



Ecology Update
John Price, Tri-Party Agreement Section Manager
January 18, 2022



Outline

- Holistic negotiations
- Office of River Protection perspective
- Richland Operations perspective
- TPA Five Year Review
- Hanford budget

Holistic negotiations

- Ecology Director Maia Bellon proposed holistic negotiation of tank waste retrieval, treatment – May 2019
<https://pdw.hanford.gov/document/AR-02484>
- Sessions are being facilitated by mediators from the Federal Mediation and Conciliation Service
- EPA is participating in the sessions in addition to USDOE, US Department of Justice, Ecology, and the Washington Attorney General Office
- Per a mediation agreement, the parties will not discuss status or progress during the negotiations

Holistic Negotiations 2019 State Proposal*



Key points in state proposal:

- (a) complete existing milestones to retrieve Single Shell Tanks (SSTs) in A/AX tank farm, start up Direct Feed Low Activity Waste, and install impermeable barriers over remaining tank farms
- (b) Design and permit compliant storage tanks that will support continued SST retrievals without any significant breaks in schedule

“We understand there are funding constraints that will impact all of the above, in addition to space constraints in the DSTs that impact these goals.”

*Director Bellon’s letter cited on previous slide

Holistic Negotiations – what's next?

- January 2022 we are closer to the end than to the May 2019 beginning
- For the 2009 joint changes to the Tri-Party Agreement (TPA) and the new Consent Decree, there was robust public participation
 - Regional public meetings were held
 - Public comment was held on the TPA changes
 - The Consent Decree was explained (but was already “entered” and not subject to change)
- Ecology anticipates similar public participation if the parties now reach a tentative agreement

Office of River Protection – Ecology perspective

- Continued retrievals of SSTs in A/AX area is great!
- New leaks appear in SSTs (e.g., B-109 and T-111)
 - B Complex and T Complex are physically isolated from compliant Double Shell Tanks, with no near-term approach to empty the tanks (the regulatory requirement for leaking tanks)
- Soil (i.e., “vadose zone”) contaminated by past or future leaks currently has no identified technology to clean up the soil
 - DOE-Richland Office is responsible for testing technologies
 - We may see a technologies report in 4 years
 - Viable technologies could be studied for implementation (+4 years)

