

## Meeting Minutes – Approval

M-026 LDR Report Project Manager Meeting Minutes  
 at  
 2420 Stevens Center, Conference Room 126  
 Richland, Washington  
 Meeting Held November 15, 2005  
 9:30 am to 11:30 am

The undersigned indicate by their signatures that these meeting minutes reflect the actual occurrences of the above dated meeting. Signatures denote concurrence with content only and do not imply agreement or commitments.

Gregory J. Sinton Date: 12/20/05  
 Greg Sinton, Project Manager, DOE-RL

Not Present \_\_\_\_\_ Date: \_\_\_\_\_  
 Woody Russell, Project Manager, DOE-ORP

Deborah Singleton Date: 12/20/05  
 Deborah Singleton, Project Manager, Washington State Department of Ecology

## Contractor Concurrence

Anthony N. Miskho Date: 12/20/05  
 Anthony Miskho, LDR Report Coordinator, FH

**Purpose:** Discuss LDR Report related topics  
 The attached minutes are comprised of the following:  
 Attachment 1 - Meeting Agenda  
 Attachment 2 - Attendance List  
 Attachment 3 - Actions and Workshop Items  
 Attachment 4 – LDR Storage Assessment/Data Gap Plan Requirements  
 Attachment 5 – Draft M-26-05-01 TPA Change Request

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R. W. Wilson	Ecology
D. M. Yasek	WCH

ADMINISTRATIVE RECORD: M-026 LDR Report [Care of EDMC, LMSI (H6-08)]

Please send comments on distribution list to Anthony G. Miskho (376-7313).

**Attachment 1**  
**M-026 LDR Report Project Manager Meeting**  
**at**  
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**Meeting Agenda**

1. Last meeting minutes
2. Hot topics
  - 340/LDR TPA dispute resolution: The RL letter is in concurrence. Ecology will respond following receipt of the letter.
3. Storage Assessments/Data Gap Plans provided to TPA Lead Regulatory Agency Project Managers
  - 241-CX Tank System – Ongoing. FH will set up a meeting in December 2005.
  - 242-S and 242-T Evaporators: Ongoing.
  - T Plant: Ongoing. FH will set up a meeting in December 2005.
4. Action Item Status (See Attachment 3)
5. Workshop items (all items were discussed and remain open. The next meeting will focus on these workshop items)
  - Consolidation of requirements documents and any other new agreements from workshops (From March 14, 2002 Resolution of Dispute): The LDR Storage Assessment/Data Gap Plan Requirements file was prepared containing a consolidation of the requirements from all the sources (Attachment 4). DOE identified three areas of the requirements that they would like to change. Two actions were taken to review the file and discuss a new vision of the M-026-01 milestone description with a single requirements document.
  - Implementation of the LDR Summary Report: The draft TPA change request was drafted (Attachment 5). An action was taken by Ecology to communicate with EPA on the matter. Mr Miskho indicated that the drop dead date for the summary report decision and sign off of the change request for this year's report is the January 2006 PMM. Activities for the CY2005 LDR report are the same through December and the first week of January regardless if the summary report is approved or if the full LDR report has to be prepared.
6. Next meeting (date and time): December 20th, 2005, 9:30 – 10:30

**Attachment 2**

**M-026 LDR Report Project Manager Meeting Minutes  
at  
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**Attendance List**

<u>Name</u>	<u>Organization</u>
E. Van Mason	Ecology
D. Singleton	Ecology
A. G. Miskho	FH
J. Guberski	CH2M Hill
H. Tilden	PNNL
G. L. Sinton	RL

Attachment 3

M-026 LDR Report Project Manager Meeting Minutes  
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**Actions and Workshop Items**

<u>Action #</u>	<u>Responsible Party</u>	<u>Description</u>	<u>Date Closed</u>
02-2003-03	DOE/Ecology	Consolidate the various requirements for the LDR Report for review and comment by Ecology.	
10-2005-01	DOE	Draft change request for pilot LDR summary report	<b>11/15/05</b> (Attachment 4)
10-2005-02	DOE	Send out consolidated LDR storage assessment/data gap plan requirements for review	<b>11/15/05</b> (Attachment 5)
11-2005-01	DOE/Ecology	Review and discuss consolidated storage assessment requirements	
11-2005-02	DOE/Ecology	Discuss proposed vision or modifying milestone and requirements to have a shortened milestone description and a single requirements document.	
11-2005-03	Ecology	Communicate with EPA on the draft TPA change request M-26-05-01.	

