



Comments and Responses to the
Tentative Agreement on Hanford Federal
Facility Agreement and Consent Order
Modifications Regarding Accelerated
Groundwater and Soils
Milestones/FY2009 Funding/ Waste
Management/K Basins and Other Issue
Solutions

August 2009

**Public Comments and Responses to the February 3, 2009 Tentative Agreement
on Modifications to the Hanford Tri-Party Agreement
Introduction**

During January, 2009, a series of draft change packages were developed and discussed between the U.S. Department of Energy – Richland Operations Office (DOE), the State of Washington Department of Ecology (Ecology) and the U.S. Environmental Protection Agency (EPA). These discussions were prompted by the November 5, 2008, DOE letter to Ecology and EPA notifying them of anticipated impacts to Tri-Party Agreement (TPA) milestones due to funding levels associated with the Continuing Resolution; the December 10, 2008, Ecology letter to DOE and EPA concerning new TPA groundwater milestones that had been developed during larger discussions involving the Waste Treatment Plant; and the December 11, 2008, DOE letter to Ecology and EPA concerning realignment of the 100-K Area project milestones due to technical difficulties of sludge removal. On February 3, 2009, the Parties tentatively agreed to ten draft change packages:

1. New and Accelerated Groundwater and Columbia River Protection
(M-15-08-07)
Modifications regarding funding impacts
2. M-15-08-07 (Waste Sites)
3. M-91-08-05(Transuranic and Mixed Low-Level Waste)
Comprehensive realignment of 100 K Area Milestones
4. M-16-08-09
5. M-34-08-03
6. M-93-08-01
Retain Certain Facilities to support the long-term mission of the Pacific Northwest National Laboratory
7. M-094-09-01
8. M-016-07-04
9. M-089-09-01
Designate Appendix C Groundwater and River Corridor Source Operable Units as CERCLA Past Practice
10. C-08-06.

A formal comment period on the ten draft change packages was originally scheduled to run from March 9 through April 23, but was extended to May 15. Over 3400 fact sheets were distributed by mail or sent electronically at the start of the public comment period. In May, public meetings were held in Seattle, Washington and Portland, Oregon. This document contains the comments received and the Parties' responses to those comments.

Individuals sent written comments through the mail or electronically. A court reporter provided transcripts of comments made at the two public meetings. Written comments were also collected at these meetings.

Over 345 comments were received from 122 individuals and groups covering a wide range of topics and diverse perspectives. When several comments were very similar, the Parties grouped them together and gave a single response. Responses were developed and concurred upon by the three Parties.

In addition to the draft change packages, the Tentative Agreement included a copy of an Agreement in Principle (AIP) by which the Tri-Parties agreed to engage in discussions with the intent to reach agreement on changes to the TPA that focuses on 1) development of a Central Plateau Cleanup Completion Strategy and 2) ways to improve the TPA dispute resolution provisions.

Central Plateau Cleanup Completion Strategy

This strategy would include cleanup of waste sites, excess facilities, groundwater, and key interfaces with tank waste retrieval and treatment completion work. The strategy would also address and evaluate:

- Coordinating the closure of canyon facilities with cleaning up waste sites located near those facilities.
- Developing a strategy to cleanup deep vadose zone contamination in the Central Plateau.
- Discussing whether USDOE should be responsible for preparing the Records of Decision instead of the regulatory agencies.

TPA Dispute Resolution Process

The intent is to review the primary document dispute resolution process to see if there are opportunities to streamline it.

Comments were divided into two groups – in-scope pertaining to the ten draft change packages and out-of-scope pertaining to other matters, including the AIP. There were 175 (51%) in-scope and 170 (49%) out-of-scope comments. Each comment was assigned an identification number correlated to each comment category. For example, comments in the general support/not support section have the prefix A.

Nine in-scope comment categories were identified:

- A. General Support/Not Support
- B. New and Accelerated Groundwater and Columbia River Protection Milestones
- C. Waste Sites (M-15-08-07)
- D. Transuranic and Mixed Low-Level Waste (M-91-08-05)
- E. Comprehensive Realignment of 100 K Area Milestones
- F. Retain Certain Facilities in the Hanford Site 300 Area
- G. Designate Appendix C Groundwater and River Corridor Source Operable Units as CERCLA Past Practice
- H. No Delays and/or Retain Enforceable Milestones (General)
- I. Mitigate Proposed Delays and/or Retain Enforceable Milestones with American Recovery and Reinvestment Act Funding

Comments received on not delaying work and retaining enforceable milestones (general and use of American Recovery and Reinvestment Act funding) comprised the majority of in-scope comments (51%).

The majority of out-of-scope comments urged that Hanford not receive more waste (36%). The six out-of-scope comment categories identified were:

- J. Offsite Waste Shipments/National Repository
- K. Tanks
- L. American Recovery and Reinvestment Act
- M. Public Process
- N. Agreement in Principle
- O. Miscellaneous

Appendix A provides an alphabetical index of commenters matched to comment-responses and page numbers. Copies of the original comments are in the Administrative Record and Public Information Repository located 2440 Stevens Center Place, Room 1101, Richland, WA., web site address: <http://www2.hanford.gov/arpir/>

Based on the comments received, the following changes were made to the draft change packages:

- Accelerated by three years (December 31, 2018 to December 31, 2015) the milestone for having a remedy in place designed to meet Federal Drinking Water Standards for uranium throughout the groundwater plume in the 300-FF-5 Operable Unit. (M-016-110-TO5)
- The Parties decided not to delay submission (from November 30, 2010 to September 30, 2011) of a revised feasibility study and proposed plan for 200-CW-1 to Ecology. This proposed plan may be used as a basis for a record of decision for the outer Central Plateau Area.
- Wording modifications/corrections that were made include:
 - An incorrect reference was included in the Description and Justification for Change Form M-16-08-09. The correct reference for the milestone is in fact M-016-140, not M-034-30.
 - Last sentence under “100 K Area Cleanup to be Completed in Phases” includes 118-K-2. Instead the citation has been changed to 118-K-1 (ref: WCH-21, Rev. 0, Documented Safety Analysis for the Remediation of the 118-K-1 Solid Waste Burial Ground, September 2005).
 - 324 and the 324B will be referred to as a combined “facility” rather than just as the 324 “Laboratory” in the final change forms.
 - The 307 trench is appropriately covered under the M-016 series of milestones and will be deleted from the M-094 series as it represents duplication.
 - The number 18 in the second paragraph of M-094-08 and M-09-09 is not accurate due to changes being made. The Parties agree that the number is not correct and it will be removed from the final change forms.

1 In-Scope Comments

1.1 General Support/ Not Support

1.1.1 Support Proposed Changes

A1 I very much agree with the Draft Change Proposal as described (**Richard Brandt**)

A2 Please expedite approval of these change packages as the negotiation of many of these milestones as been an ongoing item for nearly 2-years. Plenty of public briefings have already occurred, and I URGE the Parties to NOT EXTEND the public comment period. Evaluate what comments you get, adjust as needed, and approve the packages. Enough is enough.

I want to commend the Parties for negotiating these milestones WITHOUT THE STIMULUS MONEY AS A BASIS. This is a smart move and it is better to assume this money is not available as the criteria and rules associate with the use are not known fully. Even if the rules were known, this may allow for some work to be completed earlier and promote job growth rather than continuing to "waffle" in endless TPA milestone negotiations. (**Brian Moore**)

A3 I generally agree with all the changes.
I am glad you are nearing completion of these negotiations and wish for you to make decisions. Don't drag the process out any longer. (**J. Ball**)

A4 Thank you for taking the time to review the plans and carry them out on schedule.
(**Nancy Newkirk**)

A5 The Board supports the strategy reflected in the proposed TPA milestone changes that accelerate cleanup along the River Corridor and set specific groundwater remediation goals near the river for the first time.

The Board supports the adoption of the recently negotiated milestones to ensure progress on newly established goals and milestones for groundwater remediation along the river and accelerating soil cleanup in the river corridor. However, the Board does have concerns about the proposed negotiated delays in some milestones. (**Hanford Advisory Board**)

A6 We appreciate the opportunity to review and comment on proposed changes to the Hanford Tri-Party Agreement (TPA). Oregon supports the proposed TPA Change Package with its increased emphasis along the Columbia River and the new milestones related to groundwater treatment. However, given that Hanford is in line to receive nearly \$2 billion in additional funding through the American Recovery and Reinvestment Act (ARRA) of 2009, we expect there will be sufficient funding to eliminate the need for any of these milestones to be significantly delayed. We are hopeful as well that some of the new work being proposed can be completed sooner than dates listed as new milestones. (**Ken Niles, State of Oregon**)

A7 I am in general agreement with the Negotiations Conclusion Agreement signed by RL, Ecology and EPA on 1/15/09. (**Les Davenport**)

A8 In general I've had little time to study the changes in the TPA agreement, but I don't hear anything that particularly dismays me. (**Les Davenport**)

Response:

The Parties appreciate your comments and support for the proposed changes to the Tri-Party Agreement.

1.1.2 No Changes/Do Not Support

A9 Present plans for Hanford cleanup are grossly wrong: Please do not allow further delay. Please do not allow contractor work without strict accountability. Please do not allow more millions of gallons of radioactive waste to leach into the Columbia river. Please do not allow any added waste at Hanford. Please do not allow waste of more \$ billions of taxpayer money. **(Robert von Tobel)**

A10 **The proposal to delay Cleanup agreement milestones and replace enforceable schedules with unenforceable “target dates” should be rejected in light of \$2B stimulus funding** by Washington State and US EPA in light of the \$2 billion in stimulus funding available to do this work, and the promises of the Obama Administration and USDOE that it will be held accountable to meet schedules for cleanup.

Washington State and EPA need to reject the notion that USDOE should be allowed to delay essential cleanup work where contamination spreads from leaking High-Level Nuclear Waste tanks and massive unlined burial grounds inland from the River, in exchange for meeting commitments to cleanup along the Columbia. **(Eldon Ball)**

A11 Do not make any changes to the TPA at this time. **(Ilira Wallar)**

A12 **New compliance schedules can, and should be, adopted without removing and replacing the milestones that have been missed or will be missed due to USDOE’s previous inadequate budget prioritization for Hanford Clean-Up.**

It is little wonder that the public now urges that the proposed agreement be largely rejected. Rather than follow this sound advice, the agencies totally ignored it and proceeded to do exactly what the Board urged that they not do – negotiate delays based on USDOE’s inadequate budget for 2009 and subsequent years, without USDOE producing the Lifecycle Cost and Schedule Report. Ecology promised to respond in detail to this advice, but never did.¹

The Proposed Agreement Fails to Clean-Up the River Corridor by 2015 – Delays in River Corridor Clean-Up Projects Should Be Rejected:

USDOE and the Tri-Party Agencies have misled the public in claiming that this package of TPA changes, coupled with stimulus funding plans, will clean up the River Corridor by 2015, and shrink the area of Hanford requiring cleanup to 10 square miles of the Central Plateau by 2015. This is simply untrue.

In fact, this proposal unacceptably DELAYS cleanup of key River Corridor areas, and leaves some sites with no cleanup plan, and leads to USDOE likely missing current deadlines for cleanup of the River Corridor and all nontank farm units by 2024. **(Gerry Pollet, Heart of America NW)**

¹ See Letter of Ecology’s Jane Hedge, November 29, 2007 posted with the advice on the Advisory Board’s website.

- A13 I am writing to request that the TPA Trade Offs be rejected and existing milestones enforced. With the addition of \$6 billion mentioned in the final stimulus bill for clean-up of all of the USDOE's contaminated sites over the next three years Hanford gets nearly \$2 billion of those funds to continue and accelerate the cleanup. The approved economic-recovery bill also includes funds for assorted "green" projects and cuts funds for nuclear and coal subsidies.
(Jeanne Turgeon)
- A14 Despite the fact that I've already said it, I do feel very strongly that the signing of this could be put off until such time as you have really answered the questions brought up by the public.
(Charles Weems)
- A15 I agree with a lot of the comments that have been made this evening but would make it even much simpler. Just say no.

We don't need to go ahead with what has been negotiated at this point, because, as was artfully noted earlier, reality has changed. And you're making budget-driven decisions, not technically driven decisions, and I don't find that acceptable as a citizen.

The bottom line is: With the stimulus money, with the new administration, with the new head of the Environmental Protection Agency and the Department of Energy, it's a new day. We shouldn't be making these decisions and locking in this kind of language now, before we know, A, what's the technicality – the report that's never been prepared, that was talked about earlier; and, B, what we can do now that there is a new perspective. We just need to scrap this and start over. **(Bob Cooper)**

Response:

Thank you for your comments. The Parties have considered the comments and decided to finalize the draft change packages after incorporating a few changes.

The Parties did identify some proposed delayed work where American Recovery and Reinvestment funding can be applied and are in discussions to identify other opportunities.

Proposed milestones, M-091-45 and M-015-40E, identify December 31, 2009 as the date when the Parties will identify work scope and set realistic milestone schedules for this work scope considering the newly authorized American Recovery and Reinvestment Act (ARRA) funding.

1.2 M-16-08-07 (Groundwater)

1.2.1 Completed Milestones/Regulatory Process

- B1 The proposed milestones and clarifications to existing milestones are acceptable provided a few changes are accepted by DOE, EPA and Ecology negotiators. These changes are:
- a. Delete all milestones that have due dates in March 2009 (proposed milestone M-016-123), as well as those with due dates in May 2009 (proposed milestones M-016-111A, M-015-65, M-015-69). Approval of these milestones will occur after these dates and thus makes no sense to have these milestones in the package.
 - b. Change package M-16-08-07, Page 2, last paragraph states, "The Parties acknowledge that

changes in flow direction and groundwater depth may impact DOE's ability to carry out detection and assessment monitoring for treatment, storage, and disposal (TSD) units with the capture zone of pump-and-treat systems. Ecology will consider these circumstances in establishing permit conditions ensuring compliance groundwater operable units." The existing pump and treat systems are authorized by existing Interim Records of Decision and all the new milestones are leading to final Records of Decision. If there are any necessary changes in groundwater monitoring, the associated Record of Decision and subsequent Remedial Design Report/Remedial Action Work Plan **MUST BE REVISED**, not doing a separate process of modifying the RCRA Permit. Adding permit conditions in of itself is not integration and is a pure duplication of effort when the CERCLA documentation is already in place. This paragraph must be revised to state, "The Parties acknowledge that changes in flow direction and groundwater depth may impact DOE's ability to carry out detection and assessment monitoring for treatment, storage, and disposal (TSD) units with the capture zone of pump-and-treat systems. DOE, EPA, and Ecology will consider these circumstances and modify the applicable Record of Decision to ensure the ARAR's are met." Should the Parties not incorporate this proposed comment for change then I do not support this specific change package in its entirety. **(Brian Moore)**

Response:

Thank you for your comments. The Parties recognize that there are some milestones in the draft change package that have already been completed or will soon be completed. We plan to leave them in the change package, because these milestones and their completion documentation provide a record of the decisions made and the work performed. In addition, these milestones help keep cleanup work on track during the months it takes proposed milestones to be finalized.

In conjunction with the ZP-1 Record of Decision (ROD) implementation, the Parties are working to develop an integrated monitoring approach to specifically avoid duplication and ensure viable monitoring continues to support the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and Resource, Conservation and Recovery Act (RCRA) requirements.

There are established processes for changing the groundwater monitoring network to address changes in flow direction and groundwater depth. The groundwater monitoring required by the ROD is identified in the Remedial Design/Remedial Action Work Plan (RD/RAWP) that can be modified using a Tri-Party Agreement Change Notice. The RD/RAWP is the implementing document for the ROD, which means the ROD itself does not need to be amended, provided the ROD requirements don't need to be changed.

The Department of Ecology (Ecology) controls the content and revision of the RCRA permit. The groundwater monitoring required by the RCRA permit can be modified in accordance with Ecology's regulations for permit modification. Although these processes may appear to be a duplication of effort, it does not affect the continued implementation of a proper groundwater monitoring network.

1.2.2 Support Accelerated Groundwater Cleanup

B3 Good news: The agencies propose to accelerate some milestones for cleanup along the Columbia River Corridor and – for the first time – to have specific goals for cleaning up the contaminated groundwater flowing into the River today. **(Robert von Tobel)**

Response:

Thank you for your comment.

- B4 The Board supports the strategy reflected in the proposed TPA milestone changes that accelerate cleanup along the River Corridor and set specific groundwater remediation goals near the river for the first time.
- The Board supports the adoption of the recently negotiated milestones to ensure progress on newly established goals and milestones for groundwater remediation along the river and accelerating soil cleanup in the river corridor. However, the Board does have concerns about the proposed negotiated delays in some milestones. **(Hanford Advisory Board)**
- B5 We appreciate the opportunity to review and comment on proposed changes to the Hanford Tri-Party Agreement (TPA). Oregon supports the proposed TPA Change Package with its increased emphasis along the Columbia River and the new milestones related to groundwater treatment. However, given that Hanford is in line to receive nearly \$2 billion in additional funding through the American Recovery and Reinvestment Act (ARRA) of 2009, we expect there will be sufficient funding to eliminate the need for any of these milestones to be significantly delayed. We are hopeful as well that some of the new work being proposed can be completed sooner than dates listed as new milestones
- We are especially pleased to see milestones related to the treatment of contaminated groundwater, primarily through expansion of several pump-and-treat systems. Oregon has long recognized that contaminants reaching the groundwater and the Columbia River is the most likely way in which Oregon and its citizens could be impacted by Hanford. As a result, we have long encouraged aggressive action toward containing and cleaning up Hanford's contaminated soil and groundwater. **(Ken Niles, State of Oregon)**
- B6 As for the proposed changes, we would like to applaud the attention being directed toward the groundwater areas near the Columbia however we are very concerned that there will be a slowdown in other areas of the project. We have an opportunity to make some real progress with the stimulus package money but we need to be working in both areas. We would like to see the clean up reach the original enforceable milestones and set enforceable milestones for the new work that is enabled by the stimulus package. **(Leslie March)**
- B7 I was very much encouraged at the public meeting the other night that many of the concerns and priorities of the public have been heard and are now being addressed. The fact that much of the work is now proceeding at an accelerated rate is encouraging, especially the new focus on groundwater. I hope that every effort will be made to find the money needed to proceed with all aspects of the Tri Party agreement, and not to delay some other budget items as is currently proposed. **(Donna Hippert)**
- B8 So I'm pleased that there seems to be more commitment towards cleaning up the well water more quickly, the other contaminants, the contamination that continues to the river is extremely disturbing to me. So I'm very unhappy with the portions of this new agreement that would delay cleanup. Additionally, all this talk about fiscal year '09, I mean that's fiscal year '09 is almost over and fiscal year '10 is going to have this huge amount of stimulus money and that can be used for this cleanup, so it seems to me that that money should accelerate the cleanup and we shouldn't accept any delays. Okay, thank you. **(Sandra Polishuk)**

Response:

Thank you for your comments. The Parties know that groundwater cleanup and protection of the river have been and remain major priorities for the Hanford Advisory Board, the State of Oregon, Hanford

stakeholders, and the public. We appreciate your continued focus placed on the importance of this cleanup over the years.

Regarding the use of American Recovery and Reinvestment Act funds to accelerate cleanup work along the Columbia River, some funding will be used to support the high priority pump-and-treat systems along the river, including D & H Areas and the 200 West pump-and-treat systems.

1.2.3 Do not Delay 200-BP-5

B9 ...and not delaying cleanup of 200-BP-5 unit. **(Hanford Advisory Board)**

B10 Other unacceptable delays based on the unacceptable criteria of funding, with improper use of unenforceable targets or TBD dates, and whose impacts have not been properly considered, include:

- Delay 200-BP-5 **(Gerry Pollet, Heart of America NW)**

Response:

The draft change package proposed to delay Milestone M-15-21A (Submit 200-BP-5 Operable Unit Feasibility Study and Proposed Plan to EPA) from 10/31/2010 to 12/31/2012. Additional baseline funding does accelerate the schedule to complete the Remedial Investigation/Feasibility Study work plan characterization wells in Fiscal Year (FY) 2010. In addition, an interim action pump-and-treat system is being implemented, which makes 2012 a realistic date for milestone completion.

1.2.4 Protection of the River

B11 Stop the radioactive & chemical contamination of the Columbia River. The Columbia River is a valuable resource and should be protected from contamination **(James Groat)**

B12 Let's hold strong to the commitment to keep the Columbia River safe from any more contamination. It is one of the greatest resources this country has. **(Steven Gary and Elinor Graham)**

B13 First and foremost there must be complete compliance and cleanup of waste with the technology in place to handle the extremely toxic waste in the ground water going into the Columbia before Hanford is allowed to accept any more off site waste. The TPA must have an enforceable plan to cleanup the contaminated groundwater. **(Nancy Morris)**

B14 The source of the groundwater contamination is coming from things like burial drums that aren't being mediated and removed, it's coming from sewage pipes that aren't being emptied, it's coming from sludge that's in these underground tanks, and containment of groundwater doesn't make sense to pump and treat when the source of the remediation problem isn't being adequately addressed. **(Dvija Michael Bertish)**

B15 That which happens to the surrounding areas does happen to the River too. We know that you all also know this, take care of yourself & our communities & clean up Columbia River and its surrounding area. **(Sarah)**

Response:

The goal of the draft change packages is safe and effective cleanup that protects the Columbia River. The proposed milestones in this draft change package are intended to accelerate groundwater cleanup and

protect the river from contamination. Sources of groundwater contamination are addressed by the M-15 milestones that require feasibility studies, which will identify alternatives for source cleanup.

1.2.5 Integrated Cleanup Approach along the River

B16 The Board supports adoption of combined soil and groundwater units in single Remedial Investigation/Feasibility Study documents for a holistic approach to cleanup, and supports completing Feasibility Studies for units along the Columbia River by 2012. **(Hanford Advisory Board)**

Response:

The Parties appreciate the Board's support of the combined soil and groundwater RI/FS approach along the Columbia River. Although the soil and groundwater are not literally combined into single operable units, both the soil and groundwater will be addressed in decisions that are holistic, i.e., address the entirety of reactor areas.

1.2.6 Address Groundwater Contamination

B17 Try to do better by way of milestones on getting rid of chromium in the 100 Area by 2012 also strontium by 2016 – These should be pushed to being sooner **(Sabine Hilding)**

B18 Given the additional funds that Hanford will receive through the ARRA, we believe the proposed new milestones for groundwater treatment are not as aggressive as they should be. We would hope that chromium could be kept from entering the Columbia River in the 100 Areas prior to the end of 2012, and that strontium and other contaminants could be kept from entering the Columbia River in the 100 Areas sooner than the end of 2016. We challenge the Tri-Parties to beat these milestones and help protect the Columbia River much sooner. **(Ken Niles, State of Oregon)**

B19 We applaud the adoption of several first ever TPA goals for cleanup of groundwater along the River Corridor. But, this long needed step cannot come at the expense of delaying other cleanup work!

- Proposed new TPA milestones: no contamination enters the Columbia River above Drinking Water Standards (DWS) in the 100 Areas by end of 2016; Clean-up chromium in groundwater to Drinking Water Standards by end of 2020. First time a real goal has been proposed by agencies for groundwater cleanup. Note – stopping contamination from entering River is not the same as cleaning up the contamination, which would theoretically be subject to TPA milestone M-16 “Complete remedial actions for all non-tank farm operable units” by 9/30/2024.
 - Take until 2020 to remediate Chromium to below DWS in 100 Areas...
 - Compare this to other Superfund sites, even along Columbia, where Chromium cleanup has gone much faster
 - DWS is not protective of the salmon
 - This is too slow and not protective. **(Gerry Pollet, Heart of America NW)**

Response:

The Parties have placed the highest priority on cleaning up the River Corridor. The chosen milestone dates are realistic in terms of the time necessary to design, construct, and operate pump-and-treat systems. The milestones cannot realistically be accelerated more than in the proposed changes – there are practical

limitations on how many wells can be drilled in a year, how much groundwater can be pumped, etc. Apatite sequestration is the technology that will be used to treat strontium-90, and its acceleration is limited because it depends on the natural flow speed of groundwater. There are a number of ongoing, integrated actions to address groundwater contamination that will take time to complete. These include cleaning up waste sites that are sources of the contamination, using treatment technologies (such as bioremediation and the mineral apatite) to immobilize contamination, and expanding pump-and-treat systems to clean up contamination in the groundwater. This is a complex and widespread set of remedial actions that will take time to coordinate and implement.

1.2.7 300 Area Groundwater Contamination

B20 In the 300 Area, the proposal has serious delays which threaten the Columbia River and public health through potential spread of contamination and exposures:

- Proposed: By the end of 2018, USDOE will install a system to cleanup uranium in the groundwater designed to meet Drinking Water Standards.
- It is unlikely that this deadline to install this system can meet the 2024 milestone for completion.
- Uranium measured in groundwater flowing into the Columbia River at 67 times the level shown to harm fresh water plants and invertebrates and 33times the DWS in a sample of springs entering the River.
- However, other contaminants include trichloroethene (nearly 60x DWS); cis-1,2-dichloroethene; tributylphosphate; and, radioactive tritium more than 40 times the DWS. **(Gerry Pollet, Heart of America NW)**

Response:

Based on public input on M-016-110-TO5, USDOE will have a remedy in place designed to meet Federal Drinking Water Standards for uranium throughout the groundwater plume in the 300-FF-5 Operable Unit unless otherwise specified in a CERCLA decision document. It will be accelerated by three years from 12/31/2018 to 12/31/15. DOE currently controls access to the groundwater and springs to eliminate human exposure and protect public health. DOE will continue access controls until the proposed remedy meets its goals. The ROD will also address the potential threat of contaminants other than uranium and will address potential threats to the ecosystem.

1.2.8 Central Plateau Groundwater Cleanup

B21 **The Proposed Central Plateau Groundwater Milestone is Unacceptable:**

Unlike the River Corridor where the agencies propose goals that are clear steps forward, if incomplete steps, towards remediation and restoration of groundwater to beneficial uses by 2024, the proposal for Central Plateau groundwater is likely a disaster that would cause recontamination of the 100 Area groundwater.

The proposal is to “contain” Central Plateau Groundwater contamination by end of 2020 (M-16-119-T101).

- There is No definition to make that enforceable
 - Contain to where?
 - This does not say contain to the current areas of contamination.

- This would allow contamination to spread significantly towards the River, before beginning to contain further spread.
- There is no measurable interim reduction – e.g., prevent spread at level x beyond area y.
- Minimal pump and treats are required.
- Funds now available for actions where Tc99, Ur, Cs, Sr, CCL4, organics are increasing – but not reflected in TPA with aggressive actions to contain to current areas, and remediate.

The delay in investigating the massive unlined trenches (40 miles), and tank farm units, where groundwater monitoring fails to meet RCRA requirements is likely to cause increased risk and spread of groundwater contamination.

We have to ask the agencies: why are you proposing any changes to the TPA for the Central Plateau, when you intend to develop a new strategy and milestones for the Central Plateau in the coming months???? All the current proposed changes should be shelved pending the new proposal. As we discuss later, all proposed changes to the TPA should be presented at one time each year – instead of piece-mealing the proposal and undermining the ability of the public to comment. **(Gerry Pollet, Heart of America NW)**

Response:

The Parties disagree. In September 2008, the 200-ZP-1 Operable Unit (OU) Record of Decision (ROD) was signed. Based on that decision, work is underway to put in place one of the largest groundwater pump-and-treat systems in the Central Plateau that will be used to capture, treat and reduce groundwater contaminants. It is expected to reduce the primary contaminant, carbon tetrachloride, by approximately 95% over 25 years and be able to treat groundwater to meet state standards for all contaminants of concern. The Parties plan to amend the 200-ZP-1 ROD to include the 200-UP-1 OU. This single amended ROD is expected to provide a comprehensive pump-and-treat strategy to address 200 West Area groundwater contamination. In addition, the Parties are working aggressively to get RODs in place to address groundwater contamination in the 200 East Area. Some of the proposed milestones provide the framework and compliment the Central Plateau Cleanup Completion Strategy that is under development.

1.3 M-15-08-07 (DELAYS FOR OBTAINING RODS, WORKPLANS, AND REMEDIATION)

1.3.1 Delays

C1 The TPA Agencies (U.S. Department of Energy (DOE), U.S. Environmental Protection Agency (EPA), Washington State Department of Ecology (Ecology)), negotiated this path on the basis of the “currently anticipated funding” in the latter part of 2008 and early 2009. As we have noted in numerous pieces of Board Advice, the DOE’s “target” budgets for 2010-15 and Congressional Budget Request for 2009 were hundreds of millions of dollars per year less than needed to meet milestones. DOE is obligated to request funding to meet those milestones. While the Board has acknowledged that some TPA changes are warranted when technical obstacles are an issue, the Board does not support changing milestones when the administration does not request from Congress funding sufficient to meet TPA milestones.

