

(Tape begins with non-topic conversation.)

0053735

Speaker 1

My name is Greg deBruler and I'm commenting on the 100 Area Burial Grounds. Umm, I thank the agencies for deciding they're going to remove and treat and dispose of it and I hope they do that through the 100 Areas and all the 300 Areas. Thank you very much.

(Interval of non-topic conversation.)

RECEIVED
OCT 03 2000

Speaker 2

EDMC

I'm going to start by picking up where we were with Scott. This is Jerry Pollet with Heart of America Northwest...and I think we need to have a concerted, serious workshop to put together those values and define what model is appropriate...and there needs to be assistance to the public interest communities (parts of spade) in that workshop and to get the parties together and come up with one model. I thought we were on the road to doing that and I'm disappointed that the record and comments from the workshops here in Hood River, Portland, Tri-Cities, from 1999 are totally ignored in the Focused Feasibility Study and there is no effort to incorporate them into the Maximum Reasonable Exposure Scenario...umm, and I know that they are being utilized informally for the Record of Decision, to some degree, but that is totally inadequate and it's a real failure of the department, in terms of public involvement, that we had these workshops, we had input and the Focused Feasibility Study never addresses anything from those workshops...and we'd like the record and comments from the 100 Area Risk Workshops (I think that was their name...whatever...ahh...the proper name was) ...ahh, we'd like the record and comments put into the administrative record for each of the 100 Area Records of Decision and the 300 Area Records of Decision. And we'd like to have those comments utilized for purposes of defining Maximum Reasonable Exposure Scenarios, pursuant to MTCA and CERCLA. We think that it's important to utilize the public input on mat...on the Maximum Reasonable Exposure Scenario for the risk assessments, not just for things that are obvious, like fish consumption, which we've talked a lot about tonight, but to get input from tribes as to long term expectations of fish consumption, and if tribes can't give formal comment, to utilize existing data, including what was put into the record already, and I want to point out that the Department of Energy has a formal trust obligation to utilize that data in its Feasibility Study and it failed to do so...and whether or not the tribes submit additional comments, is irrelevant to that trust responsibility. Umm, the...it's very clear that the RESRAD model...is ahh...the default assumption is significantly less than the MTCA default value, and approximately ten times less than...documentation provided by the Columbia River Inter-Tribal Fisheries Commission last year. Umm, and we think that we should put all that together and there needs to be a workshop with support to...roll up people's sleeves and say "What are we going to do for all of these Records of Decision?" Umm, I'd like to put into the record that we're disappointed that the proposal was not distributed to the people who went to the workshops...umm, and if it wasn't for Dennis last week, Heart of America Northwest wouldn't have even gotten a Focused Feasibility Study and Proposed Plan. Umm, there should have been notice to everyone who participated in the workshops...and that input is essential to legally define the Maximum Reasonable Exposure Scenario. Umm...the...Focused Feasibility Study, fails to meet the basic requirements of the TPA of CERCLA and MTCA, and we believe that the Department of Ecology and EPA should examine whether or not the Focused Feasibility Study failed to meet the milestone for submittal and penalties should be exacted...umm,

