



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

19-AMRP-0066

**JUL 29 2019**

Ms. Alexandra K. Smith, Program Manager  
Nuclear Waste Program  
Washington State Department of Ecology  
3100 Port of Benton Boulevard  
Richland, Washington 99354

Mr. David Einan, Manager  
Superfund and Emergency Management Division  
Site Cleanup Section 4  
U.S. Environmental Protection Agency  
825 Jadwin Avenue, Suite 210  
Richland, Washington 99352

Addressees:

HANFORD FEDERAL FACILITY AGREEMENT AND CONSENT ORDER (TRI-PARTY AGREEMENT) TENTATIVE AGREEMENT ON TRI-PARTY AGREEMENT REVISIONS IN RESPONSE TO THE COORDINATED CLOSURE NEGOTIATIONS

This letter is transmitting the Tri-Party Agreement Tentative Agreement on Tri-Party Agreement Revisions in Response to the Coordinated Closure Negotiations for your signature.

This Tentative Agreement and the Tri-Party Agreement change control forms are subject to public comment and modification, as required. A notice of the upcoming public comment period for the change control forms will be distributed to the public, followed by a 45-day public comment period.

If you have any questions, please contact me, or your staff may contact Mostafa Kamal, of my staff, on (509) 376-0289.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Hamel".

William F. Hamel, Assistant Manager  
for the River and Plateau

AMRP:KLH

Attachment

cc: See page 2

Addressees  
19-AMRP-0066

-2-

JUL 29 2019

cc w/attach:

J. Atwood, YN  
S. G. Austin, CHPRC  
D. B. Bartus, EPA  
J. Bell, NPT  
S. L. Brasher, MSA  
R. Buck, Wanapum  
C. E. Cameron, EPA  
L. Contreras, YN  
S. W. Davis, MSA  
M. Johnson, CTUIR  
S. Leckband, HAB  
N. M. Menard, Ecology  
K. Niles, ODOE  
S. N. Schleif, Ecology  
Administrative Record (M-037)  
Environmental Portal

Hanford Federal Facility Agreement and Consent Order  
(Tri-Party Agreement)

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**TENTATIVE AGREEMENT  
ON  
TRI-PARTY AGREEMENT REVISIONS IN RESPONSE TO THE  
COORDINATED CLOSURE NEGOTIATIONS**

**July 2019**



*Tri-Party Agreement*

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

**Tentative Agreement on Tri-Party Agreement  
Revisions in Response to the Coordinated Closure Negotiations**

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# **Tentative Agreement on Tri-Party Agreement Revisions in Response to the Coordinated Closure Negotiations**



## **TENTATIVE AGREEMENT ON TRI-PARTY AGREEMENT REVISIONS IN RESPONSE TO THE COORDINATED CLOSURE NEGOTIATIONS**

The U.S. Department of Energy, Richland Operations Office (DOE-RL), the U.S. Department of Energy, Office of River Protection (DOE-ORP), the Washington State Department of Ecology (Ecology), and the U.S. Environmental Protection Agency (EPA), hereinafter referred to as the “Parties,” began negotiating coordinated closure revisions to the Tri-Party Agreement Action Plan, Sections 3.3, 5.5, 6.1, 7.4.2, and the M-037 milestone series in Appendix D.

The Tri-Party Agreement identifies how Treatment, Storage, and Disposal (TSD) Units and Past-Practice Units interface with Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) actions. A Hanford TSD and past-practice unit can be closely associated with each other and can have identical cleanup goals, at the same time have two separate documents (Hanford Waste Management Area (HWMA) permit and CERCLA Record of Decision (ROD)) and two different cleanup schedules.

This Tentative Agreement proposes updating the Tri-Party Agreement sections pertaining to coordinated closure and aligning milestones to prevent overlap and duplication of work, thereby economically and efficiently addressing the contamination.

## **Tentative Agreement on Tri-Party Agreement Revisions in Response to the Coordinated Closure Negotiations**

The Parties have reached a Tentative Agreement on these changes as presented in the proposed Tri-Party Agreement change control forms provided below and attached to this Tentative Agreement.

<b>Change Control Form</b>	<b>Title</b>
P-03-19-01	Modify Tri-Party Agreement (TPA), Action Plan, Section 3.3, Past-Practice Units, to Reflect RCRA Closures as Part of CERCLA Actions
P-05-19-01	Modify Tri-Party Agreement (TPA), Action Plan, Section 5.5, Treatment, Storage, and Disposal Units and Practice Units Interface, to Reflect RCRA Closures and Part of CERCLA Actions
P-06-19-01	Modify Tri-Party Agreement (TPA), Action Plan, Section 6.1, Treatment, Storage, and Disposal Unit Process, Introduction
P-07-19-01	Modify Tri-Party Agreement (TPA), Action Plan, Section 7.4.2, Resource Conservation and Recovery Act Facility Investigation and Remedial Investigation
M-37-19-01	Modification of M-037 Series Milestones in TPA Appendix D

This Tentative Agreement and the Tri-Party Agreement change control forms are subject to public comment and modification, as required. A notice of the upcoming public comment period for the change control forms will be distributed to the public, followed by a 45-day public comment period. Upon conclusion of the public comment period, the Parties will consider the comments and the change control forms will be revised, as appropriate. When agreed upon, the change control forms will be approved by the Parties, then incorporated into the Tri-Party Agreement.

Unresolved revisions will be subject to Tri-Party Agreement dispute resolution as provided for in Tri-Party Agreement Article VIII, Resolution of Disputes and/or Article XVI, Resolution of Disputes and/or Article XL, Good Cause for Extensions.

This Tentative Agreement is to take effect upon the signatures of the Parties.

