

Inter-Agency Management Integration Team Meeting Minutes
May 26, 2020



SIGNATURES:

Approval:  Date: 7/16/2020
W.F. Hamel, DOE-RL IAMIT Representative

Approval: Robert G. Hastings Digitally signed by Robert G. Hastings
Date: 2020.07.14 13:28:28 -07'00' Date: _____
R.G. Hastings, DOE-ORP IAMIT Representative

Approval: For Alex K. Smith
Schleif, Stephanie
(ECY) Digitally signed by Schleif, Stephanie (ECY)
Date: 2020.07.15 10:04:16 -07'00' Date: _____
A.K. Smith, Ecology IAMIT Representative

Approval: DAVID EINAN Digitally signed by DAVID EINAN
Date: 2020.07.15 16:42:44 -07'00' Date: _____
D.R. Einan, EPA IAMIT Representative

1.0 WELCOME AND LOGISTICS/FORMAT

The Inter-Agency Management Integration Team (IAMIT) meetings are normally held monthly between the U.S. Department of Energy (DOE), Washington State Department of Ecology (Ecology), and the U.S. Environmental Protection Agency (EPA); also referred to as the Parties.

This meeting was held remotely via video and telecom utilizing the Microsoft Office Teams software, a communication and collaboration platform, because the Washington State Governor issued a “stay-at-home” order due to the COVID-19 (coronavirus) pandemic.

Mission Support Alliance, LLC (MSA) welcomed the IAMIT members and explained this was a standard IAMIT meeting that would cover the agenda items and action tracking table provided in the handout (see attachments).

2.0 REVIEW IAMIT ACTION TRACKING TABLE

2.1 Action Items

2.1.1 Baseline Risk Assessment (BRA) for Waste Management Area (WMA)-C

Three of four IAMIT Determinations have been signed on this issue. There is one remaining: Groundwater Ingestion. MSA stated that Ecology shared the latest draft IAMIT Determination for Groundwater Ingestion with DOE today. DOE has the action to review and respond to Ecology when their review is complete. This item will be tracked at the IAMIT level in the interim.

2.1.2 Tri-Party Agreement Dispute (IAMIT Level) Milestone M-015-93C/TPA Change Control Form M-15-18-03 – “Initiate Characterization Field Work for 200-SW-2 Operable Unit Landfills”

At the December 19, 2019 IAMIT, Ecology suggested coordinating or extending milestone M-015-93C to coincide with the M-091 milestones for transuranic waste retrievals.

Ecology noted there is an M-091 milestone coming due September 30, 2020 and reminded DOE of their 90-day notification requirement on that milestone. Ecology indicated they would like to talk about the M-015-93C dispute at the same time as the M-091 milestones. Ecology reiterated the need to begin these discussions soon because the 90-day notification requirement has some significance. DOE has the action to schedule a meeting with Ecology to begin discussions. This item will be tracked at the IAMIT level in the interim.

2.1.3 Possible Adoption of the Principles and Parameters in Regulatory Documents

At the April 16, 2020 IAMIT meeting, the Parties agreed the small working group would be placed on a temporary hold while Ecology examines their processes.

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Ecology indicated they are still working on reviewing their internal processes, but are ready to schedule additional working group meetings. MSA took the action to schedule these meetings.

Ecology brought up the idea to do a possible Kaizen to discuss this issue in depth and how it might be considered in the closure of WMA-A/AX. DOE asked Ecology how a Kaizen could help this process. Ecology stated it took 4 years to get the Baseline Risk Assessment approved, due to prolonged comment and response, and a Kaizen could help chart out what has to happen to get the documents out and streamline this process for the next WMA to be closed. DOE took the action to discuss the Kaizen idea internally and report back to the IAMIT. This item will be tracked at the IAMIT level in the interim.

2.1.4 Changes/Updates to TPA Paragraphs 148/149

The Parties are under an Agreement in Principle (AIP) to negotiate updates to paragraphs 148 and 149.

Ecology proposed DOE's attorneys go through each of its proposed changes and explain why the changes to paragraphs 148/149 are being made. DOE asked Ecology their rationale for this proposal.

Ecology responded that they received a red-line strike out version of the proposed 148/149 changes from DOE but do not understand why the changes are being made. Ecology mentioned a previous meeting between the agencies where Ecology requested DOE provide people with institutional knowledge about the proposed changes and no one from DOE could explain the basis for the changes because those changes were made, in some cases, years ago. Ecology asked if an explanation could be provided to the regulator attorneys and the technical staff for each of the proposed changes.

DOE stated the paragraphs are very out-of-date, as acknowledged by the Parties when they agreed to update them in the last TPA 5-year review, done in 2017, and do not want to see the updates hampered by trying to explain why it is out of date.

