APPENDIX V

Scoping Comments

Commercial Low-Level Radioactive Waste Disposal Site

Richland, Washington

Washington State Commercial Low-level Radioactive Waste Disposal Facility
Scoping for Draft Environmental Impact Statement
Response to Comments, September 1997

Key (response and transcript): OB — Owen Berio, Dawn Watch; BB — Barry Bede, US Ecology; LB — Lynda Brothers, Davis, Wright, Tremaine LLP; BC — Bob Cook, Yakama Indian Nation; JC — Jane Cunningham; MD — Michelle Davis, Ecology; PH — Patty Heasler; RL — Rick Leaumont, Lower Columbia Audubon Society; DP — DouGlas Palenshus, Ecology; GP — Gerald Pollet, Heart of American Northwest; RR — Richard Reed; ER — Edgar Riggs, Wah Chang; GR — Gordon Rogers; DS — David Schneidmiller; DSS — David Stewart-Smith, Oregon; DT — David Tallman, Environmental Management and Controls, Inc.; USE — Barry Bede in writing; JW — John Wagoner, U.S. Department of Energy; MW — Mark Wallace, Ecology.

Oral Comments

1. (GR) ***Analyze with the idea the area will remain an exclusive-use industrial area under government control for the foreseeable future*****.**

Analysis for all alternatives will recognize the facility's context within the Hanford Site and consider recommendations from the Future Site Uses Working Group report and other land-use documents.

2. (GR) ***Explain and justify differences in closure requirements for radioactive and toxic chemical wastes, particularly time differences in active monitoring and barrier effectiveness*****.**

The EIS will describe the differences and similarities between closure requirements for low-level radioactive waste sites and for chemically hazardous waste sites. The Nuclear Regulatory Commission and Washington State Department of Health govern radioactive waste sites. The Environmental Protection Agency and Washington State Department of Ecology regulate hazardous waste sites, including sites with mixed hazardous and radioactive wastes. Health and Ecology will ensure that the appropriate regulatory requirements are met throughout the site.

3. (GR) ***Because the activities producing these wastes are necessary, there's no basis for limiting waste volumes for non-technical reasons*****.**

The EIS will look at current, projected, and greater than projected waste volumes, and their impacts on site capacity and the environment.

4. (GR) *How long, on average, do wastes remain uncovered in trenches, and would it be advantageous to cover them sooner*?

Wastes may remain uncovered for a varied amount of time. The license requires that wastes be placed and covered in a timely manner so that the radiation level at the edge of the trench does not exceed 10 mrem/hr. In addition, backfilling is done on a regular basis to increase long-term stability of the trench. The EIS will examine alternatives to operations which may include changes in the time waste is uncovered.

5. (GR) *Include recent research on benefits of low-level radiation exposure in risk analysis*.

This recent research has not yet become an accepted analytical framework. The agencies intend to use accepted and established methodologies for radiation exposure in risk analysis.

6. (RL) *Applicant, not state, should pay for EIS*.

Although the state will issue the money, which pays for this study, the funds come directly from fees charged to the facility's customers. Because the money is available and the site operates as a regulated utility with profit margin set by the state Utilities and Transportation Commission, the agencies believe it is cost effective to pay for the EIS directly. US Ecology has paid for studies that will support the EIS.

7. (RL) The *EIS should meet National Environmental Policy Act (NEPA) standards because the site is on land owned by the federal government*.

The origin of the actions, rather than land ownership, governs when the federal or state environmental policy acts come into play. The three actions — re-licensing, closure and rule making — are state actions; therefore the State Environmental Policy Act (SEPA) applies. Health and Ecology consulted the U.S. Department of Energy and the U.S. Environmental Protection Agency and established that no federal actions are occurring. The agencies believe analysis under SEPA will provide decisional guidance that is fully protective of the environment, human health and the interests of Washington's citizens. Pertinent information developed for Hanford NEPA EIS's will be consulted.

8. (RL, JC, JW) *EIS should address traffic volume and risks associated with transportation, including costs to taxpayers*.

The EIS will address traffic volume and risks associated with transportation, including the costs to taxpayers.

9. (RL) *EIS should address site waste capacity over time*.

The EIS will look at current, projected, and greater than projected waste volumes, and their impacts on site capacity and the environment.

10. (RL) *Is US Ecology financially sound*?

