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May 8, 2015 15-NWP-086

By certified mail

Ms. Stacy Charboneau, Manager
Richland Operations Office
United States Department of Energy
PO Box 550, MSIN: A7-50
Richland, Washington 99352

Mr. John Ciucci, President and CEO
CH2M HILL Plateau Remediation Company
PO Box 1600, MSIN: H7-30
Richland, Washington 99352

Re: Response to United States Department of Energy – Richland Operations Office (USDOE-RL) Letter 15-ESQ-0051, dated March 31, 2015, "Two Dangerous Waste Compliance Inspections for Facilities Operated by CH2M Hill Plateau Remediation Company (CHPRC), Resource Conservation and Recovery Act (RCRA) Site ID: WA7890008967, Nuclear Waste Program Compliance Index Numbers: 14.511 and 14.512, 1500873A"

Dear Ms. Charboneau and Mr. Ciucci:

The Department of Ecology (Ecology) issued letter 15-NWP-025, dated February 19, 2015, to USDOE-RL and CHPRC. The letter transmitted reports for the Trench 94 inspection, NWP Compliance Index No.14.511, and the CWC follow-up inspection, NWP Compliance Index No.14.512.

USDOE-RL and CHPRC did not return the completed, signed Compliance Certificate within thirty days of receipt as instructed. Ecology did receive a response from USDOE-RL and CHPRC for the four violations relating to Trench 94.

Violation 1 – Personnel Training at Trench 94

Ecology's Observation (as cited in the February 19, 2015 Trench 94 inspection report): Trench 94 training plan, Table 3-1 – *Job Titles/Positions at the LLBG*, identifies job titles/positions for personnel that carry out job duties relating to the LLBG waste management duties. The list of job titles/positions fails to include personnel who:

- Maintain environmental records (including, but not limited to, manifests, LDR records, and annual reports).
- Maintain training records for the DW training plan.
- Provide training required under the DW training plan.
- Provide DW regulation interpretations, including environmental subject matter experts and levels of environmental management up through the overall Environmental Manager.
- Develop and implement the waste minimization plan.

- Are responsible for environmental notifications.
- Perform any emergency response efforts required under WAC 173-303-360, *Emergencies*, including incident commanders and personnel who provide support of the BED's responsibilities under this section.

Ecology's Action Required (as cited in the February 19, 2015 Trench 94 inspection report): Revise PRC-STD-TQ-40227, *Low Level Burial Grounds Dangerous Waste Training Plan* to include the job title/position for each of the DW job duties, including but not limited to the duties listed in the bullets above. Develop for each position a description which includes the requisite skills, education, other qualifications, and duties. Submit to Ecology within 30 days of receipt of this report an updated DW training plan which reflects these revisions.

USDOE-RL and CHPRC Response: *Other examples include training issues that are being, and will be, discussed and described as part of the on-going Hanford Facility RCRA permit renewal effort being led by Ecology. CHPRC and RL believe it is not appropriate to impose actions on RL/CHPRC that conflict with and/or are not in coordination with these other efforts and suggests that remedies for these issues that should be left in the purview of the work groups to resolve.*

Ecology Response: In accordance with Hanford Site-wide RCRA Permit Condition I.A, dangerous waste training at Trench 94 is subject to the requirements of Washington Administrative Code (WAC) 173-303-400, Interim status facility standards. WAC 173-303-400(3)(a)(i) requires, among other things, compliance with the facility requirements of WAC 173-303-280 through 173-303-440 except WAC 173-303-335, including the Personnel training requirements of WAC 173-303-330. Ecology permitting and compliance groups agree that Trench 94 will continue to operate in compliance with all applicable interim status standards of WAC 173-303-400(3) until a final status permit is issued or until closure of the operating unit.

Compliance with interim status facility standards is not contingent upon permitting processes or work groups (e.g., Contingency Workshop or Conceptual Agreement Packages). Ecology inspectors will continue to perform inspections and to cite all violations of the Dangerous Waste Regulations, Chapter 173-303-WAC, observed during an inspection. Violations will be documented in the inspection report and will remain violations until resolved. Approaches and actions required to resolving violations and returning to compliance may vary according to the circumstances at the time the violation is observed and documented. There is currently no work group established to address Personnel training, making the suggestion cited above moot.

WAC 173-303-330(2) states, "For each position related to dangerous waste management at the facility, the job title, the job description, and the name of the employee filling each job. The job description must include the requisite skills, education, other qualifications, and duties for each position."