**Tentative Agreement on Tri-Party Agreement  
Revisions in Response to the Coordinated Closure Negotiations**



*Tri-Party Agreement*

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

**TENTATIVE AGREEMENT  
ON  
TRI-PARTY AGREEMENT REVISIONS IN RESPONSE TO THE  
COORDINATED CLOSURE NEGOTIATIONS**

  
\_\_\_\_\_  
William F. Hamel, Assistant      Date  
Manager for the River and Plateau  
U.S. Department of Energy  
Richland Operations Office

  
\_\_\_\_\_  
Robert G. Hastings, Assistant      Date  
Manager for Tank Farms  
U.S. Department of Energy  
Office of River Protection

\_\_\_\_\_  
David R. Einar, Program Manager      Date  
Hanford Project Office  
U.S. Environmental Protection Agency

\_\_\_\_\_  
Alexandra K. Smith,      Date  
Program Manager  
Nuclear Waste Program  
Washington State Department of Ecology

**Tentative Agreement on Tri-Party Agreement  
Revisions in Response to the Coordinated Closure Negotiations**

<b>Change Number</b> P-03-19-01	<b>Federal Facility Agreement and Consent Order Change Control Form</b>	<b>Date</b> 06/20/2019
<b>Originator</b> Mostafa Kamal		<b>Phone</b> 376-0289
<b>Class of Change</b> <input type="checkbox"/> I – Signatories <input checked="" type="checkbox"/> II – Executive Managers <input type="checkbox"/> III – Project Managers		
<b>Change Title</b>  Modify Tri-Party Agreement (TPA), Action Plan, Section 3.3, Past-Practice Units, to Reflect RCRA Closures as Part of CERCLA Actions		
<b>Description/Justification of Change</b>  <p>This change control form modifies the TPA Action Plan, Section 3.3, Past-Practice Units, to be consistent with TPA Action Plan, Section 5.5, Treatment, Storage, and Disposal Units and Past-Practice Units Interface. This change proposes to modify the RCRA Facility Investigation/Corrective Measures (RFI/CM) documents to past-practice documents pursuant to TPA Action Plan, Section 5.5, Treatment, Storage, and Disposal Units and Past Practice Units Interface.</p> <p>This change control form was coordinated with the following change control forms in the Coordinated Closure negotiations:</p> <ul style="list-style-type: none"> <li>• P-05-19-01, Modify TPA, Action Plan, Section 5.5, Treatment, Storage, and Disposal Units and Past-Practice Units Interface, to Reflect RCRA Closures as Part of CERCLA Actions,</li> <li>• P-06-19-01, Modify TPA, Action Plan, Section 6.1, Treatment, Storage, and Disposal Unit Process, Introduction,</li> <li>• P-07-19-01, Modify TPA, Action Plan, Section 7.4.2, Resource Conservation and Recovery Act Facility Investigation and Remedial Investigation, and</li> <li>• M-37-19-01, Modification of M-037 Series Milestones in TPA Appendix D.</li> </ul>		
<b>Impact of Change</b> No work schedules or milestones are impacted by this change.		
<b>Affected Documents</b>  The Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement), as amended.		
<b>Approvals</b>		<b>Page 1 of 3</b>
_____	Date _____	
W.F. Hamel, DOE-RL	Approved _____ Disapproved _____	
_____	Date _____	
R.G. Hastings, DOE-ORP	Approved _____ Disapproved _____	
_____	Date _____	
A.K. Smith, Ecology	Approved _____ Disapproved _____	
_____	Date _____	
D.R. Einar, EPA	Approved _____ Disapproved _____	

## Tentative Agreement on Tri-Party Agreement Revisions in Response to the Coordinated Closure Negotiations

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### Authorized Changes

Modifications to the HFFACO are displayed by using double underline to indicate added text and ~~strikeout~~ to indicate deleted text.

### 3.3 Past-Practice Units

A past-practice unit is a waste management unit where wastes or substances (intentionally or unintentionally) have been disposed and that is not subject to regulation as a TSD unit as specified in Section 3.2.

Due to the relatively large number of past-practice units at the Hanford Site, a process has been established for organizing these units into groups called operable units. The concept of operable units is to group the numerous units (primarily by geographic area) into manageable components for investigation and response action and to prioritize the cleanup work to be done at the Site.

The WIDS (see Section 3.5) contains information on waste management units that was used to support the development of operable units. This information, combined with operable unit identification and prioritization criteria described in this section, resulted in the designation of operable units across the Hanford Site (see Appendix C). Each of the operable units will be subject to an investigation in the form of either a CERCLA or a RCRA-CERCLA past-practice process as described in Sections 7.3 and 7.4, respectively. Appendix C includes a list of all the past-practice units on the Hanford Site by operable unit. In addition, current listings of all the past-practice units on the Hanford Site are maintained electronically in the WIDS.

Some TSD units, primarily land disposal units, will be investigated and managed in conjunction with past-practice units and have been assigned to appropriate operable units (see Appendix B for current assignment of TSD groups/units to operable units).<sup>1</sup> The information necessary for performing RCRA closures within an operable unit will be provided in coordination with various past-practice RFI/CMS documents pursuant to Section 5.5. These documents will include a coordinated past practice site investigation/RCRA closure/RCRA corrective action approach in order to efficiently implement applicable regulations. Those TSD units not assigned to an operable unit are typically treatment or storage units that are likely to be “clean closed” as described in Section 6.3.1.

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<sup>1</sup> These TSD units have been assigned to appropriate operable units for the sole purpose of coordinating the development and implementation of closure plans for such TSD units with the investigation and remediation of closely associated past-practice units, in accordance with the process described in Action Plan Section 5.5. These assignments are purely administrative in nature and do not in and of themselves subject any TSD unit to the CERCLA decision-making process.

## **Tentative Agreement on Tri-Party Agreement Revisions in Response to the Coordinated Closure Negotiations**

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Individual past-practice units (and selected TSD units) have been assigned to a specific operable unit based on the following criteria:

- General patterns of waste disposal from specific process sources
- Spatial relationship to other waste units
- Contribution to the same groundwater contaminant plume
- Physical characteristics of area (e.g., geologic/hydrogeologic)
- Access considerations (e.g., buildings, buried pipes)
- Anticipation of similar remedial action strategy (economy of scale)
- Reasonable number of total units to effectively manage.

In addition to the operable units discussed above, groundwater operable units can be established where multiple sources from different operable units have contributed to the same plume. Operable units that are associated with a groundwater operable unit are referred to as source operable units. The schedule for investigation of each groundwater operable unit will coincide with the schedule for investigation of the source operable unit that is the major contributor to the plume. Other associated source operable units that are lower priority will be investigated at a later time, in accordance with the established criteria for prioritization of operable units.

