

Proposed Plan Public Hearing
6/2/05



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1987 there was no funding or plan for Hanford cleanup. In 1987 it was discussed that the clean up budget may be \$30,000,000 dollars a year, compared to this year's budget of \$2.1 Billion. This is the cutoff to determine if we have units in the "Past Practices Program" or under the requirements for the Resource Conservation and Recovery Act (RCRA) and Washington Hazardous Waste permits for closure. If they were active units in 1987 than it has always been agreed and the public has always expected they would have to go through closure with a permitting process, which is more rigorous and involves certain types of characterizations, public review and state action which is different than the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). In particular the public guarantees are very different and EPA has said we only follow the substance but not the procedure of State Law, we see that over and over again. In 1987 the Department of Energy refused, adamantly, to submit to Washington State Hazards authority for the U plant and the Plutonium Finishing Plant, and they fought tooth and nail through the early 1990s against the Department of Ecology having authority under the States Hazardous Waste Act. An example of that is the very discharge cribs and process we are talking about tonight.

I know because in 1991 I filed suit to stop those very discharges that the Department of Energy now wants to be reworded for having failed to meet the stat requirements and resisting those requirements. They want to be reworded for that by having the practice units put into past practices status despite the lack of any documentation that hazardous wastes and any solid waste is not disposed into the ground in these units, which would trigger them being under the RCRA, Washington State Hazardous Waste Act.

It violates sound public policy to reward the nation's worst polluter, and the Department of Energy is the nation's worst polluter, and most egregious violator of Federal and State Hazardous waste laws. The Department of Energy fought tooth and nail against these very processes being permitted. They fought tooth and nail against similar procederes for the Plutonium Finishing plant, which was being considered at the same time, you may recall that they were trying to restart both of them under the same program in the early 1990s. In 1994 when the State of Washington said that you must, under Hazardous waste management act authority, you must get rid of within ninety days all unused chemicals, the United States Department of Energy deliberately and willfully violated the law and refused to take any action. Three years later a tank full of hydroxylamine nitrate exploded, as a direct result of that violation, in the Plutonium Reclamation facility. People were injured. Similar chemicals were present in the Uranium Oxide plant and were discharged to these cribs through the 1980s and into the 1090s. There was a chemical process sewer, there were discharges to it and it belongs in the RCRA closure program. The U-12 crib had phosphoric acid, sulfuric acid, and of

course uranium in huge quantities disposed to it. The Department of Energy has said to the Department of Ecology, trust us, we refuse to submit to your authority for what is required for treating that as a Hazardous Waste Management Unit, when we added those chemicals and tried to neutralized the waste streams in 1987, but trust us we kept the PH level above 2, so it wasn't a hazardous waste discharge. We [Fed. Gov.] didn't submit to your authority in how to sample, and there are known sampling upsets in the documents you have provided. You didn't sample for anything else, no other hazardous constituents were sampled for. We know that hazardous materials went to the cribs. Even if pure water went into the crib, after that date it was a treatment and storage unity without a permit and even adding pure water to it violated the law and requires it to be closed under the RCRA program not under the CERCLA past practices act.

All this brings us to, the importance in the Washington State Law of the characterizations of requirements which are being avoided by this CERCLA approach. Washington State's, or rather Washington's Administrative Codes, are very clear about characterizations and sampling requirements and these are exactly what is being avoided and has been hit upon here tonight. It is self-evident when people take a look at it that sampling is inadequate to meet any meaningful decision criteria. There for this plan needs to be withdrawn, and reissued only after there is actual characterization of each of the waste sites. Through a statistically valid sampling process. The most analogist waste site for all we know for some of these may very will be the 300 area burial grounds, where workers unsuspectingly went in and started digging up barrels that were failing with toxic chemicals and pyrophoric uranium packed in mineral oil and had there been a spark we would have had a terrible conflagration. Had the wild fire of 2000 reached that site, and it stopped 400 yards away, we would have had a terrible conflagration. That type of constituent has never been sampled for in these unities and we have to consider what would happen if they are in there and we haven't evaluated them in these planes. We don't have in fact an evaluation of what would happen if indeed we have a high organic content and vapor problems in these units. You don't have an evaluation of what happens in the event of pyrophoric materials or incompatible chemicals fifteen years from now in your natural monitored contention site having spontaneous ignition, but we know that the burial grounds in the 200 area had spontaneous ignitions events that were very significant in the past.

