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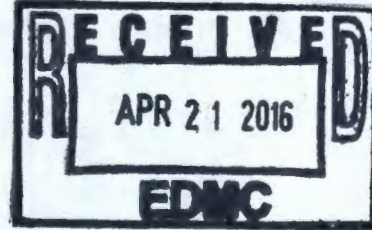
**OFFICE OF RIVER PROTECTION**

P.O. Box 450, MSIN H6-60  
Richland, Washington 99352

**APR 20 2016**

16-ECD-0017

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



Ms. Smith:

RESPONSE TO DANGEROUS WASTE COMPLIANCE INSPECTION ON JULY 28, 2015, OF THE HANFORD SITE SINGLE-SHELL TANK SYSTEM – GENERATOR ACTIVITIES, RESOURCE CONSERVATION AND RECOVERY ACT SITE ID: WA7890008967, NUCLEAR WASTE PROGRAM COMPLIANCE INDEX NO. 15.545

- References:
- 1. Ecology letter from E. Holbrook to K.W. Smith, ORP, and M. Lindholm, WRPS, "Dangerous Waste Compliance Inspection on July 28, 2015 at the Hanford Site Single-Shell Tank System – Generator Activities, Resource Conservation and Recovery Act (RCRA) Site ID: WA7890008967, Nuclear Waste Program (NWP) Compliance Index No. 15.545," 16-NWP-040, dated February 22, 2016.
  - 2. RL letter from S. Charboneau to J.A. Hedges, Ecology, "Response to the Dangerous Waste Compliance Inspection on July 14, 2015, of the Low-Level Burial Grounds Trenches 31 and 34 (LLBG TR. 31/34), Resource Conservation and Recovery Act (RCRA) Site ID: WA7890008967-Nuclear Waste Program (NWP) Compliance Index No. 15.541 Compliance Problems and Concerns," 16-ESQ-0022, dated January 22, 2016.

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This letter responds to your Inspection Report (Reference) regarding a compliance inspection of the Generator Activities at the Single-Shell Tank system on July 28, 2015. The U.S. Department of Energy, Office of River Protection and the Washington River Protection Solutions LLC have reviewed the items of non-compliance with the Dangerous Waste Regulations cited by the Washington State Department of Ecology.

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The documented inspection observations and Office of River Protection/Washington River Protection Solutions LLC response:

1. **WAC 173-303-180(1) Form and contents of dangerous waste manifests.** 40 C.F.R. Part 262 Appendix - Uniform Hazardous Waste Manifest and Instructions (EPA Forms 8700-22 and 8700-22A and Their Instructions) is incorporated by reference. The manifest must be EPA Form 8700-22 and, if necessary, EPA Form 8700-22A. The manifest must be prepared in accordance with the instructions for these forms, as described in the uniform manifest Appendix of 40 C.F.R. Part 262.

**APPENDIX TO PART 262 – UNIFORM HAZARDOUS WASTE MANIFEST AND INSTRUCTIONS (EPA FORMS 8711-22 AND 8700-22A AND THEIR INSTRUCTIONS)**

*Item 5. Generator's Mailing Address, Phone Number and Site Address* Enter the name of the generator, the mailing address to which the completed manifest signed by the designated facility should be mailed, and the generator's telephone number. Note, the telephone number (including area code) should be the normal business number for the generator, or the number where the generator or his authorized agent may be reached to provide instructions in the event the designated and/or alternate (if any) facility rejects some or all of the shipment. Also enter the physical site address from which the shipment originates only if this address is different than the mailing address.

**Ecology Action Requested:** USDOE and WRPS must immediately prepare uniform hazardous waste manifests in accordance with the instructions for these forms, as described in the uniform manifest Appendix of 40 C.F.R. Part 262. USDOE and WRPS must accurately document the physical site address from which the shipment originates.

**ORP/WRPS Response:** This issue was corrected in July 2015. The address on the manifest is currently noted as:

***US DOE in care of Washington River Protection Solution  
2425 Stevens Center Drive, Richland, WA 99352***

2. **WAC 173-303-630(6) Inspections.** At least weekly, the owner or operator must inspect areas where containers are stored, looking for leaking containers and for deterioration of containers and the containment system caused by corrosion, deterioration, or other factors. The owner or operator must keep an inspection log including at least the date and time of the inspection, the printed name and the handwritten signature of the inspector, a notation of the observations made and the date and nature of any repairs or remedial actions taken. The log must be kept at the facility for at least five years from the date of inspection.

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**Ecology Action Requested:** Immediately upon receipt of this inspection report, USDOE and WRPS must include all of the requirements of WAC 173-303-630(6) on the generator inspection logs and conduct container inspections at least weekly (every seven days). Within 60 days USDOE and WRPS must submit to Ecology two weeks of completed inspection sheets for two SST System 90-Day Areas showing that all of the requirements of WAC 173-303-630(6) have been met.

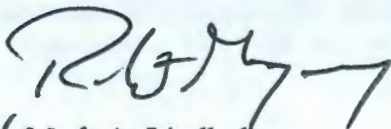
**ORP/WRPS Response:** WRPS currently is reviewing and updating procedures for inspection logs company-wide to ensure that all of the requisite information is included. Procedures are being updated according to standard WRPS processes and should be updated by June 30, 2016.

Regarding the requirement of WAC 173-303-630(6) that inspections of areas where containers are stored be conducted "at least weekly," WRPS is compliant. WRPS conducts such inspections at least once every calendar week; a practice that is consistent with federal and state requirements ("weekly" is not a defined term in either 40 C.F.R. 260.10 or WAC 173-303-040), and that also conforms to the Ecology "Weekly Inspection Checklist," (Ecology publication, 12-04-019, revised November 2015). Ecology publication, 12-04-019 is structured by calendar weeks and is not based on a firm "every seven day" pattern. WRPS' inspections are not only compliant with WAC 173-303-630(6), but also provide workforce flexibility, efficiency, and significant governmental cost savings, while assuring an appropriate level of environmental protection and regulatory compliance.

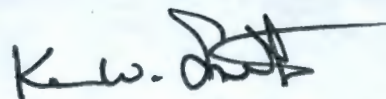
Finally, since "weekly" is not defined by 40 CFR 260.10 or WAC 173-303-040, standard principles of legal interpretation mandate that the permittee (DOE/WRPS) should be given deference in interpreting regulatory ambiguity that allows the permittee to achieve and maintain compliance with the law.

This response is consistent with the position already established in Reference 2.

If you have any questions, please contact Bryan R. Trimberger, Environmental Compliance Division, (509) 376-2674, or Jessica A. Joyner, Washington River Protection Solutions LLC, (509) 376-7533.



*ML*  
Mark A. Lindholm  
President and Project Manager  
Washington River Protection Solutions LLC



Kevin W. Smith, Manager  
Office of River Protection

ECD:BRT

cc: See page 4

Ms. Alexandra K. Smith  
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cc: D.J. Alexander, Ecology  
J.J. Lyon, Ecology  
J.B. Price, Ecology  
N.W. Ware, Ecology  
C.L. Whalen, Ecology  
M.R. Greene, WRPS  
W.F. Johnson, WRPS  
J.A. Joyner, WRPS  
A.L. Prignano, WRPS  
S.A. Thompson, WRPS  
J.A. Voogd, WRPS  
**Administrative Record (S-2-4)**  
Environmental Portal, LMSI  
WRPS Correspondence