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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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January 13, 2005

Mr. Matt McCormick
Richland Operations Office
United States Department of Energy
P.O. Box 550, MSIN: A5-11
Richland, Washington 99352

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EDMC

Dear Mr. McCormick:

Re: Remedial Investigation/Feasibility Study Work Plan Submitted to Comply with
Hanford Federal Facility Agreement and Compliance Order (HFFACO) Major
Milestone M-13-000

The Washington State Department of Ecology (Ecology) acknowledges receipt on December 27, 2004, of the United States Department of Energy (USDOE) letter 05-AMCP-0092, transmitting the:

“200-SW-1 Nonradioactive Landfills and Dumps Group Operable Unit and
200-SW-2 Radioactive Landfills and Dumps Group Operable Unit Remedial
Investigation/Feasibility Study Work Plan, DOE/RL-2004-60, Draft A”

USDOE submitted the work plan to fulfill HFFACO Major Milestone M-013-000, due December 31, 2004. The work plan was submitted as a Primary Document under HFFACO Action Plan Section 9.

Ecology’s preliminary review of the work plan indicates that it does not consider the “program goal, program management principles, and expectations” contained in the Code of Federal Regulations (CFR) 40 CFR 300.430. In other words, it is apparent that there are substantial differences between Ecology and USDOE in our respective understanding of the required scope of this remedial investigation/feasibility study (RI/FS) work plan. Ecology participated with USDOE in a process to define data quality objectives (DQOs) for this work plan. Ecology has not received a copy of the DQO report prepared by Fluor Hanford, Inc. for USDOE.

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The Draft A work plan submitted by USDOE is incomplete. The major areas of concern are:

1. USDOE has not demonstrated a "conceptual understanding of the site based on the evaluation of existing data" required by 40 CFR 300.430(b)(2). The conceptual understanding was not demonstrated because conflicting information is presented. The draft work plan repeatedly dismisses the possibility of releases to groundwater from the "Bin 3" sites. This is contradictory to information presented in the work plan that shows potential burial of various types of liquid wastes (page 2-11, 2-17), groundwater monitoring that gives indicators of contamination (page 3-15, 3-16), as well as cited evidence of flooding in burial grounds (page 2-24, 3-9). USDOE shall revise the work plan to update the site conceptual model and evaluate the groundwater pathway.
2. USDOE has not identified "likely response scenarios" [plural] as required by 40 CFR 300.430(b)(3). The RI/FS work plan presents a stated presumptive remedy of capping for Bin 3A sites (pages vi and 1-4, et seq.), supported by the National Environmental Policy Act of 1969 (NEPA) solid waste environmental impact statement (EIS). A NEPA evaluation of the environmental consequences of a desired action supports, and does not supersede, the closure process required under Washington Administrative Code (WAC) 173-303. Conversely, the likely response scenarios for Bin 3B sites is limited to a vague "will be evaluated" (page vi and 1-4, et seq.) and should be updated to list multiple, more specific response scenarios.
3. USDOE's failure to identify "likely response scenarios" is inconsistent with the *200 Areas Remedial Investigation/Feasibility Study Implementation Plan -- Environmental Restoration Program*, Rev. 0, DOE/RL-98-28. USDOE conferred with Ecology to identify DQOs as required by 40 CFR 300.430(b). USDOE then failed to incorporate into the Draft A work plan the DQOs identified by Ecology for the Bin 3 sites. The current sampling plan in the RI/FS work plan for Bin 3B sites shows a bias to use the analogous sites streamlining approach in order to support a capping decision. Specifically, the Bin 3B dry waste sites only identify sampling at selected chosen trenches, which may not be representative of all the waste in the burial ground (page A-81). Because of the lack of consistent waste in the burial grounds, the Bin 3B sites should be evaluated for other streamlining approaches identified in DOE/RL-98-28. Ecology previously requested that USDOE complete a balanced evaluation of all five streamlining approaches described in DOE/RL-98-28.
4. USDOE has not identified "the type, quality, and quantity of the data that will be collected during the RI/FS to support decisions regarding remedial response activities" [plural] as required by 40 CFR 300.430(b)(5). Instead, the Draft A work plan shows a clear bias to a single response activity [singular]: the remedy of capping for Bin 3B sites. This bias is reflected throughout the work plan (page vi, et seq) and in the sampling and analysis plan.

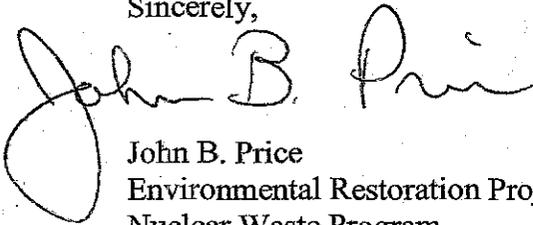
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5. USDOE has not begun to identify needed treatability tests, which is a RI/FS scoping task as described in 40 CFR 300.430(b)(4). Ecology told USDOE during the development of DQOs that USDOE should plan for treatability tests to identify potential worker dose and cost parameters for excavation and treatment of waste from Bin 3B sites. Also, the RI/FS work plan fails to discuss treatability tests or identify potential technologies for all forms of waste (e.g., large buried equipment in the industrial burial grounds, transuranic material in non-TSD burial grounds).

Because of the nature and substance of Ecology's comments, the normal review and comment process for primary documents (HFFACO Figure 9-1 and 9-2) will not support USDOE's proposed RI/FS schedule (Section 6 of this work plan). Also, the normal review and comment process would require significant staff time and cost for Ecology, USDOE, and USDOE's contractors. Therefore, Ecology suggests that our two agencies participate in collaborative workshops to identify and resolve major differences. Ecology is prepared to furnish a third-party professional facilitator and begin the workshops on or about January 27, 2005. Please acknowledge your willingness to commit USDOE to these workshops as soon as possible, but no later than 15 days from receipt of this letter. In the absence of an agreement on scheduling workshops, Ecology will expect USDOE's response to our comments on major areas of concern, and a plan for updating the document within 30 days, as required by HFFACO Figure 9-1.

If you have any questions, please contact me at (509) 372-7921 or Ron Skinnarland at (509) 372-7924.

Sincerely,



John B. Price
Environmental Restoration Project Manager
Nuclear Waste Program

lkd

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Environmental Portal