



STATE OF WASHINGTON  
 DEPARTMENT OF ECOLOGY  
 3100 Port of Benton Blvd • Richland, WA 99352 • (509) 372-7950

September 21, 2004

CERTIFIED MAIL

Keith Klein  
 Richland Operations Office  
 United States Department of Energy  
 P.O. Box 550, MSIN: H6-60  
 Richland, Washington 99352

Dear Mr. Klein:

Re: The Hanford Site within Benton, Franklin, and Grant Counties of Washington,  
 EPA ID# WA7890008967

Enclosed is Order No. 1671 requiring you to comply with the requirements set forth in the attached Notice of Administrative Order. All correspondence relating to this document should be directed to Bob Wilson and/or Michelle Anderson-Moore at the Washington State Department of Ecology, Nuclear Waste Program, 3100 Port of Benton Blvd., Richland, Washington 99352.

If you have any questions concerning the content of the attached document, please call Bob Wilson and/or Michelle Anderson-Moore at (509) 372-7933 or (509) 372-7880, respectively.

Sincerely,

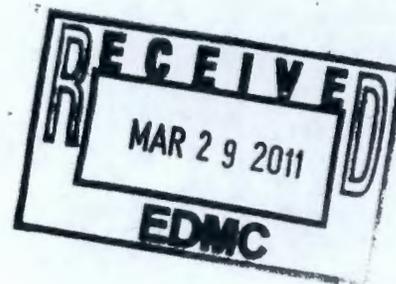
*Linda Hoffman*

Linda Hoffman, Director  
 Washington State Department of Ecology  
 Lacey, Washington HQ Office

Enclosure  
 BW:LH:sb

cc: Leann Ryser, Fiscal Office

m-91, - H-0-12  
 T-Plant - T-27  
 2228 - TS-2-1  
 WRAP → TS-2-4  
 CWC



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

IN THE MATTER OF AN ) ORDER No. 1671  
ADMINISTRATIVE ORDER )  
AGAINST: )  
United States Department of Energy )  
Richland Operations Office )

To: Keith Klein  
Richland Operations Office  
United States Department of Energy  
P.O. Box 550, MSIN: H6-60  
Richland, Washington 99352

For the site located at:

The Hanford Site within Benton, Franklin, and Grant Counties of Washington,  
EPA ID# WA7890008967.

This is an Administrative Order requiring the U.S. Department of Energy-Richland Operations to comply with Chapter 70.105 Revised Code of Washington (RCW) Hazardous Waste Management Act and Chapter 173-303 Washington Administrative Code (WAC), Dangerous Waste Regulations, by taking certain actions which are described below. Chapter 70.105 RCW authorizes the Department of Ecology (Department) to issue Administrative Orders requiring compliance whenever it determines that a person has violated any provision of Chapter 70.105 RCW.

The Department's determination that a violation has occurred is based on the following facts:

The U.S. Department of Energy (USDOE) is the owner of the Hanford Site, located in southeast Washington State. The USDOE is composed of two regional offices; the Office of River Protection (ORP) and the Richland Operations Office (RL). Each USDOE office contracts cleanup or waste management work to prime contractors. The prime contractors sub-contract major workloads to sub-contractors. The contractors and sub-contractors are the operators of the Hanford Site.

ORP's primary responsibilities include operation of the Hanford hazardous waste tank systems and construction of the Waste Treatment Plant (WTP) for treatment of the high-level mixed waste stored within the Hanford tank system. ORP contracts operation of the tank system to CH2M Hill Hanford Group Incorporated (CHG) and contracts construction of the WTP to Bechtel National Incorporated (BNI).

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RL's primary responsibilities include operation of hazardous waste storage, treatment, and disposal facilities on the Hanford Site. RL contracts operation of waste management operations to Fluor Hanford Incorporated (FHI). FHI in turn sub-contracts critical waste management functions such as waste designation, waste receipts, and waste shipment operations to Duratek Federal Services of Hanford Incorporated (DFSHI).

