Bill Green

I'm equally interested in learning exactly when a new Washington Department of Health (WDOH) radioactive notice of construction (NOC) order of approval becomes an AOP "applicable requirement" [WAC 173-401-200(4)(d)] and thus subject the review and issuance process codified in WAC 173-401, including the requirement for public participation. (In other words; When does a radioactive NOC order of approval become an AOP "applicable requirement"?)
WDOH-issued NOC orders of approval implement "Chapter 70.98 RCW and rules adopted thereunder" [WAC 173-401-200(4)(d)] in addition to certain federal requirements. Absent this determination the public is chained to a participation process where "materials deemed relevant to the permitting process" have accumulated for years without being subject to the public participation process. The onerous review task now facing the public includes voluminous material ("over 2 gigabytes of data") dating back as far as 2019, or earlier.

Determining when a radioactive NOC order of approval becomes subject to the AOP could be tied to when WDOH determines, through its billing process, that its activities are invoiced to the permittee or "permitting authority" as an AOP-related cost. WDOH should confirm that it is accounting for all AOP revenues and expenses, and it is keeping these revenues and expenses separate from non-AOP work.

At the very latest, a radioactive NOC order of approval should be subject to the requirements of WAC 173-401 and 40 C.F.R. 70 prior to when the order of approval becomes enforceable against the permittee. (i.e., the same, or very similar, issuance process Ecology follows for its NOC orders of approval.)

Waiting years after the issuance of an activity-specific radioactive NOC order of approval to involve the public, subjects the public to the probability of exposure to additional and/or underassessed risks to public health that WDOH overlooked. For example, in the context of an AOP, WDOH's regulatory authority is limited to only radioactive air emissions. In focusing solely on radioactive air emissions, WDOH fails to establish radioactive air emission limits and operational limitations that are informed by the coexistence of non-radioactive air pollutants and ambient air contaminants such as smoke from wildfires, etc. Nothing seems to prevent WDOH from
considering any synergistic and/or additive impacts owing to the coexistence of non-radioactive emissions and ambient air contaminants when it establishes emission limits and operational limitations. Waiting years after WDOH issues NOC orders of approval to address overlooked risks to public health from total expected emissions needlessly prolongs the time during which the public
is subject to these elevated risks. Furthermore, the practice of delaying any public participation for years after WDOH issues NOC orders of approval serves to significantly dilute, if not eliminate, a foundational requirement of the Federal Clean Air Act to provide for meaningful public participation.

Additionally, this practice of waiting years to provide public review of WDOH NOC approval conditions spawns the very situation the public is now confronted with:

a) a limited time to review a monstrous amount of material ("over 2 gigabytes of data");
b) where all of the material is dated; and
c) where a significant portion of the resulting enforceable radioactive emission limits and/or operational requirements have never before been subject to public participation.

Please consider the above as public review COMMENTS and respond accordingly. Thanks.