As stated in the TPA change package, the overall proposal is comprised of trade-offs for

“adjustments in work scope and milestones consistent with the currently anticipated available funding.” The level of funding anticipated when these adjustments were negotiated has dramatically increased through the Fiscal Year 2009 and Economic Stimulus appropriations. These additional appropriations may result in an additional \$1.96 billion being available for increased work scope. The Board believes that those tradeoffs delaying work, which we advised should be funded with anticipated increases in cleanup funding (see Board Advice #206, 210, 213), may no longer be required.

Board Advice

The Board supports the adoption of the recently negotiated milestones to ensure progress on newly established goals and milestones for groundwater remediation along the river and accelerating soil cleanup in the river corridor. However, the Board does have concerns about the proposed negotiated delays in some milestones.

The Board advises the TPA Agencies to revisit the proposed delayed milestones when they begin new milestone negotiations before the end of calendar year 2009. This action will enable the TPA Agencies to consider bringing the scopes of delayed work back into the near term in the TPA, using the additional funding projected to be available to DOE-Richland Operations, and in tandem with presenting new milestones for accelerated cleanup of the outer Central Plateau units. **(Hanford Advisory Board)**

C2 The upcoming negotiations should also address moving forward to

e. Accelerate characterization and cleanup of 200-SW-1 and 2 (large burial ground soil units) ...**(Hanford Advisory Board)**

C3 Below please find comments from the Hanford Task Force of Washington Physicians for Social Responsibility.

1. We recommend that the proposed changes, particularly delayed deadlines, be re-evaluated in light of additional funds for Hanford included in the economic stimulus package recently signed into law. We concur with recent Hanford Advisory Board advice on this and related topics.

Hanford Advisory Board Advice

Since the proposed modifications were negotiated, Congress passed and the President signed an economic stimulus plan, which among other features included additional funding for Hanford. We concur with Hanford Advisory Board (HAB) Consensus Advice No. 216, which advised the TPA agencies to revisit proposed delayed deadlines in light of the additional funding.

With regard to other points in the HAB Advice, we concur that unenforceable target dates and goals should not replace milestones and schedules. The regulators, EPA and WA Ecology, should be provided clearly defined ways to enforce milestones and deadlines. There should be clear penalties for failure to meet any new milestones, unless subsequently renegotiated by the TPA Agencies. In addition, groundwater control and mitigation, though important in the 100 and 300 Areas, should not delay efforts on the massive problem of contamination from the vadose zone, already known plumes, and unlined burial sites in the 200 Area. **(John Abbotts, Hanford Task Force of Washington Physicians for Social Responsibility)**

C4 We appreciate the opportunity to review and comment on proposed changes to the Hanford Tri-Party Agreement (TPA). Oregon supports the proposed TPA Change Package with its increased emphasis along the Columbia River and the new milestones related to groundwater treatment. However, given that Hanford is in line to receive nearly \$2 billion in additional funding through the American Recovery and Reinvestment Act (ARRA) of 2009, we expect there will be sufficient funding to eliminate the need for any of these milestones to be significantly delayed. We are hopeful as well that some of the new work being proposed can be completed sooner than dates listed as new milestones. **(Ken Niles, State of Oregon)**

Response:

As you noted, Tri-Party Agreement (TPA) schedules were negotiated on anticipated Fiscal Year (FY) 2009 funding. Since then Congress passed the American Reinvestment and Recovery Act (ARRA), which provides additional funding if cleanup activities can pass certain criteria. Some of the ARRA funding received by Hanford has been applied to work associated with many of the delayed milestones; however, it came later than expected; consequently, some work cannot be performed as scheduled.

ARRA funds will be used to initiate non-intrusive characterization (i.e., surface geophysics and passive organic-vapor sampling) at 200-SW-2 burial grounds. The current schedule is for field activities to begin late FY2009 and continue into FY2010. These funds will be used to support the regulatory and public review closure plan process for 200-SW-1 (Nonradioactive Dangerous Waste Landfill treatment storage and/or disposal unit and Solid Waste Landfill). These funds may also be used to start physical closure of 200-SW-1 units in the FY2010-2011 timeframe. Preparation of the closure plans was initially delayed by two years and not expected to begin until 2011.

Earlier this year the Parties signed an Agreement in Principle to engage in discussions to collaboratively develop a comprehensive Central Plateau Cleanup Completion Strategy. This strategy will propose plans for cleanup of the Central Plateau, including 200-SW-1 and 2. It will be issued by US Department of Energy-Richland Operations Office for consideration by the Parties end of FY2009.

1.3.2 To-Be-Determined Dates

C5 On Hanford's Central Plateau, there are 40 Miles of unlined trenches filled with unknown wastes, including combustible hazardous wastes, organic solvents that mobilize contamination, Pu and TRU buried pre-1970...

- The current TPA deadline for completing the investigation of all contaminated soil units, needed before start of actual cleanup, as of April, 2009: 12/31/2011.
- New proposed deadline: "To Be Determined"*
 - [*] M-15-00 and M-15-00C – proposals for negotiations on new schedules to conclude by 12/31/09.

Having a date for completion of the Remedial Investigation/ Feasibility Studies (RI/FSes) which is "TBD" violates CERCLA's requirement for an EPA and State published schedule for RI/FSes.42 USC 9620(e)(1).

This provision of CERCLA requires that EPA and the State "shall publish a timetable and deadlines for expeditious completion of such investigation and study";

This is the schedule in the TPA. A deadline cannot be a date which is TBD, nor can it be an unenforceable “target”. Of course, there is also a serious question as to whether schedules with proposed delays remain “expeditious” (if they ever were expeditious).

The Change Package includes numerous proposals to go from enforceable schedules (milestones) to unenforceable “target” dates and “TBD” dates. E.g., milestones for treatment of illegally stored mixed wastes become targets and TBDs. **(Gerry Pollet, Heart of America NW)**

Response:

The intent of To-Be-Determined (TBD) and target dates is not to delay cleanup work. In some cases a specific milestone date cannot be established until more information is obtained or developed by the Parties. In other cases the preferred remedy has not been identified. In the opinion of the Parties, target dates and TBDs were used appropriately in the M-091 and M-015 Tri-Party Agreement draft change requests.

In the M-091 and M-015 change packages, the TBD dates are short-term placeholders while the Parties complete discussions on revising the Central Plateau Cleanup Strategy. In these cases, the TBDs also allow the Parties to obtain better information on budget funding levels and evaluate how to best apply recently allocated American Recovery and Reinvestment Act (ARRA) funds. Also, the use of a TBD is usually supported by another milestone or requirement to establish a firm due date.

ARRA funding will be worked into future new and revised milestones. Proposed milestone M-015-40E identifies December 31, 2009 as the date by which negotiations are to be completed and a change package submitted to establish milestones for the remedial investigation/feasibility study for some operable units and for two major milestones, M-015-00 and M-015-00C.

1.3.3 Clean up the Central Plateau

- C6 The cleanup of the Central Plateau soil sites and processing plants must continue so as to meet the clean-up milestones so that the TPA deadline of 2024 can be met. **(Jeanne Turgeon)**
- C7 Do not delay an investigation of what is in the 40 miles of unlined soil ditches used to dump radioactive and chemical wastes on Hanford’s. **(Ruth Lo)**
- C8 USDOE said they would need to delay work on Plutonium and Transuranic wastes "stored" in unlined soil trenches in order to afford clean-up of contaminated groundwater close to the river. Now that they are proposing to spend federal stimulus money on the groundwater clean up, there is no reason to delay work on the material in the unlined trenches, as well as investigation of what is in the 40 miles of unlined soil ditches used to dump radioactive and chemical wastes on Hanford's Central Plateau. **(Janice Castle)**

Response:

The Parties agree. The goal of the 2015 Vision is safe and effective cleanup that protects the Columbia River. Part of the vision is to reduce the active cleanup footprint to 75 square miles and shift more funding to the Central Plateau when the River Corridor cleanup is complete. To achieve this goal, the Parties signed an Agreement in Principle to engage in discussions to collaboratively develop a comprehensive Central Plateau Cleanup Completion Strategy. This strategy is to address the overall cleanup of the central plateau including non-tank farm waste site operable units, excess facilities and groundwater remediation and will be issued by the end of FY 2009. The objective is to complete discussions and revise relevant sections of the TPA or its action plan to reflect the agreed to path forward

by December 31, 2009. Any changes to the TPA milestones that result will be included in a draft change package that if significant, will go out for public review and comment.

1.3.4 Characterization Work

C9 And I also worry about the characterization studies -- those being postponed. I don't think that's a good idea. The more we know about what we're dealing with -- you know, how are we ever going to get done if we don't know what's there? And those are my concerns. A lot of money is being spent. This has been going on for a long time. **(Mark Saparito)**

Response:

Characterization work will continue. This information is needed to support cleanup decisions on the River Corridor and in the Central Plateau. Characterization data are used to support making a cleanup decision and play a necessary and integral part of designing the cleanup actions, confirming that the correct cleanup decision was made once remediation begins, and verifying that the remediation is complete and the remedial action goals were achieved.

1.4 M-91-08-05 (DELAYS RELATED TO TRU, MIXED LOW-LEVEL WASTE)

1.4.1 Milestones

D1 The M-91 package is way too confusing and the average public could never understand this. Is there any chance of you simplifying this package to make it more understandable to the public? Seems like setting a new milestone 91-45 for you to complete negotiations is setting a milestone on completing a process that already is in your Federal Facility Agreement so it begs the question of why the need for this milestone **(J. Ball)**

Response:

The Parties agree. During the upcoming negotiations required by M-091-45, the agencies will develop a draft change package to simplify the content and language in the milestones.

The need for this milestone is that although DOE requested funding to meet Tri-Party Agreement (TPA) milestones and maintain full compliance in Fiscal Year (FY) 2009, the funding allocated did not support achieving all identified TPA milestone work scope. As a result of the reduced allocated funding level, the Parties made the decision to adjust schedules and focus funds on near-term, higher priority work along the River Corridor, and reduce funding for some work scope associated with the M-91 milestones. M-091-45 will enable the Parties in the next few months to identify work scope and realistic milestones considering the newly authorized American Recovery and Reinvestment Act (ARRA) funding.

D2 TRU Retrieval/Treatment. Considering the recent Federal stimulus provided for Hanford cleanup, the proposed delay in TRU retrieval and treatment should be reversed and the previous enforceable schedule reinstated. **(Richard Heggan)**

Response:

Based on the receipt of the American Recovery and Reinvestment Act (ARRA) funding, work was able to continue in support of M-91 milestones for TRU retrieval and treatment. The funding, however, came later than expected and, as a result, the planned work could not be fully recovered, resulting in a partial completion of commitments for FY 2009 and projected recovery of commitments occurring in the out years. However, with the receipt of ARRA funding, work scope associated with the retrieval of suspect 1970 transuranic waste stored in burial grounds 218-W-4B, 218-W-3A and 218-E-12B has been restored to levels consistent with meeting the target M-91-40 milestones in the draft change package.

D3 Prefer milestones stay in place – do not push the June 2012 milestone for remote handled waste up (**Sabine Hilding**)

Response:

If you are referring to the milestone, M-091-01, that date will be discussed as part of the negotiations identified in M-091-45.

1.4.2 No Delays/Re-instate Work Delayed

D4 The agencies ignored public input, including Hanford Advisory Board's advice, to:

- • Get back on track retrieving TRU
- • Treat backlog of Mixed Wastes and TRU and have a new treatment capacity available
- • Move ahead to meet milestones for clean-up of the Central Plateau soil sites and huge processing plants (called canyons), based on meeting the existing 2024 TPA deadline to complete all such cleanup outside the High-Level Waste Tank Farms
- Instead they proposed DELAYS, which remove enforceable milestones:
- • Delays removing Transuranic (Plutonium) wastes from unlined burial grounds
- • Delays treating illegally stored wastes
- • Delays cleaning-up of "burial" grounds inland from the Columbia River
- • Delays milestones... and accepts USDOE's budget based scheduling
- • Delays which IGNORE stimulus money and increased budget for clean-up
(Robert von Tobel)

D5 Instead those delays for instance for transuranic waste retrieval, treating illegally stored mixed wastes, those delays add up to years when your excuse is we were in negotiations for a few months without knowing how much money we'd have in 2009 this is unacceptable. (**Gerry Pollet, Heart of America NW**)

D6 Do not delay retrieving Plutonium and Transuranic waste "stored" in unlined soil trenches;
(Ruth Lo)

D7 Do not delay an investigation of what is in the 40 miles of unlined soil ditches used to dump radioactive and chemical wastes on Hanford's **(Ruth Lo)**

D8 USDOE said they would need to delay work on Plutonium and Transuranic wastes "stored" in unlined soil trenches in order to afford clean-up of contaminated groundwater close to the river. Now that they are proposing to spend federal stimulus money on the groundwater clean up, there is no reason to delay work on the material in the unlined trenches, as well as investigation of what is in the 40 miles of unlined soil ditches used to dump radioactive and chemical wastes on Hanford's Central Plateau. (**Janice Castle**)

D9 The Board advises the TPA Agencies to revisit the proposed delayed milestones when they begin new milestone negotiations before the end of calendar year 2009. This action will enable the TPA Agencies to consider bringing the scopes of delayed work back into the near term in the TPA, using the additional funding projected to be available to DOE-Richland Operations, and in

tandem with presenting new milestones for accelerated cleanup of the outer Central Plateau units. **(Hanford Advisory Board)**

- D10 The upcoming negotiations should also address moving forward to: b. Resume retrieval and certification of TRU waste and treatment of mixed wastes (including developing capacity for treatment). **(Hanford Advisory Board)**
- D11 We appreciate the opportunity to review and comment on proposed changes to the Hanford Tri-Party Agreement (TPA). Oregon supports the proposed TPA Change Package with its increased emphasis along the Columbia River and the new milestones related to groundwater treatment. However, given that Hanford is in line to receive nearly \$2 billion in additional funding through the American Recovery and Reinvestment Act (ARRA) of 2009, we expect there will be sufficient funding to eliminate the need for any of these milestones to be significantly delayed. We are hopeful as well that some of the new work being proposed can be completed sooner than dates listed as new milestones. **(Ken Niles, State of Oregon)**
- D12 The TPA Change Package includes a commitment for the U.S. Department of Energy (DOE) to propose new milestones by December 31, 2009 for all the milestones that are being delayed. As we indicated earlier, we expect that delays will be minimal, especially for the retrieval of retrievably stored wastes in Hanford's burial grounds as that program has already received some ARRA funding. We will carefully examine the proposed new milestones when they are available at the end of this year.

One milestone in particular that we expect should not receive a lengthy delay is milestone M-091-01, which now requires DOE to complete the acquisition of capabilities and/or new facilities (new or modified) to allow retrieval, designation, storage, and treatment/processing of remote-handled transuranic and transuranic-suspect waste. It was just a few short years ago – 2003 – when DOE agreed to the schedule to have that capability by June 30, 2012 and we are concerned to see it revisited so soon. DOE will be unable to fully complete its 2015 cleanup vision unless it is able to remediate the 618-10 and 618-11 burial grounds. Without better capabilities for dealing with remote-handled wastes, DOE will be unable to remediate these burial grounds. **(Ken Niles, State of Oregon)**

Response:

Despite US Department of Energy's (USDOE) efforts to obtain adequate resources, Fiscal Year (FY) 2009 funding levels fell short and could not support all the work planned for that fiscal year. Two projects most impacted by this funding shortfall were the M-15 Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) decision process [Remedial Investigation/Feasibility Study (RI/FS) document preparation] and the M-91 Waste Management series milestones [Transuranic (TRU) Waste Retrieval, Treatment and Certification]. M-091-45 will enable the Parties in the next few months to identify work scope and realistic milestones considering the newly authorized American Recovery and Reinvestment Act (ARRA) funding.

Some of the ARRA funding received has been applied to work associated with many of the delayed milestones; however, it came later than expected and some work cannot be performed as scheduled. In response to comments, below is a summary of work being done or planned related to the M-91 milestones.

Retrieval

ARRA funding has restored work scope associated with the retrieval of suspect TRU waste stored in burial grounds 218-W-4B, 218-W-3A and 218-E-12B to levels consistent with meeting the target M-91-40 milestones in the draft change package. A completion date for retrieval of contact-handled retrievably stored waste will be established and a new change package drafted to reflect this date after completion of the M-091-45 negotiations.

Treatment

Progress associated with treatment of legacy mixed low level waste defined in proposed milestones, M-091-42 and M-091-43, is on schedule or in the case of M-091-43, ahead of the Tri-Party Agreement (TPA) milestone schedules. To prevent build up of a backlog of mixed waste in storage, contact handled and/or large package mixed low-level waste generated after June 30, 2009 will be treated within one year of generation to applicable treatment standards. In addition, a new approach to waste management (i.e., point of generation) is planned for implementation at the TRU retrieval project in FY-2010. This new approach will package retrieved waste into compliant packages for shipment to off-site commercial treatment for mixed low-level waste or readied for certification in the case of TRU waste.

Certification

To support certification of TRU waste, on-site facilities (e.g., T-Plant and WRAP) are used to repackaging legacy TRU waste into compliant packages ready for certification by the Central Characterization Project (CCP). Newly generated TRU waste from M-91-40 retrieval will also be repackaged in the field into compliant packages ready for certification by the CCP

Large Container and Remote-Handled waste

New capabilities for the treatment of mixed low-level waste (both remote-handled and large packages) have been acquired and proven successful as evidenced by the progress achieved to date in accelerating the completion of the M-91-43 milestone. Processing of large package, low gram TRU waste (gloveboxes from 300 Area cleanup) has been accomplished at a local commercial treatment facility and is considered to be a viable path for processing legacy and newly generated TRU waste.

Planning is underway to procure a mobile hot cell to be used in retrieving remote-handled waste stored in the 200 Area caissons. This technology has been successfully used in France for about ten years. Operating experience gained through deployment of the mobile hot cell could be directed to the retrieval and potential processing of other remote-handled waste, including remediation of the 618-10 and 618-11 burial grounds.

1.4.3 Clean up

D13 Cleanup the unlined trenches & the liquid disposal sites. **(James Groat)**

Response:

The proposed milestones change the dates, but not the intent of the milestones. Both unlined trenches and liquid disposal sites will be addressed in Comprehensive Environmental Response, Compensation, and Liability (CERCLA) Records of Decision (RODs). Cleanup work will be completed in accordance with those approved RODs.

1.4.4 Low-level Waste Storage

D14 Take care of low-level waste storage now **(Jim Kelley)**

Response:

Significant progress with the disposal of legacy low-level waste (LLW) has been achieved since October 1, 2008. Specific examples include:

- 95% of the legacy LLW (~325 cubic meters) that were staged at the T-Plant facility were shipped to onsite disposal units (ERDF or the Mixed Waste Disposal Units) or sent offsite for processing to make the waste disposal compliant.
- 75% of the legacy LLW (~700 cubic meters) that were staged at the 218-W5 burial ground has been disposed into the Mixed Waste Disposal Units.
- Shipments of legacy LLW out of the Central Waste Complex (CWC) were initiated during CY2009 with 200 cubic meters shipped during the last three months.

Work will continue as funding priorities support additional disposition of legacy LLW.

D15 I also understand that some milestones may be accelerated using ARRA (American Recovery and Reinvestment Act) funding. In addition, I would like to see the following four items considered:

2. Accelerate RSW (Retrievably Stored Waste) retrieval, designation, storage, and treatment/processing (Milestones M-091-00 and M-091-01), and dispose of as much as appropriate onsite at ERDF or off-site at WIPP or other approved location.
3. As per the note at the end of Milestone M-091-00, promptly establish schedules for the management of pre-1971 TRU/TRUM pursuant to applicable provisions of the HFFACO following the issuance of Operable Unit Records of Decision, then retrieve, designate, store, treat/process, and dispose off-site at WIPP . (**Les Davenport**)

Response:

Some of the American Recovery and Reinvestment Act (ARRA) funding received has been applied to many of the delayed milestones; however, it could not supplement or replace non-existent base funding and some work schedules are unrecoverable.

ARRA funding has restored work scope associated with the retrieval of suspect TRU waste stored in burial grounds 218-W-4B, 218-W-3A and 218-E-12B to levels consistent with meeting the target M-91-40 milestones in the draft change package. A completion date for retrieval of contact-handled retrievably stored waste will be established and a new change package drafted to reflect this date after completion of the M-091-45 negotiations.

In addition, treatment of legacy mixed low-level waste defined in milestones M-091-42 and M-091-43 continues to meet, or in the case of M-091-43, be ahead of the Tri-Party Agreement (TPA) milestone schedules. On-site facilities such as Environmental Restoration Disposal Facility, the Mixed Waste Disposal Units, or other approved sites are used for disposal of all treated mixed low-level waste generated during M-91 activities.

On-site facilities (e.g., T-Plant and WRAP) are used to repackage legacy TRU waste into compliant packages ready for certification by the Central Characterization Project (CCP). Newly generated TRU waste from M-91-40 retrieval will also be repackaged in the field into compliant packages ready for certification by the CCP as part of the implementation of the Next Generation Retrieval approach scheduled to begin in Fiscal Year 2010. TRU waste will continue to be readied for certification and ultimately, shipment to the Waste Isolation Pilot Plant for disposal.

Planning is currently underway to procure a mobile hot cell targeted for use in retrieval and processing of the remote-handled TRU waste stored in the 200 Area caissons. Operating experience gained through deployment of the mobile hot cell could be directed to the retrieval and processing of other remote-handled waste streams generated during Comprehensive Environmental Response, Compensation and Liability Act cleanup activities.

1.4.5 To-Be-Determined Dates

D16 Other unacceptable delays based on the unacceptable criteria of funding, with improper use of unenforceable targets or TBD dates. And whose impacts have not been properly considered, include:

- Replacing the 2012 deadline for facilities or treatment capacity for MW and extremely radioactive Remote Handled TRU (RHTRU) with a date “TBD”;
- 2010 completion date for CH-TRU becomes unenforceable and TBD - insult on injury!
- 2009 Retrieval of CH-TRU is proposed to be reduced from an enforceable milestone of 2,500m³ per year to unenforceable “target” of just 250m³ in 2009, and only of 750 to 1,000m³ per year thereafter – with completion... well, there would be no enforceable completion date! (**Gerry Pollet, Heart of America NW**)

D17 Delay in the start of retrieving RH-TRU is also unacceptable as is the delay in having RH-TRU handling and treatment capacity.

Failure to have this capacity will also mean that cleanup of the River Corridor’s 618 burial grounds with extremely radioactive Remote Handled TRU wastes cannot proceed. This gives lie to the claims that USDOE’s plans are for the entire River Corridor to be cleaned up by 2015, with the footprint of the site’s cleanup shrunk to a 10 square mile area of 200 East and 200 West in the Central Plateau. (**Gerry Pollet, Heart of America NW**)

D18 618-11 Burial Grounds in the River Corridor:

- Cleanup requires development of “remote handling” (R-H) equipment for extremely radioactive Transuranic (TRU) wastes and development of R-H TRU and R-H Mixed waste treatment facilities. USDOE is behind schedule to meet TPA milestones for treatment.
- TPA milestone has been for USDOE to have the capacity (which can be through contracting offsite) to treat the extremely radioactive (R-H) TRU by: 6/30/2012
- New proposed TPA deadline replaces a date with: “TBD”[i]
- TPA has required USDOE to have capacity to start retrieving all extremely radioactive (R-H) LLW by January 1, 2011. Proposal is to make this enforceable deadline an unenforceable “target.”

Both the 618 and RH TRU capacity milestones changes need to be rejected – as noted earlier, it is not acceptable to have unenforceable target dates or TBD dates. (**Gerry Pollet, Heart of America NW**)

Response:

The intent of To-Be-Determined (TBD) and target dates is not to delay cleanup work. In some cases a specific milestone date cannot be established until more information is obtained or developed by the

Parties. In other cases the preferred remedy has not been identified. In both instances, it does not make sense to set milestones based on inadequate information. In the opinion of the Parties, target dates and TBDs were used appropriately in the M-091 and M-015 Tri-Party Agreement draft change requests.

In the M-091 and M-015 change packages, the TBD dates are short-term solutions while the Parties complete discussions on revising the Central Plateau Cleanup Completion Strategy. TBDs allow the Parties to best apply recently allocated American Recovery and Reinvestment Act (ARRA) funds. Also, the use of a TBD is usually supported by another milestone or requirement to establish a firm due date.

ARRA funding will be worked into future new and revised milestones. Proposed milestone M-091-45 establishes December 31, 2009 as the date by when the Parties are to complete negotiations and submit a change package for interim milestones to replace the TBD dates with actual dates.

Regarding 618-10/11, planning is underway to procure a mobile hot cell to be used in retrieving remote-handled waste stored in the 200 Area caissons. Operating experience gained through deployment of the mobile hot cell could be directed to the retrieval and potential processing of other remote-handled waste, including remediation of the 618-10 and 618-11 burial grounds.

1.4.6 Address Waste Backlog

D19 Let's finally move Hanford off the Superfund list by treating the backlog of mixed wastes and TRU. **(Ashley Braun)**

D20 The various federal agencies have ignored the comments of the public, including those of the Hanford Advisory Board. The retrieval of the TRU (plutonium) wastes needs to be reactivated. - The backlog of TRU and mixed wastes clean ups need to be restarted. **(Jeanne Turgeon)**

Response:

Significant progress has been achieved in the treatment of legacy mixed low-level waste. Tri-Party Agreement (TPA) milestones associated with the treatment of mixed low-level waste have been met, or in some cases, required treatment has been accelerated by over a year. Work is also on-going to prevent build up of a backlog of mixed waste in storage by treating contact handled and/or large package mixed low-level waste generated after June 30, 2009 within one year of generation to applicable treatment standards.

The American Recovery and Reinvestment Act funding has restored work scope associated with the retrieval of suspect transuranic waste stored in burial grounds 218-W-4B, 218-W-3A and 218-E-12B to levels consistent with meeting the target M-91-40 milestones in the draft change package. Progress continues to be made in the treatment of legacy mixed low-level waste defined in milestones M-091-42 and M-091-43 through the use of commercial treatment contracts.

1.5 M-16-08-09, M-34-08-03, M-93-08-01 (100 K Area, K Basin Closure)

1.5.1 Milestone Clarification

- E1 1, The proposed milestones and clarifications to existing milestone are acceptable provided a few changes are accepted by DOE, EPA, and Ecology negotiators. These changes are:
- a. M-016-00A is being clarified to exclude 100 K waste sites. However, since the Parties are clarifying this milestone it is prudent NOW to get all the clarifications defined at this time. Please add clarification language to exclude waste sites associated with ISS reactors, historical properties, or waste sites adjacent to or under operational buildings or needed

infrastructure. Having a member of the public knowing these exclusions is tough enough and I will not want to go reading a RDR/RA WP to find any exclusions.

- b. DOE, EPA, and Ecology shall provide a map of Phase I, Phase II, and Phase III actions as an official attachment to the approved change package so that members of the public have a better understanding of the scope or areas of the various phases. **(Brian Moore)**

Response:

The Parties believe that subsequent milestones in the draft change package provide that clarification. We believe the “exclusion” requested is captured in the phased approach. Each phase identifies a set of waste sites and facilities and lays out a sequenced cleanup and removal schedule that minimizes impacts to ongoing activities in the K West Basin (sludge retrieval).

A tentative listing of waste sites and facilities associated with each of the Three Phases was developed and agreed to by the Parties. At this time, we are working on ways to provide this information to the public, e.g., posting it on the Hanford website (www.hanford.gov).

- E2 c. Change proposed milestone M-016-160 to a target date and have it be M-016-57-T01. Having two milestones linked like this is not a good tactic as if the first one is missed the second one is automatically missed. Making the first milestone a target date eliminates this duplication. **(Brian Moore)**

Response:

1.c. You are correct. In some instances this can occur. However, in the case of proposed milestone M-016-160 (Complete Removal of K East (KE) Basin Structure due 9/30/2009), and M-016-57 (Initiate Soil Remediation at KE Basin due 10/31/2009), this interdependency is based on the sequencing of cleanup activities. M-016-57, an existing milestone, is to begin remediation of soils below the KE Fuel Storage Basin. This activity cannot begin until the basin is demolished and removed. That scope of work is proposed by milestone M-016-160.

- E3 d. Delete M-016-150 as this milestone due date will have passed before these milestone changes are approved. **(Brian Moore)**

Response:

Thank you for your comment. The Parties recognize that there are some milestones in the package that have already been completed or will soon be completed. We plan to leave them in the change package, because these milestones and their completion documentation provide a record of the decisions made and the work performed. The Parties are committed to aggressively address the hexavalent chromium contamination and believe a tentative enforceable milestone in the “queue” helps maintain focus on this important activity.

1.5.2 Spent Fuel/Sludge

- E4 We want to be sure the spent nuclear fuel/sludge is gotten away from the river. **(Sabine Hilding)**
- E5 We are also concerned about potential delays in dealing with the K-Basins sludge. As part of the proposed Change Package, DOE is not required to submit revised work plans to include milestones for the removal and treatment of the sludges until March 31, 2011. While the major risks in the K Areas have been resolved by removing the spent nuclear fuel and containerizing the sludges, we would like to see some urgency returned to this program to get the sludge dealt with once and for all.

