

HANFORD ADVISORY BOARD

A Site Specific Advisory Board, Chartered under the Federal Advisory Committee Act

Advising:

US Dept of Energy
US Environmental
Protection Agency
Washington State
Dept of Ecology

June 4, 2010

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Re: Proposed Changes to the Tri-Party Agreement for Central Plateau Cleanup Work, and for Mixed Low-Level Waste and Transuranic Mixed Waste

Dear Ms. Olinger, Messrs. Brockman, Faulk and Ms. Hedges,

Background

The Hanford Advisory Board (Board) appreciates the opportunity to provide advice on the *Proposed Changes to the Tri-Party Agreement (TPA) for Central Plateau Cleanup Work, and for Mixed Low-Level Waste and Transuranic Mixed Waste (TPA Change Packages)*.

The Board compliments the U.S. Department of Energy (DOE) for providing early opportunities for input on the Central Plateau Cleanup Completion Strategy. Discussions between the Tri-Party agencies [DOE, U.S. Environmental Protection Agency (EPA), and the Washington State Department of Ecology (Ecology)] and the River and Plateau Committee were helpful and constructive. The change package is responsive to several concerns raised during these discussions including the desire to increase the number of Central Plateau Records of Decision.

EnviroIssues

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HAB Consensus Advice #231

Subject: TPA Change Package

Adopted: June 4, 2010

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The Board supports the geographic cleanup approach for the Central Plateau and the inclusion of a major milestone to complete disposition of all Central Plateau facilities. The Board also supports integration of the cleanup of soils, facilities and groundwater.

The Board agrees with the use of final (rather than interim) milestone dates for completion of closure of treatment, storage, and disposal facilities listed in M-037-10 and M-037-11.

Advice

Proposed TPA changes to Central Plateau, mixed low-level and transuranic mixed waste cleanup

- Both the TPA and DOE's baseline should be aligned with the Waste Isolation Pilot Plant (WIPP) transuranic waste repository schedule to ensure that all WIPP-eligible Hanford waste is disposed at WIPP. The change package extends the final Hanford shipments of transuranic mixed waste to 2035 while the current legally required closure date for WIPP is 2030.
- The TPA should require early shipment of available transuranic waste to minimize the risk of WIPP closing prior to all Hanford shipments.
- The Tri-Party agencies should continue to improve the safety of WIPP shipments (e.g. by avoiding inclement conditions).
- Cleanup decisions for remote-handled transuranic waste, transuranic elements disposed of prior to 1970 ("pre-1970 TRU"), and canyon facilities treatment and disposal should be compliant with the 2024 milestone for completion of cleanup of non-tank operable units of the Central Plateau.
- Transuranic elements buried prior to 1970 should be focused on a dedicated, specific TPA milestone. Currently, this waste is included only as a component of other milestones. Given the importance of this waste category, aggressive milestones for characterization, retrieval, treatment, and disposal are important. DOE's baselines should include consideration of retrieving these transuranic elements.
- The Tri-Party agencies should consider accelerated technology development to meet milestone M-91 remote-handled transuranic waste requirements. The TPA change package should include a milestone for construction of remote-handled transuranic waste storage and treatment facilities.
- The M-91 milestones for obtaining treatment capability (remote-handled transuranic waste and mixed wastes) should be revised to allow treatment capacity onsite or offsite. (Advice #216).

- TPA milestones for treating stored mixed waste and retrieved mixed waste would encourage private investment that, in addition to treating waste, could benefit the Hanford budget. The Tri-Party agencies should maintain a clear commitment to these milestones to signal potential opportunities to the private sector.
- The Tri-Party agencies should not delay treatment of mixed waste or replace enforceable milestones with unenforceable “target schedules” (Advice #216).
- The Board supports the establishment of a separate vadose zone operable unit as an important component of Hanford cleanup. However, DOE still lacks a comprehensive, integrated cleanup approach to the vadose zone. The Tri-Party agencies should develop a systematic approach to vadose zone cleanup that includes site-specific goals, schedules for additional characterization and a range of cleanup technologies (including those found outside of Hanford).
- In making cleanup decisions, the TPA agencies should not artificially separate a contaminant plume in the near surface from deeper in the vadose zone. Further, remedies should be based on groundwater protection (in addition to surface receptors) from all unit sources.

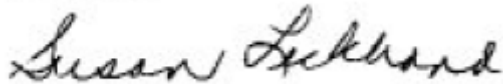
Regulatory

- All corrective action requirements should be incorporated into the Hanford Facility Permit according to the requirements of the Washington Administrative Code 173-303-64620(3) and -64630(3). These state rules ensure compliance with the Resource Conservation and Recovery Act (RCRA) and the Model Toxics Control Act, and guarantee the public certain rights (including under the State Environmental Policy Act and appeals). Joint decisions compliant with both RCRA and Comprehensive Environmental Recovery, Compensation and Liability Act processes should be issued for those units regulated under both laws.
- Changes to the Central Plateau TPA milestones will require parallel modifications to the Hanford Facility RCRA permit. The Tri-Party agencies should collaborate to ensure consistency between proposed RCRA permit modifications and TPA milestone changes.
- DOE should collaborate with and include alternatives that the regulators would like to evaluate in the Feasibility Studies and Proposed Plans. This advice is particularly important given the proposed change in which DOE will author Records of Decision for regulator approval.

Public involvement

- The Tri-Party agencies should evaluate Board and public values when developing and evaluating remedies and Records of Decision. These evaluations should be available to the public.
- Draft Records of Decision should be made available for public review and comment concurrent with transmittal to the regulators to ensure early recognition of public values.
- A map and chart should be added to the TPA allowing readers to easily see how operable unit decisions and milestones are organized by geographic area.
- The Tri-Party agencies should rename the two consolidated Central Plateau TPA groundwater operable units “200 East” and “200 West,” ending the confusing alpha-numeric code currently in use. This renaming is appropriate since the new groundwater remediation project has been named the 200-West Pump-and-Treat System. The TPA and decision documents can refer to the prior alpha-numeric names parenthetically for the units prior to consolidation.
- Given existing statutory and regulatory definitions, the Tri-Party agencies should not redefine words already defined in regulations and/or statutes (e.g. “facility”).

Sincerely,



Susan Leckband, Chair
Hanford Advisory Board

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

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