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Department of Energy
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

17-AMRP-0236

AUG 11 2017

Ms. Maia D. Bellon, Director
Washington State Department of Ecology
300 Desmond Drive
Lacey, Washington 98503

Ms. Michelle Pirzadeh
Acting Regional Administrator
U.S. Environmental Protection Agency
Region 10
1200 Sixth Avenue, Suite 900, RA-210
Seattle, Washington 98101

Addressees:

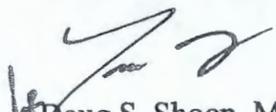
HANFORD FEDERAL FACILITY AGREEMENT AND CONSENT ORDER (TRI-PARTY AGREEMENT) CHANGE CONTROL FORMS SUPPORTING THE FIVE-YEAR REVIEW

Attached for your approval are the following Class I Change Control Forms supporting the five-year review of the Tri-Party Agreement. These Change Control Forms implement recently negotiated minor changes and updates to the Legal Agreement to support issuance of Revision 9 of the Tri-Party Agreement.

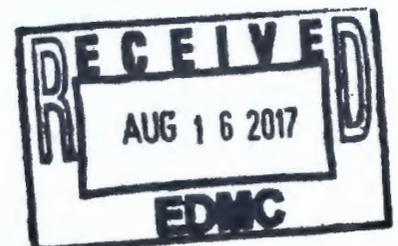
- L-16-02, Legal Agreement
- L-17-01, Legal Agreement, Article LII, Attachment 1

The U.S. Department of Energy appreciates the efforts of the Washington State Department of Ecology and U.S. Environmental Protection Agency in completing this collaborative effort to update the Tri-Party Agreement implementing Revision 9.

If you have any questions, please contact us, or your staff may contact Joe Franco, Assistant Manager for the River and Plateau on (509) 373-9971 or Glyn Trenchard, Assistant Manager for Tank Farms Project on (509) 373-4016.


Doug S. Shoop, Manager
Richland Operations Office


Kevin W. Smith, Manager
Office of River Protection



Attachments

AMRP:JLD

cc: See page 2

Addressees
17-AMRP-0236

-2-

AUG 11 2017

cc w/attachs:

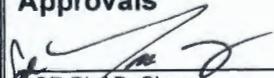
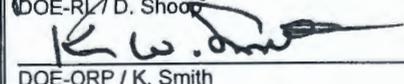
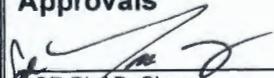
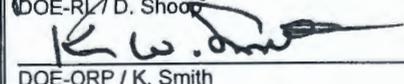
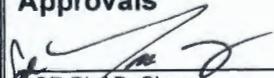
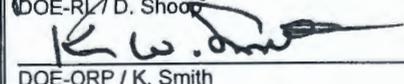
G. Bohnee, NPT
R. Buck, Wanapum
D. A. Faulk, EPA
S. Hudson, HAB
R. Jim, YN
E. Laija, EPA
K. Niles, ODOE
J. B. Price, Ecology
D. Rowland, YN
R. Skeen, CTUIR
A. K. Smith, Ecology

Administrative Record (C-008-05)

Environmental Portal

cc w/o attachs:

