



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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August 7, 2019

19-NWP-126

Bill Hamel, Assistant Manager  
River and Plateau  
Richland Operations Office  
United States Department of Energy  
PO Box 450, MSIN: H6-60  
Richland, Washington 99352

Re: Ecology Response to "Tentative Agreement on Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement) Milestone M-091 Proposed Milestone Series Change Control Forms," Letter 19-AMRP-0065, dated July 27, 2019

Dear Bill Hamel:

The Department of Ecology (Ecology) received your letter 19-AMRP-0065, transmitting a Tentative Agreement (signed by you) and draft Hanford Federal Facility Agreement and Consent Order (HFFACO) M-091 series milestone changes.

Ecology will not sign the Tentative Agreement because your letter stated that the United States Department of Energy (USDOE) made one exception to the draft HFFACO milestones negotiated between Ecology and the USDOE.

USDOE took exception to a milestone to begin shipment of transuranic mixed (TRUM) waste to the Waste Isolation Pilot Plant (WIPP) by 2028, in lieu of starting to treat the waste. Ecology advises that by not agreeing to the proposed milestone:

- You are still obligated to comply with existing milestone M-091-48 to complete shipment of TRUM waste to WIPP by 2030, until you submit to Ecology a signed change request form in accordance with HFFACO Paragraph 30.F. Any such change request form would have to include Good Cause for the change in accordance with HFFACO Article XL, and would be subject to approval or disapproval by Ecology.
  - The HFFACO requires you to report the current schedule status of M-091 series milestones both monthly (HFFACO Action Plan Section 4.1) and quarterly (Action Plan Section 4.2).
- Section 102(c)(3)(B) of Public Law 102-386, Federal Facility Compliance Act of 1992 compels you to be in compliance with the HFFACO M-091 milestone series.

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Thank you for your prompt attention to this matter. If you have questions or need further information, please contact Ecology's M-091 series Project Manager Kelly Elsethagen at [kels461@ecy.wa.gov](mailto:kels461@ecy.wa.gov) or (509) 372-7923.

Sincerely,



Alexandra K. Smith  
Program Manager  
Nuclear Waste Program

jb/lkd

cc electronic:

Craig Cameron, EPA  
Dave Einan, EPA  
Mark French, USDOE  
Kathy Higgins, USDOE  
Ingrid Siddoway, USDOE  
Brian Stickney, USDOE  
Stephanie Johansen, CHPRC  
Kalli Shupe, CHPRC  
Jon Perry, MSA  
ERWM Staff, YN  
Ken Niles, ODOE  
Kelly Elsethagen, Ecology  
Mark Pakula, Ecology  
John Price, Ecology  
Alex Smith, Ecology  
Environmental Portal  
Hanford Facility Operating Record  
CHPRC Correspondence Control  
MSA Correspondence Control  
USDOE-RL Correspondence Control

cc: Matt Johnson, CTUIR  
Jack Bell, NPT  
Laurene Contreras, YN  
Susan Leckband, HAB  
Administrative Record  
NWP Central File