



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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February 11, 2021

21-NWP-026

Brian T. Vance, Manager
Richland Operations Office
United States Department of Energy
PO Box 550, MSIN: H5-30
Richland, Washington 99352

Robert E. Wilkinson, President
Hanford Mission Integration Solutions, LLC
PO Box 943, MSIN: H1-30
Richland, Washington 99352

Re: Dangerous Waste Compliance Inspection on February 4, 2021, at the Centralized Consolidation and Recycling Center (CCRC), RCRA Site ID: WA7890008967, Nuclear Waste Program (NWP) Compliance Index No.: 21.733.

Dear Brian T. Vance and Robert E. Wilkinson:

Thank you for your staff's time during the CCRC facility inspection on February 4, 2021. The Department of Ecology's compliance report of this inspection is enclosed. The report cites one area of non-compliance.

Failure to correct the deficiencies may result in an administrative order, a penalty, or both, as provided by the Hazardous Waste Management Act (Revised Code of Washington 70A.300). Persons who fail to comply with any provision of this chapter are subject to penalties of up to \$10,000 per day per violation.

Specific deficiencies or violations not listed in the enclosed compliance report do not relieve your facility from having to comply with all applicable regulations.

If you have questions or need further information, please contact me at (509) 212-1516 or by email at adam.shaffer@ecy.wa.gov.

Sincerely,

Handwritten signature of Adam Shaffer in black ink.

Digitally signed by
Shaffer, Adam (ECY)
Date: 2021.02.11
13:42:48 -08'00'

Adam Shaffer
Dangerous Waste Compliance Inspector
Nuclear Waste Program

tla
Enclosure
cc: See page 2

Brian T. Vance and Robert E. Wilkinson
February 11, 2021
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21-NWP-026
Centralized Consolidation and Recycling Center
RCRA Site ID: WA7890008967
NWP Compliance Index No.: 21.733
Inspection Date: February 4, 2021

cc electronic w/enc:

Dave Bartus, EPA
Dave Einan, EPA
Cheryl Williams, EPA
Ben Harp, USDOE-ORP
Duane Carter, USDOE-RL
Tom Ferns, USDOE-RL
Tony McKarns, USDOE-RL
Allison Wright, USDOE-RL
Carly Nelson, HMIS
Aaron Fergusen, HMIS
Jon Perry, HMIS
Steve Szendre, HMIS
ERWM Staff, YN
Susan Leckband, HAB
Jeff Burrigh, ODOE
Max Woods, ODOE
Kelly Wood, AAG
Shawna Berven, WDOH
John Martell, WDOH
Debra Alexander, Ecology
David Bowen, Ecology
Randy Bradbury, Ecology
Phillip Buser, Ecology
Annette Carlson, Ecology

Kathy Conaway, Ecology
Suzanne Dahl, Ecology
Jared Mathey, Ecology
Ryan Miller, Ecology
John Price, Ecology
Jonathan Rogers, Ecology, NWP
Compliance Index File: 21.733
Stephanie Schleif, Ecology
Adam Shaffer, Ecology
NWP RIM Coordinators, Ecology
Environmental Portal
Hanford Facility Operating Record
TPA Administrative Record
HMIS Correspondence Control
USDOE-ORP Correspondence
Control
USDOE-RL Correspondence Control

cc w/o enc:

Mason Murphy, CTUIR
Jack Bell, NPT
Laurene Contreras, YN

The CCRC conducted activities under the *Management Plan for Recyclable Materials Administered by Hanford's Centralized Consolidation/Recycling Center*, HNF-EP-0863, Revision 3, Release 3 (CCRC Management Plan dated September 15, 2009). This plan was sent to Mr. Jack Boller of the EPA on October 7, 2009, (letter number 09-ESQ-346). According to the CCRC Management Plan, the following products, universal waste, and recyclable materials are managed at the CCRC:

- Aerosol Products.
- Elemental Mercury.
- Lead-Acid Batteries.
- Universal Waste Batteries.
- Universal Waste Lamps.
- Crushed Fluorescent Lamps.
- Mercury Containing Equipment.
- Electrical Ballasts or Capacitors.

