Coordinated Closure:
Improving How State & Federal Regulations Work Together

Nina Menard and Deb Alexander
Nuclear Waste Program
3 main kinds of work at Hanford each has its own laws/regulations

- **Atomic Energy Act (AEA)** –
  - Manages radioactive source, byproduct, and special nuclear materials.

- **State Hazardous Waste Management Act (HWMA)**
  - HWMA is the state law to implement the Federal RCRA Program.
  - Permits/closes areas that treat, store and dispose (TSD) of dangerous (hazardous) wastes.
  - Applies *corrective actions* for soil & groundwater contamination from past practices (waste disposal, leaks & spills) releases at facilities with a TSD permit.

- **Comprehensive Environmental Response, Compensation & Liability Act (CERCLA)**
  - Addresses contamination from past practices at uncontrolled or abandoned facilities.
The 3 Laws/Regulations overlap & can conflict - Tri-Party Agreement describes how to “coordinate”

- A TSD disposal site can look identical to a past-practice site. At Hanford the difference is:
  - Whether the site was in use after August 19, 1987.
  - Whether the site handled mixed waste (dangerous and radioactive).

Settling basins at B/C Reactors weren’t used after 1968. They are a “past practice”.

207-A basins near Evaporator were used after 1987. They are a TSD unit.
“Coordinated Closure” concept

- At Hanford TSD and past practice sites can touch each other and have
  - Identical cleanup goals.
  - Cleanup goals named in 2 separate documents (HWMA permit and CERCLA ROD).
  - 2 different cleanup schedules.

- Section 5.5 of the TPA Action Plan describes the “interface” (coordination) of TSD waste management with response to contamination from past practices.
Proposed Modification to the Hanford Facility Federal Agreement and Consent Order

- Section 5.5 of the HFFACO already recognizes the need for a “...procedure to coordinate the TSD unit closure or permitting activity with the past-practice investigation and remediation activity to prevent overlap and duplication of work, thereby economically and efficiently addressing the contamination.”

- Needed more detail to Section 5.5 on the coordination and alignment of the schedules (TPA milestones) for TSD closure and past-practice cleanup.
Why does the TPA have to change if it already allows coordinated closure?

- We haven’t done a lot of this.
- As we work on the Hanford Site-wide Permit, we saw that we need to spell out more details.
- Needed schedule alignment between the CERCLA documentation and the permitting modifications through TPA milestones.
Proposed Modifications in HFFACO

- Section 5.5 in Action Plan is the guts of the changes. Minor changes in sections:
  - Section 3.3
  - Section 6.1
  - Section 7.4.2

- New milestones to align the closure plan modification with the submittal of the corresponding CERCLA RI/FS and/or proposed plan.
Explanation of Milestones

- Milestones are coupled together to address alternative requirements and a complete closure plan.
  - WAC 173-303-610(1)(e) states that with approval by the director all or part of the closure requirements can be replaced.
  - The first milestone of a set states that DOE can request alternative requirements in conjunction with the CERCLA OU submittal of a proposed plan.
  - The second milestone states that DOE will submitted a permit modification that contains all the detailed actions for closure in conjunction with the submittal of the CERCLA Remedial Action Work Plan.
Summary

- The coordinated closure makes good sense and allows a cost savings by coordinating the paperwork and the field work between CERCLA and RCRA permitting.
Questions?