



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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June 5, 2013

13-NWP-061

Mr. Matt McCormick, Manager  
Richland Operations Office  
United States Department of Energy  
P.O. Box 550, MSIN A7-50  
Richland, Washington 99352

Mr. Kevin W. Smith, Manager  
Office of River Protection  
United States Department of Energy  
P.O. Box 450, MSIN: H6-60  
Richland, Washington 99352

Re: Ecology's Evaluation of the U.S. Department of Energy's May 2013 Budget Briefings

References:

Richland Operations Office Federal Fiscal Year 2013 Appropriations, 2014 Budget Request, and 2015 Site Budget Request, May 2013

Office of River Protection Federal Fiscal Year 2013 Appropriations and 2014 Budget Request, May 2013

The Department of Ecology (Ecology) Nuclear Waste Program has reviewed the funding information your staffs provided us during briefings in May 2013. Ecology provides the following comments on the information for Federal Fiscal Year (FFY) 2013, 2014, and 2015.

Washington State asserts that the United States Department of Energy (USDOE), the entire Federal administration (including the Office of Management and Budget), and the President of the United States are required to take all actions necessary to ensure compliance with the requirements governing the Hanford Site. This includes requirements and deadlines identified in the Consent Decree No. 08-50850FVS, the Tri-Party Agreement (TPA), the Hanford Site Resource Conservation and Recovery Act (RCRA) Permit – Dangerous Waste Portion, and all applicable state and federal environmental laws.

Further, if specific appropriations are not sufficient to timely fund all actions necessary to achieve compliance, USDOE and the administration must pursue funds from other sources. That pursuit includes securing approval from the United States Congress to reprogram discretionary funds. For some time, the Presidential budget requests and consequent funding have not provided sufficient resources for cleanup at Hanford. That trend continues in the FFY13 appropriations and the FFY14 budget request.



**Comments on FFY 2013, 2014, and 2015.**

**Richland Operations Office (RL) FFY 2013**

\$1,429,537,000 – RL request for FFY 2013 work required for compliance.

\$1,037,773,000 – Presidential budget request, as submitted.

\$ 942,843,000 – RL FFY 2013 post-sequester allocation.

Areas of specific concern include:

- RL suspended the retrieval, certification, and transportation of legacy suspect mixed low-level and transuranic waste (M-LLW and TRU) required to meet TPA Milestone M-91 until FFY 2015. In addition to missing non-enforceable “target” milestones, continued suspension will make resumption of waste retrieval and certification more difficult and expensive in FFY15.
- Sequestration-related reduction in the number of work crews at the Plutonium Finishing Plant (PFP), with a TPA milestone for slab-on-grade in 2016. This is the highest risk RL facility, with a very challenging cleanup. The impact from reduced number of work crews has been exaggerated by the bump-and-roll staffing impacts from layoffs due to sequestration.

**Office of River Protection (ORP) FFY 2013**

\$ 1,489,100,000 – ORP request for FFY2013 full compliance.

\$1,172,113,000 – Presidential budget request.

\$ 1,089,729,000 – ORP post-sequester allocation.

Areas of specific concern include:

- Continuing budget impacts resulting from ongoing attempts to resolve Waste Treatment Plant (WTP) technical issues. While Ecology agrees that this work is critical to completing the WTP, we are concerned because the costs for resolving technical issues were not included in the USDOE budget request developed during FFY 2011. These unplanned costs increase the gap between full compliance funding and the post-sequester allocation.
- Funding Tank Farm Operations at a small increment above minimum-safe operations versus the need to accelerate retrieving waste from single-shell tanks.
- Deferral of the Performance Assessment for Waste Management Area C, when the assessment is necessary to complete closure of Waste Management Area C.

**RL FFY 2014**

\$1,284,997,000 – FFY 2014 full compliance funding.

\$ 993,408,000 – Presidential budget request for FFY 2014.

Areas of specific concern include:

- Continued suspension of retrieval of suspect waste and disposition of M-LLW and TRU waste through FFY 2014.
- Deferral of work on deep vadose zone, where mobile contamination is moving towards the groundwater.
- Suspension of drilling wells that are necessary to operate groundwater treatment systems at full capacity to further reduce the 60-square miles of contamination.