EPA indicated when they started to review the proposed changes, it seemed the updates would be simple; however, the proposed changes altered the purpose of those sections and EPA wants to understand where DOE is coming from on the various changes, try to come to agreement, and get it closed out. EPA stated another way of looking at it might be to see what the expected outcomes of the changes are.

DOE took the action to reconvene the technical staff and attorneys to continue negotiations. This item will be tracked at the IAMIT level in the interim.

2.1.5 Gaps in Deactivation, Decommissioning, Decontamination and Demolition (D4) Planning

At the April 16, 2020 IAMIT meeting, DOE took the action to provide an update to the IAMIT on D4 planning efforts once the site is able to resume normal operations, pending mission essential operations currently ongoing due to coronavirus and pending Hanford prime contracts transition.

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There was no updated status provided. However, EPA pointed out there was acknowledgement at the last IAMIT meeting that the basis of the estimate for contaminated soil was based on an old and obsolete lifecycle baseline with regard to when there would be contaminated fill available. DOE responded that this is true. This item will be tracked at the IAMIT level in the interim.

2.1.6 IAMIT Determination – Delete Audio Files of Meetings Upon Approved Meeting Minutes

DOE indicated a revised draft IAMIT Determination (reference 2020-001) was initially agreed to with Ecology. Both Parties added language that addresses the potential litigation hold issue and compliance with Washington state law. DOE explained the new language added to the IAMIT Determination states, “any audio files subject to a ‘Legal Hold’ will be retained until the Legal Hold Notice has been terminated. DOE will notify Ecology and EPA of any audio files that are under a ‘Legal Hold’.” This allows either one of the Parties involved to request those audio files through the legal Discovery process, and that those audio files be retained. MSA took the action to send out the latest draft IAMIT Determination 2020-001 for the Parties to review and then route for approval. This item will be tracked at the IAMIT level in the interim until IAMIT Determination 2020-001 is approved.

2.1.7 IAMIT Determination – Temporary Suspension of TPA Article XXXIII, Notification Requirements

At the end of March 2020, the Parties agreed a change was necessary to the TPA, Legal Agreement, Part Five, Common Provisions, Article XXXIII, Notification, which states that documents sent between the Parties will be sent by certified or overnight express mail, or hand delivered. Due to the coronavirus and the inability for personnel to process mail or hand-deliver documents, the Parties also agreed to a temporary 6-week suspension of these requirements with an approved IAMIT Determination (reference 2020-003).

During the April 16, 2020 IAMIT Meeting, the Parties discussed potentially making these changes to the TPA permanent; however, the permanent changes will be addressed during the TPA 5-year review, due July 2022.

MSA noted that a second IAMIT Determination (reference 2020-005) was being routed amongst the Parties for approval, which would allow an additional 10-week suspension of these requirements.

2.1.8 Update of TPA Appendix B: Listing of Treatment, Storage, and Disposal Groups/Units

At the January 23, 2020 IAMIT meeting, the Parties discussed the status of the TPA Appendix B update and origins of the assigned TSD numbers. Ecology had taken the action to inquire with their permitting team to find out how new TSD numbers are assigned and report back to the IAMIT. MSA stated an Appendix B change control form was being drafted to update Appendix B.

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Ecology provided an update to the IAMIT on the origins of the assigned TSD numbers, stating, the first letter stands for either treatment (T), storage (S) or disposal (D) unit, the middle number tells you the area (100, 200, or 300) and the third number is a sequential number (e.g., in T-2-8, the T means it is a treatment unit, the 2 means 200 Area, and 8 is the sequential number).

On March 30, 2020, MSA distributed draft TPA Change Control Form B-20-01 with proposed updates to Appendix B to the regulators for review. Ecology stated they had talked with their attorney about the proposed changes and have some comments. Ecology indicated they would like to discuss their comments with DOE, but asked DOE, timing and priority wise, if this could be discussed in a few months, in order to provide ample time for review. DOE took the action to discuss its available resources for working on the Appendix B update, if this effort would be considered a priority and report back to the IAMIT. This item will be tracked at the IAMIT level in the interim.

2.2 Status Updates

2.2.1 Draft Agreement in Principle: Revising and Updating TPA Appendices H and I

At the October 17, 2019 IAMIT Meeting, the Parties agreed revisions to Appendices H and I would be placed on hold pending the potential path forward determined from the Hanford tank waste mission holistic discussions. DOE proposed to continue tracking until discussions conclude. This item will be tracked at the IAMIT level in the interim.

