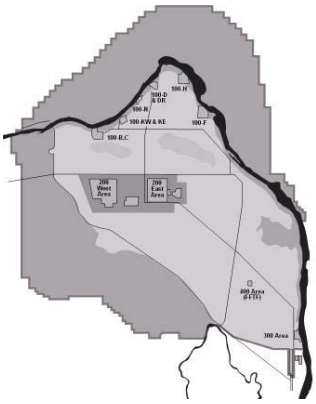

Proposed Settlement for Hanford Cleanup

U.S. Department of Energy • Washington State Department of Ecology • U.S. Environmental Protection Agency

What's this proposed settlement about?

These new commitments would address important activities that are needed to protect human health and the environment. The settlement will impose a new, enforceable and achievable schedule for tank waste cleanup at Hanford. It has two parts. First, it proposes a new Consent Decree between Washington and the US Department of Energy (USDOE). Second, it proposes changes to the Tri-Party Agreement (TPA).

Why should you care about these proposed changes?

The proposed agreement lays out the work and schedule for cleaning up the waste in Hanford's underground tanks, and it puts some of that work under the supervision of the court.

What does the settlement include?

Consent Decree

The Consent Decree has milestones (commitments with deadlines) for the construction, commissioning, and startup of the Waste Treatment Plant (WTP), as well as continued retrieval of waste from Hanford's single-shell tanks. The milestones require USDOE to:

For the Waste Treatment Plant:

- Meet milestones for the WTP's facilities to keep construction on pace.
- Start treating tank waste through the WTP by 2019.
- Achieve initial plant operations by 2022.

For single-shell tank waste retrievals:

- Retrieve the waste from the remaining 10 tanks in the "C" tank farm by 2014.
- Identify, by 2014, nine other single-shell tanks to retrieve waste from.
- Finish retrieving the waste from those nine other tanks by 2022.

The Consent Decree also covers reporting requirements for waste retrievals from single-shell t
regulatory coordination, and a process to resolve disputes between the agencies.

Tri-Party Agreement
U.S. Department of Energy
Washington State Department of Ecology
U.S. Environmental Protection Agency

Public Comment

The Tri-Party Agreement agencies want your feedback.
The public comment period is from **October 1 through December 11, 2009.**

Tri-Party Agreement

The settlement among the TPA parties also includes milestones that will go into effect under the TPA once the Consent Decree is approved by the Court. The proposed changes will add milestones to the Tri-Party Agreement that require USDOE to:

For the Lifecycle Report:

The agreement also has a new Lifecycle Scope, Schedule, and Cost Report milestone. This milestone requires USDOE to, for the first time in one place, account for all the actions necessary to complete the Hanford cleanup mission, with a detailed cost estimate. This report will provide a better understanding of the resources necessary for getting Hanford cleanup accomplished, which is critical to getting the job done.

- Submit to Washington State Department of Ecology (Ecology) and the U.S. Environmental Protection Agency a report setting out the life-cycle scope, schedule and cost to finish Hanford's cleanup mission.
- The report must reflect all the actions USDOE must take to fully meet all applicable environmental obligations, including those under the TPA. The first report is due no sooner than nine months after the approval of the milestone, and USDOE must submit the report every year by January after that.

For Tank Waste Treatment:

- Finish treating waste from Hanford's underground tanks by 2047.
- Starting in 2023, demonstrate each year (based on a rolling 3-year average) that WTP and any supplemental treatment is operating at rates that will meet or beat the 2047 deadline, or describe actions to increase the rate to achieve the end date.
- Twelve months after the agreement is finalized, agree on near-term (2011-2016) actions that may be appropriate to enhance WTP treatment or evaluation of supplemental treatment options.
- Select supplemental treatment for Low Activity Waste and permit, design, construct, and operate this facility.
- Starting in 2011, develop a System Plan for tank waste treatment and retrieval activities. The plan must also evaluate contingency needs, system enhancements and reducing total treatment and retrieval durations.

For Tank Waste Retrievals and Tank Farm Closures:

- Complete closure of Hanford's C Tank Farm by 2019.
- Finish negotiations for interim milestones by 2022 to close all the other tank farms at Hanford.

Tri-Party Agreement – The Hanford Federal Facility Agreement and Consent Order. This landmark 1989 agreement defines roles and sets cleanup schedules that will bring the US Department of Energy's Hanford Site into compliance with key federal environmental laws.

