

1 study strip along the south and west sides of the Columbia River corridor, the federally owned islands
2 within the portion of the Columbia River included in the Monument, and the Hanford Sand Dune Field
3 (Figure 4.3). FWS manages approximately 67,000 ha (166,000 ac) of Monument lands that are within
4 ALE and the Wahluke Slope (Wahluke Unit and Saddle Mountain Unit) under permit from DOE. The
5 Washington State Department of Fish and Wildlife manages approximately 324 ha (800 ac) of the
6 Monument through a permit with DOE. The remainder of the Monument is managed by DOE. The
7 June 9, 2000, proclamation does not affect the responsibilities and authority of DOE on Hanford Site
8 lands nor does it affect DOE activities on lands not included within the Monument boundaries. In a
9 separate memorandum to the Secretary of Energy, DOE was directed by the President to protect the
10 natural values of the Hanford Site land not included within the Monument (Clinton 2000). DOE and
11 FWS signed a Memorandum of Understanding on June 14, 2001, covering management responsibilities
12 for the Monument. FWS issued a Notice of Intent to prepare a comprehensive conservation plan and
13 associated EIS for the Monument in June 2002 (67 FR 40333).
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15 **6.3 Hanford Federal Facility Agreement and Consent Order**

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17 The Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement [TPA]) is an
18 agreement between DOE, the U.S. Environmental Protection Agency (EPA), and Ecology (Ecology et al.
19 1989) for achieving compliance at the Hanford Site with RCRA (42 USC 6901 et seq.), CERCLA
20 (42 USC 9601 et seq.), and the Washington State Hazardous Waste Management Act. The TPA
21 (1) defines CERCLA, RCRA, and Washington State cleanup commitments and sets due dates,
22 (2) establishes responsibilities among the agencies, and (3) reflects the goal of achieving regulatory
23 compliance and completing remediation activities with enforceable milestones.
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25 RCRA was enacted in 1976 and was significantly amended by the Hazardous and Solid Waste
26 Amendments of 1984. RCRA establishes requirements covering handlers of hazardous waste, including
27 generators, transporters, and those who own or operate hazardous waste treatment, storage, and disposal
28 facilities. RCRA also authorizes EPA to regulate underground tank storage of substances other than
29 hazardous waste and the disposal of nonhazardous solid waste. RCRA does not apply to any activity or
30 substance that is subject to the Atomic Energy Act except to the extent that such application or regulation
31 is not inconsistent with the requirements of the Atomic Energy Act [42 USC 6905(a)]. CERCLA is a
32 federal statute designed to respond to past disposal of hazardous substances. CERCLA provides EPA the
33 authority to clean up sites where disposal of hazardous substances has occurred. Section 120 of CERCLA
34 (42 USC 9620) provides that federal agencies are subject to and shall comply with CERCLA to the same
35 extent as nongovernmental entities. Section 105 of CERCLA (42 USC 9605) directs EPA to prepare the
36 national contingency plan (NCP) containing procedures for cleanup response actions. The plan appears at
37 40 CFR 300. The National Priorities List (NPL) is part of the NCP. Four areas of the Hanford Site (100,
38 200, 300, and 1100) were listed on the NPL in November 1989. The 1100 Area was subsequently
39 delisted. The TPA was entered into in 1989 in anticipation that the Hanford Site would be placed on the
40 NPL. The Washington Hazardous Waste Management Act provides the statutory basis for the regulation
41 of hazardous waste in Washington.