



Comments and Responses to the Tentative  
Agreement on Hanford Federal Facility  
Agreement and Consent Order on  
100 Area Waste Site Remediation, 300 Area  
Surplus Facilities, and 200 Area Decision  
Documents for Canyon Area Remediation

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**April 2013**

# Public Comments and Responses to the November 2012 Tentative Agreement On Hanford Federal Facility Agreement and Consent Order Revisions Pertaining to 100 Area Waste Site Remediation, 300 Area Surplus Facilities, 200 Area Decision Documents for Canyon Area Remediation

## INTRODUCTION

In August 2012, the U.S. Department of Energy – Richland Operations Office (DOE-RL), the U.S. Environmental Protection Agency (EPA) and the State of Washington Department of Ecology (Ecology) (or Parties) signed an Agreement in Principle to discuss and negotiate revisions to the Hanford Federal Facility Agreement and Consent Order (also known as the Tri-Party Agreement or TPA) to address:

- 1) River Corridor waste site remediation scope not already covered in the TPA Action Plan (Appendices C and D), resulting from discovery of new sites or discovery of more extensive contamination than previously anticipated (Milestone M-016-00A).
- 2) Completion/execution dates for the 324 Area facility demolition (M-089-00) and 300 Area Surplus Facilities (M-094-00).
- 3) Completion/execution dates for Central Plateau decision documents (M-015-00) and canyon area remediation (M-085-00).
- 4) Characterization associated with or in the vicinity of the KE reactor area and completion/execution dates for the reactor interim safe storage (M-093-22).

After several weeks of discussion and negotiations, the Parties tentatively agreed to six draft change packages that went out for public comment. They were:

M-15-12-03	Add six new interim milestones and delete two target dates for River Corridor Decision Documents, and revise interim milestone M-015-00D
M-16-12-06	Modifications to Milestones M-016-00A, M-016-55, and M-016-145; and creation of new TPA Milestones
M-85-12-02	Revise interim milestones in the M-085 series (canyons/associated waste sites and Tier 2 Facilities) to incorporate lessons learned from U Plant

M-89-12-02	Extension of 324 Facility Closure due to contaminated soil encountered under B-Cell
M-93-12-02	Provide a revised schedule for 105-KE and 105-KW Reactor Interim Safe Storage
M-94-12-04	Delay M-094-00 for the 300 Area due to soil contamination under the 324 Building, and create a new interim milestone for M-094 work exclusive of the 324 building.

A 45-day public comment period on the draft change packages ran from December 20, 2012 through January 24, 2013. Over 3200 fact sheets were distributed by mail or sent electronically and an ad was placed in the Tri-City Herald at the start of the public comment period. No public meetings were requested or held. Individuals sent written comments through the mail or electronically. This document contains the comments received on the draft change packages and the Parties' responses to those comments.

Seventy-one individuals or organizations submitted 90 comments. Sixty-one of those individuals submitted a comment using the same form letter. The Parties responded to comments from each individual or organization. Major comment themes included:

- General support for taking the needed time to do the work
- Concerns about excessive schedule delays
- Request additional budget for 324 Building and soil cleanup
- Unacceptable to justify schedule delays by anticipated lack of funding
- Support a new Vision, not DOE's 2015 Vision
- Honestly discuss the timing and cost of Hanford cleanup
- Do not define progress with confusing statistics, e.g., footprint reduction

Copies of the original public comments are in the Administrative Record and Public Information Repository located 2440 Stevens Center Place, Room 1101, Richland, WA. and can be viewed at <http://www5.hanford.gov/arpir/?content=findpage&AKey=0089902>

Based on the comments received, the Parties did not revise the draft change packages.

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Note:

The Parties agreed to make the following changes to the change control forms independent of public comment:

M-15-12-03

- Extend the due date for Milestone M-015-76, installation of additional monitoring wells at 100 B/C, two months (September to November 2013) to align with the aquifer tube installation.

M-16-12-06

- Made editorial changes to provide additional definition of actions to be taken for certain 100 D/H waste sites in Milestones M-016-158 and M-016-161, and to correct an error in Milestone M-016-055.

M-85-12-02

- Extend the due date for Milestone M-085-01 by one month (March to April) since this milestone was coming due before the public comment process could be completed and the Tentative Agreement change control form could be approved.

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**COMMENTER 1:**

**Ken Niles, Administrator, Nuclear Safety Division  
Oregon Department of Energy**

**COMMENT 1.1:**

Thank you for the opportunity to offer comments on proposed changes to the Tri-Party Agreement (change numbers M-85-12-02, M-93-12-02, M-94-12-04, M-89-12-02, M-16-12-06, M-15-12-03).

It is unfortunate that the Hanford cleanup work identified in this change package is proposed for delay, though we recognize that in many cases the delays are caused by additional work scope being added.

The scope of some of the proposed delays is not well justified in the Change Control Form. We recommend that future significant proposed Tri-Party Agreement changes provide a more detailed explanation under the “Descriptions/Justification of Change” section of the form.

**RESPONSE TO COMMENT 1.1**

*The Parties appreciate your feedback. Our intent was to keep the change control forms concise to facilitate a simple and straightforward review. We will consider your comment when preparing future change control forms.*

**COMMENT 1.2:**

For the specific changes proposed, we offer these comments:

- *River Corridor Decision Documents*
  - Oregon agrees with the plan to obtain additional groundwater monitoring data in the 100 B/C Area before proposing a groundwater remedy.
  - Oregon had earlier recommended that the Tri-Parties not issue remedial investigation/feasibility studies and proposed plans for multiple reactor areas at the same time, due to the burden on agencies such as our own and on other stakeholders to review numerous lengthy documents in a short review period. We are pleased that the Tri-Parties now recognize this burden by delaying these documents for the N Area.
- *100 Area Remediation*
  - Oregon strongly supports efforts that have been taken to chase chromium plumes in several of the reactor areas. We are pleased that work has identified additional waste areas for cleanup in numerous reactor areas. We believe a more thorough cleanup will result in less impact to the Columbia River.
  - At the same time, we question whether more than four years of additional time is needed to accomplish this work. It appears the length of this delay is due largely to an anticipated lack of funding. While the additional work justifies some delay, the delay should be less than what is proposed.
- *324 Facility*
  - It is understandable that additional time is needed for remediation of the highly contaminated soil beneath the 324 Building. Here too it appears that some of the added schedule is due to anticipated budget constraints.
- *K-East and K-West Reactors*

- Oregon supports additional soil characterization in the 100 K Area because of the sub-surface contamination from past leaks from the K-East basin. The proposed delays again seem somewhat excessive.
- Canyons
  - Demolition of Hanford’s canyon facilities is far down the list of Oregon’s priorities as compared with other cleanup work at Hanford. We believe it does make sense to use lessons learned from U Canyon demolition in planning for work on the other canyon facilities.