On April 21, 2004, the Washington State Department of Ecology (Ecology) conducted an inspection of hazardous waste accumulation areas on the Hanford Site. Ecology inspectors observed a 55-gallon drum of mixed waste stored in the 222-S Laboratory Complex 90-day hazardous waste accumulation area. Ecology inspectors learned that this drum contained general laboratory debris (personal protective clothing, paper, etc.) generated within the USDOE Savannah River Technical Center (SRTC) located in Aiken, South Carolina. Ecology inspectors learned that waste generated within the SRTC had been shipped to the Hanford Site since 1996 and that additional shipments of this waste were expected. To date, Ecology discovered that approximately 800 3' X 3' shielded boxes containing one liter or less of highly radioactive liquid mixed waste had been shipped to Hanford from the SRTC since 1996. Also, over fifty 55-gallon drums of labpacked liquid wastes and at least eighty-three 55-gallon drums of general laboratory debris had been had been shipped to Hanford from the SRTC since 1996.

Ecology inspectors were advised by Hanford waste management contractor personnel that this and other drums of mixed waste received at Hanford from the SRTC were considered "residues" from treatability studies being conducted at the SRTC of Hanford tank waste samples in support of design and construction of the Hanford WTP for treatment of Hanford tank waste. Ecology was advised that as residues, the laboratory debris was exempted from the requirements of state and federal hazardous waste regulations. Specifically, Ecology was advised that the laboratory debris generated within the SRTC hot cells and gloveboxes were exempted per WAC Chapter 173-303-071(3)(r) and (s), which conditionally exempts hazardous waste treatability study samples, and the residues created from analysis of these samples, from WAC requirements until the samples and residues have been returned from the analytical laboratory to the sender. Similarly, Chapter 40 of the Code of Federal Regulation (40 CFR) Part 261.4 (e) and (f) provide the same conditional exemptions.

Ecology concluded its waste accumulation area inspection, but continued to investigate the management of the wastes received from the SRTC and the validity of categorizing general laboratory debris as a waste stream subject to the provisions of 40 CFR 261.4(e) and (f) and WAC 173-303-071(3)(r) and (s). Ecology determined that the liquid wastes shipped from the SRTC to Hanford were most likely a legitimate residue from analysis of Hanford tank waste treatability study samples; however, the general laboratory debris was clearly not a residue subject to the exclusions set forth in 40 CFR 261.4(e) and (f) or WAC 173-303-071(3)(r) and (s).

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As a result of this determination, Ecology issued a letter on June 14, 2004, to the USDOE-ORP and the USDOE-RL notifying them that the general laboratory debris shipped from the SRTC to the Hanford Site was not subject to the exclusions set forth in 40 CFR 261.4(e) and (f) or WAC 173-303-071(3)(r) and (s). Therefore, state and federal hazardous waste requirements of the WAC and 40 CFR apply to all laboratory debris waste shipped from the SRTC to the Hanford Site.

Throughout June of 2004 Ecology continued to investigate management of the SRTC waste in particular and overall hazardous and mixed waste management at Hanford in general. The result of this investigation revealed that waste management deficiencies existed in the organizations operated by FHI and DFSHI that provide waste management services to RL and ORP. Specifically, Ecology discovered that the SRTC waste received at the Hanford Site and subsequently transferred between Hanford hazardous waste facilities was not adequately verified to confirm Hanford's knowledge of the generator's waste. Required records of waste confirmation of the SRTC waste were missing, incomplete, and in some cases, created long after waste confirmation activities had been conducted and by persons that did not perform the work or that were qualified to create the records. This contributed to poor quality information that was used by Hanford waste management personnel to determine if the SRTC laboratory debris waste was appropriately designated to be a hazardous waste or not and has resulted in inadequate confirmatory knowledge regarding the contents of the SRTC laboratory debris drums in storage at the Hanford Site or elsewhere. Further detail of the waste management deficiencies discovered by Ecology during its April – June 2004 inspection is described within the "violations" section below.

As a result of the discoveries made by Ecology during its April through June 2004 inspection, the ORP, RL, FHI, and DFSHI have incurred the following violations of WAC requirements:

**VIOLATIONS:**

**1) WAC 173-303-390, Facility Reporting.**

ORP, RL, CHG, FHI, and DFSHI failed to report to Ecology receipt of mixed waste from an off-site generator without the shipment being accompanied by a hazardous waste manifest per WAC 173-303-390(1).

