



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

1315 W. 4th Avenue • Kennewick, Washington 99336-6018 • (509) 735-7581

November 17, 1999

Mr. Keith Klein
United States Department of Energy
P. O. Box 550; MSIN: A7-50
Richland, Washington 99352

Mr. Steven Liedle
Bechtel Hanford Incorporated
3350 George Washington Way; MSIN: HO-09
Richland, Washington 99352



Dear Messrs. Klein and Liedle:

The Washington State Department of Ecology (Ecology) conducted an inspection of the 271-U 90-day accumulation area on September 16, 1999. The 271-U 90-day accumulation area is managed for the U. S Department of Energy (USDOE) by Bechtel Hanford Incorporated (BHI). On the date of the inspection, a container of waste labeled "waste pending analysis" was observed in the 271-U 90-day accumulation area with an accumulation date of June 22, 1999, associated with it.

On September 21, 1999, Ecology contacted BHI personnel to determine whether the waste pending analysis had been sampled, and how the waste was being managed. BHI personnel said it had not been sampled and asserted that the waste was CERCLA waste not subject to RCRA regulation. Ecology advised BHI that this waste was subject to RCRA requirements, because it is managed in a RCRA unit, the generator had knowledge that the waste may designate as dangerous waste, and a CERCLA waste control plan did not exist for management of this waste. Ecology advised BHI to request a 30-day extension to the 90-day accumulation period in order to maintain the waste in compliant storage until it could be sampled for analysis and an accurate designation performed.

On September 30, 1999, Ecology requested information regarding the designation and current management of this waste from BHI environmental management personnel. By October 8, 1999, Ecology had not received this information and conducted a closeout briefing with the USDOE, BHI, and other Hanford contractors, regarding the September 16, 1999, 90-day accumulation area inspection. At the closeout briefing on October 8, 1999, Ecology advised the USDOE and BHI that violations of WAC 173-303 had occurred at the 271-U 90-day area, because of failure to designate waste as dangerous waste, or extremely hazardous waste. At the closeout briefing

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The USDOE and BHI did not provide designation and waste management information as previously requested. Later on October 8, USDOE and BHI requested a meeting with Ecology to provide waste designation and management information regarding this waste. Ecology agreed and the meeting was held at Ecology's Kennewick office on October 12, 1999.

At the October 12, 1999, meeting the USDOE and BHI presented, for the first time, their designation and waste management information for this waste. BHI personnel presented a description of the process generating the waste in an effort to establish that the waste observed during the September 16 inspection, was the same as waste generated from a spill from an associated portion of the process eight years previously. However, upon reviewing their presentation it became clear that the current waste originated from a different portion of the process, and could have contained different chemical constituents than the previously generated waste. USDOE and BHI then provided the waste designation documentation for the waste observed during the September 16 inspection; however, the designation documentation included inaccurate, incomplete, and misleading information. For example, the waste designation documentation provided by the USDOE and BHI referenced unavailable sampling data from the eight-year-old spill as supporting the basis for the designation of the current waste. As of the date of this letter, this data and designation documentation have not been located by the USDOE or BHI, and is still unavailable to Ecology.

After observing BHI's waste process presentation, and reviewing their designation documentation, Ecology advised the USDOE and BHI that due to the absence of appropriate process knowledge, this waste would have to be sampled and analyzed to be accurately designated. The USDOE and BHI then advised Ecology that the waste had been disposed of into the Environmental Remediation Disposal Facility (ERDF) and was unavailable for sampling and analysis.

Ecology is deeply troubled by the USDOE and BHI's waste management and performance during this inspection. The USDOE and BHI have been cited by Ecology and USEPA for failure to designate investigative derived containerized waste on two previous occasions in 1996 and 1998. This incident, in conjunction with previous compliance history, reflects a continuing failure by the USDOE and BHI to properly manage their containerized wastes. Further, the USDOE and BHI failed to provide requested waste management information in a timely manner during the course of the inspection, and prior to the waste being disposed of into the ERDF. The dangerous waste container management at Hanford jeopardizes operations of the ERDF, and is totally unacceptable to Ecology.

