



U.S. Department of Energy Hanford Site

20-ESQ-0051

April 10, 2020

Ms. Alexandra K. Smith, Program Manager
Nuclear Waste Program
Washington State Department of Ecology
3100 Port of Benton Boulevard
Richland, Washington 99354

Dear Ms. Smith:

RESPONSE TO WASHINGTON STATE DEPARTMENT OF ECOLOGY REVIEW OF
RESPONSE TO DANGEROUS WASTE COMPLIANCE INSPECTION ON NOVEMBER 13,
2018, AND JANUARY 28, 2019, AT T-PLANT COMPLEX, RESOURCE CONSERVATION
AND RECOVERY ACT SITE ID: WA7890008967, NUCLEAR WASTE PROGRAM
COMPLIANCE INDEX NUMBER: 18.653

This is responding to the February 4, 2020, 20-NWP-016 letter regarding your review of our letter (20-ESQ-0008) and Attachments. The official receipt date for this letter was February 11, 2020. The U.S. Department of Energy (DOE), Richland Operations Office (RL) and CH2M HILL Plateau Remediation Company (CHPRC) have reviewed the T-Plant items identified as alleged compliance issues with Dangerous Waste Regulations by the Washington State Department of Ecology. DOE and CHPRC have addressed Issues 2 and 3 in Attachment 1. Additionally, Attachment 2 provides a DOE direction to CHPRC regarding the T-Plant sodium hydroxide (NaOH) tank planning and disposition.

If you have any questions, please contact me, or your staff may contact Brian J. Stickney, Assistant Manager for Safety and Environment, RL, on (509) 376-9079.

Sincerely,

 Digitally signed by Brian T. Vance
DN: cn=Brian T. Vance, o=Office of River
Protection, ou=Department of Energy,
email=brian.t.vance@orp.doe.gov, c=US
Date: 2020.04.10 12:57:33 -0700'

Brian T. Vance
Manager

ESQ:ACM

Attachments:

1. Response to Alleged Non-Compliances
in 20-NWP-016
2. DOE Direction to CHPRC Regarding
NaOH Tank Planning

cc: see page 2

cc w/attachs:

D. B. Bartus, EPA
D. R. Collins, CHPRC
K. A. Conaway, Ecology
J. H. Davis, Ecology
J. W. Mathey, Ecology
M. Marrott, CHPRC
L. C. Petersen, CHPRC
J. B. Price, Ecology
S. A. Szendre, MSA
Administrative Record, TSD: TS-2-4 (Hardcopy)
Ecology NWP Library (Hardcopy & CD ROM)
Environmental Portal, G3-35 (CD ROM)
HF Operating Record (J. K. Perry, MSA, A3-01)

cc w/o attachs:

J. Bell, NPT
R. Buck, Wanapum
J. E. Bramson, CHPRC
K. A. Conaway, Ecology
L. Contreras, YN
D. R. Einan, EPA
M. N. Jaraysi, CHPRC
S. K. Johansen, CHPRC
M. Johnson, CTUIR
K. Schanilec, EPA
K. Shupe, CHPRC

Attachment 1

Letter Number 20-ESQ-0051

U.S. Department of Energy
and
CH2M HILL Plateau Remediation Company

Responses to Alleged Non-Compliances 2 & 3
in 20-NWP-016
(Related To Ecology Inspection, Tank M-101:
Reference 19-NWP-106 and 20-ESQ-0008)

Consisting of 8 Pages Including this Coversheet

Attachment 1

U.S. Department of Energy (DOE) Richland Operations Office (RL) and CH2M HILL Plateau Remediation Company (CHPRC) Responses to Alleged Non-Compliances in 20-NWP-016

Non-Compliance 2 (as quoted from 20-NWP-016)

Washington State Department of Ecology (Ecology) Reference:

Washington Administrative Code (WAC) 173-303-016(4) Materials are solid waste if they are abandoned by being: ... (c) Accumulated, stored, or treated (but not recycled) before or in lieu of being abandoned by being disposed of, burned, or incinerated; or
AND

WAC 173-303-016(7) Documentation of claims that materials are not solid wastes or are conditionally exempt from regulation. Respondents in actions to enforce regulations implementing chapter 70.105 RCW who raise a claim that a certain material is not a solid waste, or is conditionally exempt from regulation, must demonstrate that there is a known market or disposition for the material, and that they meet the terms of the exclusion or exemption. In doing so, they must provide appropriate documentation (such as contracts showing that a second person uses the material as an ingredient in a production process) to demonstrate that the material is not a waste, or is exempt from regulation. In addition, owners or operators of facilities claiming that they actually are recycling materials must show that they have the necessary equipment to do so.