WAC 173-303-390(1) requires a facility file an Unmanifested Dangerous Waste Report with Ecology within fifteen (15) days of receiving a hazardous waste unaccompanied by a hazardous waste manifest. Ecology issued a letter to the ORP, RL, FH, and DFSHI on June 14, 2004, advising ORP, RL, and their contractors that general laboratory debris wastes received at

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Hanford from the SRTC since 1996 were not subject to exclusion from WAC Chapter 173-303 requirements. As such, these wastes required shipment from the SRTC accompanied by a hazardous waste manifest. Since receipt of Ecology's June 14, 2004 letter, ORP, RL, and their contractors have failed to file an Unmanifested Dangerous Waste Report to Ecology as required by WAC 173-303-390(1).

2) **WAC 173-303-330, Personnel Training.**

ORP, RL, FHI, and DFSHI failed to ensure waste management personnel were adequately trained in dangerous or hazardous waste management procedures relevant to the positions in which the waste management personnel were employed per WAC 173-303-330(1).

WAC 173-303-330(1) requires that the facility owner or operator must teach personnel dangerous waste management procedures relevant to the positions in which they are employed. To satisfy this requirement, FH and DFSHI require waste verifiers complete classroom training in waste designation, initial waste verification qualification, and specific waste verification qualification (i.e., training in visual inspection, chemical screening, and non-destructive examination training). Per FH and DFSHI waste verification procedures and plans, waste containers being prepared for shipment from the SRTC would be visually inspected; therefore, waste verification personnel performing these examinations would be required to be qualified in waste designation and initial verification qualification and visual inspection.

In December 2003, the DFSHI waste verification group supervisor completed and signed waste verification documentation (Container Activity Records) that had been initiated but not completed by a trained and qualified DFSHI waste verifier dispatched to the SRTC in June 2003. However, the verification group supervisor's training records reveal that she did not complete training in waste designation until August 22, 2003, 2 ½ months after the verification effort had been made by the original verifier. The training records for the DFSHI waste verification supervisor reveal she did not complete initial waste verification training or visual waste verification training until February 12, 2004. Therefore she was not qualified as a waste verifier either at the time the waste was inspected at the SRTC in June 2003, nor at the time she completed and signed the waste container verification documentation (Container Activity Records) in December 2003 certifying that the waste had been adequately verified.

3) **WAC 173-303-380, Facility Recordkeeping.**

ORP, RL, FHI, and DFSHI failed to maintain written documentation in the Hanford facility operating record of waste verification activities conducted by Hanford waste management personnel at the SRTC to confirm knowledge of mixed waste prior to shipment to the Hanford Site for treatment, storage, and/or disposal per WAC 173-303-380(1)(c).

WAC 173-303-380(1)(c) requires the owner or operator maintain an operating record that includes results of general waste analysis. General waste analysis requirements are found in WAC 173-303-300. WAC 173-303-300 requires that a facility confirm its knowledge about a hazardous waste before accepting it from a generator. Therefore, a facility is required to maintain in the operating record documentation of the activities the facility has taken to confirm its knowledge of a generator's waste before accepting it for storage, treatment, or disposal. ORP, RL, FH, and DFSHI failed to meet this requirement as follows:

- ORP, RL, FH, and DFSHI failed to locate and provide Ecology inspectors numerous waste container verification records for mixed waste shipped from the SRTC to the Hanford Site.

In June 2004, Ecology inspectors requested, by individual container identification number, the Container Activity Records for a random selection of eleven (11) drums of liquids (labpack drums) and fifteen (15) drums of laboratory debris drums shipped to the Hanford Site from the SRTC. FH and DFSHI waste management personnel could locate only eight (8) of the Container Activity Records for the liquid drums and nine (9) of the Container Activity Records for the debris drums. FH and DFSHI waste management personnel could not explain why these records were missing or confirm by any other reliable documentation whether the drums in question had passed verification or not.

- ORP, RL, FH, and DFSHI failed to operate their hazardous waste tracking electronic database (Solid Waste Information Tracking System or SWITS) to provide an accurate or reliable record of waste analysis activities (i.e., waste verification). Hanford's container tracking database (SWITS), which is used to preserve waste verification data, is vulnerable to manipulation. Any personnel with password access to the system can enter, delete, or alter data or enter other users' identification numbers. In fact, in December 2003, an unqualified waste management employee manipulated the SWITS to indicate that containers of mixed waste had passed verification when they had not.

