



Department of Energy
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

15-ESQ-0111

OCT 08 2015

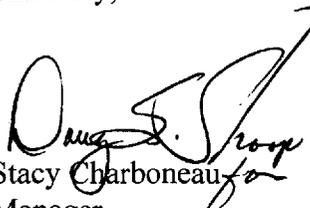
Ms. J. A. Hedges, Manager
Nuclear Waste Program
Washington State Department of Ecology
3100 Port of Benton Boulevard
Richland, Washington 99354

Dear Ms. Hedges:

RESPONSE TO THE DANGEROUS WASTE COMPLIANCE INSPECTION ON
APRIL 29, 2015, AT THE WASTE RECEIVING AND PROCESSING FACILITY (WRAP),
RESOURCE CONSERVATION AND RECOVERY ACT SITE ID: WA7890008967, NWP
COMPLIANCE INDEX NUMBER: 15.520, DATED AUGUST 6, 2015

This letter is responding to your letter dated August 6, 2015, (15-NWP-154) regarding the WRAP Compliance Inspection that was performed on April 29, 2015. WRAP is operated by the CH2M HILL Plateau Remediation Company (CHPRC) for the U.S. Department of Energy Richland Operations Office (RL). RL and CHPRC have reviewed the alleged compliance problem, concern, and requested actions described in the referenced letter. The enclosed document recites the alleged compliance problem and concern as stated in the referenced letter and has provided a response to each of the Ecology statements in the Ecology compliance. If you have any questions, please contact me, or your staff may contact Jeffrey A. Frey, Acting Assistant Manager for Safety and Environment, on (509) 376-7727.

Sincerely,


Stacy Charboneau
Manager

ESQ:ACM

Enclosure

cc: See page 2

Ms. J. A. Hedges
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cc w/encl:

Administrative Record, TSD: T-2-4 (Hard Copy)
Ecology NWP Library (Hardcopy)
Environmental Portal, LMSI, A3-95
HF Operating Record (J. K. Perry, MSA, A3-01)

cc w/o encl:

D. B. Bartus, EPA
J. L. Boller, EPA
J. W. Cammann, MSA
J. A. Ciucci, CHPRC
D. A. Faulk, EPA
M. N. Jaraysi, CHPRC
J. W. Mathey, Ecology
J. B. Price, Ecology
K. Schanilec, EPA
D. G. Singleton, Ecology
R. R. Skinnerland, Ecology
J. F. Williams Jr., CHPRC

ENCLOSURE

Response from U.S. Department of Energy Richland Operations Office (RL) and CH2M HILL Plateau Remediation Company (CHPRC) to the Washington State Department of Ecology (Ecology) August 6, 2015, Compliance Problem and Concern Report at the Waste Receiving and Processing Facility (WRAP) (15-NWP-154)

Consisting of 5 pages,
including cover sheet

On August 6, 2015, Ecology sent a letter to RL/CHPRC stating that there is a compliance problem and concern that is identified during the WRAP compliance inspection that was performed on April 29, 2015. This memorandum recites the alleged compliance issue and concern resulting from this inspection and the response to the compliance issue and concern.

Alleged Compliance Problem - Personnel Training at WRAP:

Washington Administrative Code (WAC) WAC 173-303-400, and by reference, WAC 173-303-330(2). Written training plan. The owner or operator must develop a written training plan which must be kept at the facility and which must include the following documents and records: (a) For each position related to dangerous waste management at the facility, the job title, the job description, and the name of the employee filling each job. The job description must include the requisite skills, education, other qualifications, and duties for each position.

WRAP Facility Dangerous Waste Training Plan (DWTP), Table 3-1 - Job Titles/Positions at the WRAP, identifies job titles/positions for personnel that carry out job duties relating to the WRAP waste management duties. The list of job titles/positions fails to include personnel (as defined in WAC 173-303-040) who:

- Prepare and/or maintain records as required in WAC 173-303.
- Provide training required under the DWTP.
- Provide Dangerous Waste (DW) regulation interpretations which affect DW management operations.
- Are responsible for notifications as required in WAC 173-303.
- Perform emergency response efforts required under WAC 173-303.

