



OFFICE OF RIVER PROTECTION

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APR 24 2013

13-ECD-0040

Ms. Jane A. Hedges, Program Manager
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Department of Ecology
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Ms. Hedges:

RESPONSE TO WASHINGTON STATE DEPARTMENT OF ECOLOGY'S (ECOLOGY)
DANGEROUS WASTE COMPLIANCE INSPECTION AT THE HANFORD 242-A
EVAPORATOR RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)
ID# WA7890008967 ON NOVEMBER 13, 2012

Reference: Ecology letter from K. Conaway to K. W. Smith, ORP, and M. D. Johnson,
WRPS, "Department of Ecology's Dangerous Waste Compliance Inspection at
Hanfords 242-A Evaporator RCRA ID# WA7890008967 on November 13, 2012,"
13-NWP-020, dated March 27, 2013.

As the result of its November 2012 Dangerous Waste Compliance Inspection at the 242-A
Evaporator, Ecology issued a letter (Reference received March 28, 2013) alleging two violations
based on the Hanford Facility RCRA Permit-WA7890008967 (Permit) and Washington
Administrative Code (WAC) 173-303, "Dangerous Waste Regulations." The inspection was
initiated specifically to address concerns associated with the steam condensate system within the
242-A Evaporator building.

The U.S. Department of Energy (DOE), Office of River Protection (ORP) and Washington River
Protection Solutions LLC (WRPS) disagree with these alleged violations because the 242-A
Evaporator steam condensate system is not used for recycling, reusing, reclaiming, transferring,
storing, treating, or disposing of dangerous waste, and is not, therefore, subject to the Permit or
WAC 173-303.

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Alleged Violation #1:

“Permit Number WA 7890008967 Rev 8C Condition I.E.10.c states that ‘the Permittees will retain at the Facility, or other approved location, records of all monitoring and maintenance records, copies of all reports and records required by this Permit, and records of all data used to complete the application for this Permit, which are not associated with a particular TSD unit, for a period of at least ten (10) years from the date of certification of completion of post-closure care, or corrective action for the Facility, whichever is later. This information may be retained on electronic media.’ Emphasis added.”

ORP and WRPS disagree with this alleged violation because the steam condensate system is not designed to manage dangerous waste, has not managed dangerous waste, and is not projected to manage dangerous waste and therefore is not subject to Permit conditions, including I.E.10.c. The following statements from the Permit, Operating Unit Group 4, Chapters 3.0 and 4.0 support this conclusion:

Chapter 3.0, “Waste Analysis Plan,” Section 3.3, “Samples of other 242-A Evaporator waste streams, such as steam condensate, cooling water, and 242-A-81 back flush water, are taken as required for process control but are excluded from this plan because these streams have been previously characterized and determined to be nondangerous waste streams.” (Emphasis added).

Chapter 4.0, “Process Description,” Section 4.0, “The steam condensate and cooling water streams were assessed in the stream specific reports (WHC 1990a and WHC 1990b) and are not dangerous waste in accordance with WAC 173-303.”

Alleged Violation #2:

“Permit Number WA 7890008967 Rev 8C Condition II.L.1 Proper Design and Construction, states that ‘the Permittees will design, construct, maintain, and operate the Facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous substances to air, soil, ground water, or surface water, which could threaten human health, or the environment.’ Emphasis added.”

“Washington Administrative Code (WAC) 173-303-283(3) Performance standards, states in part, ‘Unless authorized by state, local, or federal laws, or unless otherwise authorized in this regulation, the owner/operator must design, construct, operate, or maintain a dangerous waste facility that to the maximum extent practical given the limits of technology prevents: ... (i) Endangerment of the health of employees, or the public near the facility.’

WAC 173-303-283(3)(i) (Emphasis added).”

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Again, ORP and WRPS disagree with this alleged violation because steam condensate does not designate as a dangerous waste as discussed in WAC 173-303-070, WAC 173-303-090, WAC 173-303-100 nor does it meet the definition of "hazardous substances" as defined by WAC 173-303-040. Therefore, the steam condensate system is not subject to Permit Condition II.L.1 "Proper Design and Construction," WAC 173-303, and specifically WAC 173-303-283(3) "Performance standards" as the steam condensate system does not recycle, reuse, reclaim, transfer, store, treat, or dispose of dangerous waste.

Furthermore, DOE maintains specific authority for worker and public safety under the authorities and responsibilities provided by the Atomic Energy Act; Occupational Safety and Health Act of 1970; Public Law 91-596, specifically Section 4(b)(1); 42 United States Code 2021; 29 CFR 1910.5; DOE regulations in Title 10 of the Code of Federal Regulations; and the DOE Order and Guidance 400 series. These worker health and safety authorities do not transfer to the State under the Permit and WAC 173-303. Acting under our authorities for worker health and safety, ORP and WRPS took immediate actions to respond to the August 2012 concerns as follows:

- Stopping work in the 242-A Condenser Room;
- Adding water to the seal loop to ensure no open pathway from Tank 241-AW-102 to the 242-A Evaporator existed;
- Verifying that the radiological monitoring performed during the construction activities did not identify any abnormal indications;
- Initiating chemical vapor sampling in Condenser Room to ensure no chemical hazards existed;
- Initiating temporary round sheet to increase the frequency of seal loop water additions; and
- Notifying potentially affected employees and offering precautionary medical surveillance.

ORP and WRPS have also taken several long-term corrective maintenance actions which were shared with Ecology representatives during their November 2012 inspection:

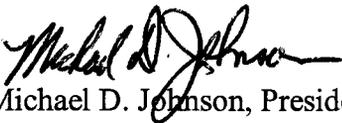
- Replacement and functional testing of the failed seal loop level element (LEL-C103-2) was completed on August 20, 2012; and
- A Preventative Maintenance Procedure and Datasheets to perform regularly scheduled preventative maintenance for liquid level elements and probes identified at 242-A was developed. This WRPS-approved procedure was issued on March 7, 2013, and a copy was provided to Ecology. The accompanying datasheets and the preventative maintenance activities have been setup in Computerized History and Maintenance Planning Software.

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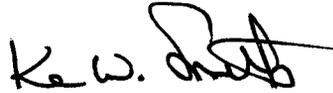
The facility design, maintenance practices, and operational practices of the 242-A Evaporator building have been effective in preventing any unplanned releases. This has been confirmed by the radiological monitoring and controls in place throughout the duration of the work activity and during event response for the immediate work areas and Condenser Room air space. All potentially exposed employees have been cleared through the Condenser Room monitoring station, and all subsequent medical evaluations also indicated no exposure. For transparency, this information was also shared with Ecology.

In conclusion, ORP and WRPS requests that Ecology withdraw the violations alleged in Letter 13-NWP-020 and modify the Inspection Report based on the aforementioned analysis demonstrating that the Permit and WAC 173-303 do not apply to the 242-A evaporator steam condensate system.

If you have any questions, please contact me, or your staff may contact Lori A. Huffman, Director, Environmental Compliance Division, ORP, (509) 376-0104, or Steve E. Killoy, Environmental Protection, WRPS, (509) 373-5075.



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