Because US Ecology is a regulated monopoly in Washington, the state Utilities and Transportation Commission audits financial information filed by the company when it requests changes in its disposal tariffs. The company also provides the commission annual financial reports. Rate regulation provides the company with a fair profit on its Washington operations, while protecting the ratepayers and citizens. The rate filings and annual reports are available from the commission. The state is protected financially by funds already collected from waste generators for the closure and post-closure care of the site.

11. (BC) *Distinguish between intruders and inadvertent intruders*.

The EIS will examine an inadvertent intruder scenario. Whether or not the intrusion is intentional or unintentional will not affect the risk analysis.

12. (BC) *Address expiration of institutional controls after 100 years*.

The EIS will assume loss of institutional controls 100 years after final closure of the site.

13. (BC) *Effective life span of intruder barriers should be 500 years*.

Chapter 246-250 WAC requires an intruder barrier to have an effective life of 500 years. The EIS will examine the ability of closure alternatives to meet or exceed this requirement.

14. (BC) *Include long-term irrigated farming when analyzing risk to ground water*.

Long term irrigated farming will be considered when analyzing risk to ground water.

15. (DS, JW) *Recognize site's contribution to Tri-Cities' economy*.

The EIS will discuss both the positive and negative impacts from the proposed action and alternatives.

16. (DS) *Examine expanding use of the site to benefit the state, including taking out-of-compact low-level waste for a higher fee*.

The EIS will examine various waste volume scenarios and associated economic impacts. Changes in state or compact policy are beyond the scope of the EIS.

17. (PH) *US Ecology should be part of Tri-Cities state-of-the-art waste remediation site for the world*.

This document may be a source of guidance to those who work on such a plan. However, such a plan is beyond the scope of this EIS.

18. (PH) *Instead of raising NORM/NARM limit 10-fold, shouldn't site capacity be reserved for medical waste*?

Various NORM volumes and other low-level waste scenarios will be analyzed along with their impacts on site capacity.

19. (PH) *Is US Ecology allowed to take U.S. Department of Energy (USDOE) low-level waste*?

To date, the site has not taken U.S. Department of Energy Waste. However, to the extent allowed by the Northwest Compact, such wastes could be accepted. The state of Washington's position is that USDOE waste be limited to low-level waste generated only at Hanford, that USDOE Hanford waste volumes not compromise commercial capacity needs as projected through the end of the lease in 2063, that normal fees are collected, and including such fees, use of the site represents a savings for USDOE.

20. (PH) *Can US Ecology use the closure and care funds for cash flow*?

No. These funds are held by the state and can be expended only for their intended purposes after an appropriation by the legislature.

21. (BB) *Data collected at Hanford should be used in the EIS*.

The agencies will use the existing data to the extent possible.

22. (BB) *The EIS should indicate the site has always been regulated*.

The EIS will discuss the site and its regulatory history.

23. (BB) *EIS should include a cost-benefit analysis*.

In accordance with SEPA, the EIS will not include a cost benefit analysis; however, cost estimates and economic impacts for each alternative will be included.

24. (BC) *EIS should look at chemical wastes, particularly those in Trench 7, to determine if hazardous wastes should be retrieved and treated*.

The EIS will consider the presence of chemical wastes including those in Trench 7. A facility investigation being conducted parallel to this EIS will help to determine if hazardous waste should be retrieved and treated.

25. (BC, GP) *Interact with Indian nations; remember land is ceded treaty land*.

The agencies recognize this and have requested consultations with affected tribes.

26. (OB) *Consider river conditions, including dam removal*.

Because the facility is more than 700 feet above sea level, and the Columbia River at its highest point of the Hanford Site runs below 400 feet, this will be considered briefly.

27. (OB, GP) *Re-open bidding for site operator*.

US Ecology, Inc. operates the site as a private venture on land subleased from the state of Washington. The current term of the lease expires in 2005.

28. (RR) *Consider major volcanic event such as Mt. Adams.*

Volcanic activity will be considered briefly. Known active and dormant volcanoes present a minor threat because of their distance from the facility. Ash fall, such as occurred following the eruption of Mount St. Helens, would likely not harm a facility cap, although a major ash fall could hinder operations prior to closure.

29. (GP) *Compare other operating sites' standards for waste acceptance, monitoring, financial assurance, closure, random or stacked disposal*.

The agencies will compare this site with other operating sites' standards for waste acceptance, monitoring, financial assurance, closure, and random or stacked disposal.

30. (GP, JW) *Incorporate risk standards being applied to the rest of Hanford, such as MTCA and RCRA*.

The application of MTCA and RCRA at Hanford will be considered in determining acceptable risk levels at the site.

