



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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August 8, 2016

16-NWP-132

Mr. Doug S. Shoop, Manager
Richland Operations Office
United States Department of Energy
PO Box 550, MSIN: A7-50
Richland, Washington 99352

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

Re: Administrative Order Docket #13632

Order Docket #	13632
Site Location	United States Department of Energy – Hanford Site – T-Plant
EPA/State ID #	WA7890008967

Dear Mr. Shoop and Mr. Ciucci:

The Department of Ecology (Ecology) has issued the enclosed Administrative Order requiring the United States Department of Energy – Richland Operations Office and CH2M HILL Plateau Remediation Company to comply with:

- Chapter 70.105 Revised Code of Washington (RCW), Hazardous Waste Management Act
- Chapter 173-303 Washington Administrative Code (WAC), Dangerous Waste Regulations
- Hanford Facility Resource Conservation and Recovery Act Permit, Dangerous Waste Portion Revision 8C WA 7890008967

If you have questions please contact Jared Mathey, Dangerous Waste Compliance Inspector, at (509) 372-7949 or jared.mathey@ecy.wa.gov.

Sincerely,

Alexandra K. Smith
Program Manager
Nuclear Waste Program

Enclosure: Administrative Order Docket #13632

By certified mail numbers: 70120470000057181287 – Shoop; 70120470000057181270 – Ciucci

cc: See page 2



cc electronic w/enc:

Dave Bartus, EPA
Sheryl Bilbrey, EPA
Jack Boller, EPA
Lucy Edmondson, EPA
Dennis Faulk, EPA
Emy Laija, EPA
Mark Macintyre, EPA
Kim Ogle, EPA
Kevin Schanilec, EPA
Cheryl Williams, EPA
Duane Carter, USDOE
Cliff Clark, USDOE
Michael Collins, USDOE
Al Farabee, USDOE
Tony McKarns, USDOE
Julie Reddick, USDOE
Wade Woolery, USDOE
Allison Wright, USDOE
Moses Jaraysi, CHPRC
David Richards, CHPRC
Jon Perry, MSA
Ken Niles, ODOE
Shawna Berven, DOH
John Martell, DOH
Caroline Cress, AGO
Andy Fitz, AGO
Kelly Wood, AGO
Randy Bradbury, Ecology
Kathy Conaway, Ecology
Suzanne Dahl, Ecology
Lois Dahmen, Ecology
Jared Mathey, Ecology
John Price, Ecology
Darin Rice, Ecology
Ron Skinnarland, Ecology
Alexandra Smith, Ecology
Cheryl Whalen, Ecology
CHPRC Correspondence Control
Environmental Portal
Hanford Facility Operating Record

cc w/enc:

Rod Skeen, CTUIR
Gabriel Bohnee, NPT
Russell Jim, YN
Steve Hudson, HAB
Administrative Record
NWP Central File
NWP Compliance Index File: 15.549

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

IN THE MATTER OF AN) ADMINISTRATIVE ORDER
ADMINISTRATIVE ORDER) DOCKET #13632
AGAINST)
UNITED STATES DEPARTMENT OF)
ENERGY AND CH2M HILL PLATEAU)
REMEDICATION COMPANY)

To: Mr. Doug S. Shoop, Manager
Richland Operations Office
United States Department of Energy
PO Box 550, MSIN: A7-50
Richland, Washington 99352

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

Order Docket #	13632
Site Location	United States Department of Energy – Hanford Site – T-Plant
EPA/State ID #	WA7890008967

The Department of Ecology has issued this Administrative Order (Order) requiring United States Department of Energy – Richland Operations Office (USDOE-RL) and CH2M HILL Plateau Remediation Company (CHPRC) to comply with:

- Chapter 70.105 Revised Code of Washington (RCW), Hazardous Waste Management Act
- Chapter 173-303 Washington Administrative Code (WAC), Dangerous Waste Regulations
- Hanford Facility Resource Conservation and Recovery Act Permit, Dangerous Waste Portion Revision 8C WA 7890008967

Chapter 70.105 RCW authorizes the Department of Ecology to issue Orders requiring compliance whenever it determines that a person has violated any provision of Chapter 70.105 RCW.

