

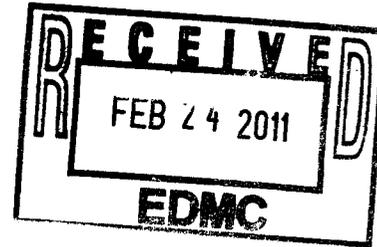


**Confederated Tribes and Bands
of the Yakama Nation**

0094577

Established by the
Treaty of June 9, 1855

February 22, 2011



Mr. Matthew S. McCormick, Manager
U.S. Department of Energy, Richland Operations Office
P.O. Box 550, MSIN: A7-50
Richland, Washington 99352

Regarding: *Nonradioactive Dangerous Waste Landfill Closure/Postclosure Plan-DOE/RL-90-17, Revision 2 and Groundwater Monitoring Plan for the Nonradioactive Dangerous Waste Landfill and Solid Waste Landfill, DOE/RL-2010-28, Revision 1.* ⁰⁰⁹³⁷⁷³

Dear Mr. McCormick, ⁰⁰⁹³⁷⁷⁴

The Yakama Nation ERWM Program appreciates the opportunity to review and provide comments on the *Nonradioactive Dangerous Waste Landfill Closure/Postclosure Plan-DOE/RL-90-17, Revision 1 and Hanford Site Solid Waste Landfill Closure Plan-DOE/RL-2008-54, Draft A.*

The Confederated Tribes and Bands of the Yakama Nation is a federally recognized sovereign pursuant of the Treaty of June 9, 1855 made with the United States of America (12 Stat. 951). The U.S. Department of Energy's Hanford site was developed on land ceded by the Yakama Nation under the 1855 Treaty with the United States. The Yakama Nation retains reserved rights to this land under the Treaty.

We have substantive concerns about the use of caps, particularly ET barriers, at the Hanford site. The follow lists major concerns:

- Application of this approach will set a precedent for future decisions without clear understanding of the effects of potential failure risks.
- Our doubts are reinforced by experiences elsewhere which note the failure of such designs (*see reference below*).
- Use of an "equivalent evapo-transpiration permeability" approach is not acceptable. Declaration that Borrow Area C soils have the required low permeability to meet the RCRA Subtitle C cover standards has not been demonstrated.
- Lack of additional mitigation measures (i.e. redundancy of multiple hydrologic barriers).
- Lack of mitigation of "Fringe effects" and creation of ephemeral wetlands, site fires and destruction of necessary vigorous vegetation.
- Use and failure of Institutional Controls and subsequent consequences to human health and the environment.
- Future impacts to the Yakama Nation Cultural Resources and violations of Yakama Nation Treaty Rights (i.e. required updates to the Borrow Area C MOA).
 - **References:** "Alternative Covers: Enhanced Soil Water Storage and Evapotranspiration in the Source Zone." W.H. Albright, W.J. Waugh, and C.H. Benson, May 2007.

We reiterate unanswered concerns noted in our August 2010 response letter. The Yakama Nation ERWM Program looks forward to written comment responses and dialog on these concerns and comments. If you have any questions, please contact Russell Jim at (509) 945-6741, or Wade Riggsbee at (509) 945-6756.

Sincerely,



Russell Jim, Manager
Yakama Nation
ERWM Program

cc: Dennis Faulk, U.S. Environmental Protection Agency
Jane Hedges, Washington Department of Ecology
Ron Skinnarland, Washington Department of Ecology
Kevin Leary, U.S. Department of Energy
Ken Niles, Oregon Department of Energy
Gabriel Bohnee, NPT
Stuart Harris, CTUIR
Susan Leckband, HAB
Jean Vanni, Yakama Nation ERWM
Wade Riggsbee, Yakama Nation ERWM
Administrative Record