**Tentative Agreement on Tri-Party Agreement  
Revisions in Response to the Coordinated Closure Negotiations**

<b>Change Number</b> P-05-19-01	<b>Federal Facility Agreement and Consent Order Change Control Form</b>	<b>Date</b> 06/20/2019	
<b>Originator</b> Mostafa Kamal		<b>Phone</b> 376-0289	
<b>Class of Change</b> <input type="checkbox"/> I – Signatories <input checked="" type="checkbox"/> II – Executive Managers <input type="checkbox"/> III – Project Managers			
<b>Change Title</b>  Modify Tri-Party Agreement (TPA), Action Plan, Section 5.5, Treatment, Storage, and Disposal Units and Past-Practice Units Interface, to Reflect RCRA Closures as Part of CERCLA Actions			
<b>Description/Justification of Change</b>  This change control form modifies the TPA Action Plan, Section 5.5, Treatment, Storage, and Disposal Units and Past-Practice Units Interface, to coordinate the development and implementation of closure plans for such Treatment, Storage and Disposal (TSD) units with the investigation and remediation of closely associated past-practice units. This change proposes to change Remedial Investigation/Feasibility Study (RI/FS) to Coordinated Closure (CC) Proposal.  This change control form was coordinated with the following change control forms in the Coordinated Closure negotiations: <ul style="list-style-type: none"> <li>• P-03-19-01, Modify TPA, Action Plan, Section 3.3, Past-Practice Units, to Reflect RCRA Closures as Part of CERCLA Actions,</li> <li>• P-06-19-01, Modify TPA, Action Plan, Section 6.1, Treatment, Storage, and Disposal Unit Process, Introduction,</li> <li>• P-07-19-01, Modify TPA, Action Plan, Section 7.4.2, Resource Conservation and Recovery Act Facility Investigation and Remedial Investigation, and</li> <li>• M-37-19-01, Modification of M-037 Series Milestones in TPA Appendix D.</li> </ul>			
<b>Impact of Change</b>  No work schedules or milestones are impacted by this change.			
<b>Affected Documents</b>  The Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement), as amended.			
<b>Approvals</b>		Page 1 of 4	
_____	Date		Approved _____ Disapproved _____
W.F. Hamel, DOE-RL			
_____	Date		Approved _____ Disapproved _____
R.G. Hastings, DOE-ORP			
_____	Date	Approved _____ Disapproved _____	
A.K. Smith, Ecology			
_____	Date	Approved _____ Disapproved _____	
D.R. Einan, EPA			

## Tentative Agreement on Tri-Party Agreement Revisions in Response to the Coordinated Closure Negotiations

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### Authorized Changes

Modifications to the HFFACO are displayed by using double underline to indicate added text and ~~strikeout~~ to indicate deleted text.

### 5.5 Treatment, Storage, and Disposal Units and Past Practice Units Interface

In some cases, TSD units are closely associated with past-practice units at the Hanford Site, either geographically or through similar processes and waste streams. Although disposition of all TSD such units must be managed in accordance with Section 6.0, a procedure to coordinate the TSD unit closure and ~~or~~ other applicable dangerous waste permitting activity with the past-practice investigation and or remediation activity is necessary to prevent overlap and duplication of work, thereby economically and efficiently addressing the contamination. In Appendix B, selected TSD groups/units, primarily land disposal units, were have been initially assigned to operable units based on the criteria defined in Section 3.3.

In order to coordinate the development and implementation of closure plans for such TSD units with the investigation and remediation of closely associated past-practice units, DOE will provide Ecology with ~~T~~the information necessary for performing RCRA closures/postclosures within an operable unit will be provided in various RFI/CMS documents to satisfy any outstanding closure plan requirements under WAC 173-303-610(3) in the form of one or more Coordinated Closure (CC) Proposals. Each CC Proposal will be submitted to Ecology as a permit modification request in accordance with WAC 173-303-830(4) and in conjunction with the submission of the associated past-practice document(s) to the lead regulatory agency for the operable unit, pursuant to the applicable milestone(s) set forth in Appendix D.<sup>1</sup>

The type of information required for each CC Proposal will depend on the category of past-practice documents with which it is associated. Unless otherwise agreed to in writing by DOE and Ecology, the timing and content of each CC proposal shall be consistent with the following requirements:

#### 1. Coordination with Proposed Plan and/or Proposed Correction Action Decision

To request the use of alternative requirements under WAC 173-303-610(1)(e), DOE must provide Ecology with a CC Proposal for the applicable TSD unit(s) in conjunction with its submission of the Proposed Plan and/or Proposed Corrective Action Decision for the associated operable unit. CC Proposals submitted in accordance with this paragraph must:

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<sup>1</sup> In the event that there is a conflict between the requirements of Appendix I and the requirements of this Section as applied to the Single-Shell Tank System, the requirements of Appendix I shall control.

## Tentative Agreement on Tri-Party Agreement Revisions in Response to the Coordinated Closure Negotiations

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- Set forth the justification for the use of alternative requirements as required by WAC 173-303-610(1)(e)(i)–(ii);
- Identify which closure requirements are proposed to be replaced with alternative requirements and describe the alternative requirements that would apply, to the extent such information is available, as required by WAC 173-303-610(3)(a)(ix); and
- Explain how closure of the TSD unit(s) using the proposed alternative requirements will comply with the closure performance standard set forth in WAC 173-303-610(2)(a), as required by WAC 173-303-610(3)(a)(i).

### 2. Coordination with Remedial Design/Remedial Action Work Plan and/or Corrective Measures Implementation Work Plan

For all TSD units being closed in coordination with closely associated past-practice units, DOE must provide Ecology with a CC Proposal for the applicable TSD unit(s) in conjunction with its submission of the Remedial Design/Remedial Action Work Plan and/or Corrective Measures Implementation Work Plan for the associated operable unit. Each CC Proposal submitted in accordance with this paragraph must:

- Provide all outstanding closure information required by WAC 173-303-610(3)(a)(i)–(vii)<sup>2</sup>;
- Provide all outstanding post-closure information required by WAC 173-303-610(8)(b), as applicable; and
- If DOE has requested the use of alternative requirements for closure of the applicable TSD unit(s) under WAC 173-303-610(1)(e), provide all outstanding information required by WAC 173-303-610(3)(a)(ix).