2.2.2 Agreement in Principle: TPA Changes in Response to Federal Fiscal Year 2018 and 2019 Budgets

At the November 21, 2019 IAMIT Meeting, the Parties agreed the draft AIP should be placed on hold pending results of the “Representative Analogous Waste Site Coordinating Agency Liaisons (RASCAL)” team briefings and path forward. The RASCAL Team is planning to provide another update to the IAMIT in June.

DOE noted a draft IAMIT Determination and White Paper was being reviewed by the RASCAL Team and may be ready for IAMIT review in June.

Ecology reiterated the RASCAL process will not fix the issues with all of the milestones, in particular milestone M-015-93C for the 200-SW-2 Operable Unit.

This item will be tracked at the IAMIT level in the interim.

2.2.3 Modifications to Tri-Party Agreement Section 9.4, Administrative Record (AR) to Eliminate Hard Copy Requirements

At the February 20, 2020 IAMIT meeting, DOE noted the proposed changes to Section 9.4 have some nexus to the M-035-09K dispute. The Parties agreed this item should be placed on hold pending the M-035-09K dispute that is currently with the Washington State Pollution Control Hearings Board. This item will be tracked at the IAMIT level in the interim.

3.0 UPCOMING TOPICS/ACTION ITEMS FOR FUTURE IAMIT MEETINGS

Ecology requested DOE provide a briefing on the borrow source for silt loam soil material for engineered barriers at an upcoming IAMIT meeting. DOE plans to discuss this internally dependent upon recent events and resources between now and June and possibly brief the IAMIT in July.

4.0 REVIEW OF TODAY’S ACTIONS/UPCOMING IAMIT MEETINGS

The following actions were captured during the meeting and provided to the Parties following this IAMIT meeting:

No.	IAMIT Topic	Actions from 5/26/20 IAMIT Meeting
1	Baseline Risk Assessment for WMA-C IAMIT Determinations	DOE has the action to review the draft Groundwater Ingestion IAMIT Determination and respond to Ecology when their review is complete.
2	Tri-Party Agreement Dispute (IAMIT Level) Milestone M-015-93C/TPA Change Control Form M-15-18-03 – “Initiate Characterization Field Work for 200-SW-2 OU Landfills”	DOE has the action to analyze Ecology’s proposal for milestone M-091 and schedule a meeting with Ecology to discuss it further.
3	Possible Adoption of the Principles and Parameters in Regulatory Documents	Ecology is still evaluating their internal processes. MSA took the action to schedule working group meetings. DOE took the action to consider and discuss the Kaizen idea internally and report back to the IAMIT.
4	Changes/Updates to TPA Paragraphs 148/149	DOE took the action to reconvene the technical staff and attorneys to continue negotiations.
5	IAMIT Determination – Delete Audio Files of Meetings Upon Approved Meeting Minutes	MSA took the action to send out the latest draft IAMIT Determination 2020-001 for the Parties to review and then route for approval.

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No.	IAMIT Topic	Actions from 5/26/20 IAMIT Meeting
6	TPA Legal Agreement Article XXXIII, Notification Requirements (paragraphs 108 and 109)	MSA noted that a second IAMIT Determination 2020-005 was being routed amongst the Parties for approval, which would allow an additional 10-week suspension of these requirements.
7	TPA Appendix B Update	DOE took the action to discuss its available resources for working on the Appendix B update, if this effort would be considered a priority and report back to the IAMIT
8	Borrow source for silt loam soil material for engineered barriers	DOE plans to discuss internally, considering recent events and its available resources between now and June, and may consider possibly briefing the IAMIT in July.

The next IAMIT meeting is scheduled for June 18, 2020.

5.0 LIST OF ATTENDEES

Bergman, Theresa	CHPRC
Brasher, Stephanie	MSA
Cameron, Craig	EPA
Capron, Jason	DOE
Cline, Michael	DOE
Davis, Scott	MSA
Einan, Dave	EPA
Elsethagen, Kelly	Ecology
Hamel, Bill	DOE
Harkins, Brian	DOE
Hastings, Rob	DOE
Higgins, Kathy	DOE
Hildebrand, Doug	DOE
Kemp, Chris	DOE
Lobos, Rod	DOE
Lopez, Maria	WRPS
Menard, Nina	Ecology
Price, John	Ecology
Sondag, Joe	DOE
Turner, Michael	MSA
Wend, Chris	Ecology



