



fact sheet

Final Determination for Tank Waste Treatment

Introduction

The United States Department of Energy's (DOE) 149 Single-Shell Tanks (SSTs) and 28 Double-Shell Tanks (DSTs), located on the Hanford site in south central Washington State, hold approximately 53,085,000 gallons of extremely hazardous high level radioactive mixed waste. At least 67 SSTs have failed, releasing contaminants to the surrounding environment. DOE currently estimates that as much as 1,050,000 gallons of high level radioactive tank waste have been lost through leakage. A recent DOE sponsored analysis of available historical tank data estimates that the actual volume may be 3-6 times greater than original DOE's estimates.

The threat that tank waste poses to the environment demands immediate action. Washington State Department of Ecology (Ecology) believes that the establishment and implementation of schedules for tank waste retrieval and treatment must be completed without delay.

Agency Attempts at a Negotiated Settlement

In May of 1999, Ecology, the United States Environmental Protection Agency (EPA), and DOE entered into negotiations to modify Tri-Party Agreement (TPA) requirements governing the treatment of high-level radioactive mixed wastes held in DOE's Hanford Site Single-Shell and Double Shell tanks. Negotiations continued through 1999 and early 2000, but failed to result in agreement between the agencies. Remaining issues centered on DOE rejection of language designed to ensure that DOE performs sufficient work to construct tank waste treatment facilities and processes wastes on agreed-to schedules. With no resolution reached, Ecology, pursuant to TPA requirements, issued its Final Determination resolving the dispute and imposing necessary changes to the TPA. Ecology's Tank Waste Final Determination was issued on March 29, 2000.

TPA Milestones and Associated Tank Waste Requirements

Within the TPA, there are deadlines for the completion of various cleanup activities. These deadlines are called milestones. Milestones typically set completion dates years in the future. However, to date, DOE has not managed its program as if it were required to complete sufficient work along the way to ensure that it would meet future milestones. Under DOE's interpretation of the TPA, they could choose to do no work to meet a

milestone, while the regulating agencies had little to no recourse until the deadline was missed. By then, project delays and the renegotiation of schedules would be inevitable.

Ecology proposals to establish a number of closely related accountability measures were opposed by DOE.

Major Provisions of Ecology's Final Determination

Ecology's Tank Waste Determination was issued by the Director of Ecology, and approved by the Regional Administrator of the U. S. Environmental Protection Agency. The determination replaces several existing milestone series with milestones for construction and operation of a tank waste treatment complex. The new milestones require DOE to:

- Authorize construction and operation of a tank waste treatment facility by August 31, 2000.
- Start treatment complex construction by July 31, 2001¹.
- Meet two construction progress milestones to be established within 60 days after the contract is issued (milestone due dates also to be contingent on 2007, 2009, and 2018 treatment complex schedules).
- Begin tank waste treatment by December 2007.
- Be in full production by December 2009.
- Treat at least 10 percent of the waste by December 2018.
- Submit semi-annual project compliance reports beginning in July, 2000.
- Submit a plan to treat the remaining waste no later than 3 years after the plant goes into full production.
- Treat all of the waste by December 2028.

Ecology's Final Determination also includes new language expressly requiring that DOE perform sufficient work to ensure with reasonable certainty that DOE will accomplish the milestone requirements, TPA work schedules for projects directly supporting treatment complex construction and operations and schedules for the agencies to revisit TPA SST waste retrieval schedules.

Appealing the Final Determination

DOE filed an appeal with the state Pollution Control Hearings Board (PCHB) on April 28th. A hearing date has not been set. The PCHB usually issues a decision no later than 90 days after a hearing.

The determination is available for viewing and downloading at the Nuclear Waste Program web site, <http://www.wa.gov/ecology/nwp/pdf/tankwastefd.pdf>. You may also call the Hanford Hotline, 1-800-321-2008, for more information.

¹ The State's Tank Waste Determination allows for some flexibility to start of construction provided that the construction start date supports treatment complex hot start by December of 2007, full commercial operations by December 2009, and completion of Phase I processing by February 2018.