

IM# 9,711



Department of Energy
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

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JUN 20 2013

Wa Dept of Health - Office
of Radiation Protection

13-ESQ-0031

JUN 13 2013

Mr. J. Martell, Manager
Radioactive Air Emissions Section
State of Washington
Department of Health
309 Bradley Boulevard, Suite 201
Richland, Washington 99352

Mr. P. M. Gent
Nuclear Waste Program
State of Washington
Department of Ecology
3100 Port of Benton Boulevard
Richland, Washington 99354

Dear Addressees:

NOTICE OF TRANSITION OF THE COLD VACUUM DRYING FACILITY (CVDF) TO
REGULATION UNDER THE COMPREHENSIVE ENVIRONMENTAL RESPONSE,
COMPENSATION, AND LIABILITY ACT OF 1980 (CERCLA)

This letter is to document transition of the radioactive air emission unit associated with CVDF and associated stack P-296K142-001 to regulation under CERCLA. Enclosed is the Notice of Transition to CERCLA form which identifies the CERCLA approved documentation for P-296K142-001(Emission Unit EU436) as identified in the current Hanford Site Air Operating Permit (AOP) 00-05-006, Renewal 2. All substantive requirements from the facility's permit/license conditions and limitations have been incorporated into the CERCLA implementation documentation cited in the enclosed form.

The U.S. Department of Energy Richland Operations Office (RL) requests the State of Washington, Department of Health remove the emission unit from the FF-01, and delete the affected licenses/Notices of Construction from the enforceable list. In addition, RL requests the State of Washington, Department of Ecology remove conditions and limitations associated with the identified emission unit from the AOP 00-05-006, Renewal 2 as an administrative modification.

EU 436
NOC 836

Addressees
13-ESQ-0031

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If you have any questions, please contact me, or your staff may contact Ed MacAlister, Director, Environmental, Safety, and Quality Division, on (509) 373-0462.

Sincerely,



Ray J. Corey, Assistant Manager
for Safety and Environment

ESQ:DEJ

Enclosure

cc w/encl:

R. H. Anderson, MSA
J. A. Bates, CHPRC
S. D. Breven, WDOH, MSIN B1-42
S. Harris, CTUIR
R. Jim, YN
K. Niles, ODOE
J. E. Rasmussen, YAH
D. J. Rokkan, MSA
F. M. Simmons, CHPRC
D. J. Watson, CHPRC
D. Zhen, EPA Region 10
Administrative Record
Environmental Portal, LMSI

In accordance with CERCLA Section 121(e)(1) and 40 CFR 300.400(e), federal, state, or local permits are not required for onsite response actions conducted pursuant to CERCLA sections 104, 106, 120, 121, or 122. Through Executive Order 12580, authority vested in the President for sections 104(a) and 121 was delegated to the Secretary of Energy. Activities associated with the CVDF after January 30, 2013 will be subject to substantive provisions of air emission standards as identified through application of 40 CFR 300.400(g), with oversight provided pursuant to the Hanford Federal Facility Agreement and Consent Order.

Based on this CERCLA transition, the CVDF and associated emissions through the P-296K142-001 stack, should be deregistered with WDOH and Ecology, and the conditions and limitations associated with the P-296K142-001 Emission Unit 436, and 97NM-022 Approval Order should be made obsolete. In addition, the Emission Unit 436 and Approval Order 97NM-022, as associated with the P-296K142-001, should be removed from the Hanford Site Air Operating Permit (AOP Permit 00-05-006 [renewal 2]/ Attachment 2, License Number FF-01 and Attachment 1, Table 1.1 and Table 1.5) by Ecology.

As outlined in the table below, public review and participation associated with the transition of CVDF to CERCLA occurred as part of the CERCLA documentation activities for CVDF (i.e., the P-296K142-001 emission unit and approval order). This review was consistent with guidance from Section 4.0 of the AOP.

