

OU-4 (SOLAR PONDS) DISPUTE
DRAFT AND FINAL PHASE I RFI/RI REPORT
Extension of Dispute and Process for Resolution

Decision of the Project Coordinators

All parties agree that the dispute raised by the DOE in a letter dated June 2, 1993 has raised issues which are important to Operable Unit 4 (Solar Ponds). These issues are requiring considerable coordination between the parties to attempt informal resolution as required by Part 12, paragraph 92 of the IAG. Although progress has been made, informal resolution has not been achieved within fourteen (14) days as anticipated by the IAG.

The Project Coordinators jointly agree that the process of dispute resolution would best be served by extending the period for informal resolution until September 21, 1993. If at that time no agreement has been reached, the IAG Project Coordinators will forward a summary of their efforts along with the Written Statement of Dispute to the Dispute Resolution Committee as required by Part 12, paragraph 93 of the IAG.

The parties jointly agree that the dispute concerning milestone extensions for the Phase I RFI/RI Report (draft and final) for OU4, Solar Ponds, initiated by DOE letter dated June 2, 1993 shall be resolved by following the process as described below and as depicted on the attached Dispute Resolution Schedule:

1. To affect an improvement in the Solar Ponds Project as a whole, the resolution of this dispute should not be limited to discussions of the disputed milestones for submittal of Draft and Final Phase I RFI/RI Reports for OU4.

2. The DOE will organize and conduct an analysis (Characterization Data Options Study) to determine the best method to support the IM/IRA Decision Document (DD) with characterization information (RFI/RI data). Both the Colorado Department of Health (CDH) and Environmental Protection Agency (EPA), will actively participate in this analysis with a proposed completion date (milestone 1.2) of 7/21/93. Specific requirements of the analysis will be:

a. To determine the best method to present site characteristics, nature, extent, fate, and transport information in the IM/IRA DD.

b. To determine the nature and content of the IM/IRA DD for pond closure without a separate RFI/RI Report.

3. The DOE will organize and conduct an analysis to determine revised IAG milestones for development of the IM/IRA DD and the Implementation/Title II Design Document including a schedule for associated procurement and mobilization activities. Both the CDH and EPA will actively participate in this analysis with a proposed completion date (milestone 1.5) of 8/4/93. Specific new milestones for submittal of documents will include:

- 1) Submit Draft Proposed IM/IRA DD (including conceptual/Title I design).
- 2) Submit Proposed IM/IRA DD.
- 3) Submit Proposed IM/IRA Responsiveness Summary (following 60-day public comment).
- 4) Submit Final IM/IRA DD and Final Responsiveness Summary.
- 5) Submit Draft Implementation/Title II Design Document.
- 6) Submit Final Implementation/Title II Design Document.

The DOE further agrees to commence actual preparation of the Draft IM/IRA DD no later than 8/23/93.

4. The DOE will organize and conduct an analysis to determine the best option for removal, storage, and management of sludges to allow acceleration of the IM/IRA construction start milestone of January 28, 1997. Both CDH and EPA, will actively participate in this analysis with a proposed completion date (milestone 2.8) of 7/26/93. Specific requirements of the analysis will be:

a. To determine the best approach to removing, storing, and managing sludges to allow acceleration of the pond closure construction.

b. To determine the minimum regulatory requirements for water transfer, sludge removal, sampling/characterization, sludge transfer, extended storage, surveillance, and permitting which would allow maximum acceleration of the selected sludge management option.

c. To provide sufficient definition of the selected option to allow procurement of long lead equipment or supplies to begin.

5. Based on a comparison of the analyses described in paragraphs 3 and 4 above, the DOE, with active participation by CDH and EPA, will prepare a detailed technical scope (Design Criteria Development) of the revised approach to the Solar Ponds project. This scope will be the basis for revised budgets and schedules for the work, while identifying impacts on the life-cycle cost of the solar ponds project. This effort has a proposed completion date (milestone 3.6) of 9/7/93. Specific requirements of the effort will be:

a. To determine the new IAG milestone for "All Solar Ponds emptied of water and sludge."

b. To determine the revised IAG milestone for "Begin IM/IRA Construction." The milestone for construction completion will be identified and approved in the Implementation Document as part of the Title II Design component.

c. To determine the revised life-cycle baseline scope, schedule, and budget profile.

d. To provide the basis for a Baseline Change Proposal (BCP) submission to the Level I (DOE HQ) Baseline Change Control Board.

6. The DOE will make every effort to minimize impacts from NEPA, DOE Headquarters technical and programmatic reviews, Safety Analysis Reports, classification delays, security clearances, and other impacts. The Division and EPA understand that other potential delays from oversight agencies, beyond the control of DOE, may occur. In that event, DOE should submit information on the nature and duration of the delay for Division and EPA consideration.

7. The attached Dispute Resolution Schedule reflects the efforts described in paragraphs 2, 3, 4, 5 and 6 above. Successful completion of this schedule requires the active participation of the DOE, CDH and EPA.

8. The dispute will remain open at the informal level until September 21, 1993 when the milestones developed under paragraph 3 and paragraph 5 (a) and (b) are formally accepted or rejected by CDH after consultation with EPA. If the new milestones are rejected, the dispute will be addressed according to the original DOE and CDH correspondence.

9. In exchange for approved scope and schedule modifications, the Phase I RFI/RI Report (draft and final) will no longer be required, effectively eliminating the basis for the dispute.

10. If agreement is reached under the terms of the process outlined herein, a formal document(s) will be prepared to acknowledge and incorporate the new milestone dates into the IAG and eliminate the IAG requirement for Phase I RFI/RI Reports relative to OU-4.

11. All parties agree that the approach outlined above provides an enhanced model for accelerating the closure of the Solar Ponds and remediation of Operable Unit 4. As such it serves the ultimate goal of the IAG and stated goals of all parties.

As an adjunct to the above described process, the Parties further agree to immediately begin discussions on streamlining of paragraphs I.B.10 and I.B.11.b of the IAG Statement of Work. This action will be performed outside the IAG dispute resolution process; however, the parties will attempt to resolve the issue by September 21, 1993 concurrent with resolution of the dispute. It is expressly agreed that this action will be taken specific to OU-4 and any resulting changes to the IAG process will be solely applicable to OU-4 unless extended to other operable units by mutual agreement of the IAG parties.

By their signatures below, the IAG Project Coordinators agree on behalf of their respective parties, to extend the period for informal dispute resolution for the OU4 Draft and Final Phase I RFI/RI Report dispute until September 21, 1993 and to follow the process and schedule outlined herein.

Gary W. Baughman
Colorado Department of Health
Gary W. Baughman

Aug. 12, 1993
Date

Lou Johnson
U. S. Environmental Protection Agency
Martin Hestmark

8/13/93
Date

Richard J. Schassburger
U.S. Department of Energy
Richard J. Schassburger

8/13/93
Date