Observations:

On December 20, 2019, I asked basic questions to start documenting whether the sodium hydroxide in the 271-T had a purpose or was stored in-lieu of disposal. On January 24, 2019, CHPRC provided these responses:

Q: Was the sodium hydroxide in the 271 T AMU purchased as a Commercial Chemical Product.

A: Yes

Q: What was the intended purpose of the sodium hydroxide in the 271 T AMU when it was acquired?

A: This chemical product was used as part of the chemical processing of nuclear fuel and plutonium separation and to clean and decontaminate equipment.

Q: What is the intended purpose now?

A: It is a commercial chemical product.

Q: When was the sodium hydroxide in the 271 T AMU last used for its intended purpose?

A: Last known use was in 1991. The sodium hydroxide is a commercial chemical product that can be used for its intended purpose (e.g., pH adjustment). Per WAC 173-303-016, Table 1, commercial chemical products are not subject to speculative accumulation. This means there is no clock for recycling it and it does not become a solid waste solely because of the length of time it is retained without use.

Q: How long has the... sodium hydroxide been in the AMU, and when is/was the manufacturer's expiration date?

A: The date the chemical product was acquired is unknown. The sodium hydroxide has not changed its chemical composition and RL is not aware of any "expiration date."

I also asked if DOE intended to dispose of the sodium hydroxide at some point. CHPRC responded, "No. The sodium hydroxide is a chemical product with an intended future use and is not a waste, so there is no intent to dispose of it."

The administrative record, *T Plant Safety Analysis Report*, SD-CP-SAR-007, dated February 1, 1985, describes the chemical receiving and handling system differently, stating 50 percent NaOH was stored in 17,000 gallon horizontal storage tanks SQ-141 and SQ-142. From there, bulk caustic could be pumped directly into the canyon (entering 221-T in cell 11-L), or be mixed into a decontamination solution in one of two makeup Tanks M-101 (the tank in question) or M-102 (not addressed). The *T Plant Safety Analysis Report* described the chemical makeup tank, M-101 as a 1,200-gallon tank, "normally used only for mixing and interim storage of NaOH solution" and "used primarily to make up 25 wt% NaOH." Figure 6-1 describes Tank M-101 and M-202 as "also used for miscellaneous chemical make up." The two makeup tanks were capable of transferring decontamination solutions to building 271-T load-out dock or to Building 221-T canyon at Sections 11, 13, and 15. *Interim Safety Basis for Solid Waste Facilities (T Plant)* HNF-SDWM-ISB-006, Revision IA, a January 28, 1999, update to the T Plant Interim Safety Basis (made after the completion of parts of project W-259), described Tank M-101, 102, and 103 as "inactive" and stated "none of these tanks are currently in service."

I requested the "Chemical Inventory Tracking System Inventory by Product" report for sodium hydroxide in 271-T. I received the "Chemical Inventory Tracking System Inventory by Location" report for 271 T/119/1, which described a 300- gallon tank of 50 percent sodium hydroxide solution. The MSDS date listed in the CITS report was August 8, 2015. The date and concentration listed on the MSDS and CITS form were not consistent with DOE records and statements on when this sodium hydroxide was acquired or how it was used.

I observed the industry standard waste management practice of determining leftover products from discontinued process to be solid waste was described in the Hanford Federal Facility Agreement and Consent Order (HFFACO), Attachment 2, "Action Plan," Section 6.3.4, which states:

Many Hanford Site operations include systems that use chemical materials and/or solutions to perform required functions. When these systems are permanently removed from service, the chemical materials and/or solutions that no longer have a use may be considered a waste subject to the provisions of the dangerous waste regulations. For those systems that contain chemical materials and/or solutions that are considered waste, the components of the systems that contain this waste become subject to the Resource Conservation and Recovery Act (RCRA) permitting requirements of WAC 173-303 if the waste is managed for greater than 90 days.

Action Required:

Within 60 days of receipt of this report, the RL and CHPRC must designate and transfer to an appropriate treatment, storage, and/or disposal (TSD), the residual waste from plutonium processing and decontamination operations stored in Tank M-101. Alternatively, DOE and CHPRC provide Ecology with records in accordance with WAC 173-303-016(7) demonstrating ability to use the material in the tank.

RL and CHPRC Response to Letter 19-NWP-106 Alleged Non-Compliance 2 in Letter 20-ESQ-0008:

CHPRC sampled the Tank M-101 product Sodium Hydroxide (NaOH) in order to verify the composition. DOE and CHPRC are submitting the final sample results with this response as Attachment 3, "Final Sampling Results in Response to Alleged Non-Compliance 2 in 19-NWP-106." Sodium hydroxide product is used as a process chemical in multiple locations on the Hanford Site, including at the 100 and 200 Area Pump and Treat Facilities, the Modular Storage Unit, and at Tank Farms. The sodium hydroxide product from Tank-M-101 could be used in one of the processes at other locations on the Hanford Site.