without slowing down the Record of Decision, expect for defining the Maximum Reasonable Exposure Scenario. Umm, an example is that the Feasibility Study at pages 3-4 uses the HSRA Recreational Scenario of a person camping seven days a year, quote, "this duration is considered a reasonable maximum exposure for the valuation of risk," unquote, totally ignoring every single input and legal requirement under CERCLA and MTCA...and it is a disgrace that our money was wasted on a Feasibility Study that said the maximum reasonable exposure is seven days of camping a year. Umm, and as I said, it is also a violation of treaty rights to assume that. The entire basis of the analysis for the proposed Record of Decision, which relies upon a Focused Feasibility Study that is so legally inadequate, is therefore suspect. The goal stated in the Feasibility Study fails to even refer to the legal requirements for Maximum Reasonable Exposure Scenario and replaces the exposure scenario with a time limited land use plan and a goal of, quote, "provide conditions suitable for future land use of the 100 Areas, as presented in the final Hanford Comprehensive Land Use Plan EIS and is documented in the 100 Area Land Use Record of Decision," unquote...that's at ES-3. We'd like to point out that the Regulators formally objected to the use of the Comprehensive Land Use Plan for any long term exposure planning or remedial action objectives, and put that in the record and repeatedly made that objection known to the Department of Energy. However, instead of using that document for the limited purpose they claimed it would be used for, as of March 2000, when the Feasibility Study was issued, the Department of Energy was improperly using that as the Remedial Action objective. We want to note also that the Feasibility Study and Proposed Plan needs to be reexamined, in light of the designation of the Hanford Reach as a national monument, under the Antiquities Act. Monument status will dramatically increase use and pressure for residential use at the boundary of the monument, including areas that right now, for the 300 Area and associated sites especially, and immediately inland, might be currently assumed to have an industrial use. That land use, we believe, will not last long, higher uses will prevail over...umm, the foreseeable future, because of the designation of the monument. Furthermore, monument status has very specific additional legal protections which have never been considered in any plan or Feasibility Study by the Department of Energy. Monument status means that the area is subject to additional ambient water quality and air quality standards, which have never been considered. The Feasibility Study fails to use unrestricted use, with a permanent remedy, as we echo the comment of Columbia River Keepers, that the remedy selected must be removal, not containment...and the Feasibility Study is violative of both CERCLA and MTCA by being based entirely on not only a restricted use scenario, but institutional controls and containment instead of retrieval. EPA and Ecology; therefore, we believe, should issue a notice of violation for failure to comply with the substantive legal requirements...and ...once and for all, put an end to the Department attempting to circumvent MTCA, CERCLA and to substitute its own land use planning for unrestricted use requirements and Maximum Reasonable Exposure Scenario requirements. The permanence of remedy is required...and one of the reasons we feel it's so important to exact a penalty here is that the Department of Energy falsely asserts, quote, "NEPA values are fulfilled under the containment alternative," unquote, which ignored all public input and treaty rights and the legal requirements. By basing any analysis of impact on this arbitrary, capricious, and non-compliant finding, the Department renders the Feasibility Study unusable for purposes of SEPA...and there is no exemption under Model Toxics Control Act, and RCRA, and our state laws to allow the substitution of the Feasibility Study for SEPA analysis, and for all state purposes, the Feasibility Study is supposed to meet SEPA requirements, and instead it is demonstrably far short of meeting SEPA and NEPA requirements.

The...we've talked about, tonight, about the soil action levels and we believe that the maximum reasonable exposure scenarios and remedial action levels need to utilize the work done at Rock Flats for input to the proper models for risk assessment, including the work done by the Soil Action Level Oversight Panel and Risk Assessment Corporation which found that the RESRAD assumptions and model were inadequate for exposure scenarios, to determine the maximum exposure scenario, especially by failing to consider the impact of fire on the surface and the re-suspension of contaminants. As a result of that work, it is recommended at Rocky Flats by the Soil Action Oversight Panel and Risk Assessment Corporation that the plutonium level, for cleanup at Rocky Flats, be reduced extremely significantly to a level lower than proposed for the 100 Area RODs and that work needs to be examined as part of this proposed plan. RESRAD needs to be run using the MTCA inputs and maximum reasonable exposure scenarios to protect the individual. The one in one hundred thousand additional cancers must be the basis for decision making summing all carcinogens including radionuclides, rather than separating out radiation from all other carcinogens.

