0057680

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

JUN 3 2002

02-RCA-0341

Mr. Tom C. Fitzsimmons, Director
State of Washington
Department of Ecology
P.O. Box 47600
Olympia, Washington 98504

Mr. L. John Iani, Regional Administrator
U.S. Environmental Protection Agency
Region 10
1200 Sixth Avenue
Seattle, Washington 98101

RECEIVED
JUL 15 2002
EDMC

Addressees:

HANFORD FEDERAL FACILITY AGREEMENT AND CONSENT ORDER (TRI-PARTY AGREEMENT) CHANGE REQUESTS FOR THE CENTRAL PLATEAU PROJECT (CPP) ACTIVITIES

The U.S. Department of Energy, Richland Operations Office (RL), the U.S. Environmental Protection Agency, and the State of Washington Department of Ecology (hereinafter referred to as the parties) concluded negotiations on commitments for cleanup schedules for the Central Plateau 200 Area non-tank farm operable units at the Hanford Site. The parties conducted a thorough review of the current cleanup approach and identified opportunities to accelerate cleanup of these waste sites.

A Tentative Agreement was reached between the parties in February 2002, and proposed change packages were developed in accordance with the Tri-Party Agreement. The parties signed a Tentative Agreement committing to have public review and approval of the Tri-Party Agreement change packages by June 5, 2002. The proposed change packages underwent a 45-day public comment period that concluded April 12, 2002. A Comments Response Document (Enclosure 5) was prepared by the parties to respond to the comments/issues received. The Response to Comments document contains the public comments and responses to those comments. Enclosed for your approval (Enclosures 1 through 4) are four Tri-Party Agreement Change Requests associated with the Central Plateau Project:

56559
5653
5655

M-013-02-01: Modification of the Central Plateau 200 Area Non-Tank Farm Remedial Action Work Plans (M-013 Series Milestones)

M-015-02-01: Modify Tri-Party Agreement Milestone Series M-015 in Accordance with the Central Plateau Agreement in Principle

M-016-02-01	Modification of the M-016 Series Milestones
M-020-02-01	Modify Tri-Party Agreement Milestone Series M-020 in Accordance with the Central Plateau Agreement in Principle

It should be noted that groundwater operable units are excluded from these negotiations, and milestone obligations concerning groundwater are excluded and unaffected by these negotiations. Following completion of these negotiations, the parties are committed to initiate timely discussion on how RL will meet existing groundwater commitments.

The parties remain vigilant, focused and unwavering in their efforts to accelerate Hanford Site cleanup as outlined in the parties' March 5, 2002, Letter of Intent (and subsequent Performance Management Plan). Using a risk-based approach for prioritization of waste site cleanup, the workscope will be completed in an efficient and timely manner with no impact to human health or the environment.

Constructive working relationships among the parties created a positive framework for this activity and allowed us to complete it in a timely and mutually satisfactory way. If you have any questions, you may contact me, or your staff may contact Bryan Foley, Waste Management Division, on (509) 376-7087, or Ellen Dagan, Regulatory Compliance and Analysis Division, on (509) 376-3811.

Sincerely,

Keith A. Klein
Manager

RCA:EBD

Enclosures

cc w/encls:
D. Bartus, EPA
L. J. Cusack, Ecology
L. E. Gadbois, EPA
R. Gay, CTUIR
M. L. Goldstein, EPA
J. S. Hertzel, FHI
M.C. Hughes, BHI
R. Jim, YN
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F. R. Miera, CHG
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R. E. Piippo, FHI
P. Sobotta, NPT
R. F. Stanley, Ecology(Lacey)
M. A. Wilson, Ecology (Olympia)
Administrative Record

Enclosure 1

Change Number	Federal Facility Agreement and Consent Order Change Control Form Do not use blue ink. Type or print using black ink.	Date
M-13-02-01		5/28/2002

Originator
G. H. Sanders, RL
Acting Assistant Manager Central Plateau

Phone
372-1766

Class of Change

[X] I - Signatories [ ] II - Executive Manager [ ] III - Project Manager

Change Title
Modification of the Central Plateau 200 Area Non-Tank Farm Remedial Action Work Plans (M-013 Series Milestones)

Description/Justification of Change

The Hanford Federal Facility Agreement and Consent Order (TPA) contains commitments for the U.S. Department of Energy (USDOE) to submit the 200 Area National Priority List (NPL) Remedial Investigation/Feasibility Study (RI/FS) Work Plans to complete the Investigation of Past-Practice Units by December 31, 2005 (Tri-Party Agreement Milestone M-013); complete all 200 Area Non-Tank Farm pre-Record of Decision (ROD) site investigations under approved work plan schedules by December 31, 2008 (Tri-Party Agreement Major Milestone M-015-00C); complete the remedial actions for all non-Tank Farm Operable Units by September 30, 2018 (Tri-Party Agreement Milestone M-016-00); and Submit Part B Permit Applications or Closure/Post Closure Plans for all Resource Conservation and Recovery Act (RCRA) Treatment, Storage, and Disposal (TSD) units (M-020-00) by February 28, 2004.

USDOE, the U.S. Environmental Protection Agency, and the State of Washington, Department of Ecology (parties) have completed negotiations to modify the schedule for completion of non-Tank Farm Remedial Investigations/Remedial Actions in the Central Plateau. These negotiations were conducted in accordance with the Tri-Party Agreement and the parties have provided the stakeholders/public the opportunity to review the proposed changes prior to approval. The parties agreed to a strategy for timely waste site remediation of the non-Tank Farm, RCRA corrective actions and Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) past practice units for the Hanford Site Central Plateau.

The parties signed an Agreement in Principle (AIP) that called for the parties to complete negotiations and sign a Tentative Agreement by January 31, 2002, and commits the parties to complete public comment/review and agency approval by June 5, 2002.

Continued on Pages 2 through 4

Impact of Change

Accelerates the timetable to complete delivery of Work Plans. Reflects fewer work plans to cover same workscope.

Affected Documents

The Tri-Party Agreement Action Plan – Appendix D, as amended, and Hanford site internal planning, management, and budget documents (e.g., USDOE and USDOE contractor Baseline Change Control documents; Multi-Year Work Plans; Sitewide Systems Engineering Control documents; Project Management Plans; and, if appropriate, LDR Report requirements).

Approvals

K. A. Klein, RL Manager	6/2/02 Date	✓ Approved ___ Disapproved
L. J. Iani, EPA Region 10 Administrator	___ Date	___ Approved ___ Disapproved
T. C. Fitzsimmons, Ecology Director	___ Date	___ Approved ___ Disapproved

Description/Change (Continued)

The M-013 series milestones include schedules for the submittal of work plans for accomplishing necessary work to complete all 200 Area non-Tank Farm past-practice waste site investigations. The *200 Areas Remedial Investigation/Feasibility Study Implementation Plan – Environmental Restoration Program, DOE/RL-98-28, Rev. 0,* established an approach for investigating the waste sites. Under this plan, approximately 700 waste sites were grouped into 23 process-based operable units (OUs), which in turn were grouped into 9 major waste categories (e.g., process waste, landfills). Each of the 23 OUs were scheduled in the TPA to have work plans developed under the M-013 series milestone. One OU was included in the *100 Area Remaining Sites Record of Decision*. For the remaining 22 operable units, the three agencies have jointly developed an improved approach for the completion of the RI/FS process and subsequent remediation of the waste sites based on lessons learned from Hanford's 100 and 300 Areas.

The revised investigation approach is to evaluate one or more OUs in a single RI/FS. This reduces the number of work plans, remedial investigation reports, and feasibility studies from 22 to 12. The revised approach is able to collect data necessary to adequately characterize the waste sites and evaluate effective remedial alternatives. Under this approach, all of the RCRA TSDs identified in the M-020 series milestones will be sampled to comply with RCRA Closure/Post Closure requirements. These improvements will be incorporated into a revision of the *200 Areas Remedial Investigation/Feasibility Study Implementation Plan – Environmental Restoration Program, DOE/RL-98-28, Rev. 0.* Of the 12 RI/FS's, 5 have approved work plans and 4 are in the final stages of the approval process. All completed work plans will be revised to reflect OU consolidation. The three remaining work plans will be completed under Tri-Party Agreement Major Milestones M-013-00M, M-013-00N, M-013-00O. Because the last work plan will be submitted under Tri-Party Agreement Milestone M-013-00O, the M-013-00P milestone is not required and will be deleted.

