0074584

DRAFT AGENDA

HNRTC Meeting
December 1-2, 1999
BLM Office – Spokane, Washington

Wednesday, December 1, 1999:

1:00	Welcome and Introductions Approve Agenda & Previous Meeting Minutes Review Action Items
1:15	Announcements (All)
1:45	Discuss 300 Area Issues (Alex Stone, Ecology – Kennewick)
2:15	HAB Invitation to Participate in 100 Area Cleanup Workshop (Susan Hughs)
2:30	Stewardship – News from the Oak Ridge Workshop (Barbara Harper)
2:45	BREAK
3:00	Status of Elk on ALE (Dan Landeen)
3:15	BRMaP Update (Dan Landeen)
3:30	Status of Finding 99-04 (Susan Hughs)
3:45	North Slope Sampling Results (Dan Landeen)
4:00	New EPA Guidance on Ecological Risk Assessment (Larry Gadbois/ Jamie Zeisloft)
4:15	Begin 1100 Area PAS Discussion (All)
4:30	ADJOURN

Thursday, December 2, 1999:

9:00	1100 Area PAS (All)
10:00	BREAK
10:15	Chromium Study – Review Past Lab Studies (Dan Audet/Aaron Delonay)
11:45	LUNCH
1:00	Continue Chromium Study Discussion
2:15	BREAK
2:30	Continue Chromum Study Discussion
3:45	Schedule Future Meetings
4:15	ADJOURN

RECEIVED
DEC 0 3 2007
EDMC

HANFORD NATURAL RESOURCE TRUSTEE COUNCIL
Meeting Minutes
December 1-2, 1999
BLM Office – Spokane, Washington

Council Attendees:

Teri Elzie
Larry Gadbois
Wendell Hannigan (Not Present)
Barbara Harper
Lee Hoppis
Susan Hughs (Not Present)
Nick Iadanza (Not Present)
Jake Jakabosky
Dan Landeen
Jay McConnaughey
Doug Mosich
Tom O'Brien (Not Present)
Preston Sleeger (Not Present)
Darci Teel (Not Present)
JR Wilkinson (Not Present)
Jamie Zeisloft

Presenters & Guests:

Dan Audet, USFWS
Dan Woodward, USGS

Welcome and Introductions:

Due to the absence of Susan Hughs, the Vice-Chair, Barbara Harper conducted the meeting. Barbara welcomed everyone to the meeting and thanked Jake for hosting.

Approve Agenda and Previous Meeting Minutes:

The agenda was discussed. The presentation by Alex Stone of Ecology was postponed until the next meeting. With that one deletion, the agenda was approved as is. There was a discussion on adding Lee Hoppis to the "official" Council list, but it was noted that a letter needs to be sent from the Yakama Nation stating that Lee would be representing them on the Council, and to remove Paul Ward and Wendell Hannigan.

The meeting minutes from the September meeting in Lowell, Idaho were approved as revised.

Review Action Items:

The action item list was reviewed and updated.

Action: Jamie Zeisloft - Check with Jen on map of DDT sampling that was done with Dan Landeen.

Announcements:

Jamie said the HRA-EIS has a ROD, and the Department of Interior (USFWS) issued a ROD for expanding the boundaries of the Saddle Mountain National Wildlife Refuge Acquisition Boundary. He said that it has been expanded to include almost all of Wahluke Slope. Barbara handed out copies of the notice which will be filed with the meeting minutes.

Jamie announced that Dave Goeke, USFWS, is retiring and so the USFWS Richland Office will have a new manager (TBD).

Doug Mosich stated that Ecology has a new manager in the Lacey office, Larry Goldstein.

Barbara read a letter that Susan sent because of her absence; the letter stated her views on the direction the Council is taking and where she believes it should be headed. Larry Gadbois said that debate is healthy, and not always coming to a consensus isn't necessarily a bad thing, because it at least brings out all perspectives. He also said that not coming to a consensus should not be seen as "wasting time."

Jamie said the W-519 project started on November 30, 1999. We were supposed to receive 90,000 bare-root sagebrush plants from the Lucky Peak nursery, however, only 27,000 were received; Plants of the Wild was supposed to provide 40,000 tublings, but only 23,500 were received. Overall only approximately 50,000 of 130,000 plants were received.

