

Ecology's Nuclear Waste Program Class 3 Modification Permitting Process

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What led to the modification request?

- National Enforcement Investigations Center (NEIC) inspection of Solid Waste Operating Complex on March 14-25, 2011
- Four violations identified
 - Storage of hazardous waste without a permit
 - Failure to meet closure plan requirements
 - Failure to submit closure notices and closure plans
 - Failure to comply with land disposal requirements (LDR)
- Issuance of EPA Consent Agreement and Final Order (CAFO)

Informal Process*

- Permittee provides a draft version of the modification request
- Ecology reviews and comments
- Collaborative negotiations on changes to the request

* Not specifically in WAC 173-303

Formal Request

- When in agreement, permittee finalizes and submits the request
- Transmittal letter includes justification for modification
- Clock starts for completing public comment period

1st Comment Period - Request

- Permittee runs comment period & public meeting
 - 1st public comment
- Ecology continues review of request
- Other regulatory agencies may comment
- Comment period ends
- Ecology responds to comments
 - Ecology usually involves permittee in comment response process

Draft Permit

- Ecology takes the information provided and writes a draft permit
 - May use permittees request verbatim and add any appropriate conditions
 - or -
 - May completely revise the request and include specific conditions
- Ecology issues draft permit for public review
 - Concurrently - Ecology issues Response to Comments document for previous public review (for 1st public comment)

2nd Comment Period - Draft Permit

- Public comment on DRAFT PERMIT
 - 2nd public comment
- Ecology runs comment period and any public hearings
- Ecology responds to comments

Issue Final Permit

- Ecology issues permit
 - Includes Response to Comments document for the draft permit (for 2nd comment period)
- Permittee and public may appeal
 - or -
- Permit becomes effective

Why Two Comment Periods?

- The comment periods are separate and distinct because they are designed for two different purposes.
 - The 60-day period allows comment on the permittee's request and assists Ecology in deciding whether to prepare a draft modification or a tentative denial.
 - The 45-day period allows comment on Ecology's proposed action.