

February 6, 2004

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Re: M-91 Change Package

Dear Mssrs. Klein, Schepens, Iani and Ms. Hoffman,

While the M-91-03-01 change package does not provide a comprehensive solution to Hanford's buried waste challenges, the Hanford Advisory Board (Board) believes the following items in the change package signify improvements in the Tri-Party Agreement (TPA):

- Enforceable schedules for the retrieval, treatment and storage of Mixed Low Level Waste (Board Advice #143, Principle 3);
- Increased emphasis on waste treatment (Advice #143, Principle 7); and,
- Retrieval, designation and processing of post-1970 transuranic (TRU) waste (Advice #143, Principle 4).

The U.S. Department of Energy's (DOE) goal is to characterize, treat/package as appropriate, and ship contact-handled (CH) transuranic waste to the Waste Isolation Pilot Plant (WIPP). The Board is encouraged by the increased pace of shipments.

The proposed M-91 and M-16 TPA milestones should require aggressive schedules for characterization, retrieval, treatment and storage/disposition of all buried waste in compliance with regulations. The Board's input on the M-91/M-16 change package is rooted in this fundamental principle. Board Advice #143 identified eight principles for the agencies to consider during the M-91 milestone negotiations and they are still valid today.

- Pre-1970 TRU waste is not covered in the change package (Advice #143, Principles 4 & 7). The Board has advised on previous occasions that retrieval of the pre-1970 TRU wastes should be a high priority. We reaffirm this advice. It is reasonable to assume that the older containers will have far greater deterioration. Every year of retrieval delay increases the risk that the contents of these older containers will escape into the environment, complicate cleanup, increase the risks to workers and increase the cost of cleanup.
- The change package does not provide schedules for TRU waste shipments (Advice #143, Principle 4).
- While the change package addresses the carbon tetrachloride burial grounds appropriately, it does not, in general, require retrieval of the highest risk waste first.
- The change package does not include provisions covering the shipment of wastes to Hanford (Advice #143, Principles 1, 2, 3, 4, and 6).
- The ability for remote-handled (RH) TRU capacity must be developed as soon as possible and the delay of such a requirement by the change package is a concern to the Board.

Based on the above bullets, DOE, the Environmental Protection Agency (EPA) and Washington State Department of Ecology (Ecology) should ensure that the TPA:

- Includes milestones for quantification, retrieval and disposition of pre-1970 TRU waste and requires the work to be fully funded;
- Contains enforceable schedules for the shipment of TRU waste to WIPP;
- Focuses on highest risk wastes first;
- Is responsive to the Board's principles on shipment of wastes to Hanford (Advice #143, Principles 1, 2, 3, 4 and 6); and,
- Requires DOE to aggressively obtain remote-handled TRU capacity.

Regarding the safe storage of TRU,

- The TPA should contain milestones for characterization of CH- and RH-TRU suspect mixed waste from the 200 Area burial grounds;

- Mixed hazardous and transuranic waste (TRUM) should be stored as Resource, Conservation and Recovery Act (RCRA) waste until it is treated to meet Land Disposal Restrictions (LDR) or shipped to WIPP for disposal in a timely manner; and,
- The TPA should not allow non-compliant storage of TRU waste.

M-16

The Board advises DOE to provide a work plan describing what Comprehensive Environmental Responsibility and Liability Act (CERCLA) waste will be generated through cleanup and how those wastes will be treated (RH and CH). Additionally, steps to acquire treatment capability and plans for disposition (shipment offsite or Hanford disposal) should also be included.

Lastly, the Board requests it and the public be kept informed and involved in discussions regarding priority shifts in site cleanup activities that may occur as a result of M-91 funding choices.

Sincerely,

Todd Martin, Chair
Hanford Advisory Board

This advice represents HAB consensus for this specific topic. It should not be taken out of context to extrapolate Board agreement on other subject matters.

Attachments: HAB Advice #143

cc: Howard Gnann, Deputy Designated Federal Official, U.S. Department of Energy
Michael Gearheard, Environmental Protection Agency
Michael Wilson, Washington State Department of Ecology
Sandra Waisley, U.S. Department of Energy Headquarters
Christine Gregoire, Washington State Attorney General
The Oregon and Washington Congressional Delegations

U.S. Senators (OR)
Gordon H Smith

Ron Wyden

U.S. Senators (WA)

Maria Cantwell

Patty Murray

U.S. Representatives (OR)

Earl Blumenauer

Peter DeFazio

Darlene Hooley

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U.S. Representatives (WA)

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State Senators (WA)

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