1100 Area PAS Discussion – Dan Audet stated that there are a number of damage assessments that were filed, without consensus, and different Trustee organizations taking individual paths forward.

HAB Invitation to Participate in 100 Area Cleanup Workshop – Barbara Harper

In Susan's absence, Doug will do the briefing at the HAB meeting on Susan's behalf Jay will be attending and presenting WDFW's perspective of the 100 Area Cleanup.

Barbara said the 300 Area cleanup standards are established to industrial cleanup standards. Larry Gadbois provided a "cleanup demonstration" and stated that regardless of the cleanup standard that is chosen, the waste site will go away. Jamie said that it is still based on groundwater protection; to a depth of 15' it is based on human health, beyond that it is based on protecting the groundwater. Barbara asked if that is the case, why then don't we just use residential cleanup standards for all waste sites, rather than others; Jamie said that the Inspector General has come up with a savings of $12M if only 3 waste sites within the 100 Area are changed from residential to nonresidential.

Larry said that the only two possibilities for 618-10 and 618-11 is RTD or capping. Until recently, DOE said capping and the EPA said they must be exhumed. Larry said the feasibility study was just released and everyone on the Council should be getting a copy. Larry stressed that this feasibility study is one that should definitely be looked at. Jamie asked if there is budget to remediate these two projects, and Larry said there is a huge dollar amount to do this project. Originally, 1.2 Billion, more than the entire ER budget, but Larry said that the last he heard was 350 million. The reason is because these sites are so "hot" that special arrangements have to be done to clean this site; an entire building will be remotely wheeled out over the entire waste site, small amounts will be packaged and then transported. Jamie asked if there are any advantages to allowing it to decay somewhat before cleaning it up, but Larry said that would be a long, long time (50,000 years??). Jamie also asked if there is impact to groundwater, Larry said not that we know. The feasibility study does not have cleanup levels established yet, but Larry said they are thinking "industrial" cleanup levels.

Doug asked if it is a problem for one Trustee to invite someone to come and talk at a meeting without notifying the other Trustees (such as Alex Stone). Jamie said that it isn't necessarily a Trustee issue, but a Tri-Party issue, because the other counterparts were not notified, so that if they wanted, they could come in and present their view. Jay asked what would have happened if this person was asked to present before the HAB? If this were an important enough issue for USDOE and EPA, they would make an effort to send a staff person to present their agency's view to the HAB. The Council should be treated the same as the HAB. The Council meetings are open meetings. They don't need an invitation to attend and speak on an agenda item. Jay also stated that by not having an opportunity to hear what Alex had to say, the Council members are denied an opportunity to hear his concerns that might assist members in framing their comments for submittal during the public comment period. Unfortunately, the Council will hear the issues after the comment period is closed. Jay said that he feels that "gag" orders are being issued, and that one of the reasons Alex' presentation was postponed was because EPA made a call and had a problem with it, and that each of the Tri-Parties were not invited to hear/participate. Doug said that just because of the Tri-Party Agreement, we should not be forced to only act in that capacity, bringing in different views/perspectives should also be considered. Jamie said that when Ecology has an agreed to position, then "we" want to hear it. Larry said that he did not ask for Alex to be removed from the agenda, rather that when he was speaking to make it clear that it was either an "individual" speaking or "Ecology" speaking. The request for Alex to come in and talk to the Council came from the Yakama, and Barbara said that they asked him only because he "knows a lot about the 300 Area cleanup," not to hear Ecology's position.

Agenda item for next meeting: Per Jay, add the Tri-Parties to the agenda to discuss 300 Area issues.

<u>Stewardship – News from the Oak Ridge Workshop – Barbara Harper</u>

Barbara said that after there is a cap in place there is a concern that there could be a perpetual stewardship mode, and DOE should be thinking about this. DOE, as a

companion to the 2006 Plan. After 2006, there are two official mandates they have to think about, other than taking care of the natural resources and institutional control (signs, etc.). Jake asked if we are talking about "long term monitoring." Barbara said yes, and it is slowly expanding. Are remediation, trusteeship, and stewardship three different things? Barbara said the HAB will be paying more attention to this and she thinks that the Council should as well. Barbara said that at this workshop it was unanimous that DOE has funding in place, decouple stewardship from land use plans. Barbara said the main purpose of this agenda item is for us to begin thinking about some of these long term considerations.

