



AGREEMENT IN PRINCIPLE FOR THE NEGOTIATION OF HANFORD FEDERAL FACILITY AGREEMENT AND CONSENT ORDER (HFFACO) REVISIONS IN RESPONSE TO FEDERAL FISCAL YEAR (FFY) 2018-2020 APPROPRIATIONS IN CONJUNCTION WITH THE REPRESENTATIVE ANALOGOUS SITE COORDINATING AGENCY LIAISONS (RASCAL) RECOMMENDATIONS (INTERAGENCY MANAGEMENT INTEGRATION TEAM (IAMIT) DETERMINATION 2020-006) FOR EXPEDITING REMEDIAL CLEANUP ON THE HANFORD CENTRAL PLATEAU

The U.S. Department of Energy (DOE), Washington State Department of Ecology (Ecology), and the U.S. Environmental Protection Agency (EPA), hereinafter referred to as the Parties, agree there is a need to enter into formal negotiations and establish revisions to HFFACO Appendix D milestones.

The FFY 2018, 2019, and 2020 Appropriations by Congress were less than the compliance funding levels DOE submitted. HFFACO, Legal Agreement, Paragraph 149.G allows DOE-RL to propose changes to milestones in response to congressional budget appropriations that are less than estimated funding levels required to achieve full compliance. DOE proposed changes for that reason. Additionally, there were unanticipated funding needs for issues at the Plutonium Uranium Extraction Plant (PUREX) tunnels. However, DOE will continue to request annual funding in order to meet its obligations under the HFFACO.

In September 2019, the Parties formed the Representative Analogous Site Coordinating Agency Liaisons (RASCAL) Team, focused on the 200-EA-1, 200-WA-1, and 200-BC-1 Operable Units (OUs), addressing the following objectives:

- Implement early remedial actions,
- Accelerate cleanup decisions,
- Ensure consistent remedies for similar waste sites,
- Reduce characterization pre-Record of Decision (ROD), and
- Conduct focused confirmatory characterization post-ROD.

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In June 2020, the RASCAL Team developed an expedited process for the representative and analogous waste sites approach to accelerate central plateau inner area cleanup decisions and provided the following actionable recommendations (Interagency Management Integration Team (IAMIT) Determination 2020-006):

- Create 200-IA-1 OU, a new Inner Area OU as a dual lead operable unit (EPA and Ecology),
 - Assign the selected waste sites from 200-EA-1 and 200-WA-1 OUs to the new 200-IA-1 OU. The waste sites selected must currently have sufficient information to determine one of the following final end states: (1) Remove, Treat and Dispose (RTD) or (2) confirmatory sampling/no further action (CS/NFA);
 - Implement cleanup by geographic area to maximize flexible and efficient work mobilization, and
 - Initiate 200-IA-1 OU Focused Feasibility Study (FFS) development.
- Update work plans for the 200-EA-1 OU and 200-WA-1 OUs to implement approach consistently across the OUs, and
- Initiate 200-BC-1 OU FFS.

Implementing these RASCAL recommendations has the following benefits:

- Reduce pre-ROD characterization penetrations by as much as 75% using the representative and analogous waste site approach,
- Accelerate cleanup decisions for approximately 101 waste sites via the new 200-IA-1 OU to reach a ROD an estimated 3-3.5 years earlier than the current assumed ROD timeline for the 200-EA-1 and 200-WA-1 OUs, and
- Accelerate cleanup decisions by implementing 200-BC-1 OU FFS on its 27 co-located waste sites leading to its own ROD.

With these approved RASCAL Team recommendations (IAMIT Determination 2020-006), the Parties agreed most of the milestones impacted by Appropriations and Budget for FFYs 2018-2020 be negotiated in conjunction with the RASCAL recommendations by modifying the following HFFACO milestones and/or creating new milestones for the following OUs:

Major Milestone

- M-015-00, Complete the RI/FS (or RFI/ CMS) and RI/FS) process for all non-tank farm operable units except for canyon/associated past practice waste site OUs covered in M-085-00.

200-CW-1/3 & 200 OA-1 Operable Units

- M-015-38B, Submit a Feasibility Study Report and Proposed Plan(s) for the 200-CW-1, 200-CW-3, and 200-OA-1 OU for Waste Sites in the Outer Area of the Central Plateau to EPA.

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200-EA-1 Operable Unit

- M-015-92B, Submit RCRA Facility Investigation/Corrective Measures Study & Remedial Investigation/Feasibility Study Report and Proposed Corrective Action Decision/Proposed Plan for the 200-EA-1 OU (Central Plateau 200 East Inner Area) to Ecology.
- New M-015 series milestone, Submit a revised 200-EA-1 RFI/CMS/RI/FS work plan to Ecology to implement RASCAL IAMIT Determination 2020-006.