**Inter-Agency Management Integration Team (IAMIT) Meeting
Thursday May 26, 2020, 1 – 2:00 p.m.**

*Meeting held via Teams video/teleconference

Agenda

No	Time	Lead / Org	Topic
1	1:00 – 1:02 p.m.	Michael Turner, MSA	Welcome and Meeting Logistics/Format
2	1:02 – 1:25 p.m.	Michael Turner, MSA/ IAMIT and attendees	Review IAMIT Action Tracking Table
3	1:25 – 1:35 p.m.	IAMIT members	New Topics for Upcoming IAMIT Meetings
4	1:35 – 1:45 p.m.	Michael Turner, MSA/ IAMIT members	Review of Today's Actions
5	1:45 p.m.	Adjourn	

Inter-Agency Management Integration Team Decision Table/Action Tracking

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Table I. Action Items¹

1. Baseline Risk Assessment for WMA-C

Reference: Phase II RCRA Facility Investigation for Waste Management Area C (RPP-RPT-58339)

Affected Milestone: M-045-61 (completed)/TPA Appendix I

Originated: 02/21/19

Status: Open

Dispute Extended: N/A

Action: Parties are being asked to agree on the path forward/resolution for four specific areas of the Baseline Risk Assessment: Judgmental Samples; Hazards Index; Groundwater Ingestion and Food Chain Pathway

Comments: Presentations were given by Ecology and DOE at the 02/21/19 IAMIT.. There was no change in status at the 03/21/19 IAMIT. The IAMIT met on 05/08/19 to attempt resolution on 4 issues. Two of four (Judgmental Samples and Hazard Index) were resolved and IAMIT Determinations have been drafted and are with the IAMIT for review. The two remaining issues (Groundwater Ingestion and Food Chain Pathway) are being discussed internally by Ecology and await resolution. There were other broader issues discussed regarding future land use and the possible formal adoption of the Inner Areas Principles to apply to tank farm cleanup that are up for future discussion by the IAMIT. IAMIT is still tasked with resolving the remaining two issues (Groundwater Ingestion and Food Chain Pathway). The parties must also determine whether the Baseline Risk Assessment is a TPA Primary or Secondary Document. At the 07/18/19 IAMIT, the parties agreed to a "core" IAMIT meeting to discuss the Groundwater Ingestion and Food Chain Pathway further. At the 08/15/19 IAMIT, Ecology stated that they were still reviewing the draft IAMIT Determinations for Judgmental Samples and Hazard Indices. At the 10/17/19 IAMIT, Ecology committed to reviewing the language in the Hazard Index IAMIT Determination (#2019-005) and Judgmental Samples IAMIT Determination (#2019-006) for the BRA WMA-C by the November 2019 IAMIT meeting. A "stand-alone" IAMIT meeting to discuss the Groundwater Ingestion and Food Chain Pathway issues was held 11/21/19 where the parties agreed to sign IAMIT Determinations on Judgmental Samples and Hazard Index (signed 11/25/19). The two remaining issues - Groundwater Ingestion and Food Chain Pathway remain open, though ORP has drafted IAMIT Determinations on these issues, which are in review by the parties. On 12/19/19, draft versions of the two IAMIT Determinations were exchanged between the parties. On 12/20/19, Ecology asked for a meeting to discuss. At the 1/23/20 IAMIT, the Parties stated they had met, have exchanged drafts and are close to agreement on remaining two IAMIT Determinations. At the 02/20/20 IAMIT meeting, Ecology indicated the Food Chain Pathway IAMIT Determination was provided to DOE, but they are still working on the GW Ingestion IAMIT Determination. [Food Chain Pathway IAMIT Determination \(#2019-008\) was signed on 05/12/20.](#) Ecology sent a draft of the Groundwater Ingestion IAMIT Determination to ORP on 05/26/20.

Closed: *Partial closure:* Hazard Index IAMIT Determination (#2019-005) and Judgmental Samples IAMIT Determination (#2019-006) were signed 11/25/19. [Food Chain Pathway IAMIT Determination \(#2019-008\) was signed on 05/12/20.](#)

¹ *New information shown in blue.

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2. Tri-Party Agreement Dispute (IAMIT Level) Milestone M-015-93C / TPA Change Control Form M-15-18-03 – “Initiate Characterization Field Work for 200-SW-2 OU Landfills”

Reference: Letter: 18-NWP-096; Statement of Dispute: AR-01073 (letter 19-SGD-0008)

Affected Milestone: M-015-93C

Originated: Dispute initiated at the Project Manager level 7/09/18. Elevated to the IAMIT level on 03/14/19.

Status: Open

Dispute Extended: The Parties had until 04/30/19 to resolve dispute at the IAMIT level (latest extension signed on 04/04/19). On 05/16/19, the Parties agreed not to issue the Director’s Determination extension and work resolution via the budget AIP and TA.

Action: Parties are being asked to resolve dispute at the IAMIT level or send to Ecology Director for Director’s Determination.

