



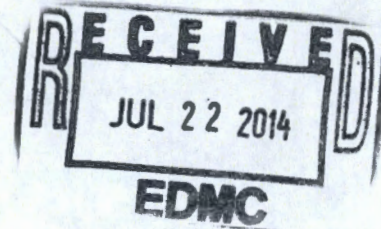
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Department of Energy
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

14-AMRP-0235

JUL 17 2014

Ms. J. A. Hedges, Program Manager
Nuclear Waste Program
State of Washington
Department of Ecology
3100 Port of Benton Blvd.
Richland, Washington 99354



Dear Ms. Hedges:

**AGREED ORDER AND STIPULATED PENALTY NUMBER DE 10156, 180-DAY
PROGRESS REPORT**

Per the Agreed Order, Section 5.1, a 180-day progress report is attached for your information.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

If you have questions, please contact us, or your staff may contact Ray Corey, Assistant Manager for the River and Plateau, on (509) 373-9971.

Doug S. Shoop, Acting Manager
U.S. Department of Energy
Richland Operations Office

John C. Fulton, President and
Chief Executive Officer
CH2M HILL Plateau Remediation Company

Attachment

cc w/attach:

Administrative Record
Ecology NWP Library (hardcopy)
Environmental Portal
HF Operating Record (J. K. Perry, MSA, H7-28)

cc w/o attach: See Page 2

cc w/o attach:

D. B. Bartus, EPA
L. T. Blackford, CHPRC
G. Bohnee, NPT
J. L. Boller, EPA
R. Buck, Wanapum
A. E. Cawrse, CHPRC
S. L. Dahl-Crumpler, Ecology
L. M. Dittmer, CHPRC
B. J. Dixon, CHPRC
D. A. Faulk, EPA
S. Harris, CTUIR
S. Hudson, HAB
M. N. Jaraysi, CHPRC
R. Jim, YN
R. A. Kaldor, MSA
K. Niles, ODOE
R. E. Piippo, MSA
J. B. Price, Ecology
A. L. Prignano, Ecology
A. J. Ramirez, CHPRC
D. Rowland, YN
J. R. Seaver, CHPRC
D. G. Singleton, Ecology
E. R. Skinnarland, Ecology

Primary Source	Spec1 (Source Section)	Description	Functional Requirement	Date
Agreed Order				
DE 10156, Agreed Order	Section 4.5	Penalty Assessment and Settlement	<p>USDOE or CHPRC must make and Ecology must receive USDOE's or CHPRC's payment of the reduced penalty amount of \$15,000 within thirty (30) days of the effective date of this Order.</p> <p>USDOE or CHPRC shall make the payment by check or money order directly payable to "Department of Ecology" and make reference to Agreed Order and Stipulated Penalty No. DE 10156, and shall send the payment to: Department of Ecology Attn: Cashiering Unit P.O. Box 47611 Olympia, WA 98504-7611</p>	Penalty check sent to Ecology 2/10/2014
DE 10156, Agreed Order	Section 4.6.1	Penalty Assessment and Settlement	USDOE and CHPRC will train appropriate facility employees on the notification and reporting criteria set forth in section 1.2 of Exhibit A within 60 days of the effective date of this Order; and USDOE will delivery to Ecology the training material provided to the appropriate facility employees (including training notes, agendas and written training materials), and delivery of the training roster(s) (which will include the training attendees' job positions and names).	14-AMRP-0127 14-NWP-049 COMPLETE
DE 10156, Agreed Order	Section 4.6.2	Penalty Assessment and Settlement	<p>When the requirements of section 1.7.4 of Exhibit A are met, the suspended penalty amount of \$246,000.00 will be reduced by ten percent (10 %). Completion of this requirement requires the following actions to be taken within 60 days of the effective date of this Order:</p> <p>USDOE and CHPRC personnel, who conduct designation sampling, will be trained on performing sampling procedures as required by the test method and SWOC Unit Group Waste Analysis Plan; and USDOE will delivery to Ecology the training material provided to the personnel required to conduct designation sampling (including training notes, agendas and written training materials), and delivery of the training roster(s) (which will include the training attendees' job positions and names).</p>	14AMRP-0126 14-NWP-057 14-AMRP-0162 Meeting held with Ecology; Additional information requested from Ecology, response is in process
DE 10156, Agreed Order	Section 4.6.3	Penalty Assessment and Settlement	<p>When the requirements of section 1.8.5.1 of Exhibit A are met, the suspended penalty amount of \$246,000.00 will be reduced by twenty percent (20 %). Completion of this requirement will be accomplished by USDOE, within one year of the effective date of this Order, meeting with Ecology and jointly reviewing with Ecology information previously used to develop the process knowledge documentation of the Retrievably Stored Waste (RSW) packages and delivering to Ecology the attendance roster for that joint review (which will include the attendees' job positions and names).</p>	14-AMRP-0165 14-NWP-092 COMPLETE for penalty reduction; Additional data requested from Ecology, response is in process
DE 10156, Agreed Order	Section 4.6.4	Penalty Assessment and Settlement	<p>When the requirements of section 1.10.1 of Exhibit A are met, the suspended penalty amount of \$246,000.00 will be reduced by twenty percent (20 %). Completion of this requirement requires the following actions to be taken by USDOE and CHPRC within 30 days of the effective date of this Order: conducting inspections at the SWOC in accordance with the requirements of WAC 173-303-320 and -630(6), taking the necessary steps to ensure that containers at the SWOC receive complete and thorough inspections; and delivering to Ecology four weeks of weekly inspection records.</p>	14-AMRP-0107 14-NWP-047 14-AMRP-0166 14-AMRP-0169 COMPLETE
DE 10156, Agreed Order	Section 4.6.5	Penalty Assessment and Settlement	<p>When the requirements of section 1.11.1.1 of Exhibit A are met, the suspended penalty amount of \$246,000.00 will be reduced by twenty percent (20 %). Completion of this criteria will be accomplished by USDOE and CHPRC, within 30 days of the effective date of this Order, instituting a process to label, and maintain labels in good condition for all dangerous waste containers or their protective covers in the CWC Outside Storage Area A; and delivering to Ecology a copy of the written process for labeling, and maintaining labels in good conditions for all DW containers or their protective covers in the CWC Outside Storage Area A.</p>	14-AMRP-0108 14-NWP-043 14-AMRP-0184 COMPLETE

