



Confederated Tribes and Bands
of the Yakama Indian Nation

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Established by the
Treaty of June 9, 1855

January 26, 1996

Mr. Timothy Fields, Jr., FFER Committee Chair
Office of Solid Waste and Environmental Response
U.S. Environmental Protection Agency
401 M Street, SW (MC-5104)
Washington, DC 20460



Dear Mr. Fields:

Subject: FEDERAL FACILITIES ENVIRONMENTAL RESTORATION DIALOGUE
COMMITTEE (FFERDC) REPORT; YAKAMA NATION COMMENTS ON DRAFT CHAPTERS

Letters from Russell Jim, ER/WM Program Manager, to you in June and August 1995 stated concerns with respect to the FFERDC's report of the "Consensus Principles for Environmental Cleanup of Federal Facilities". These concerns were related to Yakama Nation Cultural values and the direct relationship of these cultural values to Treaty rights intended to preserve these values.

Mr. Jim noted that his interest in the federal facilities environmental management activities and participation on the subject committee had been relative to the Department of Energy's (DOE) operations at Hanford. Because of the complexity of these operations, he had consistently advocated a process that invokes a holistic systems approach in designing and implementing actions in a coordinated, cost effective manner at Hanford and throughout the operation of the federal facilities that affect each other.

NECESSITY FOR A HOLISTIC SYSTEMS APPROACH TO ENVIRONMENTAL
MANAGEMENT

It is our conclusion that the application of a holistic systems approach is necessary to assure Yakama Nation values, as well as the values of conventional stakeholders, are fairly observed and upheld by actions to operate and environmentally manage federal facilities. Principle 13 of the June 9, 1995 draft embodies this position. We consider adhering to this principle is absolutely necessary to achieve the goal of Hanford remediation, restoration, waste management and other related objectives, including waste disposal.

In a matter related to holistic systems integration of actions addressed by the FFERDC, Mr. Jim documented the necessity of considering disposal of wastes together with remediation and restoration as part of the definition of the term cleanup, this being a key operative term throughout the FFERDC Report. At Hanford, as elsewhere, remediation and disposal should be based on

a common ethic of not passing on environmental problems to future generations. This ethic is a keystone in the Yakama Culture, one Mr. Jim believes and had consistently advocated. It also was a value expressed by the stakeholders involved in the Hanford Future Uses Task Force. They expressed it in the statement that it was desirable that all Hanford lands be acceptable for "general use" by 100 years past closure.

Mr. Jim's written comments and Mr. Cook's direct input to the Committee have consistently indicated that the scope of the term "cleanup" must include disposal functions being planned and accomplished by the Federal government. In general, all activities under the umbrella of the term "Environmental Management" should be understood to be encompassed by the term "cleanup". However, the draft Principles document and other chapters have continued to avoid a clear definition of the terms "cleanup" and "clean up".

PROPOSED CHANGE TO RESOLVE

As a result of this short-coming, it is considered the entire document is faulted. The reason for the reluctance of the EPA to endorse the broad scope for the principles is unknown to us, however, a minor change to the report to include appropriate definitions of the terms "cleanup" and "clean up" could resolve this issue.

UNETHICAL AND UNREALISTIC DEPENDENCE UPON INSTITUTIONAL CONTROLS AND THE ACTION OF THE FUTURE GENERATIONS TO PROTECT PUBLIC HEALTH AND SAFETY AND THE ENVIRONMENT

As noted in previous correspondence, we find it unethical to suggest actions are acceptable that would allow the creation and use of disposal facilities or partially remediated sites that will pose a burden to future generations or an unacceptable hazard to the environment and the health and safety of future people.

Specifically, Principle 11, regarding the "Role of Future Land Use Determinations in Setting Cleanup Standards" is unacceptable to us. As noted by Mr. Cook, program alternate, in the Plenary session of June 6-7, it is necessary to specify an interim time frame for "cleanup" actions during which it is appropriate to assume institutional controls and enforcement of restrictive uses to assure health and safety for people and populations and assure protection of the environment. However, this interim status should not exceed 100 years. The ER/WM Program noted previously that this principle is consistent with the requirement for low-level radioactive waste disposal specified by the Nuclear Regulatory Commission for commercial wastes. It reflects the conclusion that reliance upon institutional controls to protect human health and safety and the environment, (and Yakama Nation values) beyond 100 years is not a valid assumption upon which to base environmental management decisions.

Discussion at page 35 (VI "Future Use Planning and Institutional Controls") in the draft report, regarding the use of institutional controls is inconsistent with the idea of limiting the use of this basic assumption for environmental management decisions to some reasonable time frame. Without a specification of reasonable temporal bounds for dependence upon institutional controls the discussion at page 35 unacceptable.

Attachment A is an excerpt from a letter to DOE that addresses this issue at Hanford, reflecting the Environmental Restoration/Waste Management Program's action to protect the Yakama Nation's interests there.

Alternate wording of the Principles that was found objectionable was contained in Mr. Jim's previous correspondence to you.

We regret that neither Mr. Jim nor Mr. Cook will be able to attend the upcoming plenary session of the FFERDC. We request that you include this letter and its attachment in the report as an Appendix. In addition, the Yakama Nation requests you footnote the disagreement by Mr. Jim with the scope/definitions, the Principles and/or other discussion in the text of the report at appropriate locations. This mode of registering Mr. Jim's dissent on specific aspects of earlier reports was utilized and was acceptable to the Yakama Nation.

Sincerely,



Carroll E. Palmer
Deputy Director, Department of Natural Resources
Yakama Indian Nation

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ATTACHMENT A: Excerpt from the Yakama Nation ER/WM Program letter to DOE of May, 1995, Subject: HANFORD 100-KR-2, 200-BP-1 AND 300 AREA PROCESS TRENCHES; COMMENTS ON REMEDIAL ACTIONS BEING PLANNED BY DOE/RL--

cc: K. Clarke, DOE/RL
L. McClain, DOE/RL
M. Riveland, WA Ecol.
C. Clarke, US EPA Reg. 10
T. Grumbly, DOE/EM
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