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From: Lutz, Karen [Karen_Lutz@RL.gov]
Sent: Monday, October 15, 2007 8:10 AM
To: HANFORD-INFO@LISTSERV.WA.GOV
Subject: TPA: This is message from the Tri-Party Agencies

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As you are aware, the U.S. Department of Energy, Washington State Department of Ecology, and U.S. Environmental Protection Agency are in negotiations focused primarily on milestones for the Hanford Waste Treatment Plant (WTP), single-shell tank (SST) retrievals, and groundwater remediation. Recently, the Agencies held meetings with the Yakama Nation, the Confederated Tribes of the Umatilla Indian Reservation, the Nez Perce, and the State of Oregon . In addtion, the Agencies met with members of the Hanford Advisory Board at a public workhop held on October 10, 2007. The draft negotiation material from the workshop is publicly available on the Hanford website under the Events Calendar at http://www5.hanford.gov/hanford/eventcalendar listed under Tri-Party Negotiations Workshop, October 10, 2007.

A summary of the comments and questions captured at the meeting will be posted. A notice will be sent out when the notes have been posted. The Tri-Party Agency negotiation material summarizes the status of DOE's negotiations with the Washington State Department of Ecology and Environmental Protection Agency over changes to the Tri-Party Agreement.

Washington State Department of Ecology	United States Department of Energy	United States Environmental Protection Agency

HANFORD NEGOTIATIONS: BACKGROUND

Process/Timing

- As you are aware, the U.S. Department of Energy, Washington State Department of Ecology, and U.S. Environmental Protection Agency are in negotiations focused primarily on milestones for the Hanford Waste Treatment Plant (WTP), single-shell tank (SST) retrievals, and groundwater remediation.

- We recognize there is a great deal of interest in the region in the status of this process. The agencies believe that our negotiations have reached a juncture where we will benefit from additional discussion with and input from external groups. Meetings with the Yakama Nation, the Confederated Tribes of the Umatilla Indian Reservation, the Nez Perce, and the State of Oregon are scheduled for August 27 and 28, 2007. We will also be providing an update at the Hanford Advisory Board (HAB) meeting on September 6, 2007.

- Communications between the agencies is ongoing, and the agencies anticipate meeting again

in October.

- If an agreement is reached, we will have a public involvement process before the agreement is finalized.
- As always, what happens in negotiations is difficult to predict, so this process/status description could change. We will keep you informed of changes as the process moves forward.

More Detailed Background/Summary

In May, the State of Washington, through the Washington State Department of Ecology, the U.S. Department of Energy (DOE), and the U.S. Environmental Protection Agency (EPA) initiated discussions to address the inability of DOE to comply with certain Hanford Federal Facility Agreement and Consent Order, (also known as the Tri-Party Agreement or "TPA") milestones for the cleanup of the Hanford Site.

In the last year, the parties recognized that a number of milestones in the current TPA related to construction of the WTP and retrieving and treating waste from single-shell (SST) and double-shell (DST) tanks would go unmet. Furthermore, the failure to meet milestones in the near term has a cascading effect on future milestones.

Negotiators for the State and EPA are reluctant to provide extensions without clear, enforceable commitments and plans that ensure that projects are completed on schedule without further delay. Negotiators for the State and EPA are also seeking commitments from DOE to accelerate groundwater cleanup work to mitigate potential environmental impacts.

Negotiators for DOE are seeking achievable cleanup commitments, based on validated baselines.

The agencies employed a mediator and held five negotiation sessions to explore the potential of settlement. No deal has been struck. However, the agencies have made progress in these discussions, and now have sufficient information on elements of a potential path forward to discuss and on which to seek input.

Before identifying the areas on which discussions have focused, it is important to note that a fundamental principle agreed to by all three parties is that, to the extent the parties have identified individual topics on which progress has been made, all parties have reserved the ability to review the

entire package before committing to enter into an agreement. No such review has yet taken place and senior management of the three agencies have made no final decisions concerning an agreement.

Subject to the above caveats, the issues that have been discussed by the parties to date include:

1. New timelines for completing the design and construction of the WTP and treatment of all of Hanford's high-level and low-activity tank waste.

