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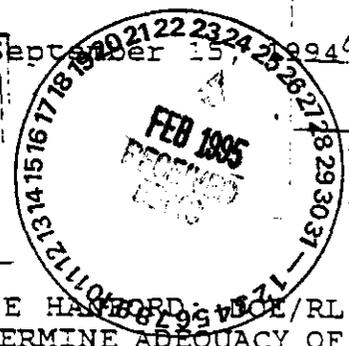
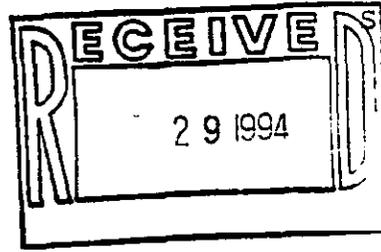
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per Jim Bauer. 003908
SEP 21 1994



Confederated Tribes and Bands of the Yakima Indian Nation

file

Established by the Treaty of June 9, 1855



Mr. John Wagoner, Manager
Richland Operations Office
Department of Energy
P.O. Box 550
Richland, WA 99352

Subject: WATER WELL DECOMMISSIONING, NORTH SLOPE HANFORD; ALE/RL LETTER 94-ERB-135; CONFIRMATION OF ACTIONS TO DETERMINE ADEQUACY OF DECOMMISSIONING EFFORTS AT HANFORD TO DATE--

Dear Mr. Wagoner:

The department of Energy letter, 94-ERB-135, of June 9, 1994 described planning to complete decommissioning of the water wells on the North Slope. The actions associated with this decommissioning can result in an increased risk of injury to the ground water system under the North Slope in the future, if not properly accomplished. Such injury would occur as a result of the communication between aquifers by incompletely plugged bore holes that connect discrete aquifers. Such communication compromises natural integrity of the hydro/geologic system developed in geologic time frames and thereby the natural water resource to unnecessary contamination from man-induced contamination or natural constituents, such as gas and oil.

We have in the past agreed with the requirement to plug the well surface to bottom. We consider such remediation is necessary to assure the natural isolation of the aquifers on the North Slope and elsewhere is maintained, thereby minimizing the potential for contamination of any given aquifer in the future. We consider this criteria is applicable to any bore hole at Hanford subject to decommissioning or remediation, including old oil and gas wells in the ALE or monitoring wells off the Site. We consider that full plugging, top-to-bottom, is necessary to adequately protect the ground water system.

The description of the process, of which we were notified by Mr. Willison in the subject letter, did not assure steps would be taken to accomplish plugging top-to-bottom in all the holes on the North Slope. The decision was left up to the State of Washington for final decommissioning requirements for the wells.

We do not consider the subject letter constitutes proper consultation regarding this key decommissioning activity. We consider that consultation entails identifying issues that are potentially unresolved to the mutual satisfaction of the Yakima Nation, discussing these issues and reaching a mutually

consult means to ask those or opinion - Jim B.

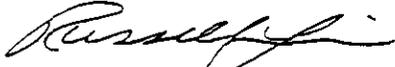
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agreeable course of action with appropriate requirements and standards to accomplish resolution. Mere notification, as was the apparent objective of Mr. Willison's letter, is insufficient.

Subsequent to the receipt of the subject letter, we met with DOE and contractor representatives and identified this issue and the requirements spelled out in our letter of October 1993 regarding well decommissioning, in particular the requirements for plugging bore holes top-to-bottom. At that meeting we noted that concern about disturbance of the surface at the well heads was not a valid basis for justifying incomplete plugging. We noted at the meeting that impacts from decommissioning activities should be minimized by design and that restoration actions should be taken to correct impacts following satisfactory decommissioning.

We wish to confirm the action stemming from the meeting to review decommissioning actions of DOE contractors to date and to decide on the adequacy of these actions to protect the ground water systems affected. We await technical information regarding the status of bore holes and the hydro/geologic systems affected.