Comments: At the 4/24/19 IAMIT meeting, Ecology noted that the TPA-prescribed due date for a Final (Director’s) Determination may have lapsed and proposed extending the dispute at the IAMIT level. DOE took the action to set up a meeting to discuss Federal Fiscal Years 2018, 2019 budgets. DOE-RL stated that this milestone is now different from the other milestones in the Agreement in Principle (AIP) and Tentative Agreement (TA) and needs to be addressed separately (Ecology elevated it from the PM level to the IAMIT level). On 05/16/19, the Parties agreed not to issue the Director’s Determination extension and work resolution via the budget AIP and TA. A draft AIP and TA which includes M-015-93C, is in review by the Parties. If signed, the AIP and TA including M-015-93C would resolve this dispute. On 07/03/19 Ecology noted it would not sign the AIP until it received a response to its letter of 07/10/19 (19-NWP-109). At the 08/15/19 IAMIT meeting, Ecology stated that the AIP remains on hold until it gets a reply to its 07/10/19 letter. DOE said it was still coordinating its response with DOE Headquarters. EPA also requested to see the DOE response when issued. On 09/09/19, DOE-RL requested Ecology’s reconsideration in approving the AIP to begin negotiating the milestones impacted by the FFY 2018 and 2019 budget via letter 19-AMRP-0074. At the 11/21/19 IAMIT, Ecology noted they have requested a briefing from DOE on the FY20 Continuing Resolution (CR) impacts (in accordance with TPA Legal Agreement, paragraph 149.F). DOE reported they have scheduled the FY19 year-end accomplishments briefing and then will schedule an Integrated Priorities List follow-on briefing which will include FY20 CR impacts. At the 12/19/19 IAMIT, Ecology suggested coordinating milestone M-015-93C (Characterize field work for 200-SW-2 Operable Unit) with the M-091 milestone for retrievals. DOE is currently evaluating options, including scheduling a meeting with Ecology to discuss. The agencies have agreed to remove this milestone from the budget AIP. DOE met with the Carlsbad Field Office (WIPP) in late February and will schedule a meeting with Ecology to discuss options and a potential path forward. [At the 04/16/20 IAMIT, DOE committed to scheduling a meeting with Ecology to provide the latest status.](#)

Closed: —

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3. Possible Adoption of the Principles and Parameters in Regulatory Documents

Reference: DOE/RL-2004-60, REV.1

Affected Milestone: N/A

Originated: 05/16/19

Status: Open

Dispute Extended: N/A

Action: Parties are being asked to consider adopting the Principles and Parameters for use as a standard in producing regulatory documents.

Comments: IAMIT has agreed to discuss this topic as a “core” IAMIT meeting. No meeting date set. On 6/20/19, Ecology stated they needed to discuss this internally and discuss and would report status at the 07/18/19 IAMIT meeting. At the 07/18/19 IAMIT meeting the parties agreed to refer to this topic as the “Principles and Parameters” and the parties agreed to add this topic to a future regularly scheduled IAMIT meeting to discuss further. At the 08/15/19 IAMIT meeting, the parties agreed to address this issue in a stand-alone, topic-specific IAMIT meeting. MSA took the action to schedule that meeting. Parties have yet to agree on a date for this meeting. At the 10/17/19 IAMIT, the agreed to discuss this subject and path forward at the November IAMIT. The parties also discussed the possibility of assembling a small group to evaluate the principles and parameters and then bring a recommendation back to the IAMIT. At the 11/21/19 IAMIT, the parties agreed to form a small working group, made of up of each agency’s subject matter experts to discuss and eventually bring their conclusions to the IAMIT. At the 12/19/19 IAMIT, the agencies were asked to identify SME’s to form a small working group. Agencies have identified SME’s, the team will consist of:

- Craig Cameron, EPA
- John Price, ECY
- Doug Hildebrand, RL
- Rod Lobos, ORP

First meeting of the group occurred 01/23/20. Affected milestones and work plans were discussed as well as a potential IAMIT Determination to document conclusions. Second meeting of the group was held 03/09/20. At that meeting, Ecology handed out a draft letter that parameters (cleanup standards) be applied to Waste Management Areas through the CERCLA and RCRA/MTCA processes. Parties met again on 4/09/20 and are still developing a path forward. [At the 4/16/20 IAMIT, the Parties agreed the small working group would be on a temporary hold while ECY took the action to examine their internal processes and will let the working group know when they are ready to continue discussions.](#)

Closed: --

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4. Changes/Updates to TPA Paragraphs 148/149

Reference: Tri-Party Agreement Legal Agreement, paragraphs 148, 149

Affected Milestone: N/A

Originated: 05/16/19

Status: Open

Dispute Extended: N/A

Action: Parties are being asked to revise and update TPA paragraphs 148/149 (see also "Status Updates, item #1 below).