200-IS-1 Operable Unit

- M-015-112, Submit Draft B, *200-IS-1 Operable Unit Pipeline System Waste Sites RFI/CMS/RI/FS Work Plan* to Ecology, including a schedule of completion dates for major tasks and deliverables.
- M-015-92C, Submit RCRA Facility Investigation/Corrective Measures Study & Remedial Investigation/Feasibility Study Report and Proposed Corrective Action Decision/Proposed Plan for the 200-IS-1 OU to Ecology.

200-IA-1 Operable Unit

- New M-015 series milestone, Submit 200-IA-1 OU Focused Feasibility Study and Proposed Plan to EPA and Ecology (dual lead).

200-WA-1/200-BC-1 Operable Units

- M-015-84, Complete remedial investigation of 200-WA-1 and 200-BC-1 operable unit waste sites in accordance with the 200-WA-1 and 200-BC-1 RI/FS Work Plan.
- M-015-91B, Submit Feasibility Study Report(s) and Proposed Plan(s) for the 200-BC-1 and 200-WA-1 operable units (200 West Inner Area) to EPA.
- M-015-98, Complete remedial investigation of U Plant related waste sites located in 200-WA-1 in accordance with the WA-1 RI/FS Work Plan.
- M-015-99, Complete remedial investigation of PFP related waste sites located in 200-WA-1 in accordance with the 200-WA-1 and 200-BC-1 RI/FS Work Plan.
- New M-015 series milestone, Submit 200-BC-1 OU Focused Feasibility Study.
- New M-015 series milestone, Submit 200-BC-1 OU Proposed Plan to EPA.
- New M-015 series milestone, Submit a revised 200-WA-1 RI/FS Work Plan to EPA to implement RASCAL approach.

200-DV-1 Operable Unit

- M-015-110B, Submit CMS & FS & Proposed Plan/Corrective Action (CA) Decision for 200-DV-1 OU to Ecology.

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200-SW-2 Operable Unit

- New M-015 series milestone, submit the 200-SW-2 RFI/CMS (and RI/FS) work plan updated to incorporate Coordinated Closure approach that was approved April 14, 2020.
- M-015-93B, Submit RCRA Facility Investigation/Corrective Measures Study & Remedial Investigation/Feasibility Study Report and Proposed Corrective Action Decision/Proposed Plan for the 200-SW-2 OU to Ecology.
- M-015-93C, Initiate characterization field work for the 200-SW-2 Operable Unit landfills in accordance with the schedule in the approved RI/FS/RFI/CMS Work Plan.

Note: 200-SW-2 was a part of M-091 milestone series AIP signed July 13, 2020. The Parties agreed to incorporate the milestones into this AIP.

Central Plateau Canyons

- M-085-70, Submit to Ecology a Remedial Investigation/Feasibility Study Work Plan for 200-CB-1.
- M-085-90, Submit Remedial Investigation/Feasibility Study Work Plan for 200-CR-1 to EPA.
- M-016-200A, Complete U Plant canyon (221 U Facility) demolition in accordance with the Remedial Design/Remedial Action Work Plan.
- M-016-200B, Complete U Plant (221 U Facility) barrier construction in accordance with the Remedial Design/Remedial Action Work Plan.

Under this Agreement in Principle (AIP), the Parties agree to begin negotiations upon the approval of this AIP, and plan to conclude negotiations with a signed Tentative Agreement by January 15, 2021.

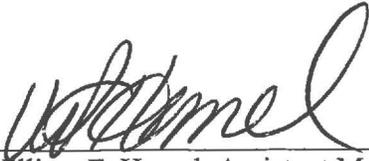
Upon signing this AIP and throughout the pendency of these negotiations, the Parties agree there shall be a day-for-day extension in the milestone due dates and these affected milestones will remain under the status of “In Abeyance” throughout these negotiations. The affected milestones will remain “in abeyance” until the applicable HFFACO Change Control Forms, including revisions as necessary, are executed by the Parties.

The Parties also agree the milestones currently under dispute resolution will be resolved upon executing signed HFFACO Change Control Forms. The milestones currently in the dispute resolution process are: M-015-84, M-015-91B, M-015-93C, M-015-98, M-015-99, and M-085-70.

The Parties agree that within 30 days following the successful conclusion of the negotiations, documented in a signed Tentative Agreement, they will perform an appropriate 45-day public comment period in accordance with the Public Involvement Plan. The Parties agree that the HFFACO Change Control Forms will be executed within 45 days after the conclusion of the public comment period.

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The signatures below represent the acceptance of DOE-RL, Ecology, and EPA on these subject HFFACO negotiations.



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for the River and Plateau
U.S. Department of Energy
Richland Operations Office

8/25/2020
Date



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

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**DAVID
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David R. Einan, Program Manager
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N. M. Menard, Ecology
J. B. Price, Ecology
Administrative Record (milestones listed and 200-BC-1, 200-CB-1, 200-CR-1, 200-CW-1, 200-CW-3, 200-CW-5, 200-DV-1, 200-SW-2, 200-EA-1, 200-IA-1, 200-IS-1, 200-OA-1, and 200-WA-1 OUs)
Environmental Portal