

# STATEMENT OF BASIS

## WASHINGTON STATE DEPARTMENT OF ECOLOGY TENTATIVE DECISION TO TERMINATE A DANGEROUS WASTE INTERIM STATUS PERMIT

ENERGY NORTHWEST  
P.O. BOX 968  
RICHLAND, WASHINGTON 99352

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The Department of Ecology prepared this Statement of Basis to explain our decision to terminate interim status at Energy Northwest's mixed waste storage area (MWSA) at the Columbia Generating Station. The MWSA was located in the lower level of the Radwaste Building. Energy Northwest clean-closed this storage area in 2008.

### A. THE DANGEROUS WASTE PERMITTING PROCESS

The Washington Hazardous Waste Disposal Act, Chapter 70.105 Revised Code of Washington (RCW) and the regulations in Chapter 173-303 of the Washington Administrative Code (WAC) regulate the management of dangerous waste in Washington. WAC 173-303-800 specifies that facilities that treat, store, and dispose of dangerous waste must obtain a permit for these activities.

"Interim status" allows a facility that has submitted an initial permit application to continue operating while Ecology makes its decision on whether to issue the facility a final permit. Ecology is authorized to require a facility having interim status to submit a detailed permit application for final permitting status (WAC 173-303-806(2)).

Energy Northwest first opened the MWSA in May 1988 when they filed their initial dangerous waste permit application. The MWSA stored mixed waste that did not have a clear disposal outlet. Lengthy storage times were required because practical disposal options were not available for certain mixed wastes. As disposal options for mixed waste improved, the need to store mixed waste for extended periods of time was eliminated. Current practice enables Energy Northwest to dispose of its mixed waste within 90 days of generation. In 2007, Energy Northwest determined that it did not need to operate its mixed waste storage area any longer. On December 31, 2007, Energy Northwest submitted a revised closure plan for the MWSA to Ecology. In January 2008, Ecology held a public comment period on the draft MWSA closure plan. After the comment period, Ecology approved the plan. In September 2008, the final volume of mixed waste was removed from the MWSA and shipped off-site for treatment and disposal. Energy Northwest followed its approved closure plan and decontaminated all equipment and surfaces. Clean closure was achieved and no further monitoring or action is needed.

## **B. TENTATIVE DECISION AND PROCEDURES FOR REACHING A FINAL DECISION**

Ecology made a tentative decision to terminate interim status for Energy Northwest's MWSA according to WAC 173-303-805(8). Energy Northwest determined that the MWSA will no longer be used and, therefore, did not submit a final permit application.

The process to terminate the permit is found in WAC 173-303-840(10). We are holding a 45-day public comment period for the proposed permit termination. The comment period begins on April 6, 2009, and ends May 22, 2009. 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 email or fax no later than close of business on Friday, May 22, 2009.

Direct all comments to:

Jeff Ayres  
Washington State Department of Ecology  
3100 Port of Benton Boulevard  
Richland, Washington 99354  
Email: [jayr461@ecy.wa.gov](mailto:jayr461@ecy.wa.gov)  
Fax: 509-372-7971

The Department of 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](mailto: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.

If no opposition to Ecology's tentative decision arises during this comment period, our decision will become final, and it will be effective when the final decision is announced. If opposition to permit termination arises and Ecology still decides to terminate the permit, that decision will not become effective until 30 days after notice of the final decision. In that case, the final decision could be appealed to the Pollution Control Hearings Board. Ecology will then make a final permit decision, which will become effective 30 days after we notify the permittee and all who commented.

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

## **C. PERMIT REVIEW**

Copies of this Statement of Basis to terminate the permit, Energy Northwest's certification of closure, and Ecology's closure acceptance letter, are available for review at Ecology's Nuclear Waste Program office. To view, make arrangements by phoning 509-372-7920. You can also see them at the Richland Public Library, at 1970 Lee Boulevard, Richland, Washington 99352, or online at <http://www.ecy.wa.gov/programs/nwp/commentperiods.htm>.