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GERRY POLLET: Gerry Pollet, Heart of America Northwest continuing. This Agreement in Principle document says Executive Order 12580 assigns the responsibility for development of records of decisions to the Secretary of the Department of Energy for DOE sites, unquote, that's false, Executive Order 12580 does not say that. And even if it did the Federal Superfund law explicitly says in terms of development of the decision and selection of a remedial action that no authority vested in the administrator of EPA under this section may be transferred, comma, by executive order of the president or otherwise, comma, to any other officer or employee of the United States or to any other person, unquote, 42.USC.9620 Sub G. 106.0

It is ridiculous that this even appears in front of the public and that the regulators didn't simply laugh the Energy Department out of the room for asserting this. It is vital for the public to understand what this is about. Development of the record of decision is really development of the choice of and the record for the remedial action selection, that is where your comments are evaluated, reasonable alternatives are to be selected, evaluated, costs and benefits of doing a complete cleanup or leaving waste are put into the record for a final decision, that is vital to remain in the hands of EPA.

I'm sorry, Matt, you're the one in front of the room, but the Energy Department has a long history of not listening to the public, of not fully evaluating proposals, and this is best borne out by proposals that relate to the TPA changes in front of us. The Department of Energy's Richland office has an officially adopted baseline that is its plan for cleanup for the next several decades, that baseline plan assumes that these CERCLA cleanup sites will only be capped instead of cleaned up. You can't cap these sites and stop the contamination from spreading, but that is the Department of Energy's existing plan and baseline.

DOE has a bias here, EPA has a bias perhaps but it's a bias on as mandated by law for protection of the environment and human health in making a decision. I'd rather have EPA's bias, so would the public. It's vital that this agreement in principle proposal be scrapped and that EPA remain in front of the room collecting and creating the record as it is. We all know that the Department of Energy's contract is do field investigation, control the data and prepare drafts of these proposals, no change is warranted, we should just reject that out of hand. Thank you very much.

PENNY MABIE: Does anyone else wish to make additional comment? Did you want to? You've already spoken once so please again state your name.

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