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DE 10156, Agreed Order	Section 4.6.6	Penalty Assessment and Settlement	When the requirements of section 1.11.2 of Exhibit A are met, the suspended penalty amount of \$246,000.00 will be reduced by twenty percent (20 %). Completion of this requirement will be accomplished by USDOE and CHPRC, within 150 days of the effective date of this Order, applying protective covers to Retrievably Stored Waste (RSW) containers stored outside at the CWC Outside Storage Area A that cannot be placed into a building(s) (pursuant to WAC 173-303-630(7)(d)); and delivering to Ecology a copy of photographic and other documentation that establishes that the protective covers are in place for those RSW containers that are stored at the CWC Outside Storage Area A that cannot be placed into a building(s).	14-AMRP-0213 14-NWP-127 (16%) COMPLETE 231ZDR-11 placement in box January 16, 2015 (4%)
Exhibit A				
DE 10156, Exhibit A	Section 1.1.2	Permit Modification	By January 30, 2015, USDOE will submit to Ecology a Class 2 permit modification request. The permit modification will include two changes. 1) Permit Applicability Matrix (Permit Attachment 9) to make "Facility Contingency Plan" applicable to Interim Status TSD Units (the SWOC units are the operating to Interim Status Standards).	January 30, 2015
DE 10156, Exhibit A	Section 1.1.2	Permit Modification	By January 30, 2015, USDOE will submit to Ecology a Class 2 permit modification request. The permit modification will include two changes. 2) Appendix A of DOE/RL-94-02, Hanford Emergency Management Plan (Permit Attachment 4), to describe how each requirement of WACs 173-303-340, -350, -355, and -360 are met for TSD units operating in Interim Status Standards.	January 30, 2015
DE 10156, Exhibit A	Section 1.5.1	Contingency Plan	USDOE and CHPRC will train all appropriate facility employees (including SWOC emergency coordinators) on the updated HEMP required in section 1.1.2, and any subsequent revisions no later than 14 calendar days after the revisions become effective , or for new employees, within 28 days of reporting to SWOC. New employees must be supervised by a person knowledgeable in dangerous waste management procedures as required by WAC 173-303-330(1)(a) until all required training has occurred.	Will develop training once HEMP is issued.
DE 10156, Exhibit A	Section 1.7.1	Sampling and Analysis for Designation and Characterization	USDOE will conduct NDE on all future retrieved drums (approximately 12,000 containers) and non-drum containers (approximately 150) that can be done using existing capabilities to identify non-conforming waste items (NCW). ³ USDOE will open and sample (at T-Plant or other acceptable facility) all MLLW drums that contain liquid NCW (e.g. containerized liquid, free liquids in excess of 1% of the drum volume). USDOE may request Ecology approval of reduced sampling frequency once USDOE can demonstrate that adequate characterization/sampling has established reliable waste profiles. (³ A non-conforming waste is a waste that does not match the shipping document (WAC 173-303-370(5)), does not match the designation or characterization for the waste (WAC 173-303-300(3)), or both.)	Milestones M-091-040 and M-091-041 September 30, 2016 at risk to be missed per PMM.
DE 10156, Exhibit A	Section 1.8.3	General Waste Analysis for TSD Activities	USDOE and CHPRC shall perform characterization confirmation on Retrievably Stored Waste (RSW) drums in accordance with the detailed requirements below (1.8.3.1 through 1.8.3.4). USDOE will complete the characterization confirmation for drums and NDE capable boxes no later than the dates specified in milestones M-091-42 and M-091-43 in the Hanford Federal Facility Agreement and Consent Order (HFFACO), as amended. In the event that USDOE and CHPRC fail to complete the requirements in section 1.8.3 and subsections 1.8.3.1-1.8.3.2 of this Exhibit by the milestone dates for M-091-42 and/or M-091-43, then the sole remedy for Ecology shall be assessment of HFFACO stipulated penalties.	Milestones M-091-042 and M-091-043 September 30, 2017 to be missed per PMM.