Tri-Party Agencies – The agencies that signed and are bound by the Tri-Party Agreement. They are the U.S. Environmental Protection Agency, Washington state's Department of Ecology, and two branches of USDOE at Hanford – the Office of River Protection for tank waste, and the Richland Operations Office for the rest of Hanford cleanup.

Consent Decree – A consent decree is an agreement resolving a lawsuit alleging that the defendant has violated the law. The agreement is accepted and issued by the court as the court's own order, with the court retaining oversight and enforcement authority over the consent decree until it is dismissed.

Like the TPA, it is a legal agreement that resolves legal claims between parties. But unlike the TPA:

- Once approved by the court, it becomes an order of the court.
- If the defendant violates a requirement, the defendant has not only violated a legal agreement, the defendant has directly violated a court order.
- As a result of violating a court order, the defendant is subject to sanctions from the court.

Waste Treatment Plant – The massive construction project to build the treatment facilities to immobilize Hanford's tank waste in a glass formation.

Tank farm – A grouping of underground storage tanks. The 177 tanks are in 17 different groups, or farms. The largest tank farm has 18 tanks and the smallest has three tanks.

- Remove the waste from all 149 single-shell tanks by 2040.
- Close all of Hanford's single-shell tank farms by 2043.
- Close all of the double-shell tank farms by September 2052.
- Work with Ecology to speed up the 2040 deadline.
- Submit retrieval data reports for the 19 single-shell tanks (the 10 in "C" tank farm, and the 9 others to be identified by 2014) covered by the Consent Decree.
- Place interim barriers over other single-shell tank farms as appropriate to prevent water from driving contamination deeper into the soil.
- Remove pumpable liquids from catch tanks.
- Do more work to assess the integrity of the single-shell tanks.

A catch tank captures and collects liquids from any spills from equipment or pipelines (e.g., leaks to the secondary containment). Then workers can transfer the liquid back to the right storage vessel or tank.

How the System Plans Work:

New Tri-Party Agreement milestones require USDOE and Ecology to periodically re-evaluate whether it may be possible to complete tank retrievals and waste treatment sooner than the proposed milestone dates, and if so to negotiate new dates. This "System Plan" effort will require USDOE to account for how tank waste is going to be retrieved and treated on schedule. At the same time, the System Plan will look for ways to speed up the cleanup and do the work in better ways. This is a holistic joint planning exercise new to Hanford.

Why a Consent Decree?

Perhaps the most important feature of the proposed settlement agreement is that the schedule for critical activities over the next 12 years will be provided in a Consent Decree in federal court, with judicial oversight.

Key Tri-Party Agreement and Consent Decree Milestones

	Current Milestone Date	New Milestone Date
✓ *Retrieve waste from C Farm Single-shell tanks*	*9/30/2006*	*2014 (CD)*
✓ *Complete WTP construction, and hot start*	*1/31/2011*	*2019 (CD)*
✓ *Achieve initial plant operations*	*new milestone*	*2022 (CD)*
✓ *Complete retrieval of waste from 9 other single-shell tanks*	*new milestone*	*2022 (CD)*
✓ *Retrieve waste from all single-shell tanks*	*9/30/2018*	*2040 (TPA)*
✓ *Treat all tank waste*	*12/31/2028*	*2047 (TPA)*
✓ *Complete closure of all double-shell tank farms*	*new milestone*	*2052 (TPA)*

Wasn't there another big change to the Tri-Party Agreement recently?

Yes. The TPA has been changed several times over the years. In the spring, a comment period for a different change package was held, which became final on August 11, 2009. Those changes set new and accelerated groundwater and Columbia River protection milestones, delayed some other milestones in retrieving buried waste and cleaning up waste sites on the Central Plateau, and realigned cleanup work along the river near the 100 K reactor area. By the end of the year there will be another package, with a strategy for the central plateau.

The change package today bundles together tank retrieval and treatment milestones resulting from the settlement agreement. While this approach requires a number of comment periods, it makes sense to put in place enforceable schedules as soon as possible after they're negotiated.

Recently there have been a number of other comment periods, and you can keep up with them through USDOE's Hanford Events Calendar.

How do these changes relate to other big decision documents?

