



OFFICE OF RIVER PROTECTION
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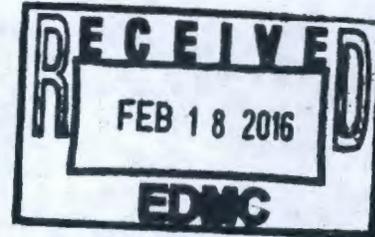
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16-TF-0016

FEB 15 2016

Ms. Jane A. Hedges, Program Manager
Nuclear Waste Program
Washington State
Department of Ecology
3100 Port of Benton Blvd.
Richland, Washington 99354



Ms. Hedges:

STATEMENT OF DISPUTE REGARDING DISAPPROVAL OF HANFORD FEDERAL FACILITY AGREEMENT AND CONSENT ORDER CHANGE CONTROL FORM M-45-15-01

This letter transmits the Statement of Dispute for Milestone M-045-92 (Attachment 1) to the Interagency Management Integration Team (IAMIT). The statement of dispute explains why the U.S. Department of Energy, Office of River Protection (ORP) believes there is good cause to extend the Hanford Federal Facility Agreement and Consent Order Milestone M-045-15-01, preparatory to dispute resolution discussions with the IAMIT.

The following is the dispute resolution timeline to date:

- March 31, 2015, ORP transmitted a signed change control form to modify Milestone M-045-15-01, "Transmittal for Approval of the Hanford Federal Facility Agreement and Consent Order Change Control Form M-45-15-01 to Modify Milestone M-045-92 Due Dates," (Attachment 2).
- April 17, 2015, the Washington State Department of Ecology (Ecology), disapproved the change control form, "Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement) Change Control Form, Change Number M-045-15-01, dated March 26, 2015," (Attachment 3).
- April 20, 2015, ORP transmitted a letter to Ecology initiating dispute resolution based on Ecology's disapproval of the change control form, "Initiation of Dispute Resolution Regarding Disapproval of Hanford Federal Facility Agreement and Consent Order Change Control Form M-45-15-01," (Attachment 4).
- April 23, 2015, ORP and Ecology agreed to extend the dispute for change request M-45-15-01 at the Project Manager level to August 16, 2015, (Attachment 5).
- July 30, 2015, ORP and Ecology agreed to extend the dispute for change request M-45-15-01 at the Project Manager level to October 15, 2015, (Attachment 6).
- November 13, 2015, ORP and Ecology agreed to extend the dispute for change request M-45-15-01 at the Project Manager level to November 20, 2015, (Attachment 7).

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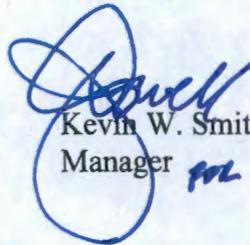
Ms. Jane A. Hedges
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- November 19, 2015, ORP and Ecology agreed to extend the dispute for change request M-45-15-01 at the Project Manager level to December 2, 2015, (Attachment 8).
- December 2, 2015, ORP and Ecology agreed to extend the dispute for change request M-45-15-01 at the Project Manager level to January 29, 2016, (Attachment 9).
- January 21, 2016, ORP and Ecology agreed to extend the dispute for change request M-45-15-01 at the Project Manager level to February 16, 2016, (Attachment 10).

If you have any questions, please contact Thomas Fletcher, Assistant Manager for Tank Farm Project, at (509) 376-3434.


Kevin W. Smith
Manager *KWS*

TF:REB

Attachments (10)

cc w/attach:

TPA Administrative Record
Environmental Portal, LMSI
WRPS Correspondence

cc w/o attach:

S. Harris, CTUIR
J.L. Lyon, Ecology
D. McDonald, Ecology
J.B. Price, Ecology
D.A. Faulk, EPA
S.E. Hudson, HAB
C.P. Noonan, MSA
R.E. Piippo, MSA
J.G. Woolard, MSA
G. Bohnee, NPT
K. Niles, ODOE
R. Buck, Wanapum
J.A. Joyner, WRPS
R.S. Wiegman, WRPS
R. Jim, YN
D. Rowland, YN

ATTACHMENT 1
16-TF-0016

Statement of Dispute for Milestone M-045-92
Change Control Form M-45-15-01

STATEMENT OF DISPUTE FOR MILESTONE M-045-92

I. Nature of Dispute

This dispute is raised pursuant to Article VIII, paragraph 30, of the Hanford Federal Facility Agreement and Consent Order (HFFACO) or Tri-Party Agreement (TPA), and concerns the disapproval by the State of Washington, Department of Ecology (Ecology) of TPA Change Control Form M-45-15-01. Change Control Form M-45-15-01 proposed modifying dates established by TPA Milestone M-045-92 in Appendix D of the TPA Action Plan.

The U.S. Department of Energy (DOE), Office of River Protection (ORP) submitted TPA Change Control Form M-45-15-01 to Ecology on March 31, 2015, ninety days in advance of the milestone due date in accordance with the TPA Action Plan Section 12.0. The change control form proposed that the M-045-92 due dates for construction of interim barriers 1 and 2 and design and construction of interim barriers 3 and 4 be extended to support higher priority, higher risk work scope and to allow time for the selection of the locations for the next set of interim barriers (i.e., interim barriers 3 and 4). Ecology disapproved M-45-15-01 on April 17, 2015, as documented in letter 15-NWP-075, "Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement) Change Control Form, Change Number M-045-15-01, dated 03/26/15."

"The Department of Ecology (Ecology) disapproved the change request because construction of these interim barriers is necessary to mitigate impacts to human health and the environment due to releases that have already occurred, slowing their migration. The sooner these barriers are constructed, the better. This urgency is further heightened by delays in construction of the Waste Treatment Plant and the corresponding delays in single-shell tank retrievals. The proposed schedule delay would provide less protection of human health and the environment than construction on the existing milestone schedule.

In Ecology's opinion, the interim barriers should cover a larger area than what the United States Department of Energy (USDOE) has so far proposed. Based on evaluation of technical data, Ecology believes that larger barriers would provide greater protection of human health and the environment than the smaller barriers proposed by USDOE."

ORP objected to Ecology's disapproval and initiated dispute resolution under TPA Article VIII in letter 15-TF-0042, "Initiation of Dispute Resolution Regarding Disapproval of Hanford Federal Facility Agreement and Consent Order Change Control Form M-45-15-01," dated April 20, 2015.

ORP proposed, in Change Control Form M-45-15-01, modifying the dates, not the size(s), for barrier design and construction as follows:

<p>M-045-92 Lead Agency: Ecology</p>	<p>After the determination identified in Milestone M-045-22, complete installation of four (4) additional interim barriers, according to the following schedule (unless Ecology and USDOE have determined to continue vadose zone testing and DOE has submitted a change request for M-045-92):</p> <ul style="list-style-type: none"> • By October 31, 20158, construct barriers 1 and 2 in 241-SX farm, per the design and monitoring plans already approved by Ecology under milestones M-045-92-, <u>or per updated designs approved by Ecology.</u> <p>Construct the remaining two (2) barriers per the following revised schedule:</p> <ul style="list-style-type: none"> • <u>DOE and Ecology will agree on locations for Barrier 3 and 4 by September 30, 2015.</u> • Barrier 3 Design/Monitoring Plan 06/30/15<u>06/30/18</u> • Construct Barrier 3 10/31/16<u>10/31/19</u> • Barrier 4 Design/Monitoring Plan 06/30/16<u>06/30/19</u> • Construct Barrier 4 10/31/17<u>10/31/20</u> <p>The design and monitoring plans will be consistent with those developed for WMA T and TY unless DOE and Ecology agree otherwise. Ecology will authorize construction upon approval of the final design and monitoring plans.</p>	<p>10/31/2017<u>10/31/2020</u> Or As Indicated In the Descriptive Text Of This Milestone</p>
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Note: Specific changes to Tri-Party Agreement Appendix D are displayed with double underline to indicate addition of text and by ~~strikeout~~ to indicate deletion of text.