The initial workplan will contain a Sampling and Analysis Plan (SAP) for the associated RCRA units and it will outline the manner in which RCRA closure/postclosure plan requirements will be met in the work plan and subsequent documents. The selected closure/postclosure method and associated design details will (unless otherwise agreed to by the parties) be submitted as part of the CMS report at a later date, as specified in the work plan.

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<sup>2</sup> Because DOE does not use trust funds to establish financial assurance, WAC 173-303-610(3)(a)(viii) does not apply. In addition, if DOE has requested the use of alternative requirements for closure of the applicable TSD unit(s), the extent of information required by WAC 173-303-610(3)(a)(i)–(vii) will be determined by the scope of the Director's determination made for the applicable TSD unit(s) pursuant to WAC 173-303-610(1)(e).

## Tentative Agreement on Tri-Party Agreement Revisions in Response to the Coordinated Closure Negotiations

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The information proposed closure/postclosure activities contained in a CC Proposal must ~~the CMS report will:~~ (1) meet RCRA closure standards and requirements include all information required by the milestone and/or permit condition under which the CC Proposal is submitted, (2) be consistent with closure requirements specified elsewhere in the Hanford Site-Wide (RCRA) permit, and (3) be coordinated with the recommended remedial action(s) for the associated operable unit and any applicable post-closure care requirements. Additionally, the closure/post-closure implementation schedule will reflect an overall prioritization between closure/post-closure and other remedial activities within the subject operable unit, considering environmental protection, health and safety, availability of technology, etc.

Each CC Proposal RFI/CMS closure document will ~~must~~ be structured such that RCRA closure requirements can be readily identified as separate and distinct from the CERCLA or RCRA Corrective Action requirements contained in the past-practice document(s), for a separate review/approval process and so that all applicable RCRA closure/post-closure requirements can be easily incorporated into the existing closure plan(s) for the applicable TSD unit(s) in the RCRA Permit. If at a later date TSD groups/units need to be deleted from or added to an operable unit, the procedures defined in Section 12.2 will be used.

Ecology, the EPA, and DOE agree that past-practice authority may provide the most efficient means for addressing mixed-waste groundwater contamination plumes originating from a combination of TSD and past-practice units. However, in order to ensure that TSD units within the operable units are brought into compliance with RCRA and State hazardous waste regulations, Ecology intends, subject to part four of the Agreement, that all response or corrective actions, excluding situations where there is an imminent threat to the public health or environment as described in Section 7.2.3, will be conducted in a manner which ensures compliance with the technical requirements of the HWMA (Chapter 70.105 RCW and its implementation regulations). In any case, the parties agree that CERCLA remedial actions and, as appropriate, HSWA corrective measures will comply with ARARs.

**Tentative Agreement on Tri-Party Agreement  
Revisions in Response to the Coordinated Closure Negotiations**

<b>Change Number</b> P-06-19-01	<b>Federal Facility Agreement and Consent Order Change Control Form</b>	<b>Date</b> 06/20/2019
<b>Originator</b> Mostafa Kamal		<b>Phone</b> 376-0289
<b>Class of Change</b> <input type="checkbox"/> I – Signatories <input checked="" type="checkbox"/> II – Executive Managers <input type="checkbox"/> III – Project Managers		
<b>Change Title</b>  Modify Tri-Party Agreement (TPA), Action Plan, Section 6.1, Treatment, Storage, and Disposal Unit Process, Introduction		
<b>Description/Justification of Change</b>  <p>This change control form modifies the TPA Action Plan, Section 6.1, Treatment, Storage, and Disposal Unit Process, Introduction, to change RCRA Facility Investigation/Corrective Measures (RFI/CM) documents to past-practice documents pursuant to TPA Action Plan, Section 5.5 Treatment, Storage, and Disposal Units and Past-Practice Units Interface, and adds the requirement of RCRA and the State of Washington Hazardous Waste Management Act, Chapter 70.105 RCW, and pertains to all units that were used to store, treat, or dispose of mixed waste after August 19, 1987.</p> <p>This change control form was coordinated with the following change control forms in the Coordinated Closure negotiations:</p> <ul style="list-style-type: none"> <li>• P-03-19-01, Modify TPA, Action Plan, Section 3.3, Past-Practice Units, to Reflect RCRA Closures as Part of CERCLA Actions,</li> <li>• P-05-19-01, Modify TPA, Action Plan, Section 5.5, Treatment, Storage, and Disposal Units and Past-Practice Units Interface, to Reflect RCRA Closures as Part of CERCLA Actions,</li> <li>• P-07-19-01, Modify TPA, Action Plan, Section 7.4.2, Resource Conservation and Recovery Act Facility Investigation and Remedial Investigation, and</li> <li>• M-37-19-01, Modification of M-037 Series Milestones in TPA Appendix D.</li> </ul>		
<b>Impact of Change</b>  No work schedules or milestones are impacted by this change.		
<b>Affected Documents</b>  The Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement), as amended.		
<b>Approvals</b>		Page 1 of 3
W.F. Hamel, DOE-RL	Date _____	
	Approved _____ Disapproved _____	
R.G. Hastings, DOE-ORP	Date _____	
	Approved _____ Disapproved _____	
A.K. Smith, Ecology	Date _____	
	Approved _____ Disapproved _____	
D.R. Einar, EPA	Date _____	
	Approved _____ Disapproved _____	

# Tentative Agreement on Tri-Party Agreement Revisions in Response to the Coordinated Closure Negotiations

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Change Control Form P-06-19-01  
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## Authorized Changes

Modifications to the HFFACO are displayed by using double underline to indicate added text and ~~strikeout~~ to indicate deleted text.

## 6.0 Treatment, Storage, and Disposal Units

### 6.1 Introduction

This section discusses the requirements of RCRA and the State of Washington Hazardous Waste Management Act, Chapter 70.105 RCW, and pertains to all units that were used to store, treat, or dispose of (1) RCRA hazardous waste and hazardous constituents after November 19, 1980; (2) State-only hazardous waste after March 12, 1982; or (3) mixed waste after August 19, 1987; and units at which such wastes will be stored, treated, or disposed in the future, except as provided by 173-303-200 WAC.

