

3.0 Regulatory Oversight at Hanford



K. A. Peterson

Several federal, state, and local regulatory agencies are responsible for monitoring and enforcing compliance with applicable environmental regulations at the Hanford Site. The agencies include the U.S. Environmental Protection Agency (EPA), Washington State Department of Ecology, Washington State Department of Health, and Benton Clean Air Authority. EPA is the primary federal regulatory agency that develops, promulgates, and enforces environmental regulations and standards as directed in statutes enacted by Congress. In some instances, EPA has delegated authority to the state or authorized the state program to operate in lieu of the federal program when the state's program meets or exceeds the EPA's requirements. In other activities, the state program is assigned direct environmental oversight of the U.S. Department of Energy (DOE), as provided by federal law. Where federal regulatory authority is not delegated or only partially authorized to the state, the EPA Region 10 office is responsible for reviewing and enforcing compliance with EPA regulations as they pertain to the Hanford Site. EPA periodically reviews state environmental programs and may directly enforce federal environmental regulations. Although Oregon does not have regulatory authority at the Hanford Site, DOE recognizes its interest in Hanford Site cleanup because of the site's location along the Columbia River, upriver from where the river serves as a border between Washington and Oregon. Oregon has seats on the Hanford Advisory Board and participates in the State and Tribal Government Working Group for the Hanford Site, which reviews the site's cleanup plans, and participates in the Hanford Natural Resource Trustee Council.

3.0.1 Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement)

R. D. Morrison

The *Hanford Federal Facility Agreement and Consent Order* (also known as the Tri-Party Agreement; Ecology et al. 1989) is an agreement among the Washington State Department of Ecology, EPA, and DOE to achieve environmental compliance at the Hanford Site with the *Comprehensive Environmental Response, Compensation, and Liability Act* (CERCLA), including the *Superfund Amendments and Reauthorization Act* remedial action provisions, and with the *Resource Conservation and Recovery Act* (RCRA) treatment, storage, and disposal unit regulations and corrective action provisions. The Tri-Party Agreement (1) defines RCRA and CERCLA cleanup commitments, (2) establishes responsibilities, (3) provides a basis for budgeting, and (4) reflects a concerted goal to achieve regulatory compliance and remediation with enforceable milestones. A companion document to the Tri-Party Agreement is the *Hanford Site Tri-Party Agreement Public Involvement Community Relations Plan* (Tri-Party Agreement Agencies 2002). This plan describes how public information and involvement activities are conducted for Tri-Party Agreement decisions.

The Tri-Party Agreement has evolved as cleanup of the Hanford Site has progressed. Significant changes to the agreement have been negotiated to meet the changing conditions and needs of cleanup. All significant changes undergo a process of public involvement that enhances communication and addresses the public's concerns prior



to final approvals. Copies of the agreement are publicly available at DOE's Public Reading Room located in the Consolidated Information Center in Richland, Washington, and at information repositories in Seattle and Spokane, Washington, and Portland, Oregon. The Tri-Party Agreement can be viewed on the Internet at <http://www.hanford.gov/tpa/tpahome.htm>. To be placed on the mailing list to obtain Tri-Party Agreement information, contact EPA or DOE directly, or call the Washington State Department of Ecology at (800) 321-2008. Requests can be sent to:

Hanford Mailing List
P.O. Box 1000
M/S B3-30
Richland, WA 99352

3.0.2 Status of Tri-Party Agreement Milestones

R. D. Morrison

The Tri-Party Agreement (Ecology et al. 1989) commits DOE to achieve compliance with the remedial action provisions of CERCLA and with the treatment, storage, and disposal unit regulations and corrective action provisions of RCRA, including the state's implementing regulations. From 1989 through 2004, a total of 876 milestones were completed and 289 target dates were met. During 2004, there were 49 specific cleanup milestones scheduled for completion; 48 were completed on or before their required due dates and one was completed beyond its established due date.

3.0.3 Approved Modifications to the Tri-Party Agreement

R. D. Morrison

During 2004, 29 negotiated change requests to the Tri-Party Agreement were approved. These approved change requests may be viewed in their entirety in the Tri-Party Agreement Administrative Record at <http://www2.hanford.gov/arpir/>.

3.0.4 Washington State Department of Health

J. A. Bates

The Washington State Department of Health's Office of Radiation Protection has regulatory oversight of all sources of ionizing radiation in the state. The oversight includes a permit program requiring state review and approval for construction of all planned new or modified sources of airborne emissions, issuance and enforcement of emissions licenses, and inspection of sources which may emit airborne radioactive material. The state enforces an as low as reasonably achievable approach to minimize airborne emissions for protection of public health. Section 5.3.2 provides information about Washington State Department of Health inspections and enforcement activities on the Hanford Site in 2004.