RI/FS Grouping of OUs	Major Waste Category	Work Plan Status	Approved Work Plans Requiring Modification
200-CW-1 Gable Mountain/B-Pond & Ditch Cooling Water Group*	Steam Condensate, Cooling Water and Chemical Sewer Waste (SC/CW/CSW)	Approved	X
200-TW-1 Scavenged Waste Group	Tanks/Scavenged Waste	Approved	X
200-TW-2 Tank Waste Group 200-PW-5 Fission Product-Rich Process Waste Group	Tanks/Scavenged Waste Process Condensate and Process Waste (PC&PW)	Approved	X
200-CW-5 U Pond/Z-Ditches Cooling Water Group	SC/CW/CSW	Approved	X
200-CW-2 S-Ponds/Ditches Cooling Water Group	SC/CW/CSW		
200-CW-4 T-Ponds/Ditches Cooling Water Group	SC/CW/CSW		
200-SC-1 Steam Condensate Group	SC/CW/CSW		
200-CS-1 Chemical Sewer Group	SC/CW/CSW	Approved	
200-PW-2 Uranium-rich Process Waste Group	PC&PW	App. In Process	
200-PW-4 General Process Waste Group	PC&PW		

RI/FS Grouping of OU's	Major Waste Category	Work Plan Status	Approved Work Plans Requiring Modification
200-PW-1 Plutonium/Organic-Rich Process Waste Group	PC&PW	App. In Process	
200-PW-3 Organic-rich Process Waste Group	PC&PW		
200-PW-6 Plutonium Process Waste Group	PC&PW		
200-LW-1 300 Areas Chemical Laboratory Waste Group	Chemical Laboratory Waste (CLW)	App. In Process	
200-LW-2 200 Areas Chemical Laboratory Waste Group	CLW		
200-MW-1 Miscellaneous Waste Group	Miscellaneous Waste	App. In Process	
200-IS-1 Tanks/Lines/Pits/Boxes Waste Group	Tanks/Lines/Pits/Boxes Waste	To be submitted	
200-ST-1 Septic Tank and Drain Fields Waste Group	Septic Tanks & Drain Fields Waste		
200-UR-1 Unplanned Release Waste Group	Unplanned Release	To be submitted	
200-SW-2 Radioactive Landfills and Dumps Group	Landfills & Dumps Waste	To be submitted	
200-SW-1 Non-Radioactive Landfills and Dumps Group	Landfills & Dumps Waste		
**Includes 14 other 200 North Waste Sites*			

Modifications established by approval of this Tri-Party Agreement Change Request are denoted as ~~redline/strikeout~~ for deletions/modification and shading for new text.

Milestone	Description	Date
M-013-00M	Submit ~~9~~ 1 200 NPL RI/FS (RFI/CMS) Work Plans for the 200-IS-1, Tanks/Lines/Pits Diversion Boxes OU. Includes waste sites in the 200-ST-1, Septic Tank and Drain Fields OU	12/31/2002

M-013-00N	Submit ~~3~~ 1 200 NPL RI/FS (RFI/CMS) Work Plans for the 200-UR-1, Unplanned Releases	12/31/2003
M-013-00O	Submit ~~3~~ 1 200 NPL RI/FS (RFI/CMS) Work Plans for the 200-SW-2, Radioactive Landfills and Dumps OU. Includes waste sites in the 200-SW-1, Non-Radioactive Landfills and Dumps OU	12/31/2004
~~M-013-00P~~	~~Submit 4 200 NPL RI/FS (RFI/CMS) Work Plans~~	~~12/31/2005~~

Enclosure 2

Change Number	Federal Facility Agreement and Consent Order Change Control Form Do not use blue ink. Type or print using black ink.	Date
M-015-02-01		5/09/2002

Originator
G. H. Sanders, RL
Acting Assistant Manager Central Plateau

Phone
372-1766

Class of Change
[ ] I - Signatories [X] II – Executive Manager [ ] III - Project Manager

Change Title

Modify Tri-Party Agreement Milestone Series M-015 in Accordance with the Central Plateau Agreement In Principle

Description/Justification of Change

The Hanford Federal Facility Agreement and Consent Order (TPA) contains commitments for the U.S. Department of Energy (USDOE) to submit the 200 Area National Priority List (NPL) Remedial Investigation/Feasibility Study (RI/FS) Work Plans to complete the Investigation of Past-Practice Units by December 31, 2005 (Tri-Party Agreement Milestone M-013); complete all 200 Area Non-Tank Farm pre-Record of Decision (ROD) site investigations under approved work plan schedules by December 31, 2008 (Tri-Party Agreement Major Milestone M-015-00C); complete the remedial actions for all non-Tank Farm Operable Units by September 30, 2018 (Tri-Party Agreement Milestone M-016-00); and Submit Part B Permit Applications or Closure/Post Closure Plans for all Resource Conservation and Recovery Act (RCRA) Treatment, Storage, and Disposal (TSD) units (M-020-00) by February 28, 2004.

USDOE, the U.S. Environmental Protection Agency (EPA), and the State of Washington, Department of Ecology (Ecology) (parties) have completed negotiations to modify the schedule for completion of non-Tank Farm Remedial Investigations/Remedial Actions in the Central Plateau. These negotiations were conducted in accordance with the Tri-Party Agreement and the parties have provided the stakeholders/public the opportunity to review the proposed changes prior to approval. The parties have agreed to a strategy for timely waste site remediation of the non-Tank Farm RCRA corrective actions and Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) past practice units for the Hanford Site Central Plateau. The parties have set the schedule for submittal of the RCRA TSD Closure/Post Closure Plans (M-020 series milestones). The schedule is coordinated with the FS submittal date and activities (M-015 series milestones). The M-015 and M-020 series milestones, while coordinated, remain independently enforceable.

The parties signed an Agreement in Principle (AIP) that called for the agencies to complete negotiations and sign a Tentative Agreement by January 31, 2002, and committed the parties to complete public comment/review and agency approval no later than June 5, 2002.

Continued on Pages 2 through 4

Impact of Change
Clarifications, consolidation, and deletions of existing TPA milestones/target dates and adds two milestones supporting the 200-PW-2 OU RI/FS and one milestone to submit a Proposed Plan for a remedial action(s) at high-risk waste site(s). Maintains same timetable to complete remedial investigation and feasibility studies.

Affected Documents
The Tri-Party Agreement Action Plan – Appendix D, as amended, and Hanford site internal planning, management, and budget documents (e.g., USDOE and USDOE contractor Baseline Change Control documents; Multi-Year Work Plans; Sitewide Systems Engineering Control documents; Project Management Plans; and if appropriate, LDR Report requirements).

Approvals

K. A. Klein, RL Manager	6/2/02 Date	✓ Approved ____ Disapproved
L. J. Iani, EPA Region 10 Administrator	____ Date	____ Approved ____ Disapproved
T. C. Fitzsimmons, Ecology Director	____ Date	____ Approved ____ Disapproved

Tri-Party Agreement M-015 milestone series identifies the schedules from approved workplans for accomplishing the necessary RI/FS work to complete 200 Area non-Tank Farm past-practice pre-Record of Decision (ROD) waste site investigations by December 31, 2008 (M-15-00C). The *200 Areas Remedial Investigation/Feasibility Study Implementation Plan – Environmental Restoration Program, DOE/RL-98-28, Rev. 0,* established an approach for investigating the waste sites. Under this plan, approximately 700 waste sites were grouped into 23 process-based operable units (OUs), which in turn were grouped into 9 major waste categories (e.g., process waste, landfills). Each of the 23 OUs were scheduled in the Tri-Party Agreement to have work plans developed under the M-013 milestone series. One OU was included in the *100 Area Remaining Sites Record of Decision.* For the remaining operable units, the three agencies have jointly developed an improved approach to the remedial investigations and subsequent remediation of the waste sites based on lessons learned from Hanford's 100 and 300 Areas.

The revised investigation approach is to evaluate one or more OUs in a single RI/FS. This reduces the number of work plans, remedial investigation reports, and feasibility studies from 22 to 12. The revised approach is able to collect data necessary to adequately characterize the site and evaluate effective remedial alternatives. Under this approach, all of the RCRA TSDs identified in the M-020 series milestones will be sampled to comply with RCRA Closure/Post Closure requirements. These improvements will be incorporated into a revision of the *200 Areas Remedial Investigation/Feasibility Study Implementation Plan – Environmental Restoration Program, DOE/RL-98-28, Rev. 0.* Of the 12 RI/FS, 5 have approved work plans and 4 are in the final stages of the approval process. All completed work plans will be revised to reflect OU consolidation.