A list of these units, or grouping of units, is provided in Appendix B. Section 3.0 identifies the criteria by which these units will be scheduled for permitting and closure actions.

Some of the TSD groups/units (primarily land disposal units) have been included in operable units, as discussed in Section 3.3.<sup>1</sup> The information necessary for performing RCRA closures within an operable unit will be provided in coordination with various past-practice RFI/CMS or RI/FS documents. These documents will include a coordinated past-practice site investigation/RCRA closure/RCRA corrective action approach in order to implement applicable regulations ~~as discussed in~~ pursuant to Section 5.5.

Some of the TSD groups/units (primarily those located within large processing facilities) will be integrated with the disposition of the facility, and therefore closed in accordance with the process defined in Section 8.0. These units are those that have physical closure actions that need to be done in conjunction with the physical disposition actions in the facility (e. g. removal of structural components). Even though TSD units are closed in accordance with Section 8.0, applicable requirements defined in this section still apply (e.g. 6.5 Quality Assurance).

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<sup>1</sup> These TSD units have been assigned to appropriate operable units for the sole purpose of coordinating the development and implementation of closure plans for such TSD units with the investigation and remediation of closely associated past-practice units, in accordance with the process described in Action Plan Section 5.5. These assignments are purely administrative in nature and do not in and of themselves subject any TSD unit to the CERCLA decision-making process.

## **Tentative Agreement on Tri-Party Agreement Revisions in Response to the Coordinated Closure Negotiations**

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Change Control Form P-06-19-01  
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Currently identified actions necessary to bring TSD units into compliance with Federal and State laws are identified in the work schedule (see Appendix D) including necessary interim milestones. These interim milestones are consistent with the major milestones for achieving interim status compliance requirements specified in Section 2.4. A schedule for completing interim status compliance actions is provided as part of Appendix D.

The RCRA land disposal restrictions (LDR) require that established treatment requirements be met prior to land disposal of hazardous wastes. While treatment capacity generally exists for the nonradioactive hazardous wastes which are subject to LDR, treatment is currently not available for some of the mixed wastes subject to LDR which require storage at the Hanford Site.

Ecology has received authorization from EPA to implement ~~certain~~ LDR provisions of RCRA pursuant to Section 3006 of RCRA. Accordingly, these authorized state provisions are effective in lieu of the Federal requirements. ~~Both EPA and Ecology anticipate that Ecology will receive authorization for the additional LDR provisions in the future. EPA and Ecology intend to use the LDR provisions under M-26 and other HSWA provisions which have comparable state analogs that have not yet been authorized as an example of regulatory streamlining at the Hanford Site, by designating Ecology as the lead regulatory agency for those provisions under applicable state law. This includes review and approval of LDR annual reports, plans, and schedules for compliance with M-26-00. While EPA must retain legal authority over portions of the LDR which are not yet authorized to the state, EPA will not assign staff to oversee the routine completion of activities related to M-26-00.~~ In the event that EPA involvement in a specific matter is requested by Ecology or is otherwise necessary, Ecology staff will brief EPA and EPA will become involved to the extent necessary to help resolve that specific matter. EPA and Ecology intend that such involvement on the part of EPA will be the exception, rather than the rule.

In accordance with Milestone M-26-00, DOE has submitted the "Hanford Land Disposal Restrictions Plan for Mixed Wastes," (LDR Plan) to Ecology, as the lead regulatory agency. This plan describes a process for managing mixed wastes subject to LDR at the Hanford Site and identifies actions which will be taken by DOE to achieve full compliance with LDR requirements.

These actions will be taken in accordance with approved schedules specified in the LDR Plan and in the Work Schedule (Appendix D). The DOE will submit annual reports which shall update the LDR Plan and the prior annual report, including plans and schedules. The annual report will also describe activities taken to achieve compliance and describe the activities to be taken in the next year toward achieving full compliance. The LDR Plan and annual reports are primary documents, subject to review and approval by Ecology. Ecology also has approval authority for schedules in the LDR Plan and annual reports. Changes to approved final schedules must be made in accordance with the Change Control System described in Section 12.0.

**Tentative Agreement on Tri-Party Agreement  
Revisions in Response to the Coordinated Closure Negotiations**

<b>Change Number</b> P-07-19-01	<b>Federal Facility Agreement and Consent Order Change Control Form</b>	<b>Date</b> 06/20/2019
<b>Originator</b> Mostafa Kamal		<b>Phone</b> 376-0289
<b>Class of Change</b> <input type="checkbox"/> I – Signatories <input checked="" type="checkbox"/> II – Executive Managers <input type="checkbox"/> III – Project Managers		
<b>Change Title</b>  Modify Tri-Party Agreement (TPA), Action Plan, Section 7.4.2, Resource Conservation and Recovery Act Facility Investigation and Remedial Investigation		
<b>Description/Justification of Change</b>  <p>This change control form modifies the TPA Action Plan, Section 7.4.2, Resource Conservation and Recovery Act Facility Investigation and Remedial Investigation, to change RCRA Facility Investigation/Corrective Measures (RFI/CM) and Remedial Investigation/Feasibility Study (RI/FS) documents to past-practice documents pursuant to TPA Action Plan, Section 5.5 Treatment, Storage, and Disposal Units and Past-Practice Units Interface.</p> <p>This change control form was coordinated with the following change control forms in the Coordinated Closure negotiations:</p> <ul style="list-style-type: none"> <li>• P-03-19-01, Modify TPA, Action Plan, Section 3.3, Past-Practice Units, to Reflect RCRA Closures as Part of CERCLA Actions,</li> <li>• P-05-19-01, Modify TPA, Action Plan, Section 5.5, Treatment, Storage, and Disposal Units and Past-Practice Units Interface, to Reflect RCRA Closures as Part of CERCLA Actions,</li> <li>• P-06-19-01, Modify TPA, Action Plan, Section 6.1, Treatment, Storage, and Disposal Unit Process, Introduction, and</li> <li>• M-37-19-01, Modification of M-037 Series Milestones in TPA Appendix D.</li> </ul>		
<b>Impact of Change</b>  No work schedules or milestones are impacted by this change.		
<b>Affected Documents</b>  The Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement), as amended.		
<b>Approvals</b>		<b>Page 1 of 2</b>
_____	Date _____ Approved _____ Disapproved _____	
W.F. Hamel, DOE-RL	Date _____ Approved _____ Disapproved _____	
_____	Date _____ Approved _____ Disapproved _____	
R.G. Hastings, DOE-ORP	Date _____ Approved _____ Disapproved _____	
_____	Date _____ Approved _____ Disapproved _____	
A.K. Smith, Ecology	Date _____ Approved _____ Disapproved _____	
_____	Date _____ Approved _____ Disapproved _____	
D.R. Einan, EPA	Date _____ Approved _____ Disapproved _____	

## **Tentative Agreement on Tri-Party Agreement Revisions in Response to the Coordinated Closure Negotiations**

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### **Authorized Changes**

Modifications to the HFFACO are displayed by using double underline to indicate added text and ~~strikeout~~ to indicate deleted text.

