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STATE OF WASHINGTON  
DEPARTMENT OF FISH AND WILDLIFE

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c/o Department of Ecology  
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Kennewick, WA 99336

5 September, 2000

Mike Goldstein  
U.S. Environmental Protection Agency  
712 Swift Blvd., Suite 5  
Richland, WA 99352

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EDMC

Dear Mr. Goldstein:

Subject: Comments on the *Proposed Plan for the 300-FF-2 Operable Unit* DOE/RL-99-53, Rev. 0, and the *Focused Feasibility Study for the 300-FF-2 Operable Unit*, DOE/RL-99-40, Rev. 0.

The Washington Department of Fish and Wildlife (WDFW) appreciates the opportunity to provide comments on the aforementioned document. Our review focused on the disposition of our comments submitted on the draft A documents. Those comments included requests for ecological exposure/effect (EE/E) assessments to be conducted on federally listed salmonid species to establish clean-up levels protective of these species, and for an EE/E assessment on species protected under the Migratory Bird Treaty Act. Unfortunately, these requests were not addressed and remain applicable (enclosure). What is even more disturbing is the Explanation of Significant Differences (ESD) that was issued for the ground water attached to the 300-FF-2 after the close of the comment period on the draft A documents and the issuance of the rev. 0 documents. This action clearly circumvents the intent and requirements of the Comprehensive, Environmental Response, Compensation and Liability Act (CERCLA), National Environmental Policy Act (NEPA) and the Endangered Species Act (ESA). Because of insufficient biological characterization data, we are unable to support any proposed remedial action until adequate biological characterization occurs for this operable unit and associated ground water that is being contaminated by source units within this operable unit.

WDFW has been advocating EE/E assessments for some time for the site. An example of an exemplary EE/E assessment model is that which was designed and deployed at the Rocky Mountain Arsenal in Colorado to achieve protection of wildlife. Cost savings and benefits from conducting such work include a reduction in the size of the remedial footprint and the identification of outlying areas of contamination. U.S. Department of Energy (USDOE), as trustee and steward, would benefit tremendously from using best



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available science to determine effects of contaminants to biological resources and integrate findings from such work into the remedial decision making process. To date, little effort and insufficient funds have been directed toward determining effects (injury) to biological resources at the Hanford Site and as a result, the public is left wondering whether remedial actions are truly protective of biological resources.

The issuance of an ESD for the contaminated ground water associated with the 300-FF-2 operable unit prior to issuance of these final documents (Rev. 0) appears premature. This decision eliminated public involvement in the remedial decision making process and ignores the intent and statutory requirements of CERCLA, NEPA and ESA. Furthermore, no remedial design/remedial action process occurred for the 300-FF-5 operable unit, and the record of decision (ROD) for the 300-FF-5 ground water contamination was natural attenuation. It is arguable whether an ESD should have been considered based on U.S. Environmental Protection Agency's (EPA) OSWER Directive 9355.3-02. To reiterate, the public now has no opportunity to comment on the 300-FF-2 associated ground water contamination because no formal public comment period, public meeting, and responsive summary are required when issuing an ESD, according to the OSWER Directive 9355.3-02.

A major concern of WDFW is the contaminated ground water beneath the 300-FF-2 and 300-FF-1 operable units. At least one site within the 300-FF-2 operable unit is contributing to the uranium ground water contamination. Uranium is a major contaminant of concern due to its chemical toxicity and radiological effects and half-life. Its additive radiological effect as well as chemical toxicity must be considered with other contaminants being released to the Columbia River. The selected interim remedy for the 300-FF-5 operable unit is natural attenuation and continued monitoring of the ground water to ensure the concentrations continue to decrease and institutional controls to ensure that the ground water use is restricted to prevent unacceptable exposures. WDFW believes that the 300-FF-5 ROD should be revisited to address protection of federally listed salmonid species and that EE/E assessments should be conducted to ensure that the selected remedy documented in the 300-FF-5 ROD is not likely to jeopardize the continued existence of any listed species. A re-evaluation of the 300-FF-5 selected remedy is justified based on Washington Department of Ecology's analysis of uranium concentrations in near shore river wells that show uranium concentrations increasing, instead of decreasing (memo dated May 25, 2000 from Shri Mohan, Hydrogeologist 3, to Alex Stone, transition Project Manager, enclosure).

As part of the CERCLA 5-year review process, EPA and USDOE need to consult the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (USFWS) under Section 7 of the ESA on the 300-FF-5 ROD since contaminant levels of uranium are increasing which could jeopardize the continued existence of listed species (16 U.S.C. Sec. 1536 (a)(2)). The consultation requirements of section 7 are

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nondiscretionary and are effective at the time of species' listings regardless of whether critical habitat is designated. In its preliminary natural resource survey that was conducted in 1989 for the Hanford Site, the U.S. Department of the Interior stated, "Should a species become officially listed or proposed before the completion of site remediation, EPA and DOE should be aware of their continuing responsibilities as described in Section 7(a) and (c) of the Endangered Species Act of 1973, as amended". Please forward this response letter and enclosures to EPA staff responsible for conducting the 5-year review on the 300-FF-5 operable unit.

Some source sites within the 300-FF-2 operable unit are surrounded by high quality shrub steppe and inhabited by numerous wildlife species, which have access to the known contaminated waste sites. Exposure and effects to specific contaminants are unknown at this time since an EE/E assessment has not been conducted. Selected remedies that include institutional controls may not be protective of wildlife species. Appropriate biological characterization needs to occur prior to cleanup actions to determine if selected remedial response actions reduce or eliminate contaminant pathway(s) to wildlife. At this time, data remain insufficient to perform a meaningful ecological risk assessment. Our conclusion is supported by statements made in the document such as, "There are no empirical data that can be used to validate the exposure estimates in risk assessments performed at the 300-FF-1 and 300-FF5 operable unit waste sites". These operable unit risk assessments were used for the 300-FF-2 ecological risk analysis.

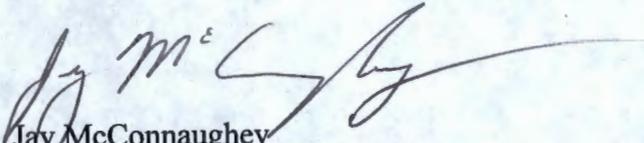
We have the following recommendations: 1) that USDOE and EPA seek contaminant expertise from NMFS and USFWS for species protected under ESA and the Migratory Bird Treaty Act, 2) that EE/E assessments be designed and deployed as part of the pre-remedial characterization process, 3) that milestones be developed for the EE/E assessments, and 4) that this proposed plan and feasibility study be re-written to include the appropriate analysis required under the remedial investigation/feasibility study process prescribed under the National Contingency Plan and then reissued for public comment.

In summary, we are unable to support any proposed remedial action due to a lack of biological characterization. Complete characterization needs to occur which must include radiological activity and chemical concentrations of contaminants of concern and that a systematic investigation needs to occur for terrestrial and aquatic receptors, including federally listed species. Finally, we request that EPA hold a formal public comment period, public meeting and develop a responsive summary on the comprehensive 5-year review process currently underway for the Hanford Site NPL sites/Operable Units.

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If you have any questions regarding these comments, please contact me at (509) 736-3095.

Sincerely,



Jay McConnaughey  
Habitat Biologist, Hanford Site

Enclosures (2)

cc:  
Hanford Natural Resource Trustee Council  
Susan Hughs, Chair  
S. Landino, NMFS  
G. Hughes, USFWS  
G. Jackson, USFWS  
L. Cusack, Ecology  
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300 Area Administrative Record