DETERMINATION OF VIOLATION(S) AND ORDER TO COMPLY

The Department of Ecology (Ecology) has determined that one or more violations have occurred based on the facts provided below.

For these reasons, and in accordance with RCW 70.105.095, it is ordered that the USDOE-RL and CHPRC take the corrective actions listed after each violation. These corrective actions are required at the location known as the T-Plant at the United States Department of Energy Hanford Site.

Violation 1:

WAC 173-303-070(3) Designation procedures. (a) To determine whether or not a solid waste is designated as a dangerous waste a person must: (i) First, determine if the waste is a listed discarded chemical product, WAC 173-303-081; (ii) Second, determine if the waste is a listed dangerous waste source, WAC 173-303-082; (iii) Third, if the waste is not listed in WAC 173-303-081 or 173-303-082, or for the purposes of compliance with the federal land disposal restrictions as adopted by reference in WAC 173-303-140, determine if the waste exhibits any dangerous waste characteristics, WAC 173-303-090; and (iv) Fourth, if the waste is not listed in WAC 173-303-081 or 173-303-082, and does not exhibit a characteristic in WAC 173-303-090, determine if the waste meets any dangerous waste criteria, WAC 173-303-100.

(3)(c) For the purpose of determining if a solid waste is a dangerous waste as identified in WAC 173-303-080 through 173-303-100, a person must either: (i) Test the waste according to the methods, or an approved equivalent method, set forth in WAC 173-303-110; or (ii) Apply knowledge of the waste in light of the materials or the process used, 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.

Observations: During the November 18, 2015 inspection of T-Plant, Ecology observed container numbers 0089852, 221T-14-000020, 221T-15-000023, 221T-15-000024, and 221T-15-000025 were labeled as Hazardous Waste and were in storage at dangerous waste management unit 214-T at T-Plant. Ecology observed container number 221T-14-000020 was labeled as Hazardous Waste on one side of the container and Universal Waste on the other. Ecology observed a container inventory sheet sitting on top container number 221T-14-000020 titled, *Universal Waste/Recycle Material Handling and Packaging*. Mr. Tuott, CHPRC, Acting Environmental Compliance Officer, told Ecology that container number 221T-14-000020 was being handled as mixed-waste, but was being managed as universal waste in the paperwork. Ecology observed container numbers 221T-15-000023, 221T-15-000024, and 221T-15-000025 were marked as, "Waste Awaiting Designation."

Ecology observed accumulation start dates for the following container numbers:

- 0089852 – October 5, 2015
- 221T-14-000020 – November 13, 2014
- 221T-15-000023 – September 22, 2015
- 221T-15-000024 – October 15, 2015
- 221T-15-000025 – September 22, 2015

In a subsequent records request received by Ecology on April 28, 2016, Ecology asked CHPRC to provide designation records for containers 0089852, 221T-14-000020, 221T-15-000023, 221T-15-000024, and 221T-15-000025. Ecology received the below response along with the following summarized information provided to Ecology from the Hanford Solid Waste Information and Tracking System (Dated April 19, 2016):

Note: These containers that have waste in them are awaiting waste analysis results so that proper waste designation can be performed by the Waste Management Representative.

- Container 0089852
 - Container contents: Paint and concrete debris
 - Accumulation Date: 10/05/2015
 - Source: 271T
 - RCRA Designated Date: Not documented (i.e. left blank)
 - TSD Received Date: Not documented (i.e. left blank)
 - TSD Accept Date: Not documented (i.e. left blank)

- Container 221T-14-000020
 - Container Contents: Leaking alkaline batteries
 - Accumulation Date: 11/13/2014
 - Source: 221T
 - RCRA Designated Date: Not documented (i.e. left blank)
 - TSD Received Date: Not documented (i.e. left blank)
 - TSD Accept Date: Not documented (i.e. left blank)

- Container 221T-15-000023
 - Container Contents: Material Awaiting Designation
 - Accumulation Date: 9/22/2015
 - Source: 221T
 - RCRA Designated Date: Not documented (i.e. left blank)
 - TSD Received Date: Not documented (i.e. left blank)
 - TSD Accept Date: Not documented (i.e. left blank)