J. V. Borghese, CHPRC
S. L. Brasher, MSA
S. W. Davis, MSA
J. D. Doughty, WRPS
R. E. Piippo, MSA
M. J. Turner, MSA

Change Number L-16-02	Federal Facility Agreement and Consent Order Change Control Form Do not use blue ink. Type or print using black ink.	Date 12/19/2016												
Originator Jodi L. Dawson		Phone (509) 376-5634												
Class of Change <input checked="" type="checkbox"/> I - Signatories <input type="checkbox"/> II - Executive Manager <input type="checkbox"/> III - Project Manager														
Change Title Five-Year Review Editorial Update to the Tri-Party Agreement (TPA) Legal Agreement														
Description/Justification of Change <p>This change control form modifies several sections of the Legal Agreement portion of the TPA. No modifications are made to the milestones and target dates in Appendix D through this change package. Changes are being made for several reasons, including editorial, clarifications, and process improvements. The specific changes are provided beginning on page 2 of this change form.</p>														
Impact of Change <p>No work schedules or milestones are impacted by this change. Approval of this change package updates certain sections of the TPA Legal Agreement.</p>														
Affected Documents <p>The Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement), as amended.</p>														
Approvals <table border="0"> <tr> <td data-bbox="115 1234 625 1312">  DOE-RI / D. Shoop </td> <td data-bbox="625 1234 787 1312"> 8/9/17 Date </td> <td data-bbox="787 1234 1230 1312"> <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved </td> </tr> <tr> <td data-bbox="115 1312 625 1396">  DOE-ORP / K. Smith </td> <td data-bbox="625 1312 787 1396"> 8/11/17 Date </td> <td data-bbox="787 1312 1230 1396"> <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved </td> </tr> <tr> <td data-bbox="115 1396 625 1480"> EPA / M. Pirzadeh </td> <td data-bbox="625 1396 787 1480"> Date </td> <td data-bbox="787 1396 1230 1480"> <input type="checkbox"/> Approved <input type="checkbox"/> Disapproved </td> </tr> <tr> <td data-bbox="115 1480 625 1564"> Ecology / M. Bellon </td> <td data-bbox="625 1480 787 1564"> Date </td> <td data-bbox="787 1480 1230 1564"> <input type="checkbox"/> Approved <input type="checkbox"/> Disapproved </td> </tr> </table>		 DOE-RI / D. Shoop	8/9/17 Date	<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved	 DOE-ORP / K. Smith	8/11/17 Date	<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved	EPA / M. Pirzadeh	Date	<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved	Ecology / M. Bellon	Date	<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved	Page 1 of 2
 DOE-RI / D. Shoop	8/9/17 Date	<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved												
 DOE-ORP / K. Smith	8/11/17 Date	<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved												
EPA / M. Pirzadeh	Date	<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved												
Ecology / M. Bellon	Date	<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved												

Description/Justification of Change

The proposed changes to the Legal Agreement are shown below.

Authorized Changes

Modifications to Tri-Party Agreement text is displayed as double underline to indicate added text and ~~strikeout~~ to indicate deleted text.

Article XIII. Findings and Determinations

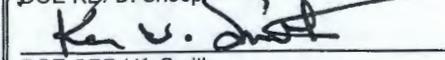
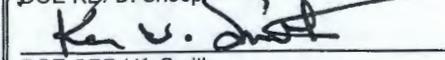
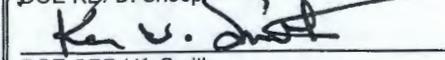
44.F The Hanford Site is adjacent to the Columbia River. Approximately ~~7080,000~~ 7080,000 people use groundwater and surface water obtained within three miles of the Hanford Site for drinking. This same water is used to irrigate approximately 1,000 acres.

Article XXXVIII. Five-Year Review

117. Consistent with CERCLA Sec. 121(c), and in accordance with this Agreement, DOE agrees that the lead regulatory agency may review remedial action(s) for Operable Unit(s) that allow hazardous substances, pollutants or contaminants to remain onsite, no less often than every five (5) years after the initiation of the final remedial action for such Operable Unit to assure that human health and the environment are being protected by the remedial action being implemented. If upon such review it is the ~~judgement~~ judgment of the lead regulatory agency, that additional action or modification of the remedial action is appropriate in accordance with CERCLA Sec. 104 or 106, the lead regulatory agency may require DOE to implement such additional or modified work pursuant to Article XXX (Additional Work)

Article XLII. Public Participation

128. DOE shall develop and implement a Community Relations Plan ~~(GRP)~~, now known as the Public Involvement Plan (PIP) which responds to the need for an interactive relationship with all interested community elements, both on and off Hanford, regarding activities and elements of work undertaken by DOE under this Agreement. DOE agrees to develop and implement the ~~GRP-PIP~~ in a manner consistent with CERCLA Sec. 117, the NCP, EPA guidelines set forth in EPA's Community Relations Handbook, and any modifications thereto, and the public participation requirements of RCRA and Ch. 70.105 RCW. The ~~GRP-PIP~~ is subject to the review and approval by EPA and Ecology under Article XV (Review of Documents).