   The parties recognize that delays in startup and operation of the WTP have a ripple impact on other Hanford cleanup activities. The technical challenges of starting up the WTP are significant. Our negotiations have focused on ensuring that WTP technical issues are resolved in a timely manner, that the WTP will safely operate, and that sufficient treatment capability will be available to treat all of Hanford's tank waste, including:

   - Closing all technical issues identified by the WTP External Independent Flowsheet and Throughput Review by December 2009.
   - Adding 35 pacing milestones, most of which are enforceable, covering the end state, commissioning, and hot operations of the WTP by May 2019.
   - Deciding whether to proceed with final design of the Bulk Vitrification Demonstration System by December 2007.
   - Adding provisions for design, construction, and hot operations of a Bulk Vitrification facility or second Low-Activity Waste vitrification facility based on the December 2007 decision.
   - Completing treatment of all tank wastes by 2047.

2. New timelines for retrieving waste from the single-shell tanks.

   Because of the greater likelihood of releases from aging SST's, negotiations on waste retrieval have focused on tanks that present the greatest environmental risk, the completion of SST retrieval activities, and closure of Waste Management Areas (Tank Farms), including:

   - Adding enforceable milestones for SST retrievals, closure of Waste Management Areas, installation of six interim barriers over tanks and Waste Management Areas, conducting a SST chemistry control program, and addressing miscellaneous catch tanks in and outside Waste Management Areas.
   - Completing the retrieval of up to 20 SSTs by September 2019, with focus on retrievals from past leakers and the tanks with the highest concentrations of Tc-99.
   - To support additional SST retrievals, the agencies are discussing using the emergency management space and raising the fill height on DSTs. This will allow the retrieval of up to approximately 2.9 million gallons of waste (as opposed to 1.8 million gallons) before operations of the WTP begin in 2019.
   - Completing retrieval of all wastes from all SSTs by 2040.

3. New requirements for vadose zone and groundwater cleanup.

   - These requirements could include Target Goals for reaching specific groundwater requirements in the 100, 300, and Central Plateau Areas including:

     <u>100 Area</u>

     - Containing hexavalent chromium plumes by December 2012.

- Containing Sr-90 plumes by December 2016.

300 Area

- Containing Uranium plumes by December 2018.

Central Plateau

- Containing all existing plumes (except iodine, nitrate, and tritium) by December 2020. (includes Tc-99, Uranium, and carbon tetrachloride)

- To take steps to achieve these Target Goals, the parties would identify specific interim actions that would be implemented in the near future and identify enforceable schedules for completing groundwater investigations, selecting permanent remedies, and for getting remedies in place and operating. Groundwater cleanup work would be designed to satisfy specified treatment and containment goals.

- Accelerating groundwater cleanup would be a benefit of an agreement between the parties. However, DOE has indicated that additional funding or relief from other TPA milestones will be needed to fund any significant new groundwater commitments. The parties are continuing to explore how this issue might be resolved against the backdrop of previous budget shortfalls identified by DOE which will result in missed TPA milestones in 2008 and 2009.

- Keeping and supporting the M-16 major milestone to complete Central Plateau non-tank farm soil remediation by 2024.

- Focusing attention on deep vadose zone remediation in the Central Plateau with the target goal of deploying full-scale technologies by September 2011.

4. Development of a lifecycle scope, schedule and cost analysis report setting out the lifecycle scope, schedule and unconstrained cost for completing the Hanford Site cleanup, which would include the scope, schedule and cost for completing work at each of the operable units and RCRA TSD groups/units. Completing the Hanford Site cleanup would be defined as all of those actions necessary for the DOE to fully meet all applicable environmental obligations, including those under the HFFACO and the Hanford RCRA/HWMA Permit. The report, which would be updated annually, would provide an important management tool for assessing how milestone and TPA changes and adjustments will affect lifecycle scope, schedule and cost and, importantly, would be particularly useful in making the case for adequate funding. The document will also provide stakeholders with information on the impact of TPA proposals as well as the budget needs for cleanup.

All three parties recognize certain benefits from reaching a collaborative solution in which they would be invested to work together to reach success. Other interested parties who have not been in the negotiations need to be heard before the parties reach agreement. We are anxious to receive your feedback and input on the advantages and disadvantages of these possible courses of action.

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