Leaking Tanks T-111 and B-109

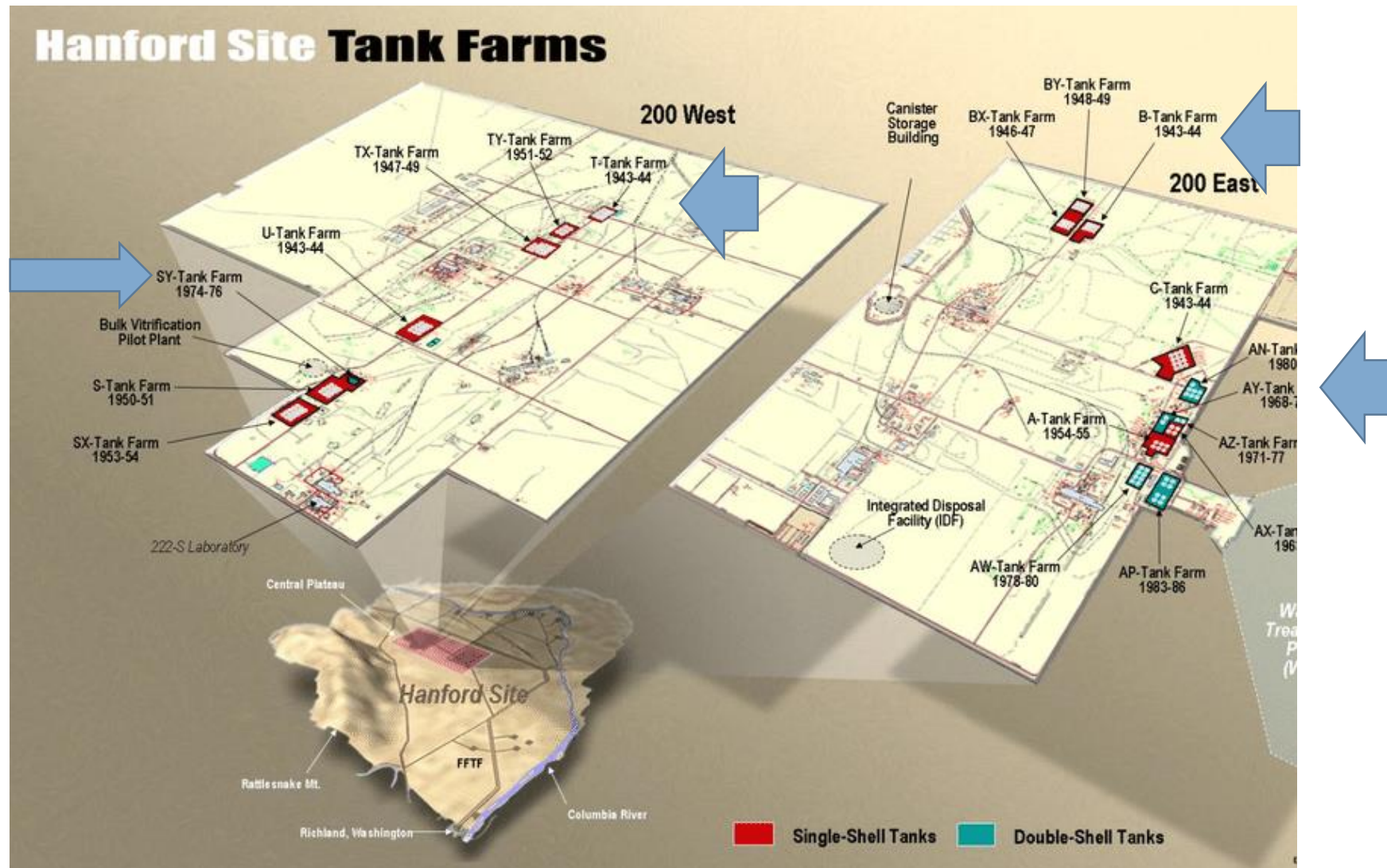
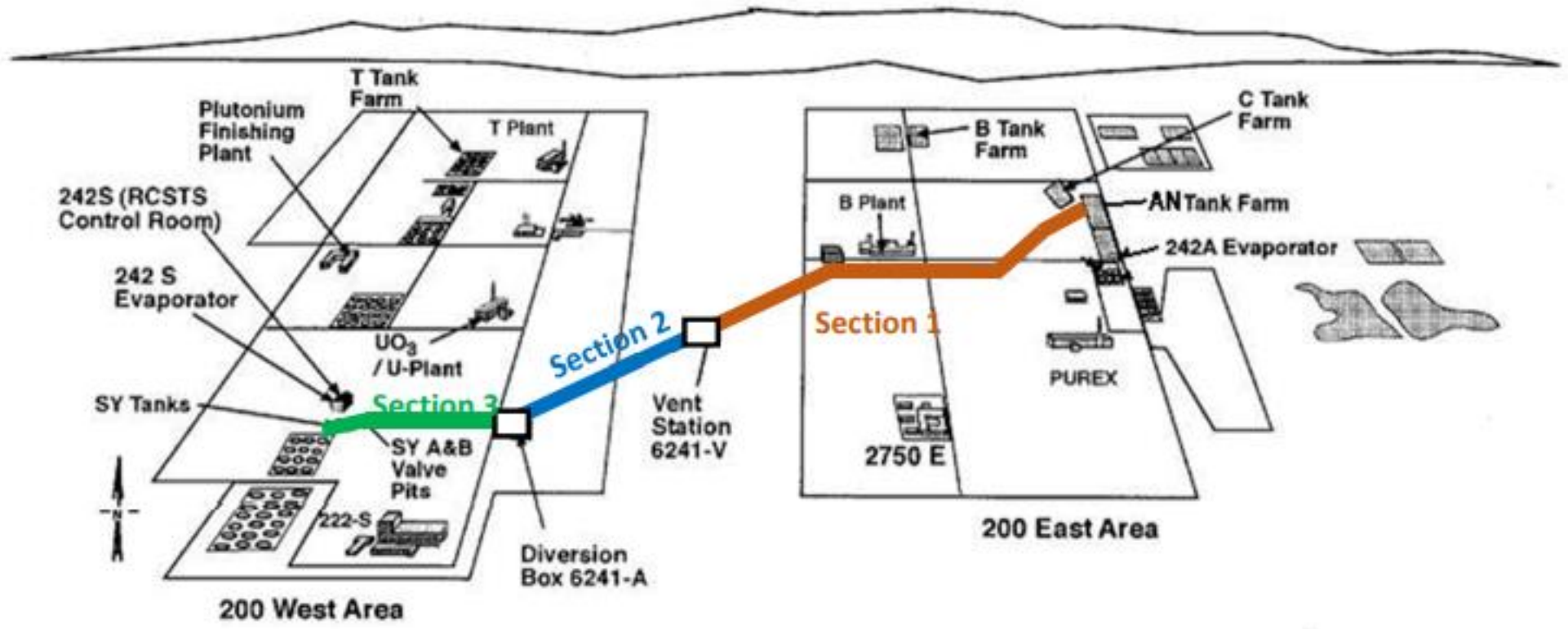