Sincerely,



Russell Jim, Manager
Environmental Restoration/Waste Management Program
Yakama Indian Nation

cc: K. Clarke, DOE/RL
P. Willison, DOE/RL
M. Riveland, WA Ecol.
G. Emison, U.S. EPA Reg. 10
T. Grumbly, DOE/EM
Washington Gov., M. Lowry
U. S. Congressman, J. Inslee
U. S. Senator, P. Murray

R.L. Commitment Control

SEP 20 1994

Richland Operations Office

HANFORD ADVISORY BOARD

John Wagoner, Manager
Department of Energy, Richland Operations Office
PO Box 550 (A7-50)
Richland, WA 99352

September 22, 1994

Dear Mr. Wagoner:

As the Chair of the Hanford Advisory Board, I am forwarding to you the following statement which was adopted by the Board at its meeting on September 9, 1994:

1. The Hanford Advisory Board has concluded that Environmental Restoration milestones for remediation and protection of the Columbia River once again are underfunded and will not be met based on an internal USDOE cap on ER funding.
2. It is apparent that USDOE has failed to request from Congress adequate ER funds to meet its legal obligations under the Tri-Party Agreement, even prior to renegotiation to accelerate remediation.
3. To respond to the values adopted by the Hanford Advisory Board and prior advisory committees, urging acceleration of efforts to protect the Columbia River and groundwater and achieve future use goals, the negotiations must result in an accelerated workscope and USDOE must honor its obligation to request necessary funds.
4. To meet values related to cleanup (such as: "Stop the spread of contaminated groundwater"; "Get on with it"; and "Protect the Columbia River") and achieve the goal of accelerating unrestricted public use of the Hanford Reach corridor, greater priority must be given to Environmental Restoration in the allocation of the \$1.5 billion appropriated by Congress for Hanford cleanup, by transferring funds, increasing efficiency or removing artificial bureaucratic barriers. This acceleration of cleanup should continue to meet the previously stated values to protect public and worker health and safety.
5. Questions about the validity of the Environmental Restoration cost estimates must not negate the significance of the workscope recently developed through the negotiation process.
6. The Hanford Advisory Board does not support renegotiation of the scope of work outlined in the current TPA negotiations solely because of budget reasons.

4. Cessation of discharges and other actions that spread contaminants or hazards is an important priority to reach the goal of reducing hazards to the environment in and around, and to the public using, the Hanford Reach of the Columbia River.
5. An example of a milestone expressing a publicly supportable and understandable goal for remedial action as an interim step towards accelerated clean-up to achieve unrestricted usage of the Reach and shoreline would be: Reduction of radiological and hazardous / dangerous waste exposures to members of the public using the Hanford Reach to levels that are no greater than those allowed to members of the public from a licensed nuclear or hazardous waste treatment, storage and disposal facility by the Year 2000. This would involve reduction in radiation exposures to a level equivalent to 25 millirem per year to a person residing at the fence of the facility and reduction of hazardous waste concentrations in accessible waters to within levels approaching the Drinking Water Standard. These steps would be interim steps towards achieving a clean-up level consistent with unrestricted future use.
6. Current internal USDOE imposed budgetary ceilings for ER, that fail to account for the appropriate overall priority that should be given ER goals within the overall Hanford Clean-Up Budget, should not be allowed to interfere with the negotiation and implementation of milestones to meet these values.

SUMMARY OF IDEAS AND ADVICE ON ER REFOCUSING

In order to facilitate further discussion on ER Refocussing issues, depending on what comes out of the TPA negotiations, the Committee Chairs requested that the facilitators pull together a summary of the work the Board has done so far on Environmental Restoration. Therefore, we are including the following information in this paper and following:

1. A summary of the discussion from the September meeting on the "potential consensus points" from the August meeting
2. A summary of the advice already sent to the agencies on ER issues
3. A copy of the Values, Principles and Advice on Environmental Restoration prepared by Gerry Pollet and distributed at the last meeting.

Additionally, your packet contains in the Follow-up Materials Section the letter conveying the statement on ER (and budget shortfalls) adopted at the September Board meeting. Please review these materials to refresh your memory and consider what further, if any, action the Board may want to take on the ER Refocusing negotiations.

SUMMARY OF DISCUSSION AT SEPTEMBER MEETING ON POTENTIAL CONSENSUS POINTS

Get On With It

G. Pollet proposed that "get on with it" means accelerating the cleanup to initiate remedial actions that reduce risk to users of the Hanford Reach by the year 2000. It means accomplishing clean-up to levels allowing for "unrestricted use" of the Hanford Reach of the Columbia River and its islands, shorelines, near shore areas, groundwater and biota by the public significantly before the current 2018 deadline for completion of all Hanford clean-up.