**ORP FFY 2014**

In March 2012, ORP provided Ecology a summary of its FFY 2014 budget request. The briefing did not contain specific amounts for ORP-0014 (Tank Farms) or ORP-0060. Instead, ORP stated that the accomplishments it planned were based on a budget target (not designated). In the briefing, ORP stated that its site budget request would include estimated funding levels to achieve full compliance with the TPA.

\$ 2,101,000,000 – ORP-submitted FFY 2014 site request to USDOE Environmental Management. The request included target and over-target actions listed in the March 2012 briefing.

\$1,210,216,000 – Presidential budget request for FFY 2014.

Ecology supports a compliant budget that includes activities listed as “over-target.” Because of the lack of detail in ORP’s May 2013 budget briefing to Ecology and the public, it is difficult for Ecology to comment on specific elements that are funded inadequately. However, Ecology has a significant concern that ORP will not achieve compliance because of the large percentage difference between the site’s request and the President’s request. ORP’s presentation listed two FFY 2014 and three FFY 2015 TPA milestones that would be impacted.

#### RL FFY 2015

\$ 1,531,545,000 is RL's FFY15 full compliance funding need.

We appreciated receiving RL's descriptions of work required for compliance in FFY 2015, with estimates of the budget that will be required. We support RL's requests for full funding for compliance in FFY 2015.

Areas of specific concern include:

- Completing the PFP cleanup to slab on grade, including providing funding necessary to make up budget shortfalls in FFY 2013 and FFY 2014.
- Need to resume M-LLW and TRU waste retrieval and management.
- Strategic need to test deep vadose zone technologies (whether at RL facilities or at Hanford Tank Farms).

#### ORP FFY 2015

The ORP budget request covers obligations under the Consent Decree and the TPA. Ecology cannot fully evaluate the FFY 2015 budget request because ORP provided no specific amounts for the two control point levels (ORP-0014 and ORP-0060). Therefore, Ecology will pursue additional information under both Consent Decree and TPA requirements related to funding work.

#### Conclusion

Ecology asked for the Hanford Life Cycle Scope, Schedule and Cost Report as part of the 2010 Tank Waste Settlement Agreement. USDOE provides the annual Lifecycle Report to Ecology and the United States Environmental Protection Agency, as required by TPA milestone M-36-01.

The 2012 and 2013 Reports clearly document the need to fund Hanford cleanup (RL and ORP combined) at a sustained level of \$2.5 billion per year through 2045 (see Figure 3-3 in DOE/RL-2012-13, Rev. 0). Ecology has also made it clear that compliant funding for Hanford should be matched by compliant funding levels for Environmental Management cleanup programs in other states.

Both the combined RL and ORP FFY 2013 continuing resolution and the FFY 2014 Presidential budget request are significantly below that \$3 billion level. The FFY 2015 RL budget request is at a full compliance level, but Ecology has no information about the amount that ORP will request for full compliance.

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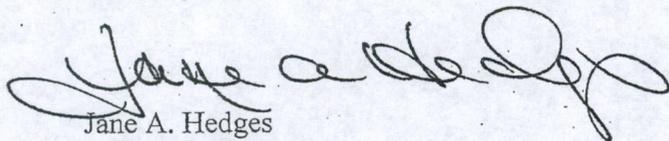
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If recent appropriations are predictive, then RL and ORP can expect to receive less than full funding for compliance in FFY 2015 and remain well below \$3 billion for the two sites combined.

While Ecology supports continued communication with USDOE on budget issues, each party must take all actions necessary to ensure compliance with each of the requirements (including deadlines) identified in the Consent Decree, the TPA, the Hanford Site RCRA Permit – Dangerous Waste Portion, and all applicable state and federal environmental laws.

If you have any questions regarding Ecology's comments, please contact John Price, Tri-Party Agreement Section Manager at [john.price@ecy.wa.gov](mailto:john.price@ecy.wa.gov) or 509-372-7921.

Sincerely,



Jane A. Hedges  
Program Manager  
Nuclear Waste Program

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