA Permit Modification Notification Forms

Permit Revision 8C

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- Page 5 of 9: Permit Conditions II.Y.2.a.iii through II.Y.2.b
- Page 6 of 9: Permit Conditions II.Y.2.b.i through II.Y.2.b.iv
- Page 7 of 9: Permit Conditions II.Y.2.c through II.Y.3.a.i.c
- Page 8 of 9: Permit Conditions II.Y.3.a.ii through II.Y.3.a.iii
- Page 9 of 9: Permit Condition II.Y.3.b

Reviewed by Ecology Office:

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4/28/10
Date

[Handwritten signature: John B. Pri]

4-28-2010

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Hanford Facility RCRA Permit Modification Notification Form

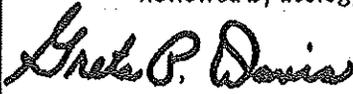
Unit: Permit Revision 8C	Permit Part Part II.Y, Corrective Action
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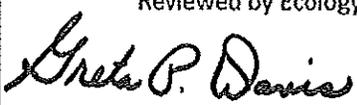
Description of Modification: Permit Revision 8C, Introduction, Paragraph 12:

Part IV, Unit-Specific Conditions for Corrective Action, contains Permit conditions for releases from Solid Waste Management Units (SWMUs) and Areas of Concern (AOCs). For past practice units identified in the HFFACO as either Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Past Practice units (CPP units) or combined Resource Conservation and Recovery Act-Comprehensive Environmental Response, Compensation and Liability Act Past Practice units (R-CPP units), the corrective action conditions are structured around reliance on the investigation and cleanup requirements established under the HFFACO. For TSD units identified in the HFFACO, the corrective action conditions contemplate use of closure and post-closure processes to satisfy corrective action.

WAC 173-303-830 Modification Class Please mark the Modification Class:	Class 1	Class 1	Class 2	Class 3
				X

Enter relevant WAC 173-303-830, Appendix I Modification citation number: WAC 173-330-830(3)(d), Other modifications
 Enter wording of WAC 173-303-830, Appendix I Modification citation:
 Request modification be reviewed and approved as Class 3 modification

Modification Approved/Concur <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Denied (state reason below) Reason for denial:	Reviewed by Ecology:  G. P Davis
	Date 4-26-10

Hanford Facility RCRA Permit Modification Notification Form					
Unit: Permit Revision 8C	Permit Part Part II.Y, Corrective Action				
Description of Modification: II.Y Corrective Action					
II.Y CORRECTIVE ACTION					
<p>In accordance with <u>WAC 173-303-646</u> and <u>WAC 173-303-815(2)(b)(ii)</u>, the Permittees must conduct corrective action, as necessary to protect human health and the environment, for releases of dangerous waste and dangerous constituents from solid waste management units and areas of concern at the Facility, including releases that have migrated beyond the Facility boundary. The Permittees may be required to implement measures within the Facility to address releases, which have migrated beyond the Facility's boundary. As specified in Permit Conditions II.Y.1.g, II.Y.2.a.iii, and II.Y.2.a.ii, the Permittees's right to challenge Ecology's authority to impose corrective action with respect to radionuclides, CERCLA Past Practice (CPP) Units (as identified under Permit Condition II.Y.2.a.) and selected solid waste management units not covered by the <u>HFFACO</u> at property currently subleased to US Ecology, Inc. (as identified under Permit Condition II.Y.3.a.i), is reserved until such time as Ecology chooses to impose corrective action in accordance with the Permit modification procedures of <u>WAC 173-303-830</u>.</p>					
II.Y.1	<p>Compliance with chapter <u>173-340 WAC</u>:</p> <p>In accordance with <u>WAC 173-303-646</u>, the Permittees must conduct corrective action "as necessary to protect human health and the environment." To ensure that corrective action will be conducted as necessary to protect human health and the environment, except as provided in Permit Condition II.Y.2, the Permittees must conduct corrective action in a manner consistent with the following provisions of chapter <u>173-340 WAC</u>:</p>				
II.Y.1.a	As necessary to select a cleanup action in accordance with <u>WAC 173-340-360</u> and <u>WAC 173-340-350</u> State Remedial Investigation and Feasibility Study.				
II.Y.1.b	<u>WAC 173-340-360</u> Selection of Cleanup Actions.				
II.Y.1.c	<u>WAC 173-340-400</u> Cleanup Actions.				
II.Y.1.d	<u>WAC 173-340-410</u> Compliance Monitoring Requirements.				
II.Y.1.e	<u>WAC 173-340-420</u> Periodic Site Reviews.				
II.Y.1.f	<u>WAC 173-340-440</u> Institutional Controls; and				
II.Y.1.g	<p><u>WAC 173-340-700</u> through <u>-760</u> Cleanup Standards, except that to the extent that Ecology seeks to impose corrective action with respect to radionuclide's regulated under the provisions of the <u>Atomic Energy Act</u>, as amended, <u>42 U.S.C. §2011 et. seq. (AEA)</u>, the Permittees may challenge Ecology's authority to impose such corrective action through a timely appeal of the Permit modification issued by Ecology without argument from Ecology that such right has been waived by a failure to fully litigate that issue through an appeal taken within thirty (30) days of the issuance of this Permit, and without argument from the Permittees that such requirement fails to satisfy a cause for Permit modification under <u>WAC 173-303-830(3)(a)</u>.</p>				
WAC 173-303-830 Modification Class		Class 1	Class 1	Class 2	Class 3
Please mark the Modification Class:					X
Enter relevant WAC 173-303-830, Appendix I Modification citation number: WAC 173-330-830(3)(d), Other modifications					
Enter wording of WAC 173-303-830, Appendix I Modification citation:					
Request modification be reviewed and approved as Class 3 modification					
Modification Approved/Concur <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Denied (state reason below)			Reviewed by Ecology:		
Reason for denial:					
			G. P Davls Date 4-26-10		