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4) WAC 173-303-300, General Waste Analysis.

ORP, RL, FHI, and DFSHI failed to adequately confirm their knowledge about mixed waste shipped from the SRTC to the Hanford Site prior treatment, storage, and/or disposal per WAC 173-303-300(3), (5), and (6).

WAC 173-303-300(3) requires a facility confirm that each dangerous waste received at the facility match the identity of the waste specified in the accompanying manifest or shipping papers. WAC 173-303-300(5) requires that the owner or operator of a dangerous waste facility develop and follow a written waste analysis plan including descriptions of how the requirements of WAC 173-303-300(3) will be met. WAC 173-303-300(6) requires procedures which will be used to inspect and, if necessary, analyze each movement of hazardous waste received at the facility.

ORP, RL, FH, and DFSHI failed to meet these requirements as follows:

- DFSHI and FH failed to follow their own procedures regarding visual verification of waste at the SRTC. Section 4.1.3 of FH procedure, WMP-370 Verification Program, requires that for visual verifications, the waste verifier must be present when the container is filled and the lid to the container is replaced. However, DFSHI waste services personnel that were dispatched to the SRTC to visually verify waste being packaged for shipment to Hanford reported that many drums were not completely filled before they left the SRTC.

FH's Sample and Waste Management Plan provides instructions for verification and management of waste packaged at the SRTC for shipment to Hanford. Appendix B of this plan requires verifiers place tamper resistant seals on containers that had been visually verified and had verification documentation prepared for them; however, at least four (4) containers of debris waste did not have tamper resistant seals placed on them.

Waste analysis plans and acceptance procedures for receiving waste at Hanford TSDs include receipt inspections of incoming containers. For example, section 6.1.28 of document SW-100-143, Management of Solid Waste in CWC (the CWC waste acceptance procedure), requires that if tamper resistant seals are required that facility waste management personnel must, "ensure seals are present and not broken". However, the containers of waste arriving at Hanford from the SRTC were not inspected by DFSHI or FH waste management personnel to ensure the seals had not been breached.

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- In October 2003, Hanford received a shipment of debris waste from the SRTC; however, this waste had not been verified prior to acceptance into Hanford TSDs and the verification documentation for this waste was not prepared until December 2003.
- DFSHI Waste Services personnel advised Ecology inspectors that the oversight performed at the SRTC of these drums was "surveillance" and not a verification (surveillance is defined in FH verification procedures as a discretionary overview of waste containers as directed by the generator and, typically, less rigorous than verification). However, once these drums arrived on the Hanford Site, DFSHI Waste Services documented the "surveillances" of SRTC drums as "verifications" in order to satisfy Hanford TSD acceptance criteria that incoming waste be verified prior to accepting it (i.e., CWC acceptance criteria which requires incoming waste be verified prior to acceptance into the facility).
- DFSHI waste verification personnel did not randomly select drums at the SRTC for surveillance or verification. Instead, the SRTC selected specific containers for the DFSHI to observe. Therefore, the surveillance or verification activities performed were biased and not representative. As a result, the verifications that were performed at the SRTC by DFSHI waste management personnel cannot be relied upon to satisfy the requirement for confirmation of the knowledge of the generator's waste.
- The SRTC conducts analysis for multiple clients in its facility. DFSHI waste verification procedures do not include requirements for confirming that waste generated from other activities within the SRTC are not co-mingled with waste generated from Hanford related activities. DFSHI waste verification personnel dispatched to the SRTC said that they do not confirm that waste generated from other activities within the SRTC are not co-mingled with waste generated from Hanford related activities.

CONCERNS:

- 1) ORP, RL, CHG, FHI, and DFSHI knew, or should have known, that general laboratory debris waste is not a waste subject to the exclusions found within WAC 173-303-071(3)(s). Despite readily available information to the contrary (i.e., Federal Registers, EPA FAXBACKs, laboratory practices at other radiochemical laboratories throughout the United States), ORP, RL, and their contractors actively participated with the SRTC since 1995 in the categorization of general laboratory debris waste as an excluded category of waste per WAC 173-303-071(3)(s).

