

Section 2

HANFORD DECISION PROCESS

Many decisions are made at the Hanford Site. This section addresses decisions made within the scope of the Tri-Party Agreement. Those decisions are made pursuant to the Tri-Party Agreement; the *Resource Conservation and Recovery Act of 1976*; the *State of Washington Hazardous Waste Management Act*; and the *Comprehensive Environmental Response, Compensation, and Liability Act of 1980*. The Tri-Party Agreement provides the processes for making cleanup decisions. The *Resource Conservation and Recovery Act of 1976* and the *State of Washington Hazardous Waste Management Act* govern the management (treatment, storage, and disposal) of hazardous and dangerous wastes to minimize threat to human health and the environment. These regulations provide “cradle-to-grave” controls by imposing management requirements on generators and transporters of hazardous and dangerous wastes, and upon owners and operators of treatment, storage and disposal facilities that generate and manage hazardous and dangerous wastes. The *Comprehensive Environmental Response, Compensation and Liability Act of 1980*, commonly referred to as “Superfund,” was designed to respond to situations involving the past disposal of hazardous substances. As such, it compliments *Resource Conservation and Recovery Act of 1976* and the *State of Washington Hazardous Waste Management Act* which regulate ongoing hazardous and dangerous waste handling and disposal.

HANFORD TRI-PARTY AGREEMENT DECISIONS

The Tri-Party Agreement provides the legal framework for Hanford Site cleanup and compliance schedules. Tri-Party Agreement decisions cover a wide range of issues. *Resource Conservation and Recovery Act of 1976* and *Comprehensive Environmental Response, Compensation, and Liability Act of 1980* decisions are made under the umbrella of the Tri-Party Agreement.

Since 1989, new information has been obtained about the Hanford Site and advanced technologies

are being developed to address Site contamination problems. Therefore, periodically decisions made as part of the 1989 Tri-Party Agreement must be revisited in light of new information, advanced technology, or for other reasons.

To address this need, the Tri-Parties developed a system called the change request process. This process allows changes to the Tri-Party Agreement cleanup and compliance schedule by mutual agreement of the Tri-Parties. Any of the Tri-Parties can initiate a proposed change, although as implementor of cleanup, USDOE initiates most changes. This process provides a formal mechanism for reaching agreement among all the Tri-Parties. If agreement cannot be reached, a formal dispute resolution process is outlined in the Tri-Party Agreement.

Some of the changes and decisions must include public involvement and public comment, while others can be made by the Tri-Parties in a routine manner, and do not require public involvement. All schedule changes, which must be for good cause, are documented in the Tri-Party Agreement work schedule.