II. ORP's Position on the Dispute

ORP's ability to complete Milestone M-045-92 as described in the TPA Action Plan Appendix D was dependent on ORP's receipt of sufficient appropriated funds. The TPA Article XLVIII, Paragraph 148.G. provides that "If the congressional budget appropriation differs from the funding levels required to comply with any milestones or other requirements of the Agreement, [ORP] shall take whatever action is appropriate under the Agreement. Such action may include submitting a change request in accordance with the Action Plan, Section 12.0 entitled Changes to the Agreement. The Parties shall attempt to reach agreement on adjustments in workscope or milestones consistent with the congressional appropriation which will minimize impacts on the requirements of this Agreement...." In accordance with the requirements of this paragraph ORP submitted Change Control Form M-45-15-01 to Ecology, which Ecology subsequently disapproved. ORP disagrees with Ecology's disapproval of the change control form, as delays in construction of interim barriers 1 and 2 are unavoidable as the appropriated funding for Fiscal Year (FY) 2015 was significantly less than the requested amount, resulting in a funding shortfall.

This funding shortfall left ORP with insufficient resources to complete the work required to meet the milestone as available resources were utilized to complete emergent higher priority, higher risk work scope, including, but not limited to:

- Completing actions to address the leak associated with Tank 241-AY-102 (AY-102) in accordance with the 241-AY-102 Settlement Agreement (*Pollution Control Hearings Board, State of Washington, 241-AY-102 Settlement Agreement, PCHB No. 14-041c signed and submitted September 29, 2014, effective October 2, 2014*). Ecology was clearly aware that AY-102 had become a higher priority, as the Settlement Agreement and corresponding actions were the very outcome of a mutually-agreed upon resolution to the appeal of an Administrative Order No. 10618 issued by Ecology on March 21, 2014. Implementing the actions to prepare for the retrieval of waste from AY-102 has put a significant demand on project resources including limiting the availability of equipment and work crews to conduct other work scope.
- Identifying and implementing actions to address concerns associated with tank farm vapors. The Hanford Tank Vapor Assessment Team (TVAT) Report, SRNL-RP-2014-00791, was issued on October 30, 2014. The TVAT report outlined recommendations to help reduce the potential for chemical vapor exposures in the near-term and to determine the primary cause of reported worker health effects. In response to the TVAT report, Washington River Protection Solutions, LLC (WRPS) increased respiratory controls for tank farm workers and developed a multi-year, two-phased plan to address the TVAT report recommendations. Implementing the recommendations from the TVAT report and related actions, such as the use of the increased protective gear with self-contained oxygen, has added time-consuming technical difficulties and imposed substantial impacts on the project efficiencies and budgets as discussed with Ecology during the ORP Project Managers Meeting, March 18, 2015. The activities being undertaken by ORP and WRPS are clearly consistent with Ecology's recent statement, "Ecology agrees that protecting workers to ensure a safe cleanup should be the highest priority for the Hanford Budget", "Federal Fiscal Year (FFY) 2017 United States Department of Energy (USDOS) Budget", 15-NWP-076, April 20, 2015.

During the time period between October 1 and March 31, 2015, ORP was evaluating the funding and resource impacts from the emergent, high priority work scope discussed above. It was not reasonable to initiate final design and construction of the barriers until these overall impacts were better understood. While DOE was assessing the impacts to available resources, it became apparent that as of March 31, 2015, there would not be enough time for ORP to initiate building the barriers in SX farm and complete construction by the October 31, 2015 deadline even if sufficient funds had been available. As a result, ORP submitted its change control form accordingly.

Lastly, a delay in the design and construction of interim barriers 3 and 4 is warranted as Ecology and ORP have yet to agree upon the locations for these barriers. As all barrier designs are site specific, without a location, no barrier design and associated monitoring plan can be developed, and construction cannot be completed by the current milestone due date. At the July 22, 2014,

TPA Milestone M-045-56 meeting, Ecology and ORP agreed that discussions of FY 2015 interim measures would be deferred to a future meeting which has not yet been held. If that meeting had been held, ORP anticipates that those discussions would have included decisions as to which interim measures would be performed in FY 2015, including the location for any interim surface barriers to be designed and constructed.

Ecology should accept the change request for the reasons stated above. Additionally, and as noted in Change Control Form M-45-15-01, ORP has requested resources for an updated design, if necessary, to prevent water intrusion, and construction of interim barriers 1 and 2 starting in FY 2016 with construction anticipated to be completed in October 2018.

The remainder of this section provides ORP's position specific response to each of the statements made in Ecology's letter, 15-NWP-075, dated April 17, 2015, which explains the basis for Ecology's disapproval of M-45-15-01.

- (1) Ecology statement: "construction of these interim barriers is necessary to mitigate impacts to human health and the environment due to releases that have already occurred, slowing their migration."

ORP's Position: Interim barriers, when designed for the specific conditions of a given location, are effective in reducing the moisture content underneath the barrier and hence the driving force for mobile contaminants towards groundwater (RPP-ENV-41309, *Criteria for Prioritizing Hanford Site Tank Farm Interim Surface Barriers and for Evaluating Their Performance*; RPP-RPT-47123, *Interim Surface Barrier Evaluation Report*). For that reason, ORP constructed interim barriers at T and TY Tank Farms, and recommended construction of interim barriers at SX Tank Farm. Continued monitoring at both T and TY interim barriers supports the conclusion that the interim barriers reduce moisture content under the interim barriers (RPP-RPT-57541, *T-TY Tank Farm Interim Surface Barrier Demonstration – Vadose Zone Monitoring FY13*; RPP-ENV-58420, *T-TY Tank Farm Interim Surface Barrier Demonstration – Vadose Zone Monitoring FY14*). However, as discussed above, ORP did not have sufficient available resources to proceed with construction of interim barriers at SX Tank Farm and complete construction by the dates set forth in the milestone.

- (2) Ecology statement: "The sooner these barriers are constructed, the better. This urgency is further heightened by delays in construction of the Waste Treatment Plant and the corresponding delays in single-shell tank retrievals. The proposed schedule delay would provide less protection of human health and the environment than construction on the existing milestone schedule."

ORP's position: As noted above delays were unavoidable due to insufficient resources, competing priorities, and a lack of an agreed upon location for additional barriers.

Further, it is unclear how delays in the construction of the Waste Treatment Plant and single-shell tank retrievals are related to construction of the interim barriers. Retrieval

of tank waste is not required prior to the placement of an interim barrier, and in fact, interim barriers have so far been constructed only over un-retrieved tanks.

- (3) Ecology statement: "In Ecology's opinion, the interim barriers should cover a larger area than what the United States Department of Energy (USDOE) has so far proposed. Based on evaluation of technical data, Ecology believes that larger barriers would provide greater protection of human health and the environment than the smaller barriers proposed by USDOE."

ORP's position: The designs for the interim barriers at T, TY, and SX Tank Farms were developed collaboratively with Ecology staff and their sizes were deemed appropriate based on the site-specific applications for the interim barriers. In fact, Ecology formally approved the two SX Tank Farm barrier designs and monitoring plans in May 2011 (Ecology's letter, Lyon to Samuelson, dated May 19, 2011, letter number 11-NWP-044, "Completion of Two Hanford Federal Facility and Consent Order (HFFACO) M-045-92 Milestones"). ORP further understood that development of the designs for the two remaining interim barriers (i.e., barrier 3 and barrier 4) would also be collaborative efforts among ORP, ORP's contractors, and Ecology. As before, DOE expected that this collaborative effort would result in interim barrier designs that were appropriately sized to address the particular contamination plumes they are designed to address.