RI/FS Grouping of OUs	Major Waste Category
200-CW-1 Gable Mountain/B-Pond & Ditch Cooling Water Group*	Steam Condensate, Cooling Water and Chemical Sewer Waste (SC/CW/CSW)
200-TW-1 Scavenged Waste Group	Tanks/Scavenged Waste
200-TW-2 Tank Waste Group	Tanks/Scavenged Waste
200-PW-5 Fission Product-Rich Process Waste Group	Process Condensate and Process Waste (PC&PW)
200-CW-5 U Pond/Z-Ditches Cooling Water Group	SC/CW/CSW
200-CW-2 S-Ponds/Ditches Cooling Water Group	SC/CW/CSW
200-CW-4 T-Ponds/Ditches Cooling Water Group	SC/CW/CSW
200-SC-1 Steam Condensate Group	SC/CW/CSW
200-CS-1 Chemical Sewer Group	SC/CW/CSW
200-PW-2 Uranium-rich Process Waste Group	PC&PW
200-PW-4 General Process Waste Group	PC&PW

RI/FS Grouping of OUs	Major Waste Category
200-PW-1 Plutonium/Organic-Rich Process Waste Group	PC&PW
200-PW-3 Organic-rich Process Waste Group	PC&PW
200-PW-6 Plutonium Process Waste Group	PC&PW
200-LW-1 300 Areas Chemical Laboratory Waste Group	Chemical Laboratory Waste (CLW)
200-LW-2 200 Areas Chemical Laboratory Waste Group	CLW
200-MW-1 Miscellaneous Waste Group	Miscellaneous Waste
200-IS-1 Tanks/Lines/Pits/Boxes Waste Group	Tanks/Lines/Pits/Boxes Waste
200-ST-1 Septic Tank and Drain Fields Waste Group	Septic Tanks & Drain Fields Waste
200-UR-1 Unplanned Release Waste Group	Unplanned Release
200-SW-2 Radioactive Landfills and Dumps Group	Landfills & Dumps Waste
200-SW-1 Non-Radioactive Landfills and Dumps Group	Landfills & Dumps Waste
**Includes 14 other 200 North Waste Sites*	

The three work plans were submitted to Ecology and EPA in December for the 200-LW-1 300 Area Chemical Laboratory Waste Group Operable Unit RI/FS, the 200-PW-1 Plutonium-Rich/Organic-Rich Process Condensate/Process Waste Group Operable Unit RIF/FS, and the 200-MW-1 Miscellaneous Waste Group Operable Unit RI/FS Work Plan, and are undergoing regulatory review. Each work plan contained a proposed change request identifying Tri-Party Agreement Interim Milestones. Milestones governing RI/FS work for these units will be finalized as a part of the regulatory work plan review process and not as part of the Central Plateau negotiations.

Modifications/deletions to existing milestones are denoted with ~~redline/strike out~~, new milestones are shaded.

Milestone	Description/Title	Due Date
M-015-00	Complete the RI/FS (or RFI/CMS) Process for all Operable Units	12/31/2008
M-015-00C	Complete all 200 Area Non-Tank Farm Operable Unit Pre-ROD Site Investigations under Approved Work Plan Schedules	12/31/2008
~~M-015-02E-T3~~	~~EPA will issue a final ROD for 200-BP-1 OU.~~	~~06/01/1994~~
~~M-015-02E-T4~~	~~DOE will submit a Definitive Design for the modified RCRA Barrier to EPA/Ecology 2 months after the ROD is issued by no sooner than August 1, 1994~~	~~200-BP-1 ROD + 2 Months~~
~~M-015-02E-T5~~	~~DOE will submit a remedial action plan to EPA/Ecology 4 months after the ROD is issued but no sooner than October 1, 1994.~~	~~200-BP-1 ROD + 4 Months~~

Milestone	Description/Title	Due Date
~~M-015-02E-T6~~	~~DOE will complete the bid and award cycle for the final barrier 8 months after the ROD is issued but no sooner than February 15, 1995~~	~~200-BP-1 ROD + 8 Months~~
~~M-015-02E-T7~~	~~DOE will complete remediation activities at 200-BP-1 OU 15 months after the ROD is issued but no sooner than October 14, 1994~~	~~200-BP-1 ROD + 15 Months~~
M-015-38A	Submit 200-CW-1 Gable Mountain Pond/B Pond and Ditch Cooling Water Group Feasibility Study, including 216-N-1, 216-N-2, 216-N-3, 216-N-4, 216-N-5, 216-N-6, 216-N-7, UPR-200- E-34, 600-118, 200-N-3, 600-254, 2607-N, 2607-R, UPR-200-N-1, and UPR-200-N-2 Past Practice Waste Sites ~~and 216-B-3 Pond System RCRA TSD Unit Closure Plan,~~ and Submit 200-CW-1 Gable Mountain Pond/B Pond and Ditch Cooling Water Group Proposed Plan/Proposed RCRA Permit Modification	03/31/2003
M-015-39B	Submit 200-CS-1 Chemical Sewer Group RI Report	05/31/2004
M-015-39C	Submit 200-CS-1 Chemical Sewer Group FS ~~and 216-A-29 Ditch, 216-B-63 Trench, and 216-S-10 Pond and Ditch RCRA TSD Unit Closure Plan~~ and submit 200-CS-1 Chemical Sewer Group Proposed Plan/Proposed RCRA Permit Modification	11/30/2005
~~M-015-40A~~	~~Complete 200-CW-5 U Pond/Z-Ditches Cooling Water Group Field Work~~	~~09/30/2002~~
M-015-40B	Submit 200-CW-5 U Pond/Z-Ditches Cooling Water Group RI Report including the Past Practice Waste Sites in the 200-CW-2 S-Ponds/Ditches Cooling Water Group, the 200-CW-4 T-Ponds/Ditches Cooling Water Group, and the 200-SC-1 Steam Condensate Group	05/31/2003
M-015-40C	Submit 200-CW-5 Pond/Z Ditches Cooling Water Group FS and Submit 200-CW-5 U Pond/Z Ditches Cooling Water Group Proposed Plan including the Past Practice Waste Sites in the 200-CW-2 S-Ponds/Ditches Cooling Water Group, the 200-CW-4 T-Ponds/Ditches Cooling Water Group, and the 200-SC-1 Steam Condensate Group	10/31/2004
M-015-41B	Submit 200-TW-1 OU and 200-TW-2 OU RI Report to EPA and Ecology and includes the Past Practice Waste Sites in the 200-PW-5 Fission Product-Rich Process Waste Group.	10/30/2002
M-015-41C	Submit 200-TW-1 OU and 200-TW-2 OU FS and Proposed Plan to EPA and Ecology.and includes the Past Practice Waste Sites in the 200-PW-5 Fission Product-Rich Process Waste Group. The waste site associated with the Hanford prototype barrier will be addressed by the TW-1/TW-2 Proposed Plan	03/31/2004
~~M-015-42B~~	~~Submit 200-TW-2 OU Draft A Remedial Investigation Report to Ecology~~	~~09/30/2002~~
~~M-015-42C~~	~~Submit 200-TW-2 OU Draft A Feasibility Study and Draft A Proposed Plan/Proposed Permit Modification to Ecology~~	~~03/31/2004~~
M-015-43B	Submit 200-PW-2 OU RI Report including the Past Practice Waste Sites in the 200-PW-4 General Process Waste Group	06/30/2004
M-015-43C	Submit 200-PW-2 OU Feasibility Study and Proposed Plan/Proposed RCRA Permit Modification including the Past Practice Waste Sites in the 200-PW-4 General Process Waste Group	12/31/2005
M-015-47	Submit a Proposed Plan to EPA and/or Ecology to conduct remedial action(s) for source control at high-risk waste site(s) which includes an engineering evaluation of an engineered surface barrier.	6/30/2003

Enclosure 3

Change Number	Federal Facility Agreement and Consent Order Change Control Form Do not use blue ink. Type or print using black ink.	Date
M-016-02-01		5/28/2002

Originator
G. H. Sanders, RL
Acting Assistant Manager Central Plateau

Phone
372-1766

Class of Change
[X] I - Signatories [ ] II - Executive Manager [ ] III - Project Manager

Change Title
Modification of the M-016 Series Milestones

Description/Justification of Change

The Hanford Federal Facility Agreement and Consent Order (TPA) contains commitments for the U.S. Department of Energy (USDOE) to submit the 200 Area National Priority List (NPL) Remedial Investigation/Feasibility Study (RI/FS) Work Plans to complete the Investigation of Past-Practice Units by December 31, 2005 (Tri-Party Agreement Milestone M-013); complete all 200 Area Non-Tank Farm pre-Record of Decision (ROD) site investigations under approved work plan schedules by December 31, 2008 (Tri-Party Agreement Major Milestone M-015-00C); complete the remedial actions for all non-Tank Farm Operable Units by September 30, 2018 (Tri-Party Agreement Milestone M-016-00); and Submit Part B Permit Applications or Closure/Post Closure Plans for all Resource Conservation and Recovery Act (RCRA) Treatment, Storage, and Disposal (TSD) units (M-020-00) by February 28, 2004.