The spent fuel has been safely packaged and removed from the vicinity of the river; the Tri-Parties have agreed to aggressively develop a work plan for removal of the sludge from the Basin. A significant amount of testing is being performed on the sludge that will lead to the completion of a work plan to support the establishment of attainable milestones for the removal of sludge. The Tri-Parties will continue to challenge the sludge team to pursue schedule accelerations to beat the March 31, 2011 work plan date. **(Ken Niles, State of Oregon)**

Response:

The spent fuel has been safely packaged and moved away from the Columbia River. The Parties share your concern about potential delays in dealing with K-Basins sludge and have a strong sense of urgency to deal with it expediently. The safe removal of sludge away from the river is one of our top priorities.

We are working to develop a work plan that will lay out a schedule to remove the sludge from the K Basins. At this time, characterization work is being done on the sludge to better understand the work needed to set realistic removal milestones. The Parties will continue to challenge the contractor sludge team to look for ways to accelerate the schedule and beat the March 31, 2011 work plan date.

1.5.3 Delays

E6 Other unacceptable delays based on the unacceptable criteria of funding, with improper use of unenforceable targets or TBD dates, and whose impacts have not been properly considered, include:

- K-Basins: Deadline in TPA for removing the fuel, sludge and basins and cleaning up the contaminated soil under the basins was December 2012 (M-16-OOA).
- New overall deadline proposed: “TBD” (To Be Determined)[i] to reach 12/31/2015.[ii]
- Remove K-East Basin, New TPA milestone proposed: 9/30/2009
- K-West proposed TPA deadlines: submit work plan by 3/31/2011

[i] TPA proposed MS M-016-00C

[ii] TPA proposed MS M-016-145 **(Gerry Pollet, Heart of America NW)**

Response:

The delay of 100 K Area milestones is not related to budget. Because reducing the risks associated with 100 K Area, including the sludge and Basins, are such a high priorities for the Parties, the project has received sufficient funding. Treatment of the K Basin sludge has taken longer and posed numerous technical and engineering issues to be addressed. The delay in treating the sludge and removing the K West Basin is impacting the current schedule to cleanup facilities and waste sites in that area.

1.5.4 Wording Changes/Corrections

E7 I noticed a discrepancy in the draft Change Package M-16-08-09 by Thomas K. Teynor on page 2. The last sentence under 100 K Area Cleanup to be Completed in Phases includes 118-K-2. Instead the citation should be 118-K-1 (see WCH-21, Rev. 0, Documented Safety Analysis for the Remediation of the 118-K-1 Solid Waste Burial Ground, September 2005). **(Les Davenport)**

Response:

You are correct. The text will be changed.

1.6 M-094-09-01, M-016-07-04, M-089-09-01 (Long-Term Mission of PNNL)

1.6.1 The 324B Facility

- F1 1. The proposed milestones and clarifications to existing milestones are acceptable provided a few changes are accepted by DOE, EPA, and Ecology negotiators. These changes are:
- a. M-094-03: The proposal is to delete 324 but there are two 324 facilities listed. While I am not sure this was an error, please strikeout the 324B facility as well. Based on my memory this is the operational stake of the 324 building and would need to be utilized for controlling air emissions to the very end of demolition work. Therefore, the 324B must also be excluded ... please make this change. This is consistent with the statement on Page 1 of this change package that states, "Closure of the 324 facility is required by M-089-00 and is being deleted from M-094-03. **(Brian Moore)**
- F2 While I don't follow Hanford cleanup much, I have worked for the lab for 20 years, and currently work in the 300 Area. I offer a few comments:
- Working in the 324 building required me to be familiar with its layout and function. Your one change of deleting the 324 building from M-94-03 is a good thing but you forgot to lineout 324B. This must be lined out as the 324B is the building and hot cell stack and that is all that is available to protect the environment and other nearby workers like myself from harmful air emissions during the destruction of 324 and hot cells. I am sure the eventual destruction of 324B will occur in time but it is not scheduled to be completed until late 2012 as per another milestone. **(J. Ball)**
- F3 Thank you for making changes in the 300 Area to accommodate the future mission of PNNL buildings and the infrastructure necessary to support our buildings. PNNL does good things for the community and country and these changes make me have an appreciation that you remember this. Please proceed with all the changes and consider my comments already provided in the previous bullets. **(J. Ball)**

Response:

You are correct. The 324B major emission stack is needed during the demolition of the 324 facility to provide necessary air ventilation. The stack will be demolished after the facility is demolished. The facility 324B will be deleted from M94-03.

1.6.2 The 307 Trench

- F4 b. In M-094-07, M-094-08, and M-094-09 the 307 trench is listed and is also known as the 316-3 waste sites. This is confusing me. If the M-094 cover facilities and M-016 milestone cover waste sites, this waste site must be removed from these three M-094 milestones as it is already captured in the M-016 milestone series. Please delete 307 trench from the milestone and remove any description associated with it. Please make this change as this is duplication of efforts. **(Brian Moore)**

Response:

You are correct. The 307 trench cleanup activities are captured in both the M-094 and the M-016-69 milestones. It will be deleted from the M-094 milestones.

- F5 Milestones are needed to meet a clear goal to remediate ALL 300 Area contaminants by 2024.
- New TPA proposal removes requirement to clean up the 307 trench – under which the highest levels of trichloroethene have been found at 127 times DWS.[i]
 - [i] TPA Milestone (MS) M-094-07 and 08. Replaces requirement with “candidate site” status following “characterization to determine if further remediation is necessary.” High levels of trichloroethene as well as other contaminants have already been found in groundwater and soils – posing long-term on-going threat of spreading contamination. 637 ug/L found in deeper soil near 307 Process Trench, 316-3 waste site = 127 times the DWS. See Hanford Site Groundwater Monitoring Report FY 2007 Figure 2.12-15. 5ug/L is DWS (page 2.12-7).

The proposal to change requirements for the 307 trench must be rejected. **(Gerry Pollet, Heart of America NW)**

Response:

The Parties disagree. The original milestones were developed to initiate characterization and remediation work within the 300 Area industrial zone. The Parties believe that the initiation of remediation in the northern portion of the 300 Area industrial zone at 306E and 306W achieves the same cleanup purpose as 307 trench characterization, which was to determine if cleanup was needed. The 307 Trench sites will be remediated per the requirements identified in M-16-00. The new proposed milestone (M-015-72-TO1) is to submit a Remedial Investigation/Feasibility Study and Proposed Plan for this trench in 2011.

Decades ago liquids were discharged to the 307 Trench. At this time, there is no indication contaminants in the waste site are mobile or pose a threat to the Columbia River.

1.6.3 Safety of the Facilities for Use/Risk to the Public

- F6 4. With regard to proposed changes in deadlines to allow longer use of Pacific Northwest National Laboratory buildings, we recommend a clear statement from the TPA agencies that the buildings in question have been adequately remediated to allow occupational use.

M-94 milestones in the 300 Area

The proposed changes would modify milestones in the 300 Area to allow longer use of Pacific Northwest National Laboratory buildings. We recommend a clear statement from the TPA agencies that those particular buildings have already been certified, or will be prior to further use, as remediated sufficiently to allow exposure scenarios consistent with occupational use. For example, in buildings where beryllium was ever used, levels of beryllium dust should be undetectable. Environmental testing should be much more stringent than in the past encompassing the most recent HAB advice on Beryllium. **(John Abbotts - Hanford Task Force of Washington Physicians for Social Responsibility)**

Response:

Doing work safely and protecting Hanford workers continue to be top priorities for the Parties. Hanford facilities must meet required local, state and federal regulations. While the scope of these milestones do not cover occupational requirements, appropriate work standards and compliance with occupational exposure limits are maintained for all workers independent of milestones.

The US Department of Energy recognizes the serious health risks beryllium poses and instituted the Chronic Beryllium Disease Prevention Program to reduce the number of workers exposed to beryllium in their work. Occupied buildings are maintained in a safe condition and configuration and staff is trained

on hazard identification and appropriate controls are put in place, should they be needed. The buildings in the 300 Area are Environmental Management buildings occupied by Pacific Northwest National Laboratory (PNNL) and the site infrastructure organization. Beryllium levels in each of the 300 Area facilities being used continue to be monitored against safety and health standards for beryllium exposure.

1.6.4 NOT Support Delays

F7 The proposal removes the requirement for all 300 Area buildings to be removed in order for cleanup of the 300 Area's soils and groundwater contamination to be completed.

The buildings which USDOE seeks to leave in place include 324, which USDOE's own documents admit to being a cause of spreading contamination and a risk to workers due to beryllium and other contamination. The proposal to leave these buildings creates an island of spreading contamination in the area undergoing cleanup – and an island of unacceptable risk to what will now be “public” workers and invited public using the area, which is the Southern Gateway to the Hanford Reach National Monument.

This flies in the face of the 2015 claims. The Change Package admits that leaving these buildings delays cleanup of the Southern Gateway to the Hanford Reach National Monument by two decades (and that is only if PNNL builds other facilities at that time).

PNNL's desire to keep using contaminated facilities that are spreading contamination and delaying cleanup of the 300 Area is not a good, or legal, reason to change the TPA. USDOE can seek funding (including stimulus funds) to pay for new facilities. Further, these buildings conduct work which adds to wastes at Hanford. All told, the impacts of this proposal have not been identified, much less considered. The change should be rejected. **(Gerry Pollet, Heart of America NW)**

Response:

The Parties disagree. Over 220 facilities in the 300 Area are scheduled to be deactivated, decontaminated, decommissioned and demolished by 2015. Hazards associated with doing this work will be identified and measures put in place to protect the workers.

The proposed milestone would delay work on 24 facilities (six of them under one roof) for an estimated 20 years. Some of these facilities have no history of contamination, nor are they over waste sites, such as the 300 Area telephone exchange, the 300 Area fiber optic hub, the 300 Area Fire/ambulance station and its equipment storage building, an office trailer and package boiler units used to heat the laboratories. The 324 building is not occupied and currently undergoing decontamination and decommissioning. It is scheduled to be demolished in 2012 (M-89-00).

There is no data that show retaining these facilities will spread new contamination, generate more waste or pose a risk to workers or the public.

Work funded with American Recovery and Reinvestment Act (ARRA) dollars must be completed by September 2011. Building new laboratory facilities would not qualify for ARRA funding since that requirement could not be met.

F8 It's simplistic, I suppose, but there is no good reason to think about any of our budgetary issues if we so foul our environment that life is impaired or precluded. This means, for me, that we've been negligent in waiting so long to clean up our nuclear waste mess -- and a longer delay will only make a bad situation worse.

I urge the U.S. DOE and other parties to resist the urge to take the "convenient" step of proposing delays in cleaning up and/or demolishing the listed laboratories & facilities, in cleaning up waste sites associated with these buildings and utilities, or in delaying demolition of 324 Chemical and Materials Engineering Laboratory. Let's change to being proud of the progress made instead! Let's see if work can be done ahead of schedule or within budget, and well! **(Judy Pigott)**

F9 I live in Goldendale, Washington, 75 miles southwest of Hanford. Let's see, one other item I wanted to get to is I've dealt, I've kind of bored in on this a bit, the use of these 300 area buildings and the excuse that this contamination under those buildings can't be dealt with because of similar overriding concerns. In fact the work that is probably going on in those buildings is only to add more waste to Hanford in one way or another.

It's defense involved it's going to produce ...it's going to mean fabrication of new nuclear material or conversion of nuclear material which is only going to add to waste at Hanford and the job one at Hanford is that nothing new goes in there before the cleanup is completed, nothing, nothing goes in there until it's completed. So that includes cleaning out those buildings. I know anyone sitting at this table this is probably way beyond their abilities to do anything about it, but I'm saying this on the record that, that those activities have no business going on at Hanford and that part of the cleanup involves cleaning up under those buildings as well.

The squeezing the balloon at one end and saying, okay, we're going to clean up the river but now we can't do this other part is I think is bogus. And I don't want to characterize the operations or the machinations that go inside of bureaucracy, but it does sound like what's called opportunities in the investment field, a new opportunity to take advantage of something that comes along and sort of rewrite things that suit more the business plan of the moment and I think the not only does river cleanup have to take place as is proposed, but that it should not be in lieu of something else. The whole thing has to be taken care of and not just used as an excuse to move on to a new, to what is maybe more interesting to do. Thank you. **(Daniel Lichtenwald)**

Response:

The Parties disagree. We believe that delaying removal work on these facilities for an estimated 20 years to support ongoing Laboratory operations is a cost-effective and responsible decision. There are no data that show retaining these facilities will spread new contamination, generate more waste or pose a risk to workers or the public.

1.6.5 618-10 and 11

F10 A second possible discrepancy is on page 8 of The 2015 Vision, Hanford Site Cleanup, in the May 2009 viewgraphs Richland Operations Office American Recovery and Reinvestment Act Funding at Hanford. Under 300 Area at the bottom right it states "Final Remediation of 618-10 & 618-11 Burial Grounds Complete". This is different than page 2 of Milestone M-016-00B in the draft TPA Change Request M-016-07-04, which states "Complete all interim 300 Area remedial action including the 618-10 and 618-11 burial grounds ..." with a completion date of 09/30/2018. Does the ARRA funding speed up work on these two burial grounds by 33 months when page 7 of the viewgraphs shows \$78M of projected ARRA funding to 'characterize, remediate 618-10 Burial Ground trenches' and mentions nothing about 618-11? **(Les Davenport)**

Response:

You are correct. The draft change package shows a date of 9/30/2018 to complete interim 618-10 and 11 remedial actions. Work on the 618-10 project is being accelerated by ARRA funding and DOE is challenging the contractor to complete both sites (618-10 and 11) by 2015. Given the unknowns and associated difficulties presented by these sites, the Parties made the decision to keep the 9/30/2018 date identified in the TPA.

1.6.6 Wording Changes/Corrections

- F11 c. In M-094-07, M~094-08, and M-094-09 there is a paragraph description in each of these milestones stating, "The selected removal action for the other 18 facilities listed is or is expected ... (D4) of the facility. There are not 18 facilities listed. Please delete the number 18 as the number count is not accurate.
- e. For M-016-74 the due date is 9/30/2012 but the milestone requires revegetation to be completed as well. Typically, revegetation occurs in the winter months and would assume DOE contractors are performing these activities during this season. Therefore, the due date should be adjusted according to February 2013 or remove revegetation as a requirement of this milestone. **(Brian Moore)**

Response:

Thank you for your comments. The text will be changed.

1.7 C-08-06 (Designation of Appendix C)

- G1 I wanted to express my support for the proposed changes. Specifically, I wanted to express support for the designation of the operable units to "CPP." I believe that using the CERCLA process for the operable unit is the best process to arrive at clean up of the Hanford Site. **(Tony Miskho)**
- G2 I support the redesignation from RPP to CPP concept as it is consistent with the issuance of final CERCLA Records of Decision. **(Brian Moore)**

Response:

Thank you for your comments in support of the proposed changes. The Parties will make those changes to Appendix C and finalize the document.

1.8 General Comments on Delays and Retaining Enforceable Milestones

1.8.1 Do Not Delay Cleanup

- H1 Make no delays to the cleanup schedule. **(James Groat)**
- H2 I can only think that delaying the cleanup of the Hanford site will only end up costing the public increasing sums of money in the years ahead **(Matt Tuzzolo)**
- H3 Do not delay the Hanford cleanup any further. **(Cathy Bateman)**
- H4 Please don't add any more waste to the Hanford site. Please don't delay the cleanup. It is important that this site is cleaned up as soon as possible. It is not acceptable for the nuclear waste to leach into the groundwater and enter the Columbia River watershed. Cleanup Hanford now! **(Robert Hatton)**

- H5 Delaying cleanup at Hanford is unconscionable. It is imperative that the cleanup continue and even be accelerated (**Brett Schulz**)
- H6 We cannot take more waste! Cleanup Hanford. It is unconscionable to even consider delaying the cleanup. Are we considering the million gallons of nuclear waste that has already leaked? How outraged do we citizens have to be? (**Beth Kerwin**)
- H7 There is limited time and we can't afford to delay the Hanford radioactive waste cleanup. (**Cynthia Salashi**)
- H8 I am a resident of Portland, OR and I value the Columbia River Gorge scenic area. I am very concerned of the Hanford radioactive waste and I demand that the waste dumps be cleaned up as soon as possible and not delayed 20 years. No more waste should added to the waste dump and the existing waste should be moved to a geologically stable area (**James Groat**)
- H9 As a citizen of Portland, I demand that the cleanup of the Hanford nuclear site not be delayed any longer than it already has been. The health of future generations yet to come is at stake with this issue. (**Daniel Leif**)
- H10 Don't delay schedules. Hanford cleanup agreement: no more waste till you've cleaned up the mess that's there. (**Janice Castle**)
- H11 Don't delay the cleanup of Hanford - don't add to the waste. (**Elizabeth Stanton**)
- H12 DO NOT delay clean-up schedules any further! Finish the vitrification plant. Let's learn from our mistakes - not make more of them! (**Rachel Pecore**)
- H13 It is imperative that Hanford be cleaned up as soon as is humanly possible. The cleanup timetable should not be delayed it should be accelerated. We must accept the hazardous nature of the Hanford site and commit the funding to clean it up – paying for it from increased taxes on the wealthy as it once was 50 years ago. In addition, no more waste should be added to Hanford until it is cleaned up first. "To get out of the hole, first stop digging." (**Don Stephens**)
- H14 I am writing to urge you to strongly expedite the cleanup of the Hanford Nuclear Site. We do not want anymore nuclear waste trucked to Hanford especially as the existing waste has continued to contaminate the groundwater soil and is quickly heading towards the Columbia River. (**Nicole Hess**)
- H15 NO DELAY!!! From sagebrush to farmland to --- pollution --- toxic waste --- Arid Land! What is your responsibility? To clean Hanford up NOW!!! NO MORE waste!! (**K. Hostenstein**)
- H16 It is dreadful that the delays are being contemplated!
While it might make some sort of sense to adjust milestones to "better align with expected 2009 funding limitations", it would be far better to calculate the costs of the delay in terms of health & environmental devastation -- Delay has followed delay, extension has followed extension -- the cheapest way to get through this is sooner and more effectively. 2011 is already too late, and further procrastination only exacerbates a dreadful problem by having the appearance of having taken action. (**Judy Pigott**)
- H17 I say no to delaying cleanup at the Hanford Site within the state of Washington. (**Robbie Hein**)
- H18 I was very much encouraged at the public meeting the other night that many of the concerns and priorities of the public have been heard and are now being addressed. The fact that much of the work is now proceeding at an accelerated rate is encouraging, especially the new focus on

groundwater. I hope that every effort will be made to find the money needed to proceed with all aspects of the Tri Party agreement, and not to delay some other budget items as is currently proposed.

Thank you again for the encouraging news, **(Donna Hippert)**

- H19 I am appalled to hear that the clean-up at Hanford seems to be complicated and extended for political reasons. Please do all that you can to hasten the clean-up of the river. **(Margaret Simpson)**
- H20 Thanks for breaking policy and having a public meeting. I do not follow this issue because I pay taxes, I expect my representatives and government employees to do an effective job. You are brave to tell the status of your government project. You are obviously failing. Thanks for the little progress you've made despite the billions and billions of dollars. You know how to waste money and get nothing or little done. Radioactive waste is the single most important thing on the planet, you are not helping. Keep to your schedule, this is very important, we have too much delay, no excuse is worth the cost to the planet. **(Martin Mijal)**
- H21 There is no excuse for delaying in any way the cleaning up of the Hanford Nuclear Reservation! If the radioactivity gets into the ground water or the river the effects will be horrific on all forms of life and there will be no way to clean it up. Frankly, I don't care what the reasons are for delay; they are insignificant compared to the potential for extremely serious contamination. Get with it and get that place cleaned up! **(Judy Ginn)**
- H22 Don't delay! Clean today! **(Anonymous)**
- H23 I don't think that they should be delays in cleaning up. I believe that companies that harm our environment should take ethical art by cleaning up the damage that they cause. **(Anonymous)**
- H24 Don't delay Clean-up! It will only harm those in our society who are most vulnerable. Please do not delay the cleanup for all of us! **(Mark Zane)**
- H25 Don't delay. Delaying will only make things worse in the future. There is no cost too high right now that will delay immediate action. Life and environment over money. **(Anonymous)**
- H26 Don't delay cleanup. For the health of people and the environment. **(Anonymous)**

Response:

The Parties share a common goal – to clean up Hanford. It is a difficult decision whenever the Parties need to extend milestone schedules and delay cleanup work and one that cannot be made without meeting Tri-Party Agreement procedural criteria. The three Parties must acknowledge milestone delays and propose new ones for public review and comment.

Despite US Department of Energy's (USDOE) efforts to obtain adequate resources, Fiscal Year (FY) 2009 funding levels fell short and could not support all the work planned for FY2009. The Parties made the decision to adjust schedules and focus on near-term, higher priority work along the River Corridor and delay some work in the Central Plateau. Two projects most impacted by this funding shortfall were the M-15 Comprehensive Environmental Response, Compensation and Liability Act decision process milestones (remedial investigation/feasibility study document preparation) and the M-91 Waste Management series milestones (transuranic waste retrieval, treatment and certification).

Proposed milestones, M-015-40E and M-091-45, establish a timeframe for the Parties to identify work scope and set realistic milestones considering the newly authorized ARRA funding. The Parties are

committed to setting realistic schedules to achieve this work scope by December 31, 2009. In addition, some of the Hanford American Recovery and Reinvestment Act funding has been applied to work associated with many of the delayed milestones; however, due to the funding being allocated late in FY2009, some work cannot be done as scheduled.

1.8.2 Retain Enforceable Milestones

- H27 • The Board advises that unenforceable target dates and goals should not replace milestones and schedules. **(Hanford Advisory Board)**
- H28 I am writing to urge you to incorporate enforceable targets in the Hanford Cleanup effort. Many of us in eastern Washington have testified, attended public meetings and worked to secure a real effort while watching millions - billions - of dollars be fiddled away while our friends continue to have thyroid problems, cancer and health problems stemming from Hanford's original contamination, and watching, heartsick, as the contamination continues. Please implement practices that will actually improve the situation. **(Lunell Haught)**
- H29 Please make milestones enforceable. We all know how unenforceable rules go down the drain and nothing gets done. **(Steven Gary and Elinor Graham)**
- H30 All TPA milestones and schedules should continue to be enforceable. Usage of "target dates" in lieu of actual milestones does not encourage reliable or timely accomplishment, nor provide the regulators with the means needed to assure that the goals are met. We urge the Tri-Parties to avoid negotiating milestones as target dates. **(Ken Niles, State of Oregon)**
- H31 2. Make milestones enforceable - no unenforceable "target" schedules. **(Karen Bishop)**
- H32 As for the targets, the vagueness that's written into this negotiated agreement, it's kind of like saying "trust me." And if you remember the movie "Blazing Saddles," there was a lobby card, and Mel Brooks had a headband with Hebrew writing on it, and what it said was, "Hi, I'm Mel. Trust me." This is just that absurd. I can't believe that we would go forward with something as absurd as a, basically, "trust me" statement in it. **(Bob Cooper)**
- H33 For Heart of America Northwest, Gerry Pollet.
We've heard a confusing tale tonight. On the one hand, we heard we shouldn't do any work unless we have a milestone in place. On the other hand, we heard, very clearly, we're doing a billion, 2 billion, \$2 1/2 billion of work in the coming year without milestones in place.

So we know that the work can be done without having a milestone in place. A milestone is a floor. It is a legal floor. You can't go below it. And it's important to be enforceable. This agreement, proposed agreement changes and turns on its head the principles of enforceability that the State and EPA have been saying for years they want to improve on for the Hanford cleanup agreement.

The Governor has said she wanted to make the Hanford cleanup agreement more enforceable more readily enforceable by a judge, because the Energy Department has repeatedly violated its terms and requirements. **(Gerry Pollet, Heart of America NW)**
- H34 Replacing enforceable scheduled milestones with unenforceable "target" dates is unacceptable. To be perfectly honest, the record of USDOE and its contractors in keeping to schedules does not inspire confidence that they will move faster with soft target dates than with enforceable

milestones, and soft targets leave citizens with no recourse and no control over how their money is spent. **(Janice Castle)**

Response:

The intent of target dates is not to delay cleanup work.

The use of target dates is not new to the Tri-Party Agreement. The Parties identified the use of target dates as an option in the original TPA signed in 1989. DOE tracks and reports progress against target milestones to the regulatory agencies and to DOE Headquarters. This allows all parties to quickly identify and respond to schedule problems.

1.8.3 Do Not Delay Cleanup and Retain Enforceable Milestones

H35 Present plans for Hanford cleanup are grossly wrong: Please do not allow further delay. Please do not allow contractor work without strict accountability. Please do not allow more millions of gallons of radioactive waste to leach into the Columbia river. Please do not allow any added waste at Hanford. Please do not allow waste Of more \$ billions of taxpayer money.

USDOE also proposed multiple other delays, while Washington State and EPA sought to follow public input urging that the TPA have a plan, with enforceable milestones, for the first time for cleaning up the highly contaminated groundwater flowing into the Columbia River. Apart from the tank waste schedule, USDOE, Ecology and EPA kept negotiating and have proposed a large number of other changes to the TPA.

- Milestones have to be more enforceable – in court – than existing TPA milestones have been; and, USDOE must not be allowed to avoid meeting milestones by failing to request adequate funding;
- The TPA must have an enforceable plan to cleanup the contaminated groundwater – which covers an area nearly the size of the entire City of Portland **(Robert von Tobel)**

H36 Bad news: Ecology and EPA are ready to accept years of proposed delays for other important milestones, such as for retrieving Plutonium/Transuranic waste from unlined burial grounds and having treatment available for mixed radioactive chemical wastes.(more bad news on the flip side)

Unacceptable Delays in Hanford Clean-Up Agreement (TPA) Cannot be the Price for Long Awaited Milestones to Cleanup Contaminated Groundwater Entering the Columbia River Hanford Clean-Up Agreement Background Send in your comments!!

More Good News & Bad News (but mostly bad)

More Bad news: Ecology and EPA are ready to accept years of delays, not to mention:

- The agencies explicitly traded off the work along the River for delays elsewhere.
- The proposed agreement and public notice says that these delays are made necessary because the agreement was negotiated “based on currently anticipated funding levels.” **(Robert von Tobel)**

H37 Proposals replace enforceable milestones (as Ecology promised) with unenforceable “targets” with dates “TBD”, to be set in future negotiations

- The TPA becomes LESS enforceable – a major step backwards
 - Conflicts with Governor’s effort to be more enforceable (**Robert von Tobel**)
- H38 Please no more off-site waste to Hanford. Make milestones enforceable, require the TPA to have an enforceable plan to clean up the contaminated groundwater. No more delays on cleanup. Any agreement to change the TPA must include a bar on USDOE adding any more off-site waste to Hanford. Enforce milestones in court, do not allow USDOE to avoid meeting milestones by failing to request adequate funding. Clean up the existing waste and do not ever dump anything more contaminated. (**Cathryn Chudder**)
- H39 Please do whatever is in your power to clean up the Hanford nuclear waste site now without delays in the clean-up schedule. Clean-up of contamination threatening the Columbia River today must not be used as a justification for delaying clean-up. We should reject delays until clean-up is brought into compliance - the “Clean-Up First” Principle
Delaying clean-up is not an option.
Please replace unenforceable targets and dates TBD with enforceable milestones. (**Bob Hatton**)
- H40 I am very upset that the new proposal is inadequate to protect the health and safety of the citizens of Washington and indeed is a reversal of the previously agreed upon time frames for cleanup. There should be no delays of the cleanup schedules and no room for change of the timelines. We need to have deadlines, not targets. We need deadlines which are enforceable. The Obama administration has provided the necessary funding. Now the agencies involved must provide the will to do the right thing and clean up Hanford now! (**Linda Greene**)
- H41 The Hanford area continues to be a source of great concern to me. The contamination still poses a huge hazard to the local area and the Columbia as well. The rate at which the clean-up is proceeding is not satisfactory – deadlines should not be pushed back or made more indeterminate. Enough times in the past have deadlines been missed entirely, that little credibility remains, especially if they are made “softer”. (**Don Stephens**)
- H42 The public’s comments at the hearings clearly called for rejection of all delays; incorporation of a new TPA provision barring off-site wastes being added to Hanford under the principle of “Clean-Up First”; rejection of the use of unenforceable target schedules; and, adoption of the proposed new goals for cleaning up groundwater along the Columbia River – without needing to delay other work to fund this! (**Gerry Pollet, Heart of America NW**)
- H43 Overview: **Numerous proposed delays to the Hanford Clean-Up Agreement (TPA) are unnecessary, harmful to the environment and public health, and undermine Washington State’s and US EPA’s repeated public statements that the regulators do not relax or negotiate TPA milestones based on USDOE’s inadequate budget requests and plans.** (**Gerry Pollet, Heart of America NW**)
- H44 **All proposed delays should be rejected and existing milestones remain in the Agreement,** with enforcement action (notices of violation) taken where appropriate due to USDOE having failed to request and obtain funding to meet milestones. (**Gerry Pollet, Heart of America NW**)
- H45 **There is no reason why new groundwater goals and milestones should be predicated on delaying other cleanup work. This was unacceptable prior to Congress adding \$2 billion to Hanford Clean-Up in stimulus and FY’09 funding, and is utterly inexplicable with the addition of this mountain of money.** (**Gerry Pollet, Heart of America NW**)

H46 **The proposal would seriously undermine efforts to make the Hanford Clean-Up Agreement more enforceable – which Governor Gregoire has stated as a goal for the State.**

Indeed, **the proposal is a major step backwards on enforceability** by proposing to replace enforceable milestone schedules with unenforceable “target” schedules. Enforceability is further eroded by the proposal’s replacement of numerous milestones with dates “To be Determined” in future negotiations. **These two sets of proposals violate the federal Superfund law (CERCLA), which mandates that the EPA and State publish an enforceable schedule for cleanup actions at federal facilities on the Superfund list, such as Hanford.²**

Dates that are “To Be Determined” and the invention of a new set of unenforceable “target” dates replacing enforceable “deadlines” have no place in the TPA or any Federal Facilities Clean-Up Agreement and Order. Neither one meets the legal requirement for a “deadline” – which is the language Congress used in describing the schedules which are to be included in cleanup agreements such as the TPA. The public and our organization’s members are sorely disappointed that regulators did not reject such an affront to enforceability and the legal requirements for schedules out of hand. **(Gerry Pollet, Heart of America NW)**

H47 The **Hanford Advisory Board**, in November 2007, **formally advised** (in unanimous consensus advice) that EPA and Washington Ecology **stop negotiating any delays** to the Hanford Clean-Up Agreement until such a report is completed and used as the basis for understanding what schedule adjustments might be appropriate due to technical issues. As we explain in these comments, USDOE has failed to meet requirements in federal law for such reports to Congress on the schedule and costs for each cleanup project. The Board advised:

“Delays to the TPA milestones should be based only on technical achievability not budget. Risks from delay, and the impacts on other cleanup actions, must be fully understood and mitigated. The Board is concerned that the proposals to delay cleanup are based on DOE’s inadequate cleanup budget ‘targets’ and outyear funding projections....