**RESPONSE TO COMMENT 1.2**

*Thank you for your comments supporting the proposed milestone changes. The proposed delays are driven by resource constraints, additional workscope, the need for more data to make better-informed cleanup decisions and the extensive preparation and operations needed to safely perform this complex and hazardous work.*

*The original 100 Area milestones were for interim, not final, cleanup actions. The dates were extended to include final cleanup actions as well as capture the expanded work scope that has been identified over the past several years. While the milestone extends the completion dates for 100 Area remedial actions to 2017, the majority of the work to remediate waste sites will be completed by the end of FY2015. The additional time will allow completing the closeout process and closure reports, a process that can take 1-2 years, and complete any additional cleanup actions required by the final Records of Decision.*

*The schedule for completing remediation of the 324 Facility is driven by funding constraints and the additional time needed to plan for and design a system capable of removing the highly contaminated soils beneath the facility. Specifically, funding in FY2012 was less than that required for this additional complexity and scope. Therefore, consistent with the requirements of the TPA, the Parties have agreed to revise the milestones for completion of the 324 Facility in order to minimize the impacts on high priority cleanup in the 100 Areas.*

*The Parties have determined that additional characterization of contamination under the reactor is necessary. Obtaining funding, planning and doing that work are the basis for the schedule.*

**COMMENT 1.3:**

In many previous proposed Tri-Party Agreement change packages, there were obvious “gets” to go along with the “gives.” This package seems bereft of gets – presumably because funding is tight and additional cleanup work cannot therefore be added.

Oregon proposes that as part of this change package – as a get – the agencies accelerate milestone M-062-45 (2) and make it an enforceable, rather than target milestone. This milestone currently states that beginning in April 30, 2015, as a target milestone (not enforceable until 2021), that the parties negotiate “contingency actions and milestones, of and as necessary, for providing new, compliant tanks with sufficient capacity and in sufficient time to complete (tank) retrievals under this agreement, regardless of (Waste Treatment Plant) operational deficiencies or retrieval conditions.”

Given the recent circumstances with the inner shell leak of tank AY-102 and the likely loss of that tank for future use and the potential need to empty it, tank retrievals are certainly at risk now, as is the question of continued indefinite safe storage of the tank waste.

Oregon recommends the Tri-Parties initiate negotiations to identify contingency actions and milestones no later than July 1, 2013. It may be necessary to also negotiate a new System Plan (per M-062-40) or contingency plan to support these negotiations.

**RESPONSE TO COMMENT 1.3:**

*Thank you for your suggestions, however, these milestones (M-062-40 and M-062-45) were not part of this change package. Any changes to these TPA milestones will follow the appropriate TPA process.*

**COMMENT 1.4:**

Discussions at both a local and national level in relation to anticipated cleanup funding for Hanford lead us to believe that we are likely to see numerous challenges in meeting existing Tri-Party Agreement milestones in the coming years based largely or exclusively on anticipated budget constraints. Clearly, additional funding is needed to at least keep somewhat pace with existing milestones.

Article 153 of the Tri-Party Agreement states that “Ecology disagrees that lack of appropriations or funding is a valid defense” for missing or renegotiating milestones. That will pose a dilemma for regulators – whether to roll back milestones simply because there isn’t funding available, or hold firm in the hope that the threat of missing milestones will act as a driver to increase funding. We recommend that future decisions to move milestones due exclusively to lack of funding come only after careful deliberation. We do not want to see the Tri-Party Agreement become irrelevant because milestones are too easily rolled back when funding is tight.

**RESPONSE TO COMMENT 1.4**

*TPA paragraphs 148 through 153 describe the Parties’ respective obligations and alternatives regarding budget request, congressional budget appropriation, workscope prioritization based on allocated funding, and Ecology’s reservation of rights.*

*Sustained funding for Hanford cleanup is an important issue. The Parties agree milestones be moved only after careful deliberation.*

**COMMENTS 2: Daniel R. Serres, Conservation Director, Columbia Riverkeeper**

**COMMENT 2.1:**

Columbia Riverkeeper (Riverkeeper) submits these comments regarding the Tri-Party Agencies’ proposal to amend the Tri-Party Agreement (TPA). Riverkeeper remains concerned that the changes to the TPA will prompt delays in cleanup of the River Corridor and the canyon facilities in the Central Plateau, and that the Department of Energy (Energy) is failing to adequately fund necessary cleanup activities. Cleanup is not a discretionary obligation for the Tri-Party Agencies (TPA Agencies), particularly in areas where polluted soils and groundwater pose a risk to the Columbia River, its aquatic life, Hanford workers, and downstream communities. Delays in completion of decision documents, as proposed in the TPA changes, will result in a slower pace for cleanup.

**RESPONSE TO COMMENT 2.1:**

*Thank you for your comments. The proposed delays are driven by resource constraints, additional workscope, the need for more data to make better-informed cleanup decisions and the extensive preparation and operations needed to safely perform this complex and hazardous work.*

*The original 100 Area milestones were for interim, not final, cleanup actions. The dates were extended to include final cleanup actions as well as capture the expanded work scope that has been identified over the past several years. While the milestone extends the completion dates for 100 Area remedial actions to 2017, the majority of the work to remediate waste sites will be completed by the end of FY2015. The additional time will allow completing the closeout process and closure reports, a process that can take 1-2 years, and complete any additional cleanup actions required by the final Records of Decision.*

*The schedule for completing remediation of the 324 Facility is driven by funding constraints and the additional time needed to plan for and design a system capable of removing the highly contaminated soils beneath the facility. Specifically, funding in FY2012 was less than that required for this additional complexity and scope. Therefore, consistent with the requirements of TPA, the Parties have agreed to revise the milestones for completion of the 324 Facility in order to minimize the impacts on high priority cleanup in the 100 Areas.*

*Waste site remediation is continuing along the Columbia River Corridor with the goal of protecting the Columbia River, Hanford workers and downstream communities.*

## **I. Some Proposed Changes Reflect the Discovery of New Waste Sites**

### **COMMENT 2.2:**

We support the TPA Agencies' efforts in identifying new waste sites and expanding cleanup in the River Corridor to encompass newly discovered waste sites. As the TPA Agencies approach cleanup and demolition of contaminated structures and the soils and groundwater beneath them, we urge the TPA Agencies to recognize that cleanup and demolition often creates more work than the TPA Agencies originally anticipated. By candidly acknowledging that its work scope in the River Corridor has grown, the TPA Agencies have bolstered public confidence about their willingness to address all cleanup challenges.

For example, the discovery of high levels of radioactive contamination under the 324 Building has slowed and complicated the cleanup of that area. However, discovery of the high levels of contamination in the 324 area will allow cleanup to proceed with a more realistic assessment of the contamination problem. Additionally, hexavalent chromium plumes in the 100-B/C and 100-D Areas were larger, deeper, and more toxic than anticipated. Going forward, we urge Energy and other TPA Agencies to recognize the uncertainties of cleanup in the River Corridor: TPA Agencies should anticipate that cleanup, thorough monitoring, and characterization of polluted soils will generate more cleanup work.

