



**U.S. Department of Energy  
Hanford Site**

July 28, 2020

20-ECD-0038

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

Dear Ms. Smith:

HANFORD FEDERAL FACILITY AGREEMENT AND CONSENT ORDER (ALSO KNOWN AS TRI-PARTY AGREEMENT) INTERIM MILESTONE M-062-01, JULY 2020 TRI-PARTY AGREEMENT SEMI-ANNUAL PROJECT COMPLIANCE REPORT FOR NOVEMBER 1, 2019, THROUGH APRIL 30, 2020

This letter transmits the U.S. Department of Energy July 2020 Semi-Annual Project Compliance Report (Attachment) required by Interim Milestone M-062-01 for the period of November 1, 2019, through April 30, 2020. As stipulated in the M-062-01 milestone, this report includes project summaries of accomplishments, issues, and actions being taken for the M-062-00 milestone series.

If you have any questions, please contact Thomas W. Fletcher, Assistant Manager, Waste Treatment and Immobilization Plant Project, Office of River Protection, on (509) 376-3434, or Robert G. Hastings, Assistant Manager, Tank Farms Project, Office of River Protection, on (509) 376-9824.

Sincerely,

Digitally signed by Brian T. Vance  
DN: cn=Brian T. Vance, o=Office of River  
Protection, ou=Department of Energy,  
email=brian.t.vance@orp.doe.gov, c=US  
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Brian T. Vance  
Manager

ECD:BRT

Attachment

cc: See page 2

Ms. Alexandra K. Smith  
20-ECD-0038

-2-

July 28, 2020

cc w/attach:

J. J. Lyon, Ecology  
J. D. McDonald, Ecology  
Administrative Record  
BNI Correspondence  
TPA Administrative Record  
WRPS Correspondence

cc w/o attach:

J. Bell, NPT  
R. Buck, Wanapum  
L. Contreras, YN  
S. L. Dahl Ecology  
D. Einan, EPA  
S. E. Leckband, HAB  
M. Murphy, CTUIR  
K. Niles, Oregon Energy J.  
B. Price, Ecology  
M. J. Turner, MSA

Attachment  
20-ECD-0038

U.S. DEPARTMENT OF ENERGY, OFFICE OF RIVER PROTECTION RIVER  
PROTECTION PROJECT – JULY 2020 SEMI-ANNUAL PROJECT COMPLIANCE REPORT  
PER HANFORD FEDERAL FACILITY AGREEMENT AND CONSENT ORDER  
MILESTONE M-062-01  
November 1, 2019, through April 30, 2020

(8 Pages Including Cover Sheet)

## U.S. Department of Energy, Office of River Protection River Protection Project

### July 2020 Semiannual Project Compliance Report Per Hanford Federal Facility Agreement and Consent Order Milestone M-062-01

November 1, 2019, through April 30, 2020

**BENTON  
HARP**

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Ben Harp, Deputy Manager  
Office of River Protection

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Date

Date Published  
July 2020



P.O. Box 450  
Richland, Washington 99352



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## ABBREVIATIONS AND ACRONYMS

Ecology	Washington State Department of Ecology
FY	fiscal year
ORP	U.S. Department of Energy, Office of River Protection
System Plan	ORP-11242, <i>River Protection Project System Plan</i>
TPA	Tri-Party Agreement
WTP	Waste Treatment and Immobilization Plant

## 1.0 INTRODUCTION

The U.S. Department of Energy, Office of River Protection (ORP) is submitting this July 2020 semiannual project compliance report to satisfy the requirements of the *Hanford Federal Facility Agreement and Consent Order* (Ecology et al, 1989), commonly referred to as the Tri-Party Agreement (TPA), Milestone M-062-01. As detailed in Milestone M-062-01, this report documents ORP's compliance with the TPA Milestone M-062-00 series; provides updates, progress, and issues relative to those milestones; and identifies activities expected in the near future.