III. Supporting Information

Interim Barrier Background Information

TPA Change Control Form M-45-11-01 established the requirement that by December 31, 2010, negotiations were to be complete to schedule four additional interim barriers beyond the TY interim barrier, unless DOE and Ecology agreed that monitoring data did not support continued installation of interim barriers. If negotiated, four additional interim barriers were to be constructed at a rate of one per year, with the first being completed by October 31, 2012.

At a meeting held on December 7, 2010, ORP and Ecology agreed that ORP should continue installing interim barriers. At this meeting, ORP proposed to construct two barriers at SX Tank Farm; the first by 2012, the second by 2013 (ORP letter 10-TPD-171, "Submittal of Documentation in Partial Fulfillment of Hanford Federal Facility Agreement and Consent Order (HFFACO) Milestone M-045-92"). The south SX Tank Farm interim barrier was the first of the two proposed to be completed, with a scheduled construction completion date of October 2012 (ORP letter 11-TF-042 – REISSUE, "Change Package to Revise Schedule for Design and Construction of Additional Interim Barrier(s) in Hanford Federal Facility Agreement and Consent Order (HFFACO) Milestone M-045-92").

The designs of the two SX interim barriers and associated monitoring plans were developed collaboratively among Washington River Protection Solutions LLC, ORP, and Ecology technical staff (ORP letter 11-TF-064, "Acknowledgement and Formal Completion of Hanford Federal

Facility and Consent Order (HFFACO) M-045-92K and M-045-92M Milestones”), and approved for construction by Ecology on May 19, 2011 (Ecology letter 11-NWP-044). A contract was let for the first phase of construction, with construction expected to begin August 2011 (ORP Project Managers Meeting, July 26, 2011). In November 2011, ORP discussed with Ecology the fact that FY 2012 funding constraints could impact the FY 2012 scheduled work scope (ORP TPA Quarterly Milestone Review Meeting Minutes, November 17, 2011).

On June 21, 2012, TPA Change Control Form M-45-12-04 was approved by ORP and Ecology. M-45-12-04 established three new interim milestones and three new target dates for interim measures investigation work at 241-TX Farm, 241-U Farm, and 241-SX Farm. The change control form also modified the TPA Milestone M-45-92 due dates for design and construction of interim barriers to the current milestone dates. The purpose of the new work was to improve understanding of the vadose zone contamination below the tank farms and conduct further development of vadose zone treatment technologies. The work allowed for the investigation of potential vadose zone treatment prior to, or in lieu of, construction of proposed interim barriers identified in Milestone M-045-92. Results of the investigation were to be used to establish future actions under new interim Milestone M-045-22.

A key aspect of the changes approved under M-45-12-04 was performance of initial field testing of a soil desiccation/contaminant removal technology in or near 241-SX Tank Farm. The test to be conducted was further defined in an interim measures investigation work plan (RPP-PLAN-53808, *200 West Area Tank Farms Interim Measures Investigation Work Plan*, Revision 0), which was submitted to Ecology for review on December 6, 2012, (ORP letter 12-TF-0054, “The U.S. Department of Energy, Office of River Protection (ORP) Submittal of 200 West Area Tank Farms Interim Measures Investigation Work Plan in Completion of Hanford Federal Facilities Agreement and Consent Order (HFFACO) Milestone M-045-20”) and was approved by Ecology on March 27, 2013 (Ecology letter 13-NWP-030, “The United States Department of Energy – Office of River Protection (USDOE-ORP) Submittal of the Revised *200 West Area Tank Farms Interim Measures Investigation work Plan*, RPP-PLAN-53808, Revision 1, (Work Plan) in Completion of the *Hanford Federal Facility Agreement and Consent Order* (HFFACO) Interim Milestone M-045-20”).

The results of the testing were documented in RPP-RPT-56596, *Pore-Water Extraction Proof-of-Principle Field Test Report*, Revision 0, which was transmitted to Ecology on May 15, 2014 (ORP letter 14-TF-0054, “Transmittal of RPP-RPT-56596, *Pore-Water Extraction Proof-of-Principle Field Test Report*, Rev. 0”). In RPP-RPT-56596, ORP recommended that additional testing and development efforts be performed to assess whether the system could be made practical. The next step under M-045-22, was for DOE and Ecology to review RPP-RPT-56596 and determine whether to continue with soil desiccation/contaminant removal testing and other interim measures. If additional soil desiccation/contaminant removal testing and other interim measures were to be performed, ORP was to propose a modification to M-045-92 would be proposed by ORP.

M-045-56 requires that Ecology and ORP meet yearly by July to discuss interim measures completed in one fiscal year and planned for the next fiscal year. It was agreed at the July 22,

2014, M-045-56 meeting, to defer discussions of interim measures until a meeting planned for the October 2014 timeframe. That additional meeting has not occurred to date.

A signed TPA Change Control form modifying the M-045-92 due dates was transmitted and received by Ecology on March 31, 2015 (ORP letter 15-TF-0027).

Funding Information

As noted in Section II above, ORP experienced a significant budget shortfall in FY 2015. This budget shortfall was subsequently exacerbated by several significant events that required immediate funding even though these events were not contemplated in formulating ORP's budget request in FY 2013, and which significantly exceed the cost of constructing a barrier:

(1) Approximately \$46.5 million of ORP's allocated funding was utilized to address the internal leak (i.e., leak into the annulus) at tank AY-102 and implementation of the Settlement Agreement that resulted from Ecology's issuance of an Administrative Order;

(2) Approximately \$26 million of the funds allocated to ORP were utilized to address concerns associated with tank farm vapors including addressing the recommendations from the TVAT report and related actions, such as the use of the increased protective gear with self-contained oxygen.

Good cause exists for an extension of a Milestone when a "force majeure" event has occurred.¹ Force majeure is an "event arising from causes beyond the control of a Party that causes delay in or prevents the performances of any obligation under this Agreement".² Force majeure includes "insufficient availability of appropriated funds, if DOE shall have made timely request for such funds as part of the budgetary process as set forth in Article XLVIII (Cost, Schedule, Scope, Integration, Planning and Reporting) of this Agreement."³

The discussion of the facts of this issue, as presented in the preceding sections, indicate that there was an insufficient availability of appropriated funds, and that ORP worked to identify resulting impacts and establish work scope priorities in good faith based upon Ecology input and direct actions (See Section II.). Ultimately, not all milestone work could be completed. Had the construction activities for interim barriers 1 and 2 been fully funded, these milestone requirements would have been completed. Instead, the activities were not fully funded and now an extension request must be approved to establish new milestone dates for these respective activities.

