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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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March 10, 1993

CERTIFIED MAIL



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

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

Dear Messrs. Wagoner and Anderson:

Enclosed is Order No. 93NM-201. It is issued to both the U.S. Department of Energy-Richland Operations and to Westinghouse Hanford Company, and both parties are responsible for complying with its terms. Because the matters addressed in the Order are not part of the work covered by the Hanford Federal Facility Agreement and Consent Order, Ecology is exercising its authority to act outside that Agreement with respect to the Department of Energy-Richland Operations.

All correspondence relating to this document should be directed to Laura Russell, RCRA Compliance Inspector, Washington State Department of Ecology, 7601 W. Clearwater, Suite 102, Kennewick, WA 99336. A copy should also be sent to the Enforcement Officer of the Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600. This Order may be reviewed or appealed as set forth under the provisions contained within the order document.

If you have any questions concerning the content of the document, please call G. Thomas Tebb, RCRA Unit Supervisor, at (509) 736-3020 or Roger Stanley, Program Manager, at (206) 438-7020.

Sincerely,

Roger Stanley
Program Manager
Nuclear and Mixed Waste Management

RS:lm
Enclosure



RECEIVED

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T. M. ANDERSON



DEPARTMENT OF ECOLOGY

IN THE MATTER OF COMPLIANCE BY)
U.S. Department of Energy -)
Richland Operations and the)
Westinghouse Hanford Company)
with Chapter 70.105 RCW and the)
Rules and Regulations of the)
Department of Ecology)

ORDER
No. 93NM-201

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

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

Chapter 173-303 Washington Administrative Code (WAC), entitled "Dangerous Waste Regulations", designates those solid wastes which are dangerous or extremely hazardous to the public health and environment, and provides for surveillance and monitoring of dangerous wastes until they are detoxified, reclaimed, neutralized, or disposed of safely. The wastes generated from maintenance-type activities at the 200 Area tank farm facilities located on the Hanford Site in Richland, Washington, are solid waste (173-303-016(4)) and therefore subject to designation and appropriate management under Chapter 173-303 WAC.

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

On January 23, 1992, DOE-RL received notification through WHC's Occurrence Reporting procedure that waste management problems existed in the 200 Area tank farms. As required through DOE Orders, on January 24, 1992, DOE-RL issued Unusual Occurrence (UO) Report #RL--WHC-TANKFARM-1992-0007, citing deficiencies in solid waste environmental compliance issues. The UO cited deficiencies with "both administrative controls and issues pertaining to container packaging, inventories, and storage."

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

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

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

Revised Code of Washington (RCW) 70.105.095 reads in part: "Whenever on the basis of any information the Department determines that a person has violated or is about to violate any provision of this chapter, the department may issue an order requiring compliance either immediately or within a specified period of time."

In view of the foregoing and in accordance with RCW 70.105.095:

IT IS ORDERED THAT the United States Department of Energy-Richland Operations and Westinghouse Hanford Company designate the solid waste within the 200 Area tank farm waste containers identified in UO Report #RL--WHC-TANKFARM-1992-0007 within one year of receipt of this Order. The following designation and reporting requirements are in accordance with WAC 173-303-070 and WAC 173-303-220, respectively.

Interim steps toward compliance are modeled, in part, after two corrective action plans that WHC has presented to Ecology for achieving compliance at the 200 Area tank farms: a Corrective Action Schedule (presented August 19, 1992) and a Strategy for Management of Backlog Waste (presented November 6, 1992).

1. Within forty (40) calendar days of receipt of this Order, DOE-RL and WHC shall provide Ecology with a report identifying the current status for each waste container identified in this Order. Individual container status shall be documented by completing WHC's Backlog Waste Information Sheets or equivalent. Copies of each individual container Backlog Waste Information Sheet or equivalent shall be provided.
2. Within forty (40) calendar days of receipt of this Order, DOE-RL and WHC shall provide Ecology with a report identifying dangerous waste designation practices currently in place for ongoing waste generation within the 200 Area tank farms. Copies of waste designation procedure(s) governing 200 Area tank farm waste generation shall be provided with the report.
3. Within forty (40) calendar days of receipt of this Order, DOE-RL and WHC shall provide Ecology with a plan for review and approval detailing the established criteria and procedures for waste inspection, segregation, sampling, designation, and repackaging of all containers reported in item #1. The report shall include sampling plan criteria for different contaminated media, i.e., soils, compactable waste, high efficiency particular air (HEPA) filters, etc., and a schedule for completing the work within the time allowed under this Order.