During the inspection of Trench 94, Ecology reviewed the dangerous waste (DW) training plan. Ecology observed that USDOE-RL and CHPRC did not include all job titles/positions of personnel performing DW management tasks. See above listing for Ecology's Observation. After reviewing the USDOE-RL and CHPRC response, Ecology agrees that the documented observation was too specific, and should be revised. The revised list should include the job titles/positions of personnel who perform the following DW tasks:

- Prepare and/or maintain records as required in WAC 173-303.
- Provide training required under the DW training plan.
- Provide DW regulation interpretations which affect DW management operations.
- Are responsible for notifications as required in WAC 173-303.
- Perform emergency response efforts required under WAC 173-303.

Action Required: Within thirty (30) days of receipt of this letter, Ecology requires that USDOE-RL and CHPRC submit a written response that identifies all actions the facility has taken or will take to correct the violation as revised by identifying each job title/position for all DW job duties associated with Trench 94, and developing for each position a description which includes the requisite skills, education, other qualifications, and duties.

Violation 2 – Personnel Training at Trench 94

Ecology's Observation (as cited in the February 19, 2015 Trench 94 inspection report): In Table 4-1, *Training Course Matrix*, courses were assigned to the Job Titles/Positions from Table 3-1. The following records indicated expired training and training not completed, as compared to the assigned course listings in Table 4-1.

- Course 035110, *Container Waste Management Refresher,* had expired on October 4, 2014 for James R. Lowery, NCO.
- Course 300400, *Waste Management - Exam,* had expired on October 22, 2014 for Robert C. Olsen, NCO.
- Course 300400, *Waste Management - Exam,* had expired on October 11, 2014 for Jeffrey A. Conley, 2-MGR/FWS – SWOC Ops.
- Course 153022, *Treatment, Storage and Disposal,* does not list a date taken for Melvin E. Lakes, TSDR - SWOC.
- Course 020159, *Advanced Hazardous Waste Shipper Certification Training,* or Course 020078, *Advanced Mixed Waste Shipper Certification,* were not completed for Melvin E. Lakes, TSDR – SWOC.
- Course 153023, *Waste & Transportation Services Verifier Qualification Card*, was not completed for Melvin E. Lakes, TSDR – SWOC.
- Course 153316, *Waste Services Visual Verification Specialist Qual Card,* was not completed for Melvin E. Lakes, TSDR – SWOC.

Ecology's Action Required (as cited in the February 19, 2015 Trench 94 inspection report): Employees must complete these listed training requirements. Because the missing and expired courses are listed as requirements for the position, employees will not be allowed to perform the DW job functions until the training has been completed. Submit to Ecology updated records providing evidence that required training has been completed within 30 days of receipt of this report.

USDOE-RL and CHPRC Response: *Copies of updated training records for the two NCOs and SWOC Manager/Field Work Supervisor are provided as requested. (CHPRC-1501202, Attachment 2)*

Ecology Response: The USDOE-RL and CHPRC response to Violation 2, expired training and training not completed in accordance with Table 4-1, is acceptable. The documentation provided is sufficient to indicate that the training deficiencies were corrected, and closes out this violation.

Violation 3 – Contingency Plan at Trench 94

Ecology's Observation (as cited in the February 19, 2015 Trench 94 inspection report): Section 12.0, *Plan Location and Amendments*, of the BEP states that copies of this plan are maintained MO-720 Conference room and MO-438. Buildings MO-720 and MO-438 are located in the 200 West Area; it is approximately 7.5 miles (~20 minutes driving distance according to Google maps®) from either of these locations to Trench 94 in the 200 East Area. The contingency plan is not maintained at Trench 94.

Ecology's Action Required (as cited in the February 19, 2015 Trench 94 inspection report): This is a deficiency identified in the March 18, 2014 Site-wide Contingency Compliance Inspection and the USDOE-RL and Ecology collaborative contingency and Hanford Emergency Plan (HEMP) workshops. The deficiency will be corrected using the selected solution agreed to in the workshop and the WAC 173-303-830 Permit modification for HEMP changes to be submitted to Ecology. Submit to Ecology within 30 days of the final workshop meeting a revision for the Trench 94 BEP which implements changes to the Trench 94 BEP agreed to as a result of the workshop.

