

Tri-Party Agreement

**JUN 25 2002**

02-HAB-0001

Mr. Todd Martin, Chair  
Hanford Advisory Board  
1933 Jadwin Avenue, Suite 135  
Richland, Washington 99352

Dear Mr. Martin:

**CONSENSUS ADVICE #125: 100/300 AREA CHANGE PACKAGES**

Thank you for submitting Hanford Advisory Board advice #125 on the draft 100 and 300 Area Milestone Change Packages. The Board's comments have been incorporated into a Comment and Response document that will be placed in DOE's Information Repositories and be made available on the web site at [www.hanford.gov/tpa/changelist.htm](http://www.hanford.gov/tpa/changelist.htm).

The Tri-Parties carefully weighed the comments received and determined that there is general support for our path forward for cleaning up the 100 and 300 Areas. Minor changes and clarifications were made to the change packages and some additional commitments were made in response to the comments received. These are discussed in the comment and response attachment.

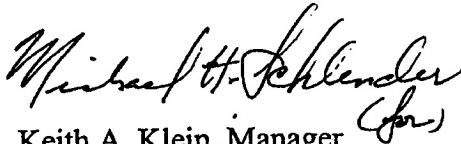
We appreciate your support for and interest in these important cleanup commitments. These milestones will guide cleanup along the Columbia River corridor for the next 16 years and will result in the removal of more than 500 soil waste sites and more than 250 facilities (including the bulk of the 300 Area industrial complex and the 100 Area reactor complexes).

Mr. Todd Martin  
02-HAB-0001

-2-

JUN 25 2002

If you need further information or assistance, please contact the U.S. Department of Energy,  
Richland Operations Office, Public Involvement Manager, Yvonne Sherman on (509) 376-6216.



Keith A. Klein, Manager  
U.S. Department of Energy  
Richland Operations Office



Michael F. Gearheard, Director  
Environmental Cleanup Office  
U.S. Environmental Protection Agency  
Region 10



Michael A. Wilson, Program Manager  
State of Washington Department of Ecology

IPI:YS

Attachment

cc:

P. Mabie, EnviroIssues  
M. Crosland, EM-11

U.S. Senators (OR)

Gordon H. Smith  
Ron Wyden

U.S. Senator (WA)

Maria Cantwell  
Patty Murray

U.S. Representative (OR)

Earl Blumenauer  
Peter DeFazio  
Darlene Hooley  
Greg Walden

U.S. Representative (WA)

Norm Dicks  
Jennifer Dunn  
Richard Hastings  
George Nethercutt

State Senators (WA)

Pat Hale  
Mike Hewitt

## HANFORD ADVISORY BOARD COMMENTS AND TRI-PARTY AGENCY RESPONSES

**Comment 1: Groundwater.** Groundwater remains of foremost concern to the Board. The Board encourages the agencies to maintain ongoing successful groundwater remediation actions and pursue more aggressive technology development and treatment activities. Currently, the change package would establish milestones that require initiation of groundwater restoration activities only after all 100 Area soil removal actions are complete. The Board recommends that actions be expedited by initiating groundwater actions in each remedial unit upon completion of soil removal in that unit. The Tri-Parties must examine existing and proposed off-site projects that may impact groundwater flow and contaminant spread.

**Response to Comment 1:** The U.S. Department of Energy, Richland Operations Office (DOE), the U.S. Environmental Protection Agency (EPA), and the State of Washington Department of Ecology (Ecology) hereinafter referred to as "Tri-Parties," agree with the Board that groundwater contamination issues are a priority. Ongoing interim actions, such as the pump and treat systems, demonstrate our commitment to groundwater cleanup. Commitments for upgrading groundwater remedial actions identified in the recent Five-Year Review of the Interim Records of Decision (ROD) are underway and some of these commitments are already complete. In addition, alternatives to pump-and-treat systems, such as Insitu Redox Manipulation for chromium, are being pursued and a roadmap to identify science and technology activities required to meet groundwater cleanup objectives is being developed. The Tri-Parties recently completed a workshop attended by the Tribal Nations and technical experts from the national laboratories to assist in the road mapping process.

None of the Tri-Parties intend to "initiate groundwater restoration activities only after all 100 Area soil actions are complete." The timing for setting groundwater remediation milestones recognizes that source control is a critical component of groundwater remediation. Generally, groundwater remedial actions are not effective unless the contaminant source is controlled. The actions taken to date in the 100 Area are consistent with cleanup practice elsewhere, i.e., focus initially on source control and put into place restrictions on use and groundwater measures designed to reduce the groundwater transport of contaminants to potential receptors. However, as the Site cleanup efforts progress, the Tri-Parties will continue to evaluate the need for additional actions to address groundwater contamination. In addition, the Tri-Parties will strive to develop and implement more efficient and effective measures where further risk reduction is required.