Hanford Facility RCRA Permit Modification Notification Form

Unit:
Permit Revision 8C

Permit Part
Part II.Y, Corrective Action

Description of Modification: II.Y Corrective Action

- II.Y.2 Acceptance of Work Under Other Authorities or Programs and Integration with the HFFACO.
Corrective action is necessary to protect human health and the environment for all units identified in Appendix B and Appendix C of the HFFACO. Notwithstanding Permit Condition II.Y.1, work under other cleanup authorities or programs, including work under the HFFACO, may be used to satisfy corrective action requirements, provided it protects human health and the environment.
- II.Y.2.a For past practice units identified in Appendix C of the HFFACO, as amended, as CERCLA Past Practice (CPP) Units, Ecology accepts work under the HFFACO, as amended, and under the CERCLA program, as satisfying corrective action requirements to the extent provided for in, and subject to the reservations and requirements of, Permit Conditions II.Y.2.a.i through II.Y.2.a.iv.
- II.Y.2.a.i For any past practice unit identified in Appendix C of the HFFACO as a CPP unit, the Permittee must comply with the requirements and schedules related to investigation and cleanup of the CPP unit(s) developed and approved under the HFFACO, as amended. The requirements and schedules related to investigation and cleanup of CPP units currently in place under the HFFACO, as amended, and in the future developed and approved under the HFFACO, as amended, are incorporated into this Permit by this reference and apply under this Permit as if they were fully set forth herein. If the Permittee is not in compliance with requirements of the HFFACO, as amended, that relate to investigation or cleanup of CPP unit(s), Ecology may take action to independently enforce the requirements as corrective action requirements under this Permit.
- II.Y.2.a.ii For any past practice unit identified in Appendix C of the HFFACO as a CPP unit, in the case of an interim Record of Decision (ROD), a final decision about satisfaction of corrective action requirements will be made in the context of issuance of a final ROD.

WAC 173-303-830 Modification Class	Class 1	Class 1	Class 2	Class 3
Please mark the Modification Class:				X

Enter relevant WAC 173-303-830, Appendix I Modification citation number: WAC 173-330-830(3)(d), Other modifications
 Enter wording of WAC 173-303-830, Appendix I Modification citation:
 Request modification be reviewed and approved as Class 3 modification