RL/CHPRC Response to Alleged Compliance Problem - Personnel Training at WRAP:

RL/CHPRC continues to operate WRAP in compliance with all applicable interim status standards of WAC 73-303-400(3) until a final status permit is issued or until closure of this dangerous waste management unit. The existing WRAP DWTP is fully compliant with the regulatory requirements. Ecology's August 6, 2015, letter (15-NWP-154) indicated that personnel with the following duties must be addressed in the DWTP:

- Prepare and/or maintain records as required in WAC 173-303.
- Provide training required under the DWTP.
- Provide DW regulation interpretations which affect DW management operations.
- Are responsible for notifications as required in WAC 173-303.
- Perform emergency response efforts required under WAC 173-303.

As stated in the RL letter (15-ESQ-0078) to Ecology, dated June 11, 2015, Subject: Response to State of Washington Department of Ecology Letter 15-NWP-086, May 8, 2015, Regarding Two Dangerous Waste Compliance Inspections for Facilities Operated by CHPRC, Nuclear Waste Program Compliance Index Numbers 14.511 and 14.512, 1500873a, RL/CHPRC disagree with

Ecology's interpretation and based on U.S. Environmental Protection Agency (EPA) guidance, assert that the regulations intend to require training only for the following specific individuals:

- Training to individuals physically managing hazardous waste who have the opportunity to cause a release that could impact human health or the environment.
- Training to individuals who are in close proximity to hazardous waste activities that could be impacted should such a release occur.

As with the RL letter (15-ESQ-0078) RL/CHPRC offer the following discussions to further clarify our position:

1. EPA regulations and guidance:

The EPA promulgated the training plan requirements for hazardous waste management on May 19, 1980 [45 FR 33182]. EPA stated (p33182), "The purpose of the proposed training requirements was to reduce the potential for mistakes which might threaten human health or the environment by ensuring facility personnel acquire expertise in the areas to which they are assigned". This position has been reiterated by EPA in guidance, indicating that "(T)he intent of the personnel training requirements is to reduce the potential for mistakes which might threaten human health or the environment by insuring that facility personnel working in jobs where they handle hazardous waste will be thoroughly familiar with their duties and responsibilities" (Emphasis added) [OSWER Directive 9523.00-10 Section 5.12.2]. Further ". . . your programs will prepare your employees to operate and maintain the hazardous waste facility in a safe manner". On March 24, 1986 [51 FR 10165], EPA indicated, in response to a commenter, that "employees who work in or adjacent to areas where hazardous wastes are generated, handled, or stored but do not handle hazardous wastes, must still be trained to be thoroughly familiar with basic emergency procedures." In accordance with the Dangerous Waste Training Plan, employees who work unescorted at T-Plant but do not have waste management duties receive training in emergency response procedures specific to T-Plant, as well as General Employee Training.

In another example, EPA's Resource Conservation and Recovery Act of 1976 (RCRA) "RCRA Personnel Training Guidance Manual for Owners or Operators of Hazardous Waste Management Facilities" (SW-915, Sept. 1980), Section 4.1.1, "What Types of Training Are Needed?" Identifies two types of activities that require training; 1) routine day-to-day hazardous waste handling, storage, treatment and disposal operations and 2) emergency response activities. Section 4.1.2 "Who Should Be Trained?" continues, "[regarding] routine day-to-day hazardous waste management operations, training should be administered to all responsible on-site supervisory personnel and to all persons handling, storing, treating and disposing of hazardous waste."

It is clear that EPA intended that workers that directly manage hazardous waste, and their supervisors, must receive training on the hazardous waste management procedures relevant to their individual responsibilities and workers that do not handle hazardous wastes but could be impacted must receive training on basic emergency response procedures. Consequently, in accordance with the T-Plant DWTP, personnel who visit or perform work at T-Plant have taken General Employee Training, Hanford Site Visitor Orientation, or Hanford Site Orientation, which provide training on basic emergency response procedures.