#### **7.4.2 Resource Conservation and Recovery Act Facility Investigation and Remedial Investigation**

Each RCRA Facility Investigation (RFI) and Remedial Investigation (RI) will address all past-practice units within a specific operable unit, as identified in the RFI/CMS and RI/FS work plan. Certain operable units also contain TSD units, primarily land disposal units that are to be investigated and managed in conjunction with past-practice units. The information necessary for performing RCRA closures within an operable unit will be provided in coordination with various past-practice RFI/CMS and RI/FS documents as ~~discussed in~~ pursuant to Section 5.5. Timing for submittal of the work plan will be in accordance with the work schedule (Appendix D).

An RFI and RI report will be prepared by the DOE, and it will document the results of the RFI and RI. The RFI and RI report is a primary document as described in Section 9.0. The schedule for conducting the RFI and RI will be specified for each operable unit in the work schedule (Appendix D) and integrate any planned facility dispositioning in accordance with Section 8. The information obtained through the RFI and RI must include information gathered in the CERCLA process through the RI Phases I and II, as described in Sections 7.3.3 and 7.3.6.

Based on the results of the RFI and RI, the lead regulatory agency may determine that no further investigation or corrective action is required for each R-CPP unit in an operable unit. The project manager from the lead regulatory agency for that operable unit may direct the DOE to conduct a CMS and FS based on results of the RFI.

Alternatively, a CERCLA RI prepared as described in Section 7.3.2, 7.3.3 and 7.3.6 may substitute for an RFI and RI.

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<b>Change Number</b> M-37-19-01	<b>Federal Facility Agreement and Consent Order Change Control Form</b>	<b>Date</b> 7/01/2019
<b>Originator</b> Mostafa Kamal		<b>Phone</b> 509-376-0289
<b>Class of Change</b> <input type="checkbox"/> I – Signatories <input checked="" type="checkbox"/> II – Executive Managers <input type="checkbox"/> III – Project Managers		
<b>Change Title</b> Modification of M-037 Series Milestones in TPA Appendix D		
<b>Description/Justification of Change</b> <p>The U.S. Department of Energy, Richland Operations Office (DOE-RL) and the Washington State Department of Ecology (Ecology) began informally negotiating changes to the M-037 series milestones in June 2018 as part of the "Coordinated Closure" initiative. The DOE-RL and Ecology agreed there was good cause to coordinate the development and implementation of closure plans for such Treatment, Storage and Disposal (TSD) units with the investigation and remediation of closely associated past-practice units.</p> <p>This change control form was coordinated with the following change control forms in the Coordinated Closure negotiations:</p> <ul style="list-style-type: none"> <li>• P-03-19-01, Modify TPA, Action Plan, Section 3.3, Past-Practice Units, to Reflect RCRA Closures as Part of CERCLA Actions,</li> <li>• P-05-19-01, Modify Tri-Party Agreement (TPA), Action Plan, Section 5.5, Treatment, Storage, and Disposal Units and Past-Practice Units Interface, to Reflect RCRA Closures as Part of CERCLA Actions,</li> <li>• P-06-19-01, Modify TPA, Action Plan, Section 6.1, Treatment, Storage, and Disposal Unit Process, Introduction, and</li> <li>• P-07-19-01, Modify TPA, Action Plan, Section 7.4.2, Resource Conservation and Recovery Act Facility Investigation and Remedial Investigation.</li> </ul>		
<b>Impact of Change</b> <p>This change control form deletes interim milestones M-037-10, M-037-11, and M-037-13 and creates 10 new interim milestones. NOTE: the TSDs in milestone M-037-10 were added into new milestone M-037-21, the TSDs in milestone M-037-11 were added into new milestone M-037-23, and the TSD in milestone M-037-13 was added into new milestone M-037-24.</p>		
<b>Affected Documents</b> <p>The Hanford Federal Facility Agreement and Consent Order (HFFACO), as amended, and Hanford Site internal planning management, and budget documents (e.g., USDOE and USDOE contractor Baseline Change Control documents, Project Management Plans).</p>		
<b>Approvals</b>		<b>Page 1 of 7</b>
_____	Approved _____ Disapproved _____ W.F. Hamel, DOE-RL                      Date	
_____	Approved _____ Disapproved _____ A.K. Smith, Ecology                      Date	
N/A	Approved _____ Disapproved _____	
EPA	Date	

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**Authorized Changes**

Modifications to HFFACO Appendix D, "Milestones and Target Dates Including Designation of Lead Regulatory Agency," are denoted by using ~~strikeout~~ to indicate text deletions and double underline to indicate text additions.

