

# Duane Schmoker

To Washington State Department of Ecology:

I am writing to you in support of the expeditious expansion and renewal of Perma Fix Northwest's (PFNW) permit for the receipt, treatment and packaging of low level, mixed low level waste, TRU waste and other radioactive and chemical wastes for which they can demonstrate safe compliance. PFWN is a valuable commercial business to the local community, the nuclear industry and for the Hanford mission specifically. I have been absolutely dismayed at the time it has taken Ecology to work through the PFWN permit revision process as well as the on-going permit revisions for Hanford. In both cases, this work has been underway for over a decade and yet no permit has been issued and the permittees continue to operate under a timely renewal process which inhibits commercial and mission progress. It affects operational decision processes and moves the state in to an overly obtrusive position as the regulator. It is highly unlikely this is what the laws of the state of WA envisioned and it calls in to question the competency and actual objectives of Ecology in performing their function as a regulator as opposed to an obstructionist.

Regarding the treatment of MLLW emanating from Hanford Tank Waste at PFWN, I remain dismayed at Ecology's on going public position that PFWN does not currently have a permit for treating MLLW. Ecology continues to maintain a position that PFWN can not treat Hanford "tank waste". Ecology continues to purposely confuse the public in such statements. Ecology knows, or should know, there is no NRC definition for the term "Tank Waste". DOE intends to pretreat waste in the Hanford tanks to separate the waste in to two fractions. A HLW and a LLW stream by implementing a filtration and ion-exchange system. The waste emanating from the pretreatment system will be sampled and through DOE Order 435.1 will under go a Waste Incidental to Reprocessing (WIR) determination. If the liquid waste is found to meet MLLW characteristics it will be so designated and appropriately managed by the DOE.

Ecology has seemly indicated this MLLW from such a WIR determination is not permitted for treatment/stabilization at PFWN. Ecology has offered no legal rationale or basis for this position but rather, are making rash, unsubstantiated public statements that PFWN does not have a permit to treat this type of waste. This has been exemplified in Ecology's public statements that PFWN does not have a permit to treat "TBI Waste" (for which again Ecology has not put forth an official regulatory definition of such waste). If PFWN does not have a permit to treat MLLW then one must ask "why does Ecology allow them to operate today and treat other MLLW from across the country"? Why hasn't the enforcement branch of Ecology shut down such operations? One can only conclude that PFWN does, in fact, have a legal permit for treatment of MLLW. Ecology's regulatory treatment of this matter relative to PFWN and waste emanating from Hanford tanks appears to be arbitrary and capricious. It appears biased by individual staff members in the Richland office. As a citizen of the state of Washington and someone who lives in Richland, this behavior is very concerning and unacceptable.

Regards,

Duane and Theresa Schmoker  
2771 Rue Ct  
Richland