The Board supports the proposal to create a Hanford Lifecycle Scope, Schedule and Cost Report (Hanford Lifecycle Report) to be due in September 2008. This report should detail the schedule on which each element of cleanup can be completed if full funding is available (‘unconstrained’ by DOE’s target budgets). The report will also estimate the lifecycle cost of completing that work. This tool is innovative, building on the legal requirements to report the lifecycle and annual costs of cleanup projects. It would be an important step forward by providing analyses of what is possible to accomplish if DOE’s inadequate funding plans were not the basis for scheduling...

“On these bases, the Board believes that the Tri-Parties should not agree to

² 42 USC 9620(e)(4)(B); and, 42 USC 9620(e)(1):

“The Administrator and appropriate State authorities shall publish a timetable and deadlines for expeditious completion of such investigation and study.”

As a state consent order and schedule issued under the EPA’s delegated RCRA authority to Washington State and the State’s Hazardous Waste Management Act (HWMA), RCW Chapter 70.105, the TPA must also have enforceable schedules, rather than unenforceable goals, or dates which are To Be Determined.

significant delays in existing major TPA milestones until the proposed Hanford Lifecycle Report is issued. There is no valid reason to adopt delays in major TPA milestones without first providing critical information from the Hanford Lifecycle Report to the regulators and the public to evaluate whether delays are necessary and to understand the impacts of delays.

“At the same time, the board supports negotiations proceeding on proposals to add new milestones to achieve the goals for controlling the spread of groundwater contamination...”

“The Board presents the following Advice:

2. Negotiation of any delays to major TPA milestones should be deferred until the regulators and public have the benefit of the Hanford Lifecycle Report, to be due in September, 2008, detailing the schedule on which each element of cleanup can be completed if full funding were available (‘unconstrained’ by DOE’s ‘target’ budgets), and providing the lifecycle cost of completing that work.

3. Negotiations should continue to... set new milestones to accelerate groundwater protection and remediation.

4. DOE’s budget ‘targets’ and outyear plans are inadequate to meet existing TPA and compliance requirements. These inadequate funding plans must not be the basis for negotiations in regard to delaying TPA milestones, or not implementing additional critical actions to protect the Columbia River and cleanup groundwater.”

It is little wonder that the public now urges that the proposed agreement be largely rejected. Rather than follow this sound advice, the agencies totally ignored it and proceeded to do exactly what the Board urged that they not do – negotiate delays based on USDOE’s inadequate budget for 2009 and subsequent years, without USDOE producing the Lifecycle Cost and Schedule Report. Ecology promised to respond in detail to this advice, but never did.

The Board advised that the agencies adopt milestones for cleaning up groundwater, which is legally required and should not be held back by inadequate funding plans. However, now that Congress has funded such groundwater cleanup acceleration, there is even less reason for the proposed delays to be accepted. The call for milestones with goals for cleanup of groundwater reflects Heart of America Northwest’s and the public’s concerns that the TPA failed to have any GOALS for cleanup of groundwater, despite the legal mandate. Adopting such goals for the first time is in no way dependent upon relaxing other important milestones – an approach that the Board urged rejection of in its advice. (Gerry Pollet, Heart of America NW)

H48 **Massive Increases in Hanford Clean-Up Funding in the Stimulus and FY’09 Appropriations Were Ignored and Make the Proposed Delays Unacceptable:**

The US Department of Energy (USDOE), Washington Ecology and US Environmental Protection agency (EPA) (collectively called the Tri-Party Agreement agencies or TPA agencies) announced that they had reached “Tentative Agreement” on proposed massive changes to the Hanford Clean-Up Agreement on Feb 6, 2009. The proposals were formally issued for comment on March 9, 2009.

The proposed changes to Hanford Clean-Up Agreement enforceable schedules (formally called “milestones”) include numerous delays to major cleanup projects which were, according to the TPA agencies’ own official record and change documents, to “match currently anticipated near-term funding.”

The agencies acknowledge that the proposal is a set of explicit trade-offs, delaying numerous projects in exchange for new groundwater goals and some increased groundwater project work along the Columbia River (compared to existing specific milestones). The official record and statements made by officials of all agencies acknowledge that these trade-offs were based on USDOE’s Fiscal Year 2009 (FY’09) funding as of October 1, 2008 and official “target budgets” for the coming five years, as approved for USDOE by the Bush Administration.

The TPA change package itself says:

“DOE has submitted this change request to reach agreements on adjustments in work scope and milestones consistent with the currently anticipated available funding”

The agencies have explained that their statements about currently anticipated funding levels as the basis for all trade-offs were made in the context of the funds appropriated for Hanford Clean-Up under the Continuing Resolution in effect as of October 1, 2008 and the USDOE’s official “target” budgets adopted by USDOE and OMB under the Bush Administration.

Both Washington Ecology and EPA have repeatedly stated that those “target” budgets were legally inadequate, and that they would not negotiate delays to schedules based on USDOE failing to plan to meet its legal obligations to request all funds necessary to meet existing milestones.

The public at the hearings expressed serious disappointment with the regulators for proceeding to negotiate delays and trade-offs based on USDOE’s legally inadequate budget plans under the Bush Administration. Frankly, this is totally inexplicable in the context of Fall, 2008 – with a new President elected and Congress proceeding to move forward during Fall of 2008 with:

- a) an omnibus appropriation for USDOE which included \$146 million in additional Hanford Clean-Up funding above the amount requested by USDOE and President Bush for 2009; and,
- b) the stimulus funding proceeding forward – with USDOE itself proposing \$6 billion in stimulus funding for its EM programs (cleanup).

As of December 15, 2008, USDOE was circulating a white paper proposing \$6 billion in stimulus funding for USDOE cleanup (EM) Program. Media and Congressional offices discussed that Hanford was likely to receive on third of any funding. New media widely reported that a stimulus funding bill will be passed and will likely include this funding.

- This is approximately 2 months before the announcement of the proposed delays to the TPA based on “currently anticipated funding levels.”
- Ecology and EPA did not go back to USDOE and ask that proposed delays be eliminated or modified due to the increase in expected funding under USDOE’s own proposal, despite

media and Congressional reports that this dramatic funding level was likely to be adopted within two months.

On February 5, 2009 the HAB discussed and revised proposed advice on FY'09 and Stimulus funding, based on widespread reporting that the Stimulus package would be adopted with \$2 billion for Hanford Clean-Up and that the FY'09 Omnibus bill as already adopted by the Senate would increase funding by another \$143 million above the FY'09 Request and approximately \$100 million over the level of funding referred to in the TPA Change package released the following day.

- HAB advice had been in development based on the widespread expectation that Congress would adopt the proposed \$6 billion in stimulus funding and the Senate approved \$100 million increase for FY'09 spending.
- HAB advice adopted on 2-6 (the day the TPA agencies made public their proposal to adopt delays and tradeoffs based on the funding levels expected by USDOE in October) included detailed proposals for where stimulus funding and increased FY'09 funding should go, since the Board members had been in discussions with USDOE and contractors on their plans for stimulus funding.

On February 9, 2009, WA Ecology issued a document which details Ecology's priorities for spending at least \$1.4 billion in ARRA stimulus funding for Hanford Clean-Up.

- Ecology's priorities include spending on some of the very projects whose milestones are delayed or eliminated under the TPA Change Package announced just one business day prior!!!
- Clearly shows that Ecology anticipated stimulus funding which greatly exceeded the "current level of anticipated funding" on which the TPA proposed delays were based as of the day that the TPA Change package was publicly announced.

February 11, 2009: Final Version of Stimulus Bill Adopted by Senate-House Conference with approximately \$2 billion for Hanford Clean-Up expected out of the total EM appropriation.

- "The final version of the federal economic stimulus bill includes nearly \$2 billion for Hanford cleanup," reported the Tri-City Herald on 2-12-09
- This proposal had been in the works for two months
- USDOE issued a paper to justify the proposed stimulus funding for Hanford Clean-Up and EM in mid-December.
- The Herald reported that the contracts and plans for this massive increase in funding – including for specific projects which the TPA change package proposes to delay, such as TRU retrieval – had been developed and in place for weeks!!! The Herald reported:

At Hanford, officials have been preparing for the economic stimulus money. The needed processes, contracts and permits are in place, said Doug Shoop, deputy manager of the DOE Richland Operations Office, last week. In addition to hiring by DOE and its contractors to do the work, more subcontracts may be awarded.

Hanford officials also have prepared lists of the work on which they'd use the additional money. DOE wants to have 218 square miles near the Columbia River cleaned up by 2015 to leave just 75 square miles of contaminated land at the nuclear reservation's center.

More work to demolish buildings and dig up waste sites near the river, including near the K reactors, is planned using the stimulus money. Ground water cleanup could be increased near the river and in central Hanford.

Demolition of the Plutonium Finishing Plant could speed up, and more waste temporarily buried in central Hanford could be retrieved and prepared for shipment elsewhere. Debris that may be contaminated with plutonium, or transuranic waste, was temporarily buried until a national repository opens in New Mexico.

- Thus, as of February 7, when the TPA Change Package was released, USDOE had been working on the specific proposals for increased funding under the stimulus package for several weeks. This was public knowledge.
- According to the Herald, Deputy Manager for RL, Doug Shoop, said that the contracts and processes to spend the funds were in place as of the week before – the same week which the TPA agencies announced the TPA delays based on “currently anticipated funding.” However, USDOE and the public knew that the budget basis for the TPA proposed delays were grossly outdated by the pending stimulus (ARRA) funding and increase in FY’09 funding in the Omnibus Appropriation for FY’09.

Each of the agencies knew that any justification to delay milestones based on “currently anticipated funding levels” had been superseded by the Stimulus Act and FY’09 Appropriation a month before the comment period opened on the Change Package. **(Gerry Pollet, Heart of America NW)**

H49 Change Proposal Would Seriously set Back Enforceability of the Hanford Clean-Up Agreement and Violates CERCLA Requirements for Enforceable Deadlines:

- Proposal replaces numerous enforceable milestones with unenforceable “targets” and with dates “To Be Determined” (“TBD”), to be set in future negotiations.
- The TPA becomes LESS enforceable – a major step backwards
 - Conflicts with Governor’s effort to be more enforceable
 - e.g., see Transuranic (TRU) retrieval and mixed waste treatment milestones, which Washington State went to court for. These hard fought for milestones would now become unenforceable “targets” with dates “TBD”. **(Gerry Pollet, Heart of America NW)**

H50 The current proposed trade-offs that would delay the clean-up must not be allowed. There must be enforceable milestones with penalties for failure to meet the clean-up timelines.

The clean-up of Hanford has been slow at best and must not continue to allow delays. The public has been asking for the clean-up of Hanford for over 30 years now, and much remains to be done! **(Jeanne Turgeon)**

H51 I am writing to express my grave concern over the so called “clean up” of the Hanford Nuclear Reservation. As a life-long resident of Washington State, I am sick to death (hopefully not from radioactive fallout) of all the delays, changes, denials, lack of funding, lack of accountability, and corruption associated with the clean up.

Make milestones enforceable, no unenforceable target schedules – “TBDs”!

No more delays! Everyday wasted is a crime against the people, animals, fish, and all life in the Pacific Northwest **(Craig Edwards)**

H52 I do really like the groundwater cleanup in the river corridor and that focus, and I'm very appreciative of that work. And I guess, as far as the TPA, I'm very concerned about the delay language and the ambiguity of the language. I'm an attorney, and I'm very concerned. And I think, from a public citizen perspective, you need to have enforceability, you need to have accountability **(Holly Greenspoon)**

H53 Secondly, the accountability issue, which kind of came through, I'm sure, in the question I asked, too. It's really important, I believe, to make sure that these timelines if anything, this amended, new TPA should be more enforceable, not less enforceable, than the previous one. There should be obvious accountability standards and enforceability provisions, including exactly how to take care of these concerns we might have when timelines are missed.

And then, I guess my third point had... well, I had a third point ... had to do with the... well, just the overall issue of the approach to the entire site. And that is: It feels almost like we're deferring a lot of problems. What we're doing... and I appreciate we do have to take care of urgent needs and protect the river, but, you know, it kind of feels like the Dutch boy and the dike, you know. And, you know, at some point, things are going to overflow, I mean, if those tanks keep leaking into the groundwater and all we're doing is pushing the problem back and pushing the problem back, then, you know, this becomes a full employment job for 200 years, and we want this done in our lifetime. Thanks. **(Jim Kelley)**

H54 My name is Karen Bowman. I'm an occupational and environmental health nurse. I'm the president of the Washington State Association of Occupational and Health Nurses and the Environmental Health Specialists for the State Nursing Association, WSNA. I'm speaking for those two organizations today.

WSNA is the professional organization that represents over 75,000 nurses in Washington State, and we are recommending this: We want you to keep on the timeline with measurable and enforceable goals. We've got to clean up what we have before we accept any more waste **(Karen Bowman)**

H55 No. It's very clear. Enforceability is enhanced when you have a clear schedule. In response to comments tonight, we heard, "Well, we'll replace the 'to be determined,' but what you didn't address is the fact that you've got target dates in here, and that's a new term, and a target is something you can miss, by definition. They are not enforceable.

It is a huge step backwards, and it is not okay to tell the public, "Well, we're just day to day, day for day delay. If we look at the retrieval requirements, for instance, you'll see that there's a lot of slippage. It's not a day for day slippage, in terms of while you were negotiating.

We hope that you'll make this agreement far more enforceable and it will have the principle that you have to clean up before you add more waste. **(Gerry Pollet, Heart of America NW)**

H56 I'm on the Board of Columbia River Keeper, I live here in Portland. I really appreciate the opportunity to speak tonight. I'm encouraged in many ways by the presentations, this incredible opportunity that was seized to capture stimulus money and do some really great work at Hanford, it's just fantastic I've got to say.

I asked a question earlier about whether or not given the momentum that we just got and the fact that we seem to have clout with our Washington delegation and hopefully we in Oregon can assist in that, I really would encourage you to develop financial proposals to keep as many of these, these milestones in place as possible. I don't really given that we have a different financial reality at Hanford right now, I don't see any reason at this moment to let them slip, but maybe at future times when funding is more difficult it could be reconsidered.

But for now I know you already were operating under the assumption for the last several months that these milestones were going to slip and it may make it difficult to get back on track; nevertheless, we would encourage you to get back on track on all of them and especially would encourage our own Department of Energy to stick to its guns and perhaps even explore the possibility of a friendly lawsuit or two if our Attorney General is interested and if the governor supports it on key issues that we think are particularly important that would need to be that we feel should not be allowed to slip. **(Chuck Johnson)**

H57 It, you know, I'm a contractor myself and if I get a job done in advance of a deadline people praise me. When I see that we're talking about relieving ourselves of milestones and talking about target dates, I get concerned that we are not going to meet those dates whether they are relative to the various parts of the project and I just wonder how long it's going to be extended. I can't help but think that CH2M Hill and the other contractors, you know, I've got cost plus contracts and they're doing very well, and I appreciate the fact that we're trying to hold on to jobs and create new jobs, I think this is a very costly way of maintaining jobs whether in the Hanford area or elsewhere and I just urge that you really remember the public's desire to have the cleanup completed as fast as possible and I wish you luck. **(Vance Corum)**

H58 I am writing to state my objection both to the proposed delays to the Hanford Clean-Up Agreement (TPA) schedules and to the plans to replace numerous milestone schedules with delayed, unenforceable "target" dates. The proposed delays include, for example, such ill-considered actions as delays in retrieving plutonium and transuranic wastes currently stored in unlined soil trenches, and delays in investigating exactly what is in the 40 miles of unlined soil ditches on Hanford's Central Plateau that have been used for dumping radioactive and chemical wastes

Delaying schedules and making them unenforceable are not only bad ideas in and of themselves, but will also prevent Hanford from getting the additional \$2 billion in stimulus funds available for clean-up over the next 3 years. Getting those stimulus funds requires increased accountability-- not additional delays and unenforceable milestones. **(Carol Watts)**

Response:

As stated previously, the Parties share in the goal to clean up Hanford. Despite US Department of Energy's efforts to obtain adequate resources, Fiscal Year (FY) 2009 funding levels fell short and could not support all the work planned for FY2009. The Parties made the decision to adjust schedules and focus on near-term, higher priority work along the River Corridor and delay some work in the Central Plateau. Two projects most impacted by this funding shortfall were the M-15 Comprehensive Environmental Response, Compensation and Liability Act decision process milestones (remedial investigation/feasibility study document preparation) and the M-91 Waste Management series milestones (Transuranic waste retrieval, treatment and certification).

To-Be-Determined and target dates are not intended to delay cleanup work. In some cases a specific milestone date cannot be established until more information is obtained or developed by the Parties. In other cases the preferred remedy has not been selected. In both instances, it does not make sense to set milestones based on inadequate information.

Proposed milestones, M-091-45 and M-015-40E, identify December 31, 2009 as when the Parties will identify work scope and set realistic milestone schedules for this work scope considering the newly authorized American Recovery and Reinvestment Act funding.

1.9 Mitigate Proposed Delays and/or Retain Enforceable Milestones with American Recovery and Reinvestment Act (Stimulus) Funding

1.9.1 Mitigate Proposed Delays

- I1 • The regulators did what they said they would not do: negotiate based on USDOE's inadequate budget plans.

WORSE, the agencies failed to consider that efforts to dramatically increase Hanford Clean-up funding would succeed – adding over \$2 billion in fiscal year 2009 and Stimulus funding through 2012. This makes the proposed delays totally unnecessary!

Hanford Clean-Up Agreement Factsheet

1. The Agencies negotiated the TPA milestones, changes and delays based on USDOE's inadequate FY 2009 Budget Request from the Bush Administration to Congress and USDOE's inadequate "target" budgets for the next five to ten years.
2. They assumed they would receive no additional money & have not accounted for the nearly \$2B in stimulus money Hanford will be receiving over the next three years to accelerate clean-up
3. The proposal trades off accelerating clean-up of groundwater and sites along the Columbia for delays to other work needed for safety and to stop the spread of contamination towards the River (**Robert von Tobel**)

- I2 The recent changes and delays that the agencies negotiated were based on USDOE's inadequate FY 2009 Budget Request from the Bush Administration to Congress and USDOE's inadequate "target" budgets for the next five to ten years. They assumed they would receive no additional money & have not accounted for the nearly \$2B in stimulus money Hanford will be receiving over the next three years to accelerate clean-up. We should reject delays until clean-up is brought into compliance, the "Clean-Up First" Principle. USDOE wants to delay clean-up AND currently has three separate plans this year to add more waste to Hanford and use Hanford as a national radioactive / hazardous waste dumpsite. (**Susan Perkins**)

- I3 The recent changes and delays that the agencies negotiated were based on USDOE's inadequate FY 2009 Budget Request from the Bush Administration to Congress and USDOE's inadequate "target" budgets for the next five to ten years. They assumed they would receive no additional money & have not accounted for the nearly \$2B in stimulus money Hanford will be receiving over the next three years to accelerate clean-up. Your agency wants to delay clean-up AND currently has three separate plans this year to add more waste to Hanford and use Hanford as a national radioactive / hazardous waste dumpsite. This should not be done until clean-up is brought into compliance, the "Clean-Up First" Principle. (**Susan Perkins**)

- I4 The contaminated mess at Hanford is totally unacceptable. Do NOT delay the scheduled cleanup of Hanford; you must honor the Tri-Party Agreement. There can be no more dumping of waste at this contaminated site before it is cleaned up. And use stimulus package money to clean up now. Do not ship trucks of waste through Portland. **(Mary Zotter)**
- I5 How do the agencies justify proposing changes that all result in harm to the public and the environment? It would be far more logical to speed up compliance rather than slow it down since now there is two billion dollars stimulus money available. What is the justification?
(Sylvia Haven)
- I6 Stimulus funds should be spent on highest priority cleanup needs, minimizing delays to the schedule agreed to in the TPA **(Jim Kelley)**
- I7 To not use every effort and the additional funding to keep the cleanup agreement on track is just plain wrong. The milestones that took so long to work out and agreed upon must be implemented. In light of this stimulus money, there is no reason for any more excuses to delay this project. **(Kathryn “Cherie” Lambert Holenstein)**
- I8 Considering Hanford is most contaminated site in Western Hemisphere (which is why Congress allotted \$2 Billion in a recession), what message are you all sending Congress and all Americans when you ask for long delays in cleanup and less accountability after getting an amazing \$2 Billion?

With stimulus money recently allotted, it is not acceptable to delay clean up and following the TPA. No delays – please find way to clean up this nuclear waste dump! **(Mike Zotter)**

- I9 Why any delays at all if there is so much stimulus money? **(Sabine Hilding)**
- I10 Be specific about what delays will or will not be by December 1, 2009 and why not before?
(Sabine Hilding)
- I11 I was shocked to hear that with the advent of over \$1 billion of Stimulus money you cannot meet the Hanford cleanup deadlines set out almost two decades ago in the Tri-Party Agreement. If we were talking about a 10% slip, I could understand. But large slips of schedules are not acceptable. **(Nancy Matela)**
- I12 The current agreement is too little too late. It also has too many undetermined target dates for compliance. With the new stimulus funding available there is no excuse for delaying the clean up of Hanford and the other nuclear sites. This is a disaster waiting to happen. It's your job to protect. Please do it. **(Emma Amiad)**
- I13 **The proposal to delay enforceable schedules for numerous important Hanford Clean-Up projects is inexplicable given Congressional appropriation of over \$2 billion in additional funding for Hanford Clean-Up via the ARRA stimulus package and a \$146 million increase over the USDOE and Bush Administration’s Request for FY 2009!!!**

With over \$2 billion in stimulus funding and FY’09 appropriations added to Hanford, there is now adequate funding for all USDOE-Richland projects in the Clean-Up Agreement which this proposal would delay (albeit, some milestones will have already been missed or cannot be met due to USDOE’s failure to secure funding for them at the beginning of FY’09).

USDOE has failed to provide a report on how long it should take each cleanup project to be

accomplished, if not limited by inadequate funding.

Until such a report is provided, neither the State nor EPA should engage in any further negotiations with USDOE on delaying milestones. **(Gerry Pollet, Heart of America NW)**

- I14 How lucky we are that Congress appropriated \$2 billion in stimulus funds for the clean-up at Hanford during the next three years! As you well know this is MORE than enough to clean up the groundwater heading for the Columbia River AS WELL AS to honor the TPA deadlines for cleaning up the leaking waste tanks. There is no need to delay or fudge on the milestones for the Hanford Clean-Up that were set out in the TPA. This clean-up work that was called for in the TPA needs to go forward NOW with no delays or changing of target dates. And NO MORE shipping of additional waste to Hanford until the clean-up is completed. The clean-up is critical for the health of the entire region. **(Mary Susan Zotter)**
- I15 There is clearly an epidemic of thyroid and breast cancer and other diseases in Oregon and Washington due to this contamination. With approximately the two billion stimulus package appropriated, and let us not forget who put up that money, who is the Federal government, we the people, the citizens themselves have put this money up to clean up this project and it must be utilized now with no further delays, our health should never be negotiated to fit an administrative agenda. Thank you **(Madya Panfilio)**
- I16 To not use every effort in the additional funding to keep our cleanup on track is simply wrong. The milestones it took so long to work out and so many meetings must be implemented. In light of these, of the stimulus money, there is no reason or excuse for any delays to contemplate bringing in more waste to Hanford as you repeatedly do is so wrong it boggles the mind. As an aside, every 15 seconds a child on this earth dies due to lack of clean water and sanitation and do you ever stop and think that maybe we contribute to that. Thank you. **(Cherie Lambert Holenstein)**
- I17 And the second part is considering it's the most polluted site in the Western Hemisphere and Congress during recession has allocated \$2 billion, what message does it send to anybody to Congress or to us to delay the cleanup. I mean if I was working for the Department of Energy, theoretically I would probably be an activist myself and demand cleanup for something that can kill people, you know, in our, in our own backyard. I think the potentiality of having more waste in the Columbia River is insane, I mean this is the river that runs through this whole area, it's a massive river and it influences a lot of us. **(Mike Zotter)**
- I18 Please accelerate the clean-up schedule at Hanford. The clean-up schedule has been pushed back too many times. Use the stimulus money to accelerate your clean-up efforts.
- Thank you for your hard work. **(Greg Stiles)**
- I19 With all of the stimulus funds that the agencies have received, there is NO reason that clean-up should be FURTHER DELAYED at Hanford! **(Anonymous)**

Response:

Some of the American Recovery and Reinvestment Act funding received has been applied to work associated with many of the delayed milestones; however, it came later than expected and some work cannot be performed as scheduled.

1.9.2 Retain Enforceable Milestones

I20 I am writing this to those of you who are concerned and responsible for moving the cleanup of Hanford's nuclear waste forward. I feel it is essential to keep the TPA enforceable schedules (milestones) that were part of the agreement. Now that \$2 billion has been allocated in stimulus money for the cleanup, lets get going. All the time and money spent trying to undo the current agreement could have been spent on cleaning up the contamination that is threatening the Columbia river. **(Nancy Hannah)**

I21 Milestones of the existing TPA should be enforced rather than traded for indeterminate and unenforceable target schedules

Stimulus dollars should be used to meet already determined milestones for clean-up. This is an opportunity that should be seized. Please don't let this become another chapter of Hanford's failed clean-up history. We can clean up Hanford if we really want to. **(Laura Feldman)**

I22 Enforceable, specific milestones need to be created and followed through up, ideally using the \$2Billion stimulus funds allocated for clean-up. **(Ashley Braun)**

Response:

The Parties share the common goal of moving the cleanup of Hanford forward and have established appropriate enforceable milestones where sufficient information is available. However, sometimes specific enforceable milestones cannot be established until more information is available or remedies are selected. In these instances target dates and To-Be-Determined (TBD) due dates are used to measure progress and/or as holding places where additional negotiations are necessary

1.9.3 Mitigate Proposed Cleanup Delays and Retain Enforceable Milestones

I23 **The proposal to delay Cleanup agreement milestones and replace enforceable schedules with unenforceable “target dates” should be rejected in light of \$2B stimulus funding by Washington State and US EPA in light of the \$2 billion in stimulus funding available to do this work, and the promises of the Obama Administration and USDOE that it will be held accountable to meet schedules for cleanup.**

Washington State and EPA need to reject the notion that USDOE should be allowed to delay essential cleanup work where contamination spreads from leaking High-Level Nuclear Waste tanks and massive unlined burial grounds inland from the River, in exchange for meeting commitments to cleanup along the Columbia. **(Eldon Ball)**

I24 As for the proposed changes, we would like to applaud the attention being directed toward the groundwater areas near the Columbia however we are very concerned that there will be a slowdown in other areas of the project. We have an opportunity to make some real progress with the stimulus package money but we need to be working in both areas. We would like to see the clean up reach the original enforceable milestones and set enforceable milestones for the new work that is enabled by the stimulus package **(Leslie March)**

I25 I am writing to request that the TPA Trade Offs be rejected and existing milestones enforced. With the addition of \$6 billion mentioned in the final stimulus bill for clean-up of all of the USDOE's contaminated sites over the next three years Hanford gets nearly \$2 billion of those funds to continue and accelerate the cleanup. The approved economic-recovery bill also includes

funds for assorted “green” projects and cuts funds for nuclear and coal subsidies.

