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(0073834H)

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

3100 Port of Benton Blvd • Richland, WA 99354 • (509) 372-7950

November 16, 2016

16-NWP-199

By certified mail

Mr. Doug S. Shoop, Manager  
Richland Operations Office  
United States Department of Energy  
PO Box 550, MSIN: A7-50  
Richland, Washington 99352

Mr. John A. Ciucci, President and CEO  
CH2M HILL Plateau Remediation Company  
PO Box 1600, MSIN: H7-30  
Richland, Washington 99352

Re: Department of Ecology (Ecology) Review of Response to Dangerous Waste Compliance Inspection on November 18, 2015, at T-Plant, RCRA Site ID: WA7890008967, NWP Compliance Index No. 15.549

Reference: See page 2

Dear Mr. Shoop and Mr. Ciucci:

Ecology has reviewed your November 1, 2016, signed response letter and enclosures (Reference). This letter included corrective actions for areas of non-compliance four and five identified in Ecology's November 18, 2015, inspection of T-Plant.

From reviewing the inspection records submitted with your response letter, I observed that inspections were conducted at least weekly (at least once every seven days and not more than six calendar days between inspection dates) and contained the printed name (the complete first name and last name) of the inspectors. As of November 1, 2016, Ecology has determined from the review of the records submitted, that areas of non-compliance four and five have been addressed.

However, it appears from your written response, that United States Department of Energy Richland Operations Office and CH2M HILL Plateau Remediation Company are unwilling to conduct container inspections at least weekly (at least once every seven days and not more than six calendar days between inspection dates). Your response to area of non-compliance five, stated the following:

*As communicated in previous correspondence (16-ESQ-022), RL and CHPRC disagree with the Ecology position that WAC 173-303 provisions requiring waste container inspections "weekly" or "at least weekly" mean inspections must be conducted every 7 days or less. Inspections which are conducted within each calendar week, Monday through Sunday, meet the ordinary English language meaning of the term "weekly." RL and CHPRC maintain that conducting inspections once in each calendar week is compliant with WAC 173-303 and fully achieves the goal of the inflexible schedule which the inspection report seeks to impose, with the ability to adapt to contingent circumstances (e.g. inspector illness, weather conditions, emergencies, spills). RL and CHPRC seek to work collaboratively with Ecology to resolve this issue as part of developing the Revision 9 sitewide permit or through other means. In the meantime, RL and CHPRC plan to continue conducting weekly inspections once per calendar week and request that identification of non-compliances related to this issue be tabled on future inspections.*



1241364

Mr. Shoop and Mr. Ciucci  
November 16, 2016  
Page 2 of 3

16-NWP-199  
T-Plant  
RCRA Site ID: WA7890008967  
NWP Compliance Index No.: 15.549  
Inspection Date: November 18, 2015

The Nuclear Waste Program maintains its position on how weekly container inspections are to be conducted, which is consistent with Ecology's state Hazardous Waste Toxic Reduction Program and federal guidance. The Nuclear Waste Program compliance inspectors will continue to require that container inspections that are required "at least weekly" in the regulations, be conducted at least once every seven days and not more than 6 calendar days between inspection dates. Failure to follow this weekly inspection schedule will result in possible formal enforcement and the issuance of an administrative order, a penalty (up to \$10,000 per day, per violation), or both, as provided by the Hazardous Waste Management Act (RCW 70.105.080 and .095).

As explained in your response letter, non-compliance one, two, and three are being addressed through the appeal process. If you have questions or need further information, please contact me at [jared.mathey@ecy.wa.gov](mailto:jared.mathey@ecy.wa.gov) or (509) 372-7949.

Sincerely,



Jared Mathey  
Dangerous Waste Compliance Inspector  
Nuclear Waste Program

tkb

Reference: Letter 17-ESQ-0003, dated November 1, 2016, "Response to Dangerous Waste Compliance Inspection on November 18, 2015, at the T Plant Complex, Resource Conservation and Recovery Act (RCRA) Site ID: WA 7890008967; Nuclear Waste Program Compliance Inspection Number No.: 15.549"

1241364

cc: See page 3

Mr. Shoop and Mr. Ciucci  
November 16, 2016  
Page 3 of 3

16-NWP-199  
T-Plant  
RCRA Site ID: WA7890008967  
NWP Compliance Index No.: 15.549  
Inspection Date: November 18, 2015

cc electronic:

Dave Bartus, EPA  
Jack Boller, EPA  
Dennis Faulk, EPA  
Kevin Schanilec, EPA  
Duane Carter, USDOE  
Cliff Clark, USDOE  
Michael Collins, USDOE  
Al Farabee, USDOE  
Tony McKarns, USDOE  
Julie Reddick, USDOE  
Wade Woolery, USDOE  
Allison Wright, USDOE  
Moses Jaraysi, CHPRC  
David Richards, CHPRC  
Joel Williams, Jr., CHPRC  
Jon Perry, MSA  
Ken Niles, ODOE  
Debra Alexander, Ecology  
Kathy Conaway, Ecology  
Suzanne Dahl, Ecology  
Kelly Elsethagen, Ecology  
Stuart Luttrell, Ecology  
Jared Mathey, Ecology  
John Price, Ecology  
Ron Skinnarland, Ecology  
Alex Smith, Ecology  
John Temple, Ecology  
Nancy Ware, Ecology  
CHPRC Correspondence Control  
Environmental Portal  
Hanford Facility Operating Record

cc: Rod Skeen, CTUIR  
Gabriel Bohnee, NPT  
Russell Jim, YN  
Steve Hudson, HAB  
Administrative Record  
NWP Central File  
NWP Compliance Index File: 15.549