CCRC also coordinates and contracts the management of the following materials:

- Used Shop Towels.
- Used Oil.
- Spent Antifreeze.
- Electronics (managed by the Environmental Organization).

The CCRC facility was established shortly after April 18, 1995. The three initial materials included aerosol products, batteries, and light ballasts with dioctyl phthalate capacitors. In October 1996, the CCRC added sodium vapor, mercury vapor, and incandescent lamps. In January 1998, the CCRC added mercury and mercury-containing equipment. A number of the solid wastes identified above are currently subject to universal waste or recyclable material regulations under the Dangerous Waste Regulations Chapter 173-303 Washington Administrative Code (WAC). In the CCRC Management Plan the following is stated about the USDOE agreements with the EPA and the Washington State Department of Ecology (Ecology):

Per EPA and Ecology agreement, the CCRC will continue to be used for consolidating universal waste and other recyclable materials, thereby facilitating economy-of-scale efficiencies for Hanford Site recycling activities.

The following is stated within the 2009 CCRC Management Plan:

At a site as large as Hanford, some adaptation and discretion is necessary to encourage maximum participation in recycling programs. As with earlier proposals, Ecology concurrence is required for the management strategy identified in this Plan. The strategy identified in this revision was developed and concurred to by Ecology, the U.S. Department of Energy, Office of River Protection (DOE-ORP), DOE-RL and representatives from each of the Hanford Site prime contractors, with verbal concurrence by EPA Region 10.

The final statement under the introduction section of the CCRC Management Plan states the following:

“The regulatory interpretation is valid only as long as the materials are managed in accordance with the protocols established in this plan. This plan pertains only to recyclable materials collected at the CCRC prior to shipment to an off-site recycler.”

The significant changes from Revision 2 to the Revision 3 CCRC Management Plan in 2009, are summarized as follows:

- Elemental mercury will be accumulated as commercial chemical product and stored at the CCRC until a permanent national repository for mercury generated at Federal facilities is established (Public Law 110-4114, *The Mercury Export Ban Act of 2008*.)
- Mercury-containing equipment will be managed as universal waste.
- Identifying the universal waste point of generation from the CCRC to the facilities and/or work areas where universal waste is accumulated.
- Ecology and EPA agree that dangerous waste lamps may be crushed in satellite accumulation areas (SAAs), i.e., treatment by generator (TBG) may be performed at SAAs.
- Universal waste is labeled at each field generating facility per WAC 173-303-573(22). The CCRC Management Plan specifically states, "EPA and Ecology agree that each field generating facility must label universal waste with the accumulation start date, and is allowed to accumulate universal waste up to a year in the field prior to transfer to the CCRC."
- The CCRC Management Plan adds to the previous statement with the following: "Universal waste will be labeled with a new accumulation start date upon receipt at the CCRC. EPA and Ecology agree that universal waste may be accumulated for up to an additional year prior to being shipped to an off-site destination facility. If additional time is needed beyond the one-year accumulation period, the CCRC must be able to demonstrate to Ecology that the additional time is required to facilitate consolidation of sufficient material to make an off-site shipment feasible [WAC 173-303-573(22)(b)]."

Compliance Background

On November 17, 2015, Edward Holbrook led an inspection of the CCRC. This inspection documented several concerns including a concern due to a Universal Waste container (WSO-14-272-01) of Silver Oxide Batteries, which was found to be nearly 4 months beyond the one-year time limit identified in WAC 173-303-573(22)(a), *Accumulation time limits*. Numerous containers of universal waste (lamps and batteries) with accumulation start dates, approaching the one-year accumulation time limit were also observed. The concern stated:

Agency concurrences described in the CCRC Management Plan, HNF-EP-0863 do not prove that the sole purpose of accumulating universal waste longer than one year from the accumulation start date is to accumulate in such quantities necessary to facilitate proper recovery, treatment, or disposal. The concurrences do not supersede the requirements in the dangerous waste regulations, specifically WAC 173-303-573. For future inspections, any universal waste container found with an accumulation start date longer than one year, will require proof that such accumulation activities were solely for the purpose of accumulating such quantities of universal waste, necessary to facilitate proper recovery, treatment, or disposal.