M. Reeves expressed concern that the agencies would never get on with it or would start, but would do a lot of stuff that won't do much good. Todd Martin, HEAL, wanted to be sure that addressing the highest risk first doesn't mean to delay addressing the others.

G. deBruler asked why the soil washing milestone in August was missed. M. Thompson said it was because the procurement approach that was pursued did not work for purchasing the equipment needed. They had to go through it again and buy the entire system rather than piece by piece. He said they do not have the equipment on site and thus cannot get it done. He gave December or January as the time they hope to deliver on the milestone.

M. Thompson noted that milestones the end of September will deliver focused feasibility studies which will allow for a more complete work plan.

Use an Incremental Approach

A number of questions were raised about what an incremental approach really means. G. Rogers suggested if you are going to move soil, you have to wait until ERDF is finished. Does incremental mean doing soil washing in the meantime? Frank Ochoa, agricultural

assesses risks to workers and the public during cleanup.

George Hofer, EPA, announced his retirement effective the end of this month. He then gave his views on some of the cost issues in refocusing the Environmental Restoration. He said the key issue is the Cost Efficiency Initiative. If we cannot get the costs down, there will not be the money forthcoming to clean up. He pointed out that 53% of the federal budget is non-discretionary; 15% is interest expense; leaving 30% to fund everything else.

Additional or Related Information Needed

Suggestions for further information needed to give the Board a broader context for evaluating the clean up decisions in this area included: information on the regulatory framework, particularly the state law, MOCTA; information on how radio-nuclides go away with time; a clearer picture of what we are trying to clean up and why; definition of institutional controls; a health department presentation on background radiation and the RAD standards it is developing; and, a list or detailed memo on remedial action costs.

SUMMARY OF ADVICE ON ER ALREADY SENT TO THE AGENCIES

Advice Adopted in June, 1994

- (1) The values adopted in the Future Site Uses Working Group and the Tank Waste Task Force should be adhered to not only in ER, but in the overall Hanford Clean Up Program.
- (2) The Board supports the following:
 - (a) Integrating characterization and clean up;
 - (b) Holding to the 2018 date for completion of clean up (TPA Milestone 16); and
 - (c) Moving ahead rapidly with clean up in the 100 and 300 areas.
- (3) There is a need for ongoing evaluation of DOE and the regulators to ensure accountability once decisions on ER are made.

Advice Adopted in July, 1994 relating to ERDF

1. There is a need for a disposal facility.
2. The facility should be limited to waste from Hanford cleanup.
3. In order to carry out the values of protecting the Columbia River and getting on with the cleanup, work should proceed on the planning and design of the first phase without commitment to a specific site. The agencies must address and respond to the issues that have been raised in the small groups in an expeditious manner. A list of these issues is attached.

Statement of Intent: With respect to the word "commitment" as used above, the intent is not to commit a considerable amount of money to a particular site, in an

- * What are trenches made of? What will they be lined with? Scale and size of trenches?
- * Are wastes retrievable?
- * Scale/size: Are we committing too much money now without knowing whether or how well it will perform? Could it be demonstrated on a smaller scale first?
- * Are there current facilities that could be modified? Recycle/re-use?
- * Minimize waste that goes to ERDF/concentrate wastes when economically feasible.
- * How clean is clean? (separate issue)
- * Cumulative effect?
- * Public participation?
- * Does it make sense to organize wastes by type?
- * System of monitoring performance of system? Need for on-going oversight operationally.
- * How will we know what goes into it and if it is OK? Oversight that is broader than agencies.
- * Need for reassurance that we are not buying into an endless process.
- * Process with check points: question assumptions at each point.
- * Availability of judicial review important.

Group 3

- * Additional siting information: natural resource trustees.
- * Additional siting information (include cultural values).
- * Initial/ultimate size: rate of expansion. control (where, how often are cumulative impacts assessed?).
- * What is pre-operational. environmental baseline?
- * Contingency plan for blockage, archaeological sites, etc., litigation.
- * Describe regulatory streamlining scenarios, with effects, time, dollar costs, other trade-offs. Include life-cycle costs including NRDA. What are the trade-offs between long-term environmental protection values (e.g. soil capability) and habitat, future use.
- * Evaluation of "no action" alternative.

