



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 REGION 10 HANFORD/INL PROJECT OFFICE
 309 Bradley Boulevard, Suite 115
 Richland, Washington 99352

May 12, 2006

John Sands
 U.S. Department of Energy
 PO Box 550, A3-04
 Richland, WA 99352

RECEIVED
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EDMC

Re: Regulatory Agency Comments on TPA-CN-151 and Proposed Modifications to the
 Sitewide Institutional Controls Plan for the Hanford Site

Dear Mr. Sands:

The Washington State Department of Ecology (Ecology) and the U.S. Environmental Protection Agency (EPA) appreciate the opportunity to review and comment on the modifications to the Sitewide Institutional Controls Plan for the Hanford Site as proposed in the Tri-Party Agreement change notice TPA-CN-151. The change notice was submitted by the U.S. Department of Energy (DOE) to Ecology and EPA to partially fulfill the requirement in the Record of Decision for the 221-U Facility to update the Sitewide Institutional Controls Plan with institutional control requirements necessary to ensure an effective remedy. The requirement to update the Sitewide Institutional Controls Plan will be considered complete when the enclosed comments from Ecology and EPA are addressed in a revised version of the plan and the change notice is signed by all three parties. 69262

Besides the update for the 221-U Facility Record of Decision, DOE proposes to change the frequency of the sitewide institutional controls comprehensive evaluation. Please see the enclosed comments from Ecology and EPA on the change notice and proposed modifications to the Sitewide Institutional Controls Plan.

If you have questions, contact Rick Bond at (509) 372-7885 or Craig Cameron at (509) 376-8665.

Rick Bond

Rick Bond
 Unit Manager, Ecology

Craig Cameron

Craig Cameron
 Project Manager, EPA

Enclosures: (2)

cc: Todd Martin, HAB
 Ken Niles, ODOE
 Stuart Harris, CTUIR

Gabriel Bohnee, NPT
 Russell Jim, YN
 Admin. Record: Sitewide Institutional Controls
 Plan; 221-U Facility (U Plant CDI)

**Washington State Department of Ecology Comments on the Change Notice
TPA-CN-151 regarding modifications/additions to the
Sitewide Institutional Controls Plan**

General Comments:

1. Ecology agrees with the comments provided by the US Environmental Protection Agency (transmitted with these comments).

Comments On Change Notice Form:

2. Tables A.5.1 and A.5.2, Header for the Second Column – Ecology does not agree with the wording for the heading in the second column of Tables A.5.1 and A.5.2 stating “How the Requirement is Met.” The requirement is met by doing exactly what is stated in the first column of the tables. This heading should say something to the effect that this column provides a “pointer” to where the issue is generally addressed in the Sitewide Institutional Controls Plan for all areas of the site.
3. Section 4.2 and the issue of frequency of assessments – Ecology agrees with increasing the frequency of assessing the effectiveness of institutional controls (ICs) as presented in the institutional controls plan 1 to 5 years **AS LONG AS** it is stated in Section 4.2 that assessments are still being done on an annual basis as required by several of the RODs and surveillance and maintenance plans, and that the 5 year assessment is primarily a “formal” role up of the annual, periodic, or routine assessments. It should also be discussed that, in general, ICs are always being assessed by the Department of Energy and their contractors on a day-to-day basis in the sense that if they see a problem, it is fixed as soon as reasonably possible. The IC plan should not give the impression that we are only evaluating ICs every 5 years. It should be clear that ICs are continuously evaluated, they are still required to be evaluated annually as per RODs, and on a periodic basis as per the S&M plans, and that the action taken every 5 years is more intended to reevaluate the ICs plan to see if we are meeting the objectives and if changes are needed to better achieve the goals of ICs.

**U.S. Environmental Protection Agency (EPA) Comments on
Change Notice TPA-CN-151 and Proposed Hanford Sitewide Institutional Controls Plan
Revision to
Address 221-U Facility Record of Decision Requirements**

May 10, 2006

General Comments

1. EPA agrees with the comments provided by the Washington State Department of Ecology (transmitted with these comments).
2. As discussed in previous meetings, EPA expects the development of an electronic copy of the Sitewide IC Plan that is maintained current as requirements from various RODs come in and that is posted on the web for public access. When any one of the Tri-Party Agencies feels it is important to produce a hard copy version, such a version will be printed. This is similar to how the Tri-Party Agreement changes are handled.
3. Not enough to simply plug in a table regurgitating the IC requirements from the 221-U Facility. There are unique requirements that deserve actual "revision" to the Sitewide IC Plan sections (see specific comments below). EPA believes that this will be especially true for this update and the one that follows when the 200-UW-1 IC requirements are incorporated. After these two groundbreaking RODs, there is likely less need to revise sections of the plan itself.