Following this inspection on October 1, 2019, Jack Boller of the EPA inspected the 400 Area of Hanford including the CCRC. The violations documented at the CCRC during this inspection are described in this way in the inspection report:

In the CCRC we observed several containers of universal waste batteries and lamps that were marked with two accumulation start dates. One was the date the generator started accumulating waste and the second was the date that the CCRC received the waste from the generator. In several cases the initial start date provided by the generator was more than a year old. Ms. Carly Nelson, CCRC manager, stated that generators of universal waste across the Hanford Facility have one year from the time of generation to move the waste to the CCRC and then the CCRC has one year from the time they receive the waste to get it off-site. She stated that both EPA and the state had agreed to this as part of a site-wide universal waste and recycling plan.

This plan is not part of the facility-wide RCRA permit or other document that supersedes regulation. We reviewed the plan and although it does state that the generator and the CCRC can each accumulate universal waste for one year from the time they generate or receive the waste, the language of this plan differs significantly from the regulations which state that a large quantity handler of universal waste may accumulate universal waste for longer than one year from the date the universal waste is generated only if such activity is solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal and the universal waste handler bears the burden of proving that such is the case. This proof has not been provided by the handler to EPA. Implementation of this site-wide plan often results in universal waste being accumulated on the Hanford site for the regulatory limit of one year from the date the universal waste was generated.

On January 16, 2020, Ecology received a letter sent by the USDOE (20-ESQ-0220) to both Ecology and the EPA. In this letter, USDOE reiterated their policy of allowing universal waste to accumulate for up to one year in the field prior to its transfer to the CCRC, where it was allowed to accumulate up to an additional year before being shipped off-site to a destination facility. However, the letter also stated:

To proactively address the concern, universal waste will be shipped to the CCRC to allow ample time for the CCRC to send it to a destination facility but not to exceed the one-year total. The U.S. Department of Energy, Richland Operations Office anticipates the revised accumulation times to be implemented before the end of Fiscal Year 2020.

On June 5, 2020, EPA sent a letter to the USDOE with a Notice of Violation for the Universal Waste deficiency stating:

On January 16, 2020, Energy responded to EPA's inspection report with a letter that proposed to change the Hanford Facility's universal waste management practices by the end of (Federal) Fiscal Year 2020. The letter provided no information that would substantiate that such a delay is warranted, or otherwise that accumulation of universal waste in excess of one year is solely for the

purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment or disposal. Instead, the letter reiterated Hanford's current practice of accumulating universal waste at each generation location up to one year, followed by up to another full year at the CCRC. Therefore, based on information available to EPA, Energy continues to be in violation of the one-year accumulation limit.

On June 26, 2020, the USDOE sent letter 20-ESQ-0070 to the EPA stating:

Universal waste will be shipped to the CCRC to allow ample time for the CCRC to send it to a destination facility not to exceed the 1-year total. The delay is warranted because USDOE has five major contractors and each contractor needs to change their procedures and forms, and then each contractor needs to change their training materials and then train (Washington Administrative Code 173-303-573(23) *Employee training*] over 10,000 employees to the new procedures.