Ecology Response Regarding Letter 20-ESQ-0008 Alleged Non-Compliance 2 in Letter 20-NWP-016:

From reviewing your response, RL and CHPRC has not submitted to Ecology records in accordance with WAC 173-303-016(7). Within 60 days of receipt of this letter, provide Ecology with a written demonstration of the specific market or disposition for the material in Tank M-101. This information must include appropriate documentation showing that a second contractor or contractors will use the material in Tank M-101 as a product including when that product will be used. For example, providing a contract or documentation for the future sale and use of the material in Tank M-101.

RL and CHPRC Response to Letter 20-NWP-016 Alleged Non-Compliance 2:

RL and CHPRC did not submit records in accordance with WAC 173-303-016(7), "Documentation of claims that materials are not solid wastes or are conditionally exempt from regulation," because this regulation applies to hazardous secondary materials and not to unused products. A review of the January 4, 1985 Federal Register (50 FR 614) confirmed that the intent of this regulation, at 40 CFR 261.2(f) and equivalent to WAC 173-303-016(7), was to

impose a burden of proof on “respondents who raised a claim that a particular secondary material was not a solid waste (or was conditionally exempt from the regulation) because it was recycled in a particular manner...” (See page 642, Section J. of Part II). The Federal Register defined “hazardous secondary materials” on page 618 as spent materials, sludges, by-products, commercial chemical products and scrap metal. Concerning commercial chemical products, the Federal Register clarified on page 618 that:

“*Commercial chemical products*” are the commercial chemical products and intermediates, off-specification variants, spill residues, and container residues listed in 40 CFR 261.33. Although these materials ordinarily are not wastes when recycled (see 45 *FR* 78540-541, November 25, 1980), we are including them as wastes when they are recycled in ways that differ from their normal use, namely, when they are used in a manner constituting disposal, or when they are burned for energy recovery, (assuming these materials are neither a pesticide nor a commercial fuel.)

Since the unused sodium in Tank M-101 will be used for its intended purpose as an alkaline product to adjust pH in the 200 Area Tank Farms. It will not be recycled in ways that differ from its normal use by being used in a manner constituting disposal or burned for energy recovery, the unused sodium is not a secondary hazardous material and therefore not subject to WAC 173-303-016(7).

Although RL and CHPRC are not required to do so, as a matter of courtesy, we are including Correspondence No. 2000245, *COR Direction; T Plant NaOH Tank Planning (Related to Ecology Inspection, Tank M-101: Reference 19-NWP-106 and 20-ESQ-0008)* in Attachment 2.

Non-Compliance 3 (as quoted from 20-NWP-106)

Washington State Department of Ecology (Ecology) Reference:

WAC 173-303-800(2)

The owner/operator of a dangerous waste facility that transfers, TSD or recycles dangerous waste must, when required by this chapter, obtain a permit in accordance with WAC 173-303-800 through WAC 173-303-840 covering the active life, closure period, groundwater protection compliance period, and for any regulated unit (as defined in WAC 173-303-040) or for any facility which at closure does not meet the removal or decontamination limits of WAC 173-303-610 (2)(b), post-closure care period, unless they demonstrate closure by removal or decontamination as provided under WAC 173-303-800 (9) and (10), or obtain an enforceable document in lieu of a post-closure permit, as provided under subsection (12) of this section. If a post-closure permit is required, the permit must address applicable groundwater monitoring, unsaturated zone monitoring, corrective action, and post-closure care requirements of this chapter. The denial of a permit for the active life of a dangerous waste management facility or unit does not affect the requirement to obtain a post-closure permit under this section.

Observations:

On November 13, 2018, I asked to see designation records or solid waste determination records for the waste in Tank 11-L. Mr. Richards said there was no designation or determination records for the tank.

In the December 20, 2018, document request I asked:

Q: Why is TK-11-L not listed in the Waste Information Data System (WIDS)?

A: The WIDS database tracks waste sites. Tank 11-L is not a waste site.

Maintenance of the Waste Information Data System (WIDS), TPA-MP-14, states “WIDS also documents locations evaluated and determined not to be waste management units.”

Q: Why is TK11-L not listed on the inventory?

A: The inventory provided during the inspection includes actively managed dangerous or mixed waste. Tank 11-L has not been actively managed after the effective date of RCRA on the Hanford Site. T-Plant Canyon (221T) Tank 11-L is listed on the Potential Mixed Waste Table (Table C-2, page C-16) in the “Calendar Year 2014 Hanford Site Mixed Waste Land Disposal Restriction Full Report,” DOE/RL-2015-08 RO, April 21, 2015.