IV. History of Attempted Resolution

¹ Article XL. GOOD CAUSE FOR EXTENSIONS

² Article XLVII. Force Majeure

³ *id.* at G

- **March 25, 2015:** Discussions were held with Ecology on a draft TPA change control form; the form was revised based on comments received.
- **March 31, 2015:** ORP submitted signed TPA Change Control Form M-45-15-01 to Ecology for their 14 day review via 15-TF-0027.
- **April 17, 2015:** Ecology disapproved the change request as documented in letter 15-NWP-075.
- **April 20, 2015:** ORP submitted letter 15-TF-0042, "Initiation of Dispute Resolution Regarding Disapproval of Hanford Federal Facility Agreement and Consent Order Change Control Form M-45-15-01," to Ecology, initiating dispute.
- **April 23, 2015:** Dispute at the Project Manager's Level extended to August 16, 2015.
- **April 27 2015:** Informal meeting between ORP and Ecology to discuss dispute on Change Control Form M-45-15-01.
- **May 14, 2015:** Informal meeting between ORP and Ecology to discuss the dispute on Change Control Form M-45-15-01.
- **July 1, 2015:** Informal meeting between ORP and Ecology to discuss the dispute on Change Control Form M-45-15-01.
- **July 30, 2015:** Dispute at the Project Manager's Level extended to October 15, 2015.
- **August 27, 2015:** Meeting between ORP and Ecology with Jane Hedges, John Price, Jeff Lyon, Tom Fletcher, Chris Kemp, and Ryan Beach.
- **November 13, 2015:** Dispute at the Project Manager's Level extended to November 20, 2015
- **November 19, 2015:** Dispute at the Project Manager's Level extended to December 2, 2015
- **December 2, 2015:** Dispute at the Project Manager's Level extended to January 29, 2016
- **January 21, 2016:** Dispute at the Project Manager's Level extended to February 16, 2016

V. References

Ecology, EPA, and DOE, 1989, *Hanford Federal Facility Agreement and Consent Order*, Washington State Department of Ecology, U.S. Environmental Protections Agency, and U.S. Department of Energy, Olympia, Washington, as amended.

Consent Decree, 2010, State of Washington v. Department of Energy, Case No. CV-08-5085-FVS, United States District Court, Eastern District of Washington, October 25.

10-TPD-171, 2010, "Submittal of Documentation in Partial Fulfillment of Hanford Federal Facility Agreement and Consent Order (HFFACO) Milestone M-045-92," letter to Jane A. Hedges, Washington State Department of Ecology, from Thomas W. Fletcher, U.S. Department of Energy, Office of River Protection, December 28.

11-NWP-044, 2011, "Completion of Two Hanford Federal Facility and Consent Order (HFFACO) M-045-92 Milestones," letter to Scott L. Samuelson, U.S. Department of Energy, Office of River Protection, from Jeffery J. Lyon, State of Washington, Department of Ecology, May 19.

11-TF-042 – REISSUE, 2011, "Change Package to Revise Schedule for Design and Construction of Additional Interim Barrier(s) in Hanford Federal Facility Agreement and Consent Order (HFFACO) Milestone M-045-92," letter to Jane A. Hedges, State of Washington, Department of Ecology, from Stacy Charboneau, U.S. Department of Energy, Office of River Protection, April 6.

11-TF-064, 2011, "Acknowledgement and Formal Completion of Hanford Federal Facility and Consent Order (HFFACO) M-045-92K and M-045-92M Milestones," letter to Jane A. Hedges, State of Washington, Department of Ecology, from Thomas W. Fletcher, U.S. Department of Energy, Office of River Protection, June 15.

12-TF-0054, 2012, "The U.S. Department of Energy, Office of River Protection (ORP) Submittal of 200 West Area Tank Farms Interim Measures Investigation Work Plan in Completion of Hanford Federal Facilities Agreement and Consent Order (HFFACO) Milestone M-045-20," letter to Jane A. Hedges, State of Washington, Department of Ecology, from Thomas W. Fletcher, U.S. Department of Energy, Office of River Protection, December 6.

13-NWP-030, 2013, "The United States Department of Energy – Office of River Protection (USDOE-ORP) Submittal of the Revised *200 West Area Tank Farms Interim Measures Investigation Work Plan*, RPP-PLAN-53808, Revision 1, (Work Plan) in Completion of the *Hanford Federal Facility Agreement and Consent Order* (HFFACO) Interim Milestone M-045-20," letter to Thomas Fletcher, U.S. Department of Energy, Office of River Protection, from Jeffery J. Lyon, State of Washington, Department of Ecology, March 27.

14-TF-0054, 2014, "Transmittal of RPP-RPT-56596, *Pore-Water Extraction Proof-of-Principle Field Test Report*, Rev. 0," letter to Jane A. Hedges, Washington State Department of Ecology, from Thomas W. Fletcher, U.S. Department of Energy, Office of River Protection, May 15.

- Pollution Control Hearings Board, State of Washington, 2014, 241-AY-102 Settlement Agreement, PCHB No. 14-041c signed and submitted September 29, 2014, effective October 2, 2014
- 15-NWP-075, 2015, "Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement) Change Control Form, Change Number M-045-15-01, dated 03/26/15," letter to Thomas W. Fletcher, U.S. Department of Energy, Office of River Protection, from John B. Price, State of Washington, Department of Ecology, April 17.
- 15-NWP-076, 2015, "Re: Federal Fiscal Year (FFY) 2017 United States Department of Energy (USDOE) Budget, letter to Stacy Charboneau U.S. Department of Energy, Richland Operations Office and Kevin Smith, U.S. Department of Energy, Office of River Protection, from Jane A. Hedges, State of Washington, Department of Ecology, April, 20.
- 15-TF-0027, 2015, "Transmittal for Approval of the Hanford Federal Facility Agreement and Consent Order Change Control Form M-45-15-01 to Modify Milestone M-045-92 Due Dates," letter to Jane A. Hedges, Washington State Department of Ecology, from Kevin W. Smith, U.S. Department of Energy, Office of River Protection, March 31.
- 15-TF-0042, 2015, "Initiation of Dispute Resolution Regarding Disapproval of Hanford Federal Facility Agreement and Consent Order Change Control Form M-45-15-01," letter to Jane A. Hedges, Washington State Department of Ecology, from Kevin W. Smith, U.S. Department of Energy, Office of River Protection, April 20.
- RPP-ENV-41309, *Criteria for Prioritizing Hanford Site Tank Farm Interim Surface Barriers and for Evaluating Their Performance*, Washington River Protection Solutions, LLC, Richland, Washington.
- RPP-ENV-58420, *T-TY Tank Farm Interim Surface Barrier Demonstration – Vadose Zone Monitoring FY14*, Washington River Protection Solutions LLC, Richland, Washington.
- RPP-PLAN-53808, *200 West Area Tank Farms Interim Measures Investigation Work Plan*, Washington River Protection Solutions LLC, Richland, Washington.
- RPP-RPT-47123, *Interim Surface Barrier Evaluation Report*, Washington River Protection Solutions LLC, Richland, Washington.
- RPP-RPT-56596, *Pore-Water Extraction Proof-of-Principle Field Test Report*, Washington River Protection Solutions LLC, Richland, Washington.
- RPP-RPT-57541, *T-TY Tank Farm Interim Surface Barrier Demonstration – Vadose Zone Monitoring FY13*, Washington River Protection Solutions LLC, Richland, Washington.

SRNL-RP-2014-00791, *Hanford Tank Vapor Assessment Report*, Savannah River National Laboratory, Aiken, South Carolina

ATTACHMENT 2
16-TF-0016

**Change Control Form M-45-15-01 To
Modify Milestone M-045-92 Due Dates**



OFFICE OF RIVER PROTECTION

P.O. Box 450, MSIN H6-60
Richland, Washington 99352

15-TF-0027

MAR 31 2015

Ms. Jane A. Hedges, Program Manager
Nuclear Waste Program
Washington State
Department of Ecology
3100 Port of Benton Blvd.
Richland, Washington 99354

Ms. Hedges:

**TRANSMITTAL FOR APPROVAL OF THE HANFORD FEDERAL FACILITY
AGREEMENT AND CONSENT ORDER CHANGE CONTROL FORM M-45-15-01 TO
MODIFY MILESTONE M-045-92 DUE DATES**

The U.S. Department of Energy, Office of River Protection (ORP) is providing the attached signed change control form, M-45-15-01, for approval.

The change control form proposes that the Hanford Federal Facility Agreement and Consent Order Milestone M-045-92 due dates be modified for construction of Barriers 1 and 2 and design and construction of Barriers 3 and 4.