### **RESPONSE TO COMMENT 2.2:**

*Thank you for your comment. The Parties recognize there are uncertainties and potential for increased work scope associated with Hanford cleanup. Cleanup schedules are based on the best information at a given point in time and can change as new information becomes available.*

### **COMMENT 2.3:**

## **II. Delays in Cleanup Will Exacerbate Contamination**

As TPA Agencies acknowledge, they have not accomplished all of their goals for the "2015 Vision" – a plan to complete much of the surface work for the River Corridor cleanup and "shrink the footprint" of the Hanford site. For years, we have urged Energy to change its public messaging to reflect the reality of

cleanup near the Columbia River. Clearly, the TPA has resulted in significant cleanup progress, but severe and persistent challenges remain. Unfortunately, the “2015 Vision” presents a confusing picture about cleanup progress in the River Corridor. The “2015 Vision” focused on resolving issues on the surface of the River Corridor. However, groundwater and deeper vadose zone contamination will persist regardless of the completion of all “2015 Vision” goals. In recent years, TPA Agencies made significant progress in soil and groundwater cleanup, but the contamination in groundwater and soils in the River Corridor will remain a threat for generations to come. The proposed changes to the TPA starkly demonstrate that work in the River Corridor and the Central Plateau will continue for decades, and proposed delays in cleanup will allow contamination to continue to percolate deeper into Hanford’s soils and enter Hanford’s groundwater.

**RESPONSE TO COMMENT 2.3:**

*As a point of clarification, the 2015 Vision is not a Tri-Party Agreement product. The Department of Energy-Richland Operations Office (DOE-RL), developed a vision (in 2008) to guide its work – the 2015 Vision for Hanford Site Cleanup. The goal of the Vision was to accelerate cleanup along the River Corridor and complete key cleanup activities on the Central Plateau. At that time, the Vision set a challenging scope of work that could potentially be accomplished by 2015 to ensure protection of the Columbia River, shrink the active cleanup footprint, and reduce lifecycle costs.*

*As noted, DOE-RL and the regulatory agencies made significant progress in soil and groundwater cleanup, but much cleanup work remains and groundwater cleanup will continue for decades. The Parties understand that this can lead to confusion for the public and will work to better and more clearly communicate the progress and remaining cleanup challenges.*

**COMMENT 2.4:**

a. *TPA Agencies are proposing to significantly push back key decisions for the River Corridor, which allows contamination to migrate*

TPA Agencies’ proposals to push back key decisions for cleanup in the River Corridor demonstrate that the task of remediating toxic chromium and radioactive pollution is more difficult than originally anticipated. For example, the TPA Agencies now propose to monitor a larger-than-expected plume of hexavalent chromium in the 100 B/C Area rather than proposing a final cleanup plan for the area. The TPA Agencies justify the delay by arguing that additional years of groundwater monitoring data would aid in assessing contamination in the B/C Area. While we agree that additional groundwater monitoring is a good idea, we urge Energy to accelerate clean-up activities in the River Corridor wherever possible. The TPA Agencies should move as quickly as possible towards robust, thorough cleanup actions that prevent hexavalent chromium from reaching the Columbia River. Additionally, TPA Agencies should incorporate recent upwelling data to shape upcoming decisions about how to prevent chromium from polluting the Columbia River. TPA Agencies should engage with the National Marine Fisheries Service and U.S. Fish and Wildlife Service to gauge the risk from contamination in the 100 B/C Area and the 300 Area entering aquatic habitat.

The TPA Agencies propose to extend the completion date of three existing milestones where contamination was more extensive than expected and to establish nine new interim milestones to address remediation of 100 Area waste sites, including 154 newly discovered waste sites. The original milestone date was to complete all interim cleanup actions by December 31, 2012. Now, the TPA Agencies propose to extend it to March 31, 2017 for completion of final actions. The TPA Agencies should explain why such a long delay is warranted for reaching final cleanup decisions. Proposed

changes in the TPA appear to allow arbitrarily long delays for cleanup of the River Corridor and the Central Plateau. The TPA Agencies should explain why five years of additional time is necessary to plan for cleanup of newly discovered waste sites. During the next five years, the TPA Agencies should also commit to monitoring soil and groundwater contamination that will continue to migrate towards the Columbia River.

In the K Area, the TPA change proposal involves a significant delay in placing the K East reactor into interim safe storage (ISS). Only two years ago, Energy was considering a possible plan to fully demolish the K East reactor in order to access the soil and groundwater beneath the reactor as well as to reduce the contamination risk from the reactor, itself. The TPA Agencies argue that their proposed changes will allow cleanup of the K West and K East reactors to proceed more efficiently. However, the TPA Agencies do not fully address how the delay in cleanup and ISS may allow contamination to enter soils, groundwater, and the Columbia River in the K Area.

We urge Energy and other TPA Agencies to hasten cleanup efforts in the K Area rather than offering arbitrary justifications for delayed demolition or ISS. Additionally, while we strongly support expanded monitoring and characterization of soils and groundwater in the K Area, the need for additional study should not preclude the consideration of full demolition of the K East reactor – an approach which might provide the TPA Agencies more ability to access and remediate pollution below the K Area. Pollution in the K Area includes chromium, Sr-90, nitrate, trichloroethene, C-14, and Tritium – all pollutants that could harm aquatic life in and near the Columbia River. Ultimately, an interim cap for the K Area seems to be preferable to a no-action approach: however, the removal of the K East reactor should be pursued by the TPA, regardless of cost.

Soils and groundwater that interact with the Columbia River are the most imminent threat to the health of the Columbia River. Accordingly, Energy's delay of key milestones – M-15-12-03, M-16-12-06, M-89-12-02, M-94-12-04, M-93-12-02 – deserve sincere, detailed scrutiny from TPA Agencies to quantify how the delays will increase migration of pollutants into groundwater and the Columbia River. The TPA proposal lacks detailed data about the likely impact of delays in cleanup. The delays will allow radioactive and chemical pollution to move deeper into the soils in the River Corridor, potentially reaching groundwater and the Columbia River, itself.

**RESPONSE TO COMMENT 2.4:**

*The removal of large sources of unanticipated hexavalent chromium in the B/C area is complete. The Parties believe that two years of additional groundwater monitoring data, including upwelling data, would enable the agencies to evaluate the impacts of the removal of this contaminant before a groundwater remedy is proposed. During this time, the plume will be monitored to determine if immediate cleanup is warranted. Consultation with National Marine Fisheries Service and U.S. Fish and Wildlife Service is an ongoing process conducted on a waste site basis. The Parties will continue consulting with these agencies when performing remediation activities that could affect the Columbia River and in protection of endangered species.*

*The proposed delays are driven by resource constraints, additional workscope, the need for more data to make better-informed cleanup decisions and the extensive preparation and operations needed to safely perform this complex and hazardous work.*

*The original 100 Area milestones were for interim, not final, cleanup actions. The dates were extended to include final cleanup actions as well as capture the expanded work scope that has been identified over the past several years. While the milestone extends the completion dates for 100 Area remedial actions to 2017, the majority of the work to remediate waste sites will be completed by the end of FY2015. The additional time will allow completing the closeout process and closure reports, a process that can take 1-2 years, and complete any additional cleanup actions required by the final Records of Decision. Some cleanup work may be delayed, but waste site and groundwater remediation continues in the River Corridor*

