



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

15-ESQ-0078

JUN 11 2015

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

JUN 17 2015

EDMC

Dear Ms. Hedges:

RESPONSE TO WASHINGTON STATE DEPARTMENT OF ECOLOGY (ECOLOGY) –
 “TWO DANGEROUS WASTE COMPLIANCE INSPECTIONS FOR FACILITIES
 OPERATED BY CH2M HILL PLATEAU REMEDIATION COMPANY (CHPRC),
 RESOURCE CONSERVATION AND RECOVERY ACT (RCRA) SITE ID: WA7890008967,
 NUCLEAR WASTE PROGRAM COMPLIANCE INDEX NUMBERS: 14.511 AND 14.512,
 1500873A”

This letter is in response to Ecology’s letter dated May 8, 2015, (15-NWP-086) regarding the Two Dangerous Waste Compliance Inspections for Facilities Operated by CHPRC. The U.S. Department of Energy (DOE) Richland Operations Office (RL) and CHPRC have reviewed the interpretations described in the referenced letter and are providing responses in this letter and the enclosure.

Ecology’s Alleged Violation/Observation 1 – Personnel Training at Trench 94

RL and CHPRC agree that Trench 94 will continue to operate in compliance with all applicable interim status standards of Washington Administrative Code (WAC) WAC 173-303-400(3) until a final status permit is issued or until closure of this Dangerous Waste Management Unit. RL and CHPRC believe that the existing Dangerous Waste (DW) training plan for Trench 94 is fully compliant with the regulatory requirements. The referenced letter indicated that personnel with the following duties must be included in the DW training plan:

- Prepare and/or maintain records as required in WAC 173-303.
- Provide training required under the DW training plan.
- Provide DW regulation interpretations, which affect DW management operation.
- Are responsible for notifications as required in WAC 173-303.
- Perform emergency response efforts required under WAC 173-303-360.

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RL and CHPRC disagree with Ecology's interpretation and believe the regulations require training only for the following specific individuals:

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

The enclosure contains a discussion of the U.S. Environmental Protection Agency and Ecology regulations to further clarify the RL and CHPRC position on the Alleged Violation/Observation 1.

Ecology's Alleged Violation/Observation 2 - Personnel Training at Trench 94

RL and CHPRC agree that the documentation provided was sufficient to indicate that the training deficiencies were corrected and closed out.

Ecology's Alleged Violations/Observations 3 and 4 - Contingency Plan at Trench 94 and Emergency Coordinator at Trench 94

RL and CHPRC appreciate the fact that Ecology has recognized and is honoring the Hanford Environmental Management Program negotiations currently ongoing. Again, RL believes our current system is fully compliant with the regulatory requirements as discussed in those workshops. RL and CHPRC hope to assist Ecology in obtaining a more complete understanding of the Hanford Sitewide Emergency Response System and how it satisfies all the relevant regulatory requirements. Since RL and Ecology are already engaged in ongoing good faith negotiations on the precise issues, which these alleged violations claim to address, RL and CHPRC request that Ecology retract its assertion of a violation in these matters, which contradicts our mutual efforts to work together to improve our common understanding on these matters and reach agreement on how to move forward with the permit.

In addition, Ecology's letter requires RL and CHPRC to submit a revised Trench 94 Building Emergency Plan (BEP) within 30 days of reaching agreement through the workshops. RL believes the timeframe for revising the BEP, if required, should be determined through the workshop agreements themselves.

Ms. J. A. Hedges
15-ESQ-0078

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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 w/encl:

Administrative Record, TSD: D-2-9 (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
A. E. Cawrse, CHPRC
J. A. Ciucci, CHPRC
D. A. Faulk, EPA
E. Holbrook, Ecology
M. N. Jaraysi, CHPRC
J. W. Mathey, Ecology
J. B. Price, Ecology
K. Schanilec, EPA
E. R. Skinnarland, Ecology

ENCLOSURE

**RESPONSE TO ALLEGED VIOLATIONS NUMBER 1
BY WASHINGTON STATE DEPARTMENT OF ECOLOGY (Ecology)
(LETTER 15-NWP-086, DATED MAY 8, 2015)**

Consisting of 4 pages,
including this cover page

U.S. Environmental Protection Agency (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 "The 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 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.

EPA regulations and guidance support the Richland Operations Office (RL) and CHPRC's conclusion that a compliant Dangerous Waste (DW) Training Plan is not required to include the additional job/titles/positions requested by Ecology.

Ecology Regulations and DW Permits

Washington Administrative Code (WAC) 173-303-330(1)(e) provides some assistance in determining the types of activities that would be considered "DW 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 DW Training Plan 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 (NWP) support RL's and CHPRC's conclusion that a compliant DW training plan is not required to include the job/titles/positions requested by Ecology.

1. The Hanford Facility DW Permit (Hanford Facility [HF] DW Permit), Revision 8C, contains DW training plans 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 DW training plans 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 Revision 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 Revision 8C of the HF DW Permit.

2. 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.

RL and CHPRC wish to further point out that since Ecology's approval of the aforementioned DW training plans, 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.

This is a sitewide issue that affects all the contractors on the Hanford Site. As such, RL and CHPRC believe it is an issue more appropriately discussed/negotiated through the HF DW Permit re-issuance efforts that are currently ongoing.