The M-062-00, "Complete Pretreatment Processing and Vitrification of Hanford High-Level (HLW) and Low-Activity (LAW) Tank Wastes," major milestone series was created through the TPA dispute resolution process leading to the March 29, 2019, Director of the Washington State Department of Ecology (Ecology) final determination (Ecology 2019). These milestones were then modified and added to during the negotiations occurring from 2007 through 2009 and became effective under a series of TPA change packages<sup>1</sup> in conjunction with the Consent Decree in *State of Washington v. Dept. of Energy*, Case No. 08-5085-FVS<sup>2</sup>, as entered in federal court on October 25, 2010. The 2010 Consent Decree was amended as a result of litigation, and many of the dates established by the 2010 Consent Decree were extended by the court (see Amended Consent Decree [March 11, 2016], Second Amended Consent Decree [April 12, 2016], and Third Amended Consent Decree [October 12, 2018], Case No. 2:08-CV-5085-RMP).

Since the milestone dates in the M-062-00 series and other TPA milestones were, to a large part, predicated on the milestones established in the 2010 Consent Decree, and those dates have been extended by the court, existing milestones in the M-062-00 series and other series are at risk or cannot be met. TPA milestones affected by the modified milestones in the Consent Decree, as amended, need to be adjusted accordingly. Many of the interim M-062-00 milestones are under discussion as part of the ongoing holistic negotiations.

In accordance with milestone M-062-40, ORP and Ecology developed five scenarios to be addressed in ORP-11242, *River Protection Project System Plan*, Rev. 9 (System Plan). System Plan, Rev. 9 is in development for submission by October 31, 2020.

This compliance report discusses M-062-00 milestone series activities during the reporting period and activities expected in the near future. The project progress, budget, and cost information in this report is based on the period of November 1, 2019, through April 30, 2020.

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<sup>1</sup> M-36-09-01, M-42-09-01, M-46-09-01, M-45-09-01, M-047-09-09, M-50-09-01, M-51-09-01, M-61-09-01, M-62-09-01, M-90-09-01, P-09-09-01, and I-09-01.

<sup>2</sup> This Consent Decree resulted from litigation filed by the state in 2008, alleging that the U.S. Department of Energy had missed or was certain to miss several Tri-Party Agreement milestones, including several in the M-045-00 and M-062-00 series.

## **2.0 NEAR-TERM M-062-00 SERIES TRI-PARTY AGREEMENT MILESTONES**

### **2.1 MILESTONE M-062-40**

ORP and Ecology worked together to define scenarios as required by TPA Milestone M-062-40. The selected scenarios for the System Plan, Rev. 9 were agreed upon by ORP and Ecology. ORP documented the agreement and transmitted letter 19-MIO-0020, “Request for Concurrence on Selected Scenarios for the River Protection Project System Plan, Revision 9,” dated September 25, 2019, to Ecology for concurrence. Ecology concurred on October 2, 2019, via letter 19-NWP-158, “Transmittal of Signed Concurrence for Selected Scenarios for the River Protection Project System Plan, Revision 9, RPP-RPT-61707, Rev. 0.” System Plan, Rev. 9 is due for submittal to Ecology on October 31, 2020, and is on schedule.