USDOE-RL and CHPRC Response: *DOE-RL/CHPRC does not believe the contingency plan must be maintained at Trench 94. The contingency plan is maintained at the facility as defined by WAC 173-303-040. The approach is consistent with the approach approved by Ecology for final status units.*

This topic has been identified for resolution during the current HEMP negotiations between Ecology, DOE, and Hanford contractors. Any revisions to the HEMP and unit-specific plans would be made in accordance with the schedule established in the workshops.

Ecology Response: The failure to maintain a copy of the contingency plan at the facility is a violation of WAC 173-303-350(4). This violation will be held in abeyance during the workshop meetings; however, Ecology reserves the right to enforce these requirements. As stated in the Trench 94 inspection report, these issues are being addressed in the Hanford Site-wide Contingency Workshop between Ecology and USDOR-RL. Ecology notes that these items remain violations until resolved. Within 30 days of the final workshop agreement, submit to Ecology a revision for the Trench 94 Building Emergency Plan (BEP), implementing any agreed-upon changes to the Trench 94 BEP.

Violation #4 – Emergency Coordinator at Trench 94

Ecology's Observation (as cited in the February 19, 2015 Trench 94 inspection report): Section 13.0, *Facility/Building Emergency Response Organization,* of the BEP identifies that the BED is located at MO-720 Complex. Building MO-720 is located in the 200 West Area. It is approximately 7.5 miles (~20 minutes driving distance according to Google maps®) from this location to Trench 94 in the 200 East Area. The BED is not located at or nearby Trench 94.

Ecology's Action Required (as cited in the February 19, 2015 Trench 94 inspection report): This is a deficiency identified in the March 18, 2014 Site-wide Contingency Compliance Inspection and the USDOE-RL and Ecology collaborative contingency and Hanford Emergency Plan (HEMP) workshops. The deficiency will be corrected using the selected solution agreed to in the workshop and the WAC 173-303-830 Permit modification for HEMP changes to be submitted to Ecology. Submit to Ecology within 30 days of the final workshop meeting a revision for the Trench 94 BEP which implements changes to the Trench 94 BEP agreed to as a result of the workshop.

USDOE-RL and CHPRC Response: *DOE-RL/CHPRC does not believe that the emergency coordinator is not able to reach Trench 94 within a short period of time. This topic has been identified for resolution during the current HEMP workshops between Ecology, DOE, and Hanford contractors. Any revisions to the LLBG BEP would be made in accordance with the schedules established in the workshops.*

Ecology Response: The failure to have at least one employee either on the facility premises or on call (that is, available to respond to an emergency by reaching the facility within a short period of time) is a violation of WAC 173-303-360(1). This violation will be held in abeyance during the workshop meetings; however, Ecology reserves the right to enforce these requirements. As stated in the Trench 94 inspection report, these issues are being addressed in the Hanford Site-wide Contingency Workshop between Ecology and USDOR-RL. Ecology notes that these items remain violations until resolved. Within 30 days of the final workshop agreement, submit to Ecology a revision for the Trench 94 Building Emergency Plan (BEP), implementing any agreed-upon changes to the Trench 94 BEP.

Failure to correct the deficiencies may result in an administrative order, a penalty, or both, as provided by the Hazardous Waste Management Act (Revised Code of Washington 70.105.080 and .095). Persons who fail to comply with any provision of this chapter are subject to penalties of up to $10,000 per day per violation.

Submit any requested documentation to Nancy Ware at 3100 Port of Benton Boulevard, Richland, Washington 99354.

If you have questions or need further information, please contact me at nancy.ware@ecy.wa.gov or (509) 372-7912.

Sincerely,

Nancy Ware

Nancy Ware
Dangerous Waste Compliance Inspector
Nuclear Waste Program

tkb

cc electronic:
Dave Bartus, EPA
Jack Boller, EPA
Dennis Faulk, EPA
Cliff Clark, USDOE-RL
Michael Collins, USDOE-RL
Joel Williams, Jr., CHPRC
Jon Perry, MSA
Ken Niles, ODOE
Kathy Conaway, Ecology
Eddie Holbrook, Ecology
Jared Mathey, Ecology
John Price, Ecology
Nancy Ware, Ecology
Environmental Portal
Hanford Facility Operating Record

cc: Rod Skeen, CTUIR
Gabriel Bohnee, NPT
Russell Jim, YN
Steve Hudson, HAB
Administrative Record
CHPRC Correspondence Control
NWP Central File
NWP Compliance Index File: 14.511
NWP Reader File