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**Nickola, Karin L**

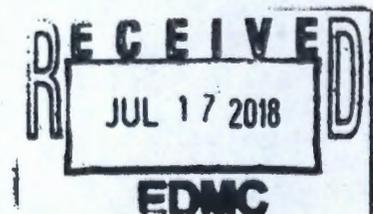
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**From:** Rose Longoria <lonr@yakamafish-nsn.gov>  
**Sent:** Tuesday, May 01, 2018 7:09 PM  
**To:** Einan, David (EPA)  
**Cc:** Buelow, Laura (EPA); Conrad, Jill A; Lobos, Rod; Franco, Joe R; Lutz, Karen; Smith, Connie V; Wright, Mona K; Alicia Boyd; Balone, Steven N; Burke, Michelle; Nina Menard (Nmen461@ecy.wa.gov); Hansen, James A; Tom Zeilman; Eric Buer; HNRTC - Barry, Brian; Rose Ferri; Marlene George; Li Wang  
**Subject:** Re: Status of 100 D&H AREA  
**Attachments:** 2018-05-20 100-DH ROD Ltr - signed.pdf; ATT00001.htm

Hello Dave -

EPA has been very patient with Yakama Nation ERWM on our final concerns for the 100 D/H Area. Please see the attached letter and let me know if you have any questions.

Respectfully,  
rose





Confederated Tribes and Bands  
of the Yakama Nation

Established by the  
Treaty of June 9, 1855

May 1, 2018

Dave Einan  
EPA Program Manager  
Hanford Project Office  
825 Jadwin Avenue, Suite #210  
Richland, WA 99352

Dear Mr. Einan

The Yakama Nation Environmental Restoration Waste Management (ERWM) Program greatly appreciates EPA's stay of the 100 D/H Area Record of Decision (ROD) to work through concerns. We especially appreciate the information, time, and courtesies provided by Laura Buelow in working through specific concerns for the 100 D/H Area. In addition, we found great value in discussing concerns directly with the Tri-Parties (EPA, DOE and Ecology) on December 13, 2017.

The Yakama Nation supports CERCLA remedial actions which permit unrestricted exercise of rights pursuant to the Treaty of 1855, and which restore resources to baseline (pre-release) conditions.

The Hanford Reservation, which includes the "D/H" area, is within Yakama Nation's Treaty Territory where the Tribe explicitly reserved for itself and its members the right to maintain our culture and traditions, including hunting, fishing, and gathering. The Yakama Nation has and continues to retain Treaty rights on this land.

The following summarizes Yakama Nation positions regarding proposed remedial actions for the D/H Area at Hanford.

**CERCLA response actions: Risk**

**Nitrate:** Yakama Nation concerns have been resolved.

**Hexavalent Chromium [Cr(VI)]:** The Yakama Nation will continue to monitor pump and treat system data to ensure that the 48 ppb groundwater standard for Cr(VI) and the 10 ppb aquatic standard for Cr(VI) (in the Columbia River) are achieved and maintained according to performance objectives.

**Strontium-90 (Sr-90):** Washington Ecology projects that all D/H groundwater will meet the 8 pCi/L Sr-90 standard by 2056. The Yakama Nation will monitor groundwater data to verify attenuation of the Sr-90 plume below the D/H Area.

**Deep vadose zone:** EPA projects no exceedance of groundwater or aquatic standards from leaching of hazardous constituents which have been left 15 feet or more below the D/H ground surface. The Yakama

Nation will continue to request and monitor data to validate compliance for groundwater and the Columbia River.

Institutional Controls (ICs): With the proposed remedy; unacceptable risks to humans could occur in the D/H Area by exposure through direct contact to long-lived radionuclides left below 15 feet or by ingestion of radioactively groundwater. Therefore, the proposed remedy includes restrictions on excavation below 15 feet in some areas, and extraction of groundwater in some areas. The Yakama Nation will monitor the basis and performance of such ICs to validate their protectiveness.

#### **NHPA compliance: Section 106 reviews and mitigation actions**

Each operating unit on Hanford has/will have a final record of decision (ROD). The RODs are federal undertakings/decision documents which have selected preferred alternatives for remedial/clean up actions that may have effects on cultural resources within the operating unit. A Section 106 cultural review should be performed for each ROD to ensure effects on cultural resources have been considered. While many of the projects completed under the interim RODs underwent Section 106 reviews, each operating unit had many projects that were performed under the classification of 'no potential to cause effect' (NPCE), in which a complete cultural review was not performed.

It is critical to evaluate the impacts of CERCLA decisions holistically and cumulatively for each operating unit. The work performed at each operating unit has been project by project and segments of the "whole". This segmentation has not allowed for an evaluation of the effects of the entire CERCLA action on the operating unit landscape.

If after a complete cultural review is completed on an operating unit (in this case D/H) and it is determined there is an adverse effect, a Memorandum of Agreement will need to be developed to mitigate the effects, as mandated in the National Historic Preservation Act and implementing CFRs.

#### **CERCLA Natural Resource Damage Assessment (NRDA): Resource injury and Integration**

The Yakama Nation supports CERCLA remedial actions which permit unrestricted exercise of rights pursuant to the Treaty of 1855, and which restore resources to baseline (pre-release) conditions.

It is understood that the CERCLA remedial action selection process involves balancing risk reduction and cost considerations, and may result in a remedy which does not restore natural resources to baseline conditions. Furthermore, by employing institutional controls to achieve risk reduction goals, access and use of certain resources may be restricted.

The Yakama Nation continues to believe that integration of remedial action design considerations with the natural resource damage assessment will reduce overall effort and costs in achieving the objectives for these processes.

The Yakama Nation has a duty as a natural resource trustee to determine and quantify past and future injury to trust resources as a result of Hanford hazardous releases, and remains willing to work with the Tri-Party agencies to integrate such information into future remedial design considerations.

Thank you. If you have any questions, I may be reached at 509-865-5121 x6365.

Sincerely,



**Rose Longoria**  
**ERWM Interim Manager**  
**Yakama Nation**

**CC: Jill Conrad, DOE**  
**Karen Lutz, DOE**  
**Joe Franco, DOE**  
**Laura Buelow, EPA**  
**Rob Lobos, EPA**  
**Nina Menard, Ecology**  
**Alex Smith, Ecology**