Criteria in Section 4.0 of the AOP	How the Criteria Have Been Satisfied
<p>Permittee will prepare Engineering Evaluation/Cost Analysis (EE/CA) or equivalent CERCLA documentation for a facility (or activity) identified for CERCLA transition. This document shall be reviewed by regulators, stakeholders, and the public.</p>	<p>DOE-RL has prepared DOE/RL-2005-86, Rev. 0, <i>Engineering Evaluation/Cost Analysis for the 105-KE and 105-KW Reactor Facilities and Ancillary Facilities</i>, June 2006.</p> <p>The EE/CA underwent a 30 day public comment period from June 19, 2006 through July 19, 2006.</p> <p>From that EE/CA public comment period, DOE-RL and EPA signed the Action Memorandum for the Non-Time-Critical Removal Action for the 105-KE and 105-KW Reactor Facilities and Ancillary Facilities in January 2007.</p>
<p>This document will clearly identify general CAA requirements to be transitioned to CERCLA. Consistent with the WAC 173-401-800 requirement, the public review period shall be a minimum of 30 days with proper notification on the AOP Permit Register and local newspaper. The notice on the AOP permit register will state that the facility's air permits will be discontinued upon onset of remediation activity in the field.</p>	<p>Appendix C of the EE/CA described the Applicable or Relevant and Appropriate Requirements (ARARs) including requirements derived from federal and state regulations promulgated under the CAA. Section 5.3.2 of the Action Memorandum identified standard for controlling emissions to the environment inclusive of 40CFR61, WAC 246-247, WAC 173-400 and WAC 173-460. The EE/CA underwent a 30 day public comment period from June 19, 2006 through July 19, 2006.</p>
<p>After the EE/CA or equivalent is approved,</p>	<p>A Removal Action Work Plan (RAWP)</p>

Criteria in Section 4.0 of the AOP	How the Criteria Have Been Satisfied
<p>permittee will prepare a RAWP or equivalent ARAR implementation document, such as an Air Monitoring Plan (AMP) to identify method to meet the substantive portions of existing air permit conditions, and describe the transition plan for CERCLA air monitoring. EPA, Ecology, and Health will review the ARAR implementation document, as directed by the lead agency.</p>	<p>containing an Air Monitoring Plan (AMP) has been prepared and approved by RL and EPA, DOE/RL-2005-26, Rev. 1, <i>Removal Action Work Plan for 105-KE/105/KW Reactor Facilities and Ancillary Facilities</i>, March 2007. Section 4.3.1 of the RAWP describes the standards for controlling emissions to the environment and identifies that the AMP in Appendix C of the RAWP will be the “air emissions” approval when the CERCLA removal action is initiated. Appendix C, Section C.5 describes the transition plan and emission point operations after initiation of CERCLA activities.</p> <p>The transition of CVDF emission unit P-296K142-001 from operations to D4 under CERCLA has been made by a Memo-to-File approved by DOE/RL and EPA dated January 30, 2013, in accordance with Section 2.5 of the <i>Action Memorandum for the Non-Time-Critical Removal Action for the 105-KE and 105-KW Reactor and Ancillary Facilities</i>.</p>
<p>Concurrently, permittee will submit to Ecology, Health and/or EPA a NOT (from CAA to CERCLA) for review and approval. The NOT shall reference the CERCLA authority documentation, identify any/all documentation of agency air approvals (EPA/Health/Ecology) in place prior to and after CERCLA transition.</p>	<p>This is the Notice of Transition (NOT) documenting transition of the CVDF Stack P-296K142-001 to CERCLA regulation effective January 31, 2013.</p>
<p>Ecology/Health/EPA will review the NOT. If the NOT is contested by an agency, an issue resolution process will be initiated between the lead agency and the lead regulatory agency. For actions not contested, the effective date (not the approval date) will coincide with the onset of the CERCLA remediation activity in the field. The facility’s air permits can be discontinued after the effective date of the NOT.</p>	<p>This NOT will be reviewed by Ecology/Health/EPA. The U.S. DOE is the lead agency, and the EPA is the lead regulatory agency.</p>
<p>Via formal correspondence, permittee will notify affected agencies of date to begin remediation activity. It is important to notify Ecology and/or Health that physical fieldwork of the CERCLA action has commenced. Upon receiving the notice of fieldwork commencement, Ecology will then</p>	<p>This NOT is the formal correspondence for notifying the affected agencies of the date to begin CERCLA remedial activities in the field January 31, 2013</p>