- Container 221T-15-000024
 - Container Contents: Material Awaiting Designation
 - Accumulation Date: 10/15/2015
 - Source: 221T
 - RCRA Designated Date: Not documented (i.e. left blank)
 - TSD Received Date: Not documented (i.e. left blank)
 - TSD Accept Date: Not documented (i.e. left blank)

- Container 221T-15-000025
 - Container Contents: Material Awaiting Designation
 - Accumulation Date: 9/22/2015
 - Source: 221T
 - RCRA Designated Date: Not documented (i.e. left blank)
 - TSD Received Date: Not documented (i.e. left blank)
 - TSD Accept Date: Not documented (i.e. left blank)

Corrective Action 1:

USDOE-RL and CHPRC must designate the waste in containers 0089852, 221T-14-000020, 221T-15-000023, 221T-15-000024, and 221T-15-000025 according to WAC 173-303-070 through WAC 173-303-100. Within 30 days of the date of receipt of this Order, submit to Ecology written documents verifying that the waste in containers 0089852, 221T-14-000020, 221T-15-000023, 221T-15-000024, and 221T-15-000025 have been properly designated according to WAC 173-303-070 through WAC 173-303-100.

Violation 2:

WAC 173-303-400(3), referencing WAC 173-303-300, as referenced by the Hanford Facility Resource Conservation and Recovery Act Permit, Dangerous Waste Portion Revision 8C - Condition I.A Effect of Permit.

WAC 173-303-300(1) Purpose. This section requires the facility owner or operator to confirm his knowledge about a dangerous waste before he stores, treats, or disposes of it. The purpose for the analysis is to insure that a dangerous waste is managed properly.

WAC 173-303-300(2) The owner or operator must obtain a detailed chemical, physical, and/or biological analysis of a dangerous waste, or nondangerous wastes if applicable under WAC 173-303-610(4)(d), before they store, treat, or dispose of it. This analysis must contain the information necessary to manage the waste in accordance with the requirements of this chapter. The analysis must include or consist of existing published or documented data on the dangerous waste, or on waste generated from similar processes, or data obtained by testing, or a combination of these.

(2)(a) When an owner or operator relies on knowledge from the generator for waste designation or for this detailed analysis (commonly known as a waste profile) instead of analytical testing of a sample, that information must be documented and must meet the definition of "knowledge" as defined in WAC 173-303-040. To confirm the sufficiency and reliability of the "knowledge" used for the waste profile, the facility must do one or more of the following:

(i) Be familiar with the generator's processes by conducting site visits, and reviewing sampling data and other information provided by the generator to ensure they are adequate for safe management of the waste;

(ii) Ensure waste analysis contained in documented studies on the generator's waste is based on representative and appropriate sampling and test methods;

(iii) Compare the generator's waste generating process to documented studies of similar waste generating processes to ensure the waste profile is accurate and current;

(iv) Obtain other information as predetermined by the department on a case-by-case basis to be equivalent.

(2)(b) As required in WAC 173-303-380(1)(c), records must be retained containing specific information that show compliance with this subsection for sufficient and reliable information on the waste whether the owner or operator relies on analytical testing of the waste or knowledge from the generator, or a combination of these.

Observations: CHPRC and USDOE-RL did not obtain a detailed chemical, physical, and/or biological analysis of dangerous waste in container numbers 0089852, 221T-14-000020, 221T-15-000023, 221T-15-000024, and 221T-15-000025, before they stored the waste at T-Plant in 214-T.

During the November 18, 2015 inspection of T-Plant, Ecology observed container numbers 0089852, 221T-14-000020, 221T-15-000023, 221T-15-000024, and 221T-15-000025 were labeled as Hazardous Waste and were in storage at 214-T. Ecology observed that container numbers 221T-15-000023, 221T-15-000024, and 221T-15-000025 were marked as, "Waste Awaiting Designation." Container numbers 0089852, 221T-14-000020, 221T-15-000023, 221T-15-000024, and 221T-15-000025 were not included on the current inventory of dangerous and mixed-waste stored at T-Plant that was provided to Ecology during the inspection.