**Attachment 4**

**M-026 LDR Report Project Manager Meeting Minutes  
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**LDR Storage Assessment/Data Gap Plan Requirements**

## LDR Storage Assessment/Data Gap Plan Requirements

### M-026-01 Milestone description:

No LDR storage assessment requirements exist in this requirement source.

### 1990 "Requirements for the Hanford LDR Plan"(LDR Requirements Document) signed by EPA and Ecology in 1990: Item 1.d

#### 1. Storage

The Hanford Land Disposal Restrictions Plan (LDR Plan) shall include a Storage Report that contains the following information on mixed wastes:

- d. The Department of Energy's (DOE) assessment of the compliance status of the storage methods pursuant to applicable State and Federal standards.

### Director's Final Determination pursuant to the HFFACO regarding DOE's compliance with LDRs, March 29, 2000: Page 17, under 2.) NOC violation #2.

2.) NOC "Violation #2": Failure to adequately assess the compliance status of storage methods pursuant to application State and Federal standards.

DOE's annual LDR Report is required to include a DOE assessment of the compliance status of mixed waste storage methods pursuant to applicable State and Federal standards. Ecology has cited DOE and its contractors for failure to meet this HFFACO M-26-01 requirement.

Final Determination: Within sixty (60)-days of issuance of this Final Determination, DOE will provide written notification of specific organizational units tasked with the responsibility to perform these required storage method compliance assessments. This notification will include specific schedules for performance of these assessments at each (mixed waste) storage location, and a copy of DOE's written procedure to be used in assessing the compliance status of mixed waste storage methods (e.g., satellite storage, ninety (90)-day storage, interim status storage, and final status storage) per State and Federal regulations and Section 1.d. of the Requirements for Hanford LDR Plan. This procedure will include, but is not limited to, WAC 173-303 requirements for storage (as a generator, interim status facility or final status facility), including by reference, WAC 173-303-400 and interim status storage requirements set forth in 40 CFR Part 265. In developing these schedules and procedures, DOE will provide Ecology review and comment opportunity.

These requirements are necessary to assure Ecology that DOE has a reasonable basis for assessing storage facility compliance or noncompliance.

DOE's LDR Reports, beginning with its year 2001 Report, will include the results of all of these storage method compliance assessments (See also requirements for DOE's year 2000 LDR Report at IV (D)).

### LDR Final Determination Errata, March 31, 2000

3. At LDR Final Determination page 17, bottom of the page: Inadvertent inclusion of Roman numeral citation IV (D). Correction depicted by strikeout as follows:  
*"DOE's LDR reports, beginning with its year 2001 Report, will include the results of all of these storage method compliance assessments (See also requirements for DOE's year 2000 LDR Report at ~~IV (D)~~."*

January 25, 2000 clarification letter from Ecology delineating the wastes required to be reported.

Note: Four clarifications (17-20) were requested on NOC violation #2: Failure to adequately assess the compliance status of storage methods pursuant to application State and Federal standards.

**Clarification #17:** There appears to be a change from the June 3, 1999 NOC corrective measure, to now require identification of responsible parties/organization within (60) days instead of (90) days. What has changes regarding the requested assessment program to require DOE to accomplish this 30 days sooner?

*Response:* Modification from an allowance of 90-days (allowed at the time of last June's NOC) to 60 days in recognition of the lost to-date.

**Clarification #18:** There appears to be a change from the June 3, 1999 NOC corrective measure, to now require notification of specific schedules instead of just schedules. What is the new level of detail being requested within the assessment schedule?

*Response:* Each TPA required schedule element (major or interim milestones and targets) must be replicated within the report. Schedules provided to date have been inappropriately rudimentary.