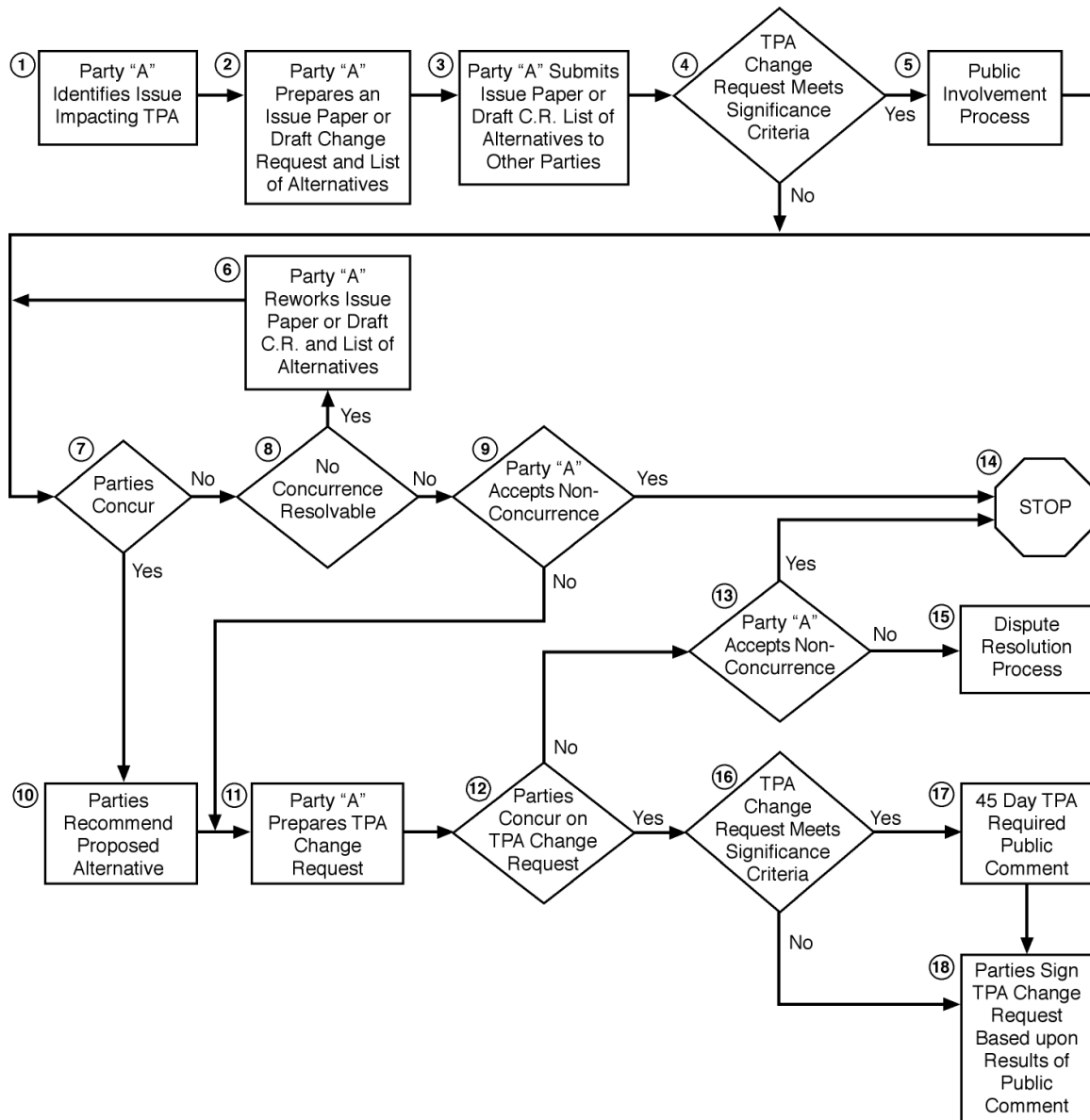
CHANGES IN THE TRI-PARTY AGREEMENT

Change Request Process

Proposed wording or milestone changes in the Tri-Party Agreement can be very modest or they can be significant changes in strategy. The process for making a change gives the Tri-Parties some discretion in what kind of public involvement process will take place. A flow diagram of the change request process is on page 12.

Twice in the process, the Tri-Parties determine whether the proposed change is significant. Each time, if they conclude the change is significant, they will initiate a process for public involvement.

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Tri-Party Agreement Change Request Decision Process

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The criteria reviewed by the Tri-Parties to determine whether a change is significant include the following:

- The draft change could have substantial adverse impact on the environment.
- The draft change involves a major milestone.
- The draft change could have a significant impact on maintaining and fulfilling important Hanford Site cleanup objectives and Tri-Party Agreement milestones.
- The draft change could have an impact on interested parties, including Native Americans, labor unions, the Tri-Cities community, and Hanford public interest groups.
- The draft change is proposed under a law or regulation that stipulates public involvement.

Each of the criteria is evaluated to determine the suitable level of public involvement.