Modification Approved/Concur <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Denied (state reason below) Reason for denial: <i>[Handwritten signature]</i>	Reviewed by Ecology: <i>Greta P. Davis</i> G. P Davis Date: 4-26-10
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Hanford Facility RCRA Permit Modification Notification Form					
Unit: Permit Revision 8C	Permit Part Part II.Y, Corrective Action				
Description of Modification: II.Y Corrective Action					
II.Y.2.a.iii	<p>If EPA and Ecology, after exhausting the dispute resolution process under Section XXVI of the HFFACO, cannot agree on requirements related to investigation or cleanup of CPP unit(s), Ecology will notify the Permittees, in writing, of the disagreement and impose, in accordance with the Permit Modification Procedures of WAC 173-303-830, a requirement for the Permittees to conduct corrective action for the subject units(s) in accordance with Permit Condition II.Y.1. The Permittees may challenge Ecology's authority to impose such corrective action requirements through a timely appeal of such permit modification, without argument from Ecology that the Permittees' right to raise such challenge has been waived by a failure to fully litigate that issue through an appeal taken within thirty (30) days of the issuance of this permit, and without argument from the Permittees that such requirement fails to satisfy a cause for Permit modification under WAC 173-303-830(3)(a). Within 60 days of receipt of the above permit modification, or within some other reasonable period of time agreed to by Ecology and the Permittees, the Permittees must submit for Ecology review and approval, a plan to conduct corrective action in accordance with Permit Condition II.Y.1 for the subject unit(s). The Permittees' plan may include a request that Ecology evaluate work under another authority or program. Approved corrective action plans under this Permit Condition will be incorporated into this Permit in accordance with the Permit Modification Procedures of WAC 173-303-830.</p>				
II.Y.2.a.iv	<p>The Permittees must maintain information on corrective action for CPP units covered by the HFFACO in accordance with Sections 9.0 and 10.0 of the HFFACO Action Plan. In addition, the Permittees must maintain all reports and other information developed in whole, or in part, to implement the requirements of Permit Condition II.Y.2.a, including reports of investigations and all raw data, in the Hanford Facility Operating Record in accordance with Permit Condition II.I. Information that is maintained in the Hanford Site Administrative Record may be incorporated by reference into the Hanford Facility Operating Record.</p>				
II.Y.2.b	<p>For past practice units identified in Appendix C of the HFFACO, as amended, as RCRA-CERCLA Past Practice (R-CPP) units, Ecology accepts work under the HFFACO, as amended, as satisfying corrective action requirements to the extent provided for, and subject to the reservations and requirements of, Permit Conditions II.Y.2.b.i through II.Y.2.b.ii.</p>				
WAC 173-303-830 Modification Class		Class 1	Class 1	Class 2	Class 3
Please mark the Modification Class:					X
Enter relevant WAC 173-303-830, Appendix I Modification citation number: WAC 173-330-830(3)(d), Other modifications					
Enter wording of WAC 173-303-830, Appendix I Modification citation:					
Request modification be reviewed and approved as Class 3 modification					
Modification Approved/Concur <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Denied (state reason below)		Reviewed by Ecology:			
Reason for denial: <i>See D-15104</i>		<i>Greta P. Davis</i>		<i>4-26-10</i>	
		G. P Davis		Date	

Hanford Facility RCRA Permit Modification Notification Form					
Unit: Permit Revision 8C	Permit Part Part II.Y, Corrective Action				
Description of Modification: II.Y Corrective Action					
II.Y.2.b.i	<p>For any past practice unit identified in <u>Appendix C</u> of the <u>HFFACO</u>, as amended, as an R-CPP unit, the Permittees must comply with the requirements and schedules related to investigation and cleanup of R-CPP units developed and approved under the <u>HFFACO</u>, as amended. The requirements and schedules related to investigation and cleanup of R-CPP units currently in place under the <u>HFFACO</u>, as amended, and in the future developed and approved under the <u>HFFACO</u>, as amended, are incorporated into this Permit by this reference and apply under this Permit as if they were fully set forth herein. If the Permittee is not in compliance with requirements and schedules related to investigation and cleanup of R-CPP units developed and approved under the <u>HFFACO</u>, as amended, Ecology may take action to independently enforce the requirements as corrective action requirements under this Permit.</p>				
II.Y.2.b.ii	<p>The Permittees must maintain information on corrective action for R-CPP units covered by the <u>HFFACO</u>, as amended, in accordance with <u>Sections §9.0 and 10.0</u> of the <u>HFFACO Action Plan</u>. In addition, the Permittees must maintain all reports and other information developed in whole, or in part, to implement the requirements of Permit Condition II.Y.2.b, including reports of investigations and all raw data, in the Hanford Facility Operating Record in accordance with Permit Condition III. Information that is maintained in the <u>Hanford Site Administrative Record</u> may be incorporated into the Hanford Facility Operating Record by reference.</p>				
WAC 173-303-830 Modification Class					
Please mark the Modification Class:		Class 1	Class 1	Class 2	Class 3
					X
Enter relevant WAC 173-303-830, Appendix I Modification citation number: WAC 173-330-830(3)(d), Other modifications					
Enter wording of WAC 173-303-830, Appendix I Modification citation:					
Request modification be reviewed and approved as Class 3 modification					
Modification Approved/Concur		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Denied (state reason below)			
Reason for denial:		Reviewed by Ecology: <i>Greta P. Davis</i> G. P Davis Date <u>4-26-10</u>			