*The Parties understand the concern regarding a delay in the schedule for Interim Safe Storage (ISS) of the 105-KE and 105-KW reactors. We have determined that additional characterization of contamination under the reactor is necessary. Obtaining funding, planning and doing that work are the basis for the delays. The reactors are currently in a safe and stable condition and the Parties chose to focus resources on remediating contaminated soil and groundwater in the River Corridor.*

*In general, a delay in removing contaminants from the environment provides the opportunity for their migration. The Parties have implemented a groundwater-monitoring network throughout the Hanford Site and along the River Corridor where the Site meets the Columbia River in order to monitor contaminants traveling towards the river. Should contamination leaving the Hanford Site pose an unacceptable risk to humans or the environment, the Parties will take action to address that risk. Ongoing removal of contamination sources from soils and groundwater in the River Corridor continues that is protective of groundwater and the river and meets applicable requirements.*

**COMMENT 2.5:**

*b. Energy must proceed with cleanup of the 324 Building as soon as possible, seeking additional cleanup funds if necessary*

Energy acknowledges that the 324 Building, a structure that was slated for demolition and removal as part of the “2015 Vision” for River Corridor cleanup, has significantly higher radioactive pollution than the agency originally anticipated. We support Energy’s thorough investigation of the contamination under the 324 Building. According to Energy, “While preparing the 324 Building for demolition, a breach was identified in the stainless steel liner on the floor of the research room known as B-Cell. Subsequent characterization of the soil beneath the facility confirmed that contamination had leaked into the soil through the breached liner and concrete floor during prior facility operations.” Indeed, contamination below the 324 area presents a unique cleanup challenge. The contamination under the 324 Building approaches 9000 Rad at the source of the leak – a radiation level that threatens worker health and potentially the public if contamination reaches groundwater and the Columbia River. Based on these risks, Riverkeeper supports a concerted effort to address contamination in the 324 Area. The proposed TPA changes would delay completion of cleanup work by several years. Because demolition and remediation of dangerous chemical and radioactive waste in the 300 Area are so important, we urge Energy to adhere to current milestones and to prioritize cleanup of the 324 building. At the very least, we urge TPA Agencies to explain why several years of delay are necessary to address the severe, potentially mobile contamination under the 324 building.

**RESPONSE TO COMMENT 2.5:**

*The Parties recognize the risk associated with the contamination under this facility. However, ongoing soil monitoring shows the contamination is not currently moving.*

*The schedule for completing remediation of the 324 Facility is driven by funding constraints and the additional time needed to plan for and design a system capable of removing the highly contaminated soils beneath the facility. Specifically, funding in FY2012 was less than that required for this additional complexity and scope. Therefore, consistent with the requirements of TPA, the Parties have agreed to revise the milestones for completion of the 324 Facility in order to minimize the impacts on high priority cleanup in the 100 Areas.*

**COMMENT 2.6:**

*c. Energy must acknowledge and, if possible, avert delays in Central Plateau Cleanup*

The current TPA change proposal fails to acknowledge that the newly discovered River Corridor cleanup tasks coupled with restricted funding will negatively impact the achievement of Central Plateau cleanup. Realistically, TPA Agencies are not poised to complete the goal of completing major cleanup activities in the Central Plateau by 2020. Indeed, under the current funding regime, it appears that Central Plateau work will not be completed prior to 2035. For example, the TPA Agencies propose to extend the milestone for canyon remediation by 10 years. Remediation of the U Plant Canyon, including barrier placement, is scheduled to be completed in 2021. The U.S. Environmental Protection Agency (EPA) has expressed skepticism that TPA milestones for Central Plateau cleanup will be met in the wake of the increased work scope for the River Corridor. We urge TPA Agencies to provide the public with a comprehensive, realistic view of the current cleanup schedule for the Central Plateau.

**RESPONSE TO COMMENT 2.6:**

*The current milestone for completing non-tank farm, non-canyon waste site cleanup in the Central Plateau (M-016-00) is 9/30/2024. The milestone date for cleanup of the canyons and associated waste sites (M-085-00) is to be determined (TBD) and will be developed in 2022 (as described in change package M-85-12-02) to allow for full benefit of lessons learned from remediation at U Plant Canyon.*

*We are committed to keeping you informed of the cleanup schedule for the Central Plateau and will provide you with information as it becomes available.*

**COMMENT 2.7**

*d. Energy must adequately fund cleanup activities*

TPA Agency representatives have repeatedly cited funding concerns for justifying delays in Hanford cleanup. We urge TPA Agencies to honestly evaluate the cost of achieving a compliant cleanup effort. The proposed TPA changes retreat from an aggressive, comprehensive cleanup approach by leaving contamination in Hanford's soils and groundwater for an extended period of time. Although TPA Agencies have clearly made progress in remediating some of Hanford's chemical and radioactive waste problems (the "big dig" in the B/C area is a great example of aggressive cleanup), the proposed TPA changes delay key decisions and cleanup actions for far too long to meet the goal of protecting the Columbia River.

According to a letter sent to federal managers by multiple Western Governors in late 2012, Chris Gregoire (WA), Brian Sandoval (NV), Butch Otter (ID), Susana Martinez (NM) and Jerry Brown (CA): "While much progress has been achieved, we are now concerned that the national fiscal environment will result in the progress virtually grinding to a halt, resulting in significant environmental risk." (<http://www.tricityherald.com/2012/12/22/2214263/western-governors-want-trend-of.html#storylink=cpy>) Delays in

River Corridor and Central Plateau cleanup may only worsen Hanford's cleanup problem without a strong commitment to adequately fund remediation of Hanford's waste.

**RESPONSE TO COMMENT 2.7:**

*Each year the US Department of Energy requests funding to meet cleanup schedules identified in the Tri-Party Agreement (TPA). If Congress does not provide the requested funds, the TPA cleanup schedules may need to be modified. Changes are made to the milestones only after careful deliberation. Protection of the Columbia River is the Parties' main cleanup priority.*

**COMMENT 2.8**

*e. Energy's focus on reducing the footprint of cleanup fails to address underlying contamination problems and confuses the public*

As Energy acknowledges, the agency has failed to accomplish all of its goals for the "2015 Vision" – a plan to complete most of the surficial cleanup of the River Corridor. Indeed, Energy representatives have stated that they intended to be "off the River" by 2015. Energy's promotion of the "2015 Vision" has led to public confusion, particularly because people realize that cleanup of the River Corridor must extend to deep soils and groundwater. The TPA Agencies have made significant progress in addressing deep vadose and groundwater issues, but the cleanup is not approaching completion for the River Corridor. While the "2015 Vision" may have been effective in promoting the cleanup effort, it has fundamentally understated the ongoing, difficult challenges that remain ahead for protecting the Columbia River from Hanford's chemical and radioactive contamination.