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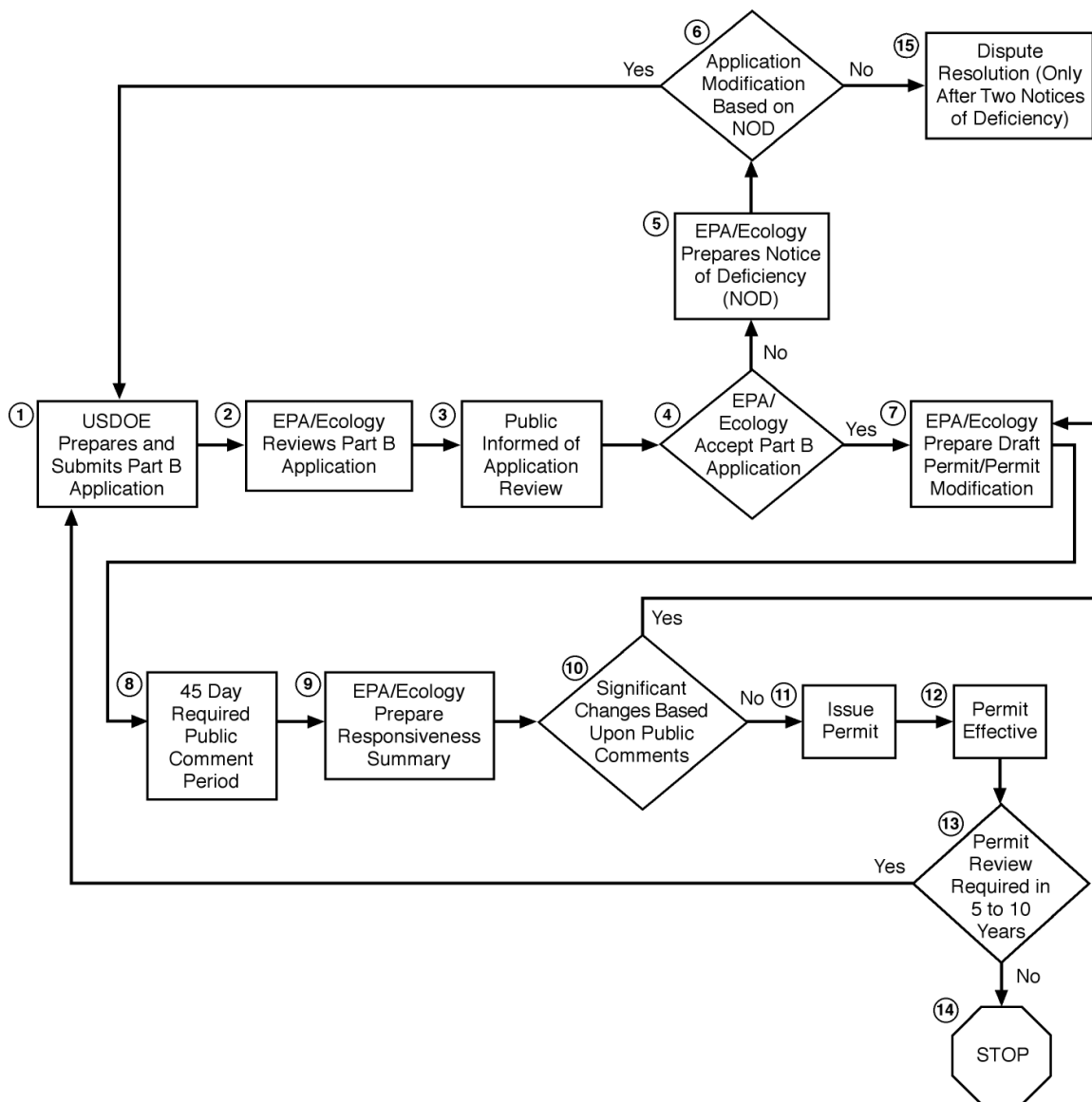
The first opportunity for public involvement allows the interested public to help clarify the issue with USDOE and regulators and offer suggestions for alternatives to be considered. The second public involvement opportunity focuses on the proposed change to the Tri-Party Agreement.

A significant Tri-Party Agreement change requires a 45-day public comment period. Before approving the change, the Tri-Parties consider all public comments as well as summarize and respond to the comments. One copy of the final Tri-Party Agreement change and a Comments and Responses document is sent to all individuals who

request them. Focus groups or individual meetings may be used to clarify comments or responses. Also, the milestone change and Comments and Responses document are distributed to the Public Information Repositories and Administrative Record (see page 2). The Tri-Parties may schedule public meetings to discuss the proposed change.

Resource Conservation and Recovery Act of 1976-Related Decisions

The *Resource Conservation and Recovery Act of 1976* was enacted by Congress. It requires “cradle-to-grave” (from the first point of waste



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Tri-Party Agreement Resource Conservation and Recovery Act of 1976 Decision Process

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generation until final disposal) management of hazardous wastes by all generators, transporters, and owners/operators of treatment, storage, and disposal facilities that handle hazardous waste. A major goal of the *Resource Conservation and Recovery Act of 1976* is to reduce the generation of hazardous waste.