Good cause exists for changing the milestone due dates because ORP was required to shift resources to other higher priority, higher risk work scope for the Radioactive Liquid Tank Waste Stabilization and Disposition Project (i.e., Project Baseline Summary ORP-0014), including among other things, safety concerns.

As a result, construction of the SX Barriers 1 and 2 has been delayed. ORP has requested resources for an updated design, if necessary, to prevent water intrusion, and construction of Barriers 1 and 2 and starting in fiscal year 2016 with construction anticipated to be completed in October 2018.

In addition, good cause also exists to delay the design and construction of Barriers 3 and 4 as the Washington State Department of Ecology (Ecology) and ORP have yet to agree upon the locations for these barriers. It is proposed that Ecology and ORP discuss barrier locations during the M-045-56 Milestone annual interim measure meetings held by the end of July 2015.

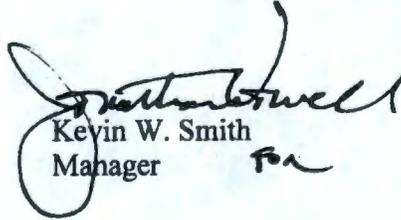
Jane A. Hedges
15-TF-0027

-2-

MAR 31 2015

The original sequencing and durations of design and construction activities for these barriers have been reflected in the attached change control form.

If you have any questions, please contact Chris Kemp, Acting Federal Project Director, at (509) 373-0649.



Kevin W. Smith
Manager

TF:JJL

Attachment

cc w/attach:

S. Harris, CTUIR
J.J. Lyon, Ecology
D. McDonald, Ecology
J.B. Price, Ecology
D.A. Faulk, EPA
S. Hudson, HAB
C.P. Noonan, MSA
R.E. Piippo, MSA
J.G. Woolard, MSA
G. Bohnee, NPT
K. Niles, ODOE
R. Buck, Wanapum
S.J. Eberlein, WRPS
J.A. Joyner, WRPS
J.J. Luke, WRPS
D.L. Parker, WRPS
R. Jim, YN
D. Rowland, YN
Administrative Record
Environmental Portal, LMSI
WRPS Correspondence Control

ATTACHMENT

15-TF-0027

CHANGE CONTROL PACKAGE

M-45-15-01

Change Number M-45-15-01	Federal Facility Agreement and Consent Order Change Control Form <small>Do not use blue ink. Type or print using black ink.</small>	Date 03/26/15
Originator T. W. Fletcher, DOE-ORP		Phone (509) 376-3434
Class of Change <input type="checkbox"/> I - Signatories <input checked="" type="checkbox"/> II - Executive Manager <input type="checkbox"/> III - Project Manager		
Change Title Modify Milestone M-045-92 Due Dates		
Description/Justification of Change This change control form modifies Milestone M-045-92 due dates for construction of Barriers 1 and 2 and design and construction of Barriers 3 and 4. Good cause exists for changing the milestone due dates because ORP was required to shift resources to other higher priority, higher risk work scope for the Radioactive Liquid Tank Waste Stabilization and Disposition Project (i.e. Project Baseline Summary ORP-0014), including among other things, safety concerns. As a result, construction of the SX Barriers 1 and 2 has been delayed. Good cause also exists to delay the design and construction of Barriers 3 and 4 as the Washington State Department of Ecology (Ecology) and ORP have yet to agree upon the locations for these barriers. As all barrier designs are site specific, and without a location, no barrier design and associated monitoring plan can be developed, and construction cannot be completed by the current milestone due date. At the July 22, 2014, TPA Milestone M-045-56 meeting, it was agreed between Ecology and ORP that discussions of FY2015 interim measures would be deferred to a future meeting which has not yet been held. Those discussions would have included decisions as to which interim measures would be performed in FY2015, including the locations for any interim surface barriers to be designed and constructed. It is proposed that Ecology and ORP discuss barrier locations during the M-045-56 Milestone annual interim measures meetings held by the end of July 2015. ORP has requested resources for an updated design, if necessary, to prevent water intrusion, and construction of Barriers 1 and 2 and starting in fiscal year 2016 with construction anticipated to be completed in October 2018. The original sequencing and durations of design and construction activities among the four barriers has been preserved with the proposed changes reflected in the milestone language below.		
Impact of Change This change control form modifies the dates on pending actions under Milestone M-045-92 and establishes new dates for reaching agreement on a path forward.		
Affected Documents The HFFACO, as amended, and Hanford Site internal planning, management, and budget documents (e.g., River Protection Project System Plan, Baseline Control documents, and related work authorizations and directives).		
Approvals <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 30%;">  _____ DOE </div> <div style="width: 30%;"> 3/26/15 _____ Date </div> <div style="width: 30%;"> <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved </div> </div> <div style="display: flex; justify-content: space-between; align-items: flex-start; margin-top: 10px;"> <div style="width: 30%;"> N/A _____ EPA </div> <div style="width: 30%;"> _____ Date </div> <div style="width: 30%;"> <input type="checkbox"/> Approved <input type="checkbox"/> Disapproved </div> </div> <div style="display: flex; justify-content: space-between; align-items: flex-start; margin-top: 10px;"> <div style="width: 30%;"> _____ Ecology </div> <div style="width: 30%;"> _____ Date </div> <div style="width: 30%;"> <input type="checkbox"/> Approved <input type="checkbox"/> Disapproved </div> </div>		

Specific changes to Tri-Party Agreement Appendix D are displayed with double underline to indicate addition of text and by ~~strikeout~~ to indicate deletion of text.

<p>M-045-92 Lead Agency: Ecology</p>	<p>After the determination identified in Milestone M-045-22, complete installation of four (4) additional interim barriers, according to the following schedule (unless Ecology and USDOE have determined to continue vadose zone testing and DOE has submitted a change request for M-045-92):</p> <ul style="list-style-type: none"> • By October 31, 2015<u>8</u>, construct barriers 1 and 2 in 241-SX farm, per the design and monitoring plans already approved by Ecology under milestones M-045-92; <u>or per updated designs approved by Ecology.</u> <p>Construct the remaining two (2) barriers per the following revised schedule:</p> <ul style="list-style-type: none"> • <u>DOE and Ecology will agree on locations for Barrier 3 and 4 by September 30, 2015.</u> • Barrier 3 Design/Monitoring Plan 06/30/15 <u>06/30/18</u> • Construct Barrier 3 10/31/16 <u>10/31/19</u> • Barrier 4 Design/Monitoring Plan 06/30/16 <u>06/30/19</u> • Construct Barrier 4 10/31/17 <u>10/31/20</u> <p>The design and monitoring plans will be consistent with those developed for WMA T and TY unless DOE and Ecology agree otherwise. Ecology will authorize construction upon approval of the final design and monitoring plans.</p>	<p>10/31/2017 <u>10/31/2020</u> Or As Indicated In the Descriptive Text Of This Milestone</p>
--	---	--

**ATTACHMENT 3
16-TF-0016**

**Disapproval of
Change Control Form M-45-15-01 To
Modify Milestone M-045-92 Due Dates**

1229370



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

3100 Port of Benton Blvd • Richland, WA 99354 • (509) 372-7950

711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

April 17, 2015

15-NWP-075

Mr. Thomas W. Fletcher, Assistant Manager
Office of River Protection
United States Department of Energy
PO Box 450, MSIN: H6-60
Richland, Washington 99352

Re: Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement) Change Control Form,
Change Number M-045-15-01, dated 03/26/15

Dear Mr. Fletcher:

Enclosed is a copy of Tri-Party Agreement (TPA) Change Control Package M-045-15-01, disapproved by Jane Hedges. The original, signed change control form was delivered to the Office of River Protection's document control on April 14.

