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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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October 7, 1997

Mr. Mike Thompson
U.S. Department of Energy
P.O. Box 550
Richland, WA 99352

Mr. George Sanders
U.S. Department of Energy
P.O. Box 550
Richland, WA 99352



Dear Messrs. Thompson and Sanders:

Re: Milestone M-15-80-B Submittal/ Completion of the Columbia River
Comprehensive Impact Assessment (CRCIA)

This letter is to support the correspondence sent to Mr. Lloyd Piper, U. S. Department of Energy (USDOE) from Mr. Mike Wilson, Washington State Department of Ecology (Ecology), and Mr. Douglas Sherwood, Environmental Protection Agency, dated September 16, 1997. This letter further clarifies Ecology's concerns resulting from our review of your letter to Mr. Wilson and Mr. Sherwood, dated June 28, 1997, (USDOE letter #04393).

Ecology's concerns relate to tribal and stakeholder involvement, technical approach, management approach, incompleteness of the referenced letter to fulfill the intent of milestone M-15-80-B, and a general lack of commitment to continuing the CRCIA process. In the referenced June 28 letter, USDOE agrees with the need to do a cumulative impact assessment and has identified some activities which potentially can be used in a comprehensive assessment. However, Ecology was disappointed at the lack of USDOE commitment to complete a cumulative impact assessment. Ecology strongly supports the concept of a comprehensive impact assessment, in accordance with CRCIA requirements, and continuing the successful process of integrating government-to-government consultation and stakeholder involvement. Ecology sees the need for a commitment to manage the assessment in a sitewide cross-programmatic manner and the need to resolve our mutual concerns in a timely manner.

Tribal and Stakeholder Involvement

Ecology advocates a substantially different approach from USDOE in facilitating tribal, trustee, and stakeholder involvement. The CRCIA has been an unprecedented opportunity resulting in a process which has achieved substantial progress toward meaningful tribal and stakeholder involvement. It is Ecology's desire to maintain this progress and to move forward in the CRCIA process through continued utilization of tribal and other stakeholder involvement. By limiting stakeholder involvement to Hanford Advisory Board (HAB) input only and an apparently separate tribal consultation process, rather than supporting a team approach, USDOE's proposal is in conflict, not only with Ecology, but with stakeholder recommendations and opinions. Several HAB members who have been involved in this project over the past several years have been very explicit in stating it is not appropriate to relegate all stakeholder participation to the HAB. Ecology shares USDOE's desire to assure a broad range of public input to a cumulative/comprehensive risk assessment, and giving the HAB an expanded role may be appropriate. In addition to a possible expanded HAB presence, Ecology believes it is also appropriate to continue with a team approach capable of interacting with other groups such as the Hanford Natural Resource Trustee Council.

Completing a comprehensive/cumulative assessment, maintaining both technical and stakeholder credibility, has always been the primary goal for Ecology. The result of USDOE withdrawing support for the integration of government-to-government consultation and stakeholder involvement and returning to the unacceptable "decide, announce, defend" approach will seriously impact USDOE's credibility among stakeholders. This will also jeopardize the technical credibility of future cumulative assessment efforts.

References in the letter to the Federal Advisory Committee Act (FACA) seem somewhat confusing. A few years ago, when the CRCIA project managers attempted to convene an expert panel to resolve technical issues, USDOE adamantly averred that compliance with FACA would not allow an expert panel to convene. Subsequently, independent peer reviewers were used and the CRCIA management team was established. In the June 28 letter, USDOE appears to imply compliance with FACA only allows stakeholder involvement through the HAB. Also, it seems convening a panel of technical experts would now be acceptable. On the surface there appears to be a lack of consistency in interpreting FACA. FACA was not a barrier to achieving the CRCIA team successes of the last two years and we do not believe it will prevent future progress.

Technical Approach

The technical approach proposed by USDOE appears flawed and will likely result in inadequate results, delay, and added expense. Ecology supports the CRCIA Team proposal which includes:

- clarifying endpoints,

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- defining the project scope,
- using a holistic approach (breadth) to completing the CRCIA, and
- allocating resources based on significance (as a function of uncertainty and dominance) and designed sequence.

Concerning priority, USDOE states in the referenced June 28 letter, "Generally, RL considers physical cleanup to be the highest priority followed by characterization, with long-term risk assessment following." While Ecology also has a high priority on physical cleanup, our approach generally differs from USDOE's stated prioritization scheme. In order to complete a cost-effective cleanup, Ecology generally expects some degree of waste characterization to necessarily precede cleanup actions. Final cleanup decisions typically must include some consideration of long-term risk, as required by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). To perform a cleanup without characterization and before determining associated long term-risk is shortsighted and may result in inadequate or inappropriate cleanup, extensive delay and additional expense. The resulting impact of a cleanup decision or a tool development should be evaluated in terms of relevance to the end point before extensive resources are allocated to its implementation.

The "composite analysis" referenced in the letter and recently presented to the regulators is neither comprehensive nor cumulative. While the composite analysis can contribute to a cumulative assessment, where does USDOE plan to go from there? How does USDOE plan to complete a cumulative/comprehensive assessment? There is a need to identify other ongoing and planned workscope at Hanford which is associated with CRCIA.

Ecology agrees with the need to develop tools which can be used on a sitewide basis. However, this should be done with stakeholder input and in planned sequence based on project design as well as opportunity.

Management Approach

Activities called for by the CRCIA team is clearly sitewide, not just within the Environmental Restoration (ER) program. There is a need to establish a framework in which to build a cumulative risk assessment and to include cross-programmatic coordination. This will necessitate USDOE commitment and involvement at a management level adequate to ensure cross-programmatic funding and integration.

Moving forward

Ecology believes that delineation of a successful path forward will necessarily include the following from USDOE:

- Establish a management framework in which to build a cumulative risk assessment
This will include cross-site cross-programmatic involvement. Activities called for by

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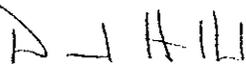
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- Establish a management framework in which to build a cumulative risk assessment. This will include cross-site cross-programmatic involvement. Activities called for by the CRCIA Team are clearly sitewide, not just within the Environmental Restoration (ER) program.
- Use a team approach integrating tribal government-to-government consultation with stakeholder and regulator involvement.
- Commit to complete a comprehensive risk assessment. Ecology's position is that new milestones must be established as a mechanism to achieve identifiable and substantive progress toward completion of the CRCIA.

The June 28 letter, submitted to fulfill milestone M-15-80-B, did not contain the proposed future milestones, as required, and subsequently fails to meet the intent of the milestone. The purpose for requiring future milestones was to ensure some form of commitment from USDOE to continue progress toward completion of the CRCIA. It is not Ecology's desire to belabor the milestone issue, but to extend a hand in offering to work with USDOE and other appropriate parties in designing a path forward to the completion of the CRCIA. To this end, we concur with recent Tri-Party discussions recommending facilitated sessions to resolve these issues.

We eagerly look forward to working towards a mutually acceptable approach to these matters. If you have any questions, please contact me at (509) 736-3027.

Sincerely,



David Holland
Environmental Specialist
Nuclear Waste Program

cc: Stuart Harris, CTUIR
Paul Danielson, NPT
Lino Niccolli, YIN
Tom Woods, YIN
Larry Gadbois, EPA
Doug Sherwood, EPA
Lloyd Piper, USDOE
Robert Stewart, USDOE
Greg deBruler, HAB
Steven Suatter, ODOE
Administrative Record: CRCIA Project File
Hanford Natural Resource Trustee Council: Geoff Tallent, Chair