Comments: IAMIT has agreed to discuss this update and potentially change the TPA Legal Agreement. The parties have been discussing potential changes for a number of years. History and background have been provided. IAMIT is being asked to meet as a "core" team to discuss changes and eventually recommend to the Executive Managers signing a TPA Change Control Form to document those changes. Meeting was held on 06/27/19, with the parties' subject matter experts and legal teams to discuss the history and rationale for proposed changes. DOE is reviewing paragraphs 148/149 to look at simplifying the proposed changes and will provide to regulators for review. At the 07/18/19 IAMIT, the parties agreed that a kick-off meeting should be scheduled to sign the AIP and start negotiations. At the 08/15/19 IAMIT meeting, MSA agreed to work with DOE to schedule a kick-off meeting. Parties have yet to agree to a date for the meeting. On 09/09/19, DOE-RL provided to Ecology via letter 19-AMRP-0074, a timeline of efforts made to update the language in 148 and 149 and offered to schedule joint meetings to accomplish this task. At the 10/17/19 IAMIT, DOE noted they would not take further action at this time without further discussion and buy in from the parties to perform a meaningful exercise to revise paragraphs 148 and 149. DOE stated they are committed to following federal law and the TPA and will continue to do so whether these paragraphs are revised or not. [At the 11/21/19 IAMIT](#), the parties agreed an update to reflect current mechanisms of the federal budgeting process is needed and to perform this update via TPA negotiations. MSA took the action to draft an Agreement in Principle (AIP). That AIP would set a March 31, 2020 date for completing negotiations. The parties also expressed the need for their respective lawyers to be included in negotiations. At the 12/19/19 IAMIT, DOE-RL noted they were reviewing the draft AIP. The draft AIP was provided to the regulators for review with comments requested by COB 01/22/2020. EPA and Ecology comments were received on 01/23/20. DOE is currently reviewing the AIP. On 3/23/20, the Parties signed the AIP to begin negotiations, which are currently scheduled to conclude [07/31/20](#). [On 4/07/20, Tri-Party attorneys met to discuss federal budget process and path forward to update these paragraphs. DOE provided responses to ECY/EPA attorney comments made during this meeting for their review. Action remains with ECY/EPA legal to respond back to DOE. No meetings are currently scheduled.](#)

Closed: —

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5. Gaps in Deactivation, Decommissioning, Decontamination and Demolition (D4) Planning

Reference: ECY letter NWP-20-201 and DOE letter 20-PFD-0013

Affected Milestone: N/A

Originated: 01/23/20 IAMIT

Status: Open

Dispute Extended: N/A

Action: Parties are being asked to evaluate DOE's proposed lifecycle soil usage versus D4 versus time.

Comments: Correspondence on "Gaps in Planning Deactivation, Decommissioning, Decontamination and Demolition Projects" was added at the 1/23/20 IAMIT. DOE took the action to brief EPA and ECY at the March 2020 IAMIT (to be timed with the RASCAL Team briefing). This will address lifecycle soil usage versus D4 versus time. The IAMIT scheduled for 3/19/20 was cancelled. [DOE-RL briefed the IAMIT on 4/16/20, in that briefing, DOE said the on-going Covid-19-related work posture, and pending Hanford prime contract changes may affect this issue and pledged to provide updates.](#)

Closed: —

6. IAMIT Determination – Delete Audio Files of Meetings Upon Approved Meeting Minutes

Reference: N/A

Affected Milestone: N/A

Originated: 02/20/20 IAMIT

Status: Open

Dispute Extended: N/A

Action: Parties are being asked to sign an IAMIT Determination allowing for audio files of TPA meetings to be destroyed (deleted) upon signed, approved meeting minutes.

Comments: MSA uses audio recordings of certain TPA meetings as an aid in producing meeting minutes. In accordance with DOE Records Administrative Schedule 21.22, Records Exclusively for Transcription, the instruction reads as follows: "Recordings of meetings made exclusively for note taking or transcription, EXCLUDING recordings of proceedings of Presidential commissions and other executive commissions. Destroy immediately after use." Therefore, the audio files will be deleted after obtaining approval of the TPA meeting minutes. However, any audio files subject to a "Legal Hold" will be retained until the Legal Hold Notice has been terminated. At the 4/16/20 IAMIT meeting, [DOE-RL \(Hamel\) has requested a meeting with Ecology \(Price\) to discuss further.](#)

Closed: —

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7. IAMIT Determination – Temporary Suspension of TPA Article XXXIII, Notification Requirements

Reference: TPA Article XXXIII “Notification Requirements”

Affected Milestone: N/A

Originated: 04/20/20 IAMIT

Status: Open

Dispute Extended: N/A

Action: Parties are being asked to sign an IAMIT Determination extension to allow for a temporary suspension of the requirement for physical signatures and hard-copy delivery of TPA-related documents, due to restrictions stemming from the Covid-19 pandemic. The current IAMIT Determination is valid through 07/31/20.