Number	Milestone	Due Date
<p><del>M-037-10</del> Lead Regulatory Agency: Ecology</p>	<p><del>Complete Unit Specific Closure Requirements according to the closure plan(s) for six (6) TSD Units: 207-A South Retention Basin, 216-A-29 Ditch, 216-A-36B Crib, 216-A-37-1 Crib, 216-B-63 Trench, and Hexone Storage and Treatment Facility (276-S-141/142).</del></p>	<p>09/30/2020</p>
<p><del>M-037-11</del> Lead Regulatory Agency: Ecology</p>	<p><del>Complete unit specific closure requirements for two (2) TSD Units: 216-B-3 Main Pond system and 216-S-10 Pond and Ditch.</del></p>	<p>09/30/2024</p>
<p><del>M-037-13</del> Lead Regulatory Agency: Ecology</p>	<p><del>Complete Unit Specific Closure Requirements according to the closure plan 241-CX Tank System (241-CX-70/71/72).</del></p>	<p>09/30/2022</p>
<p><u>M-037-20</u> Lead Regulatory Agency: Ecology</p>	<p>If requesting the use of alternative requirements for closure of the <u>216-A-29 Ditch, 216-A-36B Crib, 216-A-37-1 Crib, and/or 216-B-63 Trench</u> under <u>WAC 173-303-610(1)(e)</u>, DOE shall submit a <u>Coordinated Closure (CC) Proposal</u> as a permit modification request pursuant to <u>WAC 173-303-830(4)</u>. The CC Proposal shall be submitted to Ecology at the same time as the <u>Proposed Corrective Action Decision/Proposed Plan</u> for the <u>200-EA-1 OU</u> is submitted to Ecology pursuant to <u>M-015-92B</u>.</p> <p>The CC Proposal shall be prepared in accordance with the process described in TPA Action Plan Section 5.5 and include the following information:</p> <ol style="list-style-type: none"> <li>1. <u>Justification for the use of alternative requirements as required by WAC 173-303-610(1)(e)(i)-(ii);</u></li> <li>2. <u>Identification of which closure requirements are proposed to be replaced with alternative requirements and description of the alternative requirements that would apply, to the extent such information is available, as required by WAC 173-303-610(3)(a)(ix); and</u></li> <li>3. <u>Explanation of how closure of the TSD unit(s) using the proposed alternative requirements will comply with the closure performance standard set forth in WAC 173-303-610(2)(a), as required by WAC 173-303-610(3)(a)(i).</u></li> </ol>	<p style="text-align: center;"><u>Submit concurrently with M-015-92B</u></p>

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Number	Milestone	Due Date
<p><b><u>M-037-21</u></b> <u>Lead Regulatory Agency: Ecology</u></p>	<p><u>DOE shall submit a Coordinated Closure (CC) Proposal as a permit modification request pursuant to WAC 173-303-830(4) for the following TSD Units: 216-A-29 Ditch, 216-A-36B Crib, 216-A-37-1 Crib, and 216-B-63 Trench. The CC Proposal shall be submitted to Ecology within 270 days of the last CAD/ROD signature for the 200-EA-1 OU.</u></p> <p><u>The CC Proposal shall be prepared in accordance with the process described in TPA Action Plan Section 5.5 and include all outstanding closure information required by WAC 173-303-610(3)(a)(i)–(vii) and, as applicable, all outstanding post-closure information required by WAC 173-303-610(8)(b). If the use of alternative requirements has been requested for closure of any of these TSD Units under WAC 173-303-610(1)(e), the CC Proposal shall also include all outstanding information required by WAC 173-303-610(3)(a)(ix).</u></p>	<p><u>Within 270 days of the last CAD/ROD signature for the 200-EA-1 OU</u></p>
<p><b><u>M-037-22</u></b> <u>Lead Regulatory Agency: Ecology</u></p>	<p><u>If requesting the use of alternative requirements for closure of the 216-B-3 Main Pond system and/or 216-S-10 Pond and Ditch under WAC 173-303-610(1)(e), DOE shall submit a Coordinated Closure (CC) Proposal as a permit modification request pursuant to WAC 173-303-830(4). The CC Proposal shall be submitted to Ecology at the same time as the Proposed Plan for the 200-OA-1 OU is submitted to EPA pursuant to M-015-38B.</u></p> <p><u>The CC Proposal shall be prepared in accordance with the process described in TPA Action Plan Section 5.5 and include the following information:</u></p> <ol style="list-style-type: none"> <li><u>1. Justification for the use of alternative requirements as required by WAC 173-303-610(1)(e)(i)–(ii);</u></li> <li><u>2. Identification of which closure requirements are proposed to be replaced with alternative requirements and description of the alternative requirements that would apply, to the extent such information is available, as required by WAC 173-303-610(3)(a)(ix); and</u></li> <li><u>3. Explanation of how closure of the TSD unit(s) using the proposed alternative requirements will comply with the closure performance standard set forth in WAC 173-303-610(2)(a), as required by WAC 173-303-610(3)(a)(i).</u></li> </ol>	<p><u>Submit concurrently with M-015-38B</u></p>

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Number	Milestone	Due Date
<p><b><u>M-037-23</u></b> <u>Lead Regulatory Agency: Ecology</u></p>	<p><u>DOE shall submit a Coordinated Closure (CC) Proposal as a permit modification request pursuant to WAC 173-303-830(4) for the following TSD Units: 216-B-3 Main Pond system and 216-S-10 Pond and Ditch. The CC Proposal shall be submitted to Ecology within 270 days of the last ROD signature for the 200-OA-1 OU.</u></p> <p><u>The CC Proposal shall be prepared in accordance with the process described in TPA Action Plan Section 5.5 and include all outstanding closure information required by WAC 173-303-610(3)(a)(i)–(vii) and, as applicable, all outstanding post-closure information required by WAC 173-303-610(8)(b). If the use of alternative requirements has been requested for closure of any of these TSD Units under WAC 173-303-610(1)(e), the CC Proposal shall also include all outstanding information required by WAC 173-303-610(3)(a)(ix).</u></p>	<p><u>Within 270 days of the last ROD signature for the 200-OA-1 OU</u></p>
<p><b><u>M-037-24</u></b> <u>Lead Regulatory Agency: Ecology</u></p>	<p><u>DOE shall submit a Coordinated Closure (CC) Proposal as a permit modification request pursuant to WAC 173-303-830(4) for the following TSD Units: 241-CX Tank System (CX-70, CX-71, and CX-72) and Inactive SST Components outside the WMAs. The CC Proposal shall be submitted to Ecology within 270 days of the last CAD/ROD signature for the 200-IS-1 OU.</u></p> <p><u>The CC Proposal shall be prepared in accordance with the process described in TPA Action Plan Section 5.5 and include all outstanding closure information required by WAC 173-303-610(3)(a)(i)–(vii) and, as applicable, all outstanding post-closure information required by WAC 173-303-610(8)(b). If the use of alternative requirements has been requested for closure of any of these TSD Units under WAC 173-303-610(1)(e), the CC Proposal shall also include all outstanding information required by WAC 173-303-610(3)(a)(ix).</u></p>	<p><u>Within 270 days of the last CAD/ROD signature for the 200-IS-1 OU</u></p>