USDOE, the U.S. Environmental Protection Agency, and the State of Washington, Department of Ecology (parties) have completed negotiations to modify the schedule for completion of non-Tank Farm Remedial Investigations/Remedial Actions in the Central Plateau. These negotiations were conducted in accordance with the Tri-Party Agreement and the parties have provided the stakeholders/public the opportunity to review the proposed changes prior to approval. The parties have agreed to a strategy for timely waste site remediation of the non-Tank Farm RCRA corrective actions and Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) past practice units for the Hanford Site Central Plateau.

The agencies signed an Agreement in Principle (AIP) that requires the parties to sign a Tentative Agreement by January 31, 2002, and commits completion of public comment/review and agency approval no later than June 5, 2002.

Continued on Pages 2.

Impact of Change

Modifies the M-016-00 milestone description and extends the M-016-00 completion date to coincide with single-shell tank farm closure (M-045-00).

Affected Documents

The Tri-Party Agreement Action Plan – Appendix D, as amended, and Hanford site internal planning, management, and budget documents (e.g., USDOE and USDOE contractor Baseline Change Control documents; Multi Year Work Plans; Sitewide Systems Engineering Control documents; Project Management Plans; and, if appropriate, LDR Report requirements).

Approvals

K. A. Klein, RL Manager	6/2/02 Date	✓ Approved ___ Disapproved
L. J. Iani, EPA Region 10 Administrator	Date	___ Approved ___ Disapproved
T. C. Fitzsimmons, Ecology Director	Date	___ Approved ___ Disapproved

Description/Change (Continued)

Past-practice waste site remedial actions in the 200 Area must be closely coordinated with remedial/closure activities conducted in the Tank Farms and on major facilities. The 200 Area non-tank farm operable unit waste site investigations will be completed by December 31, 2008 under the M-015 series milestones and all source RODs are expected to be in place no later than 2010. Additionally, the parties decided that the M-016-00 major milestone be extended to 2024 to coordinate non-Tank Farm remedial actions with single-shell tank farm closure. Tri-Party Agreement Milestone M-016-00A (Complete all 100 Area Remedial Actions by 12/31/2012) and M-016-00B (Complete all 300 Area Remedial Actions by 09/30/2018) are addressed as part of the River Corridor Tri-Party Agreement Change Package as M-016-01-05 and M-016-01-06. Because all decontamination and decommissioning activities in the 100 Area are covered by proposed milestone M-016-00A, they are being stricken from M-016-00 milestone.

Modifications established by approval of this Tri-Party Agreement Change Request are denoted as ~~redline/strikeout~~ for deletions/modification and shading for new text.

Milestone	Description	Date
M-016-00	Complete Remedial Actions for all Non-Tank Farm Operable Units. ~~Complete Decontamination and Decommissioning of all 100 Area Buildings and Structures (Except 105-B, 105-C, 105-D, 105-DR, 105-F, 105-H, 105-KE, 105-KW, and 105-N Buildings)~~	~~9/30/2018~~ 9/30/2024

Change Number	Federal Facility Agreement and Consent Order Change Control Form Do not use blue ink. Type or print using black ink.	Date
M-020-02-01		5/28/2002

Originator
G. H. Sanders, RL
Acting Assistant Manager Central Plateau

Phone
372-1766

Class of Change

[X] I - Signatories [ ] II – Executive Manager [ ] III - Project Manager

Change Title
Modify Tri-Party Agreement Milestone Series M-020 in Accordance with the Central Plateau Agreement In Principle

Description/Justification of Change

The Hanford Federal Facility Agreement and Consent Order (TPA) contains commitments for the U.S. Department of Energy (USDOE) to submit the 200 Area National Priority List (NPL) Remedial Investigation/Feasibility Study (RI/FS) Work Plans to complete the Investigation of Past-Practice Units by December 31, 2005 (Tri-Party Agreement Milestone M-013); complete all 200 Area Non-Tank Farm pre-Record of Decision (ROD) site investigations under approved work plan schedules by December 31, 2008 (Tri-Party Agreement Major Milestone M-015-00C); complete the remedial actions for all non-Tank Farm Operable Units by September 30, 2018 (Tri-Party Agreement Milestone M-016-00); and Submit Part B Permit Applications or Closure/Post Closure Plans for all Resource Conservation and Recovery Act (RCRA) Treatment, Storage, and Disposal (TSD) units (M-020-00) by February 28, 2004.

USDOE, the U.S. Environmental Protection Agency (EPA), and the State of Washington, Department of Ecology (Ecology) (parties) have completed negotiations to modify the schedule for completion of non-Tank Farm Remedial Investigations/Remedial Actions in the Central Plateau. These negotiations were conducted in accordance with the Tri-Party Agreement and the parties have provided the stakeholders/public the opportunity to review the proposed changes prior to approval. The parties have agreed to a strategy for timely waste site remediation of the non-Tank Farm RCRA corrective actions and Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) past practice units for the Hanford Site Central Plateau. The agencies have set the schedule for submittal of the RCRA TSD Closure/Post Closure Plans (M-020 series milestones). The schedule is coordinated with the FS submittal date and activities (M-015 series milestones). The M-015 and M-020 series milestones, while coordinated, remain independently enforceable.

The agencies signed an Agreement in Principle (AIP) that calls for the parties to complete negotiations and sign a Tentative Agreement by January 31, 2002, and commited the parties to complete public comment/review and agency approval no later than June 5, 2002.

Continued on pages 2 through 3.

Impact of Change
Extends completion date to coincide with the FS completion dates under M-015 and further defined the M-020 commitments through two additional milestones.

Affected Documents
The Tri-Party Agreement Action Plan – Appendix D, as amended, and Hanford site internal planning, management, and budget documents (e.g., USDOE and USDOE contractor Baseline Change Control documents; Multi-Year Work Plans; Sitewide Systems Engineering Control documents; Project Management Plans; and if appropriate, LDR Report requirements).

Approvals

K. A. Klein, RL Manager	6/3/02 Date	✓ Approved ____ Disapproved
L. J. Iani, EPA Region 10 Administrator	____ Date	____ Approved ____ Disapproved
T. C. Fitzsimmons, Ecology Director	____ Date	____ Approved ____ Disapproved

The *200 Areas Remedial Investigation/Feasibility Study Implementation Plan – Environmental Restoration Program, DOE/RL-98-28, Rev. 0,* (Implementation Plan) established an approach for investigating 200 Area non-Tank Farm past-practice waste sites. Under this plan, approximately 700 waste sites were grouped into 23 process-based operable units (OUs), which in turn were grouped into 9 major waste categories (e.g., process waste, landfills). The 16 RCRA TSD Units requiring closure/post closure plans under the M-020 series milestone were included in OUs under this grouping process. All 23 OUs were scheduled in the Tri-Party Agreement to have work plans developed under the M-013 series milestone. All 16 RCRA TSDs were identified in the Implementation Plan as sites requiring investigation. At the current time, closure/post closure plans have been submitted for 7 of the 16 TSD Units.