Change Number L-17-01	Federal Facility Agreement and Consent Order Change Control Form Do not use blue ink. Type or print using black ink.	Date 4/12/2017								
Originator Jodi Dawson		Phone 509-376-5634								
Class of Change <input checked="" type="checkbox"/> I - Signatories <input type="checkbox"/> II - Executive Manager <input type="checkbox"/> III - Project Manager										
Change Title Update of Article LII, Attachment 1 of the Hanford Federal Facility Agreement and Consent Order (HFFACO or Tri-Party Agreement).										
Description/Justification of Change This change control form updates Article LII of the Tri-Party Agreement (TPA) Legal Agreement. This change is being made to capture the amendment and revision history of the TPA. The current version of the TPA is Revision 8, dated July 18, 2011. However, Article LII of Revision 8 lists only the history of the first six amendments, with the last (sixth) amendment being signed in February 1996. In the original and earlier versions of the TPA (89-10, from May 1989 through February 1996) the only way to modify the first five parts (more commonly referred to as the <i>Legal Agreement</i>) was to perform an Amendment. Amendments could be used to modify any other part of the TPA as well. Amendments were not well defined by the original TPA but, did require the approval of the original signatories to the TPA and the conduct of a public comment period. In the interest of efficiency and to streamline the process of the TPA, the provisions for Amendments were deleted in February 1996, by the Sixth (and final) Amendment to the TPA. The change authorities previously available via amendments were transferred to the change control process found in the TPA Action Plan, Section 12.0, <i>Changes to the Agreement</i> . NOTE: The date of approval for Revision 9 is yet to be determined. Therefore, the approval date update to Article LII, Legal Agreement, will be entered upon approval for issuance of Revision 9. <p style="text-align: center;">Continued on page 2</p>										
Impact of Change Approval of this change control form will update the TPA, Legal Agreement, Article LII, Attachment 1 to include both the amendment and revision history.										
Affected Documents The Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement), as amended.										
Approvals <table border="0"> <tr> <td data-bbox="97 1487 614 1576">  DOE-RL / D. Shoop </td> <td data-bbox="614 1487 1214 1576"> 8/9/17 <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved Date </td> </tr> <tr> <td data-bbox="97 1576 614 1665">  DOE-ORP / K. Smith </td> <td data-bbox="614 1576 1214 1665"> 8/11/17 <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved Date </td> </tr> <tr> <td data-bbox="97 1665 614 1732"> EPA / M. Pirzadeh </td> <td data-bbox="614 1665 1214 1732"> _____ Date <input type="checkbox"/> Approved <input type="checkbox"/> Disapproved </td> </tr> <tr> <td data-bbox="97 1732 614 1798"> Ecology / M. Bellon </td> <td data-bbox="614 1732 1214 1798"> _____ Date <input type="checkbox"/> Approved <input type="checkbox"/> Disapproved </td> </tr> </table>		 DOE-RL / D. Shoop	8/9/17 <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved Date	 DOE-ORP / K. Smith	8/11/17 <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved Date	EPA / M. Pirzadeh	_____ Date <input type="checkbox"/> Approved <input type="checkbox"/> Disapproved	Ecology / M. Bellon	_____ Date <input type="checkbox"/> Approved <input type="checkbox"/> Disapproved	Page 1 of 6
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Ecology / M. Bellon	_____ Date <input type="checkbox"/> Approved <input type="checkbox"/> Disapproved									

Description/Justification of Change (continued)

For the sake of historical documentation on how the first eight (8) versions of the TPA originated and evolved, the following account is provided here:

