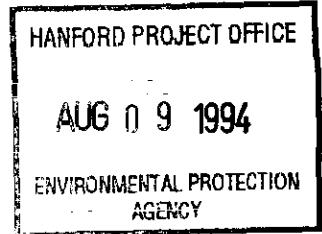
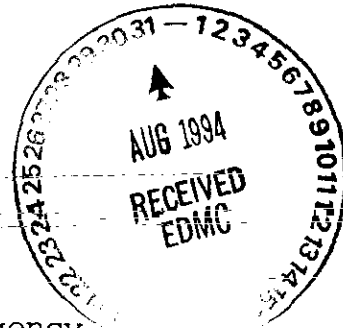


Confederated Tribes and Bands  
of the Yakima Indian Nation

Established by the  
Treaty of June 9, 1855



August 3, 1994

U.S. Environmental Protection Agency  
Attn: Pamela Innis  
712 Swift Blvd., Suite 5  
Richland, WA 99352

RE: Environmental Restoration Disposal Facility

The Yakama Nation has reviewed the regulatory package for the placement of waste generated during remediation of past practice sites at Hanford in an Environmental Restoration Disposal Facility (ERDF). By the direction of the Secretary of Energy, the Governor of the State of Washington, and the Regional Director of the Environmental Protection Agency, the Yakama Nation must be consulted prior to initiating actions of this magnitude. This response is to be considered an initial contact which must be followed by specific future consultation on the issues raised herein.

The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) regulates the cleanup effort at Hanford, and under CERCLA, all applicable or relevant and appropriate requirements (ARAR's) must be met. The Resource Conservation Recovery Act is an ARAR. Contained within RCRA are land disposal restrictions (LDR's) for hazardous waste. Under the LDR's, before waste can be placed at a location, it must comply with substantial prohibitions and treatment standards which diminish toxicity and migration. By designating ERDF as a RCRA Corrective Action Management Unit (CAMU), LDR's for that area can be legally suspended. However, under CAMU regulations, uncontaminated lands can only be included in a CAMU if doing so is more protective than management of the wastes at a contaminated area. The information published in the Federal Register along with the CAMU regulations states that "It is inadvisable to extend a CAMU to include areas that have not been degraded by historic waste management practices." 58 F.R. 8668. Thus, by going around prohibitions and treatments for the material going into the ground at the site, DOE is violating the intent of RCRA and the CAMU regulations by contaminating uncontaminated land. The Yakama Nation believes licensing ERDF as a CAMU is contrary to environmental law principles.

Further, the site selection process for ERDF was flawed. The potential locations were narrowed down to three sites without input from the Yakama Nation, a potential infringement on our

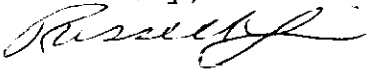
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legal rights. As a result of this, locations outside the 200 Area plateau were discarded because they are outside the area recommended by the Hanford Future Site Uses Working Group (HFSUWG) for waste management activities. Simply because that group made a broad recommendation is no reason to throw common sense out the window. None of the designated three sites are particularly favorable for several reasons, many of them cited by DOE in the ERDF regulatory package. Site 1 is the closest of the three to the Columbia River and public highways, and a BPA power line runs through the middle of the south side. DOE has talked to BPA, and BPA does not want the lines touched. Site 2 visually impacts the Gable Mountain area as it sits directly below the location normally used for ceremonial purposes. Also, there are many power lines throughout this location, and groundwater is nearer the surface there than at any of the other sites. Site 3 is vegetated with mature sagebrush and appears to be excellent shrub-steppe habitat. The State of Washington has designated this habitat for special consideration, and there are several important plant and animal species located within this Site that would be destroyed if the ERDF were developed there.

The Yakama Nation supports the mega-trench as a means of consolidating waste from the 100 and 300 Areas, based on DOE assurances that no high level waste will go into it, that the waste will be examined before going in, that it will be monitored once it is in place, and that all LDR's are observed. This support is also contingent upon the site, wherever its location, being safe to human intrusion on the surface 100 years past closure, and safe below the surface barrier 500 years past closure. However, DOE must look outside the 200 Plateau for a good site for this facility, despite the HFSUWG recommendations.

Sincerely,



Russell Jim, Manager  
Environmental Restoration/Waste Management Program  
Yakama Nation

cc: John Wagoner, DOE-RL  
Chuck Clark, EPA-Region 10  
Mary Riveland, Ecology