Jamie asked what the status is from EPA for institutional control requirements? Larry said that there is a requirement for DOE to provide an annual report to the regulators. Larry said also, that any future leases or land transfers, DOE will require those institutional controls be passed on to whomever takes over.

Status of Elk on ALE – Dan Landeen

Dan Landeen provided a quick overview of the elk on ALE. He said the elk herd is very sizable, approximately 900-1200 animals, with at least 300 bulls. The State of Washington is the lead agency on developing a management plan for the animals. The Tribes were asked to be involved with developing the plan, as well as PNNL and DOE. The transfer of the elk will start in late February and go through the middle or end of March with April 15 being the drop dead date. A large, double corral is being constructed and the animals will be herded in by helicopter. The USFWS is hoping to get approximately 500 of the animals transferred this spring. If so, it will be the largest transfer ever. The animals will be transferred to the Blue Mountains and the Selkirks. Dan said there are many different concerns, including potential contamination. There will be no out-of-state transfers this year because of the tremendous paperwork and requirements. The bulls will be darted and antlers sawed off; and if there is any mortality, there will be refrigeration trucks right on the spot, the animals will be field dressed, and the meat will go to the Salvation Army. Dan said they are hoping to relocate at least 200 bulls this year. There will most likely be some kind of transfer again next year, and after that there will probably be some kind of controlled hunt – but the details have not been established. Doug asked if there is concern that any of these animals are contaminated, and Dan said they will all be tested. He also said there is a small group of animals that is routinely crossing over towards the REDOX area, and 5 of those specific animals will be shot and tested. Jamie asked who is writing the plan, and Dan said the State out of Olympia. The cost estimate is between $3-$5K. Barbara asked if the corral will be located where minimal vehicle damage will be done, and Dan said they will be using existing roads.

BRMaP Update – Dan Landeen

Dan provided an update on the BRMaP, and said that everyone should have received the packet summarizing the changes that were made to the document and the maps. There will be a meeting on December 8, 1999, at the Federal Building to discuss the changes

and provide any comments or answer questions. Following that meeting the document will be put through DOE's review cycle. Barbara asked if there are things that Dan feels the Council should comment on. Dan said that he is pretty satisfied with it overall. The maps were updated relative to the Nature Conservancy. Dan said that it states in the BRMaP that it is a "living document" and will be reviewed and updated every three years, however, it does not state how the updates will be done.

North Slope Sampling Results – Dan Landeen

Dan discussed the sampling results that were found after sampling (for DDT) with BHI on the North Slope away from the waste sites. The sampling was done every ½ mile for approximately 8 miles. The results show all non-detects, and confirms that the DDT is coming from the waste sites. Dan will provide a write-up to everyone once he receives the map from Jamie.

New EPA Guidance on Ecological Risk Assessment – Larry Gadbois/Jamie Zeisloft

Larry discussed the new EPA guidance on ecological risk assessment and said the high point is that it summarizes where EPA is at in terms of ecological risk assessment. This is a Headquarters guidance document, and focuses on risk management that should be used in conjunction with risk assessment. The guidance is intended to help Superfund risk managers make ecological risk management decisions that are based on sound science, consistent across Regions, and present a characterization of site risks that is transparent to the public. Jamie said the guidance provides risk managers with six principles to consider when making ecological risk management decisions.

Larry said that it is very easy to pick up this guidance, read it, and understand the task and what needs to be done. Larry stated that the guidance came out of a workgroup that had a lot of Trustee representation, so there will be a great deal of Trustee language throughout it.

Action: Larry Gadbois – Send everyone e-mail version of the new EPA guidance.