### **2.2 MILESTONE M-062-45**

As previously reported, on January 30, 2015, ORP provided Ecology Change Control Form M-62-14-02, which proposed adding language under TPA Milestone M-062-45 to defer negotiations required under TPA Milestone M-062-45. Ecology did not respond within the 14-day review period that ended February 13, 2015, which is deemed as disapproval in accordance with the TPA. ORP initiated a dispute resolution via letter 15-TF-0014, “Initiation of Dispute Resolution Regarding Disapproval of Hanford Federal Facility Agreement and Consent Order Change Control Form M-62-14-02,” dated February 20, 2015. Ecology provided a justification for disapproval on March 12, 2015, via letter 15-NWP-036, “Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement) Change Package, Change Number M-62-14-02.” Ecology and ORP, at the TPA project manager level, signed an agreement extending the dispute resolution period until August 1, 2016. When that date passed, the dispute was elevated to the Interagency Management Integration Team for resolution. Decision document 2016-005 was signed by senior management representatives from the U.S. Department of Energy, the U.S. Environmental Protection Agency, and Ecology on August 22, 2016, stipulating that the dispute would be resolved by entering into negotiations regarding the M-062-45 Milestone (16-TF-0094, *Hanford Federal Facility Agreement and Consent Order Interagency Management Integration Team (IAMIT) Decision / Determination / Action Assignment Number 2016-005*). Negotiations related to the M-062-45 Milestone ended with Ecology submitting five TPA change packages to ORP. ORP agreed to three of the packages and rejected two. One was carried into the dispute process relating to additional tank capacity. In May 2019, Ecology Director Maia Bellon started correspondence with the U.S. Department of Energy, Office of Environmental Management offering to engage in holistic negotiations to address challenges with the broader Hanford mission. ORP agreed to these negotiations on September, 11, 2019, via letter 19-ORP-0008 (notes pertaining to the discussions at the Hanford Senior Executive Committee meeting held on August, 28, 2019, in Seattle, Washington). ORP and Ecology have also agreed to discuss the M-062-45 disputes during these ongoing, mediated holistic negotiations. The start of these negotiations has been impacted by the Coronavirus Disease 2019 (better known as COVID-19) restrictions. On March 24, 2020, the Hanford Site moved to an essential mission-critical operations posture in recognition of increasing COVID-19 concerns. While the majority of the Hanford Site workforce continues to telework, there are a limited number of workers reporting to the site to perform activities necessary to maintain the site in a safe condition, continuing to protect the community, region, and the environment. DOE

and its contractors are engaged in ongoing analysis of work schedule impacts. The site remained in this posture through the end of the reporting period.

### **2.3 MILESTONE M-062-50 SERIES**

On July 25, 2019, ORP and Ecology agreed to and signed Change Control Form M-62-19-02 to establish a series of M-062-50 milestones for direct-feed low-activity waste support activities. These supporting actions include managing secondary waste and starting up the Integrated Disposal Facility to be used for disposal of treated low-activity waste. The majority of the M-062-50 series of milestones are due in the 2023 timeframe, but there are two milestones with target dates or milestones due within the next year, M-062-50 and M-62-54.

Milestone M-062-50 is due on January 30, 2021, and is for ORP to submit to Ecology, as a secondary document, a “Mass Balance Flow from Tank Farms to Low Activity Waste Pretreatment Capability to Low Activity Waste to Effluent Management Facility to Recycle to Tank Farms and to LERF/ETF.” M-062-50 is on schedule.

Milestone M-062-54 is due on April 30, 2023, and is for low-activity waste pretreatment capability cold commissioning. Milestone M-062-54 contains one requirement due date within the next year. Milestone M-062-54A is for submitting a permit application for AP Tank Farm modifications and operations necessary to support tank-side cesium removal, due July 15, 2020. ORP worked to share tank-side cesium removal permit application information and resolve Ecology’s comments. ORP submitted the agreed-upon resolution to all Ecology comments and submitted the updated tank-side cesium removal permit application on April 24, 2020. This submittal contained all of the necessary permit application information, completing milestone M-062-54A.

## **3.0 BUDGET/COST STATUS**

### **3.1 WASTE TREATMENT AND IMMOBILIZATION PLANT PROJECT**

Total funding available for the Waste Treatment and Immobilization Plant (WTP) Project during fiscal year (FY) 2020 is \$1.078 billion, which includes \$816 million of new budget authority and \$262 million of FY 2019 carryover funds. To date, the WTP Project has received \$13.531 billion of funding. For FY 2020, the WTP Project spent \$413 million through the end of April. At the end of April 2020, the total amount spent on the WTP Project was \$12.865 billion.