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Number	Milestone	Due Date
<p><b><u>M-037-25</u></b> Lead Regulatory Agency: Ecology</p>	<p><u>If requesting the use of alternative requirements for closure of the Inactive SST Components Outside the WMAs under WAC 173-303-610(1)(e), DOE shall submit a Coordinated Closure (CC) Proposal as a permit modification request pursuant to WAC 173-303-830(4). The CC Proposal shall be submitted to Ecology at the same time as the Proposed Corrective Action Decision/Proposed Plan for the 200-IS-1 OU is submitted to Ecology pursuant to M-015-92C.</u></p> <p><u>The CC Proposal shall be prepared in accordance with the process described in TPA Action Plan Section 5.5 and include the following information:</u></p> <ol style="list-style-type: none"> <li>1. <u>Justification for the use of alternative requirements as required by WAC 173-303-610(1)(e)(i)-(ii);</u></li> <li>2. <u>Identification of which closure requirements are proposed to be replaced with alternative requirements and description of the alternative requirements that would apply, to the extent such information is available, as required by WAC 173-303-610(3)(a)(ix); and</u></li> <li>3. <u>Explanation of how closure of the TSD unit(s) using the proposed alternative requirements will comply with the closure performance standard set forth in WAC 173-303-610(2)(a), as required by WAC 173-303-610(3)(a)(i).</u></li> </ol>	<p style="text-align: center;"><u>Submit concurrently with M-015-92C</u></p>

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Number	Milestone	Due Date
<p><b><u>M-037-26</u></b> Lead Regulatory Agency: Ecology</p>	<p><u>If requesting the use of alternative requirements for closure of any of the Green Island TSD units located in the Low-Level Burial Grounds under WAC 173-303-610(1)(e), DOE shall submit a Coordinated Closure (CC) Proposal as a permit modification request pursuant to WAC 173-303-830(4). The CC Proposal shall be submitted to Ecology at the same time as the Proposed Corrective Action Decision/Proposed Plan for the 200-SW-2 OU is submitted to Ecology pursuant to M-015-93B.</u></p> <p><u>The CC Proposal shall be prepared in accordance with the process described in TPA Action Plan Section 5.5 and include the following information:</u></p> <ol style="list-style-type: none"> <li>1. <u>Justification for the use of alternative requirements as required by WAC 173-303-610(1)(e)(i)-(ii);</u></li> <li>2. <u>Identification of which closure requirements are proposed to be replaced with alternative requirements and description of the alternative requirements that would apply, to the extent such information is available, as required by WAC 173-303-610(3)(a)(ix); and</u></li> <li>3. <u>Explanation of how closure of the TSD unit(s) using the proposed alternative requirements will comply with the closure performance standard set forth in WAC 173-303-610(2)(a), as required by WAC 173-303-610(3)(a)(i).</u></li> </ol>	<p style="text-align: center;"><u>Submit concurrently with M-015-93B</u></p>
<p><b><u>M-037-27</u></b> Lead Regulatory Agency: Ecology</p>	<p><u>DOE shall submit a Coordinated Closure (CC) Proposal as a permit modification request pursuant to WAC 173-303-830(4) for the following TSD Units: Low-Level Burial Grounds Green Islands. The CC Proposal shall be submitted to Ecology within 270 days of the last CAD/ROD signature for the 200-SW-2 OU.</u></p> <p><u>The CC Proposal shall be prepared in accordance with the process described in TPA Action Plan Section 5.5 and include all outstanding closure information required by WAC 173-303-610(3)(a)(i)-(vii) and, as applicable, all outstanding post-closure information required by WAC 173-303-610(8)(b). If the use of alternative requirements has been requested for closure of any of the Green Island TSD Units under WAC 173-303-610(1)(e), the CC Proposal shall also include all outstanding information required by WAC 173-303-610(3)(a)(ix).</u></p>	<p style="text-align: center;"><u>Within 270 days of the last CAD/ROD signature for the 200-SW-2 OU</u></p>

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Number	Milestone	Due Date
<p><b><u>M-037-28</u></b> <u>Lead Regulatory Agency: Ecology</u></p>	<p><u>DOE shall submit a Coordinated Closure (CC) Proposal as a permit modification request pursuant to WAC 173-303-830(4) for all TSD Units in the 221-B Canyon Facility. The CC Proposal shall be submitted to Ecology within 270 days of the last CAD/ROD signature for the 200-CB-1 OU.</u></p> <p><u>The CC Proposal shall be prepared in accordance with the process described in TPA Action Plan Section 5.5 and include all outstanding closure information required by WAC 173-303-610(3)(a)(i)–(vii) and, as applicable, all outstanding post-closure information required by WAC 173-303-610(8)(b). If the use of alternative requirements has been requested for closure of any of these TSD Units under WAC 173-303-610(1)(e), the CC Proposal shall also include all outstanding information required by WAC 173-303-610(3)(a)(ix).</u></p>	<p><u>Within 270 days of the last CAD/ROD signature for the 200-CB-1 OU</u></p>
<p><b><u>M-037-29</u></b> <u>Lead Regulatory Agency: Ecology</u></p>	<p><u>DOE shall submit a Coordinated Closure (CC) Proposal as a permit modification request pursuant to WAC 173-303-830(4) for the following TSD Units: PUREX Tunnels 1 and 2 and all TSD Units in the PUREX Canyon Facility. The CC Proposal shall be submitted to Ecology within 270 days of the last CAD/ROD signature for the 200-CP-1 OU.</u></p> <p><u>The CC Proposal shall be prepared in accordance with the process described in TPA Action Plan Section 5.5 and include all outstanding closure information required by WAC 173-303-610(3)(a)(i)–(vii) and, as applicable, all outstanding post-closure information required by WAC 173-303-610(8)(b). If the use of alternative requirements has been requested for closure of any of these TSD Units under WAC 173-303-610(1)(e), the CC Proposal shall also include all outstanding information required by WAC 173-303-610(3)(a)(ix).</u></p>	<p><u>Within 270 days of the last CAD/ROD signature for the 200-CP-1 OU</u></p>