**RESPONSE TO COMMENT 2.8:**

*As previously stated, a tremendous amount of cleanup work was accomplished under the guidance of the DOE-RL 2015 Vision. The goal was to accelerate cleanup along the River Corridor and complete key cleanup activities on the Central Plateau. At that time, the Vision set a challenging scope of work that could potentially be accomplished by 2015 to ensure protection of the Columbia River, shrink the active cleanup footprint, and reduce lifecycle costs.*

*DOE and the regulatory agencies openly discussed the groundwater and vadose zone challenges in the River Corridor and Central Plateau acknowledging that groundwater cleanup will continue for decades. The Parties understand that this can lead to confusion for the public and will work to better and more clearly communicate the progress and remaining cleanup challenges.*

**COMMENT 2.9**

**III. Energy may be required consult with National Marine Fisheries Service and U.S. Fish and Wildlife Service regarding impacts to Threatened and Endangered Species and designated Critical Habitat from proposed delays in cleanup.**

Though TPA Agencies are soliciting comments regarding changes to the TPA, Riverkeeper encourages Energy, Ecology, and EPA to fulfill their consultation duties under the Endangered Species Act (ESA). See ESA § 7(a)(2). As a first step, the TPA Agencies should ask the National Marine Fisheries Service and the U.S. Fish and Wildlife Service whether threatened or endangered species or designated critical habitat may be present in the action area, and whether delays in cleanup may result in increased contamination or exposure to threatened or endangered species. 50 C.F.R. §§ 402.12(c) & (d). The TPA Agencies should bear in mind that the action area for ESA purposes includes "all areas to be affected directly or indirectly

by the Federal action and not merely the immediate area involved in the action.” 50 C.F.R. § 402.02 (emphasis added).

The Hanford Reach, adjacent to the areas that will be impacted by proposed delays in TPA cleanup milestones, contains ESA-listed salmonids and designated critical habitat. 70 Fed. Reg. 37160, 37163; 71 Fed. Reg. 834; 70 Fed. Reg. 52630, 52733, 52760. The Hanford Reach is within the action area for the TPA changes, which impact the 100 Area, 300 Area, Hanford’s groundwater, and the Central Plateau. Accordingly, Energy should begin the ESA § 7(a)(2) consultation process by asking NMFS and FWS if critical habitat or endangered species are present and will be impacted by the proposed TPA changes. 50 C.F.R. §§ 402.12(c) & (d).

**RESPONSE TO COMMENT 2.9:**

*Consultation with National Marine Fisheries Service and U.S. Fish and Wildlife Service is an ongoing process conducted on a waste site basis. For example, DOE and Ecology worked closely with these agencies when preparing for demolition of the 100-N River Structures.*

*The Parties will continue consulting with these agencies when performing remediation activities that could affect the Columbia River and in protection of endangered species.*

**COMMENT 2.10**

**IV. Conclusion**

While Columbia River keeper appreciates the TPA Agencies’ effort to incorporate new waste sites into cleanup plans, we object to arbitrary, budget-driven delays in the schedule for cleanup in the River Corridor and the Central Plateau. The current information available to the public does not justify long delays in cleanup activities, and it understates the long-term shortfall in resources available for simultaneous cleanup in the River Corridor and the Central Plateau. We urge the TPA Agencies to rethink the proposed long delays in cleanup deadlines.

**RESPONSE TO COMMENT 2.10:**

*The proposed delays are driven by resource constraints, additional workscope, the need for more data to make better-informed cleanup decisions and the extensive preparation and operations needed to safely perform this complex and hazardous work.*

*The original 100 Area milestones were for interim, not final, cleanup actions. The dates were extended to include final cleanup actions as well as capture the expanded work scope that has been identified over the past several years. While the milestone extends the completion dates for 100 Area remedial actions to 2017, the majority of the work to remediate waste sites will be completed by the end of FY2015. The additional time will allow completing the closeout process and closure reports, a process that can take 1-2 years, and complete any additional cleanup actions required by the final Records of Decision.*

*Each year the US Department of Energy requests funding to meet cleanup schedules identified in the Tri-Party Agreement (TPA). If Congress does not provide the requested funds, the TPA cleanup schedules may need to be modified. Changes are made to the milestones only after careful deliberation.*

*The Parties agreed to delay lower priority work, such as cleaning up the Central Plateau canyons and interim safe storage of the 100 K reactors, and use funding to do the higher priority work in the River Corridor. Protection of the Columbia River is the Parties’ main cleanup priority.*

**COMMENTER 3:** **Tom Carpenter, Executive Director and Meredith Crafton, Legal Intern  
Hanford Challenge**

Hanford Challenge hereby submits comments on the currently proposed changes to the Tri-Party Agreement (TPA) (“Hanford Federal Facility Agreement and Consent Order Proposed Revisions Pertaining to 100 Area Waste Site Remediation, 300 Area Surplus Facilities, 200 Area RI/FS, and Canyon Facilities Response Actions”).

**COMMENT 3.1:**

As an initial matter, Hanford Challenge wonders why it is that these comments are being directed to the Department of Energy – the regulated entity – rather than the regulators, Department of Ecology and/or the EPA. The optics of addressing comments to DOE imply that DOE is the sole decision-maker in these matters.

**RESPONSE TO COMMENT 3.1:**

*The Parties appreciate your comments. The Tri-Party Agreement agencies, U.S. Department of Energy (DOE), U.S. Environmental Protection Agency and the Washington State Department of Ecology, make TPA decisions considering input from the tribal nations, stakeholders and the public. Past public comment period materials listed representatives from all three agencies to receive comments. This practice led to confusion for the public and was inefficient for the agencies. The TPA public involvement officers made the decision to identify a single agency to receive comments. Any one of the three agencies can receive comments and subsequently provides copies to the other two Parties. Often DOE is identified as the lead agency in this process as they are responsible for implementing the cleanup. However, all three Parties are involved in preparing responses to comments. The Parties will consider your comment for future public comment periods.*

**COMMENT 3.2:**

Delays once again plague the latest round of changes proposed to the TPA. Hanford Challenge believes that the TPA is one of many tools that drives cleanup progress, and assures that cleanup of the Hanford Site remains a priority at both the State and Federal levels. Although some delays may be reasonable due to new information, technological challenge, increased scope, and the critical need to keep workers and the public safe, delays justified by anticipated “lack of funding” are unacceptable. Milestones support strategically planned cleanup work, track progress, and must be enforceable to drive funding if we are to achieve the ultimate goal of safe and effective Hanford cleanup. Hanford Challenge requests that the Tri-Party Agreement (TPA) Agencies clearly communicate the risks posed by surface, sub-surface, and groundwater contamination at the Hanford Nuclear Site and along the Columbia River with the public and policymakers, and use that risk to justify modifications to the TPA. A realistic assessment of the risks, timing, and true costs of cleanup will result in deadlines that are realistic and enforceable, and be used to justify funding for a cleanup that is thorough, safe, and effective.

