



Nez Perce

ENVIRONMENTAL RESTORATION & WASTE MANAGEMENT
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June 12, 2002

Mr. Steve Wisness
U.S. DOE
Richland Operations Office A2-15
P.O. Box 550
Richland, Washington 99352

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EDMC

Re: *Nez Perce Tribe's Comments on Draft Trichlorethene in Groundwater at the Horn Rapids Landfill and Evaluation of Risk to Ecological Receptors from DDT at the Horseshoe Landfill*

Dear Mr. Wisness:

The Nez Perce Tribe's Environmental Restoration and Waste Management Program (ERWM) has reviewed the two documents above and concurs that the terms of the Tolling Agreement have been satisfied.

Since 1855, reserved treaty rights of the Nez Perce Tribe in the Mid-Columbia have been recognized and affirmed through a series of Federal and State actions. These actions protect the Nez Perce Tribe's rights to utilize usual and accustomed harvest sites, resource areas, and the natural resources of the Hanford Reach of the Columbia River and throughout Idaho, Washington and Oregon.

The draft white paper, *Draft Trichlorethene in Groundwater at the Horn Rapids Landfill*, was written as a result of the 1100 Area Performance Assessment Screen Determination submitted by the Nez Perce Tribe and Yakama Nation in December 2000. The concerns expressed in the Determination focused upon possible trichlorethene (TCE) contamination in groundwater and its effects on drinking water in the Richland area. Subsequently, in April 2002, ERWM met with DOE and the Yakama Nation in Richland to discuss the status of the Tolling Agreement, Horseshoe Landfill sampling and the DOE response to the Tribe's comments on the Horn Rapids Landfill TCE white paper.

The ERWM concurs that the terms of the Tolling Agreement have been met, in that soil and biota sampling have been conducted at Horse Shoe landfill, that a report was issued based on that sampling effort and that a white paper was issued regarding the TCE plume

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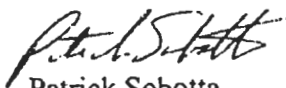
at Horn Rapids Landfill. As such the ERWM will not be pursuing a formal Natural Resource Damage Assessment in the 1100 Area.

The ERWM understands that if we have any concerns with the monitoring well network established to characterize the TCE plume that we can address this issue with the appropriate DOE and Hanford contractors who are responsible for this work.

We do want to remind DOE that we do have an agreement to place the Horseshoe Landfill under PNNL's environmental monitoring program to determine if DDT is being incorporated into the food chain. Each year some yet to be determined number of biological samples will be collected at the Horseshoe Landfill. We assume that his effort would go from 2-5 years depending on the results of the sampling. Please keep us informed on the disposition of this agreement.

The Tribe and ERWM appreciate the effort of DOE and its contractors to work with us on this project.

Sincerely,



Patrick Sobotta
ERWM Director

Cc: Kevin Clarke
Jamie Zeisloft
Connie Smith
Tom Zeilman