Although staffed with regulatory experts, ORP, RL, and their contractors continued to wrongly determine that general laboratory debris was subject to the exclusions per WAC 173-303-071(3)(s). While collaborating extensively with the SRTC in 1995 and 1996 to establish the treatability study for Hanford tank waste (including management of the waste streams generated at the SRTC from analysis of Hanford tank waste samples) ORP, RL, and their contractors never approached Ecology to discuss or clarify which waste streams may be subject to the provisions of WAC 173-303-071(3)(s).

FHI, and later DFSHI, regulatory personnel authored management plans for management of waste generated within the SRTC. These management plans perpetuated the incorrect definition of general laboratory debris as a waste stream subject to the provisions of WAC 173-303-071(3)(s).

Clearly the USDOE and its contractors invested considerable effort in reviewing and developing waste management systems and plans, in coordination with the SRTC, for management of waste generated at the SRTC. Yet despite the abundant resources and information available to them as described above, ORP, RL, and their contractors failed to correctly make the fundamental determination of which waste streams are eligible for management under the treatability study sample exclusions of WAC 173-303-071(3)(s).

- 2) Per WAC 173-303-170, a waste generator is responsible for determining if his waste is a hazardous waste or not. In the case of debris waste shipped to Hanford from the SRTC, the SRTC would be the generator for debris waste not subject to the treatability study sample exclusion and ORP, RL, FHI, and DFSHI would be the generator for wastes managed under the provisions of the treatability study sample exclusion. However, ORP, RL, FHI, and DFSHI undertook designation of all wastes received at Hanford from the SRTC and based these designations on process knowledge provided by the SRTC.

WAC 173-303-070(3)(c)(ii)(A) requires that if a facility uses process knowledge to designate a waste, that the facility demonstrate that the generator's knowledge of his waste is sufficient on which to base waste designations. WAC 173-303-070(3)(c)(ii)(B) requires that all data and records supporting a designation based on the generator's process knowledge be retained on-site per the requirements of WAC 173-303-210(3); Waste Designation Records. WAC 173-303-210(3) requirements include retention of "... any test results, waste analyses, or other determinations made in accordance with WAC 173-303-070(1) ..."

FH and DFSHI sent waste verification personnel to the SRTC to observe loading of general laboratory debris waste containers as a means of confirming the generator's

knowledge of his waste. No chemical sampling or analysis was performed on debris waste stream and subsequent waste designations, performed by FH and DFSHI waste management personnel at Hanford, were based on the information supplied to them by the SRTC. However, this knowledge was based on the visual verification observations performed by DFSHI and/or FHI personnel at the SRTC. These visual verifications were incomplete and records from these observations were missing, altered, or incomplete. Therefore, ORP, RL, FH, and DFSHI failed to demonstrate that SRTC's process knowledge was sufficient on which to base waste designations per the requirements of WAC 173-303-070(3)(c)(ii)(A). ORP, RL, FH, and DFSHI also failed to retain records of waste confirmation activities, performed by FH and DFSHI personnel, sufficient to meet the requirements of WAC 173-303-070(3)(c)(ii)(B).

#### HISTORY OF COMPLIANCE:

ORP, RL, and the Hanford Site are categorized as a Significant Non-Complier in the USEPA's national Resource Conservation and Recovery Act (RCRA) Info enforcement database. A Significant Non-Complier is a category reserved for particularly egregious, recalcitrant, or repeat violators. USEPA's enforcement policy advises that violations incurred by Significant Non-Compliers should be addressed through formal enforcement actions (i.e., orders and/or penalties).

The ORP, RL, and their contractors have received numerous Notices of Non-Compliance, orders, and penalties within the past ten (10) years for the same or similar violations, as cited within this Notice of Order. A history of these violations incurred by the USDOE and its contractors at Hanford facilities is listed below corresponding to the violations cited in this Notice of Order:

#### WAC 173-303-390, Facility Reporting:

- Receipt of unmanifested waste received from off-site generator.  
Notice of Non-Compliance issued 04/11/97.

#### WAC 173-303-330, Personnel Training:

- Failure to follow training plan.  
Notice of Non-Compliance issued 12/05/95 & \$5K penalty issued 01/19/96.
- Failure to train personnel to dangerous waste training plan.  
Inspection Checklist citing violations issued 08/08/97.

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- Failure to train personnel to dangerous waste training plan.  
Notice of Non-Compliance issued 06/23/99.