**RESPONSE TO COMMENT 3.2:**

*Each year the US Department of Energy requests funding to meet cleanup schedules identified in the Tri-Party Agreement (TPA). If Congress does not provide the requested funds, the TPA cleanup schedules may need to be modified. Changes are made to the milestones only after careful deliberation.*

*The proposed delays are driven by resource constraints, additional workscope, the need for more data to make better-informed cleanup decisions and the extensive preparation and operations needed to safely perform this complex and hazardous work.*

*The original 100 Area milestones were for interim, not final, cleanup actions. The dates were extended to include final cleanup actions as well as capture the expanded work scope that has been identified over the past several years. While the milestone extends the completion dates for 100 Area remedial actions to 2017, the majority of the work to remediate waste sites will be completed by the end of FY2015. The additional time will allow completing the closeout process and closure reports, a process that can take 1-2 years, and complete any additional cleanup actions required by the final Records of Decision. Some cleanup work may be delayed, but waste site and groundwater remediation continue in the River Corridor.*

*The Parties agree on the need to continually and clearly communicate the cleanup risks that remain and how that information is used to prioritize cleanup work.*

**COMMENT 3.3:**

Article 153 of the Tri-Party Agreement states that “Ecology disagrees that lack of appropriations or funding is a valid defense” for missing or renegotiating milestones. Hanford Challenge does not want to see the TPA become irrelevant because milestones are easily shifted due to anticipated lack of funding. We recommend that milestones not be adjusted simply for lack of funding – this would be an unacceptable answer for most polluters, especially when it is clear that the polluter has the resources (as here), but simply chooses not to spend money on meeting the previously committed to agreement deadlines. In our view, we expect the State of Washington to fulfill its responsibility to protect Washington State by requiring the Department of Energy to request adequate levels of funding to meet the cleanup deadlines. If the DOE fails to do so, or Congress fails to provide the resources, the State of Washington should reject lack of funding as a legitimate justification, and take appropriate legal actions to bring about compliance---just like it would the chemical company down the street.

**RESPONSE TO COMMENT 3.3:**

*TPA paragraphs 148 through 153 describe the Parties’ respective obligations and alternatives regarding budget request, congressional budget appropriation, workscope prioritization based on allocated funding, and Ecology’s reservation of rights.*

*Sustained funding for Hanford cleanup is an important issue. The Parties agree milestones be moved only after careful deliberation.*

**COMMENT 3.4:**

Regarding the specifics of this TPA change package, Hanford Challenge is concerned that the Change Control Form gives little justification or explanation for the proposed delays. We recommend that future significant proposed Tri-Party Agreement changes provide a more detailed explanation under the “Descriptions/Justification of Change” section of the form.

**RESPONSE TO COMMENT 3.4:**

*The Parties appreciate your feedback. Our intent was to keep the change control forms concise to facilitate a simple and straightforward review. We will consider your comment when preparing future change control forms.*

**COMMENT 3.5:**

We offer these additional comments on specific proposed changes:

**M-94-12-04, M-89-12-02 – 324 Building** -The contamination under the 324 Building poses a high dose risk to workers (approximately 9000 Rad at the source) and a potential risk to the public if that contamination reaches groundwater and the Columbia River. Because of these risks, and because delaying 324 Building cleanup will further delay completion of 300 Area cleanup and closure, Hanford Challenge believes remediation of the leak under the 324 Building leak should not be delayed.

Hanford Challenge advises DOE to seek and provide additional funding, separate from the DOE-Richland Operations Office compliance budget, to remediate the 324 Building contaminant leak now instead of delaying the work further and increasing the risk to public and environmental health.

**M-85-12-02** – It is important to incorporate lessons learned from U Plant Canyon. The Parties must work to create deadlines that incorporate lessons learned and ensure both the health and safety of the Hanford workforce and the containment of environmental contamination. While we understand and support some delay on this challenging area of the site, a 10-year extension appears excessive without further reasoning.

**M-15-12-03** -River Corridor Decision Documents – Hanford Challenge supports further groundwater monitoring in the 100 B/C Area before proposing a groundwater remedy. We hope this can be accomplished accurately and expeditiously so an appropriate groundwater plan can be acted upon.

**100 Area Remediation** -Hanford Challenge supports the tracking of chromium plumes in several of the reactor areas. A more thorough cleanup will protect the Columbia River and environmental and human health. The timeline however, seems excessive once again. We also question whether more than four years of additional time is needed to accomplish this work. While the additional work justifies some delay, the delay should be less than what is proposed. Again, anticipated lack of funding should not control the setting of important environmental remediation deadlines.

**M-93-12-02 -K-East and K-West Reactors**-Hanford Challenge supports additional soil characterization in the 100-K Area because of the sub-surface contamination from past leaks from the K-East basin. However, the proposed delays again appear excessive.

**RESPONSE TO COMMENT 3.5:**

*The Parties recognize the risk associated with the contamination under this facility. However, ongoing soil monitoring shows the contamination is not currently moving. There is no current risk to workers in or around the facility.*

*The schedule for completing remediation of the 324 Facility is driven by funding constraints and the additional time needed to plan for and design a system capable of removing the highly contaminated soils beneath the facility. Specifically, funding in FY2012 was less than that required for this additional complexity and scope. Therefore, consistent with the requirements of TPA, the Parties have agreed to revise the milestones for completion of the 324 Facility in order to minimize the impacts on high priority cleanup in the 100 Areas.*

*Regarding securing funding for this work, DOE will request funding needed for this additional scope through the annual federal budget process. The TPA, specifically TPA paragraph 148(a), requires DOE*

*request adequate funding to achieve full compliance with TPA milestones. TPA paragraph 149 G. defines the process if congressional budget appropriations differ from the funding levels required to comply with any milestones or requirements of the TPA. DOE may submit a change package and the Parties shall attempt to reach agreement on adjustments in workscope or milestones.*

*The Parties agree that gaining the full benefit of the U Plant remediation lessons learned will be valuable in determining the appropriate cleanup for the remaining canyons. In addition, the Parties agreed to delay lower priority work, such as cleaning up the Central Plateau canyons and use funding to do the higher priority work in the River Corridor.*

*While there are proposed delays in completing final decision documents to collect more data for better decisions, waste site remediation is continuing along the Columbia River Corridor with the goal of protecting the Columbia River, Hanford workers, and downstream communities.*

*The Parties have determined that additional characterization of contamination under the K-East Reactor is necessary. Obtaining funding, planning and doing that work are the basis for the delays.*

**COMMENT 3.6:**

**In addition to the comments above on the proposed changes, Hanford Challenge proposes the following --**

**M-062-45 (2)** – Hanford Challenge proposes that the Agencies accelerate milestone M-062-45 (2) and make it an enforceable, rather than target milestone. Currently, April 30, 2015 is a target milestone and not enforceable until 2021 for the parties to negotiate “contingency actions and milestones, of and as necessary, for providing new, compliant tanks with sufficient capacity and in sufficient time to complete (tank) retrievals under this agreement, regardless of (Waste Treatment Plant) operational deficiencies or retrieval conditions.”

Given the challenges at the Waste Treatment Plant and the recent knowledge of an inner shell leak in tank AY-102 and the potential need to empty that tank, tank retrievals are certainly at risk now, as is the question of continued indefinite safe storage of the tank waste. Hanford Challenge recommends the Tri-Parties initiate negotiations to identify contingency actions and milestones no later than July 1, 2013, i.e., begin design and construction on new double-shelled tanks. It may be necessary to also negotiate a new System Plan (per M-062-40) or contingency plan to support these negotiations.

**RESPONSE TO COMMENT 3.6:**

*Thank you for your suggestions, however, these milestones (M-062-40 and M-062-45) were not part of this change package. Any changes to these TPA milestones will follow the appropriate TPA process.*

**COMMENT 3.7:**

The TPA Agencies must continue to strategically plan a cleanup schedule that tracks progress and is enforceable if we are to achieve the ultimate goal of a safe and effective Hanford cleanup.

