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File Name:
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of the Umatilla Indian Reservation

DEPARTMENT OF SCIENCE AND ENGINEERING

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Department of Ecology
MWP - Richland

June 23, 2004

~~Ms. Laura Cusack~~
Department of Ecology
1315 W 4th Avenue
Kennewick, WA -99336

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EDMC

Subject: Comments on TPA M-45, Proposed Changes to Tank Waste Retrieval Milestones.

Dear Ms. Cusack,

The Confederated Tribes of the Umatilla Indian Reservation (CTUIR) Department of Science and Engineering (DOSE) is providing comments on the M-45 revision. We realize that the comments are somewhat late but we encourage you to consider them in your deliberations.

We believe that the greatest challenge to tank farm closures is to integrate each closure into the overall central plateau endstate or "source term." Section 3 discusses integration as a general requirement for tank closure, but without much detail. We probably cannot support the final closure of one tank at a time even if each tank is 99% retrieved. That is, unless there is a tangible and detailed Plateau-wide integration plan based on cumulative source terms and cumulative risk. We clearly support retrieval; however, final closure should not occur until we know that all the tank farms or the entire Plateau meets some yet-to-be-defined cumulative risk-based criteria. This is necessary because we may need to return and retrieve a tank or tanks at some point in time.

We support the requirement to meet the Hanford Site Groundwater Strategy as necessary but not entirely sufficient to protect human health and the environment. Integration must go much further and toward a truly multi-media and multi-contaminant and multi-source assessment. Therefore, we cannot support the less than 99% retrieval, which would occur under DOE's proposal to reclassify waste and leave large volumes grouted in place. We strongly urge Ecology to hold firm to its retrieval requirements.

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We support Ecology in protecting the aquifer as a state resource. However, we strongly object to allowing DOE to commit groundwater irreversibly and irretrievably with increased contamination due to solid waste and/or tank waste disposal. Groundwater is a trust resource of the CTUIR and the federal government and its agencies are obligated to protect such resources for the benefit of the CTUIR as well as for the general public.

Section 2.1.3 includes risk-based metrics. We have several comments in this regard:

- The long-term human health risks must be based not only on an intruder scenario, but also on occupational, residential, and Native American scenarios. Because the tank waste will be hazardous essentially forever, the full range of scenarios must be applied to post-retrieval conditions.
- The baseline or pre-retrieval risk assessment must use the same scenarios, including the CTUIR exposure scenario (upon update). We are aware that MTCA does not include this scenario, but it is clearly essential wherever there are Treaty-reserved rights. Further, the State of Washington has confirmed their trust responsibilities in the Centennial Accord.
- We support the use of the fence line for the WMA boundary rather than the 200 Area boundary of the Central Plateau boundary. We are still concerned regarding the method for closing individual tanks, individual tank farms, or the entire 200E and 200W areas, as well as developing a pan-Plateau source term that includes ERDF and US Ecology. We have not seen a plan for this level of integration, and we are unsure as to whether the Composite Analysis will provide the level.
- We wish to note that radiological and chemical risks must be summed which further underlines the need for a multi-contaminant risk-based approach and not simply by using a single constituent approach.

Sections 2.3 (soils) and 2.4 (groundwater) are unclear as to whether closure will be based on a multimedia approach. It is not enough to simply meet drinking water standards (which are not based on multimedia exposures such as drinking water plus irrigation plus soil-based exposures).

For example, there is a difference between standards-based closures and risk-based closures. (1) Standards-based closures simply meet standards for one contaminant at a time in one medium at a time. (2) Risk-based closures are based on multi-contaminant, multi-pathway exposures, and are much preferred over simply meeting standards. However, the risk-based closures must use the proper exposure scenarios, in particular the CTUIR scenario.

Along these same lines, we would like to be included in the Data Quality Objective (DQO) process and Sampling and Analysis Plan (SAP) development, especially for post-retrieval and closure verification sampling. We will be looking

for data that will be needed in the risk-based closure verification and long-term multi-media (soil plus groundwater) risk assessments using the CTUIR exposure scenario.

We would like to better understand the general rationale for sequencing retrieval and vitrification. We would also like to confirm that Ecology is standing firm on the 99% retrieval requirement even if DOE requests variances to leave more waste in tanks or continues its attempts at HLW reclassification.

We should note that on a recent visit to the tank farms, the guide very carefully used the terminology LAW rather than LLW. Does DOE believe it will succeed in reclassifying waste? If so, will the intention still be to retrieve 99%?

Thank you for the opportunity to provide comments and concerns. For further information or questions regarding the CTUIR comments, please contact me at 541-966-2400, and I will direct you to the proper staff person.

Sincerely,



fr Stuart G. Harris, Director
Department of Science and Engineering

Cc:

Patrick Sobotta, Nez Perce Tribe

Russell Jim, Yakama Nation

Ken Niles, Oregon Department of Energy

Jim Rasmussen, US DOE Office of River Protection