In a subsequent records request received by Ecology on April 28, 2016, Ecology asked CHPRC to provide designation records for containers 0089852, 221T-14-000020, 221T-15-000023, 221T-15-000024, and 221T-15-000025. Ecology received the below response along with the following summarized information provided to Ecology from the Hanford Solid Waste Information and Tracking System (Dated April 19, 2016):

Note: These containers that have waste in them are awaiting waste analysis results so that proper waste designation can be performed by the Waste Management Representative.

- Container 0089852
 - Container contents: Paint and concrete debris
 - Accumulation Date: 10/05/2015
 - Source: 271T
 - RCRA Designated Date: Not documented (i.e. left blank)
 - TSD Received Date: Not documented (i.e. left blank)
 - TSD Accept Date: Not documented (i.e. left blank)

- Container 221T-14-000020
 - Container Contents: Leaking alkaline batteries
 - Accumulation Date: 11/13/2014
 - Source: 221T
 - RCRA Designated Date: Not documented (i.e. left blank)
 - TSD Received Date: Not documented (i.e. left blank)
 - TSD Accept Date: Not documented (i.e. left blank)

- Container 221T-15-000023
 - Container Contents: Material Awaiting Designation
 - Accumulation Date: 9/22/2015
 - Source: 221T
 - RCRA Designated Date: Not documented (i.e. left blank)
 - TSD Received Date: Not documented (i.e. left blank)
 - TSD Accept Date: Not documented (i.e. left blank)

- Container 221T-15-000024
 - Container Contents: Material Awaiting Designation
 - Accumulation Date: 10/15/2015
 - Source: 221T
 - RCRA Designated Date: Not documented (i.e. left blank)
 - TSD Received Date: Not documented (i.e. left blank)
 - TSD Accept Date: Not documented (i.e. left blank)

- Container 221T-15-000025
 - Container Contents: Material Awaiting Designation
 - Accumulation Date: 9/22/2015
 - Source: 221T
 - RCRA Designated Date: Not documented (i.e. left blank)
 - TSD Received Date: Not documented (i.e. left blank)
 - TSD Accept Date: Not documented (i.e. left blank)

In a records request, Ecology requested clarification if containers 0089852, 221T-14-000020, 221T-15-000023, 221T-15-000024, and 221T-15-000025 were being either stored or accumulated. Ecology also asked why container numbers 0089852, 221T-14-000020, 221T-15-000023, 221T-15-000024, and 221T-15-000025 were not on the record inventory sheet that was provided during the inspection if these waste streams had been accepted into a storage dangerous waste management unit at the T-Plant. Ecology received the below response to these questions:

Containers 0089852, 221T-14-000020, 221T-15-000023, 221T-15-000024, and 221T-15-000025 are generated as TSD waste containers and are being managed in permitted storage. These waste streams are stored at 214-T before being transferred for final treatment, storage, and/or disposal as appropriate.

Refer to DOE/CHPRC Response to Item Number 11.

In Ecology's records request for item Number 11, Ecology asked "Containers 0089852, 221T-14-000020, 221T-15-000023, 221T-15-000024, and 221T-15-000025 were labeled as hazardous waste and waste awaiting designation. When these containers were accepted into T-Plant for storage, was the waste acceptance process followed for SWOC acceptance criteria? If you followed this process, provide documentation used for container acceptance." Ecology received the below response to this question.

T-Plant generates dangerous and/or mixed-waste while processing and/or maintenance activities. This waste material consists of items including, but not limited to: personal protective equipment, rags, and spent equipment contaminated with dangerous cleaning agents, lubricants, paints run-off or other dangerous materials that designate as dangerous waste when discarded. Operational Knowledge is used to characterize these waste materials for the purposes of waste designation. Waste generated by T-Plant is considered accepted at T-Plant when the waste is generated.

Corrective Action 2:

USDOE-RL and CHPRC must, within 30 days of the date of receipt of this Order, submit to Ecology written documentation verifying compliance with WAC 173-303-300(2) and WAC 173-303-300(2)(a) for container numbers 0089852, 221T-14-000020, 221T-15-000023, 221T-15-000024, and 221T-15-000025.

Violation 3:

WAC 173-303-400(3), referencing WAC 173-303-380, as referenced by the Hanford Facility Resource Conservation and Recovery Act Permit, Dangerous Waste Portion Revision 8C - Condition I.A Effect of Permit.