On November 24, 2020, Ecology received a letter sent by the USDOE (21-ESQ-0019) to the EPA, giving an update on the efforts at Hanford to come into compliance:

USDOE-RL letter from B. T. Vance, to L. Davies, EPA, "Response to Notice of Violation for Universal Waste Accumulative Times at the Centralized Consolidation/ Recycling Center," 20-ESQ-0070, dated June 26, 2020, stated that the U.S. Department of Energy (DOE) anticipated the revised accumulation time of 1 year to be implemented before the end of Fiscal Year 2020, and provided a list of activities that had been completed and/or planned. Nearly all activities were completed before September 30, 2020. On October 14, 2020, the remainder of universal waste managed under the regulator-approved *Centralized Consolidation/ Recycling Center Management Plan* (HNF-EP-0863 R3) was shipped to Veolia Technical Services. On October 26, 2020, the last contractor training module was updated.

On December 22, 2020, Lauris Davies of the EPA sent the USDOE a letter acknowledging their return to compliance in relation to the universal waste violation alleged in the June 5, 2020, NOV, including shipping out universal waste that had been accumulated longer than a year, and their completion of updates to related procedures and training throughout Hanford.

Inspection Summary

On January 28, 2021, I e-mailed an inspection notice to conduct an inspection of the CCRC on February 4, 2021 to USDOE and HMIS. Steve Szendre of HMIS responded with a time set for the pre-inspection conference on February 3, 2021. During the pre-inspection conference call on February 3, 2021, the following people were present:

- Allison Wright - USDOE-RL
- Tom Ferns - USDOE-RL
- Tony McKarns - USDOE-RL
- Duane Carter - USDOE-RL
- Carly Nelson - HMIS
- Steve Szendre – HMIS

- Aaron Fergusson – HMIS
- Adam Shaffer – Ecology
- Phillip Buser – Ecology
- Jared Mathey – Ecology
- Kathy Conaway – Ecology

Mr. Steve Szendre said as per the Ecology inspection announcement he plans to meet Ecology at the Hanford 400 Area and begin the inspection at 10:00 a.m. Mr. Szendre said that himself, Carly Nelson of HMIS, and Duane Carter of USDOE-RL will be on the inspection. He said Mr. Buser and I would need substantial footwear and to be prepared for winter conditions. Mr. Szendre said personal vehicles are okay in the 400 Area, and in order to help the Ecology inspectors find the building, he offered to meet us at 9:50-9:55 at the south entrance to the 400 Area. He said a safety item was to watch out for deer and elk while driving to and from the facility.

Mr. Szendre asked if we had any other questions. I said that there is no sit-down review of documents planned during this inspection due to the COVID-19 virus. I explained if Ecology needs further documentation following the site visit a records request would be sent for those items. I explained the scope of the inspection would be looking at facility compliance with the universal waste standards. I also said we are planning to take photographs of the waste during the inspection of the CCRC and asked how, and at what location, Ecology will be getting the photos cleared that day. Mr. Duane Carter said the inspection team will travel to the security office at 1981 Snyder Street in Richland after the facility inspection to clear the photos. Ms. Allison Wright asked if Ecology needed a map. I said we can follow Steve to the location.

I asked whether the photos could be cleared before we leave the security office on Snyder. Mr. Szendre said that is what they hope. Ms. Wright said it is the clearance process that we are used to following. Mr. Jared Mathey said Ecology needs to maintain possession of the Secure Digital (SD) Card that holds the photos, or be in the same general area of the SD card while the photos are reviewed. Mr. Carter said you will have the ability to be in the general area. Mr. Mathey asked if the SD card would be erased when we got it back. Ms. Wright asked Mr. Szendre to look into the clearance process and send a description of it to Ecology before the site visit.

Note: As of the issuance of this report, Ecology has yet to receive information on the exact guidance process for photographs to be cleared through the security process.