(Jeanne Turgeon)

I26 As a Washington resident, taxpayer, and registered voter, I am opposed to the delay in other cleanup schedules replacing enforceable “milestones” with unenforceable “targets” in order to prioritize groundwater protection to prevent the Columbia River from being polluted. Of course, this is a most important, urgent work, but so are other cleanup, especially the single-shell tanks many of which are leaking and 140 remain to be emptied into double shell tanks. All these tasks can be accomplished simultaneously by the DOE obtaining adequate stimulus funds. There is no other infrastructure in the USA more urgently in need of refurbishment. **(Henry T. Bernstein)**

I27 I'm speaking as a citizen and a mother and a grandmother and someone who has lived my whole life in Washington and Oregon in the Columbia River Basin and my deep concern that this waste be cleaned up as soon as possible, and therefore I don't want to see any delays, I don't want to see any negotiating of extending of when these things need to be completed. I think that if anything they should be sooner and I don't want to see any enforceable dates changed to unenforceable dates which I understand this new agreement will do.

So I'm pleased that there seems to be more commitment towards cleaning up the well water more quickly, the other contaminants, the contamination that continues to the river is extremely disturbing to me. So I'm very unhappy with the portions of this new agreement that would delay cleanup. Additionally, all this talk about fiscal year '09, I mean that's fiscal year '09 is almost over and fiscal year '10 is going to have this huge amount of stimulus money and that can be used for this cleanup, so it seems to me that that money should accelerate the cleanup and we shouldn't accept any delays. Okay, thank you **(Sandra Polishuk)**

I28 Heart of America Northwest believes that this proposal is a potpourri, a wish list, of delays and changes from an enforceable Hanford cleanup agreement with accountability to wish list of the Department of Energy taking little items that it's wanted to get its hands on for a while to big items in delaying and the total sum of the agreement is to reduce accountability at a time when you have an obligation to show dramatically increased accountability.

You have a vitrification plant that is eight years behind schedule and \$8 billion over budget and despite that and despite the fact that Congress handed you \$2 billion in cleanup funds and the response to being handed \$2 billion in cleanup funds is to ask for delays in the enforceable schedules for the very work you're planning to use those funds for and those delays do not add up to, well, we were negotiating and we had to give a few months while we were negotiating and we didn't know we'd get the money. **(Gerry Pollet, Heart of America NW)**

I29 And I ask the agencies please reconsider delays and include the stimulus money so there doesn't need to be trade offs, work to clean up waste before you add more and also let's make this enforceable. **(Aubrey Bauman)**

I30 Do not delay clean-up when there is an additional \$2 billion in stimulus for clean-up at Hanford over the next 3 years.

Do not replace enforceable scheduled milestones with unenforceable “target” dates **(Ruth Lo)**

I31 Do not delay cleanup when another 2 billions dollar is available !!
Do not replace enforceable schedule milestones with unenforceable 'target dates'. **(Mike Conlan)**

- I32 I am writing to express my grave concern upon learning that there is yet again, another delay in the decades long Hanford Nuclear Power Plant clean-up. It is a real crime when our economy is in dire-straits, with people losing their jobs and their houses and social safety-nets are being cut to hear that two billion dollars of federal "stimulus" taxpayer money was given for the purpose of the clean-up and now we, citizens, are being forced to continue potential if not outright exposure to toxic waste that was dumped on us by the General Electric Corporation. **(Mindy Stone)**
- I33 DO NOT delay clean-up! Incorporate stimulus dollars into creating timely and enforceable milestones for clean-up. **(Aubrey Bauman)**

Response:

The intent of American Recovery and Reinvestment (ARRA) funding is to create jobs and stimulate the economy. US Department of Energy (USDOE)-Richland Operations Office and the USDOE Office of River Protection selected ARRA projects that would not only create/save jobs, but also reduce the footprint of active cleanup on the Hanford Site and reduce lifecycle (long-term) cleanup costs. Projects were selected that are part of existing prime cleanup contracts, so that hiring and work could begin quickly; where contractors have a proven track record of performance; and where regulatory documentation is in place or documentation can be put in place in time for work to be completed by September 30, 2011.

The strategy for applying ARRA funding supports long-established priorities of the agencies, tribal nations, stakeholders and public for completing cleanup along the Columbia River and key activities in the Central Plateau. In many cases, the work directly supports meeting Tri-Party Agreement (TPA) milestones. For example, ARRA funding will:

- support meeting proposed milestones to contain contamination along the Columbia River
- be used to finish cleaning out and demolishing the high-hazard Plutonium Finishing Plant three years ahead of the TPA milestone
- support work on the 618-10 and 618-11 burial grounds, including clean up of the trenches at the 618-10 Burial Ground, and
- complete cleanup in the River Corridor that will reduce Hanford's overall infrastructure costs.

As stated above, projects receiving ARRA funding must meet certain requirements, such as work must be completed by September 30, 2011 and contribute to reducing the active Hanford cleanup footprint. Given these conditions, the Parties have identified some proposed delayed work where ARRA funding can be applied and are in discussions to identify other opportunities. ARRA funds will be used to initiate non-intrusive characterization at the 200-SW-2 burial grounds and conduct retrieval of suspect transuranic waste stored in three burial grounds. However, due to the funding being allocated late in the fiscal year, some work cannot be done as scheduled.

2 Out-of-Scope Comments

2.1 Off Site Waste Shipments/National Repository/Transportation

J1 Hundreds of citizens joined Heart of America Northwest and other citizen groups at public meetings over these two years to urge that:

- Any agreement to change the TPA must include a bar on USDOE adding any more off-site waste to Hanford while existing wastes are out of compliance; **(Robert von Tobel)**

- J2 “Arid Lands” is an amazing documentary. Major food for thought. I’m moved by the beauty; the irony and the hypocrisy surrounding the Hanford Reach and I’m still confused and baffled. But moved to act. Don’t add more waste! **(Anonymous)**
- J3 Clean up Hanford. First prioritize the cleanup over making bombs. Do not truck in more waste. Fund the cleanup more than funding bombs. **(Megan Faria)**
- J4 You are not cleaning up in a timely manner Hanford. It is imperative this gets done, as it affects people and ecosystems (& it hurts!) You can’t clean it up if you keep adding more waste! No more waste before cleaning the existing waste! Do it NOW. **(Carla, Concerned Citizen)**
- J5 Do not delay the Hanford cleanup any further. Do not bring in any further radioactive waste. Enough **(Cathy Bateman)**
- J6 It seems far too risky of a move to send more nuclear waste to Hanford when it is so close to a major river going by Portland OR. I am apauled to hear the cleanup is going so slow, and now you want to turn this site into a National Waste site. Please at least clean up this waste before you would ever consider putting more there. But rally putting anymore waste there should be a crime. I am so disappointed. **(Concerned Citizen)**
- J7 I was outraged to learn that the federal government is considering bringing even more nuclear waste to Hanford without having removed the 53 million gallons of radioactive waste from storage tanks before they leak. I am outraged that those wastes may come through my community. I demand hearings in Portland. And clean up the site as promised. **(Mary Vogel)**
- J8 Please don’t add any more waste to the Hanford site. Please don’t delay the cleanup. It is important that this site is cleaned up as soon as possible. It is not acceptable for the nuclear waste to leach into the groundwater and enter the Columbia River watershed. Cleanup Hanford now! **(Robert Hatton)**
- J9 Please don’t bring new waste to Hanford until current waste is completely cleaned up! **(Teresa Frakes)**
- J10 Delaying cleanup at Hanford is unconscionable. It is imperative that the cleanup continue and even be accelerated. It is unacceptable to even consider adding more waste to the Hanford site, especially considering the extreme danger of transporting the waste through urban areas, such as Portland. **(Brett Schulz)**
- J11 Please finish the cleanup at Hanford, and do not truck in more nuclear waste. There is some beautiful land and wildlife round Hanford. With the clean up people, animals, and families can enjoy it safely. Do not let Hanford become a national nuclear waste site. Trucking the waste through Oregon would be very unsafe. Finish the clean up at Hanford for the good of everyone. **(April Buris)**
- J12 We cannot take more waste! Cleanup Hanford. It is unconscionable to even consider delaying the cleanup. Are we considering the million gallons of nuclear waste that has already leaked? How outraged do we citizens have to be? **(Beth Kerwin)**
- J13 There is limited time and we can’t afford to delay the Hanford radioactive waste cleanup. The Columbia River is threatened, which means the region’s health is threatened. Clean up the mess first before you consider dumping any more waste there. **(Cynthia Salashi)**

- J14 Please cleanup Hanford Nuclear Reservation! Do not add more waste or ship waste through my home downstream of Portland. The Columbia River should be protected at any cost!
(Chris Runyard)
- J15 I am a resident of Portland, OR and I value the Columbia River Gorge scenic area. I am very concerned of the Hanford radioactive waste and I demand that the waste dumps be cleaned up as soon as possible and not delayed 20 years. No more waste should added to the waste dump and the existing waste should be moved to a geologically stable area **(James Groat)**
- J16 Not ok to make Hanford a national radioactive waste dump. Don't delay schedules. Hanford cleanup agreement: no more waste till you've cleaned up the mess that's there. **(Janice Castle)**
- J17 Let's bring public hearings to Portland – get the media/press involved – we citizens need to know about this. It is unconscionable that largest population that is closest to Hanford – is not informed. Alarming that our mayors were uninformed – this is not acceptable. Don't delay the cleanup of Hanford - don't add to the waste. **(Elizabeth Stanton)**
- J18 As a resident of Portland, I will not allow nuclear waste to be transported through my city. Keep waste where it is and clean it up there. It is irresponsible and possibly deadly to make Hanford a national waste dump. Instead, clean up Hanford ASAP & vitrify the waste. My children deserve this! **(Mike Zotter)**
- J19 Please adhere to the TPA to cleanup high-level waste by 2018; The money is there & our health depends on cleaning up the waste before it reaches the Columbia River and contaminates/kills people/life down river. Also, please do not allow Hanford to become a national waste dump.
(Mike Zotter)
- J20 2) Clean up Hanford before even planning any more nuclear waste siting **(E. Callison)**
- J21 No more nuclear waste may be permitted at Hanford, until present waste is moved from the river and groundwater. DO NOT delay clean-up schedules any further! Finish the vitrification plant. Let's learn from our mistakes - not make more of them! **(Rachel Pecore)**
- J22 The contaminated mess at Hanford is totally unacceptable. Do NOT delay the scheduled cleanup of Hanford; you must honor the Tri-Party Agreement. There can be no more dumping of waste at this contaminated site before it is cleaned up. And use stimulus package money to clean up now. Do not ship trucks of waste through Portland. **(Mary Zotter)**
- J23 In addition, no more waste should be added to Hanford until it is cleaned up first. “To get out of the hole, first stop digging.” **(Don Stephens)**
- J24 Please no more off-site waste to Hanford. Make milestones enforceable, require the TPA to have an enforceable plan to clean up the contaminated groundwater. No more delays on cleanup. Any agreement to change the TPA must include a bar on USDOE adding any more off-site waste to Hanford. Enforce milestones in court, do not allow USDOE to avoid meeting milestones by failing to request adequate funding. Clean up the existing waste and do not ever dump anything more contaminated. **(Cathryn Chuder)**
- J25 I am writing to urge you to strongly expedite the cleanup of the Hanford Nuclear Site. We do not want anymore nuclear waste trucked to Hanford especially as the existing waste has continued to contaminate the groundwater soil and is quickly heading towards the Columbia River.
(Nicole Hess)

- J26 NO DELAY!!! From sagebrush to farmland to --- pollution --- toxic waste --- Arid Land! What is your responsibility? To clean Hanford up NOW!!! NO MORE waste!!
(Kathryn L. Holenstein)
- J27 Currently there are also plans to plan this year to add more waste to Hanford and use Hanford as a national radioactive / hazardous waste dumpsite. This is a horrible idea. **(Bob Hatton)**
- J28 Unaddressed by the proposed changes is the issue of earlier DOE proposals to import new wastes to Hanford. We urge Washington State government to take every opportunity to oppose such imports.

No new Hanford wastes

We recognize that these proposed changes were not meant to include the tank wastes. However, left unaddressed by the proposed changes is the U.S. Department of Energy's (DOE's) long history of desiring that Hanford serve as a recipient for radioactive and chemical wastes from other Department sites, and/or from the commercial atomic power industry. As the Tri-Party Agencies are aware, voters in 2004 passed the Cleanup Priority Act in 2004 with 69% approval, a record margin for Washington State initiatives. DOE was successful in overturning this measure in federal district, and then, federal appeals court, and Washington State decided against further appeal.

Nonetheless, voters made clear their preference for the initiative's provisions that DOE clean up all wastes at Hanford, including the tank wastes, and fully comply with environmental requirements before any new waste is imported to Hanford. Moreover, at a public meeting in Troutdale, OR, an Oregon state official characterized opposition to bringing "Greater Than Class C" (GTCC) wastes at Hanford as distinct from "not in my backyard," but rather reflecting, "no more in our backyard because it is so horribly contaminated already."

Although waste imports to Hanford were suspended under an out of court settlement with Washington State, DOE has not removed Hanford as a potential recipient for any waste category, including GTCC wastes and Global Nuclear Energy Partnership facilities, which would bring new radioactive waste streams to Hanford. We find unconvincing Ecology's reported position that it already has the authority to prevent the storage of off-site waste at Hanford. There may be no limits to what DOE, unconstrained by the courts, will decide to import to Hanford.

We therefore urge that Washington State government pursue all available options to keep new wastes out of Hanford. These should include legislative initiatives through the Washington congressional delegation, judicial means such as through the current suit on Hanford tank wastes, and administrative options through continuing negotiations with DOE on missed TPA deadlines. DOE has consistently failed to meet TPA deadlines, and the state should not allow the Department to violate the will of the voters by bringing new wastes to Hanford in an uncontested manner. **(John Abbotts, Hanford Task Force of Washington Physicians for Social Responsibility)**

- J29 The Clean up first principle that was part of the agreement needs to be followed. No more waste to Hanford until we get the mess there cleaned up. **(Nancy Hannah)**
- J30 The agreement should also include the stipulation that no new waste can be brought to Hanford until the waste that is currently there is cleaned up. I appreciate the opportunity to comment on

- this very important issue and urge that public input be allowed and encouraged on these issues in the future. **(Linda Greene)**
- J31 Assurances should be made that no outside waste should go to Hanford while the site is still contaminated **(Jim Kelley)**
- J32 To contemplate bringing in more waste to Hanford is pure insanity **(Kathryn “Cherie” Lambert Holenstein)**
- J33 Please include language that explicitly says that cleaning up the waste has to be done before more waste is added to the site. That's like saying I don't have to clean the bathroom because it will just get dirty again. **(Steven Gary and Elinor Graham)**
- J34 I know that we will next be asked to accept new nuclear waste at Hanford...without cleaning up the old FIRST! This is insane. We are not stupid. Those of us who live in Portland are just realizing that this invisible elephant is going to squash us...soon. You will be getting more and more push back from us. **(Nancy Matela)**
- J35 No more waste should be added to the Hanford nightmare until existing wastes are brought into compliance and cleaned up **(Laura Feldman)**
- J36 2) Add a new enforceable milestone to ban adding additional off-site waste to Hanford until waste storage at this site is brought into compliance with all environmental laws and regulations. Adding off-site waste to an out of compliance waste site, lacking comprehensive characterization is not acceptable. **(Richard Heggan)**
- J37 1. The TPA must include the principle of "Clean-up First", barring USDOE from adding more waste to Hanford's problems until the existing wastes are brought into compliance and cleaned up. **(Karen Bishop)**
- J38 We also want to be on the record as being opposed to the Hanford site receiving any level hazardous waste from other sites for storage or reprocessing until all hazardous waste on the Hanford site has been removed or safely contained. **(Leslie March)**
- J39 The public's comments at the hearings clearly called for rejection of all delays; incorporation of a new TPA provision barring off-site wastes being added to Hanford under the principle of "Clean-Up First"; rejection of the use of unenforceable target schedules; and, adoption of the proposed new goals for cleaning up groundwater along the Columbia River – without needing to delay other work to fund this! **(Gerry Pollet, Heart of America NW)**
- J40 Any revision to the Hanford Clean-Up Agreement must include the principle of "Clean-Up First." The TPA needs to include a clear provision barring the addition of more off-site wastes while existing wastes are out of compliance, while milestones for finding out what is in the soil and groundwater are years from being met, and while USDOE is missing those milestones that are due or coming due soon (and USDOE is seeking to delay these further!). The TPA agencies have totally failed public expectations by failing to include such a provision in the TPA. The most oft stated public comment on the TPA has been a call for such a provision to be added. **(Gerry Pollet, Heart of America NW)**
- J41 And NO MORE shipping of additional waste to Hanford until the clean-up is completed. The clean-up is critical for the health of the entire region. **(Mary Susan Zotter)**

- J42 Please reconsider your priorities at Hanford nuclear site. New waste must not be relocated to Hanford before the existing radioactive waste is contained, cleaned up, and secured from further advancing toward the Columbia River. **(Ashley Braun)**
- J43 Until Hanford is cleaned up, I oppose any further new deposit of radioactive waste there. If this blocks the development of nuclear power generation stations elsewhere in the country, on the pretext that “clean” nuclear power will avoid carbon dioxide emissions, so much the better as “clean” nuclear power creates radioactive waste that remains dirty and dangerous for generations, and runs the risk of Chernobyl and Three Mile Island. The answer is wind, sun, wave, and conservation, not mortgaging future generations. **(Henry Bernstein)**
- J44 3) Include in the TPA a ban on U.S.DOE adding more waste until existing waste is cleaned up. Clean-up-first!
- 6) Do not turn Hanford into the nation’s nuclear dump site **(Craig Edwards)**
- J45 I hope what I have to say goes directly to the Office of the President and he takes a different understanding and puts his focus on nuclear cleanup instead of ever promoting development of nuclear power plants or allowing nuclear waste to be transported to Hanford reservation at any time **(Patrick Burns)**
- J46 And finally, I just strongly believe that we need to clean up the waste before we bring more in **(Holly Greenspoon)**
- J47 Basically, my concerns are three, I guess. First, I am very concerned that there is no recognition of the "cleanup first" principle in this agreement. That is something that I would think, after, you know, all of these years, that the State would insist on as a bottom-line issue: That we just cannot accept any more waste coming in to Hanford while there are admittedly so many issues that we haven't even figured out how to deal with the particular cleanup **(Jim Kelley)**
- J48 Washington State Association of Occupational and Health Nurses and the Environmental Health Specialists for the State Nursing Association, WSNA, is the professional organization that represents over 75,000 nurses in Washington State, and we are recommending this: We want you to keep on the timeline with measurable and enforceable goals. We've got to clean up what we have before we accept any more waste. **(Karen Bowman)**
- J49 There's a couple of legal obligations that I think have been pointed out. I'll point them out again. They seem to be ignored on a regular basis. That's the obligation to set schedules based on requests for full funding and the obligations to not dump more hazardous waste at a contaminated site on the federal Superfund list.
- When you're trying to drain the swamp, you have to stop what's coming in first and, what you're trying to do is drain the swamp.
- The Governor's position, as it's been communicated to me and this is particularly for you, Rod is: Cleanup first. Cleanup is the priority. And we have a governor who has invested a career in getting Hanford cleaned up. I can't believe that she would sign an agreement of this nature. **(Bob Cooper)**
- J50 We hope that you'll make this agreement far more enforceable and it will have the principle that you have to clean up before you add more waste. **(Gerry Pollet, Heart of America NW)**

- J51 Number one, I was reading that when the trains or trucks are coming through Oregon and Washington to Hanford still, waste still comes out of there, it goes through, it goes through the trucks, the cans, the barrels and causes cancer, we don't want that. They should not be sending any waste until everything is taken care of at Hanford that means no more waste should go to Hanford. **(Barbara Pereira)**
- J52 To not use every effort in the additional funding to keep our cleanup on track is simply wrong. The milestones it took so long to work out and so many meetings must be implemented. In light of these, of the stimulus money, there is no reason or excuse for any delays to contemplate bringing in more waste to Hanford as you repeatedly do is so wrong it boggles the mind. As an aside, every 15 seconds a child on this earth dies due to lack of clean water and sanitation and do you ever stop and think that maybe we contribute to that. **(Cherie Lambert Holenstein)**
- J53 And I ask the agencies please reconsider delays and include the stimulus money so there doesn't need to be tradeoffs, work to clean up waste before you add more and also let's make this enforceable. **(Aubrey Bauman)**
- J54
- The TPA needs to include a requirement that USDOE has to clean-up and bring existing waste into compliance before being allowed to add more waste to Hanford **(Ruth Lo)**
- J55 TPA needs to an agreement to cleanup existing nuclear waste before any more waste is shipped into Hanford !!! Forget the national waste dump - CLEAN UP THE MESS FIRST !! **(Mike Conlan)**
- J56
- The most important change to the TPA needs to be a requirement that USDOE has to clean-up and bring existing waste into compliance before being allowed to add more waste to Hanford.
 - The pending designation of Hanford as a national radioactive and radioactive hazardous waste dump is unacceptable, especially before the current waste has been properly disposed of. **(Janice Castle)**
- J57 The TPA should also include a requirement that USDOE has to clean-up and bring existing waste into compliance before being allowed to add more waste to Hanford. Please stop wasting precious time and taxpayer money and do the right thing by making our environment safe again. **(Mindy Stone)**
- J58 Further, I understand that USDOE is about to redesignate Hanford as a national radioactive and radioactive hazardous waste dump. This is a crime, given all the untreated waste currently in Hanford--and leaking into the Columbia River. The TPA MUST include a requirement that USDOE has to clean up existing waste at Hanford and bring it into compliance before being allowed to add more waste. **(Carol Watts)**
- J59 Clean Up FIRST! Clean up first! Clean up first! The Tri-Party Agreement needs to clean up the waste at Hanford before they keep dumping more! **(Anonymous)**
- J60 And clean-up existing waste before you add more waste to Hanford **(Aubrey Bauman)**
- J61 Use the stimulus money, and clean up first! Don't add waste and pollute our environment before there is an effort to cleanup the waste. **(Anonymous)**

Response:

Thank you for your comments. For the past twenty years, the Parties have worked with the tribal nations, State of Oregon, stakeholders and the public to identify Hanford cleanup priorities and address the highest risks. The goal of the 2015 Vision is safe and effective cleanup that protects the Columbia River. Protection of the Columbia River is the shared goal that guides Hanford cleanup.

Today there is a strategy being implemented to clean up the River Corridor and the Parties are in discussions to develop a cleanup strategy for the Central Plateau.

There is currently no importation of waste outside of what was decided in a court settlement agreement between the Department of Energy (DOE) and the State of Washington in 2006 (*The January 6, 2006, Settlement Agreement identified seven exemptions regarding off-site wastes, and an additional exemption was identified in the June 2, 2008, Amendment to the Settlement Agreement*). These exemptions are:

- a. Naval reactor compartments, reactor core barrels, reactor closure heads, and pumps from Puget Sound Naval Shipyard or Pearl Harbor Naval Shipyard that may contain LLW or MLLW;
- b. Demolition wastes from the Emergency Decontamination Facility at Kadlec Hospital in Richland;
- c. Materials resulting from DOE-related work at Battelle Pacific Northwest National Laboratory's facilities in Richland, Washington;
- d. Materials from treatability studies conducted off-site on waste samples from the Hanford Site's underground tanks;
- e. Samples of wastes from Hanford;
- f. Materials shipped from Hanford for off-site treatment and returned to Hanford for later disposition; and
- g. Materials shipped from Hanford for off-site disposal, but returned to Hanford because the materials failed to meet Waste Acceptance Criteria or otherwise could not be disposed of at the intended disposal site.)

In this settlement agreement DOE agreed to suspend importation of low-level and mixed low-level wastes from other DOE sites to Hanford until a new Environmental Impact Statement (EIS) and Record of Decision are issued. A schedule for public review and comment on this EIS - *The Draft Tank Closure and Waste Management EIS* - is under development. This EIS evaluates potential decisions related to treatment of tank waste, closure of single shell tanks, Fast Flux Test Facility, and also evaluates the impacts of disposal of wastes from other DOE sites at Hanford.

The State of Washington is a cooperating agency in this EIS, which will provide the basis for decisions on future disposal of other sites' wastes at Hanford.

Hanford facility may receive 29 drums of Transuranic waste currently stored at the Areva facility, which is adjacent to the Hanford facility, if (i) the waste is certified for disposal at WIPP by June 30, 2009.

2.2 Tanks

2.2.1 Clean up Tank Waste

- K1 For over two and a half years, the federal Energy Department (USDOE) and Washington's Department of Ecology and US Environmental Protection Agency (EPA) have been negotiating changes to the Hanford Clean-Up Agreement (called the Tri-Party Agreement, or TPA) after

USDOE proposed decades of delays to cleanup schedules. USDOE's proposed delays included delaying the emptying of the Single Shell High-Level Nuclear Waste tanks from a deadline of 2018 until 2040. Those tanks have leaked over a million gallons of deadly liquid High-Level Nuclear Waste. USDOE's inadequate budget plans would only empty one or two tanks a year between now and 2019 – while there are 140 of the tanks remaining to be emptied with 35 million gallons. Washington and Oregon states have now gone to court over the delay in emptying those tanks. **(Robert von Tobel)**

- K2 Empty the high level nuclear waste tanks and process the waste. **(James Groat)**
- K3 Please adhere to the TPA to cleanup high-level waste by 2018; The money is there & our health depends on cleaning up the waste before it reaches the Columbia River and contaminates/kills people/life down river. Also, please do not allow Hanford to become a national waste dump. **(Mike Zotter)**
- K4 The Columbia River must not be allowed to become contaminated with the radioactive liquids currently leaking from underground tanks into the ground water, and from there to the River. **(Jeanne Turgeon)**
- K5 I find it highly appropriate that we have a facilitator named "Mabe," a Superfund law called "CERCLA," which is what we seem to be going in, and tank farms on the Hanford reservation that continue to allow the environment in the Columbia River basin to tank. **(Rebecca Campbell)**

Response:

Achieving the long-term mission of the Department of Energy Office of River Protection project is an undertaking involving highly technical, operational and regulatory issues. Our mission remains the same – to safely retrieve, immobilize, treat and dispose of the 53 million gallons of radioactive and chemical tank waste stored in 177 underground tanks, and close the tank farms. As the project moves forward, we will continue to look for ways to accelerate our mission and reduce the overall cost and project risks.

2.2.2 Tank Waste Retrieval

- K6 The delays in cleaning up the leaking tanks at Hanford has already gone on for far too long. Further delays are simply unacceptable. Refusing to allow input from Oregonians on a conversant, populated location (Portland) is also unacceptable given the potential impacts to Portland citizens. **(Dona Hippert)**
- K7 The other comment I have is Ms. Charboneau in her presentation made a couple of references that with respect to the 149 stainless, or stainless steel, if only, single shelled tanks, an expert review panel was just now brought in to evaluate those, this has been going on for 65 years and whether none of you were there 65 years ago, nevertheless it's your enterprise that's been going on and on and on for 65 years, now, just now, a review panel was brought in to look at the single shelled tanks.

Also it turns out we don't have space to move the single shelled tank liquids to you just found this out that you don't have space. Is this what's holding up the single shelled tank cleanup. I'm not going to get an answer to this but just those observations are they're kind of remarkable. **(Daniel Lichtenwald)**

K8 It is in the public's best interest to fix the leaking storage tanks before contaminated wastes reach the Columbia River (**Anonymous**)

Response:

Retrieval efforts at the tank farms are ongoing and, to date, seven tanks have been emptied. Because there are fewer double-shell tanks (DST) available for storage than single-shell tanks containing waste, we continue to invest in and deploy retrieval technologies and reduce the overall volume of tank waste. Using an evaporator method we are reducing waste volume and optimizing the available DST storage space.

The Parties strive to have public involvement in the decision-making process. Public meetings were held in Seattle, Washington and Portland, Oregon to solicit input from the public on Hanford's Tri-Party Agreement Change Package. Public comment periods on Tri-Party Agreement documents are announced in regional newspapers to encourage participation. The Parties also notify individuals through Hanford's postal and email lists. For additional information on Hanford cleanup, visit our website at www.hanford.gov or call the Hanford Cleanup line at 800-321-2008.

2.2.3 Waste Treatment Plant

K9 Finish the vitrification plant. Let's learn from our mistakes - not make more of them!
(**Rachel Pecore**)

Response:

The Waste Treatment and Immobilization Plant (WTP) project receives annual funding to advance the design and construction progress. With construction of the WTP nearing 50 percent complete, substantial progress is being made.