WAC 173-303-380 Facility recordkeeping. (1) Operating record. The owner or operator of a facility must keep a written operating record at their facility. The following information must be recorded, as it becomes available, and maintained in the operating record until closure of the facility:

(1)(a) A description of and the quantity of each dangerous waste received or managed on-site, and the method(s) and date(s) of its treatment, storage, or disposal at the facility as required by subsection (2) of this section, recordkeeping instructions.

(1)(c) Records and results of waste analyses, waste determinations (as required by 40 C.F.R. Parts 264 and 265, Subpart CC), and trial tests required by WAC 173-303-300, General waste analysis, and by 40 C.F.R. sections 264.1034, 264.1063, 264.1083, 265.1034, 265.1063, 265.1084, 268.4(a), and 268.7. Note that data from laboratory analyses for 40 C.F.R. 268.4(a) and 268.7 must meet the requirements of WAC 173-303-110.

Observations: During the November 18, 2015 inspection of T-Plant, Ecology observed container numbers 0089852, 221T-14-000020, 221T-15-000023, 221T-15-000024, and 221T-15-000025 were labeled and stored as Hazardous Waste at dangerous waste management unit 214-T at T-Plant.

Ecology observed that container numbers 221T-15-000023, 221T-15-000024, and 221T-15-000025 were marked as, "Waste Awaiting Designation." Ecology observed that container numbers 0089852, 221T-14-000020, 221T-15-000023, 221T-15-000024, and 221T-15-000025 were not included on the current inventory of dangerous and mixed-waste stored at T-Plant that was provided to Ecology during the inspection.

In a records request, Ecology asked, as of the day of the inspection if there were any satellite accumulation areas or 90-day areas at T-Plant. Ecology received the below response from CHPRC.

No, there are not any satellite accumulation areas (SAA) or 90 Day accumulation areas within the T-Plant Complex TSD boundary.

In a records request, Ecology requested clarification if containers 0089852, 221T-14-000020, 221T-15-000023, 221T-15-000024, and 221T-15-000025 were either being stored or accumulated. Ecology also asked why container numbers 0089852, 221T-14-000020, 221T-15-000023, 221T-15-000024, and 221T-15-000025 were not on the record inventory sheet provided during the inspection if these waste streams had been accepted for storage into a dangerous waste management unit at the T-Plant. Ecology received the below response to these questions:

Containers 0089852, 221T-14-000020, 221T-15-000023, 221T-15-000024, and 221T-15-000025 are generated as TSD waste containers and are being managed in permitted storage. These waste streams are stored at 214-T before being transferred for final treatment, storage, and/or disposal as appropriate.

Refer to DOE/CHPRC Response to Item Number 11.

In Ecology's records request for item Number 11, Ecology asked "Containers 0089852, 221T-14-000020, 221T-15-000023, 221T-15-000024, and 221T-15-000025 were labeled as hazardous waste and waste awaiting designation. When these containers were accepted into T-Plant for storage, was the waste acceptance process followed for SWOC acceptance criteria? If you followed this process, provide documentation used for container acceptance." Ecology received the below response to this question.

T-Plant generates dangerous and/or mixed-waste while processing and/or maintenance activities. This waste material consists of items including, but not limited to: personal protective equipment, rags, and spent equipment contaminated with dangerous cleaning agents, lubricants, paints run-off or other dangerous materials that designate as dangerous waste when discarded. Operational Knowledge is used to characterize these waste materials for the purposes of waste designation. Waste generated by T-Plant is considered accepted at T-Plant when the waste is generated.

In a subsequent records request received by Ecology on April 28, 2016, Ecology asked CHPRC to provide designation records for containers 0089852, 221T-14-000020, 221T-15-000023, 221T-15-000024, and 221T-15-000025. Ecology received the below response along with the following summarized information provided to Ecology from the Hanford Solid Waste Information and Tracking System (Dated April 19, 2016):

Note: These containers that have waste in them are awaiting waste analysis results so that proper waste designation can be performed by the Waste Management Representative.