**Clarification #19:** There appears to be a change from the June 3, 1999 NOC corrective measure to now require the procedure to include, "but is not limited to" the requirements listed. What additional requirements will be expected in the assessment procedure than what is currently identified?

*Response:* No specific additions were intended by use of the phrase "but is not limited to".

**Clarification #20:** Since this language is different from the "Requirements for Hanford LDR Plan" item 1.d, and Resolution of Dispute element (VI(A)(1) item h, what is the difference between this statement and those citations?

*Response:* This statement clarifies Ecology's expectations for satisfying the LDR Plan and item VI, A, 1h.

Resolution of Dispute dated March 14<sup>th</sup>, 2002: Information exists in Attachment 1 items 4, 5, and 6, and in Attachment 3, items 3 and 4.

Attachment 1:

4. DOE can satisfy the requirement to establish TPA milestones or schedules for MW or PMW in the LDR Report as follows:

- a. For MW and PMW that are covered by existing milestones, schedules, CERCLA documents, or other regulatory agency agreements, these commitments will be incorporated into the LDR Report in accordance with Expectation #1 above.
- b. For PMW determined to be MW which can not be moved into compliant storage within 90-days, DOE shall:
  - i. Contact appropriate TPA lead regulatory agency project manager
  - ii. Propose TPA milestones or schedules for the movement or management of the MW including, as needed, TPA milestones or schedules for:
    1. Performing a DOE LDR storage assessment
    2. Complete data gap plan<sup>1</sup> and provide to the lead regulatory agency project manager for discussions

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<sup>1</sup> See Attachment 3 for data gap plan content description

- iii. Report the outcome of the discussions with the TPA lead regulatory agency project manager as milestones or schedules in the annual LDR report and, as applicable, propose date for negotiations.
  - c. For MW and PMW not covered by existing TPA milestones or schedules
    - i. For newly discovered MW or PMW, contact appropriate TPA lead regulatory agency project manager
    - ii. Propose TPA milestones or schedules for the movement or management of the PMW or MW including, as needed, TPA milestones or schedules for:
      1. Performing a DOE LDR storage assessment
      2. Complete data gap plan and provide to the lead regulatory agency project manager for discussions
    - iii. Report the outcome of the discussions with the TPA lead regulatory agency project manager as milestones or schedules in the annual LDR report and as applicable, propose date for negotiations.
5. The parties have agreed to two procedures for DOE LDR storage assessments (one for the Office of River Protection [ORP] and one for the Richland Operations Office [RL]) for any location where PMW is currently located, as well as for MW in permitted units or units operating under interim status standards. DOE may have the contractors perform the required assessments. For MW in permitted units or units operating under interim status standards, there is the expectation that the location will meet all RCRA Treatment, Storage, and/or Disposal (TSD) storage requirements. For locations containing PMW, using RCRA TSD unit storage requirements as criteria for comparison, the DOE LDR assessment will be used as a part of the continuing process of evaluating whether current management practices are adequate to ensure that the threat to human health and the environment is minimized. This evaluation will be used to create schedules and/or milestones for compliance with characterization, storage, and treatment requirements, as applicable.
6. The LDR Report shall identify DOE LDR storage assessments planned for the next three years. Repeat assessments will be conducted, as necessary.

Attachment 3:

3. The DOE LDR storage assessment report shall:
  - Identify the assessment scope and standards used to conduct the assessment
  - Provide an overall summary of compliance status based on scope of assessment results. Also, include a summary comparing Potential Mixed Waste Storage conditions to mixed waste storage criteria
  - Document the facts regarding what you know and what you don't know
  - Attach the completed checklist used during the assessment.
4. The data gap plan will contain four elements – 1) What you know, 2) what you don't know, 3) what you need to know, and 4) why the level of unknowns is acceptable or not acceptable from a safety basis for the interim until action is planned or that more information is needed to make this determination.
  - Items 1 and 2 from above are provided by the DOE LDR storage assessment and any additional project evaluation information
  - Items 3 and 4 from above are the added content of the data gap plan

- Item 4: It is acceptable to answer this question by indicating more information is needed to make the determination. If available, the data gap plan may include a plan to obtain the information believed to be needed to make a determination. The TPA lead regulatory agency project manager should be contacted to begin discussions and development of a path forward.