The 16 RCRA TSD units are:

RCRA TSD	Existing M-020 Milestone Number	Submittal Status	Associated OU
600 NRDWL	M-20-07	Submitted 1/31/90	200-SW-2
216-B-3 Pond System	M-20-09	Submitted 3/31/90	200-CW-1
276-S-141 Storage Tank	M-20-27	Submitted 11/25/92	200-IS-1
276-S-142 Storage Tank	M-20-27	Submitted 11/25/92	200-IS-1
216-A-10 Crib	M-20-33	Not submitted	200-PW-2
216-A-36B Crib	M-20-33	Not submitted	200-PW-2
216-A-29 Ditch	M-20-36	Submitted 6/30/95	200-CS-1
216-U-12 Crib	M-20-37	Submitted 6/27/95	200-PW-2
216-A-37-1	M-20-52	Not submitted	200-PW-4
207-A South Ret. Basin	M-20-53	Not submitted	200-PW-4
216-B-63 Trench	M-20-36	Submitted 4/3/95	200-CS-1
216-S-10 Pond	M-20-39	Not submitted	200-CS-1
216-S-10 Ditch	M-20-39	Not submitted	200-CS-1
241-CX-70 Storage Tank	M-20-54	Not submitted	200-IS-1
241-CX-71 Neut. Tank	M-20-54	Not submitted	200-IS-1
241-CX-72 Storage Tank	M-20-54	Not submitted	200-IS-1

Subsequent to the approval of the Implementation Plan, one OU was included in the *100 Area Remaining Sites Record of Decision*. For the remaining operable units, the three agencies have adopted an improved approach to the remedial investigations and subsequent remediation of the waste sites based on lessons learned from Hanford's 100 and 300 Areas.

The revised investigation approach is to evaluate one or more OUs in a single RI/FS. This reduces the number of work plans, remedial investigation reports, and feasibility studies from 22 to 12. The revised approach is able to collect data necessary to adequately characterize the site and evaluate effective remedial alternatives. Under this approach, all of the RCRA TSDs identified in the M-020 series milestones will be sampled to comply with RCRA Closure/Post Closure requirements. These improvements will be incorporated into a revision of the *200 Areas Remedial Investigation/Feasibility Study Implementation Plan – Environmental Restoration Program, DOE/RL-98-28, Rev. 0.* Of the 12 RI/FS, 5 have approved work plans and 4 are in the final stages of the approval process. All completed work plans will be revised to reflect OU consolidation.

The Implementation Plan established a framework for integrating the RCRA TSD closure process with the OU RI/FS process. The remaining Closure/Post Closure plans will be submitted in conjunction with the associated operable unit Feasibility Study. The parties have agreed to change the Tri-Party Agreement M-020-00 completion date to December 31, 2008 so that it will be

coordinated with the completion of the OU RI/FS process Tri-Party Agreement Milestone M-015-00C. The M-020 interim milestones are modified to coordinate with the M-015 interim milestones or with the remaining M-013 series milestones for OU work plans that have not yet been developed. The M-020 series milestones are independently enforceable. Milestone M-020-00B establishes the submittal date for closure/post closure plans for the following RCRA TSDs: 216-A-10, 216-A-36B, 216-A-37-1, 207-A South Retention Basin, 216-S-10 Pond, 216-S-10 Ditch, 241-CX-70, 241-CX-71, and 241-CX-72. Milestone M-020-00A was created to retain the February 28, 2004, deadline for submittal of Part B Permit Applications or Closure/Post Closure Plans for all RCRA TSD Units, except the units listed in M-020-00B.

Modifications/deletions to existing milestones are denoted with ~~redline/strike out~~, new milestones and changes are shaded.

M-20-00	Submit Part B Permit Applications or Closure/Post Closure Plans for All RCRA TSD Units	~~2/28/2004~~ 12/31/2008
M-020-00A	Submit Part B Permit Applications or Closure/Post Closure Plans for all RCRA TSD Units except 216-A-10, 216-A-36B, 216-A-37-1, 207-A South Retention Basin, 216-S-10 Pond, 216-S-10 Ditch, 241-CX-70, 241-CX-71, and 241-CX-72.	02/28/2004
M-020-00B	Submit Closure/Post-Closure Plans for 216-A-10, 216-A-36B, 216-A-37-1, 207-A South Retention Basin, 216-S-10 Pond, 216-S-10 Ditch, 241-CX-70, 241-CX-71, and 241-CX-72.	12/31/2008
M-20-33	Submit 216-A-10 Crib, 216-A-36B Crib, 216-A-37-1 Crib, and 207-A South Retention Basin Closure/Post Closure Plans to Ecology in coordination with the ~~Work Plan for Uranium Rich Process Waste Group (to be coordinated with M-13-23)~~ Feasibility Study for the 200-PW-2 Uranium-Rich Process Waste Group Operable Unit (to be coordinated under M-15-43C)	~~10/31/2003~~ 12/31/2005
M-20-39	Submit 216-S-10 Pond and Ditch Closure/Postclosure Plan to Ecology In coordination with the ~~Work Plans for the Chemical Sewer Group (To be Coordinated with M-13-21)~~ Feasibility Study for the 200-CS-1 Chemical Sewer Group Operable Unit (to be coordinated under M-15-39C	~~2/28/2003~~ 11/30/2005
~~M-20-52~~	~~Submit 216-A-37-1 Crib Closure/Postclosure Plan to Ecology in Coordination with the Work Plan for the General Process Waste Group (to be coordinated with M-13-24)~~	~~12/31/2003~~
~~M-20-53~~	~~Submit 207-A Retention Basin Closure/Postclosure Plan to Ecology in Coordination with the Work Plan for the General Process Waste Group (to be coordinated with M-13-24)~~	~~12/31/2003~~
M-20-54	Submit 241-CX-70 Storage Tank, 241-CX-71 Neutralization Tank, 241-CX-72 Storage Tank ~~Tank System~~ Closure/Post Closure Plan to Ecology in coordination with ~~the Work Plans for the Infrastructure Waste Group (To be coordinated with M-13-00K)~~ the 200-IS-1 Tanks/Lines/Pits/Boxes Operable Unit Work Plan Feasibility Study scheduled under M-13-00M	~~2/28/2004~~ 12/31/2008

Hanford Tri-Party Agreement

Modifications to Hanford's 200 Area Central Plateau Waste Site Cleanup Milestones

Tri-Party Agreement Change Requests
M-013-02-01, M-015-02-01, M-016-02-01, M-020-02-01

Comment and Response Document

June 2002

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Comment and Response Document
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Hanford Tri-Party Agreement

Modifications to Hanford's 200 Area Central Plateau Waste Site Cleanup Milestones

Tri-Party Agreement Change Requests
M-013-02-01, M-015-02-01, M-016-02-01, M-020-02-01

Comment and Response Document
June 2002

1. Hanford Advisory Board, submitted by Todd Martin, Chair

Comment 1: The Hanford Advisory Board (Board) endorses the proposed Tri-Party Agreement (TPA) changes for the 200 Area as a first step in what should be an integrated comprehensive effort. The Board is encouraged by the cooperation of the TPA agencies in seeking improvements to the Hanford cleanup program. This letter does not recommend any delay to ongoing work or the implementation of the 200 Area change package, but rather it encourages integration of necessary long-term cleanup activities. However the Board finds the following key areas of concern outstanding.

This change package only includes non-tank farm operable units (OU). There is an extensive inventory of remediation needs that must be resolved on an integrated, consistent basis for all operable units.

> **Response to Comment 1: Thank you for your endorsement of the Central Plateau Tentative Agreement and associated Tri-Party Agreement (TPA) Change Packages. Your continued emphasis on the importance of integrating the Hanford cleanup between the Office of River Protection (ORP) and the Richland Operations Office (RL) is clearly understood and we continue to agree with your advice in that regard. See also response to Comment 5.**

Comment 2: The Board advises that a comprehensive risk assessment, including quantitative analyses be developed to guide cleanup decisions. The current change package claims a "risk based" approach to prioritizing remediation work, but no risk analysis is shown.

> **Response to Comment 2: When we refer to using a "risk-based approach to prioritizing work" we were not trying to imply a detailed risk assessment had been done to support the prioritization process. Instead, we are simply referring to a more general, but germane philosophy that places top priority on the bigger, more complicated contaminant problems (e.g. carbon tetrachloride plumes on the Central Plateau, understanding contaminant distribution in the vadose zone for tank and scavenged waste, etc.) that need to be resolved in order to establish a**

sound remedial action decision framework on which to base the remedial alternative selection process which is expected to take place between 2005 and 2008.

Every remedial action record of decision (ROD) for each of the major waste groupings will be supported by a risk assessment that is typically performed as part of the feasibility study that evaluates the effectiveness of remedial alternatives.