Thursday, December 2, 1999

1100 Area PAS – All

There was a discussion on the 1100 Area PAS. Barbara said that there are still a number of questions, including her own, how do you ever sign off on a landfill, which she will discuss with the Yakama Nation lawyers. Dan Audet said that you have to determine if there is potential for injury, and then a decision from the Trustees' whether to proceed with a damage assessment or not. Doug asked if he is looking at population or an individual, and Dan said he is using EPA guidance which says he can look at an individual. Barbara asked what is the default, to proceed whether you have a reason not to, or do you have to have conclusive evidence that there is no threat for injury. Dan Audet said we (as Trustees) need to look at the end point and decide what we want, and

get to a point where the remedy is sufficient to prevent risk or injury. Is there a certain cleanup, a certain compensation that could resolve this issue – going more the settlement route. Dan Audet said, we can argue whether there is injury or not, or we can resolve this issue. Dan said one of the aspects of a damage assessment is you are dealing with residuals left from a cleanup. The big issue is migratory birds and whether or not their supporting habitat have been injured. Doug asked about the economical issue, are the Trustees saying "yes, injury is likely, but it will cost a lot more to assess the injury than to recover damages for the injury." Dan said that in a lot of places, economics don't even come into play, you just restore the site. Barbara asked Jamie if DOE's position is still the same. Jamie reiterated the purpose of a PAS, (quote) and said, "based on the information that DOE has received today, they have made the determination not to move forward with a damage assessment, and any further studies would be injury studies." Doug asked if DOE has thought of any low-cost alternative options, such as a demonstration project that could be funded through another budget, testing certain plants for uptake of DDT from the soil; Jamie said that DOE is not going to conduct any additional studies on this issue. Jay asked who in DOE is making that determination so that they can direct letters to that person. Dan Audet asked, based on the MOA, wouldn't a sign-off not to proceed have to come from the manager of the site. Jamie said that DOE doesn't see any of the other seven Trust organizations moving forward with a damage assessment, and that DOE is just flat out not concerned with the DDT and will not proceed with any further studies. Jamie said the most important project is the Chromium Study (protocol) and that the Council's priorities are not focused where they should be, instead they are on the DDT issue. Dan Audet said that yes, the chromium issue is an important project, but if resolution cannot be reached on the DDT issue, that sends out a red flag on the bigger items such as the chromium study that there could be problems receiving that. Jamie said that DOE has been waiting to see if any other organizations are going to move forward with a damage assessment, and thus far, no one has. Jamie said either move forward with a damage assessment, or let it go. Jamie would like to see the position of the other organizations, but all he sees is indecision. Dan Landeen said the data are not clear cut one way or the other, so it is a tough call. Jay said that he sees it as CERCLA failed to do it's job, and that an ecological assessment should have been done, which was not on these sites. Jay thought an agreement was reached at the workshop to conduct a Starling nestbox study. Jamie said that Ecology has determined that cleanup is adequate and nothing else needs to be done. Doug said that he doesn't see a damage assessment process because there doesn't appear to be widespread injury, but at the same time it is not time to close the book on this, there is residual injury that needs to be looked at. Jamie said the State is being schizophrenic, Doug said no. Doug said part of his role is to look at the natural resources in a way that the regulators might not. Doug said the Trustee role may not always line up with Ecology's TPA role. Jamie said that DOE is told to "line it up" and Ecology should do the same. Jamie again said, DOE has made it's decision and would like to hear from the other trust organizations. DOE has a draft that has gone through partial review, and they are moving forward to get the authorized official to sign off on it. Dan Audet asked "who is the authorized official," Jamie said he thinks Keith Klein, but he is not sure. Dan asked for him to find out and get the information to Department of Interior, because if the Council cannot come to an agreement, and just continue to hit a wall, then it needs to be elevated. Jamie said the