2.2.4 American Recovery and Reinvestment Act Funds

K10 The nearly \$2 billion in stimulus money for Hanford should be redirected to cleaning up existing nuclear waste, rather than being used to build a waste storage facility. Now that more money is available, there is no excuse for falling even further behind on cleanup of leaking waste.
(**Sue Perkins**)

K11 The nearly \$2 billion in stimulus money for Hanford should be redirected to cleaning up existing nuclear waste, rather than being used to build a waste storage facility. Now that more money is available, there is no excuse for falling even further behind on cleanup of leaking waste.
(**Sue Perkins**)

K12 I'm with the Rosemere Neighborhood Association in Vancouver, Washington, and I have a couple of comments here. First, Mr. Brockman suggested that the residents of the state of Washington say to their state representatives, which would in this case be you, Mr. Skinnarland, in regard to focusing priorities and I wholeheartedly and my organization wholeheartedly supports the litigation that's underway about the underground tanks not to relent to enforce those timelines, and frankly this discussion, though I see the positive aspects in terms of groundwater contamination, it bothers me greatly, it sort of feels like rearranging deck chairs on the Titanic.
(**Dvija Michael Bertish**)

K13 And I think that the focus of this is skewed and that the focus needs Ms. Charboneau said that the main thing that is holding everything up is the fact that they don't have double lined storage tanks to pull the stuff out of the ground and put it into something safer, and I think that everybody's spinning their wheels if they don't address that one simple problem, you can't vitrify,

you can't contain until you get that under control and that's the main source of the problem.

So whereas I see that stimulus money is being deployed here in an effort to prevent things from getting into the river, I don't think that the real source of the problem is being addressed and that I hope that we backpack on that. Stimulus money notwithstanding it, and this happens in several, several organizations, is to get jobs on the ground, not necessarily to do what's most needed priority wise and I think that that really needs to be re looked at.

I re voice and support the comments made by the gentleman from Oregon, the assistant director, I say that the concerns are from my organization are more geared to putting up a fight rather than not putting up a fight, that the deadlines need to be maintained and I don't see any reason Ms. Charboneau said that the funding sources for the three major components are the funding components are in place and the stimulus money can be applied elsewhere, but you need to attack those main components to keep everything on track. Thank you. **(Dviija Michael Bertish)**

K14 I know that it sounds good to shrink the footprint of the contaminated areas, but I don't want the tank farm to be ignored in the process, as that is where the most dangerous waste is "stored." Stimulus money should allow work to proceed simultaneously both inside and outside the tank farm. **(Janice Castle)**

Response:

The Office of River Protection (ORP) received \$326 million in American Recovery and Reinvestment Act (ARRA) funding. Projects were selected based on three primary criteria: creating/saving jobs, reducing the footprint of the active area of Hanford cleanup, and reducing the overall cost of cleanup (lifecycle costs). DOE selected projects that are covered under current regulatory documents and current prime contracts, allowing work to begin quickly. ORP's scope of work to be performed with ARRA funds includes Tank Farm upgrades to enhance reliability and operability, and infrastructure upgrades to support tank waste operations and cleanup. The ARRA funds allow ORP more flexibility to progress our mission.

2.3 American Recovery and Reinvestment Act (Stimulus) Funding

2.3.1 Accountability

- L1 There has been a history of mismanagement and misuse of funds – let's do it right! When there is increased funding and money (i.e., from the stimulus bill for clean-up) we need increased accountability **(Robert von Tobel)**
- L2 There has been a history of mismanagement and misuse of funds at Hanford – let's do the stimulus spending right. When there is increased funding and money (i.e., from the stimulus bill for clean-up) we need increased accountability. The current proposal replaces enforceable milestones (as Ecology promised) with unenforceable "targets" with dates "TBD", to be set in future negotiations. The TPA becomes LESS enforceable – a major step backwards that conflicts with Governor's effort to be more enforceable. Please stand up to USDOE and insist that the stimulus money be used for cleanup of existing waste that is already leaking. **(Sue Perkins)**
- L3 There has been a history of mismanagement and misuse of funds at Hanford – let's do the stimulus spending right. When there is increased funding and money (ie., from the stimulus bill for clean-up) we need increased accountability. The current proposal replaces enforceable milestones (as Ecology promised) with unenforceable "targets" with dates "TBD", to be set in future negotiations. The TPA becomes LESS enforceable – a major step backwards.

The Obama administration should ensure that the government's previous commitments to Washington state are honored: the stimulus money be used for cleanup of existing waste that is already leaking. **(Sue Perkins)**

- L4 There has been a history of mismanagement and misuse of funds – let's do it right! When there is increased funding and money (ie., from the stimulus bill for clean-up) we need increased accountability **(Bob Hatton)**
- L5 The funds that have been allocated to this project need to be closely monitored and used for the purpose that they are intended. President Obama has stressed that all actions be transparent. With this level of funding it is essential that there is a clear trail of how the money is being spent, and that it is accomplishing what it was intended for. Do it right the first time. **(Nancy Hannah)**
- L6 We are very concerned that based on the testimony from the Richland Operations Office that the site contractors are obviously driving the projects. To quote "the contractors will tell us what the time frame is that they can do the work and we will set milestones." This is dismaying as it displays the fact that there are no real incentives for the contractors to complete this clean-up. I have been a resident of the Tri Cities and have experienced the boom and bust of federal contracts. I am sure that there are some happy contractors rubbing their hands together to figure out how they can get the biggest piece of the pie. This stimulus money needs to be treated differently than contracts have been let in the past, it needs to create jobs right now and reward companies to work themselves out of a job. Until milestones are taken seriously by DOE and the contractors, the clean up will never be finished. **(Leslie March)**
- L7 Increased funding means increased need for accountability **(Ashley Braun)**
- L8 Keep up the good work, apply the money where appropriate, and I know that the financial accounting for all the stimulus money is adding tremendous layers of paperwork and controls. Make sure that they are done properly so that the Feds will not come back at us and say you did not document properly where all the money was spent as required so that if there is any additional stimulus in the future, Hanford will be in line for that also. **(Les Davenport)**

Response:

Thank you for your comments. The American Recovery and Reinvestment Act (ARRA) has numerous oversight and reporting requirements to ensure the public has information on how these funds are being spent.

The Department of Energy (DOE) field offices (the Office of River Protection and Richland Operations Office) and outside organizations, such as the DOE Inspector General and the General Accountability Office are responsible to oversee the spending of these funds. DOE is required to provide weekly updates on funds allocated and spent. DOE must provide to the Office of Management and Budget the following information:

- Who is receiving these funds and in what amount;
- What projects are being funded; and
- Completion status of each project or activity and their impact on job creation and retention.

DOE contractors are tracking ARRA funding separate from annual base funding, using approved accounting systems, and reporting to DOE's Office of Environmental Management (EM). This information can be viewed at www.Recovery.gov

DOE provides direction and oversight to the contractors on what work is to be achieved with the funding available and the contractors must provide DOE with detailed plans for completing the work. DOE sets the schedules for completing this work. Contractors are incentivized to complete this work on or ahead of schedule and within or under budget.

The Parties consider the Tri-Party Agreement (TPA) integral to achieving cleanup at Hanford. It provides the consensus framework for cleanup priorities and actions. It is a "living document" that is modified and added to as better information becomes available as the site is cleaned up.

2.3.2 Application of Stimulus Funding

- L9 Also I know the stimulus \$ is meant to create jobs, but the Hanford cleanup is not a labor program. Skilled scientists should be employed with that money. It should not be used for lower-skilled workers simply to create jobs, i.e., "fast-track projects. **(Ilira Wallar)**
- L10 Stimulus dollars should be used to meet already determined milestones for clean-up. This is an opportunity that should be seized. Please don't let this become another chapter of Hanford's failed clean-up history. We can clean up Hanford if we really want to. **(Laura Feldman)**
- L11 I also understand that some milestones may be accelerated using ARRA (American Recovery and Reinvestment Act) funding. In addition, I would like to see the following items considered:
1. Accelerate PFP (Plutonium Finishing Plant) cleanout and removal down to the concrete floor slab (D4).
 4. Accelerate characterization of both the 618-10 and 618-11 Burial Grounds, then excavate, loadout and bury at ERDF as much of all trench materials as possible, and develop Work Plans for removal of the Vertical Pipe Units and Caissons at both burial grounds. **(Les Davenport)**
- L12 I've worked at Hanford for 46 years now and still consulting there. I feel that the stimulus money on the parts that I know about for Washington closure is going to be well applied and I'm looking forward to that. The expansion of ERDF because it's the lowest cost disposal site in all the DOE facilities and also the characterization of the 618 10 cell, I had asked for that to be accelerated for a couple of years and I think the characterization of the waste trenches particularly in the 618 11 burial grounds should be hurried as much as possible. **(Les Davenport)**
- L13 I would like to give my comments and question earlier on 618 10, 618 11 burial grounds into the formal record. It is my opinion that the stimulus funds which will be used for characterizing the 618 10 burial grounds is a good use of the money. I would also like to see characterization of the 618 11 burial ground done as quickly as possible. It will result, I think, in the ability to clean up the waste trenches in both sites without much of any problem.

However, the vertical pipe units, and particularly the caissons in the 618 11, will take considerable characterization and work to make sure that any remote handle transuranic waste is properly encapsulated, moved and stored so that it eventually can be dealt with. **(Les Davenport)**

- L14 The intensity needed now, especially with the new stimulus money, is to go ahead as if our very lives depended on it because they do --- you need the same focus as if we were in a race once again to reach the moon or even a new "Manhattan like project" with the goal in place to cleanup the past mistakes and disasters that the Manhattan project of the 1940's created for all of us and our children to deal with.

Our future generations depend on our committed, wise and thoughtful actions now. No longer can we afford the comfortable denial exhibited at Hanford toward the seriousness of what we are facing in cleaning up toxic substances that are some of the most toxic on the planet. Please, no more excuses. Time is of the utmost importance.

"The eyes of the future are looking back at us and they are praying for us to see beyond our own time. They are kneeling with clasped hands that we might act with restraint, leaving room for the life that is destined to come." -- Terry Tempest Williams (**Nancy Morris**)

- L15 Points I want you to implement:
rewrite your 2009 budget with the \$2 billion from the economic stimulus plan and get on with the cleanup! (**Craig Edwards**)
- L16 Use the stimulus money, and clean up first! Don't add waste and pollute our environment before there is an effort to cleanup the waste. (**Anonymous**)

Response:

American Recovery and Reinvestment (ARRA) funding is intended to create jobs and stimulate the economy. DOE-Richland Operations Office and the DOE Office of River Protection selected ARRA projects that would not only create/save jobs, but also reduce the footprint of active cleanup on the Hanford Site and reduce lifecycle (long-term) cleanup costs. Projects were selected that are part of existing prime cleanup contracts, so that hiring and work could begin quickly; where contractors have a proven track record of performance; and where regulatory documentation is in place or documentation can be put in place in time for work to be completed by September 30, 2011.

The strategy for applying ARRA funding supports long-established agency, tribal nations, stakeholders and public priorities for completing cleanup along the Columbia River and key activities in the Central Plateau. In many cases, the work directly supports meeting Tri-Party Agreement (TPA) milestones. For example, ARRA funding will:

- support meeting proposed milestones to contain contamination along the Columbia River
- be used to finish cleaning out and demolishing the high-hazard Plutonium Finishing Plant three years ahead of the TPA milestone
- support work on the 618-10 and 618-11 burial grounds, including clean up of the trenches at the 618-10 Burial Ground, and
- complete cleanup in the River Corridor that will reduce Hanford's overall infrastructure costs.

As stated above, projects receiving ARRA funding must meet certain requirements, such as work must be completed by September 30, 2011 and contribute to reducing the active Hanford cleanup footprint. Given these conditions, the Parties have identified some proposed delayed work where ARRA funding can be applied and are in discussions to identify other opportunities. ARRA funds will be used to initiate non-intrusive characterization at the 200-SW-2 burial grounds and conduct retrieval of suspect transuranic waste stored in three burial grounds. However, due to the funding being allocated late in the fiscal year, some work cannot be done as scheduled.

2.3.3 Future Stimulus Funding

- L17 So, anyway, just in sum, I would say bravo in terms of going and getting some money. I'm sorry you were so cautious last Fall, the Bush administration had that effect on a lot of people I think, but hopefully you've got your courage back and you'll be jumping and grabbing some more

money so that we can stay on track with all the milestones. Thank you very much. (**Chuck Johnson**)

L18 I'm a former employee for Bonneville Power Administration Portland District Energy Efficiency Officer. When I think of this challenge I look at an opportunity at a nuclear, what did I say, a nuclear cleanup efficiency so maybe you can take some of the best examples and practices from energy efficiency and apply it to the good work that you folks are already doing on behalf of the average taxpayer like myself.

On regarding the budget and the infrastructure, I notice you were talking about risk reduction at Hanford, your selling points at least there should be a second stimulus would be risk elimination at Hanford which is with the ideal that we really want to go for when we're maximizing, revigorizing, is that a word, recreating our infrastructure from what we know it currently, and that change will come, you know, eventually, it takes time, usually 20 years in government.

I encourage you if it's legal or possible to fast track with contract and procurement processes to revitalize the ongoing economy struggles that we're all encountering, minimize the litigation, although I'm kind of a hypocrite, I said, you know, maybe it's going to end up in court at the Hood River Hearing, but now I take that back because litigation takes away... ultimately takes away from our big picture ability to solve problems, you know, at a general scale.

If not already could we consider the idea of a memorandum of agreement or understanding between Oregon and Washington as the Oregon delegation and Washington delegation continue to work one another in tandem with respect to just getting the word out to Congress and those who need to hear about the need for continued post economic stimulus funding for this long term project, which I would estimate to be several, several hundred years with, it's not going to it's a problem that did not happen overnight, it's a problem that's not going to go away tomorrow so. I think... oh, the, I think that's about it, so thank you very much. (**Martha Perez**)

Response:

Thank you for your comments. For the past twenty years, the Parties have worked with the tribal nations, State of Oregon, stakeholders and the public to identify Hanford cleanup priorities and address the highest risks. Protection of the Columbia River is the shared goal that guides Hanford cleanup. Today there is a strategy being implemented to clean up the River Corridor and the Parties are in discussions to develop a cleanup strategy for the Central Plateau. Because Hanford has a cleanup strategy along with a record of progress and a regulatory framework to support cleanup work, it was able to receive a substantial amount of the ARRA funding allocated for environmental cleanup. The intent is to use those funds to clean up Hanford and provide the basis for continued funding.

2.4 Public Process

2.4.1 TPA Change Package Public Information and Involvement Process

M1 The Good News & the Bad News

The proposed agreement has good news and bad news for citizens. Your comments can change the agreement – the comment period ends April 23rd. Unfortunately, despite months of asking for public meetings on the proposed changes, the agencies have refused to hold public comment meetings. This violates the TPA's Community Relations Plan which promises public meetings on

major changes to the TPA when there are public requests for such meetings. We think it is going to take strong public concern to change the deal. **(Robert von Tobel)**

- M2 The agencies missed the opportunity to hold public meetings for the public to tell them where the \$2 B extra dollars should be focused. **(Robert von Tobel)**
- M3 Let's bring public hearings to Portland – get the media/press involved – we citizens need to know about this. It is unconscionable that largest population that is closest to Hanford – is not informed. Alarming that our mayors were uninformed – this is not acceptable. Don't delay the cleanup of Hanford - don't add to the waste. **(Elizabeth Stanton)**
- M4 The lack of public notification on this is the same old, same old: keep the public uninformed **(Kathryn “Cherie” Lambert Holenstein)**
- M5 It is appreciated that a public meeting was held in Portland regarding this issue however I would like to go on the record to note that the timing of the hearing was inconvenient. In the future, I hope that DOE could schedule this type of public meeting more than three days before the end of a comment period. As to the comments made at the hearing that all of this information had been available on the DOE website ahead of time, that statement assumes that everyone has access to a computer or knows to watch the website for notices of change. This assumes that only a small portion of the public is interested in the future of the Hanford clean-up. That may be actually true only because the process continues to drag on too long. In the future, I would recommend that newspaper notices, public service announcements on radio and TV to encourage the public to participate in this process **(Leslie March)**
- M6 Heart of America Northwest urged that the TPA agencies hold public meetings on the proposed changes to the Hanford Clean-Up Agreement (TPA) in the context of proposed use of \$2 billion in stimulus funding appropriated and allocated to Hanford Clean-Up. Those funds make proposed delays unnecessary – if effectively and efficiently dedicated to the appropriate cleanup projects.

Unfortunately, the official Change Package and materials describing it were misleading – repeatedly including statements that the delays proposed were necessitated by the level of “currently anticipated near-term funding”; or, stating that in order to adopt new groundwater cleanup milestones required trading-off and delaying numerous other important cleanup projects “consistent with the currently anticipated available funding.”

These statements were not true and were misleading. When the agencies began the comment period, Congress had already appropriated nearly \$2 billion in additional funding for Hanford Clean-Up in the stimulus package (ARRA – American Recovery and Reinvestment Act) plus another \$143 million for Fiscal Year 2009 above the Bush Administration's request. Further, the agencies knew for months that these funds were almost certain to be appropriated – rendering it ridiculous to base any negotiations on trade-offs and funding levels from the 2009 Continuing Resolution and Bush Administration “target” budgets for 2010 through 2012. **(Gerry Pollet, Heart of America NW)**

- M7 **Public Involvement, Notice and Input for this Change Package Has Been Inadequate and Lessons From this Process Need to Be Incorporated in Future Actions:**
The TPA agencies should learn from the process and public concerns voiced about the TPA change package as they look ahead.

One key lesson is not to proceed with TPA changes in the piecemeal fashion that this

proposal encompassed. For this package, the agencies have proposed to continue negotiating additional milestone and target date changes, offering a new proposal filling in TBD dates by the end of the year; and, another set of substantive proposals for how cleanup decisions are made by the end of July. *This is unacceptable piece-mealing of decisions, which undermines the public's ability to comment.* The public is entitled to see all relevant proposed changes at one time. This is a lesson from the principles used in the NEPA and SEPA process.

The TPA agencies should not issue additional piecemeal proposals following up on what is in this Change Package and its associated Agreements in Principle. **There should be one time in the year to consider all changes to the TPA, unless there are exigent circumstances.**

Notices need to inform people of how proposals may affect their interests, values and concerns. For example, notices must identify delays and how those delays may have environmental, safety or health impacts. This was not done, although the agencies took advice from the Hanford Advisory Board's Public Involvement Committee and us in revising their draft fact sheet to acknowledge that there were delays proposed. However, the impacts of those delays – indeed, what activities would be delayed – were never presented by the agencies. Instead, this was left to Heart of America Northwest and our mailing of a Citizens' Guide (which did not reach all 20,000 interested citizens because we did not have the 45 days notice of meetings which is the goal identified in the Community Relations Plan with good reason).

The proposal was not readily accessible and understandable. As noted, the fact sheet did not detail proposed delays. To find those, the public had to read the entire technical change package. Yet, that was largely unreadable!!! We suggested that the agencies print proposed changes with a strikeout for deletions and underlining for insertions. Instead, a shading of the print for new text was used. This made reading the new language incredibly difficult. Please change this in the future.

Holding meetings on major changes to the TPA is vital for public involvement. We spent from February 4th to early April in "discussion" trying to convince the TPA agencies to hold meetings. Despite what was short notice then for meetings on May 11 and 12, participation from the public was quite good (and despite the fact that many of our members did not receive a Citizens' Guide in advance due to that truncated time). More than 30 days are needed from when meetings are set to the date of the meetings, if we want the meetings to be successful and to have all interested people able to attend. It is also ironic that the TPA agencies identified to the HAB that they wanted additional outreach opportunities this year, with HAB help. Yet, when the HAB PIC

We do not understand the TPA agencies reticence to hold these meetings. The TPA Community Relations Plan is intended to guarantee that there will be public meetings when requested in various regions. This will have to be strengthened from this current form designed to be a readable guide, and made into a clear requirement (the agencies, when the change was made, promised that there would not be instances where they did not hold public meetings when ten people or groups representing ten people from an area asked for a meeting on a significant TPA change). **(Gerry Pollet, Heart of America NW)**

M8 My comments are kind of rambling, taken from bits and pieces here. The lady in front of me asked, you know, was kind of astonished that this timeline that was shown that this 60 day public comment period began early in March and ends in a few days and her answer or her question really wasn't answered and I still have to ask, I mean it's, you know, the cat's out of the bag, I

mean nothing can be done about it, but for people coming here for the first time encountering this process, this proposal, this, you know, sort of the saying, you know, it's saying, you know, we don't want to hear from you. I would hope that something like this in the future that the meeting be held early in the process. For instance this meeting should have been held in early March, not now. **(Daniel Lichtenwald)**

M9 I'm here with Heart of America Northwest and also of my own concern. In reference to the public involvement process, I started on conference calls beginning in February about having public meetings and it took us a while, we wondered is the public interested, do they care about this issue, will they come out, and as you can see the public cares and they're here, and so it's frustrating that it took that long and that much convincing to let them know that the public does care and they're concerned.

So it's also frustrating to have such a short deadline to send out a publication to the public, we had less than 30 days, and a couple of people told us that they received it today and still arrived at the meeting so thank you to all of them. And as far as time for public comment, let's give the public more time to give comment. It wasn't until 8:30 that the public was able to start giving comment. And I know that they could do so in the back, but for a lot of them they were frustrated that they had to wait an hour and a half from when the meeting started until when they could talk because that's a that makes for a long evening, so a lot of them would appreciate having that be earlier. **(Aubrey Bauman)**

M10 These comments are being submitted beyond the cut-off date, because the public hearings were held too close to the cut-off. I had professional commitments that prevented me from commenting immediately after the hearing in Portland on May 12, which I waited for so that I could hear the agencies' report. I respectfully ask that these comments be included in the public record, and furthermore, that future hearings be scheduled during the middle of a comment period, to enable citizens to have time to process information that comes from both the agencies and the public interest groups. **(Janice T. Castle)**

M11 Gerry Pollet for Heart of America Northwest, and I'm going to start by using a few seconds of my three minutes here to say whoever came up with this ground rule that when there are not many people remaining here because we didn't start taking comments until 8:30 and limiting people to three minutes is inappropriate.

And normally in a public hearing you look at this crowd and you say, gee, maybe we could go five minutes each and it's inappropriate to cut people off. And I don't know who came up with the ground rule but it's inappropriate and I do hope that you're going to invite everyone to come back up who wants to give additional comments since I'm just going to make that comment from the floor because I assume you will do so, right. **(Gerry Pollet, Heart of America NW)**

Response:

Thank you for your comments. The Parties commit to work with stakeholders early in the process to assess the need to hold public meeting(s) on future Tri-Party Agreement (TPA) draft change packages. The Parties will strive to consult with interested public and government agencies (Tribal and State of Oregon) and to consider their input on meeting format, announcements and advertisement.

The public meeting format and agenda were considered by the TPA public involvement staffs. They attempted to balance the need to provide sufficient information on the important TPA milestone changes that were being proposed and discuss the impacts of American Recover and Reinvestment Act (ARRA)

funding on Hanford cleanup. The announcement and availability of ARRA funding information played a key role in extending the public comment period and scheduling public meetings (Seattle: May 11 and Portland: May 12) late in the process.

The Parties sent out approximately 3500 fact sheets (2600 paper and 900 electronic copies) at the start of public comment (March 9). A postcard extending the comment period to May 15 and announcing the date and location of the two public meetings was sent out April 14. Also, ads were run in local newspapers announcing the public meetings. The Parties plan to explore the use of public service announcements for future public meetings.

The Parties agree that document formatting can be improved and are working on ways to make proposed TPA change packages more legible.

2.4.2 General Comments on Public Processes (Transparency)

M12 11. The Obama Administration should make a new commitment at Hanford and throughout the Energy Department to listen to the public and states about how clean-up funds are spent and to add oversight **(Robert von Tobel)**

M13 Enforce public accountability, have public meetings & input. **(James Groat)**

M14 The Obama Administration should make a new commitment at Hanford and throughout the Energy Department to listen to the public and states about how clean-up funds are spent and to add much needed oversight. Make cleaning up the entire Hanford site top priority! **(Eldon Ball)**

M15 What type of input have you received or tried to receive from folks downwind from Hanford, considering that a number of people have died from thyroid cancer? (We all owe those families who have lost members due to nuclear contamination.) **(Mike Zotter)**

M16 3. The new Administration should make a new commitment in the TPA and throughout the Energy Department for public participation and accountability and oversight for how clean-up funds are spent. **(Karen Bishop)**

M17 It is hoped that the Obama Administration will make a new commitment that takes into account the wishes of the American Public and various States about how clean-up funds are spent and add oversight of the clean-up, with penalties for slow performance. **(Jeanne Turgeon)**

M18 2) Increase public participation and agency accountability for the money spent **(Craig Edwards)**

M19 The cleanup should be well documented and clearly so that the public could understand what's going on. And also the, let's see, also, I guess that's about it. And there should be a general consensus among all of the people involved on the success of what they're doing and a clear direction on the, and that a clear direction, let me put it this way, there should be a general consensus of the of what's being done of the, of the success of what's being done and, success of what's being done and a clear direction and understanding of what's being achieved and that's all I can say I guess, is that, that's, yeah, it's just too vague. You might add that in for me. **(Barry Sutton)**

M20 I went to Whitman College in Walla Walla and it was pretty interesting to find out there that Hanford was the most polluted site in the Western Hemisphere, in fact possibly in the world, and that the groundwater, the water we're drinking there, who knows how much contaminants were in that. Because another history major, he did a report in which he interviewed a lot of people and

took some other primary sources and found a lot of people downwind all died of thyroid cancer.

So we know that it kills people, I mean it's already happened. And so there's so many comments around us, but I just wondered if people had asked families of people who have died downwind to have their comments on any delays or any, any work that goes into this because that seems like those people who have actually lost their lives to this.

The second thing is, you know, of course the public wants to comment on Hanford, they always would if they knew how polluted it was, if there was more energy to get this information out to people about how polluted it is, how much money is going for cleanup, I'm sure there would be a lot more people here. And essentially the public needs to be alerted, you know, via any kind of public airwaves about when there are going to be meetings. I know this adds to the amount of effort that goes into all of this, but I mean we're talking about nuclear waste. So I'd really appreciate that because I think that the amount of people here doesn't represent in any way or form the amount of people that would come. **(Mike Zotter)**

Response:

The Administration and U.S. Department of Energy (DOE) are committed to open and transparent processes. DOE supports opportunities to facilitate two-way communication and involvement of external groups in their decision-making process. Accountability is key attribute to achieving a successful and cost-efficient clean up. The Parties developed the Tri-Party Agreement Community Relations Plan to provide the framework for public involvement.

2.4.3 Positive Feedback

- M21 We appreciate the opportunity to submit comments on the Proposed Changes to the TPA. We also appreciate the measures taken by the TPA Agencies to facilitate public comments, by allowing electronic submittal and by placing copies of the proposed changes, along with a fact sheet that accurately summarizes the major features of the proposed changes, on a publicly available web site. **(John Abbotts, Hanford Task Force of Washington Physicians for Social Responsibility)**
- M22 Thanks for the opportunity to comment – I wish these opportunities to provide public input were more widely publicized. **(Don Stephens)**
- M23 We appreciate DOE's ongoing efforts to engage Oregon, the Tribes and other stakeholders in the revision of the TPA and look forward to continuing discussion of these modifications and other issues as you proceed in the coming months. Oregon is encouraged by the Tri-Parties' vision for the clean up of broad swaths of Hanford and the strategic use of the stimulus dollars. DOE and its regulators, the U.S. Environmental Protection Agency and the Washington Department of Ecology, deserve a good deal of credit for being ready to take advantage of this unique funding opportunity. Oregon looks forward to seeing substantial progress in the Hanford clean-up program over the next few years. **(Ken Niles, State of Oregon)**
- M24 I'm a citizen, and I came as a citizen, too. And my primary concern is the public health, and that's why I came tonight, is to learn about what's going on with the TPA.

And I really appreciate all the work that you've done, and the people that aren't here, that were speaking before. I appreciate your service to the public, so thank you for that.
(Holly Greenspoon)

M25 Probably most importantly I want to say thanks for coming because it's not easy to sit up there or even being here. So I appreciate your work because I know that people are making valiant efforts to do some work here, I just look at it there's a lot more work to be done on such a serious issue. So thank you. **(Mike Zotter)**

Response:

Thank you for your feedback. The Parties recognize that involving tribal nations, stakeholders and the public in the decision-making process results in better and more sustainable decisions. We appreciate the continued commitment of groups and individuals to give of their time to be involved in Hanford cleanup issues.

2.5 Agreement in Principle

2.5.1 Role of DOE/EPA in ROD Development

N1 • Ecology and EPA should not give up existing roles and responsibilities. **(Hanford Advisory Board)**

N2 3. We recommend that DOE not be allowed to prepare RODs to meet TPA requirements, reported as an item for future discussion in the Agreement in Principle included with the proposed changes

DOE should not be allowed to prepare its own RODs to meet TPA requirements

The Agreement in Principle that is incorporated into the proposed changes notes that the TPA parties agreed to discuss and consider revising the TPA to assign responsibility for preparation of Records of Decision (RODs) to DOE. Despite the caveats included, that USEPA would still be required to approve RODs, and an oversight role for Ecology would be preserved, this seems a terrible idea. DOE has a long history of failure to meet TPA deadlines, and failure to provide funding sufficient to meet TPA requirements. RODs produced by DOE therefore will have no credibility.