Mr. Carter asked if the SD Card will be empty when we arrive at the site to begin the inspection. I said yes, this is not a problem because it is our practice to have no existing photos on the card when we arrive on-site for an inspection. I said after we take photos, and once the photos are reviewed via the security process, we expect to leave the same day with our photos on the SD card. Ms. Wright said she is not on the security side so she does not know if that is possible. Mr. Szendre said he also does not know the answer to this and he does not know what happens to the SD card when it is scanned. Mr. Szendre said he would find out and get back with me. Mr. Mathey said if security deletes the photos from the SD card, Ecology will consider that a denial of access. Ms. Conaway said we are hoping somebody is there to clear the photos and provide the photos back on the original SD card with the camera. Mr. Tony McKarns said they

should not alter the card unless there is any official use only (OUO) information on the photos. Ms. Conaway asked if Ecology will be told why they are OUO before deleting them. Ms. Wright said it is not going to be a quick process. Mr. Mathey asked how long the wait will be. Mr. Carter said USDOE is not denying access. He said USDOE issued letter 21-ESQ-008 to the Ecology Program Manager about what USDOE expects; that photos must be reviewed and go through the security process as identified in the Tri-Party Agreement (TPA). Mr. Carter again said USDOE is not denying access to the Hanford Site. He asked if we could just try the process. I said we should go forward with inspection and see how it goes.

Mr. Szendre asked if we are still planning to arrive shortly before 10:00 a.m. I said yes. Mr. Carter said he would meet us there too. Ms. Carly Nelson said to be aware that there would be some Hanford Patrol exercises going on in the area that involves shooting. Ms. Wright reminded Ecology to do the COVID checklist reviews before coming on-site. She explained that there might be some changes to the COVID protocol in the future but no changes at this time. Ms. Wright said Aaron Fergusson is the new Environmental Manager at HMIS. Mr. Aaron Fergusson introduced himself and said he was a new manager with HMIS doing regulatory compliance that includes permit inspections, the TPA, the National Environmental Policy Act, groundwater, and drinking water aspects. Ms. Wright said Ms. Nelson is the CCRC Manager and Compliance Officer. Mr. Mathey asked if we could exchange cell phone numbers for the inspection, and we did so, ending the phone meeting.

Shortly after the meeting, Mr. Szendre called to tell me he had made some phone calls, but had not yet been able to learn more details about the photo clearing process and that he would have someone call me later that evening with more details if possible. I told him that Ecology still has concerns about the photo clearing process. I asked if we could start our inspection at the security office at the Snyder location to gather more information about the photo clearance process.

At 4:20 p.m. the same day, Mr. Carter called. I thanked him for calling. I explained Steve Szendre and I spoke on the phone right after the meeting at 3 p.m. and I told him that Ecology has concerns with taking any photos before we know what the clearance process would entail. Mr. Carter said he was calling to let us know that when we take the photos to the security office on Snyder, the only thing the people there will do is scan the SD card for computer viruses and clear the data as safe to be uploaded into USDOE computers. He said this is why going to them first will not lead to any final results. I said that makes sense. Mr. Carter added they do not have a clear path forward for the clearance process after the card is scanned for viruses. Mr. Carter said after the virus scan is complete, he understands that the card will be given to Mr. Szendre to insert into his laptop to begin the security clearance process. I asked, since the security clearance process for the photos technically occurs after the virus scan is completed, is the clearance person going to be Mr. Szendre? Mr. Carter said he did not know. He added that because there are multiple ways the clearance process might go, he was not sure. I asked if someone will meet us at the Snyder security office to give us some direction, or if we will have some sort of documented instructions on what to do next. Mr. Carter said Allison Wright is working on writing some guidance on this process, but until the guidance is written and approved, he is unsure what the process will be. I asked if Steve would be calling to discuss this with me as well. Mr. Carter said no one else will call because he was the one calling on behalf of Mr. Szendre to help clarify what will happen with photos for the inspection at the CCRC. He asked if we are still planning on meeting at the 400 Area at 9:55 tomorrow. I said yes, we are planning to meet at the

400 Area the next morning. I said that I was planning to talk with other people at Ecology. I asked, if we decide to make any changes to our plans tomorrow, who I should call. Mr. Carter said I could call him or Mr. Szendre. I thanked him and said I would call if there were any changes.