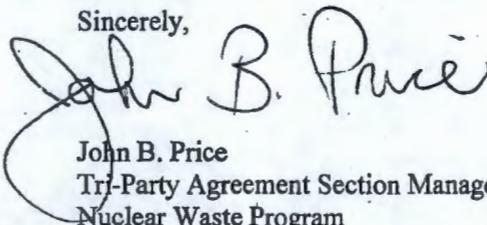
The change package had proposed to modify TPA milestone M-045-92 due dates for construction of single-shell tank interim barriers, delaying construction of Barriers 1 and 2, and design and construction of Barriers 3 and 4.

The Department of Ecology (Ecology) disapproved the change request because construction of these interim barriers is necessary to mitigate impacts to human health and the environment due to releases that have already occurred, slowing their migration. The sooner these barriers are constructed, the better. This urgency is further heightened by delays in construction of the Waste Treatment Plant and the corresponding delays in single-shell tank retrievals. The proposed schedule delay would provide less protection of human health and the environment than construction on the existing milestone schedule.

In Ecology's opinion, the interim barriers should cover a larger area than what the United States Department of Energy (USDOE) has so far proposed. Based on evaluation of technical data, Ecology believes that larger barriers would provide greater protection of human health and the environment than the smaller barriers proposed by USDOE.

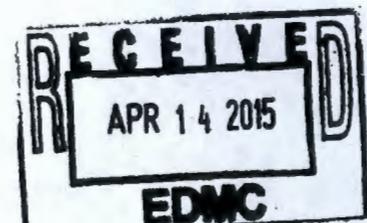
If you have any questions, please contact Jeff Lyon, Ecology Project Manager, at (509) 372-7914 or jeff.lyon@ecy.wa.gov.

Sincerely,


John B. Price
Tri-Party Agreement Section Manager
Nuclear Waste Program

tkb
Enclosure

cc: See page 2



Mr. Thomas W. Fletcher
April 17, 2015
Page 2

15-NWP-075

cc electronic w/enc:

Dennis Faulk, EPA
Lori Huffman, USDOE-ORP
Chris Kemp, USDOE-ORP
Cliff Clark, USDOE-RL
Jon Perry, MSA
Rob Piippo, MSA
Ken Niles, ODOE
Dib Goswami, Ecology
Jeff Lyon, Ecology
John Price, Ecology
Environmental Portal
Hanford Facility Operating Record
USDOE-ORP Correspondence Control
USDOE-RL Correspondence Control

cc w/enc:

Steve Hudson, HAB
Administrative Record: M-045-15-01
NWP Central File

cc w/o enc:

Rod Skeen, CTUIR
Gabriel Bohnee, NPT
Russell Jim, YN
NWP Reader File

Change Number M-45-15-01	Federal Facility Agreement and Consent Order Change Control Form <small>Do not use blue ink. Type or print using black ink.</small>	Date 03/26/15
------------------------------------	---	-------------------------

Originator T. W. Fletcher, DOE-ORP	Phone (509) 376-3434
--	--------------------------------

Class of Change - <input type="checkbox"/> I - Signatories	<input checked="" type="checkbox"/> II - Executive Manager	<input type="checkbox"/> III - Project Manager
--	--	--

Change Title
Modify Milestone M-045-92 Due Dates

Description/Justification of Change
This change control form modifies Milestone M-045-92 due dates for construction of Barriers 1 and 2 and design and construction of Barriers 3 and 4.

Good cause exists for changing the milestone due dates because ORP was required to shift resources to other higher priority, higher risk work scope for the Radioactive Liquid Tank Waste Stabilization and Disposition Project (i.e. Project Baseline Summary ORP-0014), including among other things, safety concerns. As a result, construction of the SX Barriers 1 and 2 has been delayed.

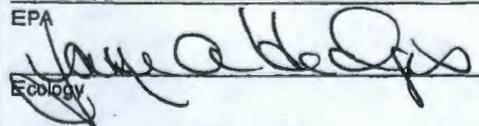
Good cause also exists to delay the design and construction of Barriers 3 and 4 as the Washington State Department of Ecology (Ecology) and ORP have yet to agree upon the locations for these barriers. As all barrier designs are site specific, and without a location, no barrier design and associated monitoring plan can be developed, and construction cannot be completed by the current milestone due date. At the July 22, 2014, TPA Milestone M-045-56 meeting, it was agreed between Ecology and ORP that discussions of FY2015 interim measures would be deferred to a future meeting which has not yet been held. Those discussions would have included decisions as to which interim measures would be performed in FY2015, including the locations for any interim surface barriers to be designed and constructed. It is proposed that Ecology and ORP discuss barrier locations during the M-045-56 Milestone annual interim measures meetings held by the end of July 2015.

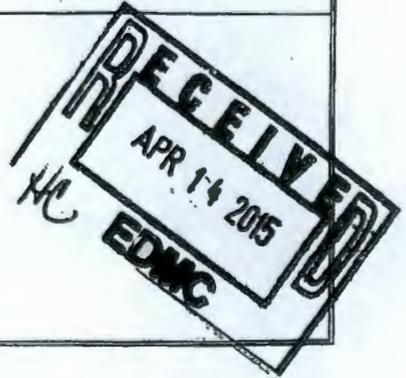
ORP has requested resources for an updated design, if necessary, to prevent water intrusion, and construction of Barriers 1 and 2 and starting in fiscal year 2016 with construction anticipated to be completed in October 2018. The original sequencing and durations of design and construction activities among the four barriers has been preserved with the proposed changes reflected in the milestone language below.

Impact of Change
This change control form modifies the dates on pending actions under Milestone M-045-92 and establishes new dates for reaching agreement on a path forward.

Affected Documents
The HFFACO, as amended, and Hanford Site internal planning, management, and budget documents (e.g., River Protection Project System Plan, Baseline Control documents, and related work authorizations and directives).

Approvals

 DOE	3/26/15	<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Disapproved
N/A		<input type="checkbox"/> Approved	<input type="checkbox"/> Disapproved
 Ecology	4/14/15	<input type="checkbox"/> Approved	<input checked="" type="checkbox"/> Disapproved



Specific changes to Tri-Party Agreement Appendix D are displayed with double underline to indicate addition of text and by ~~strikeout~~ to indicate deletion of text.

<p>M-045-92 Lead Agency: Ecology</p>	<p>After the determination identified in Milestone M-045-22, complete installation of four (4) additional interim barriers, according to the following schedule (unless Ecology and USDOE have determined to continue vadose zone testing and DOE has submitted a change request for M-045-92):</p> <ul style="list-style-type: none"> • By October 31, 2015<u>8</u>, construct barriers 1 and 2 in 241-SX farm, per the design and monitoring plans already approved by Ecology under milestones M-045-92; <u>or per updated designs approved by Ecology.</u> <p>Construct the remaining two (2) barriers per the following revised schedule:</p> <ul style="list-style-type: none"> • <u>DOE and Ecology will agree on locations for Barrier 3 and 4 by September 30, 2015.</u> • Barrier 3 Design/Monitoring Plan 06/30/15 <u>06/30/18</u> • Construct Barrier 3 10/31/16 <u>10/31/19</u> • Barrier 4 Design/Monitoring Plan 06/30/16 <u>06/30/19</u> • Construct Barrier 4 10/31/17 <u>10/31/20</u> <p>The design and monitoring plans will be consistent with those developed for WMA T and TY unless DOE and Ecology agree otherwise. Ecology will authorize construction upon approval of the final design and monitoring plans.</p>	<p>10/31/2017 <u>10/31/2020</u> Or As Indicated In the Descriptive Text Of This Milestone</p>
--	---	--

ATTACHMENT 4
16-TF-0016

**Initiation of Dispute Resolution Regarding Disapproval of
Change Control Form M-45-15-01 To
Modify Milestone M-045-92 Due Dates**



OFFICE OF RIVER PROTECTION

P.O. Box 450, MSIN H6-60
Richland, Washington 99352

APR 20 2015

15-TF-0042

Ms. Jane A. Hedges, Program Manager
Nuclear Waste Program
Washington State
Department of Ecology
3100 Port of Benton Blvd.
Richland, Washington 99354

Ms. Hedges:

**INITIATION OF DISPUTE RESOLUTION REGARDING DISAPPROVAL OF HANFORD
FEDERAL FACILITY AGREEMENT AND CONSENT ORDER CHANGE CONTROL
FORM M-45-15-01**

Reference: ORP letter K.W. Smith to J.A. Hedges, Ecology, "Transmittal for Approval of the Hanford Federal Facility Agreement and Consent Order Change Control Form M-45-15-01 to Modify Milestone M-045-92 Due Dates," 15-TF-0027, dated March 31, 2015.