The EPA delegated authority to Ecology to carry out the base *Resource Conservation and Recovery Act of 1976* program (ongoing waste management) in Washington State through its own dangerous waste program, the *Washington State Hazardous Waste Management Act*. Washington State regulations for dangerous waste management are similar to, but more restrictive in some cases than, the *Resource Conservation and Recovery Act of 1976* regulations. A Hazardous Waste Permit was issued in August 1994 for the entire Hanford Site by the EPA and Ecology. The permit outlined general conditions for the operation and closure of hazardous waste treatment, storage, and disposal sites at Hanford.

The *Resource Conservation and Recovery Act of 1976* covers the treatment, storage, and disposal of hazardous waste, such as tank waste. The decision outline for this process is shown on the preceding page. There are several informal points of communication with the public during the *Resource Conservation and Recovery Act of 1976* permit process. As described in the *Resource Conservation and Recovery Act* decision outline, draft permits require a 45-day public comment period. All public comments are considered before issuing the final permit. All individuals who comment on the draft permit receive a copy of the final permit (without attachments) and the Response Summary, that includes a summary of the public's comments, responses to the comments by Ecology and EPA, and changes to the permit as a result of public comment.

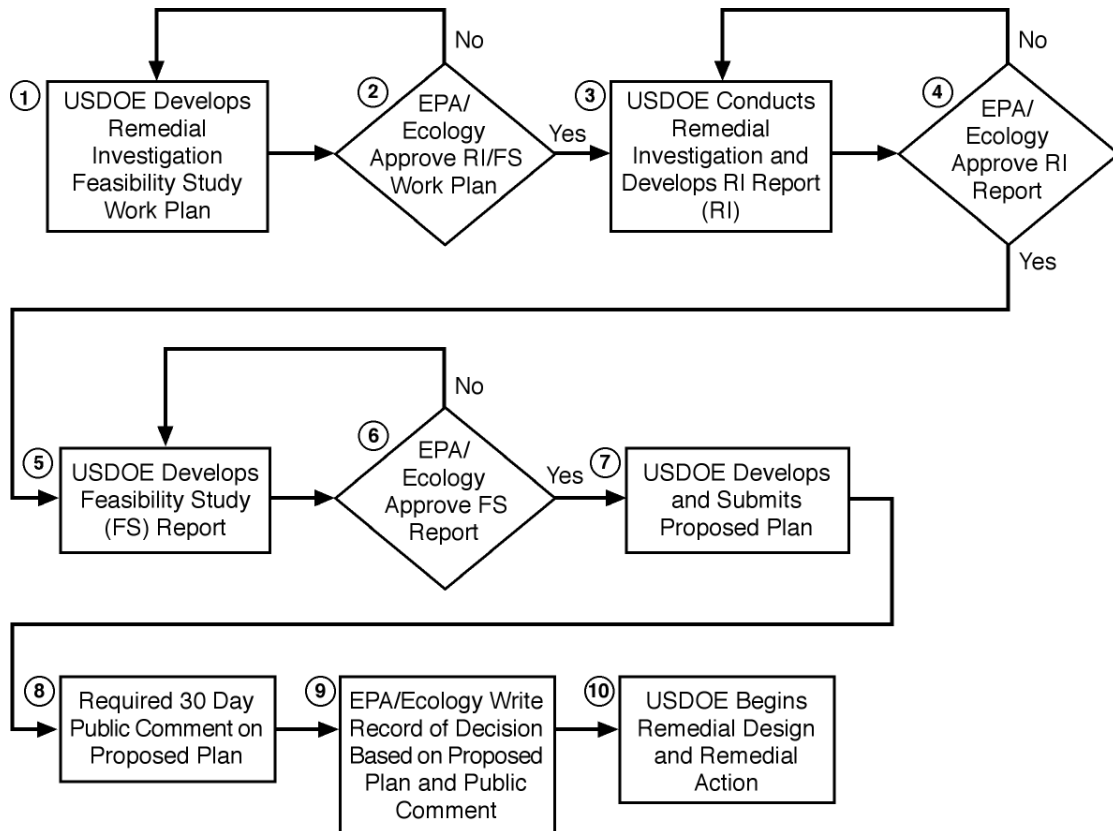
According to Washington State Dangerous Waste Regulations, an individual may also send a written request for a public hearing to the director of the Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600. The request must state the nature of the issue to be raised at the hearing. Decisions on the need for public hearings will be

made on an individual basis, at the discretion of Ecology. If a hearing is held, it will be in the community where the interest in the issue is greatest.