The goal after discussions is to have an agreement with the TPA lead regulatory agency project manager on the path forward for PMW/MW in the unit. When the DOE LDR storage assessment schedule date is not available: Assessment = Not scheduled, Plan to fill data gaps = TBD, Start negotiations = TBD. For major negotiations such as the start of facility transition or deactivation, provide a negotiations start date. For little stuff, negotiations may not be necessary: Start negotiations = Not appropriate.

Various monthly Tri-Party Agreement Project Managers Meeting understandings for the LDR report.

5-2002: Note 1: Mechanism to transmit documents – The following proposal was developed at the May 29, 2002 meeting and was finalized at the June 18, 2002 meeting: Storage assessments/data gap plans will be provided in the unit-specific project manager meeting and the LDR project manager meeting after they have been completed. The storage assessment/data gap plan will be attached to the meeting minutes. The data gap plan needs to be signed by someone from either DOE or contractor to indicate completeness. The level of signature is at the discretion of the DOE or the contractor.

10-2002 Note 1: (supplemental text to June 18, 2002 Note 1) Storage assessments/data gap plans will normally be presented at the TPA lead regulatory agency project manager meeting and attached to the minutes. In the absence of minutes, DOE can enter the documents into the administrative record for the TPA lead regulatory agency project manager. The LDR project manager meeting minutes will reference the fact that storage assessments/data gap plans have been presented to the TPA lead regulatory agency project manager.

11-2002 Note 1: The ORP procedure, ORP PD 220.1-3 issued 4-18-2002 is acceptable for use. The team lead will use the checklist determine the applicability of individual checklist criteria.

02-18-2003 Note 1 (02-2003-01 Action Item): Based on Attachment 5 of the 2/6/03 meeting minutes, the 3711, 309, and 252-U facilities will be removed from the storage assessment schedule because there is no mixed waste or potential mixed waste at the sites. The schedule for the 242-B/BL Storage Assessment will maintain its current assessment schedule in Calendar Year 2007.

10-21-2003 Note 1: (Attachment 4 Comment #1: ORP LDR Assessments) ORP Assessments identified in the CY2001 LDR Report projected for CY2003 will be completed and documented in a single assessment report.

**Attachment 5**

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**at**

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**Richland, Washington**

**Meeting Held November 15, 2005**

**9:30 am to 11:30 am**

**Draft M-26-05-01 TPA Change Request**



Tri-Party Agreement Interim Milestone M-26-01P (due on April 30, 2006) is modified by this change form as shown below, using ~~strikeout~~ for text deletions and shading for text additions.