I reviewed the Project Managers Meeting Minutes for T-Plant Complex, July 24, 2008, and included a *Management Assessment Plan and Report*, WSD-TP-EP-06-MA-37, which stated “No findings or observations resulted from the management assessment.” The report included also stated “As of April 2002, Cell 11-L in 221-T had approximately 500 gallons in the oval tank with a pH of 13+.”

I reviewed a circa 2002 memo from M. B. Ellefson with the subject *Data Assessment and Designation from Sampling and Analysis of the Tank in Cell 11L of the 221 -T Building*. The memo stated, “The contents of the tank in cell 11-L are designated as F001 through F005 based on process knowledge,” and “the combined liquid and solid waste conservatively designates with waste numbers D002, D006, D007, D008 and D010.”

I reviewed HFFACO, Attachment 2, “Action Plan,” Appendix C, “Listing by Operable Unit” and observed Tank 11-L was not listed in the HFFACO as a past practice unit.

I observed the T-Plant Complex, Addendum A, Part A Form, included approval for tank storage in the 221-T tank system consisting of Tank 5-6, Tank 5-7, Tank 5-9, Tank 6-1, Tank 11-R, and Tank 15-1. The comments on this form indicate canyon process Cells 3L, 7L, 8R, L, 10L, 13L, 13R, 14R, 15L, 16R, and 17R may have containment status (for non-liquids). Tank 11-L and Cell 11-L are not included in the permit application.

I observed the Administrative Record *T Plant Safety Analysis Report*, SD-CP-SAR-007, dated February 1, 1985, (2 years before effective date for mixed waste) describes equipment “Open tank 11-L (SS, 14,000- gal-capacity)” used for “radioactive liquid waste storage.”

The *T Plant Safety Analysis Report* also describes equipment in Section 11 as including “steam jet valves” for “liquid waste transfers from Tanks 11-L and 11-R.” Included in that report is a piping and instrumentation diagram, Figure 7-5, “Building 221-T Canyon Liquid Waste System,” which shows both Tanks 11-L and 11-R were equipped with steam jets for transferring waste to tank 15-1. I observed a note written next to the jet for Tank-11-L stated “not normally needed.”

The document *Interim Safety Basis for Solid Waste Facilities (T Plant)* HNF-SD-WM-ISB-006, Revision 1A, dated January 28, 1999, (after the RCRA effective date for mixed waste) contains a similar piping and instrumentation diagram. The diagram shows steam transfer jets serving Tanks 11-L and 11-R, with a note stating “not normally used” on the steam jet in 11-L.

I reviewed *T Plant Cell Investigation Phase II Report*, HNF-8812, dated December 18, 2002, which described Cell 11-L as still having a transfer jet installed.

I reviewed *Hanford Site Waste Management Units Report*, DOE/RL-88-30, Revision 28 which stated “The Hanford Site Waste Management Units Report has been created to meet the requirements of the Tri-Party Agreement Action Plan, Section 3.5” Tank 11-L was not included in this report either.

Action Required:

Within 60 days of receipt of this report, CHPRC and RL must submit to Ecology a permit application for 221-T Tank 11-L in accordance with WAC 173-303-806.

RL and CHPRC Response to 19-NWP-106 Alleged Non-Compliance 3 in Letter 2-ESQ-0008:

RL and CHPRC are submitting the following as Attachment 4: “White Paper in Response to Alleged Non-Compliance 3 in 19-NWP-106.”

Ecology Response Regarding Letter 20-ESQ-0008 Alleged Non-Compliance 3 in Letter 20-NWP-016:

From reviewing your response, RL and CHPRC has not submitted to Ecology a permit application for 221-T Tank 11-L in accordance with WAC 173-303-806.

RL and CHPRC Response to Letter 20-NWP-016 Alleged Non-Compliance 3:

The contents of Tank 11-L contain Potential Mixed Waste (PMW) that has not been actively managed on or after August 19, 1987, the effective date for mixed waste regulation in Washington. The *Calendar Year 2014 Hanford Site Mixed Waste Land Disposal Restrictions Full Report* (DOE/RL-2015-08) presents PMW in a format that resulted from discussions between DOE, Ecology, and the U.S Environmental Protection Agency (see Table A-1, Land Disposal Restrictions Requirements, Item 1). The status and path forward for Tank 11-L are documented in Appendix C, Table C-2 of the 2014 Land Disposal Restrictions Report. Tank 11-

L will be addressed using the past-practice process when T-Plant is dispositioned according to the Canyon Disposition Initiative as stated in Table C-2.

