



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**REGION 10**  
**HANFORD PROJECT OFFICE**  
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August 22, 2023

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Richland Operations Office  
U.S. Department of Energy  
P.O. Box 550, M/S H5-20  
Richland, Washington 99352

Subject: EPA Response to DOE Letter 23-PFD-001873 and Withdrawing Concurrence on the  
"Action Memorandum #2 For The 300 Area Facilities"

Dear Mr. French:

The U.S. Environmental Protection Agency (EPA) was notified in a briefing that the U.S. Department of Energy (DOE) has a proposal to change the remedy for the 324 Building and surrounding waste sites, which DOE has also shared with Congress, tribes, stakeholders, and the public. EPA is concerned about the potential this proposal has to delay progress at the 324 Building and the 300-296 waste site. Prior to DOE taking any action that is inconsistent with the remedy selected in the 2013 Record of Decision (ROD) for the 300-FF-2 Operable Unit, EPA must review the data supporting such a proposal and evaluate any alternatives to support a change in the remedy for waste site 300-296. In our April 25, 2023 letter, EPA informed DOE that, pursuant to the terms of Section 4.1 of the Tri-Party Agreement (TPA) Action Plan, EPA has formed the opinion that timely compliance with milestone M-016-85A has been impacted by DOE's actions taken in response to new conditions observed at the 324 Building and the 300-296 waste site. DOE stated that the milestone was "On Schedule" in the May 18, 2023 *100/300 Area Unit Managers Meeting Minutes* and "At risk" in the July Unit Managers Meeting. Subsequently, DOE has not made an effort to identify and take action(s) to come back into compliance with milestone M-016-85A, nor has it provided EPA with sufficient detail to explain the expected impacts on addressing principal threat wastes from this potential delay.

DOE's proposal to change the sequence of work at the 324 Building appears to have been solely developed by DOE and its contractors, without collaboration with EPA (as DOE clearly stated in 23-PFD-001873, "In response, DOE and the Central Plateau Cleanup Company are reevaluating options [...]"). To better understand how DOE intends to respond to the new conditions, and identify an appropriate path forward, EPA is formally requesting that DOE provide a technical basis for its proposed changes, including, but not limited to:

- The extent to which the end-state agreement<sup>1</sup> for milestone M-016-85A would need to be revised in order to be achievable, given known facility conditions and without causing structural instability;
- The impact of interferences to the structural design and a revised structural analysis considering the newly discovered conditions;
- Revised contamination models identifying which data points have been added since horizontal soil stabilization efforts began, and clearly showing estimated isodose lines, and;
- A comparison of required maintenance between the current remedy, any alternatives, and what is needed for facility demolition.

<sup>1</sup>The parties concurred on the end-state agreement for M-016-85A on August 17, 2017, titled: "End state criteria for meeting TPA Milestone M-016-85A and gaining backfill concurrence authorization for B Cell in preparation of 324 facility demolition and final remediation of the 300-296 waste site."

The technical basis must clearly describe and support whether there is a need to change the existing remedy and identify all schedule impacts realized and expected to the remediation plan. DOE must also formally acknowledge the status of the milestone and remedial action.

EPA is withdrawing our previous concurrence on the “Action Memorandum #2 For The 300 Area Facilities” (2006) and does not concur on any activities towards placing the 324 Building in a cold, dark, and demolition-ready status that would be required by the Action Memorandum or associated work plans. EPA is seeking clarification on the activities that DOE continues to perform at the 324 Building, as ongoing activities appear to be inconsistent with the 2013 ROD and could alter the schedules as set forth in Appendix D of the TPA. Pursuant to section 7.2.4. of the TPA Action Plan, field work on non-emergency removal actions that are inconsistent with an existing ROD shall not be initiated without EPA concurrence.

Additionally, EPA notes that if agreement between the agencies is reached through technical analysis which results in a path similar to what DOE has proposed in recent meetings – to resequence remedial and removal activities and design a new remedial action for a soil excavation project which does not use the existing remote excavator arms and hotcells – a formal change to the ROD will be necessary. This would include an opportunity for public comment, due to the significance of that change. To be clear, EPA has not agreed with changing the original remedy at this time.

If you have any questions or concerns, please contact me at [McCartney.Anne@epa.gov](mailto:McCartney.Anne@epa.gov) or 509-376-4919, or Dave Einan at [Einan.David@epa.gov](mailto:Einan.David@epa.gov) or 509-376-3883.

Sincerely,

**McCartney,**  
**Anne**

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Anne McCartney  
Remedial Project Manager  
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Administrative Record (M-016-85A, 300-FF-2)  
Environmental Portal  
HAB Correspondence Control