Comment 3: The Board advises that the groundwater program immediately be incorporated as an integrated part of the cleanup program. The Agencies assert a commitment to focus on ground water remediation, but ground water units are excluded from the proposed change scope.

Response to Comment 3: During the process of identifying what needed to be negotiated during the Central Plateau TPA negotiations, the Tri-Parties had known for some time that major milestones M-013, M-015, M-016, and M-020 had to be addressed. These milestones provide the framework for making remedial action decisions for the 800-plus soil waste sites on the Central Plateau. The Tri-Parties agreed to exclude negotiations on the groundwater-related portion of those milestones knowing that scope of discussions was large enough to require its own dedicated and focused forum. Thus, DOE committed in the Tentative Agreement to have separate, but timely discussions with U.S. Environmental Protection Agency (EPA) and Washington State Department of Ecology (Ecology) on how it will meet its existing groundwater commitments under the TPA. Groundwater discussions are an integral component of the C3T effort.

Comment 4: The role of long-term Waste Management, and ultimate closure of sites and facilities, needs to be identified and addressed in the Central Plateau and integrated with the remediation program.

Response to Comment 4: The Tri-Parties continue to recognize the importance of integrating cleanup work between waste sites, facilities, and tank farms. As with the groundwater cleanup discussed above, the Tri-Parties remain committed to ensuring an "integrated, consistent basis," as referred to in the advice, between the various major clean-up efforts. The Tri-Parties chose to use the term "non-tank farm OUs (operable units)" to ensure that the Tribes, stakeholders, and the general public understood the scope of this particular set of negotiations.

Comment 5: The Board advises the Agencies to establish an integrated plan and concept, bringing together a consistency of remedial approaches and schedules for the full scope of 200 Area cleanup.

> **Response to Comment 5: The Tri-Parties are working on a Central Plateau Strategy as part of the Cleanup, Constraints and Challenges (C3T) process. We anticipate that this effort will result in an integrated program that brings together a consistency of remedial approaches and schedules for the full scope of 200 Area cleanup.**

2. Oregon Office of Energy, submitted by Ken Niles

Comment 1: Failing to integrate groundwater remediation into these milestones could be a serious tactical mistake which could require re-entering previously closed waste sites during a later groundwater cleanup effort. The cleanup and closure efforts for some waste sites could result in a final configuration that might conflict with a future groundwater cleanup effort or require that less than optimum technologies be used for this cleanup.

> **Response to Comment 1: The Tri-Parties understand your concern regarding the relationship between source control and groundwater remediation. The Tri-Parties are currently working on a Central Plateau groundwater protection and remediation strategy as part of the Cleanup, Constraints and Challenges (C3T) process. We anticipate that this effort will result in an integrated program that recognizes the tie between source and groundwater actions.**

Comment 2: While we applaud the efforts to streamline cleanup and make it more efficient, we feel some compensatory measures should be taken to offset the potential uncertainties introduced into the process by reducing the number of investigations conducted. Specifically, there should be requirements for confirmatory sampling of sites not investigated as part of the Remedial Investigation/Feasibility Study process to ensure the analysis done during this process applies to the site.

> **Response to Comment 2: We agree. In order to determine whether a proposed remedy will be protective, adequate information and evaluation will be gathered for all waste sites. Following the remedial decision, confirmatory/remedial design sampling will be performed recognizing that additional data will be needed to implement the selected remedy(ies).**

Comment 3: These change packages are very difficult to read. They are highly technical and filled with acronyms. Even members of the public who have been actively involved in reviewing cleanup documents for a number of years would likely have difficulty

deciphering most of the M-015 milestones. We urge the Tri-Parties to explore new ways to make this information more understandable to the general public. Perhaps including a map as part of the change package would assist a reader in determining some of the specific areas mentioned in the milestones. Expanding the "Description/Title" may also help. Making these documents more understandable will allow more people the opportunity to comment and allow their comments to be more cogent and useful to the agencies.

> **Response to Comment 3: We agree. Currently the way the Tri-Parties develops change packages is to ensure the milestones are written consistent with how they appear in the Tri- Party Agreement and to ensure legal enforceability. This does not always afford easy reading by the public. The Tri-Parties will continue to work to improve the tools we use to provide better understanding such as fact sheets and other public information materials.**

3. Confederated Tribes and Bands of the Yakama Nation, submitted by Russell Jim

Comment 1: Communication. No intergovernmental dialogue has occurred with YN leading up to this change packet. When a meaningful government-to-government relationship is properly executed, a mutual decision can be reached. Hopefully, meaningful dialogue will start very soon so we may reach a mutual agreement on how characterization should precede for the 200 Area NPL site.

> **Response to Comment 1: DOE and EPA recognize that, as agencies of the Federal government, we have a trust responsibility to American Indian Tribes to consult with the tribes and whenever possible, protect Tribal resources which may be affected by agency decision-making. Moreover, DOE, EPA, and the State of Washington have adopted policies, which recognize Tribal sovereignty and commit to a government-to-government relationship with the Tribes.**
>
> **We regret the late notification we sent you for the meeting the Tri-Parties held on January 16, 2002 in Pasco, Washington where we discussed the progress on the negotiations involving cleanup of waste sites in the 200 Area. Since you were unable to attend, the Tri-Parties look forward to an opportunity in the very near future to discuss with you the proposed changes resulting from those negotiations. We also thank you for the comments you have provided and hope that our response resolves your concerns/comments.**

Comment 2: Justification for Change of Characterization. Many reasons exist for changing the way characterization is perform at the Hanford Site. We provided a few

justifications in a letter dated March 11, 2002 to the Tri-Parties and believe this is reason enough to change the way characterization is conducted.

A comprehensive assessment could determine what contaminants are present and identify potential threats to human health and cultural resources that are important to the Yakama people. This is a major concern to YN, especially in light of a recent report, developed by the Risk Assessment Corporation for the federal government, concluding that Indians may have been exposed to more potentially cancer-causing radiation than other people living near Hanford. This information was presented during a January meeting in Kennewick of the Inter-Tribal Council for Hanford Health Projects.

> **Response to Comment 2: We agree with the Yakama Nation statement in your letter dated March 11, 2002 that the *Comprehensive Environmental Response, Compensation, and Liability Act* (CERCLA) RI/FS process identifies gathering characterization data early, prior to any cleanup action. Our approach is to gather sufficient information to allow for efficient remedy selection. Following the remedial decision, confirmatory/remedial design sampling will be performed recognizing that additional data will be needed to implement the selected remedy (ies).**

Comment 3: Baseline Assessments. The CERCLA RI/FS process identifies gathering characterization data early, prior to any cleanup action. A scientifically sound assessment needs to be implemented early in the cleanup process to aid in determining the types and extent of contamination, pathways of exposure, and establishment of cleanup levels protective of biological receptors. This is one of the remedial cleanup criteria of *40 CFR § 300.430.* The M-013/015 milestone series are both deficient in language requiring the collection of comprehensive characterization data (pathway confirmation via exposure tests, toxicity tests, etc.) to assess protection of all biological receptors.

An alignment with the implementing regulations (40 CFR § 300.430), EPA's *Ecological Risk Assessment Guidance for Superfund: Process for Designing and Conducting Ecological Risk Assessments* (EPA 540-R-97-006, OSWER Directive #9285.7-25, June 1997), and the Washington Department of Ecology's recently amended Model Toxics Control act (MTCA) is needed.

One thing is known: hazardous substances continue to reach biological receptors in the 200 Area. What effects these contaminant levels may have on biological receptors remain unknown, since little actual characterization has occurred. YN waits for adequate comprehensive characterization to demonstrate protectiveness of these resources reserved in the Treaty of 1855.

> **Response to Comment 3: We agree with the Yakama Nation statement regarding the need for scientifically sound assessments. Inherent within the requirements of performing a CERCLA Superfund cleanup is the requirement to conduct a scientifically sound assessment of risk to human**

health and the environment coupled with an assessment of the feasibility of possible remedial alternatives. This assessment must occur prior to and in support of remedial action decision-making. The proposed changes to the 200 Area soil waste site cleanup approach maintains this requirement for performance of these assessments early in the cleanup process and in a manner that aids in determining the types and extent of contamination, pathways of exposure, and establishment of cleanup levels protective of biological receptors.