In response to this comment, the Tri-Parties have agreed to establish a commitment to include a final remedial investigation/feasibility study (RI/FS) and proposed plan for the 100 B/C-5 Operable Unit within the *100 Area Remedial Design Action Work Plan, Revision 4*. In addition, a commitment to implement the 100 B/C Risk Assessment pilot should establish the framework for final RI/FSs and RODs for soil sites and should also address issues related to groundwater exposure scenarios. This work will provide the Tri-Parties with information necessary to establish a basis for 100B/C groundwater and future

final groundwater decisions in the 100/300 Areas. Finally, off-site factors that affect groundwater flow and transport at Hanford will be evaluated for potential impacts and associated risk.

**Comment 2: Disposition of 300 Area Buildings and waste sites.** The Board is concerned about the cleanup and use of the entire 300 Area. Currently, the change package does not address all of the buildings in the 300 Area. However, with many other buildings and waste sites in the 300 Area, the potential for risks to workers, the public and the environment exist. Further, the existing lack of information concerning risks posed by 300 Area facilities prevents the Board from accurately prioritizing to the milestone activities outlined in the change package. In other words, the approach outlined below is important in developing a basis from which to assess the relative importance of specific 300 Area building remediation projects. This capability will be very important in any funding scenario below full TPA compliance.

To address the two above concerns and ensure the 300 Area cleanup is approached in a comprehensive, common sense manner, the Board recommends:

- DOE identify the status, mission and funding source (e.g., Environmental Management, Office of Science and Technology, etc.) for all 300 Area Buildings.
- Ensure the programmatic “owner” is indeed funding each of its facilities.
- Determine the status and disposition of facilities based on a comprehensive set of criteria that has been developed with public input. Examples of criteria include risks to workers, the public, and the environment; impacts on surrounding cleanup activities; safety requirements of facilities; and building requirements for safety buffers. The goal of these recommendations is to ensure that the breadth of 300 Area activities – from research to cleanup – are conducted safely and efficiently.

The Board also recommend DOE’s approach to cleanup priorities in the 300 Area be based on risks to workers, the public and the environment with appropriate consideration to infrastructure and mortgage reduction issues.

**Response to Comment 2:** There are approximately 148 facilities and structures inside the fence of the 300 Area Industrial Complex that are impeding the cleanup of 40 soil waste sites contained in the 300-FF-2 Operable Unit. The strategy toward this cleanup effort was developed using a two-phase approach. Phase 1 includes specific commitments for the integrated cleanup of 6 soil waste sites and 13 facilities/structures by 9/30/2010 (milestones M-016-64 and M-094-03). Phase 1 represents a discrete and clearly defined portion of the 300 Area Industrial Complex and is contiguous with cleanup projects that will be ongoing “outside the fence” in the northern portion of the 300 Area.

Experience gained from implementing Phase 1 of this project will provide the basis for establishing cleanup schedules for Phase 2, which would contain the specific cleanup commitments for the remainder of the surplus facilities and soil sites inside the fence of the 300 Area Industrial Complex, pursuant to milestones M-016-65 and M-094-04. At this point in time, there are approximately 135 surplus facilities that are scheduled to be dispositioned by 9/30/2018, pursuant to milestone M-094-00. Appendix A (page A.i)



contains a complete list of those facilities in the 300 Area identified as surplus or non-surplus as of the date of this change package. The exact number of surplus facilities, disposition schedules, and proposed cleanup milestones will be submitted in a draft Tri-Party Agreement (TPA) change package on 9/30/2005 pursuant to milestone M-094-04.

There may be some non-surplus facilities that remain in the 300 Area beyond 9/30/2018, and the presence of these facilities may impede the cleanup of 300-FF-2 waste sites. Any contamination related to these facilities and waste sites would have to be contained, controlled, and monitored until the facility mission ends and remediation can take place. Milestones M-094-04 and M-016-65 will identify a path forward for the 300 Area facilities that are not considered surplus and any associated 300-FF-2 waste sites. Any facilities and waste sites that are proposed to remain past 9/30/2018 must have a clearly defined mission and a TPA disposition path. The 300 Area cannot be deleted in its entirety from the National Priorities List (NPL) until the cleanup of 300-FF-2 Operable Unit waste sites are complete and the conditions specified in all final RODs are met. Deletion from the NPL, however, is not conditional on the final disposition of uncontaminated non-surplus facilities in the 300 Area.

The Tri-Parties will evaluate the Board's recommendations when negotiating additional cleanup commitments inside the fence of the 300 Area Industrial Complex. When negotiations for these future TPA milestones are complete, public comment and review will be performed in accordance with the TPA.

**Comment 3:** Consistent with past Board advice, the cleanup goal "outside the 300 Area fence" should be unrestricted use.