We appreciate your consideration of our comments.

**RESPONSE TO COMMENT 3.7:**

*Thank you. The Parties agree and will continue to strategically plan cleanup schedules.*

**COMMENTS 4:****Steve Hudson, Chair, Hanford Advisory Board****COMMENT 4.1:****Background:**

The Hanford Advisory Board (Board) is appreciative of the U.S. Department of Energy (DOE), the U.S. Environmental Protection Agency (EPA) and the Washington State Department of Ecology (Ecology) for agreeing to consider and respond to this advice on the currently proposed changes to the Tri-Party Agreement (“Hanford Federal Facility Agreement and Consent Order Proposed Revisions Pertaining to 100 Area Waste Site Remediation, 300 Area Surplus Facilities, 200 Area RI/FS, and Canyon Facilities Response Actions”), although this advice will be received after the public comment period has closed.

Since its inception, the Board has supported and relied on the Tri-Party Agreement as a living document and guiding force for Hanford cleanup. The Board applauds DOE, EPA and Ecology for continuing work to find common ground on cleanup choices, and to reach agreement on changes to the Tri-Party Agreement as they become necessary.

Although the Board does have some concerns about an established pattern of delaying cleanup activities through changes to the Tri-Party Agreement, we recognize that the modifications contained within this proposed change package represent the reality of where we are today. While milestones are the very backbone that supports strategically planned cleanup work and track progress as the cleanup activities continue to completion, the ultimate goal is safe and effective Hanford cleanup.

On some occasions, discovery of previously unknown contamination has demanded our immediate attention and redirected even the best planning efforts. Examples include the large expansions of chromium VI removal efforts in the 100 Area. The most recent example is the discovery of an area of very highly radioactive soil contamination beneath B Cell of the 324 Building in the 300 Area during ongoing decontamination and decommissioning activities.

Cesium and strontium contamination under the 324 Building pose a high dose risk to workers (approximately 9000 rad/hour at the source) and a potential risk to the public if that contamination reaches groundwater and the Columbia River. Because of these risks, and because delaying 324 Building cleanup will further delay completion of 300 Area cleanup and closure, the Board believes remediation of the contaminated soil under the 324 Building should not be delayed.

**Advice:**

- The Board believes that risk reduction through cleanup along the Columbia River is central to meeting the goals identified in DOE’s 2015 Vision. To that end, the Board advises DOE to seek and provide additional funding, separate from the DOE-Richland Operations Office compliance budget request, to remediate the 324 Building contaminated soil now instead of delaying the work to out-years.

**RESPONSE TO COMMENT 4.1:**

*The Parties appreciate the Board’s advice and the River and Plateau committee’s ongoing discussions on this facility’s cleanup work.*

*The Parties recognize the risk associated with the contamination under this facility. However, ongoing soil monitoring shows the contamination is not currently moving. There is no current risk to workers in or around the facility. The schedule for completing remediation of the 324 Facility is driven by funding*



addition, remediation in the 300 area is already covered via the M-16 milestone series. The M-89-06 serves merely as very expensive icing on the cake.

Why are additional requirements being added when 40CRF300 does not seem to require? Additionally, the demolition and removal required by the action memorandum, removal action work plan, and the M-94 series provides positive clean up; M89-06 merely provides more paperwork. There already is a closure plan for 324 which in conjunction with additional existing agreements (such as NPL 141) allows the existing closure plan to be completed once the building is gone. The real use of the M-89 series seems somewhat useless, as it is already covered by the M-94 and M-16 series. Why aren't the three parties **REMOVING** the m-89 milestones if they are trying to streamline work?

The M-89 milestone series, which was used to clean out the 324 building, appears to have outlived its usefulness. It would be more cost effective, and just as environmentally responsible, to delete the M-89 milestone series totally, and use the M-94 milestones as the mechanism to remove the building, and use milestone M-16-00B as the milestone to remediate under the building.

Additionally, how is it that a building that could not be permitted under WAC 173-303 when M-89-00 was developed years ago and required to go directly to closure (324), suddenly needing a permit. The waste site under 324 is a classic CERCLA action, and less a RCRA action. The directed closure of M-89-00 was written prior to the development of the EE/CA, Action Memorandum, and removal action work plan. The Action Memorandum should have been clearer that the M89-00 milestone served no function anymore. The M-89 milestones should be deleted in order to allow the CERCLA process to proceed.

**RESPONSE TO COMMENT 7.1:**

*The 324 building contains treatment, storage and disposal units that require closure under the Washington Administrative Code. DOE is required to submit closure plans in accordance with the dangerous waste requirements. The Parties believe that the M-89 milestone still serves a useful purpose.*

**COMMENTS 8: Monica Billings**

**COMMENT 8.1:**

My comment is regarding the regulatory request to add 324 building into the Hanford permit – which strikes me as a bizarre ARAR for the update to the 300 Area Remedial Design Report/Remedial Action Work Plan (Plan). WAC 173-303-610 closure standard should not be invoked as it is not going to be relevant to the remediation necessary for the waste site 300 296 when the Plan is updated.

It is uncertain what value 173-303-610 has as an ARAR. 324 is not a TSD, nor could it ever be made a TSD, hence why the Washington Department of Ecology went to direct closure of the facility. Soil cleanup beneath the facility should be based upon WAC 173-303-64620 (which is identified as an ARAR). Therefore, closure requirements under WAC 173-303-610 should not be considered an ARAR for either the updated Plan necessary after the final ROD or for the future the 300 Area RI/FS. For example, subsections (2) through (6) of this section, apply to the owners and operators of all dangerous waste facilities, but 324 is not a dangerous waste facility. What does inclusion of this requirement provide? Subsections (7) to (11) of this section apply to the owners and operators of all regulated units at which dangerous waste will remain after closure – yet this is all CERCLA work and falls under MTCA B – 610 doesn't appear to be relevant.

Additionally, the thought of spending any money on 324 permitting costs, both in time at the Department of Ecology and USDOE, seems counterproductive – this produces paperwork of no redeeming value that probably subtracts from the effort to actually perform cleanup.

If the regulators desire to continue WAC 173-340-610 as an ARAR, additional clarification should be provided to the public to understand what part of this regulation is an ARAR.