We don't know the lateral spread of contamination without sampling and it is vital that we have much more knowledge about the lateral spread of contamination in order to know whether these caps will be even moderately affected. We don't know the quantity of transuranic waste in these burial grounds it is apparently quite significant and of course DOE says it is not transuranic waste because we dumped it before 1970 and the magic cutoff. Let's just call it transuranic if it was retrieved waste, and it would qualify as transuranic waste. And the question is that this plan ignores this advice of the Advisory Board, citizen groups and the public that transuranic waste doesn't belong in the soil at Hanford, period, and it needs to be retrieved as a value and that has not been addressed at all in this purposed plan and the evaluation. The quantity may be very significant in this area. In fact we are sure that it is based on the materials reviewed for the 2000 data base by DOE, which showed that there is about 18 times more transuranic contaminated soil above 100 nanocuries per gram and TRU waste in the burial grounds than in the stored retrievable program.

Secondly the RI/FS and the plan needs to be revised and then reissued presenting to the public with cost estimates so we can make reasonable decisions the suite of alternatives where you retrieve, treat and dispose to the extent practical prior to capping 5 sites or monitoring 9 sites. This alternative needs to be formally evaluated and presented to the public and it is not in here. Instead it is just all or nothing. Monitor natural attenuation, do nothing, or retrieve and dispose for other sites, but there is no explanation and rationale for why we should not retrieve the extant practical.

That brings up Washington States waste management priorities which have been ignored. I find it ironic John [John Price – Dept. of Ecology] to have you present this and not mention Washington States criteria which is slightly different than SuperFund criteria because we have a clear preference for a permanent remedy and a very clear set of priorities that say first we retrieve before we use an institutional control and a cap is really nothing more than an institutional control that will fail. The failure to present this alternative is inconsistent there for with both CERCLA and Washington States standards and it is important that we go back and present this information to the public in a new plan and we see what I suspect is the truth that the costs overall of having a more protective cleanup is not all that high. It's important that we also understand that this notion that we can change later under the plug in approach doesn't give the public this overall view of what should be the plan for the entire area. It is actually an after the fact piece meal with no guarantee of public involvement and notice, then we assure you that we will come back to an advisory board or something if DOE hasn't gotten rid of it, isn't adequate. This is one reason under the state law we have more protection than under Super Fund for that type of public notice and involvement, but making post decision changes to the remedy presupposes that before the public even hears about it, let's face it that you from the regulators side have won a huge fight with the Department of Energy without even presenting to the public that a remedy change should even be considered, and how many times are we to see that actually happen no matter what the facts show interim results of sampling at that stage.

For the sake of time I am going to stop right there and say that in summary, First its vital all unity that received waste after 1987 be considered under the states RCRA delegation authority and closed with closure permits as is a requirement of law. Secondly the plan needs to be reissued reevaluating the alternatives and using appropriate state standards. I'll just say that the appropriate state standards which as I said earlier today include the states hazardous waste clean up standard for carcinogens which is not 15 milligrams which is about 30 times higher than the total carcinogen exposure and risk for a child. We have to meet a total carcinogen of 100 thousand not 4 in ten thousand for adults. When you come back with a meaningful sample program and this information we are confident that the evidence will show that we ought to be able to protect ground water instead of saying were going to essentially rely on institutional controls and allow further contamination of ground water for the next 150 years. Thank You.