In our efforts to improve the approach for conducting the ecological portion of these assessments, DOE has prepared a draft document entitled *Ecological Evaluation of the 200 Areas* which captures the ecological evaluation approach we discussed with you last year. It focuses directly on Phase 1 and the compilation of existing 200 Areas ecological data.

Comment 4: M-013 milestone series. Under the M-013 change package, the Tri-Parties proposes to consolidate 22 operable units into twelve operable units, and to evaluate one or more OUs in a single RI/FS. The purpose is to reduce the number of work plans and RI reports and feasibility studies. A hidden agenda appears to be to further reduce the amount of characterization that will be performed in the 200 Area. One can clearly understand this when one references the *200 Areas Remedial Investigation/Feasibility Study Implementation Plan,* DOE/RL-98-28, Rev. 0. This document outlines the analogous approach (currently called lessons learned) to characterization of waste sites, which depends on limited characterization of one site then extrapolating the results to other similar sites. The implementation plan also does not include any biological assessment guidance, and as currently written, does not instruct remedial project managers to gather any empirical, biological data. 200 Area remedial investigation work plans being published right now fail to address biological receptors or characterization. The Tri-Parties state in the change package that the revised approach is able to collect data necessary to adequately characterize the waste sites and evaluate effective remedial alternatives. With less characterization, it not only makes the task of demonstrating protectiveness of human health and the environment more difficult but it also makes prioritizing and focusing on areas that present the highest risk. A true risk framework has not been provided which would identify high risk sites and establish a cleanup and closure approach for those sites.

Response to Comment 4: The further consolidation of operable units is an excellent opportunity to add efficiency to performance of 200 Area waste site remediation. It should not be misconstrued as an attempt to postpone or circumvent gathering the necessary data to support remedial action decision-making.

The draft ecological evaluation document being issued by DOE very shortly and which is mentioned in the earlier comment response, is intended to supplement the existing *200 Area Implementation Plan*. Please note that

DOE expects to revise the *200 Area Implementation Plan*, a primary document under the TPA, within the next year. The revision will establish consistency with changes made as a result of this year's Central Plateau TPA negotiations and improve the remediation planning portion of the document.

With regard to our efforts to establish the Hanford risk framework, the Tri-Parties remain committed to working with the Tribal Nations and the Hanford Exposure Scenario Task Force in our efforts to establish a useful framework for evaluating risk to human health and the environment across the Hanford Site. We expect that part of the effort dedicated to the Central Plateau will be concluded by mid- June and we look forward to additional discussions with you on that subject.

Comment 5: M-015 milestone series. Under the M-15 change package, the Tri-Parties propose completing all remedial investigations (RI) by 2008. This appears feasible. However, a comprehensive baseline characterization assessment, including biological exposure and effects, needs to be part of the RI. This has not been performed or proposed yet. The ground water vadose zone project and its SAC have not addressed the surface soils or the biological zone in the 200 Area NPL site. Furthermore, the *200 Areas Remedial Investigation/Feasibility Study Implementation Plan-Environmental Restoration Program,* DOE/RL-98-28, Rev 0 lack guidance on performing a biological assessment, i.e. exposure/effects and the work plans issued to date lack any outline for biological assessments. We conclude that the Tri-Parties will be unable demonstrate protectiveness of human health and the environment if they continue on the current path.

Surface Barrier. As part of the M-015 series, the Tri-Parties propose an engineering evaluation of an engineered surface barrier. It is not clear why this milestone is necessary. A prototype barrier was constructed in the 200 East Area several years ago and its performance was measured. According to the results, it met or exceeded all design specific actions and protection criteria. There is no need to repeat the evaluation. RI/FS guidance under CERCLA establishes the correct process to follow. The conceptual barrier design document was developed and approved by DOE-RL. This proposed change package language should not be a platform to fund research and engineering projects. Best Available Technologies are used for this process, not research programs.

Response to Comment 5: Regarding your expectation for performance of a baseline risk assessment, please see the previous comment response as you made a similar statement in your comments on the M-013 portion of the proposed TPA changes.

Regarding your comments on the proposed action to consider a decision for use of surface barriers, this proposed concept is in keeping with the Tri-Parties commitment to reducing risk and accelerating cleanup. Surface barriers are a viable clean-up alternative particularly when used to

remediate a waste site that is a known contributor to groundwater contamination. As you know, Hanford has already made a significant investment in developing barrier construction and performance monitoring technology through the employment of the more robust Hanford prototype surface barrier design. Still, here at Hanford there is an outstanding need to demonstrate alternative cover designs that are not as robust as the Hanford barrier design yet meet the requirements for protection of human health and the environment. Since surface barrier technology is very likely going to be one of the more commonly considered remediation actions, and since such an alternative cover demonstration would be used to target risk reduction, provide Hanford site-specific long-term performance monitoring data, and further demonstrate our commitment to accelerating clean-up where possible, the Tri-Parties believe this proposed action is worthy of further consideration. We look forward to sharing with the Tribal Nations and other interested stakeholders the resulting engineering evaluation and proposed plan associated with implementing this proposed milestone.

Comment 6: Independent Oversight. The Tri-Parties have not demonstrated their ability to perform an unbiased, scientifically sound and defensible assessment. Due to documented inadequate environmental assessment processes that are taking place at Hanford, which are not sufficient to ensure protection of people and the environment, YN sees a need for independent oversight to conduct interim and final (pre- and post-) remedial risk assessments.

Response to Comment 6: This comment is identical to the comment made in your March 11 comments on the 100/300 Area TPA milestone change packages. Our same response follows:

The Tri-Parties respectfully disagrees with the commenter's assertion that there is a lack of independent oversight by the Tri-Parties with regard to the conduct of unbiased, scientifically sound and defensible assessments. The primary cleanup authority resides with CERCLA, *Resource Conservation and Recovery Act* (RCRA), State *Hazardous Waste Management Act* (HWMA), and the *Atomic Energy Act of 1954*. Both the EPA and Ecology have and continue to provide independent oversight as lead regulatory agencies with respect to the cleanup activities at the Hanford Site. The specific cleanup requirements are mandated by either CERCLA, RCRA or HWMA. As required, cleanup actions consider substantive requirements of promulgated regulations including those enforced by the U.S. Fish and Wildlife Services as *Applicable or Relevant and Appropriate Requirements* (ARARs). Also, all natural resource trustees with appropriate jurisdiction at the Hanford Site have been participating in the Hanford Natural Resource Trustee Council regarding cleanup decisions impacting natural resources.

Comment 7: Negotiations. As part of thee negotiations, and as provided in 40 CFR §300.615 (d) (2) and CERCLA § 122 (j)(1), the Yakama Nation believes that it is appropriate for the U.S. Department of Interior/U.S. Fish and Wildlife Service, which is responsible for species protected under the *Endangered Species Act* (ESA) and the *Migratory Bird Treaty Act* (MBTA) at the Hanford Site, to participate in the negotiations of M-013/015.

USFWS stated, in a letter dated October 18, 2000 from Regional Director Anne Badgley to Keith Klein, that it believes it is time the Service be added to the Tri-Party agreement. YN supports the agency's request to be added to the TPA. It will ensure that natural resources, especially ESA and MBTA species, are properly addressed. Furthermore, the two federal agencies should enter into an Interagency Agreement with the USFWS to provide the much needed expertise for conducting ecological risk assessments.

In addition to the USFWS, we believe that it is appropriate for the Yakama Nation, which has treaty resources subject to the federal trust responsibility, to participate in the negotiations of this change package.

> **Response to Comment 7: This comment is identical to the comment made in your March 11 comments on the 100/300 Area TPA milestone change packages. Our similar response follows:**
>
> **It is not appropriate to add the U.S. Fish and Wildlife Service (USFWS) to the TPA because it is a CERCLA and RCRA regulatory compliance document. We are working with the USFWS to coordinate decision-making and planning in the Hanford Reach National Monument areas. CERCLA and other environmental laws that apply to the Hanford Site require standards that are protective of fish, wildlife and their habitat.**
>
> **Regarding your participation in the negotiations of TPA changes, we hope that the level of commitment DOE stated in its April 8, 2002 letter from Jessie Roberson to Russell Jim is an acceptable proposal for improving our communications. That commitment entails scrutinizing our consultation planning process to identify the appropriate steps necessary to properly involve the Yakama Nation on a government-to-government basis in the Hanford cleanup.**

Comment 8: Attachment. Establish Biological Assessment Milestone for the 200 Area NPL site (M-013/015)

> **Response to Comment 8: Thank you for offering the proposed milestone language for biological assessment work. However, this work, although termed a little differently as an "ecological evaluation/assessment", is inherent within the CERCLA-based Superfund clean-up framework. The results of such assessments are reported by DOE in support of cleanup**

decision-making through various data quality objective development efforts as well as in its remedial investigation reports and feasibility studies. As you can see, the Tri-Parties have proposed TPA milestones covering both the remedial investigation and the feasibility studies. An additional milestone focusing on performance of the ecological evaluation is not necessary.