Attachment 2
Letter Number 20-ESQ-0051

Correspondence No. 2000245: COR Direction;
T-Plant NaOH Tank Planning
(Related To Ecology Inspection, Tank M-101:
Reference 19-NWP-106 and 20-ESQ-0008)

Consisting of 13 pages including cover sheet

CORRESPONDENCE DISTRIBUTION COVERSHEET

Author
M. S. French/DOE-RL

Addressee
K. R. Shupe/CHPRC

Correspondence No.
2000245
CHPRC Recd: 01/15/2020
REF: 19-NWP-106 and 20-ESQ-0008

NOTE: If there is an action/response due to RL the response letter *must* be ready for CHPRC President's signature *two (2) days before the due date to RL.*

Subject: **COR DIRECTION; T PLANT NAOH TANK PLANNING (RELATED TO ECOLOGY INSPECTION, TANK M-101: REFERENCE 19-NWP-106 AND 20-ESQ-0008)**

DISTRIBUTION

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- T. M. Underwood
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- ^PRC Contracts

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OUTLOOK ADDRESS: ^CHPRC CORRESPONDENCE	

Jacobsen, Shea K

From: Horton, Lori J
Sent: Wednesday, January 15, 2020 10:54 AM
To: ^CHPRC Correspondence
Cc: Young, Chelsea H; Horton, Lori J
Subject: FW: RL-13 COR Direction; T Plant NaOH Tank Planning
Attachments: SMFM1766820011511440.pdf; SHUPE is ASSIGNEE - 2000245 - COR DIRECTION; T PLANT NAOH TANK PLANNING (RELATED TO ECOLOGY INSPECTION, TANK M-101 REFERENCE 19-NWP-106 AND 20-ESQ-0008)

From: Connerly, Jenise C <jenise.connerly@rl.doe.gov>
Sent: Wednesday, January 15, 2020 10:48 AM
To: Underwood, Teresa M <[Teresa M Underwood@rl.gov](mailto:Teresa_M_Underwood@rl.gov)>
Cc: Dickerson, Kala K <kala_k_dickerson@rl.gov>; Horton, Lori J <lori_j_horton@rl.gov>; Shupe, Kalli <kalli_shupe@rl.gov>; Gunter, Amber L <amber_l_gunter@rl.gov>; Southwick, Angela M <angela_m_southwick@rl.gov>; Bork, Stephen W <stephen_w_bork@rl.gov>; Young, Chelsea H <chelsea_h_young@rl.gov>; Weber, Heidi R <heidi.weber@rl.doe.gov>; Valadez, Brenda S <brenda.valadez@rl.doe.gov>; Farabee, Oliver A (AI) <oliver.farabee@rl.doe.gov>; French, Mark S <mark.french@rl.doe.gov>
Subject: RE: RL-13 COR Direction; T Plant NaOH Tank Planning

Teresa,

I have signed the corrected delegation, but it will likely not get through all of our distribution processes today. Attached is an advance copy, and I can confirm the technical direction, below.

Jenise C. Connerly
[Contracting Officer](#)
U.S. Department of Energy
Richland Operations Office

From: Underwood, Teresa M <[Teresa M Underwood@rl.gov](mailto:Teresa_M_Underwood@rl.gov)>
Sent: Wednesday, January 15, 2020 9:12 AM
To: Connerly, Jenise C <jenise.connerly@rl.doe.gov>
Cc: Dickerson, Kala K <kala_k_dickerson@rl.gov>; Horton, Lori J <lori_j_horton@rl.gov>; Shupe, Kalli <kalli_shupe@rl.gov>; Gunter, Amber L <amber_l_gunter@rl.gov>; Southwick, Angela M <angela_m_southwick@rl.gov>; Bork, Stephen W <stephen_w_bork@rl.gov>; Young, Chelsea H <chelsea_h_young@rl.gov>; Weber, Heidi R <heidi.weber@rl.doe.gov>; Valadez, Brenda S <brenda.valadez@rl.doe.gov>; Farabee, Oliver A (AI) <oliver.farabee@rl.doe.gov>; French, Mark S <mark.french@rl.doe.gov>
Subject: RL-13 COR Direction; T Plant NaOH Tank Planning

Jenise,

Per your conversation with Kala on 1/9/20 regarding the COR designation letter for RL-013 and to support the direction provided below, can you please forward the updated designation letter adding Mark French? If one is not available,

CHPRC requests Al Farabee (current COR per the attached designations letters and [RL COR List](#)) provide concurrence to the below direction for our record.

