



<b>Change Number</b> M-35-23-05	<b>Federal Facility Agreement and Consent Order Change Control Form</b>		<b>Date</b> 08/24/2023	
<b>Originator</b> Kathy Higgins, DOE-RL		<b>Phone</b> (509) 376-3658		
<b>Class of Change</b> <input type="checkbox"/> I – Signatories <input checked="" type="checkbox"/> II – Executive Managers <input type="checkbox"/> III – Project Managers				
<b>Change Title</b> Extend Due Date of Interim Milestone M-035-09M in TPA Action Plan, Appendix D				
<b>Description/Justification of Change</b> <p>This change control form extends the due date of Tri-Party Agreement (TPA) interim Milestone M-035-09M by 15 days, from August 31, 2023 to September 15, 2023. The U.S. Department of Energy (DOE) and Washington State Department of Ecology (Ecology) entered the TPA dispute resolution process with TPA interim Milestone M-035-09K on August 20, 2019 (reference DOE letter 19-AMRP-0075). Because the Parties were unable to resolve the dispute pursuant to this process, Ecology's Director issued a Final Determination on December 5, 2019 (reference Ecology letter 19-NWP-199). On January 3, 2020, DOE appealed the Final Determination to the Pollution Control Hearings Board (PCHB) Case No. PCHB 20-001c. After a hearing on March 1-2, 2022, the PCHB issued its Findings of Fact, Conclusion of Law and Order on May 18, 2022. On June 17, 2022, DOE filed a petition for judicial review of the PCHB's Final Order in Benton County Superior Court.</p> <p>DOE and Ecology are engaged in discussions aimed at resolving the underlying dispute giving rise to the ongoing litigation. Therefore, the Parties agree that the need to continue negotiations, constitutes Good Cause (reference TPA Article XL Good Cause for Extensions, paragraph 120.E, "Any other event or series of events mutually agreed to by the Parties as constituting good cause") to extend the due date of interim Milestone M-035-09M.</p>				
<b>Impact of Change</b> <p>This change control form extends the due date of interim Milestone M-035-09M by 15 days, from 08/31/2023 to 09/15/2023.</p> <p>There is no impact to major Milestone M-035-00 with this change.</p>				
<b>Affected Documents</b> The <i>Hanford Federal Facility Agreement and Consent Order</i> (HFFACO), as amended, and Hanford Site internal planning, management, and budget documents (e.g., DOE and DOE contractor baseline change control documents).				
<b>Approvals</b>			Page 1 of 2	
Dale, Heather L 	Digitally signed by Dale, Heather L Date: 2023.08.28 07:25:59 -07'00'	8/28/23 Date		Approved <input checked="" type="checkbox"/> Disapproved _____
H.L. Dale, DOE-RL	Digitally signed by DAVID EINAN Date: 2023.08.29 07:58:42 -07'00'	Date		Approved <input checked="" type="checkbox"/> Disapproved _____
D.R. Einan, EPA 	Digitally signed by Howell, Theresa (ECY) Date: 2023.08.29 05:58:41 -07'00'	Date		Approved <input checked="" type="checkbox"/> Disapproved _____
D.B. Bowen, Ecology		Date		

**Authorized Changes**

Modifications to HFFACO Appendix D, “Milestones and Target Dates Including Designation of Lead Regulatory Agency,” are denoted by using ~~strikeout~~ to indicate text deletions and double underline to indicate text additions.

Number	Milestone	Due Date
<p><b>M-035-09M</b> Lead Regulatory Agency: Dual</p>	<p>Conduct biennial assessments of information and data access needs with EPA and Ecology. DOE will propose implementation schedules (TPA Milestones) for enhancements as a result of the biennial assessments. 3/31/98 (and biennially thereafter).</p>	<p><del>08/31/2023</del> <u>09/15/2023</u></p>