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September 16, 2025

Department of Ecology
NWP - Richland

Mr. Matt Williams
Washington State Department of Ecology
Nuclear Waste Program
3100 Port of Benton Blvd.
Richland, WA 99354

Re: Public comments on the *draft* Hanford Site Air Operating Permit, No. 00-05-006, Renewal 4

Dear Mr. Williams:

Thank you for the opportunity to review the *draft* Hanford Site Air Operating Permit (AOP) Renewal 4. Below are my comments. I hope you find my comments useful in crafting a *proposed* AOP that complies with the federal *Clean Air Act* (CAA) and the *Washington Clean Air Act*.

I am a life-long resident of the USA. I have lived within 3 miles of the Hanford Nuclear Reservation for more than 30 years. I also maintain membership in the Sierra Club and the Natural Resources Defense Council (NRDC).

Respectfully,



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cc: via email:

M. Williams, Ecology, matt.williams@ecy.wa.gov

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P. Dycus, Environmental Integrity Project, pdycus@environmentalintegrity.org

A. Issod, Sierra Club, Andrea.Issod@sierraclub.org

COMMENT 1: **a)** The *draft* (40 C.F.R. 70.2) Hanford Site Air Operating Permit, Number 00-05-006, Renewal 4 (hereafter The Permit) does not appear to consider any additive or synergistic risks to the public from the presence of both radioactive *regulated air pollutants* (40 C.F.R. 70.2) and non-radioactive *regulated air pollutants*.

b) Please provide the process/procedure, if any, Ecology uses to set emission limits when both radioactive *regulated air pollutants* and non-radioactive *regulated air pollutants* are encountered at any *emissions unit* (40 C.F.R. 70.2) or from any source of *fugitive emissions* (40 C.F.R. 70.2).

BACKGROUND:

According to Ecology's announcement for the public comment period for The Permit:

"Three agencies administer the Hanford Site AOP. Ecology regulates the nonradioactive criteria and toxic air emissions [in Attachment 1]. Health regulates radioactive air emissions [in Attachment 2]. The Benton Clean Air Agency regulates outdoor burning [in Attachment 3]." [State of Washington, Department of Ecology, "Hanford Site Air Operating Permit Renewal 4, Public Comment Period", Publication 25-05-012, July, 2025 at 2.] See RCW 70A.15, and WAC 173-401.

Quoting from RCW 70A.388.040 (formerly codified at RCW 70.98.050):

"(1) The department of health is designated as the state radiation control agency, . . . , and shall be the state agency having sole responsibility for administration of the regulatory, licensing, and radiation control provisions of this chapter." RCW 70A.388.040

Thus, it appears only the Department of Health has the requisite statutory authority to regulate and enforce radioactive *regulated air pollutants*, whereas "Ecology only regulates the nonradioactive criteria and toxic air emissions" in accordance with RCW 70A.15 and WAC 173-401.

COMMENT 2:

a) Correct citations. For example, AOP (Rev. 3) cites to RCW 70.92 as giving Health authority to regulate radionuclides. Revised Code of Washington (RCW) 70.92 codifies "Provisions in buildings for aged and handicap persons". The appropriate statutory authority should be RCW 70.98, "Nuclear energy and radiation act"¹ though this statute has subsequently been re-codified in RCW 70A.388.

b) Either update citations that are no longer in force in accordance with rule 12 of (The) *Blue Book: A Uniform System of Citations*, or provide the updated citation where the original statute has been re-codified. For example, RCW 70.98 was re-codified as RCW 70A.388. If Ecology determines RCW 70.98 is more appropriate than RCW 70A.388 then the former statute should be cited as follows: RCW 70.98 (*date of the code addition cited*), with a date inside parentheses following the citation.

¹ In 2016 Ecology committed to make the correction from RCW 70.92 to RCW 70.98 in its response to two separate public review comments. However, Ecology failed to make that correction.

". . . Ecology is only showing the first paragraph of this comment in this summary. For the complete comment with all citations, footnotes, and explanations, please refer to Exhibit D.

Line 1 on page iv of the Statement of Basis for Standard Terms and General Conditions contains the following statement: "Health regulates radioactive air emissions under the authority of RCW 70.92 . . .". Citing to RCW 70.92 is incorrect. The title of RCW 70.92 is "PROVISIONS IN BUILDINGS FOR AGED AND HANDICAPPED PERSONS".

Ecology Response:

Ecology agrees:

Line 1 on page iv of the Statement of Basis for Standard Terms and General Conditions will be changed from: "Health regulates radioactive air emissions under the authority of RCW 70.92 . . . "to "Health regulates radioactive air emissions under the authority of RCW 70.98 and 70.94...."

Department of Ecology, State of Washington, "Response to Comments Hanford Air Operating Permit, Revision B March 22 – April 24, 2015, with extension to May 8, 2015", Publication no. [16-05-014], July 2016, at 24 (Emphases retained from original.) *See also* Ecology response to *Hanford Challenge* Comment 107 on pg. 54.