WAC 173-303-380, Facility Recordkeeping:

- Failure to maintain required records in facility's operating record.  
Notice of Non-Compliance issued 03/01/01;
- Failure to maintain required records in facility's operating record.  
Notice of Non-Compliance issued 02/06/03.

WAC 173-303-300, General Waste Analysis:

- Inadequate waste verification.  
Notice of Non-Compliance issued 06/28/96.
- Inadequate waste verification.  
Notice of Non-Compliance issued 11/07/96.
- Inadequate waste verification.  
Notice of Non-Compliance issued 04/11/97.
- Inadequate waste verification.  
Notice of Non-Compliance issued 10/11/00.

WAC 173-303-070, Designation of Dangerous Waste:

- Failure to adequately designate waste.  
Notice of Non-Compliance issued 11/07/96.
- Failure to adequately designate waste.  
Notice of Non-Compliance issued 11/17/99 & \$9.7K penalty issued 11/17/99.
- Failure to adequately designate waste.  
Notice of Non-Compliance issued 08/08/00.

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- Failure to adequately designate waste.  
Notice of Non-Compliance issued 10/11/00.
- Failure to adequately designate waste.  
Notice of Non-Compliance issued 10/24/00.
- Failure to adequately designate waste.  
Notice of Non-Compliance issued 03/01/01 & \$57.8K penalty issued 03/26/01.

For these reasons, and in accordance with RCW 70.105.095, it is ordered that USDOE-RL take the following actions. These actions are required at the location known as The Hanford Site located at within Benton, Franklin, and Grant Counties, Washington State.

#### ADMINISTRATIVE ORDER

A. Immediately upon receipt of this Administrative Order ORP, RL, FHI, and DFSHI must:

- Retain original written, dated, and signed waste verification records in the facility operating record as the primary documentation of all waste verification activities. This documentation must consist of all original copies of waste verification records, including original records signed and dated by the waste verifier. Until ORP, RL, FHI, and DFSHI have improved their electronic database to Ecology's satisfaction, original copies of written waste verification records, including original records signed and dated by the waste verifier, must be retained in the operating record for all waste verification activities performed on or off the Hanford Site.

Should ORP, RL, FH, and DFSHI wish to continue use of their electronic (paperless) records systems (SWITS and Verification Log), these systems must be improved to incorporate robust security features to prevent abuse and unauthorized manipulation of the data stored within the system. Security measures for such electronic databases must include, at a minimum, unique password protection issued to each individual authorized to input data, strict controls and tracking of data input and of who is authorized to input data. Electronically stored waste verification screens must include readily accessible and/or visible logging of each data input by date, time, and individual inputting the data.

Written procedures must be completed that describe the use of the system including the items described above and a description of the training in these procedures for all

personnel using the system. Both the training and procedures must include notice to personnel that abuse of the system is subject to civil or criminal enforcement actions by Ecology, the USEPA, or other regulatory agencies.

- Begin, and continue hereafter, verifying all wastes transferred between any Hanford facilities that have not been previously verified since generation. This requirement applies to any and all wastes generated within Waste Management Group facilities (i.e., CWC, LLBG, WRAP, and T-Plant) or received at any Hanford facility including Waste Management Group facilities and subsequently shipped between any and all waste management units within the Hanford Site. This verification must be performed to the requirements of waste analysis plans, as approved by Ecology, for the receiving facility. If a waste has been verified at least once upon transfer within Waste Management Group facilities, further verification upon transfer within Waste Management Group facilities is not required.

B. Within fifteen (15) days of receipt of this Administrative Order ORP, RL, FHI, and DFSHI must:

- Submit to Ecology an unmanifested waste report per WAC 173-303-390(1) for each and every shipment of laboratory debris waste that was shipped from the SRTC under the provisions of the treatability study sample exclusion and received at the Hanford Site since 1996. All future shipments of hazardous or mixed laboratory debris waste from the SRTC to the Hanford Site must be accompanied by a hazardous waste manifest.
- Submit to Ecology a tabular listing of all containers of laboratory debris waste received at the Hanford Site since 1996 from the SRTC. This listing must identify each container by container identification number and the listing aggregated by date received (i.e., by shipment). The listing must include the current storage or disposal location of each container, the disposition of each container (i.e., stored, treated, and/or disposed), identification of each container received from the SRTC holding waste with transuranic characteristics, and the planned disposal pathway including scheduling for each container. This listing must identify any specific containers and all waste volumes of SRTC laboratory debris waste proposed or used by FHI and/or DFSHI to obtain, in whole or in part, to satisfy the requirements of any Performance Incentives currently in place for the treatment and/or disposal of low level mixed waste. This listing must also identify any specific containers and all waste volumes of SRTC laboratory debris waste proposed or used to satisfy, in whole or in part, Hanford Federal Facility Agreement and Consent

Order (HFFACO) Milestone M-91.

