

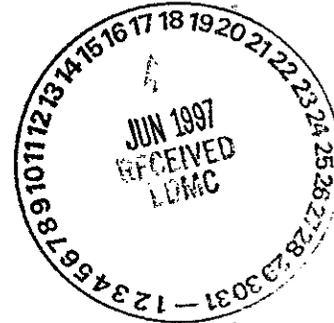


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U.S. Department of EnergyRichland Operations Office
P.O. Box 550
Richland, Washington 99352

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Mr. Douglas R. Sherwood
Hanford Project Manager
U.S. Environmental Protection Agency
712 Swift Boulevard, Suite 5
Richland, Washington 99352-0539Mr. Mike A. Wilson, Program Manager
Nuclear Waste Program
State of Washington
Department of Ecology
P.O. Box 47600
Olympia, Washington 98504-7600

Dear Messrs. Sherwood and Wilson:

AGREEMENT IN PRINCIPLE (AIP) HANFORD FEDERAL FACILITY AGREEMENT AND CONSENT ORDER (TRI-PARTY AGREEMENT) 200 AREA SOIL REMEDIATION STRATEGY

Please find attached a copy of the approved AIP for your information and use. This AIP documents agreements between the U.S. Department of Energy (DOE), Richland Operations Office (RL), the U.S. Environmental Protection Agency (EPA), and the State of Washington Department of Ecology (Ecology) regarding the intent to develop modifications to the Tri-Party Agreement to improve the approach to investigation and remediation of the 200 Areas soils. This document incorporates comments received from RL, EPA, and Ecology.

If you have questions or require additional information, please contact Mr. Bryan Foley at (509) 376-7087.

Sincerely,

Bryan L. Foley, Project Manager
Remedial Actions Project

RAP:BLF

George W. Sanders, Administrator
Hanford Tri-Party Agreement

Attachment

cc w/attach:
J. Donnelly, Ecology
D. Faulk, EPA
M. Harmon, EM-442
G. Mitchem, BHI
R. Morrison, FDH (w/orig attach)

AGREEMENT IN PRINCIPLE
HANFORD FEDERAL FACILITY AGREEMENT AND CONSENT
ORDER 200 AREA SOIL REMEDIATION STRATEGY

INTRODUCTION:

Amendment Six of the *Hanford Federal Facility Agreement and Consent Order, (Agreement)* contains commitments for the U. S. Department of Energy (USDOE) to complete 200 Area soil investigations by December 31, 2008 (milestone M-15-00C). To achieve this end state, milestone M-13-00 contains schedules for the submittal of workplans for accomplishing necessary investigations. Additionally, milestone M-20-00 contains schedules for the submittal of closure plans for the cleanup of treatment, storage, and disposal sites under the *Resource Conservation and Recovery Act (RCRA)*.

Development of the first workplan for initiating 200 Area soil investigations is not planned to start until July 1997 to meet M-13-11 (Submit 200-PO-2 RFI/CMS Closure/Postclosure Workplan due 6/30/98). However, it is important to recognize that some investigations on sites with higher risk potential have been completed in the 200 Area during the last 4 years. To date, the investigation approach for the 200 Area has been based on a geographic boundary (operable unit) consisting of different waste site types. The Washington State Department of Ecology (Ecology), U. S. Environmental Protection Agency (EPA), and USDOE (the parties), have entered into negotiations to identify an improved approach to investigation and subsequent remediation of the 200 Area based on lessons learned from Hanford's 100 and 300 Areas. Lessons learned include: (i) refining how much information is needed to make cleanup decisions, (ii) effectively applying the analogous approach, (iii) reducing the number of documents needed and subsequently lowering costs, (iv) better aligning the investigation approach with the desired cleanup decision document, and (v) investigating RCRA and *Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)* sites together to satisfy the requirements of both laws.

The parties have developed this AIP in order to establish the basis for implementing these discussions for developing an improved approach in the 200 Area investigations.

Based on the information discussed, the parties agree to the following:

- A. Negotiate modifying, deleting, and/or replacing milestones in the Agreement to guide improved investigation approaches, with the commitment that M-15-00C of 12/31/2008 will remain unchanged.

Agreement in Principle

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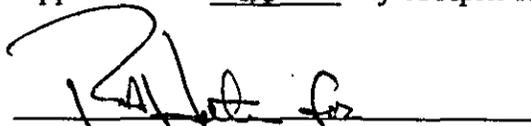
- B. Negotiate associated Agreement language adjustments necessary to reflect the improved approach. Modification of Appendix C of the Agreement may be coordinated with other ongoing efforts at a later date.
- C. Ecology and EPA share regulatory authority for activities addressed under this Agreement in Principle. Ecology will be the lead agency for all M-20 milestones and M-13 milestones will be divided as appropriate. Modification to Appendix C for identifying lead agency shall be modified as necessary.
- D. Appendix A of the Agreement will be modified, if necessary, to add any critical terminology.
- E. Negotiations will conclude no later than May 15, 1997.
- F. The scope of the negotiation is for soil waste sites within the responsibility of the Environmental Restoration Program (EM-40).
- G. Ecology, EPA, and USDOE shall develop any necessary documents to explain the improved investigation approach.
- H. USDOE shall continue to expend resources and comply with previous commitments with Ecology on performing the soil investigations at the Non-Radioactive Dangerous Waste Landfill (NRDWL).
- I. USDOE shall drill a borehole in the main pond of the B-pond in Fiscal Year 1998 as part of a dispute resolution process on the 200-BP-11 Closure Plan in January 1996. USDOE shall proceed with drilling this borehole in the main pond, or in other units within 200-BP-11, should the improved approach support the selection of an alternate location.
- J. USDOE shall continue the Hanford Prototype Barrier Program at 200-BP-1 and the 200-ZP-2 Expedited Response Action based on past agreements and documentation.
- K. Briefings shall be held with committees from the Hanford Advisory Board, which contain members from local governments, State of Oregon, stakeholders, and other interested parties. Indian Nations shall be contacted and offered government to government consultations.

Agreement in Principle

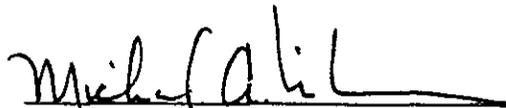
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- L. The negotiated draft milestone change package, when completed, shall be available for public comment not less than 45 days. The need for public meetings will be assessed as part of these negotiations, and responses to significant public comment shall be issued prior to final Agreement approval.
- M. Any matters unresolved after the negotiations shall be referred for resolution under Article VIII for matters over which Ecology exercises final decision making authority and Article XVI for matters over which EPA exercises final decision making authority. Any dispute resulting from these negotiations shall be initiated at the Inter Agency Management Integration Team (IAMIT) level as described in the Agreement.

Approved this 30th day of April 1997.



Linda Bauer, Assistant Manager
U. S. Department of Energy
Richland Operations Office



Michael Wilson, Program Manager
State of Washington
Department of Ecology



Douglas Sherwood, Hanford Project Manager
U. S. Environmental Protection Agency
Region 10