

Letter/Attachment for GTCC EIS Scoping Comment #141



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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August 28, 2007

Mr. James Joyce, Document Manager
Office of Regulatory Compliance (EM-10)
United States Department of Energy
1000 Independence Avenue S.W.
Washington, DC 20585-0119

Re: *Notice of Intent to Prepare an Environmental Impact Statement (EIS) for the Disposal of Greater-Than-Class-C-Low Level Radioactive Waste (LLW)*, Federal Register, Vol. 72, No. 140, pp. 40135 – 40139, July 23, 2007

Dear Mr. Joyce:

The Department of Ecology, Nuclear Waste Program appreciates the opportunity to provide comments on the United States Department of Energy (USDOE) Notice of Intent to prepare an EIS on disposal of greater-than-Class-C (GTCC) waste, and certain similar wastes. GTCC is described in the supporting information as the "most hazardous of LLW - dangerous to inadvertent intruder beyond 500 years. Must be disposed in geologic repository unless [an] alternate method [is] proposed by DOE and approved by NRC."

The Notice of Intent evaluates the alternatives for disposal of approximately 2,600 cubic meters of GTCC waste and 3,000 cubic meters of GTCC-like waste. Hanford is currently forecast to generate less than 1 cubic meter of GTCC waste during its cleanup.

We reviewed the Notice of Intent and supplemental information that appears on the web site. As a result of our review, we have several areas of concern and comment about the alternatives that the USDOE will evaluate in the upcoming EIS.

The GTCC EIS is not integrated with the USDOE's Tank Closure and Waste Management EIS (TC&WM EIS), which is in preparation for anticipated release as a draft in February 2008. The TC&WM EIS is evaluating the impacts of disposing of waste already at Hanford, as well as a certain volume of off-site waste that USDOE already proposes to dispose of or otherwise manage at Hanford. It is intended to provide a "single, integrated groundwater analysis that will cover all of the waste types addressed in the *Hanford Solid Waste EIS* (HSW EIS) alternatives and cumulative impact analyses,"¹ as well provide an analysis to support closure of the Hanford

¹ Settlement Agreement re: *WASHINGTON v BODMAN*, Civil No. 2:03-cv-05018-AAM, January 6, 2006, Sec. II.1, p. 1.



waste tank farms assuming various concentrations of residual contamination in the soil and in the underground tank systems.² The TC&WM EIS is an important element in being able to move forward with Hanford's cleanup. The inventory of waste it evaluates does not include any of the commercial GTCC or the offsite inventory of GTCC-like waste that the USDOE proposes to dispose at the Hanford Site. The GTCC EIS could therefore undermine the utility of the TC&WM EIS.

The state and the USDOE have agreed that the USDOE would not import low-level, mixed low-level, or transuranic waste to the Hanford site from other USDOE sites, with only specific exceptions, until the USDOE publishes the final TC&WM EIS and appropriate Records of Decision in the Federal Register.³ We are concerned that the USDOE is now considering importing additional off-site waste to the Hanford Site among its alternatives in the GTCC EIS, outside of, and uninformed by, the integrated analyses that the TC&WM EIS will provide.

GTCC is a long-term threat to human health and the environment. Given the current status of Hanford cleanup and the amount of waste that will remain disposed there after the cleanup is completed, adding GTCC waste is not acceptable to the State of Washington.

Hanford is still at least ten years away from having treatment capacity available for 53,000,000 gallons of high level radioactive waste stored in aging tanks. Over 1,000,000 gallons of high-level waste has already leaked to the soil and contaminated groundwater. Over 80 square miles of Hanford's groundwater are contaminated with radionuclides and other hazardous chemicals at levels above drinking water standards, from fifty years of liquid waste discharges. The cleanup of Hanford will take an additional forty years. Disposal of GTCC waste in landfills or boreholes at Hanford will only add to the long term risks of contamination at the Hanford site.

In addition, in 2004, Washington voters approved Initiative 297 (now codified as chapter 70.105E, Revised Code of Washington). Initiative 297 places a moratorium on the receipt of off-site generated, non-cleanup related mixed waste at facilities such as Hanford until certain cleanup and compliance standards are achieved. Initiative 297 has been invalidated by a federal district court, but this decision is currently on appeal before the Ninth Circuit Court of Appeals. If the moratorium provision is upheld, Washington law will prevent the disposal of any GTCC mixed waste at Hanford until Hanford satisfies the cleanup and compliance criteria of the Initiative.

In summary, GTCC wastes and GTCC-like wastes represent a long term environmental threat that should be disposed in a repository capable of managing long term risks. The state recommends that USDOE focus its GTCC EIS analysis to support development of geologic repository disposal capacity for these wastes.

² *Ibid.* Sec. II.3, p. 1.

³ *Ibid.* Sec. II.8, p. 3.

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If you have any questions concerning this letter, please contact Ron Skinnarland of my staff at 509-372-7924.

Sincerely,



Jane A. Hedges
Program Manager
Nuclear Waste Program

ers/pll

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