4. Within forty (40) calendar days of receipt of this Order, DOE-RL and WHC shall provide Ecology with a plan for review and approval documenting the readiness of an appropriate area for waste inspection, segregation, sampling, and repackaging of all waste containers identified in item #1.
5. Immediately upon approval from Ecology for items #3 and #4 of this Order, DOE-RL and WHC shall implement the respective plan(s).
6. Within sixty (60) calendar days of receipt of this Order, DOE-RL and WHC shall ship all containers of dangerous waste and suspected dangerous waste identified in item #1 to an on-site facility which meets interim status facility standards under WAC 173-303-400.
7. Within ninety (90) calendar days of receipt of this Order, DOE-RL and WHC shall provide Ecology with a report documenting progress in waste inspection, segregation, sampling, designation, and repackaging of each waste container identified in item #1.
8. Within one (1) calendar year of receipt of this Order, DOE-RL and WHC shall complete waste designations for all containers identified in item #1.
9. Within one (1) calendar year of receipt of this Order, DOE-RL and WHC shall submit to Ecology a report detailing the final designation and selected waste management option for all containers identified in item #1. The report shall include, for each container, a description of the waste (e.g., common name/dangerous constituent(s), dangerous waste number(s), physical form), the waste classification (e.g., low-level waste, dangerous waste, mixed waste), copies of all field/laboratory analyses, and the treatment or disposal date and location (past or pending).

Compliance with this Order does not relieve DOE-RL or WHC of responsibility for compliance with any applicable federal, state, or local laws or ordinances.

Any person who fails to take corrective action as specified in a compliance order shall be liable for a civil penalty of not more than ten thousand dollars per violation, for each day of continued noncompliance. Noncompliance with any section or subsection of Chapter 173-303 WAC constitutes a separate violation. In addition, the Department may suspend or revoke any permits and/or certificates issued under the provisions of this Chapter to a person who fails to comply with an order directed against him or her.

This Order is issued under the provisions of Chapter 70.105 RCW. Any person aggrieved by this Order may obtain review thereof by application, within thirty (30) days of receipt of this Order, to the Washington Pollution Control Hearings Board, P.O. Box 40903, Olympia, WA 98504-0903. Concurrently, a copy of the application must be sent to Laura Russell, RCRA Compliance Inspector, Washington State Department of Ecology, 7601 W. Clearwater, Suite 102,

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Kennewick, WA 99336 and to the Enforcement Officer of the Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600. The procedures for appealing orders and/or penalties issued by the Department of Ecology are set forth in Chapter 43.21B RCW and the regulations adopted thereunder.

DATED this 10th day of March, 1993, at Olympia, Washington.

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

CORRESPONDENCE DISTRIBUTION COVERSHEET

Author	Addressee	Correspondence No.
R Stanley/Ecology	JD Wagoner/RL TM Anderson/WHC	Incoming: 9302430B
Subject: ORDER NO. 93NM-201 ISSUED BY THE DEPARTMENT OF ECOLOGY TO RL AND WHC RELATING TO NON-COMPLIANCE WITH DANGEROUS WASTE REGULATIONS AND REFERRING TO UNUSUAL OCCURRENCE (UO) REPORT #RL--WHC-TANK FARM-1992-0007		

INTERNAL DISTRIBUTION

Approval	Date	Name	Location	w/att
		Correspondence Control	A3-01	X
		President's Office		X
		BA Austin		X
		LL Barry	R1-67	X
		SL Bradley		X
		JG Cassady		X
		WH Hamilton, Jr.		X
		HD Harmon (Level I)		X
		MS Holowczak	L0-17	X
		LL Humphreys		X
		GW Jackson		X
		JM Knoll, Jr.		X
		HE McGuire		X
		TL Moore	R2-93	X
		DJ Newland		X
		MJ Oliva	H6-21	X
		MA Payne (Assignee)		X
		DC Richardson		X
		RG Slocum		X
		RG Stickney	L0-17	X
		DJ Swaim		X
		EP Vodney		X
		GM Wise	B3-70	X
		ESQ Data	L4-86	X
		Audit Program Adm.	B5-20	X
		EDMC	H6-08	X



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**REISSUE

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		ESQ Data	L4-86	X
		Audit Program Adm.	B5-20	X
		EDMC	H6-08	X



*Reissue on 5/21/93 to show GW Jackson as the correct Assignee.

**Reissue on 5/25/93 to show MA Payne as the correct Assignee, per request from GW Jackson's office.

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Author: R Stanley/Ecology Addressee: JD Wagoner/RL
 TM Anderson/WHC Correspondence No.: Incoming: 9302430B

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		DJ Swaim		X
		EP Vodney		X
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		ESQ Data	L4-86	X
		Audit Program Adm.	B5-20	X
		EDMC	H6-08	X



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