Comments: The Parties had discussed potentially making permanent changes to TPA Paragraphs 108/109 of Article XXXIII (and tying the potential changes to TPA Section 9.4 “Hard Copy Requirements/Hanford Administrative Record as a change to put before public comment), however, with the next TPA Five-Year Review approaching, it was decided to deal with the potential changes at that time. Proposing to the IAMIT to close this action as it will be a topic for the Parties to discuss during the TPA Five-Year review, which will begin next year.

Closed: —

8. Update of TPA Appendix B: Listing of Treatment, Storage, and Disposal Groups/Units

Reference: TPA Appendix B - Listing of Treatment, Storage, and Disposal Groups/Units

Affected Milestone: N/A

Originated: Required annually

Status: Open

Dispute Extended: N/A

Action: Parties are being asked to update TPA Appendix B.

Comments: At the 02/20/20 IAMIT meeting, ECY took action to inquire with their permitting team to find out how new TSD numbers are assigned. In parallel, MSA has drafted the latest proposed update to Appendix B, which is currently with ECY and EPA for review.

Closed: —

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Table II. Status Updates

1. Draft Agreement in Principle: Revising and Updating TPA Appendices H and I

Reference: Tri-Party Agreement Action Plan, Appendices H and I

Affected Milestone: M-042-00 and M-045-00 series

Originated: 05/16/19

Status: Open

Dispute Extended: N/A

Action: Parties are being asked to review the draft TPA Agreement in Principle for entering into formal negotiations to revise and update TPA Appendices H and I.

Comments: The parties agree that TPA appendices H and I are outdated and in need of change. Though attempts have been made and proposals for changing have been shared by the parties, no change has occurred. In light of the current 241-C-106 Waiver Request Denial Dispute, the parties are agreeing to enter formal TPA negotiations. At the 6/20/19 IAMIT, the Parties agreed to schedule a kick-off meeting and share the draft AIP, meeting has yet to be scheduled. At the 07/18/19 IAMIT, the parties agreed that an AIP was necessary to enter into negotiations for updates to Appendices H & I in a two-phased approach, first being the easy updates and then proceed to the more challenging updates. The parties also agreed to add TPA section 11.8 (ORP Critical Path) as part of these negotiations. At the 08/15/19 IAMIT, MSA took the action to revise the draft Appendix H, I AIP to include TPA section 11.8. Ecology noted that the TPA dispute over retrieval criteria for SST 241-C-106, currently before the Washington State Pollution Control Hearings Board could delay discussions. **Note: the PCHB dispute was dismissed on 04/07/20.* At the 10/17/19 IAMIT, the parties agreed revisions to Appendices H and I should be placed on hold pending the path forward determined from the Hanford tank waste mission “holistic” discussions. *At the 04/16/20 IAMIT, there was no change in status.*

Closed: —

2. Agreement in Principle for the Negotiation of HFFACO Revisions in Response to Federal Fiscal Year (FFY) 2018 Appropriation and FFY 2019 President’s Budget

Reference: N/A

Affected Milestone: M-015-84, M-015-91B, M-015-92C, M-015-93B, , M-015-98, M-015-99, M-015-112, M-016-255, M-016-256, M-085-70 (currently in dispute at the PM level), M-085-80

Originated: 12/20/18

Status: Open - Agreement in Principle (AIP) and corresponding Tentative Agreement (TA) has been drafted

Dispute: N/A

Extended:

Action: Sign Agreement in Principle, enter into negotiations

Comments: These negotiations are driven primarily by requirements found in HFFACO, Legal Agreement, Paragraph 148.A, which requires DOE-RL to include in its annual budget request to the DOE Office