Group 4

- * Citizens review and suits mechanism.
- * Off-site waste restricted.
- * Timing of details (road map).
- * Public input on details (road map).
- * Waste acceptance.
- * Operations plan.
- * Closure.
- * Tribal/NRDC input.
- * A proposal from agencies with more information that the Hanford Advisory Board can understand, shorter answers, but assurance that agencies have worked out details which are available to the public.

Values, Principles and Advice
on Environmental Restoration

The following Principles, Values and Advice relating to the Tri-Party Agreement renegotiation of the Hanford Environmental Restoration program flow, in part, from concerns, conditions and previously offered advice which was provided for other processes:

* The public desires demonstrated progress for Hanford Clean-Up. Top priority for demonstrating progress, the public and TWRSTF have stated, should be placed upon protection of the Columbia River from additional contamination; and, accelerated clean-up of the River, shoreline, islands, near shore areas and groundwater.

Principle:

- Acceleration of clean-up means accomplishing clean-up to levels allowing for "unrestricted use" of the Hanford Reach of the Columbia River and its islands, shorelines, near shore areas, groundwater and biota by the public (specific uses to be determined by public processes taking into account Treaty, Trust and statutory obligations) significantly before the current 2018 deadline for completion of all Hanford Clean-Up.

* Renegotiation of the Environmental Restoration (ER) provisions of the Hanford Clean-Up Tri-Party Agreement was recognized by all three signatory agencies as necessary to meet public values for prioritizing the accelerated clean-up of the Hanford Reach and associated lands and biota.

* The USDOE did not request sufficient funds for the Environmental Restoration (ER) program to meet all current milestones and obligations of the ER provisions of the Tri-Party agreement for FY 1995.

- Inadequate funding was requested from Congress for FY 1994 and 1995 to ensure the initiation of remedial actions in the 100 and 300 Areas pursuant to current TPA milestones and federal law (remediation will not commence 15 months after Interim or Final Record of Decision (ROD) for 100 and 300 Area units - even if characterization and investigation are streamlined to reach RODs sooner and allow for phased clean-ups).

- Inadequate funding was requested from Congress for FY 1994 and 1995 to meet Milestone 15 obligation to complete Remedial Investigation / Feasibility Studies (RIFS) by 2005.

- Inadequate funding was requested from Congress for FY 1994 and 1995, and inadequate funding is included in the supporting outyear "Target Case" budgets, for the completion of remedial actions by 2018, which is the critical Milestone M-16 incorporating USDOE's obligation to complete clean-up by 2018.

- In response to repeated requests by the Dollars and Sense Committee of the Hanford Advisory Board, DOE-RL Manager John Wagoner wrote to Gerald Pollet on August 29, 1994 that the Congressional Budget Request for FY 1995 was submitted to "reflect: an assumption of successful Environmental Restoration (ER) refocusing. This includes an assumption of successful ER refocusing and changes to TPA milestones M-13, M-15, M-16, and M-20."

First Meeting of the Environmental Restoration Committee

Ralph Patt was selected temporary chairman of the new Environmental Restoration Committee for the Hanford Advisory Board (HAB) at a September 19th telephone conference of the committee.

The first meeting of the new committee will be at 4:00pm Thursday, October 6th at the Richland Red Lion (Hanford House) following the HAB regular meeting.

As temporary chairman Ralph has proposed the new committee develop a list of issues that the committee members should address over the upcoming months. Included in the list of issues would be input from the regulatory agencies, USDOE and other HAB committees.

A goal of the ER Committee will be to hear technical debate of the issues, assess them and make presentations and recommendations to the full HAB. Another goal of the ER committee will be to track the ongoing restoration work for the HAB.

The following is a working list of potential issues for the ER committee to focus attention on.

1. Expedited Response Actions
 - a) N Springs
 - b) Discharge pipes in the River
2. 100 Area cleanup
3. Environmental Restoration Disposal Site (ERDF)
4. Hanford Sitewide Groundwater Remediation Strategy
5. Interim Response Actions
 - a) 200 West ZP-1 proposed carbon tetrachloride cleanup
 - b) 200 East BP-1 soil cleanup options and cribs
 - c) 100 Area
6. Technology Development for cleanup
7. Columbia River Impact Study
8. Hanford Remedial Action EIS
9. 300 Area Cleanup
10. Sitewide Ecological Management Plan
11. Concept of "Worst First"
12. Unrestricted use vs. other alternatives
13. Risk assessment
14. Risk Reduction
15. Tri-Party milestones
16. C-018 groundwater discharge

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