potential for injury could be there, but the cost to do additional studies is not worth it. It is time to get on to bigger problems. Jamie asked, "it is your CERLCA obligation, what are you going to do?" Dan Landeen said the Nez Perce have not yet made a determination and there has to be a happy medium between walking away and doing additional studies. Jamie asked if he was hearing, "that after over two years, everyone is still indecisive?" Jamie said for the other organizations to do what they feel they need to do. He has informed them of DOE's position and what DOE plans to do. Doug said this may not be a big issue ecologically, but he is not comfortable walking away from it. Dan Audet said again that he thinks the Council should be weary of the Chromium Study if a decision cannot be reached on the DDT issue. Jamie disagrees. Barbara asked if there is a possibility that one site, the Horseshoe Landfill on ALE, can it be split out? Jamie said no, it is part of the 1100 Area. Barbara said, that one site is what is holding up everything, and is there a way to deal with that one site? Jamie said that DOE is not going to put any additional resources in the DDT issue. Barbara wants to know if they can go on record about this one particular site. Dan Landeen said that his organization would most likely not pursue a NRDA, nor would they say that the site is clean and they are ok with it. They will most likely write a letter, stating what has been said/done, and agree that nestbox studies would be preferred. Barbara asked about other letters being written, stating that yes, there is potential for injury, however the cost does not warrant additional study. Jamie said that is pretty much what DOE's PAS is stating. Jamie said currently the PAS is an internal document, so he can't give copies to everyone. Barbara asked if it is the Council version, Jamie said it is a scaled down version.

Jamie read from the 1100 Area PAS some of the wording that was written by Geoff Tallent and Chris Burford. The following is what Jamie read from Section III.D - Data sufficient to pursue an assessment are readily available or likely to be obtained at reasonable cost; and many of the sites may have the potential for injury. For example, there may have been injuries before the remediation took place. Also, remedies may not prevent ongoing and future injury. Nevertheless, at the following sites, the signatory trustees concluded that the extent of injury could not be established at reasonable cost (43 CFR 11.14(ee)). The following sites were dismissed because: (1) they were small with baseline conditions consisting of disturbed natural resources, (2) the contaminants did not pose an apparent threat to natural resources, (3) there were no identified potential pathways to natural resources of concern, and/or (4) the remediation addressed much of the concern.". Doug said that with a cleanup this size some residual contamination can be expected. . Jamie said at some point there has to be a level where you are comfortable because there will always be residual contamination and DOE has reached that point. Barbara said that maybe the other Trustees should go back and read the original version, add in the DDT data, and ??. Jay said that he is looking at this problem in a bigger view, that DDT is not restricted to just the Horseshoe Landfill but the North Slope sites and potentially as a sitewide problem, since it was used throughout the Hanford Site. Jamie said that we are not looking at DDT as a sitewide issue, but on the Horseshoe Landfill, in the 1100 Area, as part of the 1100 Area PAS.

Jamie said that DOE has delayed a decision for six months, but will not delay it anymore.

The other organizations will meet and discuss their positions and options. Barbara will check with the Yakama Nation lawyers and then coordinate the meeting with the other organizations. The meeting will most likely be held sometime in January 2000.

Action: All – Really think about this issue, talk to their policy makers, and be prepared for the January meeting.

Action: Teri Elzie – Get everyone a copy of the Council version of the 1100 Area PAS.

Chromium Study – Review Past Lab Studies (Dan Audet/Dan Woodward)

Dan Audet started by saying that the 100 Area Aquatic Resource Plan is final and everyone should have a copy. Dan also discussed a two-day NRDA workshop the USFWS could provide for the Council, if interested. Dan suggested the workshop be done sometime during this winter, possibly February. Everyone said they were interested. Dan will check his calendar and get back to everyone.

The Early Life stage on site work (pre-test) should be starting next week. There is still some concern with working on site. Dan said that after the pre-test we will have a better idea of how it will work. Dan said the lab set up that PNNL has done looks great. Jamie asked about diluters, they said they are using a flow-through so that new water comes through every 10 minutes. The eggs being used are not certified disease-free (at least not the same certification that came with the South Dakota eggs) and are coming from Priest Rapid. Columbia River water as well as groundwater will be used. The actual start date for the on-site early life test is December 15, 1999.

Larry asked if the comments received from the 3 agencies have been addressed, and if the revised protocol has gone out. Jamie asked if there was a response to comments prepared or if we will just see it in the protocol. Dan Audet said you will see it in the protocol.

Dan Audet reviewed the chromium studies, and what has been done at the lab in Jackson and at the Columbia Lab in Missouri. He showed slides that reviewed the different lab studies and what was done. There was discussion on the environmental concerns and the potential adverse impacts to salmon.

Dan Woodward discussed water quality and water hardness. He said the experimental water that was used last year for the fertilization test was made up of both Columbia River water and pore water (which is a mixture of both Columbia River water and groundwater, so it is not correct to say the test was done using only Columbia River water. Dan Woodward said this is important for the rest of the tests to be done.