Figure 1-1. Cross-Site Transfer Route



Perspective (continued)

- Concrete spalling (break off in fragments) in the domes of SSTs
 - Monitoring watches the problem but doesn't fix it
 - Emptying tanks then closing them is a solution but would use up precious Double Shell Tank (DST) space in West Area (3 DSTs)
 - Spalling is in West Area; currently no way to transfer retrieved sludge to East Area DSTs



Perspective (continued)

- Double-shell tanks are aging
- Tank AY-102 leaked from inner tank in 2012
- Ecology ordered it emptied (right)
- Ecology has concerns about AY-101, in particular
- 2019 Ecology issued a milestone for new tank design, permitting
 - DOE initiated TPA dispute



Ecology Perspective – Richland Operations

- DOE has a new contractor, Central Plateau Cleanup Company LLC
“The solicitation for this contract used the new End State Contracting Model that EM expects to significantly reduce risk and environmental liability to provide the best overall solution to Hanford Site accelerated completion and closure.”
- DOE asked Ecology and EPA to negotiate new TPA milestones for the period 10/1/2021 – 9/30/2024 (FFYs 22 – 24) so that CCPCo could have completion tasks for that period
 - Tri-Parties are close to agreement, and expect public information and public participation to occur in the next couple of months

Perspective (continued)

- While negotiating the FY22-24 new milestones (prior slide),
- Tri-Parties suspended ~14 existing TPA milestones
 - Some of these had been missed due to Congressional appropriations levels in FFY 17-21
 - Some were to be missed due to the Congressional appropriations levels or, DOE's anticipation of funding levels
- Tri-Parties appear close to an adjustment for these 14 milestones
 - I expect public information and public participation to occur in the next couple of months

Tri-Party Agreement (TPA) Five Year Review

- It can be confusing that there are multiple “Five Year” initiatives:
 - The Hanford Site 5-Year Plan
<https://www.hanford.gov/page.cfm/5-YearPlan>
 - The draft Fifth Five Year Review of Hanford CERCLA* Records of Decision (RODs)
<https://pdw.hanford.gov/document/AR-16803>
 - 5-minute video explain Five Year ROD reviews
<https://www.youtube.com/watch?app=desktop&v=VguoeVT4Fjl>
 - Tri-Party Agreement Five-Year Review

TPA Five Year Review - what is it?

- Article XLIII, paragraph 132:
 - The purpose of this review will be to determine (1) whether there has been substantial compliance with the terms of the Agreement and, (2) the need to modify the Agreement. This review will be made by a committee composed of representatives from each Party.
- US DOE's contractor keeps a running list of needed modifications, then the Tri-Party committee negotiates the wording of those modifications

Changes considered for this Five-Year Review of the TPA



- Article XXXIII, Notification.
 - Change to address remote work.
- ARTICLE XLVIII. COST, SCHEDULE, SCOPE, INTEGRATION, PLANNING AND REPORTING (see following slide)
- Action Plan section 9.4, Administrative Record.
 - Allows on-line records/public information in lieu of paper copies
- Action Plan 9.6,7 Other Data Reporting
 - Allows data to be transmitted to regulators electronically (addresses remote work)

ARTICLE XLVIII. COST, SCHEDULE, SCOPE, INTEGRATION, PLANNING AND REPORTING

- Also known as Paragraphs 148/149
- “DOE shall take all necessary steps to integrate Hanford programs and to obtain timely funding in order to fully meet its obligations under this Agreement. This shall be accomplished in the following manner”
- Recognizes that Congressionally-appropriated funds can be less than the amount required to accomplish all TPA-required work in a given year
 - Describes how the Tri-Parties will interact to deal with shortfalls in appropriated funds
- Defines how DOE provides budget and planning information to the regulatory agencies
- Tri-Parties agree to involve and inform the public

Why revise Article XLVIII?

- The text is outdated, for example referring to reports that DOE no longer does
- Since 2017 DOE hasn't complied with the Article requirements, asserting that an Office of Management and Budget circular restricts (embargoes) DOE from releasing the budget information to the regulators
- Hanford's presentations in its annual public budget briefings have been substantially reduced in detail
 - the public and the Hanford Advisory Board have complained

Hanford Budget

- In 2012 DOE said* that Hanford was 25 years behind schedule
- At that time I said that Hanford funding needed to be \$4-5 billion per year for 5 consecutive years
- President's budget request for Federal Fiscal Year 2022 was \$2.5 billion

*Terry Tyborowski, Office of Environmental Management (EM), Assistant Secretary for Program Planning and Budget, Presentation to the EM Site-Specific Advisory Board Chairs Meeting

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