**Response to Comment 3:** The approach used in assessing and factoring land use assumptions into the remedial actions for the 300 Area was consistent with USEPA's "Land Use in the CERCLA Remedy Selection Process" policy (OSWER Directive No. 9355.7-04). This directive states, "remedial action objectives developed during the RI/FS should reflect the reasonably anticipated future land use or uses." The Tri-Parties' cleanup approach for the 300 Area has been consistent with this policy. The reasonably anticipated land use for the 300 Area Industrial Complex, the areas adjacent to the 300 Area Industrial Complex to the north and west, and the outlying sites/burial grounds 5-8 miles north of the 300 Area Industrial Complex is "industrial." This determination is consistent with the following relevant land use planning documents:

- The Final Report of the Hanford Future Site Uses Working Group (December 1992) described the cleanup objective for the 300 Area (both the industrial complex and surrounding vicinity) as "restricted status for industrial use" under both "Cleanup Scenario A: Cleanup for Economic Development, Wildlife" and "Cleanup Scenario B: Cleanup for Agriculture and Native American Uses Outside the 300 Area," as explained in the report.
- The Final Hanford Comprehensive Land-Use Plan Environmental Impact Statement (September 1999) includes all sites in the 300-FF-1 and 300-FF-2 Operable Units (including outlying sites and burial grounds) in an "industrial" land use designation to support "new DOE missions or economic development."

- The City of Richland's Comprehensive Land Use Plan identifies the 300 Area (as well as areas North and South of the 300 Area) as an "Urban Growth Area" pursuant to Washington's Growth Management Act. Land uses identified in the plan include "industrial" and "business/research park."
- Benton County's Draft Hanford Land Use Plan (Spring 2000) identifies all sites in the 300-FF-1 and 300-FF-2 Operable Units (including outlying sites and burial grounds) as either being in the City of Richland's "Urban Growth Area" or in a land use zone defined by Benton County as "industrial & heavy." Within the Urban Growth Area, the County defers land use planning and land use designations to the City of Richland, unless there is a marked disagreement. In this case there is not. The Draft Hanford Land Use Plan is to be incorporated into the Benton County Comprehensive Plan as Chapter 13 when the plan is updated.

While none of these documents can formally zone the 300 Area NPL site as "industrial," the plans document what working groups comprised of Hanford stakeholders, DOE, and local land use planning authorities expect in the way of future land use. Upon reviewing that information, the Tri-Parties have concluded that "industrial" or "general urban uses other than residential," are the reasonably anticipated future land uses for the areas covered by the 300 Area *Comprehensive Environmental Response, Compensation, and Liability Act* (CERCLA) decision documents. Any changes to the land use that are inconsistent with the land use assumptions on which the RODs are based will be evaluated as part of the CERCLA five-year review.

It should be noted that future reuse of the 300 Area is not restricted to industrial use only, but rather to uses that are consistent with the exposure assumptions of the 300 Area industrial exposure scenario assuming institutional controls are maintained. This could permit other commercial uses as well. In addition, it should be noted that the entire 300 Area NPL site is not contaminated, and those areas that were never contaminated would support other uses (e.g., bike trails) assuming institutional controls are in place for adjacent areas that may contain residual hazards.

Therefore, the reasonably anticipated future land use is industrial pursuant to EPA policy and guidance and it is appropriate to use industrial cleanup standards for the 300 Area cleanup process.

However, due to concerns expressed regarding the lack of an evaluation for the cost of cleaning up to an unrestricted use cleanup standard, the Tri-Parties are currently estimating the costs of this additional cleanup work for those sites "outside the fence" of the industrial complex. Results of this analysis will be shared when available.

**Comment 4: TPA Alignment with River Corridor Contract.** The Board reiterates its expectation (see Advice #123) that the River Corridor Contract requirements will be consistent with the milestones resulting from this change package process. If the Tri-Party Agreement and the River Corridor Contract are not aligned, it is the Board's expectation that the contract will be modified to ensure compliance with the Tri-Party Agreement.

**Response to Comment 4:** The proposed 100 Area and 300 Area waste sites and facilities cleanup milestones have been incorporated into the Columbia River Corridor Closure Project request for proposal to ensure that alignment occurs. It is the intent of the DOE to align contracts and DOE baselines with milestones pursuant to the Cleanup, Constraints and Challenges (C3T) process. The C3T process, led by the Tri-Parties, focuses on accelerated cleanup and demonstrates a change to the way business is being conducted on the Hanford Site.

**Comment 5:** Remote Handled Transuranic Waste (RH TRU) Capability. The Board recognizes the important relationship between completion of M-91 activities (RH TRU handling capability in the Central Plateau) and remediation of burial grounds 618-10 and 11. Without adequate funding for M-91, DOE will not have the capability to clean up 618-10 and 11 burial grounds. Remediation of these two burial grounds has been, and remains, a critical part of Hanford cleanup. The Board recommends that M-91 be adequately funded in order for DOE to ensure capability of cleanup of the 618-10 and 11 burial grounds.

**Response to Comment 5:** It is DOE's intent to fund milestone M-091 activities at a level that will comply with TPA commitments, including the remediation of the 618-10 and 618-11 burial grounds by 9/30/2018. It is the Tri-Parties intent to integrate 618-10 and 618-11 burial ground remediation activities with milestone M-091 activities in order to avoid duplicative and unnecessary cost expenditures.