The rationale for such discussions is described as Executive Order 12580 . However, this document was signed by Ronald Reagan in January 1987, before the Tri-Party Agreement and does not appear to explicitly contain the words “record of decision” nor “federal facility agreement”. We therefore question the relevance of this document; but if it is found to apply legally to the TPA, then we recommend that DOE and EPA seek an amendment from President Obama to make clear that the Order does not apply in the case of a federal facility agreement and consent order, such as the TPA. **(John Abbotts, Hanford Task Force of Washington Physicians for Social Responsibility)**

N3 Also, the DOE should not be given any “watchdog” responsibility – it belongs with the EPA. In fact the local public environmental protection agencies should be given more influence – since the local public have the most to lose from mismanagement.

Overall, Hanford needs to be cleaned up as soon as possible for safety sake as well as to minimize costs.**(Don Stephens)**

N4 EPA should not cede clean-up oversight to the DOE **(Sabine Hilding)**

N5 The EPA should stay in force and be the authority overseeing the cleanup--- not the Dept. of Energy. The EPA should not reduce any of its authority regarding the crisis at Hanford. **(Nancy Morris)**

N6 The Change Package for public comment also includes an Agreement in Principle (AIP) between the TPA agencies to negotiate a change for USDOE **to replace EPA’s existing role in preparing the “Records of Decision” for cleanup decisions under the Superfund law (CERCLA) at Hanford. This must be rejected.** The claim that this is required by an Executive Order is false, as our comments (researched by students of the University of Washington Law School’s Greenlaw program) demonstrate. The proposal would undermine public trust in cleanup decisions at Hanford. It is critical that EPA remain responsible for ensuring that the write up of proposed cleanup decisions include the views of the public and Tribes, all reasonable alternatives and that EPA be responsible for writing the balancing of criteria for cleanup decisions. Having USDOE take on this critical function is nothing less than having the fox guard the hen house – with the polluter responsible for paying for cleanup deciding how to weigh cleanup alternatives and public views. **(Gerry Pollet, Heart of America NW)**

N7 **Records of Decision: Authority and Role of EPA May Not Be – and Should Not Be – Given to USDOE:**

The TPA agencies have signed an “Agreement in Principle” to consider a modification of the TPA that would shift responsibility for preparing the Records of Decision for Superfund Clean-Up to the DOE from EPA. **DOE may not be given this authority.**

The TPA Change Package Agreement in Principle erroneously claims that “Executive Order 12580 assigns the responsibility for development of records of decision to the Secretary of the Department of Energy for DOE sites.”

Not only does the Executive Order not do this, but it would violate the provision of the Superfund law (CERCLA) governing roles of EPA and USDOE at federal facilities on the National Priorities List (NPL – Superfund sites) if it did. The relevant provision of CERCLA explicitly says that duties of EPA may not be delegated by Executive Order to any other department.

Who prepares the Record of Decision is important for Hanford Clean-Up and public confidence in the Superfund decisions. CERCLA does not actually speak of Records of Decision; rather it speaks of the selection of the remedy – the cleanup decision.

Preparing the record and write-up supporting the selection of the remedy needs to include:

- an unbiased summation of public views (especially, for example, public input on future potential resource and land use which determines reasonable maximum exposure scenarios. This input often conflicts with a polluter’s plans for cleanup and future use of the area);
- an unbiased and full description of the cleanup alternatives;
- an unbiased weighing of CERCLA’s criteria for choice of remedy;
- all characterization data or other information that could affect the protectiveness of the remedy (e.g., uncertainty about models).

USDOE has a history that shows it cannot do this without bias or with public confidence. For example, USDOE has adopted “baselines” for cleanup at Hanford that presume USDOE will be able to simply cap the contamination at hundreds of CERCLA sites, rather than having to follow a remedy to remove and treat wastes (an RTD remedy). The CERCLA law and the state MTCA

law, which CERCLA applies, require selection of remedies with a preference for permanent remedies involving removal and treatment ahead of capping. Yet, USDOE has already decided, for its budget and planning purposes, to presume it will cap these sites and not use RTD remedies. Having USDOE in charge of preparing the final Record of Decision means the Records of Decision will lack credibility.

EPA has ultimate authority to select remedial actions at Hanford:

It is clear that the EPA is the final decision-maker with respect to the selection of remedial actions at Hanford. CERCLA § 120 requires that the EPA and the DOE jointly select a remedial action, but in the event that the two agencies are “unable to reach agreement on selection,” the EPA is vested with ultimate decision-making power. 42 USC § 9620(e)(4)(A). Moreover, the DOE concedes that this is the case; the TPA requires Records of Decision to be signed by the EPA (TPA § 7.3.8), and the Agreement in Principle specifies that, “in any event, EPA approval of Records of Decision would still be required in accordance with CERCLA § 120.”

EPA’s authority to select the remedial action may not be delegated. Under CERCLA § 120, “no authority vested in the [EPA] under this section may be transferred, by executive order of the President or otherwise, to any other officer or employee of the United States or to any other person.” 42 USC § 9620(g). Thus no modification of the TPA that purports to reassign this responsibility will be valid. The claim that the Executive Order does, or can, transfer this authority is wrong.

Selection of the remedial action, under CERCLA, is more than the final signing off on a proposal.

EPA’s responsibilities as the final decision-maker should include writing the Records of Decision at Hanford:

Agencies charged with rulemaking authority must abide by certain standards under the Administrative Procedure Act (APA). 5 USC §§ 500 et seq. Final decisions must be based on reliable facts, and the decision-maker must evaluate the facts in the record for reliability. *Kennecott v. United States EPA*, 780 Fed.2d 445, 458 (4th Cir. 1985). Facts cannot be excluded from the record because an agency deems them unreliable; all information must be admitted and then evaluated for reliability at the decision-making stage. *Id.* at 458. In principle, it is “highly desirable” for a rulemaking agency to independently collect and evaluate all raw data itself, although a failure to do so does not “fundamentally prejudice its decision.” *National Ass’n of Regulatory Comm’rsv. FCC*, 737 F.2d 1095 (D.C. Cir. 1984).

As the final decision-maker in the remedy selection process, the EPA is the rulemaking agency. As such, the EPA is required to base its decision on a complete and reliable record. *Kennecott*, 780 Fed.2d 458. The theory of rulemaking requires that all relevant information appear in the record at the decision-making stage, and the DOE is not permitted to manipulate that record prior to the EPA’s evaluation. Even information that is deemed unreliable by the DOE must be included for evaluation of reliability by the EPA, the rulemaking agency. *Id.* at 458.

A Record of Decision is a legal document that describes the remedial action selected for a CERCLA site. (USDOE CERLCA Information Brief, DOE/EH-413-9905 (May 1999)). It provides a description of technical parameters and a consolidated summary of the rationale behind the choice of remedy. *Id.* at 1. In no way does it represent a complete record. It stands to reason that the EPA is not entitled to simply sign-off on a Record of Decision prepared solely

by the DOE. To fulfill its obligations as the rulemaking agency, the EPA must evaluate the record, determine the reliability of facts, and consider alternative remedies. While practicality may mean that USDOE and its contractors, which conduct the investigation under EPA criteria, prepare drafts of a proposed Record of Decision, the final drafting – including summarizing and weighing public comment, evaluation of models, determining exposure scenarios and deciding how to weigh alternative remedies - must remain in EPA's hands.

Moreover, there would be a conflict of interest for the DOE to perform this duty because the DOE would, in effect, be evaluating its own investigation and clean-up efforts at Hanford without any oversight. This self-policing would lead to a biased selection of a remedial action. This is not hypothetical. As our example above shows, USDOE has based its budget plans on assumptions about which remedies it will execute – assumptions at odds with CERCLA's and MTCA's preferences for permanent remedies.

No further time should go into discussing changing this provision of the TPA. **(Gerry Pollet, Heart of America NW)**

N8 We recommend that DOE not be allowed to prepare the Records of Decision, and, because I'm an occupational and environmental health nurse, I also have to say that I want you guys to continue a culture of "safety first" at the job site, support and ensure appropriate training of new employees, and encourage the reporting of illnesses and injuries, and also the near misses, and provide prompt and appropriate medical and nursing care. **(Karen Bowman)**

N9 I'm a student at Seattle University, and I found this meeting tonight to be very informative about the Hanford situation and about the changes that are going on with the agreement of the Tri Party Agreement.

And my first comment was directed more towards Rob or Rod, excuse me, and it concerns the Records of Decision. It doesn't seem logical to me, or maybe I just don't understand fully, why EPA would be interested in handing over the final say to the Department of Energy and with you as the lead and the lead one of the people that makes or is involved in all those talks why EPA, as a department committed to environmental protection and committed to cleaning up waste why would you hand the reins over to a department that's concerned that is not necessarily concerned with that specific goal? That does not make sense to me, first of all. **(Alex Montgomery)**

N10 One other item is that I understand that the DOE proposes to remove the EPA in formulating cleanup decisions and in determining cleanup decisions and---to replace to be replaced by DOE itself, well, clearly that's the fox in the henhouse and that's not acceptable. The all of the TPA, all of the TPA milestones that are proposed to evolve or devolve to TBDs and uncertainties are unacceptable. Something has to replace those besides TBD and vague dates and unenforceable dates into the future. **(Daniel Lichtenwald)**

N11 It is also unacceptable to say we want to replace the role of the Environmental Protection Agency with the fox guarding the henhouse as Daniel said, the Energy Department writing the records of decision. CERCLA, the Federal cleanup law, doesn't mention anything about records of decision, it says EPA will choose the remedy and it says no executive order or anything else can change EPA's role. **(Gerry Pollet, Heart of America NW)**

N12 Gerry Pollet, Heart of America NW, Heart of America Northwest continuing. This Agreement in Principle document says Executive Order 12580 assigns the responsibility for development of

records of decisions to the Secretary of the Department of Energy for DOE sites, unquote, that's false, Executive Order 12580 does not say that. And even if it did the Federal Superfund law explicitly says in terms of development of the decision and selection of a remedial action that no authority vested in the administrator of EPA under this section may be transferred, comma, by executive order of the president or otherwise, comma, to any other officer or employee of the United States or to any other person, unquote, 42.U.S.C.9620 Sub G.

It is ridiculous that this even appears in front of the public and that the regulators didn't simply laugh the Energy Department out of the room for asserting this. It is vital for the public to understand what this is about. Development of the record of decision is really development of the choice of and the record for the remedial action selection, that is where your comments are evaluated, reasonable alternatives are to be selected, evaluated, costs and benefits of doing a complete cleanup or leaving waste are put into the record for a final decision, that is vital to remain in the hands of EPA

I'm sorry, Matt, you're the one in front of the room, but the Energy Department has a long history of not listening to the public, of not fully evaluating proposals, and this is best borne out by proposals that relate to the TPA changes in front of us. The Department of Energy's Richland office has an officially adopted baseline that is its plan for cleanup for the next several decades, that baseline plan assumes that these CERCLA cleanup sites will only be capped instead of cleaned up. You can't cap these sites and stop the contamination from spreading, but that is the Department of Energy's existing plan and baseline.

DOE has a bias here, EPA has a bias perhaps but it's a bias on as mandated by law for protection of the environment and human health in making a decision. I'd rather have EPA's bias, so would the public. It's vital that this agreement in principle proposal be scrapped and that EPA remain in front of the room collecting and creating the record as it is. We all know that the Department of Energy's contract is do field investigation, control the data and prepare drafts of these proposals, no change is warranted, we should just reject that out of hand. **(Gerry Pollet, Heart of America NW)**

Response:

Thank you for your comments. The Parties want to clarify that preparation of a Record of Decision (ROD) by the U.S. Department of Energy (DOE) does not constitute a change in the regulatory authority of the U.S. Environmental Protection Agency (EPA) at the Hanford site.

The Tri-Party Agreement establishes the responsibilities of each party for review of the draft ROD. U.S. Environmental Protection Agency's (EPA's) role at Hanford, other DOE facilities, and other federal facilities is to provide regulatory oversight to ensure that the cleanups are done in a manner that protects human health and the environment. If the Parties were to agree to assign DOE the responsibility for the initial preparation of decision documents, EPA approval would still be required before a ROD could be issued. Section 120(a)(4) of CERCLA provides that the selection of remedial actions at federal facilities is to be by DOE and EPA, or where the agencies are unable to agree, by the EPA administrator. Therefore, RODs cannot be issued unless approved by EPA. Any initial drafts that are prepared by DOE would need to be revised to address any and all EPA concerns.

2.5.2 Outer Area/Groundwater Approach/Footprint Reduction

- N13
- The Board applauds and supports adopting milestones for a new strategy that addresses the outer Central Plateau area soil units with the intent of moving quickly using retrieve, treat and

dispose remedies to achieve unrestricted cleanup standards. This added scope of work will require new funding, which likely will require creating new milestones (**Hanford Advisory Board**)

N14 To conclude, we applaud the efforts to reduce the footprint of the contamination but we don't think that existing activities need to be scaled back and pushed back for another twenty years or more. We are concerned about reducing the risk of contaminating the Columbia, yet recognize that the big picture of the clean up is to contain and clean up all of the site. This is the opportunity that we may not have again let's not waste it. The Hanford contractors ought to compete to see who can be the most frugal, cost conscious and conservative. They should realize that just like the original purpose of the site which was to save us from many more years of a terrible war, they should pinch pennies and be patriotic in meeting milestones to save the Columbia Basin from further contamination. (**Leslie March**)

N15 I know that it sounds good to shrink the footprint of the contaminated areas, but I don't want the tank farm to be ignored in the process, as that is where the most dangerous waste is "stored." Stimulus money should allow work to proceed simultaneously both inside and outside the tank farm. (**Janice Castle**)

Response:

Thank you for your support on shrinking the active cleanup footprint of the Hanford site. The Parties continue to discuss the development of a comprehensive Central Plateau cleanup strategy that we hope to share with tribal nations and stakeholders in Fall 2009.

In support of this approach, DOE selected American Recovery and Reinvestment Act projects that would not only create/save jobs, but also reduce the footprint of active cleanup on the Hanford Site and reduce lifecycle (long-term) cleanup costs.

2.5.3 Upcoming Negotiations

Areas Negotiations Should Address

- N16
- The upcoming negotiations should also address moving forward to:
 - a. Accelerate clean up along the river, including groundwater goals and uranium contamination of groundwater in the 300 Area;
 - b. Accelerate Plutonium Finishing Plant cleanout and removal;
 - c. Accelerate cleanup of groundwater in the Central Plateau with more specific goals than containing the spread of contamination to the Plateau by 2020; and
 - d. Accelerate characterization and cleanup of 200-SW-1 and 2 (large burial ground soil units), and not delaying cleanup of 200-BP-5 unit. (**Hanford Advisory Board**)

Response:

Thank you for your comment. The Parties are proceeding with treatability tests for uranium and the Remedial Investigation/Feasibility Study process to address uranium contamination in the 300 area.

The DOE is working with the regulatory agencies to expedite the completion of Records of Decision (RODs) for all the groundwater units on the Central Plateau. The 200-ZP-1 ROD is being implemented and other RODs will be completed in the next several years. Containment and cleanup remedies for

groundwater will be fully implemented before the 2020 date. A treatability test for the 200-BP-5 unit to address the contamination is scheduled for 2010.

ARRA funding will be used to finish cleaning out and demolishing the high-hazard Plutonium Finishing Plant three years ahead of the TPA milestone.

As stated in the Agreement in Principle, the Parties have entered into discussions on the details of a Central Plateau Cleanup Completion Strategy. This strategy will cover the overall cleanup of the Central Plateau including non-tank farm waste site operable units, excess facilities and groundwater remediation. It will propose plans for cleanup of the Central Plateau, including 200-SW-1 and 2 and 200-BP-5 and will be issued by DOE for consideration by the Parties by late FY2009. The goal is to complete discussions and revise relevant sections of the TPA or its action plan to reflect the agreed to path forward by December 31, 2009.

N17 The **Hanford Advisory Board**, in November 2007, **formally advised** (in unanimous consensus advice) that EPA and Washington Ecology **stop negotiating any delays** to the Hanford Clean-Up Agreement until such a report is completed and used as the basis for understanding what schedule adjustments might be appropriate due to technical issues. As we explain in these comments, USDOE has failed to meet requirements in federal law for such reports to Congress on the schedule and costs for each cleanup project. The Board advised:

“Delays to the TPA milestones should be based only on technical achievability not budget. Risks from delay, and the impacts on other cleanup actions, must be fully understood and mitigated. The Board is concerned that the proposals to delay cleanup are based on DOE’s inadequate cleanup budget ‘targets’ and outyear funding projections....”

The Board supports the proposal to create a Hanford Lifecycle Scope, Schedule and Cost Report (Hanford Lifecycle Report) to be due in September 2008. This report should detail the schedule on which each element of cleanup can be completed if full funding is available (‘unconstrained’ by DOE’s target budgets). The report will also estimate the lifecycle cost of completing that work. This tool is innovative, building on the legal requirements to report the lifecycle and annual costs of cleanup projects. It would be an important step forward by providing analyses of what is possible to accomplish if DOE’s inadequate funding plans were not the basis for scheduling...

“On these bases, the Board believes that the Tri-Parties should not agree to significant delays in existing major TPA milestones until the proposed Hanford Lifecycle Report is issued. There is no valid reason to adopt delays in major TPA milestones without first providing critical information from the Hanford Lifecycle Report to the regulators and the public to evaluate whether delays are necessary and to understand the impacts of delays.

“At the same time, the board supports negotiations proceeding on proposals to add new milestones to achieve the goals for controlling the spread of groundwater contamination...”

“The Board presents the following Advice:

2. Negotiation of any delays to major TPA milestones should be deferred until the

regulators and public have the benefit of the Hanford Lifecycle Report, to be due in September, 2008, detailing the schedule on which each element of cleanup can be completed if full funding were available ('unconstrained' by DOE's 'target' budgets), and providing the lifecycle cost of completing that work.

3. Negotiations should continue to... set new milestones to accelerate groundwater protection and remediation.

4. DOE's budget 'targets' and outyear plans are inadequate to meet existing TPA and compliance requirements. These inadequate funding plans must not be the basis for negotiations in regard to delaying TPA milestones, or not implementing additional critical actions to protect the Columbia River and cleanup groundwater."

It is little wonder that the public now urges that the proposed agreement be largely rejected. Rather than follow this sound advice, the agencies totally ignored it and proceeded to do exactly what the Board urged that they not do – negotiate delays based on USDOE's inadequate budget for 2009 and subsequent years, without USDOE producing the Lifecycle Cost and Schedule Report. Ecology promised to respond in detail to this advice, but never did. **(Gerry Pollet, Heart of America NW)**

N18 The TPA agencies sadly ignored this advice, never required USDOE to produce a report on how fast work can be done along with the annual costs to accomplish it, and proceeded to negotiate and "tentatively agree" to proposed changes that explicitly trade-off groundwater work for numerous delays in other essential cleanup work.

USDOE should be required to produce this Lifecycle Cost and Schedule Report prior to adoption, or any further negotiation, of delays to any project or milestone. We remind the agencies that CERCLA requires a report on schedule and costs, which USDOE has never produced. EPA and Ecology can order USDOE to produce the report, rather than attempt to obtain it solely through negotiations (or, any citizen or cleanup watchdog organization may seek to enforce this requirement in court - an action which would likely include seeking an injunction against adoption of delays being incorporated into the agreement without the benefit of such a report). **(Gerry Pollet, Heart of America NW)**

Response:

Thank you for your comments. The Parties are currently discussing a schedule for completing this document.

2.6 Miscellaneous

2.6.1 Cleanup Costs/Progress

O1 11. The Obama Administration should make a new commitment at Hanford and throughout the Energy Department to listen to the public and states about how clean-up funds are spent and to add oversight. **(Robert von Tobel)**

O2 The last thing that is needed at Hanford is a blank check! Please take information carefully prepared by the state and Heart of America and use it to continue the PLAN that has been in place for cleanup. Wasting money is NOT what we elected Barack Obama to do! **(Nancy Newkirk)**

- O3 The Obama Administration should make a new commitment at Hanford and throughout the Energy Department to listen to the public and states about how cleanup funds are spent and to add much needed oversight. Make cleaning up the entire Hanford site top priority! **(Eldon Ball)**
- O4 3. The new Administration should make a new commitment in the TPA and throughout the Energy Department for public participation and accountability and oversight for how clean-up funds are spent. **(Karen Bishop)**
- O5 It is hoped that the Obama Administration will make a new commitment that takes into account the wishes of the American Public and various States about how clean-up funds are spent and add oversight of the clean-up, with penalties for slow performance. **(Jeanne Turgeon)**
- O6 I work for Heart of America, and I also work for Fred Hutchinson, on the Hanford thyroid disease study. And back then, that study, billions of dollars were being spent on Hanford and very little from my perspective, as a concerned citizen, very little result. And I worry about that now. **(Mark Saparito)**
- O7 Determining what the schedules should be is something that's supposed to be done without an eye on how much money the Energy Department wants to spend on bombs versus cleanup, because that is what the Energy Department plays off: weapons versus cleanup.

And over the last several years, what we have seen, before the change in administration, was a very deliberate choice, by the Energy Department, to put more money into its nuclear weapons program at the expense of its cleanup programs, and it didn't request adequate funding from Congress for the cleanup program.

And the State of Washington has taken the Energy Department to court for failing to meet its legal requirement to ask Congress for the money to empty single shell tanks.

And that is where the obligation is, despite everything else we heard. The State wasn't so dumb, the Governor wasn't so dumb, when she was Attorney General of the State of Washington, as to sign an agreement that could be satisfied simply by a letter being sent from a site manager to headquarters to be lost in the bureaucracy, saying, "By the way, here's how much money we have, but ask for it if we're going to be compliant. Now you can ignore that letter." **(Gerry Pollet, Heart of America NW)**

- O8 I'm wondering how money thrown at the project can do any good, \$2,146,000,000, washing dishes is complicated and it takes a lot of work but this land, what, how could it cost so much, what cleaning is entailed in something like this. It escapes me. It could cost tens of millions of dollars, that would be an awful lot, but over a hundred million and 2.146 million, someone somewhere is making a lot of money or exploiting this situation it seems to me, that's my honest feeling about it. **(Barry Sutton)**
- O9 I live in Vancouver just about a mile from the river. I've got three children which is why I'm here tonight. I'm concerned, as many of us I think, because we see in policies now the result of 65 years of nuclear policy. I'm reminded that about 1978 I and about 500 other people climbed fences at Diablo Canyon Nuclear Reactor when it was in the building process as a statement that we needed to rethink nuclear policy. And I realize, you know, in the case of Hanford we're talking about nuclear waste that's from the Military side versus the civilian side, but we're really seeing how costly the nuclear policy that we implemented in the '40's has become.

And I guess my ultimate question is how much is it going to continue to cost us, how is it going to affect our taxes and the taxes of even my children who are fairly young. We elected President Obama under a principle of change and transparency and I appreciate the openness and especially the quick review that you gave tonight, seeming openness, and yet I'm still concerned about the tremendous expenditures and about the fact that we may relieve ourselves of these milestones. **(Vance Corum)**

O10 My last question is there any incentive for CH2M Hill or other companies for delaying the cleanup, are they will they receive more money by cleaning it up more slowly or having more time to clean it up over time. **(Mike Zotter)**

Response:

The U.S. Department of Energy (DOE) is committed to a transparent and open process that supports involvement of regulatory agencies, tribal nations, stakeholders and the public in cleanup decisions. DOE is cleaning up contaminated sites and disposing of radioactive waste left behind as a byproduct of nuclear weapons production. Mitigating the risks and hazards associated with the cleanup of these wastes in a way that is protective of the environment, workers and the public is costly and takes time.

DOE-Richland Operations Office continually challenges and incentivizes its contractors to implement more cost-effective ways to meet or accelerate existing cleanup schedules. Today, DOE and the regulatory agencies are developing strategies that reduce the active cleanup footprint.

In the past few years, DOE has instituted a more rigorous project management approach that includes increased oversight and accountability from our contractors.

2.6.2 Tri-Party Agreement

O11 The new administration made election promises to Senator Reid (NV) to ensure postponement or halting the Yucca Mountain Project (Underground High Level Waste Repository). As promised the newly appointed DOE Head, Dr. Chu made the announcement that Yucca Mountain is no longer an option (politics, not science has prevailed once again!).

The above leads to the logical question:

1. The Tri-Party agreement and subsequent schedules, storage, and location is vital to DOE keeping the agreement. With Yucca Mountain out of the picture, the agreement is null/void as it is impossible for DOE to meet its commitments. The Vitrification plant can be completed and the High Level waste at Hanford could commence processing. However there is nowhere for it to go and cannot be moved out of state. Washington/DOE have no storage or options for this high level waste in the present plans and/or the agreement as written. The State must realize that the waste may never leave Washington, permanent storage may be required here and the agreement should be modified to address the storage, even if temporary, which may be decades to centuries depending on the definition of temporary. What will the State and DOE do to address the significant change now that we know the agreement is a farse?
2. This also raises a related question; however, it is not directly written in the Agreement. What is to be done with the Energy NW reactor's spent nuclear fuel in the long term without Yucca Mountain? As you may know, Washington, as well as many states with Nuclear Reactors will also be burdened with adapting their above ground temporary spent fuel storage to longer term, maybe permanent solutions. The above may be reasonable items to put on the table.

(Dan Royer)

Response:

Thank you for your comments.

The U.S. Department of Energy remains committed to meeting its obligations to manage and ultimately dispose of spent nuclear fuel and high-level radioactive waste. The Administration intends to convene a “blue ribbon” panel of experts to evaluate alternative approaches for meeting these obligations. The panel will provide the opportunity for a meaningful dialogue on how best to address this challenging issue and will provide recommendations that will form the basis for working with Congress to revise the statutory framework for managing and disposing of spent nuclear fuel and high-level radioactive waste. The Parties believe it is premature to discuss temporary storage at this time while DOE and the Congress work on identifying a path forward for this waste.

The Parties cannot speak for Energy Northwest’s plans for spent nuclear fuel storage.

- O12 2. For an indicator of how well the TPA is working, we recommend that DOE or the TPA regulators establish a publicly available tabulation of TPA deadlines and their status, indicating which have been met, missed, and/or renegotiated.

Publicly available tabulation of TPA deadline status

The proposed changes include multiple new interim milestones, and it would improve transparency if the public could follow how well DOE meets these milestones. For that matter, a useful indicator of how well the TPA has worked since its inception would be a comprehensive tabulation of deadlines, and information on which have been met, missed, and/or renegotiated. Despite inquiries, we have been unable to find any such tabulation that is publicly available.

The Department recently has reported its accomplishments over the 20 years since the TPA was signed. But the full story needs to include a report on which deadlines were met, and which have not been. Hanford web pages currently include a list of approved changes to the TPA, at www.hanford.gov/triparty/tpa_changes.cfm. However, there literally have been hundreds of changes over the years, and determining whether individual milestones have been met or missed becomes an almost impossible “exercise for the interested (and incredibly persistent) citizen.”

We therefore recommend that DOE or the TPA regulators provide such an accounting, accessible to the public. The Agencies already provide a table listing agency managers by each milestone number and title, at www.hanford.gov/hanford/files/TPA_MPManagerList.pdf. We envision a similar table, replacing manager names with columns listing initial deadline under the TPA (or under a subsequent formal revision that established a particular milestone, if applicable); current deadline, if revised; and when the deadline was met, if applicable. Alternatively, the managers’ listing could be expanded with the additional deadline status information, and made available as a Read-Only Excel table.

We assume that milestones in the managers’ list are those that have not yet been met. If the number of deadlines met is so large that including them would overwhelm the table, then we recommend a separate table for completed milestones, with summaries for each major numerical category (i.e., M-015). Both tables should be updated periodically, and any time there was a formal revision to the TPA (we understand that there have been seven formal revisions to the original agreement, the most recent issued in July 2007). **(John Abbotts, Hanford Task Force of Washington Physicians for Social Responsibility)**

Response:

Thank you for your comment. The Parties will consider the feasibility of developing a milestone status table to share with the public.

- O13 Finally, the legibility and readability of the TPA document itself needs to be addressed. Bring the document out of the 1980s. Having the document in all capital letters makes it difficult to read and comprehend, and the shaded proposed changes in this particular change package were nearly indecipherable when printed. **(Ken Niles, State of Oregon)**

Response:

The Parties agree. A proposal is currently under review by the Parties. The proposal is to eliminate the all-caps format of Appendix D of the TPA Action Plan, and change future change packages to a more legible format.

2.6.3 TPA: Adequate Funding Request

- O14 **USDOE is Obligated to Request Full Funding from Congress for TPA Milestones, which Makes it Unacceptable for Regulators to have Negotiated on the Basis of USDOE's Inadequate Budget Requests and "Targets":**

At the May 11, 2009 public hearing/meeting on proposed changes to the TPA, USDOE managers asserted that USDOE's obligations to request full funding of TPA milestones extended only to the managers' identifying and requesting those funding needs to USDOE HQ.