On March 31, 2015, the U.S. Department of Energy, Office of River Protection (ORP) transmitted to the Washington State Department of Ecology (Ecology) a Class II Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement or TPA) change control form (M-045-15-01), signed by ORP (Reference). The change control form proposed that Milestone M-045-92 due dates be modified for construction of Barriers 1 and 2, and design and construction of Barriers 3 and 4.

Ecology disapproved M-045-15-01 on April 14, 2015. Therefore, ORP is providing notice that it objects to Ecology's disapproval and is initiating dispute resolution under TPA Article VIII, "Resolution of Dispute." ORP will make a good faith effort to informally resolve this dispute with Ecology at the TPA Project Manager level.

If you have any questions, please contact Thomas Fletcher, Assistant Manager for Tank Farm Project, at (509) 376-3434.

TF:REB

Distribution: Page 2


Kevin W. Smith
Manager *fw*

Jane A. Hedges
15-TF-0042

-2-

APR 20 2015

cc:

S. Harris, CTUIR
J.J. Lyon, Ecology
D. McDonald, Ecology
J.B. Price, Ecology
D.A. Faulk, EPA
S. Hudson, HAB
C.P. Noonan, MSA
R.E. Piippo, MSA
J.G. Woolard, MSA
G. Bohnee, NPT
K. Niles, ODOE
R. Buck, Wanapum
S.J. Eberlein, WRPS
J.A. Joyner, WRPS
J.J. Luke, WRPS
D.L. Parker, WRPS
R. Jim, YN
D. Rowland, YN
Administrative Record
Environmental Portal, LMSI
WRPS Correspondence Control

ATTACHMENT 5
16-TF-0016

**Extension of Discussion at the Project Manager Level
Change Control Form M-45-15-01 To
Modify Milestone M-045-92 Due Dates**



Tri-Party Agreement

EXTENSION AT THE PROJECT MANAGER LEVEL FOR THE HANFORD FEDERAL FACILITY AGREEMENT AND CONSENT ORDER DISPUTE REGARDING DISAPPROVAL OF CHANGE CONTROL FORM M-45-15-01

The U.S. Department of Energy, Office of River Protection (ORP) submitted to the Washington State Department of Ecology (Ecology) TPA Change Control Form M-045-15-01 on March 31, 2015. Ecology disapproved M-045-15-01 on April 14, 2015 as documented in letter 15-NWP-075. ORP initiated TPA dispute on April 20, 2015 via letter 15-TF-0042.

ORP and Ecology wish to continue discussions on this matter and to address this dispute at the project manager level. Therefore, in accordance with HFFACO Article VIII, Paragraph 30, ORP and Ecology hereby agree to extend the period for dispute resolution at the project manager level until

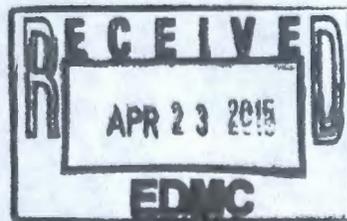
August 16, 2015 2015.

CSK 4-23-2015
 Chris Kemp date
 Assistant Manager
 U.S. Department of Energy
 Office of River Protection

[Signature] 4-23-2015
 Jeff Lyon date
 Project Manager
 Washington State Department of Ecology

cc:

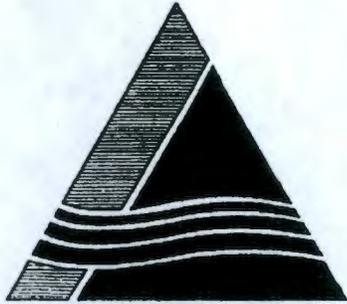
G. Bohnee, NPT
 R. Buck, Wanapum
 S. Harris, CTUIR
 J. A. Hedges, Ecology
 D. A. Faulk, EPA
 S. Hudson, HAB
 R. Jim, YN
 J. J. Luke, WRPS
 K. Niles, ODOE



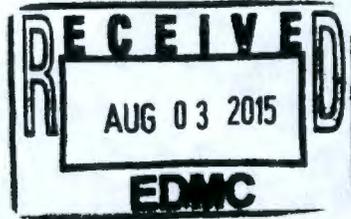
R. E. Beach, ORP
 C. J. Kemp, ORP
 R. E. Piippo, MSA
 J. G. Woolard, MSA
 D. Rowland, YN
 Administrative Record
 Environmental Portal

ATTACHMENT 6
16-TF-0016

**Second Extension of Discussion at the Project Manager Level
Change Control Form M-45-15-01 To
Modify Milestone M-045-92 Due Dates**



Tri-Party Agreement



EXTENSION AT THE PROJECT MANAGER LEVEL FOR THE HANFORD FEDERAL FACILITY AGREEMENT AND CONSENT ORDER DISPUTE REGARDING DISAPPROVAL OF CHANGE CONTROL FORM M-45-15-01

The U.S. Department of Energy, Office of River Protection (ORP) submitted to the Washington State Department of Ecology (Ecology) TPA Change Control Form M-45-15-01 on March 31, 2015, via letter 15-TF-0027. Ecology disapproved M-45-01 on April 17, 2015 as documented in letter 15-NWP-075. ORP initiated TPA dispute on April 20, 2015, via letter 15-TF-0042.

The ORP and Ecology wish to continue discussions on this matter and to address this dispute. Therefore, in accordance with HFFACO Article VIII, Paragraph 30, ORP and Ecology hereby agree to extend the period for dispute resolution at the project manager level until October 15, 2015.

Chris Kemp 7-30-2015
 date
 Assistant Manager
 U.S. Department of Energy
 Office of River Protection

Jeff Lyon 7/28/15
 date
 Project Manager
 Washington State Department of Ecology

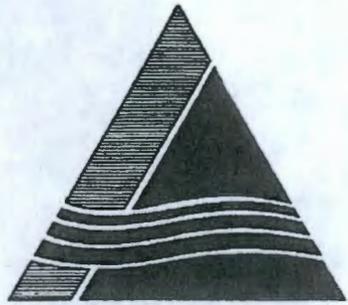
cc:

R. E. Beach, ORP
 G. Bohnee, NPT
 R. Buck, Wanapum
 S. Harris, CTUIR
 J. A. Hedges, Ecology
 D. A. Faulk, EPA
 S. Hudson, HAB
 R. Jim, YN
 C. J. Kemp, ORP
 J. J. Luke, WRPS

K. Niles, ODOE
 R. E. Piippo, MSA
 J. G. Woolard, MSA
 D. Rowland, YN
 Administrative Record
 Environmental Portal

**ATTACHMENT 7
16-TF-0016**

**Extension at the Project Manager Level for the Hanford Federal
Facility Agreement and Consent Order Dispute Regarding
Disapproval of Change Control Form M-45-15-01 dated
November 13, 2015**



Tri-Party Agreement

EXTENSION AT THE PROJECT MANAGER LEVEL FOR THE HANFORD FEDERAL FACILITY AGREEMENT AND CONSENT ORDER DISPUTE REGARDING DISAPPROVAL OF CHANGE CONTROL FORM M-45-15-01

The U.S. Department of Energy, Office of River Protection (ORP) submitted to the Washington State Department of Ecology (Ecology) TPA Change Control Form M-45-15-01 on March 31, 2015, via letter 15-TF-0027. Ecology disapproved M-45-01 on April 17, 2015 as documented in letter 15-NWP-075. ORP initiated TPA dispute on April 20, 2015, via letter 15-TF-0042.

