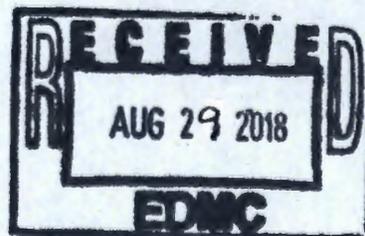


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Interagency Management Integration Team (IAMIT) Meeting Minutes

Department of Ecology Building
Richland, Washington
March 30, 2017



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**Interagency Management Integration Team (IAMIT)
Meeting Minutes
March 30, 2017**

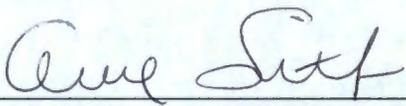


Tri-Party Agreement

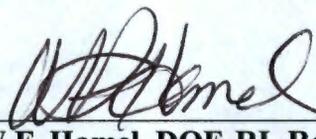
U.S. Department of Energy
Washington State Department of Ecology
U.S. Environmental Protection Agency

**Interagency Management Integration Team (IAMIT)
Meeting Minutes
March 30, 2017**

SIGNATURES

Approval: 
A.K. Smith, Ecology Representative

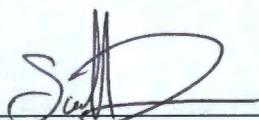
Date: 8/28/2018.

Approval: 
W.F. Hamel, DOE-RL Representative

Date: 8/20/2018

Approval: N/A
D.R. Einan, EPA Representative

Date: _____

Minutes Prepared by: 
S.W. Davis, Mission Support Alliance

Date: 8/20/2018

Interagency Management Integration Team (IAMIT)
Meeting Minutes
March 30, 2017

1) Topic: PUREX Surveillance & Maintenance (S&M) Plan Dispute

The U.S. Department of Energy, Richland Operations Office (DOE-RL) stated that a Statement of Dispute (SOD) regarding Plutonium-Uranium Extraction (PUREX) plant was sent to the Washington State Department of Ecology (Ecology) in the November/December 2016 time frame, but an IAMIT meeting has not been held since that time, due to weather issues and schedule conflicts.

Ecology indicated that progress had been made during the closure plan binning meetings being held with DOE-RL, and an approach was developed for each of the different facilities and their respective closure plans. Ecology stated that with regards to PUREX and the canyon dangerous waste management units, the Parties discussed having a closure plan that would meet the requirements of Rev. 9 RCRA permit, but it would be a closure plan that would coordinate activities with the future CERCLA decisions. Ecology characterized it as a TPA-coordinated approach, with the closure plan being part of Rev. 9, but that most of the information would come in after the final remedial decision is in place. Ecology noted that the milestones are already in place, which would provide a schedule for the closure plan.

Ecology stated that when an agreement is reached on the new CERCLA-linked closure plan template, a revised closure plan would be placed in the operating record to meet the interim status requirements for having a closure plan. DOE-RL stated that the outline of the approach for the closure plan has been made available, but the text has not been provided for the template. Ecology responded that it is working on the template. DOE-RL asked if the compliance requirements would be satisfied once the template is established and the closure plan is done. Ecology indicated that the compliance requirements would be satisfied. Ecology added that the draft closure plan that DOE-RL prepares in accordance with the template could go into the operating record to meet the interim status requirements. Ecology noted that DOE-RL's interim status closure plan does not have to be approved by Ecology.

DOE-RL stated that in the case of another compliance inspection, Ecology may need to exercise its enforcement discretion regarding the interim status closure plan. Ecology agreed with DOE-RL, and stated that there have been internal discussions with the compliance team regarding use of its enforcement discretion. DOE-RL pointed out that a pre-closure plan has been in place as a TPA primary document for almost 25 years, which is allowed under the TPA. DOE-RL noted that there was discussion during the Senior Executive Committee (SEC) meeting regarding the title of the pre-closure plan, and that the plan needed to include specific sections such as the training plan and the maintenance plan. DOE-RL stated that it was not clear what the dispute between the Parties was, since what is in place aligns with the path forward and is in compliance with the agreed to TPA Section 8.0 process. DOE-RL added that the difference is connecting the closure plan to the CERCLA process, which would provide the strong link for the cleanup decision.