Thank you,

Teresa M. Underwood, Manager
Prime Contract Compliance
CH2M HILL Plateau Remediation Company (CHPRC)
D: 509-373-5892

From: French, Mark S <mark.french@rl.doe.gov>
Sent: Friday, January 3, 2020 4:37 PM
To: Shupe, Kalli <kalli_shupe@rl.gov>
Cc: Koch, Michael R <michael_r_koch@rl.gov>; Connerly, Jenise C <jenise.connerly@rl.doe.gov>; Bishop, Guy E III <guy.bishop@rl.doe.gov>; Pyles, Gary L <gary.pyles@rl.doe.gov>; Colton, Ingrid L <ingrid.colton@rl.doe.gov>; French, Mark S <mark.french@rl.doe.gov>; Wright, Allison K <allison.wright@rl.doe.gov>
Subject: COR Direction; T Plant NaOH Tank Planning

Pursuant to my designated authority as Contracting Officer's Representative (COR) under your Contract No.DE-AC06-08RL14788 for work associated with the PBS-RL-0013, Waste Management, the following technical direction is hereby provided.

In response to the Ecology inspection report related to disposition of the product in T Plant tank M-101 please prepare a schedule to disposition the material for use by WRPS. I would like to be able to include the planning for this work in FY2021 with actual disposition in FY2022.

Mark French
Contracting Officer's Representative



Department of Energy Hanford Site

Richland Operations Office | Office of River Protection

JAN 15 2020

PRO:PMW/20-PRO-0069

MEMORANDUM FOR MARK S. FRENCH
DIRECTOR RIVER CORRIDOR DIVISION

FROM: JENISE C. CONNERLY *Jenise C Connerly*
CONTRACTING OFFICER
RICHLAND OPERATIONS OFFICE

SUBJECT: DESIGNATION OF CONTRACTING OFFICER'S REPRESENTATIVE
FOR CH2M HILL PLATEAU REMEDIATION COMPANY (CHPRC)
ON CONTRACT NUMBER DE-AC06-08RL14788, PLATEAU
REMEDATION CONTRACT (PRC) SUPERSEDES 18-PRO-0090
REISSUE

This memorandum supersedes memorandum 18-PRO-0060 to include the RL-40 project within the delegated authority. Pursuant to DOE O 541.1B, Appointment of Contracting Officers and CORs, and in accordance with the technical direction clause contained in the subject contract, you are hereby designated to act as the COR in relation to the supplies and/or services to be provided under the subject contract.

Your responsibilities as COR are derived from the contract's terms and conditions. As applicable to the subject contract, your responsibilities consist of the following, limited to RL-13, Waste Management, RL-40, Soil and Facility Remediation, and RL-41, River Corridor Closure:

1. Monitor Technical Compliance

Ensure that the contractor complies with all technical requirements defined in the Statement of Work (SOW) or Performance Work Statement (PWS). In this regard you should:

- a. Promptly report in writing any substantive deficiencies in contract performance or other instances of noncompliance with contract terms and conditions to the Contracting Officer (CO).
- b. Inform the CO if you foresee that the contract or task order, as applicable, will not be completed according to schedule. Your written notice should include your recommendations for resolving the schedule problem.
- c. Ensure, in conjunction with the CO, that the government meets its contract obligations. This includes, but is not limited to, furnishing government property and government-furnished services as specified in the contract and providing timely government comment on approvals of draft deliverables as may be required by the contract.

- d. Inform the CO in writing of any necessary changes to the contract or task order, as applicable. A written request must be processed through the CO to effect any changes in the SOW, task order, uniform reporting requirements or any other part of the contract.
- e. If the contractor proposes a change, you are to obtain a written statement to that effect and forward that statement, along with your recommendations, to the CO. Your request should include the estimated cost of any proposed increase or decrease in the scope of work and the availability of funds. You should ensure that changes in the scope of work, including delivery schedule, are issued by written direction or contract modification by the CO before the contractor proceeds with the changes.
- f. Review and inspect services and/or deliverables as specified in the contract.
- g. Issue technical direction within the limitations set forth in this designation and as may be specified in the contract. Such technical direction should be in writing following the format provided in the attached sample technical direction memorandum. A copy of all technical direction sent to the contractor will be provided to the CO.
- h. Assist the contractor in interpreting technical requirements of the contract. Immediately report all technical issues which cannot be resolved without increasing costs or changing the contract to the CO in writing. Also immediately report, in writing, any issues that cannot be mutually agreed to so that the CO can take action to resolve the issues. Such reports must include the facts pertinent to the issues and the recommended action.
- i. Inform the CO, in writing, of the need to exercise the contract options for additional time and/or quantities of units acquired.
- j. Inform the CO of any potential or evidence of organizational conflict of interest (OCI) problems. The definition of an OCI is a situation, wherein due to other activities or relationships with other persons, a person is unable or potentially unable to render impartial assistance or advice to the Government, or the person's objectivity in performing the contract work is or might be otherwise impaired, or a person has an unfair competitive advantage.
- k. Prepare evaluations of contractor's performance in accordance with FAR 42.15. Access the Contractor Performance Assessment Reporting System (CPARS) at <https://www.cpars.gov/> for this purpose. Evaluations are required annually; before an option is exercised; and upon contract completion. All information contained completed Contractor Performance Reports is considered source selection information and prohibited from disclosure by Federal Acquisition Regulation (FAR) 3.104.