Version History	Description
Original version 89-10, May 1989	The original TPA was assembled and ultimately signed by the three Parties on May 15, 1989 after lengthy negotiations, public comment and finalization (since referred to as 89-10 Rev. 0). The original was assembled by the three Parties and initial copies were printed by the State of Washington. Subsequent copies were printed by the DOE for distribution to its contractors and others.
Calendar Year 1990 Annual Update Volume 2 of 2, March 1990	The first annual update was conducted in 1990. The completion of the 1990 Annual Update triggered the first reprinting of the TPA Action Plan Appendices as a separate Volume 2 in March 1990.
First Amendment 89-10, Revision 1 Volume 1 of 2, August 1990	Subsequently, in August 1990 the approval of the First Amendment triggered the reprinting of the Legal Agreement and the Action Plan (minus the Action Plan Appendices) as Volume 1 labeled 89-10 Rev. 1. Although the First Amendment created the new Appendix F "Supporting Technical Plans and Procedures", the new Appendix would not appear until the next revision since the Action Plan appendices had already been reprinted as Volume 1 in March 1990.
Second and Third Amendments 89-10, Revision 2, Volume 1 of 2, September 1992	The second Annual Update was conducted and approved in September 1991. The Second Amendment did not trigger a reprinting. In August 1992, the final approval of the Third Amendment triggered the reprinting of the Legal Agreement and the Action Plan (minus its appendices) as Volume 1 labeled 89-10 Rev. 2. Appendix F "Supporting Technical Plans and Procedures" was added at this time to Volume 2.
Calendar Year 1992 Annual Update 89-10, Revision 2 Volume 2 of 2, September 1992	
Fourth Amendment 89-10, Revision 3, January 1994	In January 1994 the Fourth Amendment, representing the most extensive set of modifications ever made to the TPA, was approved. The approval of the Fourth Amendment, due to its broad scope of modifications, triggered the reprinting of the TPA. Of interest in this reprinting were some changes to simplify the processes and confusion involved. One of which was that the two volume approach was abandoned in favor of a single volume printed with a single revision date. Also in previous re-printings it was considered prudent to include the complete Amendment(s) being incorporated as well as the complete updated TPA. However, the Fourth Amendment was comprised of 166 pages which combined with the updated TPA would have produced a document of almost 600 pages. This was considered somewhat environmentally and cost imprudent for limited value and the practice was stopped with 89-10 Rev. 3. A new section and appendix were added at this time, Section 11.7 "Tank Waste Remediation System Critical Path Process" and Appendix G "Data Management Initiatives".

Version History	Description
Fifth Amendment 89-10, July 1995	The Fifth Amendment was approved in July 1995 and added extensive requirements and milestones for the transition to surveillance and ultimate disposition of very large facilities on the Hanford Site (Section 8.0, Facility Decommissioning Process was added). In spite of the significant nature of the changes made by Amendment Five, the Parties determined that since the changes only modified a very specific portion of the TPA and because only approximately one year had elapsed since the last printing, a reprinting was not necessary.
Fifth and Sixth Amendment 89-10, Revision 4, February 1996.	In February 1996 the Sixth Amendment was approved which, due to the nature of its changes, virtually modified almost every page in the Legal Agreement and Action Plan. A new section was added at this time, Section 8.9 "Surveillance and Maintenance Surplus Facilities Management"
NOTE: In the interest of efficiency and to streamline the processes of the TPA, the provisions for Amendments were deleted in February 1996, by the Sixth and final Amendment to the TPA. The change authorities previously available via Amendments were transferred to the change control process found in the Action Plan, Section 12.0, Changes to the Agreement.	
89-10, Revision 5, December 31, 1998	The updating and reprinting of the TPA to produce the fifth version was agreed by the three Parties in 1998. This revision was updated and reprinted based upon the volume of milestone changes.
89-10, Revision 6, April 18, 2003	The updating and reprinting of the TPA to produce the sixth version was agreed by the three Parties in 2003. This revision was updated and reprinted due primarily to the length of time since the last reprinting. A new appendix was added at this time, Appendix H "Single Shell Tank Waste Retrieval Criteria Procedure".
89-10, Revision 7, July 23, 2007	The updating and reprinting of the TPA to produce the seventh version was agreed to by the three Parties in 2007. This revision was updated and reprinted due to significant updates to Appendix C, Appendix F was updated, and a new Appendix I, "Single Shell Tank System Waste Retrieval and Closure Process", was added.
89-10, Revision 8, July 18, 2011	The updating and reprinting of the TPA to produce the eighth version was agreed to by the three Parties in 2011. This revision was updated and reprinted as significant updates to Appendix C and D were incorporated and a new Appendix J, "Central Plateau Facilities", was added.
89-10, Revision 9, (date to be determined upon issuance of Revision 9)	The three Parties met on December 6, 2016 and determined there has been substantial compliance with the terms of the Agreement, and there is a need to modify the Agreement based upon priorities established by the Parties. This determination was also based upon the current hard copy (revision 8) being more than five years old and 92 approved TPA change control forms since Revision 8 was issued.

