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DEPARTMENT OF ECOLOGY
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January 10, 2020

20-NWP-007

By certified mail

Brian T. Vance, Manager
Richland Operations Office
United States Department of Energy
PO Box 550, MSIN: H5-20
Richland, Washington 99352

Ty Blackford, President and CEO
CH2M HILL Plateau Remediation Company
PO Box 1600, MSIN: A7-01
Richland, Washington 99352

Re: Department of Ecology (Ecology) Review of Responses to Dangerous Waste Compliance Inspections on August 8, 2017, August 23, 2017, and September 27, 2018 at the 400 Area Dangerous Waste Management Units, RCRA Site ID: WA7890008967, Nuclear Waste Program (NWP) Compliance Index Nos.: 17.598 and 18.652

Reference: See page 3

Dear Brian T. Vance and Ty Blackford:

Ecology has reviewed your response letter and enclosures, received on November 12, 2019 (reference). Your letter included responses for items of non-compliance identified in Ecology's Inspections on August 8, 2017 and August 23, 2017 at the 400 Area Dangerous Waste Management Units.

Area of non-compliance six from Compliance Inspection Report Index No. 17.598, has not been adequately addressed.

6. Current Permit III.16.B. General Waste Management and III.16.B.1, and Permit effective November 21, 2007 - III.16.A, Addendum B. Waste Analysis Plan, Section B.2 – Confirmation Process, B.2.1 – Pre-Transfer Review, and B.2.3 – Waste Acceptance, and WAC 173-303-800(2): From reviewing your response, USDOE-RL has not identified the waste streams in the Interim Storage Area or transferred the containers listed in area of non-compliance six to an approved Treatment Storage, and Disposal (TSD) facility.

400 Area Operating Unit Group Permit Condition III.16.B.5 states:

The Permittees will maintain appropriate administrative controls and work practices to ensure that only wastes specified in Permit Condition III.16.B.1, are received by the ISA for storage, and that no co-mingling or cross-contamination of the waste stream specified in Permit Condition III.16.B.1 with any other waste stream may occur.

Based on Ecology review of PIN files for waste containers stored in the Interim Storage Area (ISA), Ecology concluded that USDOE-RL and CHPRC do not fully know the contents of some of the waste in the ISA containers. Ecology concludes that USDOE-RL and CHPRC cannot comply with the permit condition III.16.B.5 because Ecology found no waste designation records for multiple



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20-NWP-207
400 Area WMU
RCRA Site ID: WA7890008967
NWP Compliance Index No.: 17.598
Inspection Dates: August 8 and 23, 2017

containers and the operating records appear lacking the necessary documents to determine whether multiple waste streams are present.

Based on the findings described above, in Letter 19-NWP-096, and in Compliance Index 17.598, Ecology proposes two options for a return to compliance:

1. Within 90 days of response to this letter, have the waste containers stored in the ISA inventoried and designated including identification of any Underlying Hazardous Constituents. Verify the waste meets the permit acceptance criteria and place the new inventory and designation records into the facility operating record. If waste does not meet the acceptance criteria, send the waste to a permitted treatment, storage, and disposal facility that will accept this waste.

OR

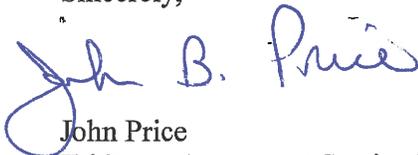
2. Within 120 days of response to this letter, submit a written notification or a request for a permit modification to Ecology to amend the closure plan to include a short-term (less than two years) schedule for closure of the 400 Area ISA dangerous waste management unit. Then, designate the waste in the individual containers during the closure activities. This latter option may avoid having to double-handle containers, which typically addresses USDOE-RL's interest in keeping radiological exposures As Low As Reasonably Achievable (ALARA).

Ecology requests your written declaration of a path forward within thirty-days of receipt of this letter.

Not correcting areas of non-compliance may result in an escalation of 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/or .095).

If you have questions or need further information, please contact me at john.price@ecy.wa.gov or (509) 372-7921.

Sincerely,



John Price
Tri-Party Agreement Section Manager
Nuclear Waste Program

jp/tla

cc: See page 3

Reference:

1. Letter 20-ESQ-0007, received on November 12, 2019, "Response to Washington State Department of Ecology (Ecology) review of responses to dangerous waste compliance inspection on August 8 and 23, 2017 at 400 Area Dangerous Waste Management Units (DWMU), Operating Unit Group 16, Resource Conservation and Recovery Act (RCRA) Site ID: WA7890008967 Nuclear Waste Program (NWP) Compliance Index Number 17.598 and response to Ecology review of response to Dangerous Waste Compliance Inspection on September 27, 2018, at 400 Area DWMUs, RCRA Site ID: WA7890008967 NWP Index Number 18.652"

cc electronic:

Dave Bartus, EPA
Dave Einan, EPA
Duane Carter, USDOE
Al Farabee, USDOE
Bobby Long, USDOE
Tony McKarns, USDOE
Allison Wright, USDOE
Linda Petersen, CHPRC
Jon Perry, MSA
Steve Szendre, MSA
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Ken Niles, ODOE
Koa Kaulukukui-Barbee, AAG
Deb Alexander, Ecology
Phillip Buser, Ecology
Kathy Conaway, Ecology
Jackson Davis, Ecology
Katie Hall, Ecology
Theresa Howell, Ecology

Joseph Lippold, Ecology
Jared Mathey, Ecology
John Price, Ecology
Stephanie Schleif, Ecology
Alex Smith, Ecology
John Temple, Ecology
Environmental Portal
Hanford Facility Operating Record
CHPRC Correspondence Control
MSA Correspondence Control
USDOE-RL Correspondence Control

cc: Ben Harp, USDOE (ORP)
Susan Leckband, HAB
Administrative Record
NWP Central File
NWP Compliance Index File: 17.598
Matt Johnson, CTUIR
Jack Bell, NPT
Laurene Contreras, YN