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STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

Mail Stop PV-11 • Olympia, Washington 98504-8711 • (206) 459-6800



March 10, 1993

CERTIFIED MAIL

Mr. John Wagoner, Manager  
U.S. Department of Energy-Richland Operations  
P.O. Box 550  
Richland, WA 99352

Mr. Tom Anderson, President  
Westinghouse Hanford Company  
P.O. Box 1970 MSIN: B3-01  
Richland, WA 99352

Dear Messrs. Wagoner and Anderson:

Enclosed is Notice of Penalty Incurred and Due No. 93NM-202. This Penalty is issued to both the U.S. Department of Energy-Richland Operations and Westinghouse Hanford Company. Because this Penalty is issued for the violation of a requirement that is not part of the work covered by the Hanford Federal Facility Agreement and Consent Order, Ecology is exercising its authority to act outside that Agreement with respect to the Department of Energy-Richland Operations.

All correspondence relating to this document should be directed to Laura Russell, RCRA Compliance Inspector, Washington State Department of Ecology, 7601 W. Clearwater, Suite 102, Kennewick, WA 99336. A copy should also be sent to the Enforcement Officer of the Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600. If you have any questions concerning the content of the document, please call G. Thomas Tebb, RCRA Unit Supervisor, at (509) 736-3020 or Roger Stanley, Program Manager, at (206) 438-7020.

The Penalty is assessed at \$100,000.

This Penalty may be reviewed or appealed as set forth under the provisions contained within the penalty document.

Sincerely,

Roger Stanley  
Program Manager  
Nuclear and Mixed Waste Management

RS:lm  
Enclosure



DEPARTMENT OF ECOLOGY

IN THE MATTER OF ASSESSMENT ) NOTICE OF PENALTY  
OF PENALTY AGAINST ) INCURRED AND DUE  
U.S. Department of Energy - )  
Richland Operations and the )  
Westinghouse Hanford Company ) No. 93NM-202

TO: U.S. Department of Energy-Richland Operations  
P.O. Box 550  
Richland, WA 99352

AND TO: Westinghouse Hanford Company  
P.O. Box 1970  
Richland, WA 99352

Notice is hereby given that you have incurred, jointly and severally, and there is now due from you, a penalty in the amount of \$100,000 under the provisions of the Revised Code of Washington (RCW) 70.105.080.

The United States Department of Energy-Richland Operations (herein referred to as DOE-RL) is the owner of the Hanford Site in Richland, Washington, including the 200 Area tank farm facilities located thereon. Westinghouse Hanford Company (herein referred to as WHC) is the operator of the 200 Area tank farm facilities located on the Hanford Site in Richland, Washington. WHC manages, operates, and maintains these facilities pursuant to a contract with DOE-RL. DOE-RL and WHC are persons whose acts or processes produce dangerous waste or whose acts first cause a dangerous waste to become subject to regulation (WAC 173-303-040).

On January 23, 1992, DOE-RL received notification through WHC's Occurrence Reporting procedure that waste management problems existed in the 200 Area tanks farms. As required through DOE Orders, on January 24, 1992, DOE-RL issued Unusual Occurrence (UO) Report #RL--WHC-TANKFARM-1992-0007 citing deficiencies in solid waste environmental compliance issues. The UO cited deficiencies with "both administrative controls and issues pertaining to container packaging, inventories, and storage." The wastes generated from maintenance-type activities at the 200 Area tank farms are solid waste (173-303-016(4)) and therefore subject to designation and appropriate management under Chapter 173-303 WAC.

Facility inspection by the Washington State Department of Ecology (Ecology) on August 31, 1992, record review of documents including WHC audits and surveillances from 1989 through 1992, and Unusual Occurrence Report #RL--WHC-TANKFARM-1992-0007, revealed that DOE-RL and WHC were not in compliance with the Dangerous Waste Regulations, Chapter 173-303 WAC, as follows:

DOE-RL and WHC have failed to designate approximately 2,000 containers of solid waste in violation of WAC 173-303-170(1)(a) and the procedures of WAC 173-303-070.

The containers consist of 55-gallon steel drums and wooden burial boxes.

PENALTY No. 93NM-202  
March 10, 1993  
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The penalty described is due and payable by you within thirty (30) days of your receipt of this Notice. Please remit the penalty, payable to Fiscal Cashier, Department of Ecology, Mail Stop 7613, Olympia, WA 98504-7613. If, however, for any reason you believe the violation herein described did not occur, or that you have an explanation as to why it occurred, or any other fact which you believe the Department should consider with regard to this penalty, and desire to submit an "APPLICATION FOR RELIEF FROM PENALTY," you should set forth these facts on the enclosed form and return it to Laura Russell, RCRA Compliance Inspector, Washington State Department of Ecology, 7601 W. Clearwater, Suite 102, Kennewick, WA 99336, within fifteen (15) days of your receipt of this Notice of Penalty Incurred and Due. This form must be signed under oath before a notary public or any other person authorized to take oaths. A copy must also be sent to the Enforcement Officer of the Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600.

Upon receipt of an "APPLICATION FOR RELIEF FROM PENALTY," the Department will consider the same and will either reduce the penalty, cancel the penalty, or allow it to remain as originally issued. You will be duly notified by the Department of its action. Once the notification has been received, you may obtain review of the Department's determination with the Pollution Control Hearings Board.

Any person aggrieved by this penalty or by the Department's decision in response to an "Application for Relief From Penalty" may obtain review thereof by application, within thirty (30) days of receipt, to the Washington Pollution Control Hearings Board, P.O. Box 40903, Olympia, WA 98504-0903. Concurrently, a copy of the application must be sent to Laura Russell, RCRA Compliance Inspector, Washington State Department of Ecology, 7601 W. Clearwater, Suite 102, Kennewick, WA 99336. A copy should also be sent to the Enforcement Officer of the Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600. The procedures for appealing orders or penalties issued by the Department are set forth in Chapter 43.21B RCW and the regulations adopted thereunder.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_, at Olympia, Washington.

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Roger Stanley, Program Manager  
Nuclear and Mixed Waste Management Program  
Department of Ecology

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE ASSESSMENT ) APPLICATION FOR RELIEF  
OF PENALTY AGAINST ) FROM PENALTY No. 93NM-202  
U.S. Department of Energy - )  
Richland Operations and the )  
Westinghouse Hanford Company )

To: Laura Russell  
State of Washington  
Department of Ecology  
7601 W. Clearwater, Suite 102  
Kennewick, Washington 99336

Westinghouse Hanford Company has received your "NOTICE OF PENALTY INCURRED AND DUE" dated \_\_\_\_\_ and numbered 93NM-202, which states that the United States Department of Energy-Richland Operations and Westinghouse Hanford Company have been penalized \$100,000.

I have further read and understand Revised Code of Washington (RCW) 9A.72.030 which prescribes penalties for the making of false statements. I hereby make, under oath and on behalf of Westinghouse Hanford Company, application for mitigation or remissions of the aforementioned penalty for the following reasons:

I swear that the foregoing is a true, full, and complete statement of the facts of this case.

By: \_\_\_\_\_

SUBSCRIBED AND SWORN to before  
this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
NOTARY PUBLIC in and for the State  
of Washington.  
My commission expires  
\_\_\_\_\_.