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DE 10156, Exhibit A	Sub-Section 1.8.3.1	General Waste Analysis for TSD Activities	For all 55-gal drums of RSW, each package will be verified by means of physical waste confirmation methods (e.g., opening the drum and inspecting the waste) or by non-intrusive waste confirmation methods (e.g., non-destructive evaluation (NDE) using radiography). The waste will be examined to identify any NCW items in the drum. Waste verifications can be performed at the Low-Level burial grounds, excluding Trenches 31, 34, and 94, upon retrieval, or at a SWOC unit.	September 30, 2017 to be missed.
DE 10156, Exhibit A	Sub-Section 1.8.5.1	General Waste Analysis for TSD Activities	Within 1 year of the effective date of this Order, USDOE and Ecology will meet and jointly review available information previously used to develop the process knowledge documentation of the RSW packages currently being stored outdoors at CWC closing TSDs. USDOE and Ecology will work to identify a subset of these boxes having sufficient knowledge to reliably comply with an offsite facility's waste acceptance criteria and radioactive material license (RML). USDOE will work with Ecology to assess the feasibility of initiating processing some of these large boxes offsite in FY2014 and/or FY2015.	Part of the response to additional request for information associated with 14-NWP-092 (See 4.6.3). On-going meetings with Ecology for shipment of packages from Outside Storage Area A to PFNW and documented in PMMs
DE 10156, Exhibit A	Section 1.12.1	Facility Expansion	Within fourteen months after Ecology's transmittal of the Conceptual Agreement Packages to USDOE, USDOE agrees to submit to Ecology a Class 3 permit modification request to incorporate the SWOC Unit Groups into the Hanford Dangerous Waste Permit.	Conceptual Agreement Packages have not been transmitted.
DE 10156, Exhibit A	Section 1.14.1 and Sub-Section 1.14.1.1	Schedule	Dangerous Waste Permit Modification request, for a revision to the HEMP: Schedule in accordance with section 1.1.2.	January 30, 2015
DE 10156, Exhibit A	Section 1.14.2 and Sub-Section 1.14.2.1	Schedule	Appropriate facility employees responsible for notification and reporting within the SWOC will be trained on the notification and reporting criteria in this Agreed Order: Within 60 days of the effective date of this Order (Section 1.5).	Complete See section 4.6.1
DE 10156, Exhibit A	Section 1.14.3 and Sub-Section 1.14.3.1	Schedule	USDOE and Ecology will jointly review available information for large RSW boxes: Schedule in accordance with section 1.8.5.1.	see section 4.6.3; On-going meetings with Ecology for shipment of packages from Outside Storage Area A to PFNW and documented in PMMs
DE 10156, Exhibit A	Section 1.14.4 and Sub-section 1.14.4.1	Schedule	Implement surveillances at CWC Outside Storage Area in addition to weekly Dangerous Waste Regulations inspections (Section 1.10): Within 30 days of the effective date of this Order.	Complete See section 4.6.4
DE 10156, Exhibit A	Section 1.14.5 and Sub-Section 1.14.5.1	Schedule	Submit to Ecology a Class 3 Permit modification request to incorporate the SWOC Unit Groups into the Hanford Dangerous Waste Permit: Schedule in accordance with section 1.12.	Within 14 months after Ecology's transmittal of the Conceptual Agreement Packages to USDOE