Authorized Changes

The proposed changes to Article LII, Attachment 1 of the Legal Agreement are shown below.

Modifications to Tri-Party Agreement text is displayed as double underline to indicate added text and ~~strikeout~~ to indicate deleted text.

ARTICLE LII. ATTACHMENT 1

Attachment 1 to this Agreement is a letter dated February 26, 1989, from Donald Carr, Acting Assistant Attorney General, Land and Natural Resources Division, U.S. Department of Justice, to Christine Gregoire, Director, Department of Ecology. This letter sets forth the Department of Justice's position on the enforceability of this Agreement.

IT IS SO AGREED:

Each undersigned representative of a Party certifies that he or she is fully authorized to enter into this Agreement and to legally bind such Party to this Agreement.¹

THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY:

THE UNITED STATES DEPARTMENT OF ENERGY:

THE WASHINGTON STATE DEPARTMENT OF ECOLOGY

¹The Hanford Federal Facility Agreement and Consent Order signed May 15, 1989, was originally executed by: Robie G. Russel, Regional Administrator, Region 10, for the U.S. Environmental Protection Agency; Michael J. Lawrence, Manager, Richland Operations Office, for the U.S. Department of Energy; and, Christine O. Gregoire, Director, for the Washington State Department of Ecology.

The first amendment, Revision 1, to the Agreement was signed in August 1990, by: Thomas P. Dunne, Acting Regional Administrator, Region 10, for the U.S. Environmental Protection Agency; Edward S. Goldberg, Acting for John D. Wagoner, Manager, Richland Operations Office, for the U.S. Department of Energy; and, Christine O. Gregoire, Director, for the Washington State Department of Ecology.

The second amendment to the Agreement was signed in September 1991, by: Dana A. Rasmussen, Regional Administrator, Region 10, for the U.S. Environmental Protection Agency; John D. Wagoner, Manager, Richland Operations Office, for the U.S. Department of Energy; and Christine O. Gregoire, Director, for the Washington State Department of Ecology.

The third amendment, Revision 2, to the Agreement was signed in August 1992, by: Dana A. Rasmussen, Regional Administrator, Region 10, for the U.S. Environmental Protection Agency; John D. Wagoner, Manager, Richland Operations Office, for the U.S. Department of Energy; and Chuck Clarke, Director, for the Washington State Department of Ecology.

The fourth amendment, Revision 3, to the Agreement was signed in January 1994, by: Gerald Emison, Acting Regional Administrator, Region 10, for the U.S. Environmental Protection Agency; John D. Wagoner, Manager, Richland Operations Office, for the U.S. Department of Energy; and Mary Riveland, Director, for the Washington State Department of Ecology.

The fifth amendment to the Agreement was signed in July 1995, by: Charles Findley acting for Charles Clarke Regional Administrator, Region 10, for the U.S. Environmental Protection Agency; Ronald Izatt acting for John Wagoner, Manager, Richland Operations Office, for the U.S. Department of Energy; and Terry Husseman acting for Mary Riveland, Director, for the Washington State Department of Ecology.

The sixth amendment, Revision 4, to the Agreement was signed in February 1996, by: Charles Clarke, Regional Administrator, Region 10, for the U.S. Environmental Protection Agency; John Wagoner, Manager, Richland Operations office, for the U.S. Department of Energy; and Mary Riveland, Director, for the Washington State Department of Ecology.

NOTE: In the interest of efficiency and to streamline the processes of the TPA, the provisions for Amendments were deleted in February 1996, by the Sixth and final Amendment to the TPA. The change authorities previously available via Amendments were transferred to the change control process found in the Action Plan, Section 12.0, Changes to the Agreement.

Revision 5 to the Agreement was approved by the Parties on December 31, 1998.

Revision 6 to the Agreement was approved by the Parties on April 18, 2003.

Revision 7 to the Agreement was approved by the Parties on July 23, 2007.

Revision 8 to the Agreement was approved by the Parties on July 18, 2011.

Revision 9 to the Agreement was approved by the Parties on (date to be determined).