The fertilization tests were redone in October using Chinook salmon and exposure limits of 0, 120, and 266 ug/L of chromium. Dan said that up to the highest concentration used, there were no effects on fertilization.

During the Early Life Stage, three different scenarios were looked at, exposure, recovery period, and biological responses. The exposure of dyed eggs was 0, 5, 11, 24, 54, and 120 through swim-up phase. For the recovery period, the fish were monitored for 30 days following exposure. Dan said during the early life stage, the nominal concentrations and the actuals were really on the mark, and what we were shooting for is what we got. The survival percent was greater than 90% on all treatment groups up to 120. Through the 30-day recovery period (following the early life stage) there were no significant differences among the treatment groups. Early life stage measurements – growth, physiology, and ?. No significant differences on weight using exposure limits of 0-120; same with length. Dan said the development and behavior of the Chinook Salmon during the early life stage is still being looked at. Dan Woodward said that the fish were videotaped at various times throughout the test, but specifically during feeding time to watch for any abnormal behavior.

Parr Health, the exposure was for 103 days, and exposure limits of 0, 24, and 54 were used. Following the 103 days, concentrations increased to 0, 120, and 266 for 30 additional days. Dan said for the first 103 days, the survival rate was over 80% for all three concentrations; following the 103 days, and increasing the concentrations, the survival rate went down: 0 – almost 100%, 120 slightly over 80%, 266, approximately 70%, and survival would continue to go down if exposure were to continue. Dan Woodward feels that 120 is pretty much the threshold for the Early Life Stage. For the Parr Health Stage there was no significant difference in weight using concentrations levels of 0, 24, 54; however, using concentrations of 0, 120, 266 the difference is greater. Dan said that kidney problems (discoloration) were seen at the higher concentration levels, and they are waiting on results for lipid peroxidation (?).

Action: Jamie Zeisloft – Set up tour of the on site lab for the Council.

Action: Jamie Zeisloft – Send Larry Gadbois the data on the wells the chromium water is coming from.

<u>Chromium Study – Avoidance Testing – Dan Audet/Dan Woodward</u>

Dan Audet said what needs to be done is finalizing the avoidance work, and determine what/how it will be done. Dan Audet provided everyone with a copy of the 3 different proposed experiments for the Council to look at and make a decision for the Avoidance Testing (copy filed with meeting handouts and information).

Dan Woodward said there are only two objectives here, to look at chromium response on Chinook salmon, and determine if there is avoidance based on water quality (??). Dan does not expect water hardness to be a factor. Jamie said that DOE never requested different hardness levels, but realizes that it was discussed last time between Dan W., Dennis Dauble, and himself. Jamie said that the main objective for the avoidance testing is to look at if there is exposure.

Larry asked if experiment 1 could be done, but add one additional concentration – 0, but using a water hardness of 160. Dan said yes, if the objective is to look at hardness and whether or not fish prefer hardness, but not if you are looking at whether hardness effects chromium toxicity. Jamie said we don't care about water hardness, we're interested in the source of the water (i.e., porewater or river). There was a lengthy discussion on the different options, specifically 1 and 3, with many suggestions of adding additional tests to Option 1, as well as increasing the highest concentration level to 266. Jay said that he supports experiment 1 and 3, with hardness being determined by Dan/Dan; they will get back to the Council with what they choose. Jamie said that he would like the hardness to be bumped up to at least 200.

Experiment 1 and 3 will be done, with 3 having a higher end on hardness. Dan A. will confirm with Aaron Delonay if that will work and let the Council know. Once that has been determined, a start date and corrections to the work plan will be made.

Jamie asked about the concentration level of 27 being added - - what does this add as far as cost/time, etc.? Jamie would like the concentration levels in the original protocol used. Dan and Dan will discuss with Aaron about dropping 27, but the other Trustees would like to see it left in. Jamie said he was just thinking of convenience, cost, etc.

Dan Audet said the avoidance testing will start in February.

Schedule Future Meetings

There will be a 3-day meeting held in Spokane during the second week of February. Two days will be for NRDA training, and 1 day for a full Council meeting. Tentative dates are February 9-11, 2000.