Ecology stated that its understanding is the current pre-closure plan is not adequate for the

Interagency Management Integration Team (IAMIT)
Meeting Minutes
March 30, 2017

requirement to have a closure plan in the operating record. DOE-RL responded that Ecology's understanding may apply to the Part B, but reiterated that a TPA primary document has been in place for 25 years that was agreed by the Parties as an acceptable substitute. DOE-RL stated that the pre-closure plan, as a primary document, should meet the requirement today while the parties move forward with a new construct for an interim status closure plan and then for the final permit. DOE-RL expressed the concern that the pre-closure plan is now identified as not being in compliance, and the additional concern that the RCRA side of the TPA has been questioned by EPA for some time. DOE-RL stated that if there are TPA agreements that all the Parties have signed up to, they should be honored. DOE-RL added that agreeing to something in the future or making improvements are good discussions to have. Ecology responded that the challenge to honoring some of the TPA documents is the age of the document and the changes from the time they are agreed to and today. DOE-RL reiterated that it should not negate a TPA agreement made by the Parties.

Ecology stated that the PUREX issue surfaced during a revision to the S&M plan, and the compliance team reviewed the S&M plan and commented on what the requirements are under RCRA. Ecology added that the other issue occurred during the compliance inspection when no closure plan was identified. Ecology stated that the pre-closure work plan was presented with an end point document and historical information, but not as the closure plan.

Ecology reiterated that the pre-closure plan could suffice as an interim status closure plan until agreement is reached on the closure plan template and what needs to go into a TPA-coordinated approach closure plan that will defer to a future CERCLA decision. Ecology stated that when DOE-RL submits a closure plan drafted from the template, and it is reviewed and goes through the Rev. 9 conceptual agreement package (CAP) process, that it would be a better closure plan in the operating record until Rev. 9 is issued.

DOE-RL agreed with Ecology's proposal for a CERCLA-linked closure plan. Ecology stated that there would be two different documents that would go into the operating record in succession: 1) the pre-closure work plan as the closure plan; 2) the draft closure plan developed using the agreed upon, to replace the pre-closure plan.

There was a brief discussion about changing the title of the pre-closure plan. Ecology stated that it is referred in several historical documents as the pre-closure plan, and the Parties agreed to not change the title. DOE-RL suggested submitting the pre-closure plan with a letter stating the reasons why it will function as the closure plan in the operating record, and what the next steps will be for a closure plan. Ecology agreed with DOE-RL's suggestion to send a letter.

DOE-RL noted that there may be other facilities that have the same situation with a pre-closure plan. Ecology agreed that there may be other facilities, and suggested taking pre-emptive action in the letter to avoid the same situation as PUREX.

Interagency Management Integration Team (IAMIT)
Meeting Minutes
March 30, 2017

DOE-RL and Ecology agreed that the PUREX S&M plan dispute has been resolved, based on today's discussion and agreed-to actions noted below. DOE-RL will send a letter to Ecology outlining the actions, and Ecology will follow up with a response to DOE-RL.

Actions:

- 1) DOE-RL will send a letter to Ecology stating the agreement that the pre-closure plan will substitute for the closure plan until a closure plan template is developed. The letter will include other facilities that are operating under the same situation as PUREX.
- 2) Ecology accepts action item 1 and will respond to DOE-RL's letter accordingly
- 3) Ecology will develop a template for the closure plan.
- 4) DOE-RL will develop a draft CERCLA-linked closure plan to meet Rev. 9 permit requirements.
- 5) DOE-RL will place the revised closure plan in the operating records to replace the existing pre-closure plan.

Interagency Management Integration Team (IAMIT)
Meeting Minutes
March 30, 2017

cc:

William Hamel, DOE
Tom Teynor, DOE
Al Farabee, DOE
Mostafa Kamal, DOE
Kathleen Higgins, DOE
Simon Serrano, DOE
Alex Smith, Ecology
Dave Einan, EPA
John Price, Ecology
Stephanie Schleif, Ecology
Dru Butler, MSA
Stephanie Brasher, MSA
Scott Davis, MSA
Sara Austin, CHPRC
Administrative Record (PUREX Dispute)