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9401949

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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March 9, 1994

CERTIFIED MAIL

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

LTC James S. Weller
U.S. Army Corps of Engineers
Walla Walla District
Walla Walla, WA 99362



Dear Messrs. Wagoner and Weller:

Enclosed is Order No. DE 94NM-063. If you have any questions concerning the content of the document, please call or write Laura Russell, at (509) 736-3024, 7601 West Clearwater Avenue, Suite 102, Kennewick, WA 99336. Legally oriented inquiries should be directed to Tanya Barnett, Assistant Attorney General, at (206) 459-6157. Please note that the enclosed Order may be appealed (appeal procedures are also enclosed).

Sincerely,

Drusilla Butler

Drusilla Butler, Program Manager
Nuclear Waste Program

Enclosure



9113273.0160

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

IN THE MATTER OF AN) ORDER NO. DE 94NM-063
ADMINISTRATIVE ORDER AGAINST)
U.S. Department of Energy)
and)
U.S. Army Corps of Engineers)

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

And To: LTC James S. Weller
U.S. Army Corps of Engineers
Walla Walla District
Walla Walla, WA 99362

This is an Administrative Order requiring the U.S. Department of Energy (USDOE) and U.S. Army Corps of Engineers (USACE) to comply with the Revised Code of Washington (RCW) 70.105, "Hazardous Waste Management," by taking certain actions which are described below. RCW 70.105.095 authorizes the Department to issue Administrative Orders requiring compliance whenever it determines that a person has violated any provision of Chapter 70.105 RCW.

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."

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

1. USACE offered one cubic yard of contaminated soil designating as a dangerous waste from the H-81-R Site to the Richland Landfill, a facility not operating under a permit issued pursuant to Chapter 173-303 WAC, in violation of WAC 173-303-141.
2. USDOE did not provide adequate dangerous waste management training for USACE employees and their subcontractors performing work on the North Slope, in violation of WAC 173-303-330.

In view of the foregoing and in accordance with the provisions of RCW 70.105.095,

IT IS ORDERED THAT U.S. Department of Energy and U.S. Army Corps of Engineers shall, upon receipt of this Order, take appropriate action in accordance with the following instructions:

9413273-0161

- 9413273-0162
1. Before USACE commences with dangerous waste management work at the North Slope, the USACE shall revise the ERA Field Activities Plan-Phase 1 (Document # V-0201-01), and similar work plans to require compliance with dangerous waste management procedures under Chapter 173-303 WAC. USDOE shall review and approve all such documentation to ensure adequate coordination and consistency with existing plans and procedures for dangerous waste management at Hanford.
 2. Before USACE commences with dangerous waste management work at the North Slope, and after completing item 1 above, the USACE shall provide Ecology, for review and approval, copies of Plans revised pursuant to item 1 above. USACE shall not commence with dangerous waste management work at the North Slope until Ecology approval is granted.
 3. Before USACE commences with dangerous waste management work at the North Slope, USDOE shall provide Ecology, for review and approval, a personnel training plan that meets Chapter 173-303-330 WAC requirements for all personnel involved with dangerous waste management activities on the North Slope.
 4. Immediately on receipt of this Order, USDOE shall begin to develop a program to ensure that all employees and their subcontractors involved with dangerous waste management work, cleanup, and/or remediation work on the North Slope and elsewhere at the Hanford Site, now or in the future, have demonstrated knowledge of dangerous waste management requirements under Chapter 173-303 WAC. Within 90 days of receipt of this Order, USDOE shall provide a report to Ecology describing their means for assessing knowledge of dangerous waste management requirements. USDOE shall include Investigation-Derived Waste Strategy training within their training plan.
 5. Before USACE commences with dangerous waste management work at the North Slope, USDOE and USACE shall supply Ecology with the names and phone numbers of the points of contact within USDOE, USACE, and their contractors (including subcontractors), responsible for environmental compliance at the North Slope, e.g., USACE field personnel, USACE District Office personnel, and other Environmental Compliance Officers assigned to Hanford operations at the North Slope.
 6. Within thirty (30) days of receipt of this Order, USDOE shall begin maintaining current training records for all personnel involved in dangerous waste management work at the North Slope, per WAC 173-303-330(3). The training records must be kept current, i.e., must be updated concurrent with the addition of new staff onsite. The training records must be available to Ecology inspectors either onsite or at an agreed upon location convenient to Ecology compliance staff.

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, WA 98504-0903 within thirty (30) days of your receipt of this Order. At the same time, your appeal must also be sent to the Department of Ecology c/o The Enforcement Officer, P.O. Box 47600, Olympia, WA 98504-7600. 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 Ch. 43.21B RCW.

DATED this 9 day of March, 1994, at Olympia, Washington.


Drusilla Butler, Program Manager
Nuclear Waste Program
Department of Ecology

9413273.0163

CORRESPONDENCE DISTRIBUTION COVERSHEET

Author	Addressee	Correspondence No.
Drusilla Butler, Ecology	John Wagoner, RL James S. Weller, U.S. Army Corps of Engineers	Incoming: 9401949

Subject: *Administrative Order*
~~NOTICE OF PENALTY INCURRED AND DUE NO. DE95NM-063~~

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