

**Comments Heart of America Northwest and Heart of America Northwest Research Center
To Washington Department of Ecology Regarding:
Perma-fix Northwest SEPA EIS Expanded Scoping Public Comment Period**

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- A research, development and demonstration permit pursuant to WAC 173-303-809 is appropriate for the Test Bed Initiative (TBI) work at Perma-Fix NW. This does not trigger a supplemental EIS pursuant to SEPA. However, Ecology apparently in a strange twist is implying that full permitting is required for the Research, Development and Demonstration Test of the Test Bed Initiative for 2,000 gallons of tank waste at Perma-Fix NW, rather than an RD&D permit, while also inexplicably not including the TBI in the scope of a supplemental EIS for the facility. We urge that a new EIS scope include TBI as a significant proposed action, while recognizing that the RDD permit should proceed apace.
 - Research, development and demonstration permits (RDD permits) pursuant to WAC 173-303-809 are intended to avoid full permitting for innovative testing of technology or techniques for hazardous waste treatment because such full permitting would prevent facilities from undertaking such innovative testing due to permitting costs. An RDD permit is renewable annually three times. WAC 173-303-809(4).
 - The Department of Ecology wrote USDOE on March 15 offering cooperation for issuance of an RDD permit for the TBI work in tank farms. By implication, an RDD permit – without triggering the need for a complete SEPA supplemental EIS – should be appropriate for Perma-Fix NW to conduct test phase work on 2,000 gallons under existing permits and an RDD permit.
- Inclusion of TBI is appropriate because a formal proposal does exist, which includes the Perma-Fix NW facilities. USDOE has a proposal for TBI. Sufficient specifics exist to meet the mandate of WAC 197-11-055(2) for an EIS (or supplement) to be prepared “at the earliest possible point in the planning and decision-making process, when the principal features of a proposal and its environmental impacts can be reasonably identified.”
 - SEPA rules explicitly set a goal for the early review which would include the proposed processing of supernatant and low activity tank wastes from Hanford in a new EIS / Supplemental EIS for the Perma-Fix NW site:
 - “In general, agencies should adopt procedures for environmental review and for preparation of EISs on private proposals at the conceptual stage rather than the final detailed design stage.
(a) If an agency's only action is a decision on a building permit or other license that requires detailed project plans and specifications, agencies shall provide applicants with the opportunity for environmental review under SEPA prior to requiring applicants to submit such detailed project plans and specifications.
WAC 197-11-055(4) “Agency Review at the Conceptual Stage”
 - USDOE has a goal for processing tank waste using TBI. There is adequate detail for the existing proposal that would allow for identification of environmental impacts and potential mitigation measures. SEPA and its implementing rules favor such early identification of impacts and mitigation to avoid locking in decisions with irreversible

environmental impacts and to make it possible to include mitigation measures as early as possible in the planning process.

- There is adequate information to include TBI in the scope of the proposed supplemental EIS for the Perma-Fix NW facility. Early SEPA review would facilitate public involvement and enable the federal agency (USDOE) and private company which would seek permitting to incorporate mitigation or avoidance of environmental impacts early in the planning process.
 - A permit application is not needed before the EIS is prepared. 197-11-055(2)(A).
- Working with Perma-Fix NW and USDOE, Ecology should identify the full range of process elements, waste quantities (including tank sources) and pathways for the public to comment on in a revised scope for the supplemental EIS.
- There is no reason to bifurcate and do a supplemental EIS at this time without inclusion of a formal pending proposal from another governmental agency (USDOE), in the development of which the Department of Ecology has been a participant. Indeed, SEPA REQUIRES inclusion of consideration of a formal pending proposal if Ecology proceeds at this point with an updated EIS.
 - Heart of America Northwest spent several years urging Ecology and DoH to update SEPA analyses for the facility prior to its sale to Perma-Fix NW, when there were thousands of illegally stored barrels of waste posing serious safety risks. The state agencies did not want to update SEPA analyses to address those safety concerns. The facility is incomparably safer today. The driver for any SEPA review today should be the formal proposal to treat tank wastes pursuant to the TBI.
 - Ecology's documents provide no further demonstration of need for supplementing the EIS for the public to review and comment on. The sole major proposal is for the TBI / tank waste treatment work.
 - The ONLY rationale and scope presented for the public to comment on by Ecology is the following excerpt from the notice:

“As part of the permit renewal process, PFNW submitted a renewal application for its DWR permit to Ecology in 2009. Due to significant changes and updates to the facility and operations since the original permit authorization and EIS in 1998, Ecology, as the lead agency, has determined that there is potential for adverse impacts. Therefore, we have decided to conduct a complete environmental analysis under SEPA to supplement the 1998 EIS.”

This description is inadequate to describe any changed circumstances, processes and new data regarding any potential newly identified significant impacts for the public to comment on. There is literally nothing provided by Ecology for the public to comment on regarding new scope for the EIS.

Ecology has not identified why, a decade after the permit application was submitted, it now believes a new EIS is required, but that the new EIS should not include the one set of significant potential process and waste changes that might trigger a new EIS.

We urge that Ecology follow the principle of early identification of environmental impacts and potential mitigation be incorporated into an EIS at the earliest time, which would be now.