2. Monitor the Administrative and Funds Aspects

- a. Notify the CO immediately of any indication that the cost to the government for completing performance under the contract will exceed the amount stated in the contract or task order(s), as applicable.
- b. Be aware that per FAR 32.704(c) any "Government personnel encouraging a contractor to continue work in the absence of funds will incur a violation of Revised Statutes Section 3679 (31U.S.C. 1341) that may subject the violator to civil or criminal penalties."
- c. Report any indication that costs are being incurred which are not appropriately chargeable to the contract.
- d. Monitor travel under the contract to assure the necessity, number of travelers and duration are appropriate and the costs are reasonable for cost reimbursement contracts/items. Foreign travel must be processed in accordance with the DOE Order 551.1C, "Official Foreign Travel."
- e. Review and certify incurred cost vouchers or invoices for payments after concurring with the percent of technical completion (i.e., level of effort expended, services performed or delivery of the items). Questionable costs should be reported promptly to the CO for appropriate resolution.
- f. Adjust cost accruals after accrual review to support the monthly accrual analysis. Such COR adjustments shall be in compliance with the accrual review and adjustment guidance set forth in the DOE Director, Office of Financial Policy, memorandum dated March 9, 2006, or any subsequent formal guidance issued by DOE.

3. Monitor Property Management

Upon review and comment, forward the following requests to the CO for disposition:

- a. Any request for government-furnished facilities, supplies, materials, and equipment.
- b. Consent to purchase supplies, materials, and equipment.
- c. Any lease-purchase analysis or make-buy decisions.
- d. Property management reports.

- e. Any request to purchase equipment for classified processing.
- f. Requests for vehicles as appropriate.

4. Monitor Security Requirements

If contract performance requires access to classified information and/or security clearances for entry to a limited area you should:

- a. Process any personnel security requests as appropriate. Clearance requests should be kept to the minimum level required to perform the work and must be signed by the requestor (contractor official) and the assigned COR.
- b. Ensure that individual clearances are terminated and a DOE F 5631.29, "Security Termination Statement (STS)," is accurately completed within 2 days from the date access is no longer required.
- c. Ensure all site badges/badge credentials are returned as appropriate when cleared employees no longer require a clearance.
- d. Ensure that all classified documents are returned and a certificate of non-possession is provided upon completion/termination of the contract.
- e. Ensure contractor has completed and submitted DOE-F-5631.29 for employee(s) if access authorization(s) is no longer required.

5. Maintain a Contract File

The COR shall maintain a file for each assigned contract. As required by FAR 1.604, the file must include, at a minimum:

- a. A copy of contracting officer's letter of designation and other documents describing the COR's duties and responsibilities;
- b. A copy of the contract administration functions delegated to a contract administration office which may not be delegated to the COR, and
- c. Documentation of COR actions taken in accordance with the delegation of authority.

6. Verify Safety Compliance

Contractors must comply with all safety requirements defined in the contract and in the Statement of Work. In this regard, the COR should:

- a. Inform the CO in writing of any injury, accident, failure to meet contract safety requirements, work stoppage due to safety or required follow-up actions.
- b. Request help from appropriate safety and health professionals for technical safety requirements and inspections as needed. In the case of foreign contracts, contractor should meet the local requirements.
- c. Review Project Hazard Analysis or Job Hazard Analysis and contractor safety plans with help of safety and health professionals.

7. Assist in Close-out of the Contract

Upon completion of the work or delivery of the items:

- a. Verify that all work has been completed.
- b. Verify that the final voucher or invoice has been received and processed.
- c. Review for completeness the final property certification submitted by the contractor and provide disposition instructions for any personal property furnished to or acquired by the contractor during contract performance.
- d. Complete final past performance evaluation in CPARS.
- e. Forward a written statement to the CO attesting to the contractor's completion of technical performance, delivery, and acceptance of all goods and services for which inspection and acceptance are herein delegated.
- f. When the contract is completed, all records and documents pertinent to the administration of the contract which you retained in your capacity as COR during the period of performance should be properly dispositioned in accordance with applicable record-keeping policies and procedures.