This is not accurate, and seriously misleads the public on a critical issue for cleanup of Hanford. This is an issue that arises at public meetings over and over, year after year. It is time to ensure that the public attending a TPA meeting knows that it is the obligation of the US Department of Energy, not just the field office, to identify and request adequate funding from Congress.

Efforts to blame Congress for failing to appropriate funds, when USDOE did not ask Congress for those funds, is an old and tired blame game from USDOE. This needs to end.

We were dismayed that Ecology's and EPA's representatives did not inform the public that their regulatory agencies have repeatedly and forcefully stated that USDOE is obligated to identify to congress, and request from Congress, the full amount of funding needed to meet TPA obligations. We hope for tonight's meeting and all future meetings, that EPA and Ecology staff are prepared to enunciate the clear positions of the regulators as they have been stated in both public presentations and official notices.

For instance, Ecology included the following in its previous public presentation on USDOE's Budget Request to Congress for FY 2009 and the USDOE Field Offices' development of their 2010 budgets: **"Overall, the Department of Energy has not identified and requested adequate funding to meet the cleanup challenges at Hanford, recover from past shortfalls, nor keep pace with the agreed to schedule set forth in the Tri-Party Agreement.**

"The Washington State Department of Ecology is concerned about the fiscal-year 2009 funding for Hanford cleanup and USDOE's proposed baseline for FY 2010 beyond."

<http://www.ecy.wa.gov/programs/nwp/EcologyHanfordBudget%20ResponseFY2010.pdf>

Just a few months ago, Ecology formally notified USDOE that the obligation to request all funds necessary to meet TPA milestones falls upon both the site managers and upon DOE Headquarters:

“At both the DOE Headquarters and Hanford Site level, Ecology reiterates its position that DOE is legally obligated to meet all TPA milestones and is responsible for submitting a budget sufficient to attain these milestones.”

Washington Dept. of Ecology; budget non-compliance letter to USDOE’s Acting Assistant Secretary, Deputy Secretary, and ORP and RL managers, regarding FY 2009, January 22, 2009.

This point was explicitly disputed by USDOE’s RL Field Office manager at the May 11th public meeting. The USDOE manager stated that the obligation was only for the field office to inform HQ, and that there was no obligation on the part of USDOE HQ to request full funding from Congress. Ecology and EPA representatives failed to disagree even when asked what their agencies’ views were of the obligation of USDOE to request full funding from Congress.

This left the public confused. Such confusion undermines public action to ensure there is full funding for TPA obligations.

The obligation of USDOE to identify to Congress and request full funding from Congress to meet TPA milestones is clearly identified in the TPA, which reflects an obligation (unmet) under CERCLA:

The TPA, when it refers to DOE, means the Department, not just the field office:

Art. V, Para. 22, I. "DOE" or "US DOE" means the United States Department of Energy, its employees and Authorized Representatives.

TPA Para. 148 states that USDOE must take all necessary actions to obtain funding from Congress – which necessarily means identifying the funding needs and requesting those funds:

Para 148: DOE shall take all necessary steps to integrate Hanford programs and to obtain timely funding in order to fully meet its obligations under this Agreement. This shall be accomplished in the following manner:

A. In its annual budget request, DOE shall include estimated funding levels required to achieve full compliance with this Agreement.

Note: DOE means the Department of Energy, including Hanford. Assertions made at the May 11, 2009 public hearing on proposed changes to the TPA, that this obligation is only for Hanford’s two site managers, are at direct odds with the clear language of the TPA. Nowhere in the TPA is the DOE defined as the managers at Hanford as opposed to the entire Department.

As Gerry Pollet stated at the meeting on behalf of Heart of America Northwest, the obligation does not end with the site managers (who do have to identify the full amount of funds for compliance to HQ pursuant to Para 148) but also obligates USDOE HQ:

“DOE-HQ will also identify these issues and the funding required for compliance to OMB.”
TPA Para. 148 C.

This clearly sets a requirement on DOE-HQ, contrary to assertions that the obligation is solely upon the site. However, the obligation to take all necessary steps to obtain funding does not end with informing OMB of the legal obligations. The DOE itself must inform Congress and identify the funding level necessary to meet all obligations. OMB cannot direct that DOE fail to meet this obligation without DOE violating the binding consent agreement and order and, as discussed below, also independently violating CERCLA.

As a matter of standard contract and legal document interpretation, when parties identify specific sub-entities in the document, use of the broader term (as in DOE) means the entire entity, not one or two of the smaller sub-entities. The TPA spells out specific obligations for RL (and by practice these have been extended to include ORP, following the split of ORP from RL).

Thus, when the TPA refers to an obligation of DOE to identify all funds needed to comply in its annual budget request, it is an obligation on the Department, not just RL and ORP.

This interpretation has been acknowledged and enforced in the past.

The obligation to identify the full funding required to meet milestones and “take all necessary steps to obtain timely funding to meet” milestones can only be met by requesting such funds from Congress in USDOE’s Annual Budget Request to Congress. Paragraph 149(G) requires that the field offices identify differences between the Appropriation and milestone requirements. Congress would not know of the requirements if the obligation was only for the field office to identify them to HQ, rather than for DOE to include the identification of those requirements in the Request to Congress.

This obligation is NOT solely from the TPA. CERCLA requires a report to Congress accompanying the Department’s Budget Request identifying the cost to comply and comparison to the budget proposal. See. 42 USC 9620 (e) (3) and (e)(5). The TPA was not developed in a vacuum. It was intended to build upon the compliance cost disclosure requirements to Congress accompanying the Department’s Congressional Budget Request. See TPA Paragraph 150:

“In accordance with Section 120(e)(5)(B) of CERCLA, 42 U.S.C. Sec. 9620(e)(5)(B), DOE shall include in its annual report to Congress the specific cost estimates and budgetary proposals associated with the implementation of this Agreement.”

USDOE has historically failed to comply with Para 149 E, requiring USDOE to inform Ecology and EPA of proposed transmittals (from HQ to OMB) of funding requests and their impact on TPA milestones and schedules, under the claim of Executive Privilege:

E. DOE shall notify and discuss with Ecology and EPA, prior to transmittal to OMB, any budget amendment, supplemental appropriation request or reprogramming request and any corresponding impacts upon the workscope, and schedules, and DOE’s ability to meet milestones or other requirements of this Agreement with and without the amendment, supplemental appropriation or reprogramming request.

However, because the TPA was signed by the USDOE, acting under authority granted to the President and delegated to the USDOE and approved by the US Department of Justice, any such claim of privilege is waived and subsidiary to the formal contractual and legal obligation to

provide the notice agreed to.

The fact that USDOE agrees that the defense of inadequate funding is only available if Congress fails to appropriate funds supports the enforceability of the requirement upon DOE to request adequate funding. See TPA Para. 151 and 153. To have this defense available, USDOE must have “taken all necessary steps... to obtain timely funding.” All necessary steps necessarily includes identifying and requesting funding from Congress, especially when there are independent legal obligations to do so under CERCLA.

Ecology, in Para. 153, explicitly did not agree that failure of Congress to appropriate funds is a defense for non-performance.

In conclusion, USDOE is obligated to identify to Congress the costs of meeting TPA milestones and to request funding to meet these obligations.

There should be no doubt in any member of the public attending a public meeting as to the requirement of USDOE to request funding from Congress to meet TPA obligations.

Ecology and EPA, who have oft stated that USDOE is obligated to identify and request compliant funding from Congress, need to be consistent and clear in public appearances that it is the position of EPA and Washington State that USDOE is obligated to identify and request adequate compliance funding.

In conclusion, USDOE admittedly proposed the massive and numerous delays in the TPA schedules based on its inadequate FY’09 and “target” budgets for subsequent years. The record says this explicitly. Failure of USDOE to take all steps necessary to obtain funding to meet milestones (such steps having to include requesting the funds from Congress in the Department’s Budget Request) is reason for enforcement action; it is NOT a valid reason to agree to adopt the proposed delays.

In any event, between Congress’ appropriation of over \$2 billion in additional funds for FY’09 and in the stimulus package, there is not a single milestone proposed for delay which could not be funded for quicker completion rather than delayed to the extent proposed. (**Gerry Pollet, Heart of America NW**)

- O15 Determining what the schedules should be is something that's supposed to be done without an eye on how much money the Energy Department wants to spend on bombs versus cleanup, because that is what the Energy Department plays off: weapons versus cleanup.

And over the last several years, what we have seen, before the change in administration, was a very deliberate choice, by the Energy Department, to put more money into its nuclear weapons program at the expense of its cleanup programs, and it didn't request adequate funding from Congress for the cleanup program.

And the State of Washington has taken the Energy Department to court for failing to meet its legal requirement to ask Congress for the money to empty single shell tanks.

And that is where the obligation is, despite everything else we heard. The State wasn't so dumb, the Governor wasn't so dumb, when she was Attorney General of the State of Washington, as to sign an agreement that could be satisfied simply by a letter being sent from a site manager to headquarters to be lost in the bureaucracy, saying, "By the way, here's how much money we have,

but ask for it if we're going to be compliant. Now you can ignore that letter." (**Gerry Pollet, Heart of America NW**)

Response:

In concert with the other parties, DOE considered the values expressed by the Hanford Stakeholders to address the work scope, priorities, and schedules to achieve the prudent use of resources to obtain compliance through its budget formulation and execution process.

On November 5, 2008, the Department of Energy (DOE) Richland Operations Office sent a letter (09-AMCP-0007) to Ms. J.A. Hedges, Program Manager, Department of Ecology (Ecology) and Mr. N. Ceto, Program Manager, U.S. Environmental Protection Agency (EPA) addressing 2009 Funding and Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement) Milestones. The purpose of that letter was to notify EPA and Ecology of the anticipated impacts to the Tri-Party Agreement due to the funding levels for FY-2009 and the Continuing Resolution (Congressional authorization to continue operation in FY-2009 utilizing FY-2008 level funding pending final FY-2009 appropriations).

Despite efforts to obtain the adequate resources, FY-2009 funding levels and implementation through the Continuing Resolution process utilizing FY-2008 funding levels created impacts to some Central Plateau work. Applying these impacts to the Central Plateau work allowed higher priority work along the River Corridor to be fully funded and continue without delay towards completion. Examples of project work associated with the proposed changes that help fulfill the Tri-Parties' priorities include continued full-scale River Corridor cleanup such as waste site remediation, enhancements to groundwater systems, decontamination and demolition of River Corridor excess facilities, groundwater pump-and-treat enhancements on the Central Plateau, implementation of the selected remedy in accordance with the 200-ZP-1 Record of Decision, continuing de-inventory of plutonium from the Plutonium Finishing Plant, and accelerating towards its demolition.

2.6.4 Nuclear Power/Nuclear Weapons

- O16 Clean up Hanford. First prioritize the cleanup over making bombs. Do not truck in more waste. Fund the cleanup more than funding bombs. (**Megan Faria**)
- O17 I am a downwinder and although I don't have any health problems associated with the release of nuclear waste, I am very concerned about the future of this state, the Columbia river, and all of the people who live and work around Hanford. Nuclear power may be one of the solutions to some of the global warming problems but we really need to figure out how to deal with the waste issues so we can move forward. (**Nancy Hannah**)
- O18 Now that the science of climate change is maturing and the deniers have been discovered by the media for what they are, and as the list of profoundly adverse impacts continues to expand, attention is increasingly turning to restraining the principal cause of the warming, which is increased level of atmospheric carbon dioxide originating primarily from the combustion of fossil fuels.
- The 2008 book Apollo's Fire by Jay Inslee and Bracken Hendricks ably surveys the broad and rapidly evolving field of remedial measures, most notably the search for less polluting forms of power generation
 - The book acknowledges the possibility that either of two widely discounted forms could be rehabilitated: one is the so called clean coal combustion process, and the other is nuclear power.

- Although nuclear generation does not (directly) emit carbon dioxide, it is not seriously considered because of the perception that the radioactive waste problem is insoluble.
- The record of delay and defiance of public opinion that the U.S. Department of Energy has compiled at Hanford has nearly removed all doubt concerning that perception.

(Al Rasmussen)

- O19 Until a permanent solution to the storage of radioactive waste can be found there should be no further development of nuclear power. **(Jeanne Turgeon)**
- O20 I hope what I have to say goes directly to the Office of the President and he takes a different understanding and puts his focus on nuclear cleanup instead of ever promoting development of nuclear power plants or allowing nuclear waste to be transported to Hanford reservation at any time. **(Patrick Burns)**
- O21 I like the black budget. That's a good segue, since it's about \$50 billion or 60 billion, and it's to hide what we're doing with nuclear weapons all over the world, and then expecting Pakistan and all these countries that are destabilized by our \$600 billion Pentagon budget to do what we want with their weapons, or with their nuclear energy

And the thing about Hanford the whole issue of Hanford has been that they said it's going to produce energy. But when other countries use nuclear power, their energy factories produce weapons. And that's why I always come to this thing and ask for the International Atomic Energy Agency to supervise our cleanup, like we want other people's energy to be supervised.

You cannot ask other people of course, we'd rather bomb people than use the international agencies, because it makes a lot of money for very rich corporations. But I think some of the rich corporations now are realizing that they can't live in a world that's radioactive.

And the day that I get a report from the IAEA on the standards of cleanup, like the way I had to study science with in chemistry, in college there was basic laws, Newton's laws of physics.

And I can't trust my government. They can't even keep track of the money. They lose the Pentagon's official figure is that they just misplace six billion to 10 billion a year. If we can't even account for the money, how can we account for all these radioactive isotopes?

And I think we're playing a good PR game. We're pretending to do this. But until we have the type of science that has international standards, it isn't good science, and you know it, everybody knows it. **(Barbara Zapata)**

- O22 I retired from the University of Washington Physics Department, and we developed all kinds of equipment in working developing equipment for the different cyclotrons, high-energy cosmic rays, low temperature labs and all that kind of stuff.

But I worked with some of the people there, and some of their concerns was that we need more energy and not to depend so much on the foreign oil. So we're going to have to have some nuclear power plants all over the country, just like they do in France.

And so I'm just asking: Do you people have any kind of program or any kind of solution to take

care of the future of this country when they develop nuclear power plants to produce electricity for our country? **(David Garcia)**

Response:

Thank you for your comments. These comments are outside the scope of the changes being proposed to the Tri-Party Agreement. However, we appreciate your interest and participation.

2.6.5 General

O23 With the delay comes opportunity. Why not use this time to try some alternative remediation techniques that are experimental, so we can get some data on these new techniques, rather than just wait and then continue with technology that is over a decade old. **(Raymond Lam)**

Response:

The Parties appreciate your comment. We are continually looking for new techniques and technologies that advance safe, efficient and cost-effective cleanup.

O24 We have a very real need to have our grandchildren NOT polluted by nuclear waste when they go there in the summertime. This is a serious matter. I have known two women who were downwinders and one died and the other may have died by now from thyroid problems. It's very personal. **(Nancy Newkirk)**

O25 Work with and not against Washington and Oregon States agencies and people

How could anyone even think about delaying or doing a shoddy job of cleaning up Hanford? The Columbia River is the life blood of the Inland Northwest. The rivers health affects the health of all life downstream of Hanford. Can this county afford to have the Columbia River downstream from Hanford a radioactive waste land? It could be too late already...

Hanford's reason for creation was to administer death to hundreds of thousands of men, women and children. 60 years later this is still what Hanford is capable of because of past and still present day dumping of nuclear waste. The U.S. government has a moral, economic and ecological obligation to clean up this mess at Hanford and all other such sites nationwide.

The government made the choice to move into the nuclear bomb age with no idea how to deal with the waste. So now it is way past time to deal with the waste and way past time to pay the piper and get on with the clean up in a moral, conscientious and responsible manner.

(Craig Edwards)

O26 I am shocked that this president, of any government official, doesn't comprehend how emergent and urgent the situation is with the Hanford reservation is and has been. The consequences of **disaster would cripple one fourth of the country. To not take this more seriously, as seriously as** the administration takes the disaster with the economy, just is truly wrong. **(Patrick Burns)**

O27 The hazardous waste that is seeping, actually pouring into the Columbia River from the burial drums and, and the tanks affects several hundred miles of farmland soils and the drinking waters of many towns and cities in two states as it flows into the Pacific Ocean. We cannot forget that. We have those chemicals in the leaves of the trees along Vancouver. This must have immediate and ongoing action as our lives, our livelihood depends on clean water and soil. **(Madya Panfilio)**

O28 And also no re-processing we don't want re-processing, we want our the waste at Hanford to be cleaned up first. It's been like this for 25 to 30 years, we don't want any more mistakes. We want accountability and we want good overseeing to make sure that nothing is going wrong. The Columbia River is very, very important, there's people up there that swim, go sailing, go windsurfing, the birds, the fish, people eat the fish from the waters, that Columbia River high priority has got to be cleaned.

And those unlined tanks should not be unlined, everybody knows it should never be unlined, it's got to be lined immediately, not one or two a year but all of them as soon as possible, not ten years from now but immediately. Please, the person who Mr. Obama chose for the Hanford cleanup, please do a topnotch job. We in Oregon and Washington, we need to have it cleaned up, we're counting on you. We want our river cleaned. We want less cancer. We want less contamination, we want no contamination. Please think of the people that are living here among the contamination. I think that should be it. Thank you so much. **(Barbara Pereira)**

O29 I'm from Vancouver, Washington. I have some background in engineering and worked previously at Hewlett Packard. I was first impressed by the quality of the understanding that you clearly demonstrate and the goodwill, I think that all of us are somehow very clear that this we're in the same boat together, but I'm going to just express some feelings from the heart that are similar to what many people have already expressed

Our planet really only has one circulatory system, whatever we put into the water today goes or into the air goes throughout the world. Recent studies have shown industrial chemicals appearing even in the most remote mountain lakes of Canada and Alaska and other parts of, of our, of our country and we're talking about as, you know, clearly described chemicals that have a dangerous cycle that can last thousands of years. So, you know, whatever we release, if we continue to release and we don't contain and we don't clean up completely, we're poisoning ourselves, our children and hundreds of future generations in all parts of the world. So it's an enormous responsibility and I thank you for the efforts you're making.

But I did want to I was kind of dismayed at a certain point, and this is not to attack anyone personally, but Ken Niles, I hope I'm quoting him properly, said at a certain point it was not worth that big of fight to try to challenge some change and in the detail that may be true, some detail it may not be worth a big fight, but what I'm asking is that we all stop fighting and start collaborating so that we can look ourselves in the mirror and look at our children and say we did our best, we did what we needed to do. **(Harvey Clawson)**

Response:

The Parties agree on the importance of cleaning up the Hanford Site and protecting the public, the workers and the environment. Since the signing of the Tri-Party Agreement twenty years ago, a number of risks have been addressed.

O30 To All Addressees, the following information is provided as my public comment to the "Proposed TPA Changes" requested by May 15, 2009. Its purpose is also to make all of you aware of my suggestions over the past 10 - 15 years to optimize the Hanford Cleanup and leave more "monuments" to Hanford's history. Those "cleanup monuments" would contribute with other site landmarks to tell the full Hanford Plutonium Production Story. These facilities would all be safely isolated from the public, environment, and groundwater, yet could be visited by tourists using Hanford site roads. Even our local communities are very excited to see and learn of the

Hanford History as evidenced by how quickly the past bus trips have filled up! The monuments and other existing Hanford landmarks could also help form a future "Hanford Nuclear National Park".

It is noted that although my suggested Alternate Approaches to optimize Hanford Cleanup were ignored "because Tri Party Agreement requirements must be met and could not be changed" -- the TPA requirements have been/are now being revisited to help Cleanup overcome technical problems and stay on schedule. It seems possible that now my Alternate Approaches could be/are being considered to determine if applicable to optimize Cleanup? The "lessons learned" on characteristics of cleanup waste as retrieval progresses might justify simplifying some of the remaining cleanup approaches.

Thank you for considering my comment and optimization input soon, before all the Plutonium production facilities are torn down. Destruction of all would result in losing the physical aspects of Hanford history, and also in missing the opportunity to optimize the cost and schedule of the Hanford Cleanup Project.

HANFORD CLEANUP/TPA/DOE/CONGRESS April 4, 2008

The Hanford Cleanup has progressed for nearly 20 years now. under the stringent requirements of the Tri-Party Agreement (TPA). The original 1940s Hanford effort to establish Plutonium production and processing of radioactive waste had to be accomplished by agreed upon rules. Those rules were established and agreed on by governmental, nuclear regulatory, engineering and construction, and operating contractor organizations working together. They surely took into consideration the safety of public, groundwater and river of the Columbia River Corridor to the best technical knowledge in those years. Now, some 45 years later, the Hanford Cleanup effort has revised those environmental safety rules to the new TP A requirements, mainly to restore the Hanford reservation to its original natural state. * The cost of this approach is astronomical and both cost and schedule are growing at a faster rate each year.

* This has required the retrieving, handling and repackaging of previously disposed waste while generating more waste and subjecting workers to more danger and radiation exposure.

Back in the early 1990s, an Alternate Approach was suggested to expedite especially the River Protection, cleanup aspects by removing liquid/slurry wastes from radioactive storage tanks, basins, trenches, cribs, etc. by proven processes using established procedures and equipment. The remaining solid waste would be dried, and other radioactive and contaminated equipment, scrap, soil and aggregate added to fill up the voided volumes. Each filled waste storage volume would be isolated from the public, environment and groundwater with protective caps and fenced in as "Cleanup Monuments". Reactor Buildings would be cleaned of highly radioactive solid and liquid wastes, and isolated from the public and environment in that similar way. The Cleanup Monuments would be visited by the public on clean roads and grounds all over the Site. Tourists and visitors could learn from activated speakers, just what role each monument played in the Hanford Plutonium Production effort.**

** What a great way to preserve the Hanford Project history and share it with the national public.

This Alternate Approach was presented to all levels of Hanford contractor and advisory

representatives, and state and federal ecology, energy and political organizations several times during the 1990s and 2000s.

Site DOE and contractors were always quick to reject Alternate Approach thinking on the basis that TPA requirements would not be met. Suggestions that stakeholder representatives regroup and revisit the TPA requirements in the context of "Lessons Learned", and actual characteristics of Hanford waste retrieved over the years were never accepted.

Revisiting the TPA requirements can now help show that a truly realistic extent of cleanup is progressing in manner which optimizes cost and schedule, while still assuring the safety of public and environment. On that reassurance, the DOE and Congress could not hesitate to fund especially the River Protection portion of the Hanford Cleanup. The true needs of the Vitrification Plant capability must also be verified by revisiting the TPA requirements, applying the "Lessons Learned", and considering any redirection of the Hanford Cleanup approach.***

Right now, we should be able to convincingly show the DOE/Congress that cleanup at the Site is done with safety, cost, and schedule as its honest basis for our funding requests.

*** Revisiting the TPA requirements to ensure a realistic extent of cleanup with possible redirection of cleanup approach would convince DOE/Congress that we are doing it the best way.

The Hanford Site missed out on having the "Nuclear Power Park" talked about back around 1980, as the FFTF and Fast Breeder Reactor Program died with cancellation of the Clinch River Project. Let's not miss this chance to preserve our Hanford Manhattan Project heritage for the nation to enjoy, possibly as a "Hanford Nuclear National Park". **(Don Meyers)**

Response:

Thank you for sharing your insights and alternative approach to cleanup. The Parties develop new milestones and revise others based on information and lessons learned from ongoing field work. As stated in the Agreement in Principle, DOE in collaboration with Ecology and EPA are in the process of developing a Central Plateau cleanup strategy. This is a comprehensive strategy that includes the tank farms. This strategy will identify ways to streamline and integrate Central Plateau cleanup decisions to shrink the cleanup footprint and provide a basis for continued funding.

Although Hanford was not declared a Nuclear National Park, its role in history is maintained through the public tour program. Each year thousands of individuals from around the world participate in DOE's public tour program to learn about Hanford's role in the Manhattan project and the progress being made in environmental cleanup. Last year, B Reactor was designated a National Historic Landmark and today B-reactor tours are available to the public.

O31 Publicly monitor air quality, radionuclides in air **(Sabine Hilding)**

Response:

The Department of Health monitors for air emissions.

O32 Every 15 seconds a child on this earth dies due to lack of clean water and sanitation. Do you think perhaps we are contributors to this shame? **(Kathryn "Cherie" Lambert Holenstein)**

- O33 Also, I am concerned about the fact that we, Washington have a toxic waste site at Hanford on the Columbia River. Originally the Hanford Site needed to be located near a water source which is not the present situation. I propose moving the site away from a water source. **(Robbie Hein)**
- O34 I'm, tonight, going to send a brief anonymous read a brief anonymous account from an associate who actually worked at the Hanford Nuclear Reservation.

"In the late '80s, a couple of years after I brought my family back to Seattle, I was finally able to stop flying to Silicon Valley every week, beginning my new job in Washington State, as a recruiter at Hanford, which had received a large new grant from the Department of Energy, ostensibly to clean up Hanford.

"Upon further scrutiny, it turned out that I was part of a group recruiting mostly people with very unusual, strange, fringy expertises. Over the seven to eight months I spent there, it became easy to see that we weren't really recruiting people to, quote, 'clean up Hanford,' but people who might be able to figure out how to clean up Hanford.

Obviously, even though the DOE had provided the funding in, quote, 'good faith,' mostly to show the American taxpayers that their federal government was doing something, and the company I worked for had willingly accepted a huge grant in the exact same spirit, the truth was that nobody had a wit of an idea what to do with millions of gallons of only semi stable, highly radioactive waste in massive tanks at the Hanford Nuclear Reservation.

"In the ensuing years, I read with a laugh a number of news stories about new confidently handed out DOE monies given to this or that entity which had some proposed new plan to clean up Hanford. The mainstream media eternally skews the message about the DOE's intent to get the job done. The public is pacified, everybody is doing their jobs, the administrative machinery for cleanup is running on track, the money is flowing well. Who would complain?

"Meanwhile, of course, the toxic slop there is still glowing and growing, exactly where it has been, unstable and hazardous as ever, in its leaky, old storage tank system, seeping through the groundwater into and under the Columbia river into wells and stock watering setups and irrigation systems.

"Still, everybody is doing the best they can and are able to show it. Everybody is pleased and happy. Get it? The same matrix process shows up whenever loud voices, such as at this hearing tonight, start hassling about Hanford and continues until everything quiets down again. And this occurs over and over and over.

"Working, protesting, demonstrating, attending meetings, etcetera, with the delays in Hanford cleanup is only responding to a distraction, a tempest in a teapot, and a waste of time and energy."

And I agree with my colleague, but a slightly different angle. The fact is that this could be cleaned up in a number of months if mitigative technologies in the Pentagon black budget, that I've seen actual pictures of, were put to use rather than weaponized. If anybody wants to know any more about that, see me afterwards." **(Rebecca Campbell)**

Response:

Thank you for your comments.

APPENDIX A

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Panfilio, Madya	H44 (34)
	H45 (34)
	H46 (35)

H47 (35)	H11 (30)
H48 (36)	J17 (49)
H49 (39)	M3 (62)
H55 (40)	
I13 (43)	Stephens, Don
I28 (46)	H13 (30)
J39 (51)	H41 (34)
J40 (51)	J23 (49)
J50 (52)	M22 (66)
M6 (62)	N3 (67)
M7 (62)	
M11 (64)	Stiles, Greg
N6 (68)	I18 (44)
N7 (68)	
N11 (70)	Stone, Mindy
N12 (70)	I32 (47)
N17 (73)	J57 (53)
N18 (74)	
O7 (75)	Sutton, Barry
O14 (78)	M19 (65)
O15 (81)	O8 (75)
Rasmussen, Al	Turgeon, Jeanne
O18 (82)	A13 (6)
	C6 (15)
Royer, Dan	D20 (22)
O11 (76)	H50 (39)
	I25 (45)
Runyard, Chris	K4 (55)
J14 (49)	M17 (65)
	O5 (75)
Salashi, Cynthia	O19 (83)
H7 (30)	
J13 (48)	Tuzzolo, Matt
	H2 (29)
Saparito, Mark	
C9 (16)	Vogel, Mary
O6 (75)	J7 (48)
Sarah	von Tobel, Robert
B15 (9)	A9 (5)
	B3 (7)
Schulz, Brett	D4 (17)
H5 (30)	H35 (33)
J10 (48)	H36 (33)
	H37 (33)
Simpson, Margaret	I1 (42)
H19 (31)	J1 (47)
	K1 (54)
Stanton, Elizabeth	L1 (57)
	M1 (61)

M2 (62)
M12 (65)
O1 (74)

Wallar, Ilira
A11 (5)
L9 (59)

Watts , Carol
H59 (41)
J58 (53)

Weems, Charles
A14 (6)

Zane, Mark
H24 (31)

Zapata, Barbara
O21 (83)

Zotter, Mary
I4 (43)
I14 (44)
J22 (49)
J41 (51)

Zotter, Mike
I8 (43)
I17 (44)
J18 (49)
J19 (49)
K3 (55)
M15 (65)
M20 (65)
M25 (67)
O10 (76)