M-026-01P	<p>SUBMIT AN ANNUAL HANFORD LAND DISPOSAL RESTRICTIONS SUMMARY REPORT AS A PILOT PROJECT IN ACCORDANCE WITH THE AGREEMENT REQUIREMENTS TO COVER THE PERIOD FROM 1/1 OF THE PREVIOUS YEAR THROUGH 12/31 OF THE REPORTING YEAR. THE HANFORD LAND DISPOSAL RESTRICTIONS SUMMARY REPORT WILL CONTAIN THE ELEMENTS IMPORTANT TO ANNUAL REPORTING AS AGREED TO DURING THE OCTOBER 18, 2005 LAND DISPOSAL RESTRICTIONS PROJECT MANAGERS MEETING. FOLLOWING ECOLOGY APPROVAL OF THE HANFORD LAND DISPOSAL RESTRICTIONS SUMMARY REPORT, DOE AND ECOLOGY WILL DECIDE ON THE UTILITY OF FUTURE HANFORD LAND DISPOSAL RESTRICTIONS SUMMARY REPORTS AND THE FREQUENCY OF THE HANFORD LAND DISPOSAL RESTRICTIONS SUMMARY REPORT VERSUS THE FULL HANFORD LAND DISPOSAL RESTRICTIONS REPORT.</p> <p>DOE'S ANNUAL HANFORD LAND DISPOSAL RESTRICTIONS REPORT: 1) WILL BE EQUIVALENT TO (I.E. SHALL MEET ALL SUBSTANTIVE REQUIREMENTS OF) <del>SITE TREATMENT PLANS AS REQUIRED BY THE FEDERAL FACILITY COMPLIANCE ACT OF 1992 (FFCA) AND 2) WILL MEET ALL REQUIREMENTS OF ECOLOGY'S FINAL DETERMINATION IN THIS MATTER DATED MARCH 29, 2000.</del></p> <p><del>THE REPORT SHALL INCLUDE A DESCRIPTION OF ACTIVITIES PLANNED AND TAKEN IN ACCORDANCE WITH AGREEMENT REQUIREMENTS AND PRIOR ANNUAL LDR REPORTS TO ACHIEVE FULL COMPLIANCE WITH AGREEMENT AND LDR REQUIREMENTS. THE REPORT SHALL UPDATE ALL INFORMATION CONTAINED IN THE LDR PLAN AND THE PRIOR ANNUAL LDR REPORT, INCLUDING PLANS AND SCHEDULES.</del></p> <p><del>THE FORMAT FOR THE REPORT SHALL BE BASED ON EQUIVALENCY WITH SITE TREATMENT PLAN REQUIREMENTS OF THE FFCA, ECOLOGY'S FINAL DETERMINATION IN THIS MATTER DATED MARCH 29, 2000, AND THE "REQUIREMENTS FOR HANFORD LDR PLAN," ISSUED BY EPA AND ECOLOGY ON APRIL 10, 1990. ADDITIONALLY, THE REPORT SHALL DESCRIBE ANY OTHER STUDIES OR EFFORTS THAT HAVE BEEN OR WILL BE UNDERTAKEN TO IDENTIFY ALTERNATIVES TO LAND DISPOSAL OF MIXED WASTES. THE NONRADIOACTIVE PORTION OF ANY MIXED WASTES THAT ARE REGULATED UNDER WASHINGTON STATE-ONLY REGULATIONS SHALL BE ADDRESSED IN THE REPORT. THE REPORT SHALL BE SUBMITTED AS A PRIMARY DOCUMENT.</del></p> <p><del>THE REPORT SHALL DOCUMENT AGREEMENT MAJOR AND INTERIM MILESTONES FOR ACHIEVING COMPLIANCE WITH LDR TREATMENT REQUIREMENTS AT TSD MIXED WASTE UNITS BY: 1) IDENTIFYING AND REPORTING PROGRESS AGAINST AGREEMENT MILESTONES AND 2) PROPOSING THE ESTABLISHMENT OF MILESTONES IN THE INSTANCE OF TSD MIXED WASTES NOT YET COVERED UNDER THE AGREEMENT AND FOR THE MODIFICATION OF CURRENT HFFACO SCHEDULES AS NECESSARY TO ACHIEVE COMPLIANCE WITH LDR TREATMENT REQUIREMENTS IN A MANNER EQUIVALENT TO STPs AS REQUIRED BY THE FFCA. THESE MILESTONES SHALL BE BASED ON SIGNIFICANT EVENTS IDENTIFIED IN THE LDR REPORT (I.E. SCHEDULES EQUIVALENT TO THOSE OF SITE TREATMENT PLANS AS REQUIRED BY THE FFCA) AND WILL BE SHOWN AS SCHEDULES WHICH ARE UPDATED ANNUALLY AS PART OF THE REPORT. APPROPRIATE MILESTONES WILL BE INCORPORATED IN THE AGREEMENT VIA THE CHANGE PROCESS DEFINED IN SECTION 12 OF THE ACTION PLAN UPON ISSUANCE OF THE APPROVED REPORTS.</del></p>	04/30/2006
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Change Form M-26-05-01

Page 3 of 3

Tri-Party Agreement Interim Milestone M-26-01Q (due on April 30, 2007) and succeeding M-26-01 interim milestones are not modified by this change request as shown below.