Turning to the Burial Grounds themselves, we believe that there needs to be far better exercise of control, identification of contaminants, and characterization of wastes exhumed than was done in the 300 Area. We need to learn lessons from the 300 Area Burial Grounds and Ponds and note that we are extremely concerned about the fact that there doesn't seem to be recognition that exhumed wastes from the Burial Grounds, 618-4 in particular, had radiation levels that far exceed what would be expected if the barrels exhumed were actually just uranium...and they seem to indicate a gamma source and yet the workers were handling them as if they were contact handled...uh, handleable uranium wastes. Umm, and that has us extremely concerned about what we will find in the 100 Area Burial Grounds, where we expect to find similar gamma sources. Umm, we believe it is wrong for the Feasibility Study (see page 3) to say that there will be no release, and has been no release, to groundwater, with the exception of 118-F-2. We believe that there have been releases to groundwater from burial grounds and that there are potential releases from...and that the 300 Area Burial Ground experience would show that there was migration and we need to examine the migration rate very carefully rather than simply bring in a backhoe, dig it up, and say, "Well, two feet below the level of the buried wastes, we didn't find anything, so there is no migration." Well if in thirty years it moved a foot and a half, we need to examine what that means because it destroys the model for the 100 Area, which is no migration from these burial grounds.

Like to close talking about ecological risk and that the Feasibility Study and Proposed Plan and ROD need to protect both the national monument and endangered species, and the new requirements are not considered or incorporated into these documents at all. The Endangered Species Act listing of Upper Columbia River Steelhead, Spring Chinook, and Spring Chinook Salmon...umm, now is in effect and a legal definition of harm has been issued, which includes discharging pollutants into the habitats of the listed species. The habitat, critical habitat, is defined on March 17, 2000, as including the Hanford Reach of the Columbia River. The definition of harm includes the groundwater discharge of pollution from a contaminated site. The groundwater from these sites in the 100 and 300 Areas communicates with the Columbia River and this is well established as a discharge under the Clean Water Act. Therefore, it is harm, and under newly promulgated rules, I think effective today, as of today, it is a criminal act as well. Contaminating plant, fish, and wildlife is also defined as harm, as of today, and it is the duty of the Department of Energy and EPA right now to show that the action will result in no harm...and that burden has not been met, or attempted to be met in any one

of these documents. I want to repeat that, it is the duty of the Federal agencies now to show that the actions will result in no harm, and there is no work done to show that there will be no harm to the ecological receptors. The National Contingency Plan requires all evaluations to, quote, "Assess threats to critical habitats of species protected under the ESA." Umm, we think that the Feasibility Study is patently ridiculous to assert that if you protect human health, you've protected ecological receptors. We can simply look at a list of...take the hazard index for...numerous chemicals and see a hazard index of one, which is the cleanup action level, and take a look at that and run fish bioassay tests or other tests and show that that contaminant level is not protective of ecological receptors. Umm, we think that it is entirely inappropriate to simply make that assertion, as we said, it is legally incumbent on the agencies to go back and say that, ...umm, while and interim action may be take to protect human health, additional work must be done and Ecology's current guidance and proposed rule for ecological risk assessment road mapping needs to be followed at a minimum, and there's been no attempt to do that here. That's...completes our comments. Thank you for...sitting there, patiently.

Speaker 3

Cindy deBruler, executive director of Columbia River Keeper. Umm, very short comments, thanks for coming here tonight, Dennis...umm, appreciate your efforts. Umm, what I find extremely frustrating is the fact that we did have quite a sizeable group of people that were involved in the workshop on this issue, and really spent some serious time trying to think it through, understand it, and provide good comments. Umm, not one of those people is back here tonight...umm, what that shows to me is a serious...umm, very, very serious ...umm failing in the public involvement process with all of the Hanford cleanup. Umm, it's pointless for us to keep having meetings if there's no continuum, if people aren't notified...umm...it's not our job to get those people back tonight, it's yours...and unfortunately I, too do not see that their comments were incorporated into this. Umm, you have no real mechanism now for getting comments from those people, or feedback, so it really shows a huge waste of time, your time ...umm, our money, spent on this whole process, when if we're going to have Department of Health do unrealistic models that lead nowhere and are totally meaningless in a vacuum, and that's what we're gonna use for cleanup standards, then we might as well just do them in a vacuum, instead of spa...saying that we're doing public involvement, when we're not.

(End of tape.)