Hanford Facility RCRA Permit Modification Notification Form				
Unit: Permit Revision 8C	Permit Part Part II.Y, Corrective Action			
<u>Description of Modification:</u> II.Y Corrective Action				
II.Y.2.c	For each TSD unit, when the Permittees submit a certification of closure or a certification of completion of post closure care, or at an earlier time agreed to by Ecology and the Permittees, the Permittees must, at the same time, either:			
II.Y.2.c.i	Document that the activities completed under closure and/or post-closure satisfy the requirements for corrective action; or			
II.Y.2.c.ii	If the activities completed under closure and/or post closure care do not satisfy corrective action requirements, identify the remaining corrective action requirements and the schedule under which they will be satisfied, if remaining corrective action requirements will be satisfied by work developed and carried out under the <u>HFFACO</u> provisions for R-CPP units or CPP units, a reference to the appropriate R-CPP or CPP process and schedule will suffice.			
II.Y.2.c.iii	Ecology will make final decisions as to whether the work completed under closure or post closure care satisfies corrective action, specify any unit specific corrective action requirements, and incorporate the decision into this Permit in accordance with the permit modification procedures of <u>WAC 173-303-830</u> .			
II.Y.2.d	Notwithstanding any other condition in this Permit, Ecology may directly exercise any administrative or judicial remedy under the following circumstances:			
II.Y.2.d.i	Any discharge or release of dangerous waste, or dangerous constituents, which are not addressed by the <u>HFFACO</u> , as amended.			
II.Y.2.d.ii	Discovery of new information regarding dangerous constituents or dangerous waste management, including but not limited to, information about releases of dangerous waste or dangerous constituents which are not addressed under the <u>HFFACO</u> , as amended.			
II.Y.2.d.iii	A determination that action beyond the terms of the <u>HFFACO</u> , as amended, is necessary to abate an imminent and substantial endangerment to the public health, or welfare, or to the environment.			
II.Y.3	Releases of Dangerous Waste or Dangerous Constituents Not Covered By the <u>HFFACO</u> :			
II.Y.3.a	US Ecology			
II.Y.3.a.i	The following solid waste management units are not covered by the <u>HFFACO</u> :			
II.Y.3.a.i.a	US Ecology, Inc., SWMU 1: Chemical Trench.			
II.Y.3.a.i.b	US Ecology, Inc., SWMU 2-13: Low-Level Radioactive Waste Trenches 1 through 11A.			
II.Y.3.a.i.c	US Ecology, Inc., SWMU 17: Underground Resin Tank.			
WAC 173-303-830 Modification Class				
Please mark the Modification Class:			Class 1	Class 1
			Class 2	Class 3
				X
Enter relevant WAC 173-303-830, Appendix I Modification citation number: WAC 173-330-830(3)(d), Other modifications				
Enter wording of WAC 173-303-830, Appendix I Modification citation:				
Request modification be reviewed and approved as Class 3 modification				
Modification Approved/Concur: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Denied (state reason below)			Reviewed by Ecology:	
Reason for denial:			<i>Greta P. Davis</i> 4-26-10	
			G. P Davis	Date

