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

09-EMD-0055

MAR 19 2009

Mr. E. J. Van Mason
State of Washington
Department of Ecology
3100 Port of Benton Blvd
Richland, Washington 99354

RECEIVED
MAR 25 2009
EDMC

Dear Mr. Van Mason:

RESPONSE TO STATE OF WASHINGTON DEPARTMENT OF ECOLOGY (ECOLOGY)
NOTICE OF NON-COMPLIANCE DATED FEBRUARY 18, 2009

This is in response to your letter, subject, "Notice of Non-Compliance Resulting from the 331-Facility Dangerous Waste Inspection," dated November 5, 2008, to the U.S. Department of Energy, Richland Operations Office (RL) and the Pacific Northwest National Laboratory (PNNL). RL and PNNL have prepared the attached transmittal describing the corrective actions taken. PNNL has revised applicable sections of its training plan, performed additional training for affected staff, and documented the missing inspection checklist in order to address all of the issues identified. If you have any questions or need further information concerning our proposed response, please contact me or your staff may contact Ray J. Corey, Assistant Manager for Safety and Environment, on (509) 376-0108.

Sincerely,


David A. Brockman
Manager

EMD:CEC

Attached

cc w/attach: See Page 2

Mr. E. J. Van Mason
09-EMD-0055

-2-

cc w/attach:

C. M. Andersen, PNNL

J. K. Erickson, PNSO

A. K. Ikenberry, PNNL

Administrative Record: 331-C Storage Unit (S-3-5)

Environmental Portal

ATTACHMENT

RESPONSES TO VIOLATIONS AND CONCERNS

Ecology Notice of Non-Compliance Dated 2/18/2009
Violations/Concerns and Corrective Actions Taken In Response

Ecology Violation 1: Training Violations Observed

- 1) The PNNL Environmental Management Services Department (EMSD) training plan documents were not maintained to include training elements specific to 331-C operations in accordance with Permit Condition II.C.1 and Washington Administrative Code (WAC) 173-303-330(2). The EMSD training plan documents have not required 331-C Building Emergency Plan training for employees working at that facility since March 29, 2006, when 331-C began operations. A recently undertaken revision of the training plan is not planned to be completed until March 2009.

RESPONSE: The EMSD training plan has been updated to address the issues identified in this finding and was approved on March 5, 2009. A copy of the updated training plan is available upon Ecology's request.

- 2) The 331-C Operating Record indicates two PNNL EMSD employees regularly worked at the 331-C Facility without specific training regarding the 331-C Building Emergency Plan.

RESPONSE: The two staff members in question did work at 331-C and were under the supervision of other, trained staff members during times that they did not have the 331-C Building Emergency Procedure training, with one exception; this has been corrected by administering the training to both staff members.

- 3) According to waste verification records, PNNL EMSD employee performed waste verifications for 31 waste containers without being trained to verify waste according the 331-C verification procedure [*sic*]. A second PNNL EMSD employee performed waste verifications for four waste containers without being trained to verify waste according to the 331-C verification procedure.

RESPONSE: The two staff members in question performed the verifications under the supervision of trained staff members within six months of being assigned job responsibilities at 331-C, as allowed by WAC 173-303-330(2)(c)(ii). However, all EMSD Waste Operations staff currently performing waste verification have now received this training pursuant to the revised training plan.

Ecology Violation 2: Weekly Inspections

The inspection checklist for the week of August 22, 2008, could not be located by PNNL staff. Although the 331-C Operating Record for the week of August 22, 2008, indicates PNNL staff were present at 331-C during this week and may have conducted the required weekly inspection, the signed and dated inspection

checklist showing what aspects of the 331-C Facility were inspected was not provided.

RESPONSE: PNNL has prepared a note to the file explaining that the inspection checklist cannot be located. Based on the inspection checklists for the weeks following and preceding the week of August 22, no significant issues were discovered during the week of August 22.

Ecology Corrective Action:

Within 30 days of receipt of this letter, USDOE/PNNL must complete the update to the 331-C Training Plan to include requirements to train personnel regarding the 331-C Building Emergency Plan and verification procedures.

RESPONSE: The training plan was updated and approved on March 5, 2009. It is now in effect.

Ecology Concern 1: Work Assignments

During this inspection, PNNL staff stated that certain personnel were not trained to the 331-C Building Emergency Plan because working at 331-C was not their main work assignment. The sharing of personnel between operating facilities makes good sense from an efficiency standpoint. However, Ecology is concerned this concept of an assigned building will allow personnel to remain untrained regarding important information unique to each PNNL facility where they work.

RESPONSE: We believe that sharing personnel between facilities is a good efficiency measure. However, 331-C, as a permitted unit, has specific information in its Building Emergency Procedure that is unique to that operation. The training plan has been revised to require 331-C BEP training for the staff that work in the permitted unit.

Ecology Concern 2: Training Plan Updates

Relying on the practice of updating the PNNL EMSD Training Plan according to a scheduled cycle may not always be adequate to maintain compliance with the permit or WAC 173-303. All required documents needed to maintain compliance should be reviewed and changed to reflect current operations. This must occur prior to, or concurrent with, an operational change (e.g., moving treatment, storage, or disposal operations from 305-B to 331-C). If these types of changes to permit documents are not completed, future violations may be identified.

RESPONSE: We agree that periodic reviews are not enough to assure compliance. The responsibility for directing the EMSD training program has been consolidated to help identify the point of contact and responsibility for timely changes whenever they are needed.