- Submit to Ecology a copy of the Statement of Work, or any other documents, that describe the scope of work agreed to between ORP, RL, and the SRTC for conducting treatability studies at the SRTC and for management of wastes, both on-site and off-site, generated from the treatability studies. Also, ORP, RL, FHI, and DFSHI must submit to Ecology a copy of the Statement of Work, or other documents, that describe the scope of work agreed to between RL and FHI, ORP and CHG, and between FHI and DFSHI for management of wastes, both on-site and off-site, generated from the treatability studies conducted at the SRTC. These work scope documents must be accompanied by the contracts or sub-contracts that implement the work scope.
- C. Within thirty (30) days of receipt of this Administrative Order ORP, RL, FHI, and DFSHI must:
- Submit to Ecology, for Ecology's review and approval, a listing that describes all training courses, on-the-job training, and any other qualifications required to qualify waste verification personnel. This listing must be accompanied by detailed descriptions or syllabi for each training courses, on-the-job training, and any other qualifications required to qualify waste verification personnel.
  - Submit a report to Ecology describing all shipments of sample returns or hazardous and/or mixed waste planned, proposed, or scheduled for receipt at the Hanford Site within federal fiscal years 2005 and 2006 from off-site facilities. This report must provide a listing, by volume and type, of waste expected, including identification of the off-site generator and a description of the process generating the waste.
- D. Within ninety (90) days of receipt of this Administrative Order ORP, RL, FHI, and DFSHI must:
- Must visually examine the contents of each and every laboratory debris waste container, whether stored on-site or off-site, that has been received from the SRTC since 1996 to the present. This examination must include a comparison to the SRTC's description of the waste and document any discrepancies discovered. This examination must be documented and maintained in the Hanford facility operating record and a report summarizing all the information described above submitted to Ecology within five (5) working days of the completion of the actions required above.

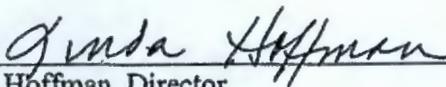
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- Must designate each container of debris waste received from the SRTC based on the results of the visual examination required above, or by sampling and laboratory analysis if anomalies are discovered during visual examination or if visual examination reveals unidentifiable items within the waste containers. ORP, RL, FHI, and DFSHI must submit a report describing the results of the designation of each container of debris waste received from the SRTC at Hanford including a description of the methods used to designate the waste and information relied upon to arrive at the designation. This report must be submitted to Ecology within five (5) working days of the completion of the actions required above.

Failure to comply with this Order may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the terms of this Order.

This Order may be appealed. Your appeal must be filed with the Pollution Control Hearings Board, P.O. Box 40903, Olympia, Washington 98504-0903 within thirty (30) days of your receipt of this Order. At the same time, a copy of your appeal must be served on: Washington State Department of Ecology, Fiscal Office, P.O. Box 47615, Olympia, Washington 98504-7615, and with Andy Fitz, Assistant Attorney General, P.O. Box 40117, Olympia, Washington 98504. In addition, please send a copy of your appeal to either Bob Wilson or Michelle Anderson-Moore, Washington State Department of Ecology, Nuclear Waste Program, 3100 Port of Benton Blvd., Richland, Washington 99352. The Notice of Appeal shall contain a copy of the order or decision appealed from, and if the order or decision followed an Application for Relief, a copy of the Application. Your appeal alone will not stay the effectiveness of this Order. Stay requests must be submitted in accordance with RCW 43.21B.320. These procedures are consistent with Chapter 43.21B RCW.

DATED this twenty-first day of September, 2004, at Lacey, Washington

  
\_\_\_\_\_  
Linda Hoffman, Director  
Washington State Department of Ecology  
Lacey, Washington HQ Office