

File
0005168



CHRISTINE O. GREGOIRE
Director

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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November 29, 1988



Mr. Michael J. Lawrence, Manager
Richland Operations Office
U.S. Department of Energy
P.O. Box 550
Richland, WA 99352

Dear Mr. Lawrence:

As you will recall, on September 19, 1988, (at your request) we met along with Robie Russell in Seattle to discuss the status of the negotiation of a comprehensive Hanford site hazardous waste compliance and cleanup agreement. My concern that day, consistent with the previous five months, focused on the necessity that such a document be clearly enforceable by the state. You relayed to me a reluctance on the part of Energy headquarters to utilize a consent decree format for this agreement. You asked that the state continue negotiations, but that we attempt to do so under the format of an administrative rather than a (non-adversarial) judicial order. You strongly urged these continued negotiations because of the "potential" that state concerns could be adequately addressed. In turn, I expressed severe reservations but honored your request in order to see what these negotiations would produce regarding the ability of the state to enforce compliance.

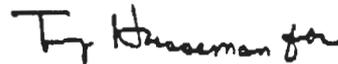
Our respective staff have subsequently spent the past two months working with each other on a nearly continuous basis in order to hammer out terms which are satisfactory to each party (such terms to then be formally placed before the citizens of the state for comment). I have found the tone of these sessions encouraging, in that despite the myriad of very difficult issues dealt with, we have continuously approached them unified toward the common goal of developing a sound, aggressive, and achievable plan for the Hanford site. This cooperative approach has resulted in exceptional progress. It has brought us to the point where only a few substantial issues remain unresolved e.g., RCRA/CERCLA integration, and acceptance of selected schedules.

We are thus now at the point where you and I need to return to the key fundamental issue which we discussed in September, i.e., ensuring that Hanford cleanup take place under a fair, adequate and clearly enforceable agreement. In short, I remain convinced that the complexity, duration, and projected cost of compliance at Hanford demand nothing less. While our negotiations have been most beneficial, they still have not adequately addressed the enforceability issue. I consequently ask that you now review, and concur with a consent decree format at Hanford in the same manner that we utilize it routinely within the private sector.

Mr. Michael J. Lawrence
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Finally, you stated in our previous discussion that the primary objection by Energy headquarters to a consent decree was the precedent it would set. I note that the Department of Energy has agreed to a consent decree covering compliance and cleanup at Energy's Portsmouth Uranium Enrichment Complex at Piketon, Ohio. It appears by this action that the precedent for a consent decree is now being set. I am optimistic the remaining substantive issues can be adequately addressed and, with your concurrence on a consent decree, we could soon have a good agreement to put before Washington's citizens. I await your response. Please feel free to call if you would like to discuss this matter further or if you believe a meeting is in order.

Sincerely,



Christine Gregoire
Director

cc: Ken Eikenberry
Booth Gardner
Robie Russell
Washington Congressional
Delegation

SEATTLE — Two school buses and two pickup trucks loaded with food, medical supplies and building materials are leaving Washington state for a 5,000-mile trip to Nicaragua.

The journey began Sunday, when a school bus filled with supplies left a Seattle church to link up with other vehicles in Tacoma. The group will drive south to Texas, where they will join other vehicles from Massachusetts, Florida, Montana and Ohio, all part of a campaign called Pastors for Peace. The goal is to reach Nicaragua by Christmas Day.

The Rev. Greg Zimmer, who is traveling on the bus

to Nicaragua, said his Rainier Beach Methodist Church is a small congregation that has never been involved in such an effort. The experience has been eye-opening for his flock, he said.

"It's lifted their spirits to see that a small church can be so involved in the world," he said.

The convoy hopes to aid the Central American country, which has been hard-hit by civil war and by a hurricane that struck in October.

The Reagan administration does not support Nicaragua's leftist regime, and has given assistance to the

rebel Contra forces. send aid to Nicaragua summer tried to block grounds the vehicles forces against the rebel "I'm an arch-liber. my church who belong Association)," Zimmer particular that is ve have wrestled with th "I've tried to emp people can take and s not heard one word a

Just one crisis after another in eight months with Ecology

By Karen Dorn Steele

Staff writer

In her first eight months as director of the state Department of Ecology, Christine Gregoire's agenda has been crammed with environmental crises.

Some are longstanding, including chemical and radioactive pollution at Hanford and a mounting statewide garbage mess. Others are newer, including a bitter political fight over the state's toxic cleanup law and public opposition to the siting of hazardous waste incinerators in Eastern Washington.

Gregoire's tenure at Ecology has had moments of success and frustration, she said in a Monday interview. She was in Spokane to address a meeting of the Washington Association of Conservation Districts.

Gregoire, 41, is a former assistant state attorney general and an honor graduate of Gonzaga Law School. As the lead attorney for the state's landmark comparable worth agreement, she is a veteran of complex negotiations who said she prefers coalition-building to political mud-slinging.

Her worst moments at Ecology came during the bitterly fought battle this fall between proponents of 97B and Initiative 97, rival toxic waste cleanup measures on the November ballot. The grassroots initiative, supported by environmentalists, beat the business-backed 97B, which was already state law.