4. Columbia Riverkeeper, submitted by Greg deBruler, Jason Deech, and Daniel Lichtenwald

Comment 1: Because of the massive vadose contamination that exists in the 200 Area, the 100 Area characterization approach is unacceptable!

Response to Comment 1: In general, we agree that the relatively thicker vadose zone in the 200 Area presents more of a challenge than the 100 Area. Accordingly, we have been applying (and will continue to apply) the 200 Area analogous sites approach by selecting "worst case" sites for characterization. Those are the sites where the greatest volume of liquid has been applied and/or the greatest inventory of radionuclides has been disposed. Such sites are where contaminants would be expected to move the deepest into the vadose zone. Drilling and sampling penetrates the entire vadose zone.

Comment 2: The input flyer indicates that the U.S. Department of Energy, U.S. Environmental Protection Agency and Washington State Department of Ecology "conducted a thorough review of the current cleanup approach and identified improvements to accelerate cleanup of these waste sites." During a similar review of the same issue during the mid-1990's, the three agencies conducted the review via a facilitated data quality objectives process (DQO). The DQO basis, results, and agreements were documented in a document issued in 1996 entitled *200 Areas Soil Remediation Strategy – Environmental Restoration Program* (DOE/RL-96-67, Rev. 0). Subsequently, another document was issued which described the implementation of the 200 Areas soil remediation strategy. This document is entitled *200 Areas Remedial Investigation/Feasibility Study Implementation Plan – Environmental Restoration Program* (DOE/RL-98-28, Rev. 0).

The referenced 200 Areas soil remediation implementation plan states:

> Significant efficiencies are also achieved by reducing the number of operable units from 32 geographical-based groupings to 23 process-based waste site operable units. Within each of these groups, representative sites will be selected; treatment, storage, and/or disposal units will be included; and the analogous site approach will be used to obtain characterization information. The grouping of waste sites and selection of candidate representative sites was the first step in developing a consistent characterization strategy that applies the analogous site

approach used previously in the 100 and 300 Areas. These groupings can be used to focus the characterization effort on a limited number of specific waste sites that represent the group. The representative site data can then be used to make remedial action decisions for all sites within a group. Sampling of individual waste sites is expected to be required before remedial design to verify the applicability of the representative waste site conceptual model, to confirm that remedial action decisions are appropriate, and to provide data needed to design the remedy. Sampling may also be performed during or after remedial design at non-representative sites to verify the proper group placement. The use of the analogous site approach is critical due to the large number of waste sites that exist in the 200 Areas. Field analytical data would ultimately be required at all waste sites, but the collection of this confirmatory data will coincide with the commencement of remedial design activities. Following remediation, verification sampling will also be performed to confirm that cleanup goals have been achieved.

The input flyer states:

> There are over 700 soil waste sites that fall within 9 major waste categories (e.g., process waste, landfills). The waste sites are grouped into 22 operable units based on combinations of the major waste categories and contaminant sources. For the remedial investigation/feasibility study process, the waste sites can be further consolidated to 12 distinct groupings (due to similarities between contaminant sources). This reduction of the number of waste site groupings allows for substantial savings by reducing the number of reports necessary to address all of the waste sites, while still providing the information needed to achieve effective cleanup.

As indicated in the input flyer, a thorough review has occurred. However, the formal documentation of that thorough review has not been referenced/cited or provided. In other words, it appears that the 200 Area Soil remediation strategy has changed and that the changes are not supported by a technical basis. It could be concluded that a reduction of "distinct groupings" allows a reduction of characterizations and thus costs less. It could also be concluded that such a reduction in costs is the primary motive for changing the strategy as it is being proposed to be changed. Without providing the technical basis of the proposed change as well as supporting decision-making documentation (i.e., published DQO), it is inappropriate to seek stakeholder input for a new 200 Area soil remediation strategy.

Response to Comment 2: The Tri-Parties appreciates your acknowledgement that a thorough review has occurred. We expect to demonstrate in each individual RI/FS work plan that sufficient characterization data will be collected for the operable units addressed by that work plan. The opportunity to consolidate documents (work plans and RI/FS reports) became apparent as we implemented the analogous sites approach. It became apparent that there are similarities in waste sites in operable units of the same process waste type. We expect to collect the same amount of data

with fewer documents (plans and reports), but the perception of " fewer" investigations has been perceived as fewer data.

The Tri-Parties expect to refine our soil remediation strategy as we complete more of the operable unit investigations and complete proposed plans by the 2008 milestone date. We will solicit public participation in refinements of the remediation strategy; and the proposed plans will be sent out for public comment.

Comment 3: Additional Comment. The previous strategy (as documented in the *200 Areas Soil Remediation Strategy – Environmental Restoration Program* and *200 Areas Remedial Investigation/Feasibility Study Implementation Plan – Environmental Restoration Program*) was to follow the CERCLA process as the basis for assessment and remediation activities in the 200 Areas. It is appropriate to exclude the RCRA single-shell tanks. Likewise, it is appropriate to exclude operating RCRA units (i.e., LLBGs, LERF, etc.). The operating RCRA units should be excluded so that RCRA corrective action authorities may be invoked in the event that releases occur from operating RCRA units. Obviously, the SSTs and LLBGs will be operated for the foreseeable future (tens of years) and it is vital that appropriate RCRA corrective action authorities be maintained so that interim measures may be taken to address source and/or groundwater. The significance of this particular exclusion is supported by the current CERCLA approach that separates groundwater from source sites. To further explain, the current configuration of the soil remediation strategy and the proposed soil remediation strategy do not provide means for implementing interim measures to address groundwater contamination from source sites. Conversely, the current configuration of the soil remediation strategy and the proposed soil remediation strategy do not provide means for implementing interim measures to address source sites when groundwater contamination is detected. In other words, by the CERCLA separation of source sites from groundwater (via operable unit designations), the approach does not appear to address vadose zone contamination for those waste sites at which contamination has migrated beyond 15 feet below the site (or beyond the extent of an excavation equipment's reach).

Response to Comment 3: Investigation of CERCLA and RCRA past practice waste sites in the 200 Area have been, and will continue to sample and characterize contamination well below 15 feet in depth. Likewise, the feasibility studies and remedial actions will address contamination below 15 feet in depth.

Comment 4: Additional Comment. The input flyer states: "Following completion of these negotiations, the Tri-Party Agencies are committed to conducting timely discussions on how the USDOE will meet existing commitments to clean up groundwater." This statement does not provide assurances that the future discussions

will address the above-described critical flaws of the soil remediation strategy. In fact, it is of great concern that the 100 and 300 Areas River Corridor cleanup proposed milestones have omitted groundwater, vadose zone, and surface water remediation needs and schedules.

Response to Comment 4: The Tri-Parties have had fruitful discussions (as part of the C3T initiative) identifying Central Plateau groundwater remediation needs and their approximate decision dates. We are continuing to work on these and will invite the public to participate at the earliest possible opportunity, i.e., as soon as there is a coherent concept. We understand that any presentations will have to address public concerns about the integration of soil, groundwater, and surface water remediation needs.

5. State of the Hanford Site Public Meeting

The "State of the Hanford Site" public meetings were conceived and held in order to communicate with the public on a broad range of Hanford Site issues. Although the meetings were not specific to these 200 Area TPA change packages, a comment on the River Corridor (100 and 300 Area) TPA change package requested consideration of the State of the Site comments. The comments at State of the Site meetings, which may have included extended dialogue, were duly recorded as summary statements. Those statements were categorized for relevance to one or more of several different issues/topics. The Tri-Parties reviewed the comments and concluded that none were directly relevant to these TPA change packages. A number of the comments dealt with high-level tank wastes, but that issue is addressed by a TPA milestone series (M-45) not included in this TPA change package. Therefore, responses to comments on that issue (tanks) have not been included in this comment and response document.