**RESPONSE TO COMMENT 8.1:**

*As a point of clarification, adding the 324 building into the Hanford dangerous waste permit is not an applicable or relevant and appropriate requirement, and is not an update to the 300 Area Remedial Design Report/Remedial Action Work Plan . The 324 building contains treatment, storage and disposal units that require closure under the Washington Administrative Code. DOE is required to submit closure plans in accordance with the dangerous waste requirements.*

**COMMENTERS 9 - 69:** Sean Amiw, Tanya Andree, Cynthia Bakos, Michael Ballinger, Carol Benskin, David Berger, Heather Chapin, Paul Cook, Maryanne Csizmazia, Leslie Cunningham, James Dunlop, Robin Engle, Ashley Erdely, Bianca Fernandez, Elizabeth Flake, Marion Fox, Michael Fuchs, Kris Gann, Emily Goodwin, Karen Harding, Greta Hein, Julianna Hein, Jurgen Hess, Betty Hoezee, Roger Hull, Shane Keep, Nick Kramer, John Kraus, Marcos LeVere, Sara LeVere, Roberta Lapp, Tina Lasser, Bonnie Lenneman, Ruth Lusk, Thad McCraka, David McClure, David Michslek, Lyoubomir Mirtchev, Kirby Ordely, Kris Ostness, George Pantely, Edie Polson, Richard Polson, John Ratts, Alan Richards, Cathy Ryan, Josh Sampiero, Megan Sanders, Dana Scheffler, Jennifer Silapil, David Skakel, Thomas Slagle, Adam Smith, Miglena Stanchera, Elizabeth Stanek, Anne Stephenson, Rebecca Thistlethwaite, Tracy Willett, Katie Winters, Steven Woolpert

**COMMENTS 9-69.1:**

Dear U.S. Department of Energy:

Re: Proposed Amendment to the Tri-Party Agreement

**I Support A New Vision for Hanford.** Five years ago, the U.S. Department of Energy (“Energy”) released their “2015 Vision” for the Hanford Nuclear Site – a public relations campaign to show short- term progress with Hanford clean-up. Energy’s campaign misleads the public. Even Energy now admits that the River Corridor will not be cleaned up by 2015. **I’m writing to ask Energy to level with the public about dangerous pollution along the Columbia River and the progress—or lack thereof—of clean-up.**

I urge Energy:

1. Tell the truth about the timing and the cost of Hanford clean-up.
2. Do not extend clean-up deadlines based on an alleged lack of funding.
3. Stop defining progress with confusing statistics such as the site footprint. Instead, detail the true quantity of hazardous chemicals that remain in the River Corridor and at the Hanford Site, both on the surface and in the ground.

**RESPONSE TO COMMENTS 9-69.1:**

*Thank you for your comments. The DOE-Richland Operations Office (RL), developed a vision (in 2008) to guide its work – the 2015 Vision for Hanford Site Cleanup. The goal was to accelerate cleanup along the River Corridor and complete key cleanup activities on the Central Plateau. At that time, the Vision set a challenging scope of work that could potentially be accomplished by 2015 to ensure protection of the Columbia River, shrink the active cleanup footprint, and reduce lifecycle costs.*

*The DOE-RL Hanford Site Cleanup Completion Framework provides a comprehensive overview of Hanford cleanup and possible future site activities when cleanup is complete. This document was written for the public to help them better understand the complex task of cleaning up Hanford.*

*([www.hanford.gov/page.cfm/HanfordSiteCleanupCompletionFramework](http://www.hanford.gov/page.cfm/HanfordSiteCleanupCompletionFramework))*

*Information is available to the public on how much it will cost and how long it will take to clean up Hanford. The Tri-Party Agreement requires DOE to prepare an annual report that identifies the lifecycle scope, schedule and cost for completing the Hanford Site cleanup mission. The timeframe for the cleanup mission goes through 2060 and the total estimated remaining cost ranges from \$99B to \$112B. ([www.hanford.gov/files.cfm/DOE-RL-2012-13\\_FINAL\\_REV.0\\_.pdf](http://www.hanford.gov/files.cfm/DOE-RL-2012-13_FINAL_REV.0_.pdf))*

*Each year the US Department of Energy requests funding to meet cleanup schedules identified in the Tri-Party Agreement (TPA). If Congress does not provide the requested funds, the TPA cleanup schedules may need to be modified. Changes are made to the milestones only after careful deliberation. Protection of the Columbia River is the Parties' main cleanup priority.*

*DOE and the regulatory agencies are committed to sharing information openly and honestly. It is not our intent to mislead the public. We appreciate your feedback and continually look for ways to better communicate cleanup progress and remaining challenges.*

**COMMENT 54.2:**

4. Acknowledge the well-known fact that Uranium 235 has a half-life of about 100,000 years. This is NOT a short-term problem.

**RESPONSE TO COMMENT 54.2:**

*The Parties acknowledge that radionuclides with long half-lives are a challenge for Hanford cleanup.*

**COMMENTER 70:****Mike Conlan**

**COMMENT 70.1:** This is a comment re your latest proposed changes.

The entire Hanford nuclear mess should be cleaned up as thoroughly as scientific and humanly possible.

Until the technology is developed NO MORE WASTE added to the pile from any source!!

I have commented on your performance for over 20 years; and it really seems like the biggest accomplishment DOE has achieved is extracting dollars from the public.

Still leaking tanks old and new, still no glassification of nuclear waste, MORE radiation in the Columbia, more extended deadlines and attempts to weasel out of a complete job.

YOU HAVE VERY LITTLE integrity, YOUR WHOLE DEPT NEEDS TO BE REVIEWED FROM AN INDEPENDENT SOURCE – OR THE JOB WILL NEVER GET DONE.

**RESPONSE TO COMMENT 70.1:**

*The Parties are committed to cleaning up Hanford. For over twenty years, the Parties have worked with the Tribal Nations, State of Oregon, stakeholders and the public to identify Hanford cleanup priorities and conduct cleanup actions needed to protect human health and the environment. While many cleanup challenges remain at Hanford, much cleanup work has occurred.*

*Currently, Hanford is receiving no offsite waste except for what was decided in a court settlement agreement between the Department of Energy (DOE) and the State of Washington in 2006. To view this agreement, go to <http://www.hanford.gov/orp/uploadfiles/settlement-agreement.pdf>*

**COMMENTER 71:**                      **Robin Miller**

**COMMENT 71.1:**

Dear Ms. Nguyen, I'm writing about an issue of grave concern to those of us who live i the Columbia River Gorge and one that should be to all who love our beautiful state. Mu name lis Rob Miller and I have lived in Oregon since 1991. I moved my family and business here primarily for the quality of life Oregon afforded us. I understand that there is a plan to move 100 million tons of coal from Montana to Pacific port for shipment to China. These shipments would move by rail and barge in open coal cars through the Columbia River Gorge and the Portland Metro area. There are many reasons why this is a bad idea. The toxic coal dust is a threat to our children's health, the produce from our vineyards and orchards, to our beautiful rivers and our sport and commercial fishing industries, the likelihood of train derailments and the sheer amount of increased traffic at grade crossings And when China burns that coal in their thousands of plants we will reap the acid rain that it generates causing more pollution. And why burn so much fossil fuel to transport another fossil fuel half way around the world? Just to help balance our trade deficit ?! The transportation of this coal will cost us as a nation much more in the long term than it will benefit a few in the short term.

This project should be looked at and judged upon its entirety. 600000 pounds of coal dust into the air every day. Please say No to this foolish plan.

**RESPONSE TO COMMENT 71.1:**

*Thank you for your comment. Although this issue is not addressed by the proposed Tri-Party Agreement changes at Hanford, the Washington Department of Ecology is helping local governments, at their request, in the development of [environmental impact statements](#) (EIS) for two proposed coal terminal projects. You can find more information on Ecology's website, [http://www.ecy.wa.gov/news/2012/itn03\\_coal.html](http://www.ecy.wa.gov/news/2012/itn03_coal.html)*