"That campaign was very frustrating for me because that's not the way you do business, in Washington state in particular. I think you form partnerships and you work issues together — you don't work against each other," she said.

Now that the election is over, she is working to heal the wounds and implement the initiative.

Gregoire counts among her successes efforts to address urgent garbage and toxic pollution problems while planning for the future.

Appointed by Gov. Booth Gardner last March, she moved rapidly to negotiate with the U.S. Department of Energy on an agreement for a cleanup of radioactive and chemical pollution at Hanford that could eventually cost as much as \$50 billion.

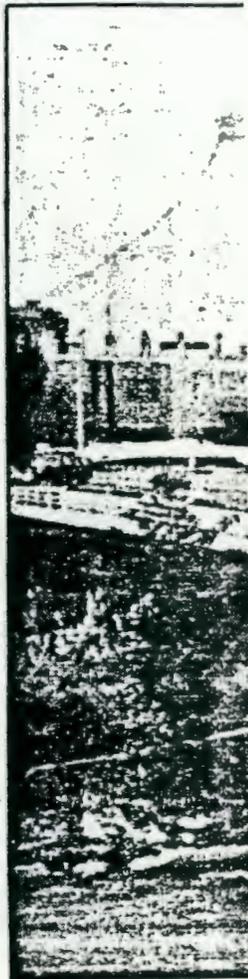
Hanford was placed last spring on the federal Superfund list for sites containing mixed brews of radioactive and chemical wastes. The list includes the most polluted sites in the country.

Because of the magnitude of the problems at Hanford, Gregoire initially threatened to sue the federal agency if substantial progress wasn't made in the talks by summer. It was, but an important issue remains: Gregoire is insisting on a formal legal document to conclude the agreement. So far, the Department of Energy hasn't bought the idea.

"Our position is we need a consent decree — a document entered into court and enforceable in court — so that the federal government can't raise the issue of sovereign immunity. I am not convinced in talking with (Hanford site manager) Mike Lawrence that that is readily acceptable to Energy headquarters," she said.

But last week, in the wake of reports about safety and contamination at DOE sites nationwide, the federal weapons agency voluntarily entered into a consent decree with Ohio for a cleanup at its Piketon site.

"The precedent has clearly been set," Gregoire said. Under the proposed agreement, which would be reviewed in public hearings, Washington state would (See Ecology on page 7)



In busy eight months

r. Forbes said the children were treated in another barbaric chamber in an effort to purge their lungs of r.

ns to go ahead with hunt

ON, Wash. — The Navy plans to go ahead with plans capped archers to hunt deer at a fenced-in fuel depot. A page of a protest by the Progressive Animal Welfare Friday generated critical calls, said Navy spokesman Mitchell Fox of PAWS said the deer are half-tame, and to hunt them. Just carrying out a recommendation of the Washington Department based on research over the past year, Edne alternative to the hunt is to let deer starve, he er live inside the fence at the 234-acre Manchester 70 deer were killed on Saturday, and as many as nine killed before the season ends Dec. 11, Edwards said.

Teachers want more say

Teachers have been shut out of key decisions and ore input in the Seattle School District, an officer of cation Association said Monday. Mandated a meeting with the superintendent, William school board members. Executive secretary of the Seattle Education Asso- endrick promised to involve teachers in decision- e started his job in Seattle more than two years ago. id on the contrary, teachers have been "systemat- f key decisions." Union president John Carl Davis has been trying to ck about a meeting but has been unable to get an rst came to town, he said he would sit down and ion-making system involving building staffs and ities, but it's clear he's intending to use the same en ineffective decision-making system of unilateral incipals and building staff, he said.

s to get exercise

"the new fitness practicing more ss-training helps uletes improve all player builds arming, for exam-

ercisers are betg in one activity em, says Dr. Ed- a specialist in who will give a sday at noon. d "pick one pard get that one moving on." Re- ll tell beginners best exercise for at Holy Family 's Health Center,

of exercise for a lc: walking, run- ding an exercise "Reisman said. former figure e and his sister- ed place in pairs . National Figure hips. and family and in Spokane one

exus sports inju- avoid them One tendinitis, the in- tuse connect- be said.

ing. Boyce was the school's student body treasurer in 1986-87, his senior year. He was also president of the school's Computer Club and Fu-

Durham, N.C., where the non-profit Divers Alert Network is located. "Most of the fatalities usually are caused by panic or an oversight." Rust guessed that Boyce proba-

Ecology

(Continued from page 6)

have jurisdiction over cleanup of mixed-waste sites at Hanford under terms of the 1976 Resource Conservation and Recovery Act.

Regarding other highlights of her first months at Ecology, Gregoire said she:

- Repealed state siting guidelines for hazardous waste facilities. Her agency is writing an environmental impact statement on the overall problem while drafting new guidelines for public review.

- Is preparing a report to the Legislature in January on the problems the state faces with hazardous and solid wastes.