Tank Closure and Waste Management Environmental Impact Statement (EIS)

When final, the EIS will support decisions for tank closure, onsite waste disposal, and supplemental tank waste treatment (and for the Fast Flux Test Facility, which is not covered by the TPA). The Tri-Party Agreement lays out the schedule for carrying out those decisions.

As part of the proposed settlement, USDOE would include in the EIS a preferred alternative of not importing certain waste to Hanford at least until the WTP is operational. Once USDOE issues the draft EIS, and if public comment doesn't identify a reason for not executing the consent decree or Tri-Party Agreement changes, the state and USDOE will move to enter the consent decree with the federal court, and will make the Tri-Party Agreement changes final once the court enters the Consent Decree.

How did we get to this point?

In 2007, it was clear USDOE could not meet some of the deadlines in the Tri-Party Agreement. The Tri-Party agencies began negotiations for new milestones for:

- Building and running the Waste Treatment Plant.
- Retrieving waste from single-shell tanks.
- Cleaning up contaminated groundwater.
- Preparing a life-cycle scope, schedule and cost report.

In the negotiations, the agencies reached alignment on many issues. They consulted with the tribal nations and the state of Oregon, and received feedback from stakeholders and the public on the proposals they had reached by that point. After the consultations, the TPA agencies continued negotiations. But they were unable to reach final agreement due to a disagreement on some key issues.

As a result, the state of Washington filed a lawsuit against USDOE in November 2008. Soon after that the TPA agencies restarted negotiations and successfully resolved the remaining issues. The result of their efforts is the proposed Consent Decree and the proposed changes to the Tri-Party Agreement described above.

How can I comment on the proposed settlement?

We are holding a comment period from October 1 through December 11, 2009.

You can submit comments to the Tri-Party Agreement agencies in writing via fax, email, or U.S. Postal Service. All comments go to all of the Tri-Party Agreement agencies, so you only need to submit them once. Send them to:

Lori Gamache
Department of Energy
Office of River Protection
PO Box 450, MSIN H6-60
Richland WA 99352
fax 509-376-8142
Email: TPACH@rl.gov

or

Annette Carlson
Washington Department of Ecology
3100 Port of Benton Blvd
Richland WA 99354
fax 509-372-7971
Email: Annette.Carlson@ecy.wa.gov

We will hold public meetings in the Tri-Cities, Seattle, and Spokane, Washington, and in Hood River and Portland, Oregon. Dates, locations, and times will be sent out prior to the meetings.

How do I get more information?

The proposed Consent Decree, proposed amendments to the Tri-Party Agreement and supporting information are available online, by request via phone, and at Hanford's Information Repositories.

⇨ Online: http://www.ecy.wa.gov/programs/nwp/2008lawsuit_settlement.htm

⇨ Phone – Call the Hanford Cleanup Line – 800-321-2008.

HANFORD PUBLIC INFORMATION REPOSITORIES

Portland
Portland State University
Branford Price Millar Library
1875 SW Park Ave.
Contact: Don Frank 503-725-4709
Map: http://www.pdx.edu/map.html

Richland
U.S. Department of Energy Reading Room
Consolidated Information Center, Room 101-L
2770 University Dr.
Contact: Janice Parthree 509-372-7443
Map: http://tinyurl.com/2axam2

Spokane
Gonzaga University
Foley Center
502 E. Boone Ave.
Contact: Linda Pierce 509-323-3834
Map: http://tinyurl.com/2c6bpm

Seattle
Suzzallo Library
Government Publications Division
Contact: Eleanor Chase 206-543-4664
Map: http://tinyurl.com/m8ebj

Administrative Record and Public Information Repository:
Address: 2440 Stevens Center Place, Room 1101, Richland, WA.
Phone: 509-376-2530
Web site address: http://www2.hanford.gov/arpir/

What happens next?

After the comment period closes, the comments received will be considered. After this consideration, and assuming there is no comment-based reason to reconsider finalizing the proposed agreements, a request will be made that the court enter the proposed Consent Decree. When it does, the modified Tri-Party Agreement will become final, putting both documents into effect. The Tri-Party Agencies will prepare a responsiveness summary for the changes to the Tri-Party Agreement.

Settlement Agreement Fact Sheet
U.S. Department of Energy
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