



March 26, 1999

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Subject: Tri-Party Agreement Milestones and Public Involvement

Dear Messrs. Clarke, Fitzsimmons and Hall:

The safe treatment and disposal of Hanford's tank waste remains a top priority of the Hanford Advisory Board (HAB). This advice recommends both draft Tri-Party Agreement (TPA) milestones and a public process by which to solidify those milestones. The Board offers this advice with the strongest support for tank waste treatment and with a great sense of urgency about the program. The Board takes this unprecedented step for the following two reasons.

First, the Board is extremely disappointed in the lack of agency action in developing TPA milestones. The U.S. Department of Energy (DOE) and the Washington State Department of Ecology (Ecology) have been incapable of developing TPA milestones regulating the tank waste treatment program. While the Board discourages repeated revisions to the TPA, the current milestones in no way reflect DOE's present program direction. TPA milestones remain the single most important cleanup driver at Hanford. Quoting past Board advice, "Without milestones today, this program may not have a tomorrow" (HAB Advice #90).

Second, and related to the TPA, the agencies have failed to conduct a comprehensive, substantive and timely public involvement program in support of the evolving tank waste efforts. Public involvement on DOE's plans for tank waste has not taken place since the Tank Waste Treatment Remediation System (TWRS) environmental impact statement (EIS) over three years ago. Without the groundswell of support that sound public involvement can bring, this expensive program is in jeopardy.

The advice below is aimed at:

1. maintaining timely and consistent financial commitment to the total vitrification program,
2. obtaining vitrification capability in the near-term,
3. ensuring public involvement,
4. maintaining financial, contractual, and technical fall-back positions in the event privatization fails (e.g., lack of funding from Congress), and
5. obtaining a credible treatment solution for all Hanford tank waste.

Draft TPA Milestone Concepts for the TWRS Vitrification Effort

The current contract is based on vitrification of 10% of the tank wastes by the year 2018. The Board urges the TPA agencies to take those steps that are technically and financially feasible to accelerate this date.

- 1) September 1999:** Complete a public involvement plan for the Hanford tank waste vitrification program.
- 2) September 1999:** Submit Fiscal Year 2001 (FY2001) Congressional Line Item request for Phase I, B-2 treatment facilities to Congress (Placeholder in the event contractual agreement is not reached with BNFL).
- 3) September 1999:** Complete planning for alternative contractual and technical approach for obtaining treatment services.
- 4) April 2000:** Complete DOE and PHMC readiness to proceed evaluations for obtaining vitrification services that support Milestone #5.
- 5) August 2000:** Complete decision to proceed on Phase 1, Part B-2 or implement other program to complete vitrification of greater than 10% of Hanford tank waste by 2018.
- 6) July 2001:** Initiate construction (1st pour of structural concrete) for vitrification plant.

These milestone recommendations should not be looked at as the whole of Board expectations. Rather, they represent a place for agencies to start dialogue, to begin public involvement, and to move forward with the urgency that this important program demands.

Proposed Public Involvement Approach for the TWRS Vitrification Effort

Objective: Provide the opportunity for stakeholders and the public to be involved in the process in real time as it moves forward.

Recommendation: Ecology should convene by the second week of April, 1999 a small (6-10 people) focused steering group to develop a comprehensive substantive public involvement process for the tank waste treatment program. This process should be complete by the beginning of June, 1999. The steering group should develop a process to meet the following key principles.

Key Principles:

1. Ensure that the difference between public information, public relations and public involvement is clear to all involved parties. Access to timely information is critical - after

the fact is too late.

2. Public involvement must be proactive - providing a final document for comment is too little, too late.
3. DOE and BNFL must be receptive and reactive to the public, and the public must see the disposition of its input.
4. The potential environmental and safety impacts from this schedule have never been disclosed and considered by the regulators and the public, but they are known to be very significant. Therefore, those impacts and potential alternatives need to be disclosed and considered.
5. The process must provide an opportunity for the public to hear from independent experts to challenge and/or verify DOE claims.
6. DOE's tank waste baseline developing out of the optimization studies should provide the foundation for public involvement. For example, the process should include important issues pertaining to: (1) TPA milestone negotiations, (2) plant design, (3) selected deliverables, (4) decision to proceed criteria, (5) permitting documents and requests, (6) readiness to proceed, (7) contracting/financing mechanisms, and safety review and criteria.
7. Decision makers must be committed to full consideration of recommendations coming out of the public involvement process,
8. The process should use creative techniques to maximize understanding of the issues. Efforts should be made to seek out and solicit input from a broader public.
9. Meeting structure must maximize dialogue between DOE, BNFL and the public. Presentations must be kept to a minimum.
10. The process must be flexible and responsive to changes in the project and the needs of the public.

In closing, the Board reiterates its strong support for tank waste treatment and disposal. At the same time the Board is disappointed in the lack of agency action in ensuring this program is successful. The Board expects finalization of the Agreement-in-Principle (AIP) at the upcoming meeting of senior officials. In the absence of an agreed-upon AIP, the Board expects a prompt, full accounting of the agencies' respective positions on points of disagreement. The Board awaits proactive responses to this advice in order to keep tank waste vitrification moving forward.

We look forward to your response and to periodic progress updates on this matter.

Very truly yours,

/s/

Merilyn B. Reeves, Chair
Hanford Advisory Board

cc:

James Owendoff, Department of Energy Headquarters

Paul Kruger, Deputy Designated Federal Official
The Oregon and Washington Congressional Delegations
Michael Gearheard, Environmental Protection Agency
Dan Silver, Washington Department of Ecology

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.

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For questions or comments, please send [email](mailto:Hanford_Advisory_Board@rl.gov) to Hanford_Advisory_Board@rl.gov

HAB Consensus Advice # 93

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