- Has created a new waste reduction and recycling program within the department.

- Plans to ask the Legislature for more funds for water resources planning to forestall California-style "water wars" as Washington's population grows.

- Is reviewing Spokane's application for a state grant for its waste-to-energy plant and plans to meet with city and county officials in mid-December.

- Launched a "Best Management Practices" study to identify the sources of solid and hazardous

wastes and the best ways to treat them.

"We don't have all the answers to questions the public is asking about incinerators and landfills. We are trying to get up to speed with the best information," Gregoire said.

Washington's approach to hazardous wastes will stress recycling and waste reduction over incinerators and landfills, she said.

"The truth is, hazardous waste incineration has not been long term in this country. We don't have enough knowledge about what could happen with these facilities."

Gregoire said EPA regulations governing hazardous waste incinerators have been of little help to the state in drafting new guidelines because the regulations are too lax.

Gregoire hopes her reorganization of the agency will serve the public better by emphasizing education and prevention on a range of environmental issues.

"Over the last several years, we have been good regulators and enforcers, but we have not emphasized our preventive role and our service role," she said, adding that the changes will be in place by the first of the year.

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NOV 23 1988

Agreement on cleanup of waste in Ohio is seen as a model

by Lee Leonard
United Press International

COLUMBUS, Ohio - In a precedent-setting agreement, the U.S. Department of Energy (DOE) will perform a \$50 million cleanup of hazardous waste at a nuclear-weapons plant in southern Ohio.

"This is the first arrangement of its kind between the federal government and a state," said Gov. Richard Celeste in announcing the settlement yesterday.

The governor and Attorney General Anthony Celebrezze said the agreement, soon to be signed in court as a consent decree, requires that the federal government abide by all state anti-pollution laws and regulations applying to the site. It would be the first such agreement enforceable by a court order, they said.

Celebrezze said the environmental studies and cleanup, which involve 56 separate areas at the facility near Piketon, is "the most comprehensive and

largest cleanup at any facility, public or private, in Ohio," and will take at least four years. Work begins Dec. 1.

To be cleaned up are a hazardous-waste incinerator, two sludge lagoons, three hazardous-waste surface impoundments and a landfill. Waste includes solvents, toxic metals, ignitable wastes, polychlorinated biphenals (PCBs) and radioactive materials.

The Ohio Environmental Protection Agency has sought a cleanup since early 1984, when it tried without success to inspect the property, about 60 miles south of Columbus. The DOE consistently refused to submit to state regulation of conditions at the federal site, the governor and the attorney general said.

In the past two years, the federal government has negotiated 39 other agreements with states and federal agencies to clean up nuclear facilities, according to the Energy Department. But the agreement announced yesterday would be the first enforceable by a federal court order.

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Hank McEvine
c/o Jeannette Fischer

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NOV 30 1988

Ecology chief's low point was toxic fight

SPOKANE (AP) — Washington's new Department of Ecology chief says the low point of her first eight months on the job was the bitter battle over two rival ballot measures to clean up the state's toxic-waste sites.

But Christine Gregoire counts among her successes efforts to address urgent waste and pollution problems while planning for the future.

Gregoire, 41, a former assistant state attorney general who was appointed by Gov. Booth Gardner in March, was interviewed Monday while in Spokane to address a meeting of the Washington Association of Conservation Districts.

She said her worst moments at Ecology came during the fight this fall between proponents of 97B and Initiative 97, rival toxic-waste

cleanup measures on the November ballot. The initiative, supported by environmentalists, beat the business-backed 97B.

"That campaign was very frustrating for me, because that's not the way you do business, in Washington state in particular. I think you form partnerships and you work issues together — you don't work against each other," she said.

Now that the election is over, she is working to heal the wounds and implement the initiative.

On a higher note, Gregoire said she moved rapidly to negotiate with the U.S. Department of Energy on an agreement to clean up radioactive and chemical pollution at the Hanford nuclear reservation.

She initially threatened to sue

the federal agency if substantial progress wasn't made in the talks by summer. She now is insisting on a formal legal document to conclude the agreement.

"Our position is we need a consent decree — a document entered into court and enforceable in court — so that the federal government can't raise the issue of sovereign immunity. I am not convinced in talking with (Hanford site manager) Mike Lawrence that that is readily acceptable to Energy headquarters," she said.

Under the proposed agreement, the state would have jurisdiction over cleaning up mixed-waste sites at Hanford under terms of the 1976 Resource Conservation and Recovery Act.

Another highlight of her first months at Ecology, Gregoire said, was repeal of state siting

guidelines for hazardous-waste facilities. Her agency is writing an environmental impact statement on the overall problem while drafting new guidelines for public review.

Ecology also is preparing a report to the Legislature in January on the problems the state faces with hazardous and solid wastes, and has created a new waste reduction and recycling program within the department, she said.

Gregoire said she hopes her reorganization of the agency will serve the public better by emphasizing education and prevention on a range of environmental issues.

"Over the last several years, we have been good regulators and enforcers, but we have not emphasized our preventive role and

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Approved: Jeresa Riley

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