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of Environmental Management (DOE-EM) estimated funding levels required to achieve full compliance with HFFACO milestones. The FFY 2018 appropriation by Congress and the FFY 2019 President's budget request to Congress, respectively, were less than the DOE-RL estimated funding levels submitted to DOE-EM. 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. HFFACO, Legal Agreement, Paragraph 149.D states that DOE-RL shall assess the impacts of the President's budget on DOE-RL's ability to complete milestones on time. At the 12/20/18 IAMIT meeting, Ecology stated they had received drafts of the AIP and TA on 12/19/18, were scheduled to meet with their attorneys to review them, and will respond back to DOE. At the 01/31/19 IAMIT, Ecology stated EPA had been on furlough and needed to restart these discussions. At the 2/21/19 IAMIT, the Parties were asked for an update on status. There was no change in status. At the 3/21/19 IAMIT, Ecology stated that both Ecology and EPA were discussing the language in the AIP and TA and will send to DOE. Action is with Ecology and EPA to provide comments. Ecology questioned the language in the AIP/TA and sent it to EPA for their review. At the 04/24/19 IAMIT, DOE-RL took the action to schedule a teleconference between the Tri-Parties to discuss current status and path forward to negotiations. (See also item above regarding M-015-93C.) On 05/06/19, DOE received the AIP from EPA and is currently reviewing it for approval. At the 06/20/19 IAMIT, the parties discussed expectations for the AIP. Ecology stated there is a letter going to DOE regarding budget that was currently in review with Ecology legal. On 07/03/19 Ecology noted it would not sign AIP until it received a response to its letter of 07/10/19 (19-NWP-109). DOE requested an extension to 08/02/19 to respond to the letter. At the 08/15/19 IAMIT meeting, Ecology stated that the AIP remains on hold until it gets a reply to its 07/10/19 letter. DOE said it was still coordinating its response with DOE Headquarters. EPA also requested to see the DOE response when issued. As of 09/09/19, DOE-RL requested Ecology's reconsideration of approving the AIP to begin negotiating the milestones impacted by the FFY 2018 and 2019 budget via letter 19-AMRP-0074. At the 10/17/19 IAMIT Ecology stated they wanted to resolve the issues with TPA Paragraphs 148/149 before signing an AIP. DOE disagreed, saying the issues were separate. At the 11/21/19 IAMIT, the parties agreed that the "Representative Analogous Site Coordinating Agency Liaisons (RASCAL)" team conclusions might provide a resolution to this issue. The RASCAL team, comprised of all three agencies is currently evaluating a proposal, which will ensure consistent remedies for similar conceptual site model groups and associated waste sites, and could potentially reduce characterization pre-ROD and post-ROD. [At the 4/16/20 IAMIT, an update on RASCAL Team progress was presented. The IAMIT granted approval to proceed with next steps, the RASCAL Team will: \(1\) Draft a White Paper, and \(2\) engage the contractor for cost estimates, to include cost avoidance and proposed milestones and report back to the IAMIT in a couple of months.](#)

Closed: —

3. Modifications to TPA Section 9.4, "Administrative Record," to Eliminate Hard Copy Requirements

Reference: TPA Section 9.4

Affected Milestone: N/A

Originated: 11/15/18 (re-opened)

Status: Open - Change Control Form P-09-18-01 has been drafted.

Dispute Extended: N/A

Action: Sign Change Control Form

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Comments: Change Control Form in draft, proposes eliminating the requirement to maintain hard-copy files in the Hanford Administrative Record (AR). DOE upgraded the Administrative Record website to enhance search and retrieval capabilities, allow multi-field filtering, provide canned and ad hoc reporting, enable electronic document submittal, and improve system response time. At the December 20, 2018 IAMIT meeting, Ecology indicated they would be ready to sign this change control form when the AR upgrade is complete. The system upgrade was completed in June 2019. At the 07/18/19 IAMIT meeting, Ecology stated they wanted a “validation and verification” meeting to assess the AR upgrades. On 8/28/19, a validation meeting was held. Ecology took the action to propose a new TPA Change Control Form or make changes to the existing (P-09-18-01). On 9/03/19, Ecology stated they would like DOE to prepare AR indexes at regular intervals and will draft a CCF with proposed language to modify Section 9 of the TPA and provide to DOE/EPA for review. Ecology also requested additional functionality in the AR for replicating the RCRA Permit at any given point in time. At the 10/17/19 IAMIT, it was noted this action is currently with Ecology to draft the change control form with the proposed modifications to Section 9 of the TPA, to include the Administrative Record indices Ecology has requested from DOE. At the 11/21/19 IAMIT, Ecology noted the progress made on the AR upgrade, but still had concerns about documents being removed from the AR and a lack of procedure for doing so. At the 12/12/19 IAMIT, Ecology took the action to discuss what they propose at the 01/23/20 IAMIT – including draft changes to the TPA. On 01/28/20, Ecology sent the draft TPA Change Control Form to the Parties for review. At the 02/20/20 IAMIT, the Parties agreed to suspend this discussion until the [M-035-09K](#) and [M-035-09L](#) disputes are settled, though it will still be tracked at the IAMIT level.

Closed: —

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Table III. Recently Closed/Other Agreements

None.