As a matter of practice, the COR should prepare Memorandums for the Record (MFR) of all meetings, trips, and telephone conversations relating to the contract. Each MFR, other similar records, and all correspondence relating to the contract shall cite the contract number and be filed in the contract file. It is requested that a copy of all actions or correspondence be furnished to the CO and all other interested parties having a need to know. The utmost care must be given to restrictions regarding proprietary data, as well as classified and business-sensitive information.

The authorities listed above are personal to the COR and shall not be re-delegated. Any need for a Task Order Monitor shall be addressed through the CO. Assignment of a Task Order Monitor can only be made by the CO. Authorities shall not be construed to include the authority to execute or to agree to any modification of the contract nor to attempt to resolve any dispute concerning a question of fact arising under the contract. CORs are not authorized to take any action, either directly or indirectly, that could result in a change in the cost/price, quality, quantity, place of performance, delivery schedule, or any other terms and conditions of the contract, or to direct the accomplishment of effort that would exceed the scope of the contract. CORs may be held personally liable for any unauthorized acts. Whenever there is the potential that discussions may impact areas such as described above, contact the CO for guidance.

This appointment and its authority shall become effective upon your acceptance and shall remain in effect unless rescinded earlier by the CO. This designation terminates upon closeout of the subject contract.

By copy of this memorandum, the contractor is advised that no oral statement by any person whomsoever shall modify or otherwise affect the terms of the contract. The CO is the only person authorized to approve any changes in contract requirements. In the event the contractor effects any change at the direction of any person other than the CO, the change will be considered to have been made without authority.

The contractor is further advised to provide the CO with written notification upon receipt of any correspondence, from sources other than the CO, containing instructions such as corrections, clarifications, or directions, which in the opinion of the contractor would impact cost, schedule, and/or performance, if implemented. An informational copy should be provided to the COR.

Mark S. French
19-PRO-0260

-7-

JAN 15 2020

The contractor should not proceed with any work, which is considered to be beyond the scope of the contract as presently written and should take no further action with regard to the corrections, clarifications, or directions pending resolution of the matter by the CO.

If you have any questions, please contact me at (509) 376-8362.

Attachment

cc w/memo only:
CH2M Hill Plateau Remediation Company

SAMPLE LETTER
TECHNICAL DIRECTION TO CONTRACTOR

Technical Direction To: _____

Pursuant to my designated authority as Contracting Officer's Representative (COR) under your Contract No. _____ for work associated with the _____ Project, the following technical direction is hereby provided.

In accordance with _____
(clause number or Statement of Work paragraph number) you are directed to:

This letter provides technical direction only and may not be construed to constitute a change to the contract. Any questions concerning allowability under, or changes to, the contract must be resolved by the Contracting Officer prior to your proceeding in any manner that might obligate the government beyond the existing contract.

Should additional clarification be required, please call _____
_____ of the _____ Office staff at
_____. For questions relating to changes to the contract, please contact the
Contracting Officer, _____, at _____.

/s/ _____
Contracting Officer's Representative

cc:
Contracting Officer

From: Horton, Lori J
Sent: Wednesday, January 15, 2020 7:28 AM
To: ^CHPRC Correspondence
Cc: Horton, Lori J; Young, Chelsea H
Subject: FW: COR Direction; T Plant NaOH Tank Planning (Related to Ecology Inspection, Tank M-101: Reference 19-NWP-106 and 20-ESQ-0008)

From: French, Mark S <mark.french@rl.doe.gov>
Sent: Friday, January 3, 2020 4:37 PM
To: Shupe, Kalli <kalli_shupe@rl.gov>
Cc: Koch, Michael R <michael_r_koch@rl.gov>; Connerly, Jenise C <jenise.connerly@rl.doe.gov>; Bishop, Guy E III <guy.bishop@rl.doe.gov>; Pyles, Gary L <gary.pyles@rl.doe.gov>; Colton, Ingrid L <ingrid.colton@rl.doe.gov>; French, Mark S <mark.french@rl.doe.gov>; Wright, Allison K <allison.wright@rl.doe.gov>
Subject: COR Direction; T Plant NaOH Tank Planning

Pursuant to my designated authority as Contracting Officer's Representative (COR) under your Contract No.DE-AC06-08RL14788 for work associated with the PBS-RL-0013, Waste Management, the following technical direction is hereby provided.

In response to the Ecology inspection report related to disposition of the product in T Plant tank M-101 please prepare a schedule to disposition the material for use by WRPS. I would like to be able to include the planning for this work in FY2021 with actual disposition in FY2022.

Mark French
Contracting Officer's Representative