As a result of Ecology's September 16, 1999, inspection of the 271-U 90-day accumulation area, it has been determined that the USDOE and BHI, have committed the following violation:

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#1) WAC 173-303-170, Requirements for Generators of Dangerous Waste.

USDOE and BHI failed to complete designation of waste stored within the 271-U 90-day accumulation area as dangerous waste, or extremely hazardous waste, per WAC 173-303-170 (1)(a), and by reference of this regulation WAC 173-303-070(3)(c).

A container of dangerous waste stored in the 271-U non-radioactive 90-day accumulation area was managed as dangerous waste and labeled "waste pending analysis." However, this waste was not sampled to determine if it was dangerous waste, or extremely hazardous waste, per WAC 173-303-170(1)(a). The USDOE and BHI provided information in lieu of sampling, which they characterized as process knowledge. However, this information failed to meet the requirements of WAC 173-303-070(3)(c) that allows for the use of process knowledge, when:

(A) Such knowledge can be demonstrated to be sufficient for determining whether or not it designated and/or designated properly; and (B) All data and records supporting this determination in accordance with WAC 173-303-210(3) are retained on-site.

In order to correct the violation identified in this Notice of Correction (NOC), please complete the following corrective measures within the specified time frames. Please be advised that the USDOE and BHI have incurred a penalty per Revised Code of Washington (RCW) 70.105.080 as a result of their failure to adequately designate dangerous waste managed within the 271-U 90-day accumulation area. Failure to correct the violation described in this letter may result in the issuance of an Administrative Order and/or additional penalties per RCW 70.105.080. A request for additional time to complete the corrective measure identified in this NOC must be in writing, describe the reasons for the request for additional time, and received by me for consideration no later than December 1, 1999.

CORRECTIVE MEASURES:

#1) WAC 173-303-170, Requirements for Generators of Dangerous Waste.

Within thirty (30) days of receipt of this letter, the USDOE and BHI must submit a written report for Ecology's approval describing:

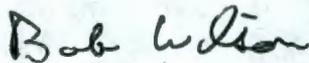
- The criteria by which the USDOE and BHI will evaluate the adequacy of any process knowledge used to designate any waste generated from any activity by BHI on the Hanford Site. These criteria must meet the requirements of WAC 173-303-070(3)(c) and include criteria that establishes when sampling and analysis will be required to supplement or replace process knowledge to accurately designate waste generated by BHI on the Hanford Site.

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- The system the USDOE and BHI will use to maintain documentation, on-site, of any process knowledge and/or sampling and analytical data used to designate waste at any facility operated by BHI on the Hanford Site per WAC 173-303-210 (3), (4), (5) and (6). This system must ensure that this documentation shall be made available to Ecology upon request within twenty-four (24) hours, unless a longer period of time is approved by Ecology.

Please complete and return the attached certificate of compliance to me by December 16, 1999. If you have any questions regarding this letter, please contact me at (509) 736-3031.

Sincerely,



Bob Wilson, Compliance Inspector
Nuclear Waste Program

cc: Craig Cameron, USEPA
James Rasmussen, USDOE
Paul Pak, USDOE
Russell Wyer, (BHI)
Mary Lou Blazek, OOE
Administrative Record: 271-U 90-day Accumulation Area

CERTIFICATE OF COMPLIANCE

As a legal representative of the U. S. Department of Energy, I certify to the best of my knowledge, the completion of items requested by the Washington State Department of Ecology on November 17, 1999, with regard to the inspection of the 271-U 90-day accumulation area located on the Hanford Site, Facility ID number WA 7890008967 as shown below.

COMPLIANCE STATUS

Corrective Measure	Date Due	Date Complete	Initials	Comments
#1	12/16/99			

Signature, USDOE-RL Representative

Date