

GOVERNMENT ACCOUNTABILITY PROJECT**WEST COAST OFFICE**

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April 23, 1998

Ernest J. Moniz, Under Secretary of Energy
Department of Energy
Forrestall Building
Mail Stop: 7E-079
1000 Independence Avenue, SW
Washington, D.C. 20585

RECEIVED 058309
MAY 06 1998
DOE-RL/DIS

Re: Hanford Vadose Zone

Dear Dr. Moniz:

I am writing to express my extreme disappointment with the recent actions of Hanford management and contractors with regard to its utter failure to include important stakeholder organizations in a recent meeting on vadose zone planning. I write not only on behalf of the Government Accountability Project, but also on behalf of many Northwest public interest, environmental and citizen groups who were deliberately excluded from participation.

The meeting in question occurred on April 14, 1998, and was hosted by Linda Bauer, head of RL's Environmental Restoration program, and Bechtel Hanford. This meeting was billed as an opportunity to plan stakeholder participation in the formation of the integrated vadose zone plan, the first draft of which was mailed out the day before the meeting.

Many members of the Northwest public interest community, including myself, were not informed of the meeting, much less invited to participate. I have obtained a copy of the invitation list, which reveals that the Hanford Advisory Board was allegedly informed of the meeting. However, the notation next to this entry shows that DOE intended to consult with Marilyn Reeves, the Chairman of the HAB, to determine whom should be invited. Since many groups are either not members of the HAB or do not attend every meeting, this approach was demonstrably ineffective. Several of the key activists on Hanford vadose zone issues who attended the HAB meeting in early April were totally unaware of the meeting. Additionally, nearly every single Tri-Cities local, economic or governmental interest was specifically invited, although they are well-represented on the HAB. Why was it that DOE chose to *specifically* invite those HAB members but not others?

As it turns out, I was informed of the meeting through channels other than DOE. I attempted to contact Linda Bauer, Rich Holten, John Wagoner and others at Hanford on Friday, April 10, but was unsuccessful in reaching any of these people or receiving return phone calls to the messages I left for each of them. I did speak with you when you returned my phone call on Monday morning, April 13. You described the upcoming meeting and stated that I was invited. The next day, I rented a car and drove the three-hour journey to Richland.

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At the meeting, it became readily apparent that the public-interest community was under-represented. In fact, the meeting participants broke down into the following categories:

- 25 Hanford contractor or DOE-RL officials;
- 13 governmental regulators
- 5 representatives from the Tri-Cities (economic or governmental)
- 5 representatives from two tribes
- 1 representative from the public-interest, environmental and citizen group community (me)

Thus my astonishment when Linda Bauer opened the meeting with the pronouncement that she was excited and impressed by the diversity of viewpoints in the room, and that this meeting was a great beginning.

This meeting was not a great beginning; it was a contractor feeding frenzy. If I had not so rudely shoe-horned my way in, with your assistance, there would not have been a single public interest representative present. The meeting was held in a badged facility, requiring participants to drive to Bechtel's building and present a Hanford Site badge to gain entry. Written materials were not made available in advance. No agenda was distributed. The meeting was scheduled for a mere three hours, which was not enough time to cover the agenda. The first hour was wasted by going around the room and having participants identify themselves, and stating their goals for the meeting. My suggestions that DOE should make at least an ordinary effort to invite stakeholder participation by paying for the travel costs of interested stakeholder groups was met with open derision by many present, including the facilitator, who were charging DOE for *their* time by the hour.

DOE RL well understands how to attract participants to meetings of this nature. The failure of DOE RL to even invite a whole segment of public stakeholders with a demonstrated interest in this important issue is inexcusable. This is all the more egregious in light of the fact that Hanford management has been turning its back on public participation in the vadose zone issue for years. Further evidence of DOE RL's hostility to meaningful stakeholder participation is demonstrated by the fact that DOE RL itself has chosen who may or may not participate in the debate. For instance, DOE RL set up a so-called "partnering" team with Tank Farms management, a few contractors, the State of Washington, the State of Oregon and tribal representation. RL chose to ignore the public interest and environmental communities altogether.¹ Even DOE's own investigators have concluded that RL has shunned, to its detriment, the effective participation of many of the stakeholders, concluding:

- "The vadose zone is a prime example of a RL and TWRS culture in which information about problems is slow to be acknowledged and released."
- "The team found that the TWRS program has not provided timely acknowledgment or communication of either the extent of the contamination in the vadose zone or for

¹ It is our position that DOE-RL's establishment of this team is a blatant violation of the Federal Advisory Committee Act (FACA) insofar as this group gives advice to a federal agency, but does not follow FACA mandates.

how long wastes have migrated to groundwater.”

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- “From the team's review and interviews with experts, it is clear that there have been alternative opinions and data interpretations about whether tank wastes could have reached groundwater for many years. By 1996, for example, several stakeholders insisted that leaks from the tanks were a source of groundwater contamination.”

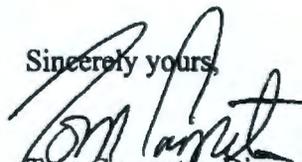
- *Review of the Federal Management of the Tank Waste Remediation System (TWRS) Project at the Department of Energy's Hanford, WA Site, Delivered to Secretary of Energy Federico Peña and Richland Operations Office Manager John Wagoner, January 15, 1998 (Rudzinski).*

In light of this miserable history, it would seem that DOE-RL and Bechtel would be making special efforts to convince the public and its stakeholders that DOE was serious about reforming its program to better address the vadose zone issues. However, no such effort appears to be underway - - to the contrary, its business as usual.

GAP has expressed to DOE headquarters its ongoing disappointment with the current management team overseeing the Tank Farms and groundwater programs at Hanford. Our concerns, although acknowledged and even vindicated, have not been acted upon. The same culture of complacency and denial still exists at Hanford with respect to this program. Although we are heartened by your recent efforts to spotlight the vadose zone issues and to provide a new direction to a program that clearly has faltered, more is yet to be done.

Members of the Hanford Public Interest Network hereby request a meeting with you to discuss the crucial issue of public and stakeholder participation in the vadose zone issue. Further, as a show of Hanford's good faith, we request that Hanford officials work closely with us in structuring a new meeting for sometime in the near future to discuss Bechtel's plan for a plan and stakeholder participation.

Sincerely yours,



Tom Carpenter, Director
Seattle Office

cc: Hanford Public Interest Network
Linda Bauer, DOE RL
John Wagoner, DOE RL
Rich Holten, DOE RL
Steve Leidle, Bechtel Hanford

**RL COMMITMENT
CONTROL**

APR 28 1998

**RICHLAND
OPERATIONS OFFICE**