- Container 0089852
 - Container contents: Paint and concrete debris
 - Accumulation Date: 10/05/2015
 - Source: 271T
 - RCRA Designated Date: Not documented (i.e. left blank)
 - TSD Received Date: Not documented (i.e. left blank)
 - TSD Accept Date: Not documented (i.e. left blank)

- Container 221T-14-000020
 - Container Contents: Leaking alkaline batteries
 - Accumulation Date: 11/13/2014
 - Source: 221T
 - RCRA Designated Date: Not documented (i.e. left blank)
 - TSD Received Date: Not documented (i.e. left blank)
 - TSD Accept Date: Not documented (i.e. left blank)

- Container 221T-15-000023
 - Container Contents: Material Awaiting Designation
 - Accumulation Date: 9/22/2015
 - Source: 221T
 - RCRA Designated Date: Not documented (i.e. left blank)
 - TSD Received Date: Not documented (i.e. left blank)
 - TSD Accept Date: Not documented (i.e. left blank)

- Container 221T-15-000024
 - Container Contents: Material Awaiting Designation
 - Accumulation Date: 10/15/2015
 - Source: 221T
 - RCRA Designated Date: Not documented (i.e. left blank)
 - TSD Received Date: Not documented (i.e. left blank)
 - TSD Accept Date: Not documented (i.e. left blank)

- Container 221T-15-000025
 - Container Contents: Material Awaiting Designation
 - Accumulation Date: 9/22/2015
 - Source: 221T
 - RCRA Designated Date: Not documented (i.e. left blank)
 - TSD Received Date: Not documented (i.e. left blank)
 - TSD Accept Date: Not documented (i.e. left blank)

Corrective Action 3:

USDOE-RL and CHPRC must, within 30 days of the date of receipt of this Order, submit to Ecology, verification that all requirements of WAC 173-303-380(1), WAC 173-303-380(1)(a) and WAC 173-303-380(1)(c) have been completed and placed in the T-Plant operating record for containers 0089852, 221T-14-000020, 221T-15-000023, 221T-15-000024, and 221T-15-000025.

ELIGIBILITY FOR PAPERWORK VIOLATION WAIVER AND OPPORTUNITY TO CORRECT

Under RCW 34.05.110, small businesses are eligible for a waiver of a first-time paperwork violation and an opportunity to correct other violations.

Ecology has determined the requirements of RCW 34.05.110 do not apply to the violation(s) described in this Order because you are not a small business as defined in RCW 34.05.110 (9).

FAILURE TO COMPLY WITH THIS ORDER

Failure to comply with this Order may result in the issuance of civil penalties or other actions, administrative and/or judicial, to enforce the terms of this Order.

YOUR RIGHT TO APPEAL

You have a right to appeal this Order to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do both of the following within 30 days of the date of receipt of this Order:

- File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
<p>Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503</p>	<p>Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608</p>
<p>Pollution Control Hearings Board 1111 Israel Road SW STE 301 Tumwater, WA 98501</p>	<p>Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903</p>

CONTACT INFORMATION

Please direct all questions about this Order to:

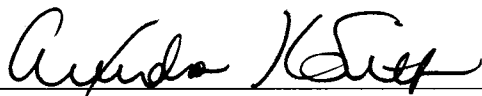
Jared Mathey
Department of Ecology
Nuclear Waste Program – Richland Field Office
3100 Port of Benton Boulevard
Richland, Washington 99354

(509) 372-7949
jared.mathey@ecy.wa.gov

MORE INFORMATION

- **Pollution Control Hearings Board Website**
www.eho.wa.gov/Boards_PCHB.aspx
- **Chapter 43.21B RCW – Environmental and Land Use Hearings Office – Pollution Control Hearings Board**
<http://app.leg.wa.gov/RCW/default.aspx?cite=43.21B>
- **Chapter 371-08 WAC – Practice and Procedure**
<http://app.leg.wa.gov/WAC/default.aspx?cite=371-08>
- **Chapter 34.05 RCW - Administrative Procedure Act**
<http://app.leg.wa.gov/RCW/default.aspx?cite=34.05>
- **Chapter 70.105 RCW – Hazardous Waste Management**
<http://app.leg.wa.gov/RCW/default.aspx?cite=70.105>
- **Chapter 173-303 WAC – Dangerous Waste Regulations**
www.ecy.wa.gov/biblio/wac173303.html

SIGNATURE



Alexandra K. Smith
Program Manager
Nuclear Waste Program

8/8/16

Date