### **3.2 TANK FARMS PROJECT**

Total funding available for the Tank Farms Project during FY 2020 is \$1.031 billion, which includes \$785 million of new budget authority and \$246 million of FY 2019 carryover funds. For FY 2020, the Tank Farms Project spent \$418 million through the end of April 2020.

## **4.0 SCHEDULE MITIGATION**

No schedule mitigation has been necessary during the reporting period.

## 5.0 REFERENCES

- 15-NWP-036, 2015, “Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement) Change Package, Change Number M-62-14-02, dated 01/30/2015,” (external letter to T.W. Fletcher, U.S. Department of Energy, Office of River Protection), from J.A. Hedges, Washington State Department of Ecology, Richland, Washington, March 12.
- 15-TF-0014, 2015, “Initiation of Dispute Resolution Regarding Disapproval of Hanford Federal Facility Agreement and Consent Order Change Control Form M-62-14-02,” (external letter to J.A. Hedges, Washington State Department of Ecology), from K.W. Smith, U.S. Department of Energy, Office of River Protection, Richland, Washington, February 20.
- 16-TF-0094, 2016, *Hanford Federal Facility Agreement and Consent Order Interagency Management Integration Team (IAMIT) Decision / Determination / Action Assignment Number 2016-005*, U.S. Department of Energy, U.S. Environmental Protection Agency, and Washington State Department of Ecology, August 22.
- 19-MIO-0020, 2019, “Request for Concurrence on Selected Scenarios for the River Protection Project System Plan, Revision 9,” (external letter to A.K. Smith, Washington State Department of Ecology), from, from B.T. Vance, U.S. Department of Energy, Richland, Washington, September 25.
- 19-NWP-158, 2019, “Transmittal of Signed Concurrence for *Selected Scenarios for the River Protection Project System Plan, Revision 9*, RPP-RPT-61707, Rev. 0,” (external letter to B.T. Vance, U.S. Department of Energy), from A.K. Smith, Washington State Department of Ecology, Richland, Washington, October 2.
- 19-ORP-0008, 2019, Notes pertaining to the discussions at the Hanford Senior Executive Committee meeting held on August, 28, 2019, in Seattle, Washington, (external letter to M.D. Bellon, Washington State Department of Ecology), from B.T. Vance, U.S. Department of Energy, Richland, Washington, September 11.
- Case No. 08-5085-FVS, 2010, *Washington vs. Steven Chu, Secretary of the United States Department of Energy, and the United States Department of Energy*, Consent Decree, United States District Court, Eastern District of Washington, October 25.
- Case No. 2:08-CV-5085-RMP, 2016, *State of Washington and State of Oregon vs. Ernest Moniz, Secretary of the United States Department of Energy, and the United States Department of Energy*, Amended Consent Decree, United States District Court, Eastern District of Washington, March 11.
- Case No. 2:08-CV-5085-RMP, 2016, *State of Washington and State of Oregon vs. Ernest Moniz, Secretary of the United States Department of Energy, and the United States Department of Energy*, Second Amended Consent Decree, United States District Court, Eastern District of Washington, April 12.

Case No. 2:08-CV-5085-RMP, 2018, *State of Washington and State of Oregon vs. Rick Perry, Secretary of the United States Department of Energy, and the United States Department of Energy*, Third Amended Consent Decree, United States District Court, Eastern District of Washington, October 12.

Ecology 2019, “Tank Waste Retrieval and Treatment Pathway at Hanford,” (external letter to A. White, U.S. Department of Energy), from M.D. Bellon, Washington State Department of Ecology, Olympia, Washington, May 29.

Ecology, EPA, and DOE, 1989, *Hanford Federal Facility Agreement and Consent Order*, 2 vols., as amended, Washington State Department of Ecology, U.S. Environmental Protection Agency, and U.S. Department of Energy, Olympia, Washington.