The ORP and Ecology wish to continue discussions on this matter and to address this dispute. Therefore, in accordance with HFFACO Article VIII, Paragraph 30, ORP and Ecology hereby agree to extend the period for dispute resolution at the project manager level until November 20, 2015.

Chris Kemp 11-13-2015
date
Assistant Manager
U.S. Department of Energy
Office of River Protection

Jeff Lynn 11-13-15
date
Project Manager
Washington State Department of Ecology

cc:

R. E. Beach, ORP
G. Bohnee, NPT
R. Buck, Wanapum
S. Harris, CTUIR
J. A. Hedges, Ecology
D. A. Faulk, EPA
S. Hudson, HAB
R. Jim, YN
C. J. Kemp, ORP
J. J. Luke, WRPS

K. Niles, ODOE
R. E. Piippo, MSA
J. G. Woolard, MSA
D. Rowland, YN
Administrative Record
Environmental Portal

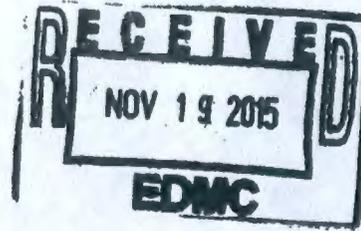
**ATTACHMENT 8
16-TF-0016**

**Extension at the Project Manager Level for the Hanford Federal
Facility Agreement and Consent Order Dispute Regarding
Disapproval of Change Control Form M-45-15-01 dated
November 19, 2015**

1231773
[0079428H]



Tri-Party Agreement



EXTENSION AT THE PROJECT MANAGER LEVEL FOR THE HANFORD FEDERAL FACILITY AGREEMENT AND CONSENT ORDER DISPUTE REGARDING DISAPPROVAL OF CHANGE CONTROL FORM M-45-15-01

The U.S. Department of Energy, Office of River Protection (ORP) submitted to the Washington State Department of Ecology (Ecology) TPA Change Control Form M-45-15-01 on March 31, 2015, via letter 15-TF-0027. Ecology disapproved M-45-01 on April 17, 2015 as documented in letter 15-NWP-075. ORP initiated TPA dispute on April 20, 2015, via letter 15-TF-0042.

The ORP and Ecology wish to continue discussions on this matter and to address this dispute. Therefore, in accordance with HFFACO Article VIII, Paragraph 30, ORP and Ecology hereby agree to extend the period for dispute resolution at the project manager level until December 2, 2015.

Ryan Beach 11/19/15
Ryan Beach date
Program Manager
U.S. Department of Energy
Office of River Protection

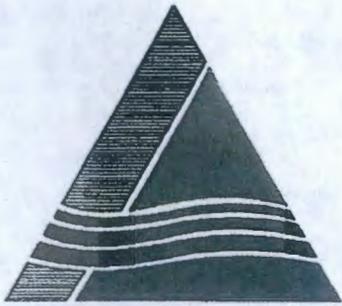
Jeff Lyon 11/19/15
Jeff Lyon date
Project Manager
Washington State Department of Ecology

- cc:
R. E. Beach, ORP
G. Bohnee, NPT
R. Buck, Wanapum
S. Harris, CTUIR
J. A. Hedges, Ecology
D. A. Faulk, EPA
S. Hudson, HAB
R. Jim, YN
C. J. Kemp, ORP
J. J. Luke, WRPS

- K. Niles, ODOE
R. E. Piippo, MSA
J. G. Woolard, MSA
D. Rowland, YN
Administrative Record
Environmental Portal

**ATTACHMENT 9
16-TF-0016**

**Extension at the Project Manager Level for the Hanford Federal
Facility Agreement and Consent Order Dispute Regarding
Disapproval of Change Control Form M-45-15-01 dated
December 2, 2015**

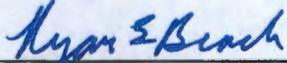


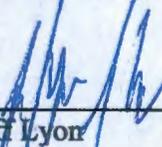
Tri-Party Agreement

EXTENSION AT THE PROJECT MANAGER LEVEL FOR THE HANFORD FEDERAL FACILITY AGREEMENT AND CONSENT ORDER DISPUTE REGARDING DISAPPROVAL OF CHANGE CONTROL FORM M-45-15-01

The U.S. Department of Energy, Office of River Protection (ORP) submitted to the Washington State Department of Ecology (Ecology) TPA Change Control Form M-45-15-01 on March 31, 2015, via letter 15-TF-0027. Ecology disapproved M-45-01 on April 17, 2015 as documented in letter 15-NWP-075. ORP initiated TPA dispute on April 20, 2015, via letter 15-TF-0042.

The ORP and Ecology wish to continue discussions on this matter and to address this dispute. Therefore, in accordance with HFFACO Article VIII, Paragraph 30, ORP and Ecology hereby agree to extend the period for dispute resolution at the project manager level until January 29, 2016.

 12/2/15
Ryan E. Beach date
Program Manager
U.S. Department of Energy
Office of River Protection

 12/2/15
Jeff Lyon date
Project Manager
Washington State Department of Ecology

cc:

R. E. Beach, ORP
G. Bohnee, NPT
R. Buck, Wanapum
S. Harris, CTUIR
J. A. Hedges, Ecology
D. A. Faulk, EPA
S. Hudson, HAB
R. Jim, YN
C. J. Kemp, ORP
J. J. Luke, WRPS

K. Niles, ODOE
R. E. Piippo, MSA
J. G. Woolard, MSA
D. Rowland, YN
Administrative Record
Environmental Portal

ATTACHMENT 10
16-TF-0016

**Extension at the Project Manager Level for the Hanford Federal
Facility Agreement and Consent Order Dispute Regarding
Disapproval of Change Control Form M-45-15-01 dated
January 21, 2016**

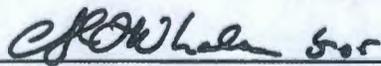


EXTENSION AT THE PROJECT MANAGER LEVEL FOR THE HANFORD FEDERAL FACILITY AGREEMENT AND CONSENT ORDER DISPUTE REGARDING DISAPPROVAL OF CHANGE CONTROL FORM M-45-15-01

The U.S. Department of Energy, Office of River Protection (ORP) submitted to the Washington State Department of Ecology (Ecology) TPA Change Control Form M-45-15-01 on March 31, 2015, via letter 15-TF-0027. Ecology disapproved M-45-01 on April 17, 2015 as documented in letter 15-NWP-075. ORP initiated TPA dispute on April 20, 2015, via letter 15-TF-0042.

The ORP and Ecology wish to continue discussions on this matter and to address this dispute. Therefore, in accordance with HFFACO Article VIII, Paragraph 30, ORP and Ecology hereby agree to extend the period for dispute resolution at the project manager level until February 16, 2016.

For  1/21/16
Ryan Beach date
Program Manager
U.S. Department of Energy
Office of River Protection

 1/21/16
Jeff Lyon date
Project Manager
Washington State Department of Ecology

cc:

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