At 5:45 p.m. I called Mr. Szendre and told him that the inspection team needed to talk with a security representative at the Snyder security office before beginning the inspection. He said he would make all the necessary arrangements and call at 8:00 a.m. the next day with all the details.

On the morning of February 4, 2021, I held a conference call with Mr. Carter, Mr. Szendre, Mr. Buser, and Mr. Mathey. Mr. Szendre asked if we still want to go to the security office on Snyder before going to the 400 Area. I said the inspection team must meet with a security representative to discuss the process for clearing photos before going on-site for the inspection. Mr. Carter said we cannot go to the security office until the photos are cleared. Mr. Jared Mathey asked if he was saying that we could not go to the security office to talk. Mr. Carter said photos taken with an Ecology digital camera and SD card in the Hanford 400 Area would be confiscated prior to traveling to the Hanford security office on Snyder in Richland, where security will scan and upload the photos, and USDOE will maintain possession of the card until the photos are cleared. Mr. Carter said he has the authority to make this call. He added that USDOE is not restricting Ecology from taking photographs, but Ecology would need to follow their security clearing procedures as required in TPA Article 115, sentence 4, meaning that USDOE would have custody of the Ecology SD card until the photos were approved for public dissemination. Mr. Mathey stated we are okay with a security review of photographs before leaving the site, but Ecology needs to maintain possession of our camera's SD card. Mr. Carter said that would not be allowed. Mr. Mathey said we consider this a denial of access. Mr. Buser then read Revised Code of Washington (RCW) 70A.300.220 stating:

Department's powers as designated agency under federal act. (2) The power granted to the department by this section is the authority to: (d) Enter at reasonable times establishments regulated under this section for the purposes of inspection, monitoring, and sampling;

Mr. Buser also read TPA Action Plan, Section 4.1, stating:

Subject to the limitations set forth in Article XXXVII (Access) of the Agreement and, in addition to other authorities and responsibilities, the Ecology and EPA project managers, or their designated representative(s), shall have the authority to: (3) observe all activities performed pursuant to this Agreement, take photographs, and make sure other reports are prepared on the progress of the work as the project manager deems appropriate;

Mr. Mathey said this is a denial of access, we are done with this meeting, and we will not be coming out on-site. We ended the conference call.

Compliance Problems

The Dangerous Waste inspection on February 4, 2021, found the following compliance problems.

Each problem is covered in three parts:

- (1) **Citation from the regulations**
- (2) **Specific observations** from the inspection that highlight the problem
- (3) **Required actions** needed to fix the problem and achieve compliance

The problems listed below must be corrected to comply with Washington Dangerous Waste Regulations (Chapter 173-303 WAC), or other environmental laws or regulations. Complete the required actions listed below and respond to Ecology at the following address within the times specified below. Include all supporting documentation such as photographs, records, and statements explaining the actions taken and dates completed to return to compliance.

Attention: Adam Shaffer
Washington Department of Ecology
Nuclear Waste Program
3100 Port of Benton Blvd
Richland, WA 99354

You may request an extension of the deadlines to achieve compliance. Make the request in writing, including the reasons an extension is necessary and proposed date(s) for completion, and send it to Adam Shaffer before the date specified above. Ecology will provide a written approval or denial of your request.

**If you have any questions about information in this Compliance Report, please call:
Adam Shaffer at (509) 212-1516**

This does not relieve you of your continuing responsibility to comply with the regulations at all times.

- 1) **Revised Code of Washington (RCW) 70A.300.220 (1) The department is designated as the state agency for implementing the federal Resource Conservation and Recovery Act (42 U.S.C. Sec. 6901 et seq.).**
 - (2) **The power granted to the department by this section is the authority to:**
 - (d) **Enter at reasonable times establishments regulated under this section for the purposes of inspection, monitoring, and sampling;**

Washington Administrative Code (WAC) 173-303-700 Requirements of the Washington state extremely hazardous waste management facility at Hanford (4) Department surveillance (b) The state operator must admit the department's duly authorized representative to inspect the site at any reasonable hour of day. Inspection may cover any of the following: (iv) Any records, reports, information, or test results relating to the purpose of this regulation.

