



U.S. DEPARTMENT OF
ENERGY



Hanford cleanup -- proposed settlement agreement at a glance

August 11, 2009

The U.S. Department of Energy (DOE) shares a fundamental goal with the Washington State Department of Ecology (Ecology) and the U.S. Environmental Protection Agency (EPA) [the Tri-Party Agreement (TPA) parties], our stakeholders, and the Tribal Nations, for the safe and expeditious cleanup of the Hanford Site. In 2007, the TPA parties initiated negotiations of new milestones for the construction and commissioning of the Waste Treatment Plant (WTP); retrieval of waste from single-shell tanks (SSTs), groundwater cleanup; and development of a life-cycle scope, schedule and cost report. In the course of those discussions, the TPA parties reached alignment on numerous technical issues, activities and challenges, consulted with and received feedback from the Tribal Nations and the State of Oregon and received feedback from stakeholders and the public on the proposals developed as a result of the 2007 negotiations. With this input, the TPA parties continued negotiations but were unable to reach final agreement because of a limited number of legal issues that were unresolved at that time.

As a result, the State of Washington filed a lawsuit against DOE in November 2008 in US District Court, Eastern District of Washington, alleging that DOE violated the TPA because (1) DOE has missed or is certain to miss enumerated TPA milestones for the construction and commissioning of the WTP; (2) DOE missed or is certain to miss enumerated milestones for retrieval of tank wastes; and (3) that DOE violated the laws and regulations underlying these milestones. While continuing to prepare for trial scheduled for early Spring 2012, the TPA parties restarted negotiations and successfully resolved the remaining legal issues, reaching agreement (“the settlement”) on the terms of a Consent Decree (CD) including certain milestones and end-dates for WTP construction and commissioning, and tank waste retrievals and on changes to the TPA related to new TPA milestones. The TPA parties will not finalize their understandings until the agencies have appropriately consulted with the Tribal Nations and received and responded to comments from the public and stakeholders.

The Consent Decree negotiated by the TPA parties contains milestones and dates for the construction and commissioning of the WTP and the continued retrieval of SSTs at Hanford. The nineteen (19) milestones for the WTP include: construction “pacing” milestones for each of the WTP’s facilities; requirements for DOE to hot-start the WTP by 2019 and achieve initial plant operations by 2022. The milestones for tank waste retrieval include: completing the retrieval of waste from the 10 remaining single-shell tanks in Hanford’s C-Farm; identifying 9 additional single-shell tanks for waste retrieval by 2014; and completing the retrieval of waste from those additional 9 tanks by 2022. The remaining provisions of the CD cover reporting requirements for SST retrievals, regulatory coordination, and a process for the resolution of disputes between the agencies.

For the TPA, the settlement between the TPA parties also includes milestones that will go into effect under the TPA once the CD is approved and filed by the Court. New milestones that will be in effect under the TPA will cover the resolution of WTP technical issues and waste treatment, decisions for supplemental low-activity waste treatment, single-shell tanks, and the development of a comprehensive life-cycle cost and schedule report. Milestones for the WTP include the closure of all 28 Expert Flowsheet Review Team technical issues by the end of 2009, an every three-year

review of the effectiveness of WTP operations beginning in 2023, and completion of the treatment of all Hanford tank waste in the WTP by no later than 2047.

Milestones for supplemental low-activity waste treatment address the completion of negotiations establishing additional milestones for implementing near-term treatment options, completing necessary permitting activities, and initiating, constructing and hot-starting a supplemental low-activity waste treatment facility at Hanford.

Single-shell tank milestones include completing the closure of Hanford's C Tank Farm by 2019, completing the negotiation of interim milestones for the closure of Hanford's remaining tank farms by 2022, completing the retrieval of waste from all single-shell tanks by 2040, closing all of Hanford's single-shell tank farms by 2043, and the completion of tank waste treatment by 2047. The TPA will require DOE to work with Ecology to seek ways to accelerate these deadlines. Single-shell tank milestones also address the placement of additional interim barriers over single-shell tank farms, activities to assess the integrity of single-shell tanks, and the removal of pumpable liquids from miscellaneous catch tanks.

Under the TPA portion of the agreement, the Department will also prepare and submit to Ecology and EPA a report setting out the lifecycle scope, schedule and cost for completion of the Hanford Site cleanup mission. The report shall reflect all of those actions necessary for the DOE to fully meet all applicable environmental obligations, including those under the TPA. The first scope, schedule and cost report will be delivered no sooner than 9 months after the approval of the milestone, and the report will be submitted annually by January thereafter.

In a separate TPA milestone package, the DOE, Ecology and EPA have also agreed to new milestones concerning the remediation of groundwater on the Hanford Site. This package includes milestones to contain key contaminants adjacent to the Columbia River including chromium and strontium. In addition, the package contains milestones to increase groundwater treatment at the Hanford Site to remediate contaminated groundwater near the Columbia River and the central portion of the Hanford Site.

The agencies are pleased that they have come to terms on a comprehensive settlement of the State's litigation and have agreed on a path forward for the cleanup of the Hanford Site. Before the CD and modified TPA can be finalized, the agencies will consult with the Tribal Nations and conduct a comprehensive public involvement campaign that will include public comment on the CD and the proposed TPA amendments, including negotiated milestones. Once Tribal, stakeholder and public comments have been addressed and responded to, the agencies will finalize the CD and finalize the modified TPA, putting both documents into effect.

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