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Richland Operations Office
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Richland, Washington 99352

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MAR 31 1996



Mr. Mike Wilson, Program Manager
Nuclear Waste Program
State of Washington
Department of Ecology
P.O. Box 47600
Olympia, Washington 98504-7600

Dear Mr. Wilson:

200-BP-11 DISPUTE RESOLUTION AGREEMENT BY INTERAGENCY MANAGEMENT INTEGRATION
TEAM (IAMIT)

- References: (1) Ecology ltr. to D. R. Sherwood and R. A. Holten from N. T. Hepner "Project Manager Dispute Resolution for TPA Milestone M-20-36," dtd. September 28, 1995. 42104
- (2) RL ltr. to D. R. Sherwood and R. F. Stanley from P. F. X. Dunigan, Jr. "RL Proposed 200-BP-11 Work/Closure Plan Implementation Schedule," dtd. September 29, 1995.
- (3) Ecology ltr. to P. F. X. Dunigan, Jr. and D. R. Sherwood from R. F. Stanley, "Project Manager Determination: Schedule for 200-BP-11 Operable Unit RCRA Facility Investigation/Corrective Measure Study and 216-B Main Pond, 216-B Trench, and 216-A-29 Ditch Work/Closure Plan, Volume 1: Facility Investigation and Sampling Strategy (DOE/RL-3-74, Draft B) Work Plan," dtd. October 26, 1995.
- (4) Ecology ltr. to P. F. X. Dunigan, Jr. and D. R. Sherwood from R. F. Stanley, "200-BP-11 Operable Unit RFI/CMS and 216-B-3 Main Pond, 216-B-63 Trench, and 216-A-29 Ditch Work/Closure Plan: dispute pursuant to Tri-Party Agreement Part Two, Article VIII," dtd. October 10, 1995.
- (5) RL ltr. to M. A. Wilson from P. F. X. Dunigan, Jr. "200-BP-11 Dispute Resolution Extension of Interagency Management Integration Team Consideration Period," dtd. November 28, 1995.

This letter follows discussions held at a February 14, 1996, meeting where members of the IAMIT were able to reach verbal agreement on the 200-BP-11 dispute. This letter documents that verbal agreement and it serves as the resolution of the 200-BP-11 dispute between the U.S. Department of Energy (DOE) and the State of Washington, Department of Ecology (Ecology).

The 200-BP-11 dispute regards the schedule for characterization of the 200-BP-11 operable unit, including the Resource Conservation and Recovery Act Treatment, Storage, and Disposal (TSD [216-B-3 Main Pond]). The project managers were unable to reach consensus on the path forward, and the dispute was elevated to the IAMIT to make the decision by January 23, 1996. At the January 23, 1996, IAMIT meeting, the dispute was extended to February 15, 1996, pending the outcome of the new revision to the Environmental Restoration Long Range Plan (ERLRP).

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Ecology met with DOE on February 14, 1996, to discuss the 200 Area remediation/characterization assumptions and their relationships to the ERLRP, specifically 200-BP-11. Following that discussion, verbal agreement was reached to end the dispute on the following conditions:

1. Characterization in the 200-BP-11 TSD, 216-B-3 (Main Pond) will have money and start in FY 98. Characterization in 200-BP-11 will be addressed in the Tri-Party effort to develop the 200 Area Strategy. The DOE Richland Operations Office (RL) commits to making \$500K available in FY 98 for the purpose of initiating 200-BP-11 characterization. Characterization activities will be determined by the 200 strategy workgroup. If characterization activities at BP-11 are minimal, the remaining funds can support other investigation workscope identified in the 200 area strategy group.
2. Deferral of 14 years for any characterization in the 200 Area was not supported by Ecology based on unknowns, such as unknown target funding levels, project teams have not reviewed the technical details, and the actual cost of remediation is still questionable.
3. A 200 Area strategy for characterizing and remediating 200 Area waste sites would be developed by the three parties with a draft complete by the end of May 1996. The details, including the goals and objectives for the strategy will be discussed in the workshops scheduled for March 1996.
4. The 200 Area strategy will be part of the ERLRP, and the ERLRP will be available for Hanford Advisory Board and stakeholder input. No adjustments to existing Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement) milestones will be approved until an agreeable 200 Area strategy is developed along with appropriate public and stakeholder review.

Justification and Impact of Change:

1. Funding in FY 98 may require some adjustment to characterize the 216-B-3 Main Pond.
2. Based on the outcome of the 200 Area strategy, some existing Tri-Party Agreement milestones may be changed and funding shifted. Also, milestones may be added that may not be planned for in the current ERLRP and will require funding.
3. Modification to the Multi-Year Program Plans, Multi-Year Work Plans, and the Baseline Environmental Management Report will be required.
4. A public comment period will be needed on altering existing milestones.

Please document your agreement with this resolution by signing in the space provided below. After signing please return the original signed letter to Mr. Bryan L. Foley and a copy of the signed letter to Mr. P. F. X. Dunigan, Jr., at your earliest convenience.

Mr. Mike Wilson

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If you want to discuss this matter further or require additional information, please contact Mr. Bryan L. Foley at (509) 376-7087.

Sincerely,



Bryan L. Foley, Project Manager
Remedial Actions Project

RAP:BLF



P.F.X. Dunigan, Jr., Administrator
Hanford Tri-Party Agreement

- cc: L. Arnold, WHC
- N. Hepner, Ecology
- J. Rayner, BHI
- D. Sherwood, EPA
- J. Woolard, BHI

Concurrence:



Linda K. McClain
Assistant Manager for
Environmental Restoration
U.S. Department of Energy
Richland Operations Office

3/1/96
Date

Mike Wilson
Program Manager
Nuclear Waste Program
State of Washington
Department of Ecology

Date