Comprehensive Environmental Response, Compensation, and Liability Act of 1980 Decisions

Under the *Comprehensive Environmental Response, Compensation, and Liability Act of 1980*, a plan is developed for remediation of each waste site. The best technology is selected after a thorough study of the characteristics of that site. In general, EPA is the regulator for decisions about historical waste sites. The decision process is defined under the *Comprehensive Environmental Response, Compensation, and Liability Act of 1980*. The decision outline for this process is shown on the right side of the decision process flowchart on page 15. In the *Comprehensive Environmental Response, Compensation, and Liability Act of 1980* process, the proposed cleanup plan must undergo a 30-day public comment period before a decision is made. A public meeting may be requested on the plan during the comment period by contacting the Hanford Cleanup Line at **1-800-321-2008**.

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Tri-Party Agreement *Comprehensive Environmental Response, Compensation, and Liability Act of 1980* Remedial Investigation/Feasibility Study Decision Process

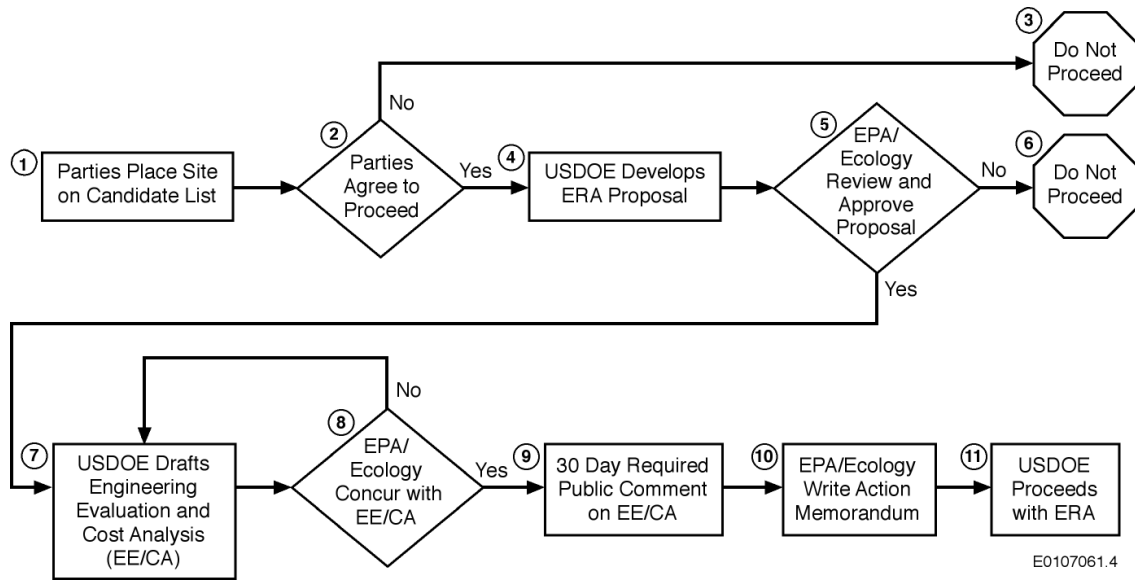
Expedited Response Actions

In cases where the waste could pose a threat to human health or the environment, the Tri-Parties may use an Expedited Response Action process, also known as removal actions, to reach a quicker decision. At the Hanford Site, Expedited Response Actions are sometimes used where timely action has resulted in overall cost effectiveness for cleanup of historical waste sites. Section 104 of the *Comprehensive Environmental Response, Compensation, and Liability Act of 1980* outlines the Expedited Response Action guidelines.

The decision process for an Expedited Response Action is shown on the flowchart on page 16. Step 9 is the one point at which there is a 30-day public comment period on an Expedited Response Action, if the action is not time-critical. In the event of a time-critical Expedited Response Action, no public comment period is provided before an action is taken. There are two reasons

for this: 1) concerns about health and safety push that require an expedited action, and 2) time-critical Expedited Response Actions are only stop-gap measures taken to protect health and safety, and provide time to make a longer-term decision in which the public will be consulted more extensively. In some situations, if time is not critical, the Tri-Parties may offer opportunities for public involvement beyond those steps shown.

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Tri-Party Agreement Expedited Response Action Decision Process (Non-Time Critical)