EPA regulations and guidance support RL's and CHPRC's conclusion that a compliant DWTP is not required to include the additional job/titles/positions requested by Ecology.

2. Ecology Regulations and Dangerous Waste Permits:

WAC 173-303-330(1)(e) provides some assistance in determining the types of activities that would be considered "dangerous waste management" activities and the type of training required. At a minimum, the training program must familiarize facility personnel with emergency equipment and systems and emergency procedures. The low level burial ground DWTP meets and exceeds this minimum requirement. There is no indication that persons involved with maintaining records, providing training or providing regulatory interpretations are required to be included in the facility training plan.

DW permits issued by Ecology's Nuclear Waste Program support RL's and CHPRC's conclusion that a compliant DWTP is not required to include the job/titles/positions requested by Ecology.

- The Hanford Facility Dangerous Waste Permit (HF DW Permit), Revision 8C, contains DWTPs for seven Treatment, Storage and Disposal (TSD) operating units on the Hanford site including:
 - PUREX Storage Tunnels
 - Liquid Effluent Retention Facility and 200 Area Effluent Treatment Facility
 - 242-A Evaporator
 - 325 Hazardous Waste Treatment Units
 - Waste Treatment and Immobilization Plant
 - Integrated Disposal Facility
 - 400 Area Waste Management Unit

None of the approved DWTPs associated with these permitted TSDs include the job/titles/positions requested by Ecology. Ecology provided guidance and clarifications in a series of meetings in 1999 and 2000 leading to the current training matrices (including the job positions to be included in the matrices) for these units. Additionally, the HF DW Permit is in the process of being re-issued and Ecology has not identified this as an area of concern for the HF DW Permit re-issuance as evidenced by the fact that there is no working group addressing this topic.

Finally, as recently as April 2012 personnel training plans included in Ecology NWP's draft Rev. 9 of the HF DW Permit, that went out for public review, did not significantly change or add to the jobs/titles/positions covered by the plans currently in Rev. 8C of the HF DW Permit.

- The DW permit issued by Ecology's NWP in 2006 to Puget Sound Naval Shipyard does not include the job/titles/positions requested by Ecology. Nor does the DW permit issued by Ecology's NWP in 2010 to Areva NP Inc. Ecology has repeatedly made the correct

determination that the job/titles/positions required to be included in a TSD's DW training plan do not include those recently requested by Ecology.

Also, since Ecology's approval of the aforementioned DWTPs, there have been no changes to WAC 173-303-330 provisions that would appear to direct Ecology's requirement to add additional positions to the plans.

The Ecology observation of this training plan is a sitewide issue that affects all the contractors on the Hanford Site. As such, this issue is more appropriately discussed/negotiated through the HF DW Permit re-issuance efforts that are currently ongoing.

Alleged Concern – Clarification “N/A” on WRAP Inspection Sheets:

WRP1-SV-1605, WRAP-PRO-OP-52204, Revision 1, WRAP Layup Surveillance, Appendix D, Weekly Waste Storage Area Inspection, states, *checking ‘n/a’ indicates: no waste containers in storage; no spill pallets in use; no waste containers in the ACMP. Inspection records reviewed for the period of October 2014 through March 2015 all have “n/a” markings on the records. It is unclear which one of the comments listed above apply. (E.g., are there no waste containers in storage or are there waste containers in storage, but none in the ACMP.) When marking “n/a” on the inspection record, the National Environmental Policy Act Compliance Officer should clarify which comment applies on the inspection record.

RL/CHPRC Response to Alleged Concern - Clarification “N/A” on WRAP Inspection Sheets:

RL/CHPRC has reviewed the “N/A” markings on the inspection sheets in question and agrees that the description on WRP1-SV-1605 Appendix D regarding the meaning of ‘N/A’ could be confusing. Appendix D will be revised to clarify the meaning of ‘N/A’ for each inspection item that may be marked with the “N/A.”