Hanford Federal Facility Agreement and Consent Order (HFFACO) Article XXXVII, Access, paragraph 115 states:

"Without limitation on any authority conferred on either agency by law, EPA, Ecology and/or their Authorized Representatives, shall have authority to enter the Hanford Site at all reasonable time for the purposes of, among other things: (1) inspecting records, operating logs, contracts and other documents relevant to implementation of this Agreement, subject to Article XLV (Classified and Confidential Information); (2) reviewing the progress of DOE or its response action contractors in implementing this Agreement; (3) conducting such tests as the Ecology and the EPA project managers deem necessary; and (4) verifying the data submitted to EPA and Ecology by DOE. DOE shall honor all requests for access by EPA and Ecology, conditioned only upon presentation of proper credentials, conformance with Hanford Site safety and security requirement, and shall be conducted in a manner minimizing interference with any operations at Hanford. Any denial of consent to access must be justified in writing within fourteen (14) days of such denial, and arrangements shall be made for access to the facility or area in question as soon as practicable. DOE reserves the right to require EPA and Ecology personnel or representatives to be accompanied by an escort while on the Hanford Site. Escorts shall be provided in a timely manner."

HFFACO Action Plan, Section 4.1 Subject to the limitations set forth in Article XXXVII (Access) of the Agreement and, in addition to other authorities and responsibilities, the Ecology and EPA project managers, or their designated representative(s), shall have the authority to: (3) observe all activities performed pursuant to this Agreement, take photographs, and make sure other reports are prepared on the progress of the work as the project manager deems appropriate[.]

Observations: On the morning of February 4, 2021, I held a conference call with Mr. Carter, Mr. Szendre, Mr. Buser, and Mr. Mathey. Mr. Szendre asked if we still want to go to the security office on Snyder before going to the 400 Area. I said the inspection team must meet with a security representative to discuss the process for clearing photos before going on-site for the inspection. Mr. Carter said we cannot go to the security office until the photos are cleared. Mr. Jared Mathey asked if he was saying that we could not go to the security office to talk. Mr. Carter said photos taken with an Ecology digital camera and SD card in the Hanford 400 Area would be confiscated prior to traveling to the Hanford security office on Snyder in Richland, where security will scan and upload the photos, and USDOE will maintain possession of the card until the photos are cleared. Mr. Carter said he has the authority to make this call. He added that USDOE is not restricting Ecology from taking photographs, but Ecology would need to follow their security clearing procedures as required in TPA Article 115, sentence 4, meaning that

USDOE would have custody of the Ecology SD card until the photos were approved for public dissemination. Mr. Mathey stated we are okay with a security review of photographs before leaving the site, but Ecology needs to maintain possession of our camera's SD card. Mr. Carter said that would not be allowed. Mr. Mathey said we consider this a denial of access. Mr. Buser then read Revised Code of Washington (RCW) 70A.300.220 stating:

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Mr. Mathey said this is a denial of access, we are done with this meeting, and we will not be coming out on-site. We ended the conference call.

Action Required: Recent discussions between our agencies have been productive in developing a process where Ecology maintains physical custody and control of our inspection photos while following USDOE security requirements. Within 60 days of receipt of this compliance report, USDOE, with Ecology cooperation and agreement, must finalize a process to allow Ecology to maintain physical custody and control of photos taken during inspections of the Hanford Site.

To request ADA accommodation including materials in a format for the visually impaired, call Ecology at (509) 372-7950 or visit <https://ecology.wa.gov/accessibility>. People with impaired hearing may call Washington Relay Service at 711. People with speech disability may call TTY at (877) 833-6341.

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