31. (GP) *Remember the site is in an area the Future Site Uses Working Group recommended be cleaned up to unrestricted use standards in 100 or fewer years*.

The recommendations of the Future Site Uses Working Group will be considered in the EIS.

32. (GP) *Look at lessons learned recently at the 200 Area tank farms about vadose zone transport*.

The agencies believe there are fundamental differences between the mostly dry waste at the low-level site and the volume and activity level of liquid wastes under leaking high-level waste tanks. However, the agencies will examine the relevance of emerging information on the vadose zone and apply that information as appropriate.

33. (GP) *What legislative authority does Health have to raise NARM/NORM limits? The EIS should have a complete discussion of this issue*.

The EIS will discuss the scientific and technical background and the legal and regulatory authority for NARM/NORM regulation.

34. (GP) *Heart of America would like to participate in developing public involvement on this EIS*.

The agencies have been in contact with Heart of America and other stakeholders, and will continue work with them on public involvement.

35. (DSS) *EIS should focus on the closure plan*.

Because they are related, the EIS will examine NARM/NORM and licensing issues along with closure. However, the agencies anticipate that the closure plan will dominate the analysis of long-term impacts.

36. (DSS) *Consider how organic breakdown products effect source term over time*.

The effect of organic breakdown products on source term over time will be considered.

37. (DSS) *Take advantage of the remaining operation over the next 50 years to validate as much as possible results from modeling*.

Ongoing monitoring will be included in the alternatives.

38. (ER) ***Study may lead to higher disposal costs, or limits on site availability.***

The agencies intend to conduct a science-based study, and recommended operational changes, if any, will be driven by technical necessity, not cost.

39. (ER) ***USDOE should be involved in approval of the closure plan. Is USDOE involved in EIS*****?**

USDOE has been and will continue to be consulted throughout the EIS process. However, USDOE has indicated it will wait until the draft EIS is written before submitting extensive comments.

40. (USE, ER, DT) ***Clearly define the Determination of Significance threshold*****.**

In making the determination of significance, the agencies have found that among the proposed actions, there are several probable direct or indirect impacts to elements of the environment such as air quality, soils, groundwater, and habitat. When considered together, these impacts may be significant. The agencies have also found that the proposals may to a significant degree involve unique and unknown risks to the environment or affect public health or safety under WAC 197-11-330(3)(e).

41. (USE) ***Use US Ecology and USDOE monitoring data*****.**

We will use historical data for the facility and the surrounding USDOE site, ongoing operational information, as well as findings from the planned facility investigation.

42. (USE) ***Define No Action as continuation of the*** **status quo*****, not immediate closure***.

The no-action alternative will assume that the site continue operating without the state taking action to either deny or renew the license. This alternative is to fulfill SEPA's requirement to evaluate "no action". A no action alternative need not be reasonable or acceptable.

The EIS will also include a baseline alternative which assumes immediate closure of the site with the minimum acceptable capping and monitoring. The purpose of this alternative is to measure the incremental impacts on the environment of continued site operation.

43. (USE) ***EIS should not focus only on negative impacts*****.**

The EIS will focus on both positive and negative impacts.

44. (USE) *EIS should analyze alternatives that retrogress from the status quo.*

SEPA calls for analysis only of reasonable alternatives, which feasibly attain or approximate objectives, but at a lower environmental cost or decreased level of degradation. The agencies believe an alternative based on a less protective regulatory scheme would not be reasonable.

45. (LB) *The EIS should specify volumes and types of wastes accepted by US Ecology, and conduct environmental review before any additional waste types can be taken*.

The agencies agree.

46. (LB) *The EIS should identify all sources of funding for closure*.

The EIS will identify all sources of funding for closure. The agencies believe the state's closure fund and perpetual care and maintenance fund, both from fees paid by generators, will be adequate for their purposes.

47. (LB) *What standard of radiation emission will be used for site closure*?

The EIS will discuss all applicable closure standards and the ability of closure alternatives to meet or exceed those standards.

48. (JW) *Address habitat disturbance and mitigation from the closure cap and cap material borrow sites*.

Habitat disturbance and mitigation from the closure cap and cap material borrow sites will be addressed in the EIS.

49. (JW) *Examine exposure for Hanford workers and offsite public*.

Worker and public exposure and safety will be addressed in the EIS.

50. (JW) *Be consistent with 40 CFR 192*.

All applicable laws and regulations and the ability of alternatives to meet those will be considered.