Comments on Change Notice Form (first page)

1. *Description of Change title.* Add onto the title sentence at the end, "and change the frequency of the comprehensive sitewide assessment."
2. *Description of Change section, last sentence.* Add the following to the end of the sentence, "to support CERCLA Five-Year Reviews."
3. *Justification and Impacts of Change section.* Separate into a Justification section and an Impacts of Change section. The Impacts of Change section should have an "Affected Documents" subsection. This subsection should list the Sitewide IC Plan as well as future RD/RA work plan(s) and O & M Plans for the 221-U Facility. It may also include S & M plans and anything that would have to be changed to implement the specific requirements of the ICs for 221-U.
4. *Justification section, second paragraph.* The first two sentences and uses of "Intranet" and "internet" are meant to be the same thing and should be "Intranet." Later the section describes the creation and posting of the Internet version.

5. *Justification section, last sentence.* What does it mean there are no impacts as a result of this modification? It would be best to delete this. Should list what actual impacts would be, even if just revising documents and maintaining proper active ICs at the 221-U site.
6. *Approvals section.* Need to have this page signed again as the text on the page will change and it wasn't supposed to be signed yet anyway. Please add EPA Program Manager and whatever Jane Hedges title is for Ecology as both agencies will have to have someone above the project manager level sign. This is true because we are changing the frequency of the comprehensive sitewide assessment and write-up and warrants a higher level of approval.

Comments on Rest of Change Notice Including Draft Sitewide IC Plan Text

1. *Page 2, paragraph under "A.5 221-U Facility ROD Institutional Control Requirements."* The second sentence needs to have an "and" between Remedial Action Work Plan and Surveillance and Maintenance Plan instead of an "or."
2. *Page 2, paragraph under "A.5 221-U Facility ROD Institutional Control Requirements."* The last sentence of the paragraph should use the term "Operation and Maintenance Plan" because this is recognized under CERCLA, is required by the ROD and will be referenced by the RD/RA work plan, and should be the document that contains implementing procedures and activities for ICs after construction of the remedy.
3. *Page 5, table on how ICs for 221-U are met.* First, agree with Ecology on their comments on the table. Cell entry for prohibitions of groundwater use. Section 2.2.4 does not explicitly include the exception to groundwater use prohibitions represented by limited research purposes. The section should be updated to include this, especially since the 200-UW-1 ROD will have the same language.
4. *Page 5, table on how ICs for 221-U are met.* Cell entry for prohibition of activities that would damage monitoring systems. There is nothing in Section 2.2.3 that explicitly calls for the protection of monitoring systems. Text should be added to the section for this requirement and should explain that monitoring systems can include ones for wells and also for monitoring of engineered barrier performance.
5. *Page 6, table on how ICs for 221-U are met.* Last row discusses reporting frequency. Besides the comments that Ecology made on the table, the Tri-Parties discussed how annual reporting might be done for the 221-U Facility. One of the suggestions was reporting annually at the September 200 Area Unit Manager meetings. It might be better to indicate this (if that is what we choose to do) in the next column rather than just referring to Section 4.2.

6. *Page 6, sentence right after table.* This note about adding a row for barriers is not an accurate reflection of what needs to be added. It should read something to the effect of the ICs necessary to protect barriers and a separate row created for barriers such as fences.
7. *Page 6, Section 2.2.6 Barriers.* Please split this up into a discussion of fences and other barriers to people and a different section for ICs to protect engineered barriers. Often times, engineered barriers are meant only to limit water infiltration, not block access and so they are much different than fences as are the ICs designed to protect the effectiveness of plant cover on these barriers, for example.
8. *Page 7, last sentence on page.* Please replace this sentence with the following language: "Based upon the results of the IC assessments and the ongoing review of ICs by individual projects, it has been determined that a sitewide review of ICs is most appropriately conducted in conjunction with the sitewide CERCLA Five-Year Review."
9. *Approval page for Sitewide IC Plan.* Please replace "M.L. Goldstein" with "A.L. Boyd."