M-026-01Q	<p>SUBMIT AN ANNUAL HANFORD LAND DISPOSAL RESTRICTIONS REPORT IN ACCORDANCE WITH AGREEMENT REQUIREMENTS TO COVER THE PERIOD FROM 1/1 OF THE PREVIOUS YEAR THROUGH 12/31 OF THE REPORTING YEAR.</p> <p>DOE'S ANNUAL HANFORD LAND DISPOSAL RESTRICTIONS REPORT: 1) WILL BE EQUIVALENT TO (I.E. SHALL MEET ALL SUBSTANTIVE REQUIREMENTS OF) SITE TREATMENT PLANS AS REQUIRED BY THE FEDERAL FACILITY COMPLIANCE ACT OF 1992 (FFCA) AND 2) WILL MEET ALL REQUIREMENTS OF ECOLOGY'S FINAL DETERMINATION IN THIS MATTER DATED MARCH 29, 2000.</p> <p>THE REPORT SHALL INCLUDE A DESCRIPTION OF ACTIVITIES PLANNED AND TAKEN IN ACCORDANCE WITH AGREEMENT REQUIREMENTS AND PRIOR ANNUAL LDR REPORTS TO ACHIEVE FULL COMPLIANCE WITH AGREEMENT AND LDR REQUIREMENTS. THE REPORT SHALL UPDATE ALL INFORMATION CONTAINED IN THE LDR PLAN AND THE PRIOR ANNUAL LDR REPORT, INCLUDING PLANS AND SCHEDULES.</p> <p>THE FORMAT FOR THE REPORT SHALL BE BASED ON EQUIVALENCY WITH SITE TREATMENT PLAN REQUIREMENTS OF THE FFCA, ECOLOGY'S FINAL DETERMINATION IN THIS MATTER DATED MARCH 29, 2000, AND THE "REQUIREMENTS FOR HANFORD LDR PLAN," ISSUED BY EPA AND ECOLOGY ON APRIL 10, 1990. ADDITIONALLY, THE REPORT SHALL DESCRIBE ANY OTHER STUDIES OR EFFORTS THAT HAVE BEEN OR WILL BE UNDERTAKEN TO IDENTIFY ALTERNATIVES TO LAND DISPOSAL OF MIXED WASTES. THE NONRADIOACTIVE PORTION OF ANY MIXED WASTES THAT ARE REGULATED UNDER WASHINGTON STATE-ONLY REGULATIONS SHALL BE ADDRESSED IN THE REPORT. THE REPORT SHALL BE SUBMITTED AS A PRIMARY DOCUMENT.</p> <p>THE REPORT SHALL DOCUMENT AGREEMENT MAJOR AND INTERIM MILESTONES FOR ACHIEVING COMPLIANCE WITH LDR TREATMENT REQUIREMENTS AT TSD MIXED WASTE UNITS BY: 1) IDENTIFYING AND REPORTING PROGRESS AGAINST AGREEMENT MILESTONES AND 2) PROPOSING THE ESTABLISHMENT OF MILESTONES IN THE INSTANCE OF TSD MIXED WASTES NOT YET COVERED UNDER THE AGREEMENT AND FOR THE MODIFICATION OF CURRENT HFFACO SCHEDULES AS NECESSARY TO ACHIEVE COMPLIANCE WITH LDR TREATMENT REQUIREMENTS IN A MANNER EQUIVALENT TO STPs AS REQUIRED BY THE FFCA. THESE MILESTONES SHALL BE BASED ON SIGNIFICANT EVENTS IDENTIFIED IN THE LDR REPORT (I.E. SCHEDULES EQUIVALENT TO THOSE OF SITE TREATMENT PLANS AS REQUIRED BY THE FFCA) AND WILL BE SHOWN AS SCHEDULES WHICH ARE UPDATED ANNUALLY AS PART OF THE REPORT. APPROPRIATE MILESTONES WILL BE INCORPORATED IN THE AGREEMENT VIA THE CHANGE PROCESS DEFINED IN SECTION 12 OF THE ACTION PLAN UPON ISSUANCE OF THE APPROVED REPORTS.</p>	04/30/2007 AND ANNUALLY THEREAFTER
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