

CH2M Hill Plateau Remediation Company

Comments for WESF Class 3 permit modification

1. Permit Condition III.14.D.1.e.

"Records documenting stalled loading or transport operations for Permit Condition III.14.L.5, if operations have stalled."

Response: Ecology's definition of "stalled" in Permit Condition III.14.L.5b does not accurately portray activities being conducted for loading operations. For instance, once the TSC is full, actions will begin to weld the lids in place. If these activities takes longer than 7 days, we would be "stalled" by Ecology definition, "...stalled if seven calendar days pass without the addition of a UCS to a partially or completely filled TSC." This is problematic since operations are clearly not stalled and work is continuing in a safe and compliant pace.

Recommend removing this permit condition. The Permittees will perform loading activities in a compliant and safe pace in accordance with the TPA schedule.

2. Permit Condition III.14.C.2

"The Permittees will have an accurate and complete description for each waste stream managed at the WESF OUG as necessary to document designation according to WAC 173-303-070, applicable Land Disposal Restriction Treatment Standards pursuant to WAC 173-303-140, and any other information necessary to ensure management of the waste streams in accordance with requirements of this Permit. [WAC 173-303-380(1)(a)]"

Response: Recommend adding capsule to sentence to be better specify what waste streams: "The Permittees will have an accurate and complete description for each capsule waste stream managed at the WESF OUG"

3. Permit Condition III.14.D.1.a

"The quantity and description of each mixed waste stream managed at the WESF OUG. [WAC 173-303-380(1)(a) and (b)]"

Response: Recommend adding capsule to sentence to be better specify what waste streams: "The quantity and description of each capsule waste stream managed at the WESF OUG. [WAC 173-303-380(1)(a) and (b)]"

4. Permit Condition III.14.L.1.b.

"If the water collection rate for Pool Cell 5 increases or decreases by more than 25% from the baseline leak rate for two or more consecutive weeks the Permittees will notify Ecology immediately and evaluate whether repair or other intervention is necessary to address the issue."

Response: The water is not removed on a weekly basis. The water collects in the sump over several months until there is an adequate volume for efficient removal and measurement. The water is then removed, measured, and an average rate (liters/week) is calculated. Recommended language change: "If the water collection rate for Pool Cell 5 increases or decreases by more than 25% from the baseline leak rate for two consecutive measurements the Permittees will notify Ecology

immediately and evaluate whether repair or other intervention is necessary to address the issue.

5. Permit Condition III.14.L.1.c.

"If the water collection rate for Pool Cell 5 increases or decreases by more than 75% from the baseline leak rate for any single week or any other pool cell sump begins collecting water, the Permittees will notify Ecology immediately and evaluate whether repair or other intervention is necessary to address the issue."

Response: The water is not removed on a weekly basis. The water collects in the sump over several months until there is an adequate volume for efficient removal and measurement. The water is then removed, measured, and an average rate (liters/week) is calculated. Recommend language change: "If the water collection rate for Pool Cell 5 increases or decreases by more than 75% from the baseline leak rate for any single measurement or any other pool cell sump begins collecting water, the Permittees will notify Ecology immediately and evaluate whether repair or other intervention is necessary to address the issue."

6. Permit Condition III.14.L.5

"Once loading of a specific TSC has started, if loading operations in the Truckport or transport operations from the Truckport apron are stalled, the Permittees will notify Ecology and provide a description of what has cause the delay and when it is estimated operations will resume."

Response: In the fact sheet, Ecology stated "It is most protective of human health and the environment to minimize the periods where capsules are out of the pool cells. However, Ecology does not want loading operations to be rushed. The permittees are required to notify Ecology if operations stall for one week or more. This allows transfer operations to be conducted at a safe pace and ensures Ecology can determine if stoppage of work is justified."

The TPA has its own enforcement provisions. Milestone M-092 has a schedule for the removal of all capsules from WESF, thus ensuring accountability for progress. The TPA states that Ecology can only take enforcement action under the TPA or the permit. Adding additional enforcement in the permit does not increase protection of human health and the environment and only leads to confusion. For example, DOE could enter into good faith negotiations regarding an extension request to M-092, while at the same time an Ecology compliance inspector could issue a permit violation separately in accordance with the proposed permit condition.

Recommend removing this permit condition to avoid confusion.

7. Permit Condition III.14.L.5.a.

"Notifications for stalled operations only apply to a TSC or CSS which holds at least one waste-containing capsule."

Response: Ecology's definition of "stalled" in Permit Condition III.14.L.5b does not accurately portray activities being conducted for loading operations. For instance, once the TSC is full, actions will begin to weld the lids in place. If these activities takes longer than 7 days, we would be "stalled" by Ecology definition, "...stalled if seven calendar days pass without the addition of a UCS to a partially or completely filled TSC." This is problematic since operations are clearly not stalled and work is continuing in a safe and compliant pace.

Recommend removing this permit condition. The Permittees will perform loading activities in a compliant and safe pace in accordance with the TPA schedule.

8. Permit Condition III.14.L.5b.

"Loading operations are considered stalled if seven calendar days pass without the addition of a UCS to a partially or completely filled TSC which has not been sealed."

Response: Ecology's definition of "stalled" does not accurately portray activities being conducted for loading operations. For instance, once the TSC is full, actions will begin to weld the lids in place. If these activities takes longer than 7 days, we would be "stalled" by Ecology definition (...stalled if seven calendar days pass without the addition of a UCS to a partially or completely filled TSC). This is problematic since operations are clearly not stalled and work is continuing in a safe and compliant pace.

Recommend removing this permit condition. The Permittees will perform loading activities in a compliant and safe pace in accordance with the TPA schedule.

9. Appendix IA, Inspection Frequency Justification

Response: The inspection frequency justification table, Appendix IA, has been added as part of the permit. During Major Themes resolution, DOE and ECY agreed that the justification table would be kept in the operating record and not be included within the permit. The Permittees believe the table was added to the draft permit in error and request it be removed from the permit.

Recommendation: Remove the Appendix IA, Inspection Frequency Justification from the permit.

10. WESF Modification Final Design Report

Response: The WESF Modification Final Design Report has been added as part of the permit. The Design Report was included as supplemental information. The Permittees believe this report was added to the draft permit in error and request it be removed from the permit.

Recommendation: Remove the WESF Modification Final Design Report from the permit.