Hanford Facility RCRA Permit Modification Notification Form

Unit:
Permit Revision 8C

Permit Part
Part II.Y, Corrective Action

Description of Modification: II.Y Corrective Action

- II.Y.3.a.ii Selected solid waste management units identified in Permit Condition II.Y.3.a.i are currently being investigated by US Ecology in accordance with the Comprehensive Investigation US Ecology – Hanford Operations Work Plan. Following completion of this investigation and any closure required of such solid waste management unit under the authority of the Washington State Department of Health, or within one year of the effective date of this Permit Condition, whichever is earlier, Ecology will make a tentative decision as to whether additional investigation or cleanup is necessary to protect human health or the environment for the solid waste management units identified in Permit Condition II.Y.3.a.i, and publish that decision as a draft permit in accordance with WAC 173-303-840(10). Following the associated public comment period, and consideration of any public comments received during the public comment period, Ecology will publish as final Permit conditions under WAC 173-303-840(8) either:
 - II.Y.3.a.ii.a A decision that corrective action is not necessary to protect human health or the environment;
 - II.Y.3.a.ii.b An extension to the schedule established under Permit Condition II.Y.3.a.ii, or
 - II.Y.3.a.ii.c A decision, that corrective action, in accordance with Permit Condition II.Y.1, is necessary to protect human health or the environment.
- II.Y.3.a.iii If Ecology decides under Permit Condition II.Y.3.a.ii that corrective action is necessary to protect human health or the environment, the Permittees may challenge Ecology’s authority to impose such corrective action requirements through a timely appeal of such permit modification, without argument from Ecology that the right to raise such challenge has been waived by a failure to fully litigate that issue through an appeal taken within 30 days of the issuance of this Permit, and with argument from the Permittees that such requirement fails to satisfy a cause for permit modification under WAC 173-303-830(3)(a). Within 180 days of receipt of the above Permit modification, the Permittees must submit, for Ecology review and approval, a plan to conduct corrective action in accordance with Permit Condition II.Y.1. Approved corrective action plans under this condition will be incorporated into this Permit in accordance with the Permit Modification Procedures of WAC 173-303-830

WAC 173-303-830 Modification Class

Class 1	Class 1	Class 2	Class 3
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Please mark the Modification Class:

X

Enter relevant WAC 173-303-830, Appendix I Modification citation number: WAC 173-330-830(3)(d), Other modifications

Enter wording of WAC 173-303-830, Appendix I Modification citation:

Request modification be reviewed and approved as Class 3 modification

Modification Approved/Concur: Yes Denied (state reason below)

Reason for denial:

Reviewed by Ecology:

Greta P. Davis 4-26-10
G. P Davis Date

Hanford Facility RCRA Permit Modification Notification Form

Unit:
Permit Revision 8C

Permit Part
Part II.Y, Corrective Action

Description of Modification: II.Y Corrective Action

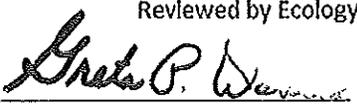
II.Y.3.b Newly Identified Solid Waste Management Units and Newly Identified Releases of Dangerous Waste or Dangerous Constituents.

The Permittees must notify Ecology of all newly identified solid waste management units and all newly identified areas of concern at the Facility. For purposes of this condition, a "newly-identified" solid waste management unit or a "newly-identified" area of concern is a unit or area not identified in the HFFACO, as amended, on the effective date of this condition and not identified by Permit Condition II.Y.3.a. Notification to Ecology must be in writing and must include, for each newly identified unit or area, the information required by WAC 173-303-806(4)(a)(xxiii) and WAC 173-303-806(4)(a)(xxiv). Notification to Ecology must occur at least once every calendar year, in January, and must include all units and areas newly identified since the last notification, except that if a newly identified unit or area may present an imminent and substantial endangerment to human health or the environment, notification must occur within five days of identification of the unit or area. If information required by WAC 173-303-806(4)(a)(xxiii) or WAC 173-303-806(4)(a)(xxiv) is already included in the Waste Information Data System, it may be incorporated by reference into the required notification.

WAC 173-303-830 Modification Class	Class 1	Class 1	Class 2	Class 3
Please mark the Modification Class:				X

Enter relevant WAC 173-303-830, Appendix I Modification citation number: WAC 173-330-830(3)(d), Other modifications
 Enter wording of WAC 173-303-830, Appendix I Modification citation:
 Request modification be reviewed and approved as Class 3 modification

Modification Approved/Concur Yes Denied (state reason below)
 Reason for denial:

Reviewed by Ecology:

 G. P. Davis Date 4-26-10

W. J. D. [unclear]